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OF THE  
STATE OF NEBRASKA  
Volume I**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**CONVENED JANUARY 9, 1980**

**ADJOURNED APRIL 18, 1980**

**LINCOLN, NEBRASKA**

**Compiled**

**Under Authority of the Legislature**

**by**

**PATRICK J. O'DONNELL, CLERK**



## OFFICERS OF THE LEGISLATURE

|   |          |
|---|----------|
| Roland A. Luedtke (Lt. Governor), President ..... | Lincoln  |
| Richard D. Marvel, Speaker .....                  | Hastings |
| Patrick J. O'Donnell, Clerk .....                 | Lincoln  |
| Richard Brown, Assistant Clerk .....              | Lincoln  |
| Robert E. Palmer, Chaplain .....                  | Lincoln  |
| Lottie Henderson, Postmistress .....              | Lincoln  |
| Ray R. Wilson, Sergeant at Arms .....             | Lincoln  |

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| John DeCamp, Neligh .....         | Vice-Chairman     |
| Richard D. Marvel, Hastings ..... | Speaker           |
| Ernest Chambers, Omaha .....      | Member-at-large   |
| Robert Clark, Sidney .....        | Member-at-large   |
| Tom Fitzgerald, Omaha .....       | Member-at-large   |
| Steve Fowler, Lincoln .....       | Member-at-large   |
| Howard Lamb, Anselmo .....        | Member-at-large   |
| Loran Schmit, Bellwood .....      | Member-at-large   |
| Jerome Warner, Waverly .....      | Ex-officio member |

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| ASSISTANT BILL DRAFTER ..... | Joanne Pepperl |

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| ENROLLMENT & REVIEW ATTORNEY ..... | Emory P. Burnett |
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|                      |              |
|----------------------|--------------|
| FISCAL ANALYST ..... | Dale Johnson |
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| OMBUDSMAN ..... | Murrell B. McNeil |
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## JOURNAL CLERKS

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| ..... | Beth Grubbs     |
| ..... | Leona Shields   |
| ..... | Joan Vanderford |

## LEGISLATURE

11

### MEMBERS

| Dist. | Name                     | Address             | Occupation                                    | Counties                               |
|-------|--------------------------|---------------------|---|--|
| 1     | Nelson Merz.....         | Falls City.....     | Farm-Agriculture.....                         | Gage*, Nemaha,<br>Pawnee, Richardson   |
| 2     | Calvin F. Carsten.....   | Avoca.....          | Farmer.....                                   | Cass*, Johnson*, Otoe*                 |
| 3     | Orval A. Keyes.....      | Springfield.....    | Semi-retired Farmer.....                      | Sarpy*                                 |
| 4     | Larry D. Stoney.....     | Omaha.....          | Insurance.....                                | Douglas*                               |
| 5     | Bernice Labeledz.....    | Omaha.....          | Staff Sen. Exon.....                          | Douglas*                               |
| 6     | Peter Hoagland.....      | Omaha.....          | Attorney.....                                 | Douglas*                               |
| 7     | Patrick L. Venditte..... | Omaha.....          | Educator.....                                 | Douglas*                               |
| 8     | Vard Johnson.....        | Omaha.....          | Attorney.....                                 | Douglas*                               |
| 9     | Ray Powers.....          | Omaha.....          | Realtor.....                                  | Douglas*                               |
| 10    | Carol Pirsch.....        | Omaha.....          | Employment supervisor.....                    | Douglas*                               |
| 11    | Ernest Chambers.....     | Omaha.....          | Barber.....                                   | Douglas*                               |
| 12    | Gerald D. Koch.....      | Ralston.....        | Education-Business.....                       | Douglas*                               |
| 13    | Dave Newell.....         | Omaha.....          | Exec. Dir., Nebr. Assn.<br>of Homes for Aging | Douglas*                               |
| 14    | Tom Fitzgerald.....      | Omaha.....          | Retired.....                                  | Douglas*                               |
| 15    | Barry L. Reutzel.....    | Fremont.....        | Pipeline Construction.....                    | Dodge*                                 |
| 16    | Walter George.....       | Blair.....          | Exec. Director-Chamber<br>of Commerce.....    | Burt, Cuming*,<br>Thurston, Washington |
| 17    | John R. Murphy.....      | So. Sioux City..... | Retired.....                                  | Dakota, Dixon, Wayne*                  |
| 18    | Harry Chronister.....    | Schuyler.....       | Corp. Executive.....                          | Colfax, Cuming*,<br>Dodge*, Stanton    |

| Dist. | Name                   | Address            | Occupation                              | Counties   |
|-------|------------------------|--------------------|---|--|
| 19    | Elroy M. Hefner.....   | Coleridge.....     | Agri-Businessman.....                   | Cedar, Knox,<br>Pierce*, Wayne*                    |
| 20    | Glenn A. Goodrich..... | Omaha.....         | Electrical Contractor.....              | Douglas*   |
| 21    | Thomas C. Kennedy..... | Newman Grove....   | Farmer.....                             | Madison, Pierce*                                   |
| 22    | Donald N. Dworak.....  | Columbus.....      | Business.....                           | Boone*, Nance, Platte*                             |
| 23    | Loran Schmit.....      | Bellwood.....      | Farmer.....                             | Butler, Platte*,<br>Polk*, Saunders*               |
| 24    | Harold F. Sieck.....   | Pleasant Dale..... | Farmer.....                             | Polk*, Seward, York                                |
| 25    | Jerome Warner.....     | Waverly.....       | Livestock, Farming.....                 | Cass*, Johnson*, Lancaster*,<br>Otoe*, Saunders*   |
| 26    | Don Wesely.....        | Lincoln.....       | Financial Advisor.....                  | Lancaster*   |
| 27    | Steve Fowler.....      | Lincoln.....       | Consultant.....                         | Lancaster*   |
| 28    | Chris Beutler.....     | Lincoln.....       | Attorney.....                           | Lancaster*   |
| 29    | Shirley Marsh.....     | Lincoln.....       | Homemaker.....                          | Lancaster*   |
| 30    | George W. Burrows..... | Adams.....         | Farmer.....                             | Gage*, Jefferson*, Saline*                         |
| 31    | Neil Simon.....        | Omaha.....         | Regional Sales Director,<br>Simon Meats | Douglas*   |
| 32    | Richard Maresh.....    | Milligan.....      | Farmer.....                             | Fillmore, Jefferson*,<br>Saline*, Thayer           |
| 33    | Richard D. Marvel..... | Hastings.....      | Univ. Professor.....                    | Adams  |
| 34    | Maurice A. Kremer..... | Aurora.....        | Farmer & Businessman.....               | Clay, Hamilton,<br>Merrick, Nuckolls*, Polk*       |
| 35    | Ralph D. Kelly.....    | Grand Island.....  | Wholesale Plumbing.....                 | Hall*  |
| 36    | Ron Cope.....          | Kearney.....       | Business-Farming.....                   | Buffalo*, Hall*                                    |
| 37    | Martin Kahle.....      | Kearney.....       | Semi-retired.....<br>Farmer-stockman    | Buffalo*, Franklin, Kearney,<br>Nuckolls*, Webster |

| Dist. | Name                   | Address           | Occupation                 | Counties  |
|-------|------------------------|-------------------|----------------------------|---|
| 38    | Tom Vickers.....       | Farnam.....       | Stockman.....              | Frontier, Furnas, Gosper,<br>Harlan, Hayes*, Red Willow                                 |
| 39    | Bill Barrett.....      | Lexington.....    | Real Estate/Insurance..... | Buffalo*, Dawson, Phelps  |
| 40    | John DeCamp.....       | Neligh.....       | Businessman/Attorney.....  | Antelope, Boone*,<br>Boyd, Holt   |
| 41    | Donald L. Wagner.....  | Ord.....          | Farmer.....                | Custer*, Garfield, Greeley,<br>Hall*, Howard, Loup<br>Sherman, Valley, Wheeler          |
| 42    | Myron Rumery.....      | North Platte..... | Retired.....               | Custer*, Lincoln  |
| 43    | Howard A. Lamb.....    | Anselmo.....      | Rancher.....               | Blaine, Brown, Cherry, Custer*,<br>Hooker, Keya Paha, Logan,<br>McPherson, Rock, Thomas |
| 44    | Rex S. Haberman.....   | Imperial.....     | Farm Manager.....          | Arthur, Chase, Deuel,<br>Dundy, Garden, Hayes*,<br>Hitchcock, Keith, Perkins            |
| 45    | Frank Lewis.....       | Bellevue.....     | Consultant.....            | Sarpy*  |
| 46    | Dave Landis.....       | Lincoln.....      | Lawyer.....                | Lancaster*  |
| 47    | Robert L. Clark.....   | Sidney.....       | Merchant.....              | Banner, Cheyenne, Kimball,<br>Morrill, Scotts Bluff*                                    |
| 48    | William E. Nichol..... | Scottsbluff.....  | Property Owner.....        | Scotts Bluff*   |
| 49    | Samuel K. Cullan.....  | Hemingford.....   | Farmer.....                | Box Butte, Dawes, Sheridan,<br>Sioux, Grant   |

**Clerk**

Patrick J. O'Donnell.....Lincoln

**TABLE OF CONTENTS**

|   |      |
|---|------|
| Rules of the Legislature .....                  | ix   |
| Legislative Journal .....                       | 1    |
| Chronology of Bills .....                       | 2067 |
| Legislative Bills Introduced                    |      |
| By Senators .....                               | 2247 |
| By Committees .....                             | 2265 |
| Bills and Resolutions Heard by Committees ..... | 2277 |
| Summary of Legislative Bills .....              | 2281 |
| General Index .....                             | 2285 |
| Subject Index .....                             | 2313 |
| Section Index .....                             | 2401 |



# RULES OF THE NEBRASKA UNICAMERAL

## TABLE OF CONTENTS

|   |    |
|---|----|
| <b>RULE 1—OFFICERS AND EMPLOYEES</b>            |    |
| A. Election of Officers.....                    | 1  |
| B. Presiding Officer .....                      | 2  |
| C. Speaker.....                                 | 4  |
| D. Clerk of the Legislature.....                | 5  |
| E. Other Offices .....                          | 6  |
| <br><b>RULE 2—RULES OF PROCEDURE</b>            |    |
| Rules of Order.....                             | 9  |
| Suspension of Amendment .....                   | 9  |
| Privileges of the Floor.....                    | 9  |
| Discipline of Members .....                     | 10 |
| <br><b>RULE 3—COMMITTEES</b>                    |    |
| Standing Committees.....                        | 13 |
| Select Committees .....                         | 17 |
| Committee on Committees .....                   | 17 |
| Enrollment and Review .....                     | 18 |
| Reference Committee .....                       | 19 |
| Special Committees .....                        | 20 |
| <br><b>RULE 4—RESOLUTIONS</b>                   |    |
| Method of Adopting.....                         | 21 |
| Study Resolutions .....                         | 21 |
| <br><b>RULE 5—BILLS—GENERAL PROVISIONS</b>      |    |
| Bill Drafter .....                              | 23 |
| Revisor Correctional Bills .....                | 23 |
| Introduction of Bills.....                      | 24 |
| Fiscal Notes.....                               | 25 |
| Governor’s Budget Bill.....                     | 27 |
| Withdrawal of Bills.....                        | 28 |
| Holding of Bills.....                           | 28 |
| <br><b>RULE 6—BILLS—STAGES OF CONSIDERATION</b> |    |
| Introduction.....                               | 29 |
| General File.....                               | 29 |
| Motions .....                                   | 29 |
| E & R for Review .....                          | 31 |
| Select File .....                               | 31 |

Motions ..... 32  
Final Reading ..... 33  
Motions ..... 33  
Governor's Veto..... 34

**RULE 7—PROCEEDINGS AND MOTIONS**

A. Order of Business ..... 37  
B. Voting Machine ..... 38  
C. Motions ..... 39  
    Withdrawal of ..... 39  
    Shall the Debate Cease ..... 40  
    Call of the Legislature ..... 40  
    Postpone to Time Certain..... 41  
Reconsideration..... 41  
Strike the Enacting Clause ..... 42  
    Motion to Adjourn..... 42

## **RULE 1—OFFICERS AND EMPLOYEES**

### **A. Election of Officers**

**Section 1. Officers To Be Elected.** At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker  
Chairman of Committee on Committees  
Chairman of Executive Board  
Vice Chairman of Executive Board  
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

*The Legislature elects two from legislative districts Nos. 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from legislative districts Nos. 3 through 14, 20, 31, and 45; and two from legislative districts Nos. 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairman of Appropriations is nonvoting member; RRS 50-401.01.*

**Sec. 2. Officers To Be Approved.** In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature  
Assistant Clerk of the Legislature  
Sergeant at Arms  
Chaplain

*Officers and employees recommended by the Executive Board, RRS 50-111.*

**Sec. 3. Voting on and Removal of Officers.** (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

## **RULE 1**

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

**Sec. 4. Officer's Oath.** Each permanent officer shall take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

### **B. Presiding Officer**

**Sec. 5. President of Legislature.** The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

*Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.*

*Duties and powers. RRS 50-113.*

**Sec. 6. Presiding Officer, Order in Designating.** In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

- Chairman of the Legislative Council
- Chairman of the Committee on Committees
- Chairman of Committee on Judiciary
- Chairman of Committee on Government, Military and Veterans Affairs
- Chairman of Committee on Appropriations
- Chairman of Committee on Revenue
- Chairman of Committee on Education
- Chairman of Committee on Banking, Commerce and Insurance
- Chairman of Committee on Public Works
- Chairman of Committee on Agriculture and Environment
- Chairman of Committee on Public Health and Welfare
- Chairman of Committee on Miscellaneous Subjects

## RULE 1

Chairman of Committee on Business and Labor  
Chairman of Committee on Urban Affairs  
Chairman of Committee on Constitutional Revision and  
Recreation

*Emergency Succession. RRS 50-503(7)*

**Sec. 7. Powers of Presiding Officer, Restrictions.** All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

*Const. Art. III, Sec. 14.*

*Addressing the Chair. Rule 2, Sec. 7.*

*Duties. RRS 50-113.*

**Sec. 8. Alternate Presiding Officers.** The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment. When possible the order for delegation of the presiding officer shall be as set forth in Sec. 6, supra.

**Sec. 9. Convening of Legislature, Quorum.** The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

*Const. Art. III, Sec. 10.*

**Sec. 10. Absence of Quorum.** If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a Call of the Legislature.

**Sec. 11. Order and Decorum.** The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

*Consent to enter Chamber. Rule 2, Sec. 3.*

**Sec. 12. President Decide Order of Speaking.** The President may speak to a point of order in preference to members, and shall decide

## **RULE 1**

the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the Chair, the ruling shall be restated and the question shall be phrased: "Shall the chair be overruled?". A majority of those present shall be required to overrule the Chair.

**Sec. 13. Signing of Bills and Resolutions.** The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his hand and seal, and attested to by the Clerk.

*Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.*

**Sec. 14. Lieutenant Governor Voting When.** The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

*Const. Art. III, Sec. 10.*

### **C. Speaker**

**Sec. 15. Speaker, Presiding, Privilege.** The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his office.

*Distribution of material by Clerk. Rule 2, Sec. 3f.*

*Excuse attendance at committee hearing. Rule 2, Sec. 4.*

*Power to refer bill back to committee. Rule 6, Sec. 2g.*

*Signing of bills. Const. Art. III, Sec. 14.*

**Sec. 16. Report Order of Bills.** (a) The Speaker with the approval of the Executive Board shall report to the Legislature the order in which bills and resolutions shall be considered on General File. His orders as approved are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the schedule reconvening of the Legislature for up to forty-

## RULE 1

eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum can not be assembled within one half hour after the time to which the Legislature was to have convened.

*For motions to expedite. Rule 6, Sec. 2c.*

### D. Clerk of the Legislature

**Sec. 17. Duties, Journal, Report on Employees.** (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

*Preprinting of Bills. Rule 5, Sec. 3.*

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

*General Duties. RRS 50-114*

*Distribute material, when authorized. Rule 2, Sec. 3f.*

*Fiscal notes, attach to bills. Rule 5, Sec. 6d.*

*Lobby Registration. RRS 50-308 through 50-318.*

*File Administrative Rules. RRS 84-904.*

**Sec. 18. Journal, Governor's Messages, Amendments.** (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

## **RULE 1**

*For order. Rule 7, Sec. 1b.*

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

*Constitutional Amendment, print in full. Const. Art. XVI, Sec. 1.*

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at his direction shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved, under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

*RRS 50-310.*

*On Registration of lobbyists. RRS 50-308 through 50-318.*

**Sec. 19. Assistant Clerk, Duties.** The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

*RRS 50-115.*

### **E. Other Offices**

**Sec. 20. Sergeant at Arms.** (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the

## RULE 1

Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the Legislative Chamber.

### *RRS 50-116*

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

### *Compel attendance at committee hearing. Rule 2, Sec. 4.*

**Sec. 21. Chaplain.** The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

### *RRS 50-120*

**Sec. 22. Other Employees, Hiring of.** The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Sec. 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

### *RRS 50-112*



## RULE 2—RULES OF PROCEDURE

**Section 1. Rules, Matters Not Covered.** These rules shall govern the Legislature. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

*Overruling the Chair. Rule 1, Sec. 12.  
Presiding officer, duties. RRS 50-113.*

**Sec. 2. Rules, Suspension, Amendment.** These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

**Sec. 3. Chamber, Guests, Distributions of Material.** (a) The Legislative Chamber shall consist of the entire floor of the Legislative Chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

- (i) Members of the Legislature and their immediate families.
- (ii) Officers and employees of the Legislature.
- (iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the Chair.

*State officials appearing before committees. Rule 3, Sec. 6.*

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the Chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

## **RULE 2**

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

(h) No individual other than a senator or officer of the Legislature shall be allowed to address the Legislature except from the podium.

**Sec. 4. Attendance at Sessions.** (a) Every member shall be present within the Legislative Chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he is a member, unless excused by the Legislature, the Speaker, or the committee chairman. Members who have been excused by the Legislature or the Speaker shall notify their committee chairman that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

**Sec. 5. Absent Members, Explanation of Vote.** Absent members may have inserted into the Journal how he would have voted had he been present.

**Sec. 6. Expulsion of Members.** No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

*Const. Art. III, Sec. 10.*

**Sec. 7. Senator Desiring to Speak.** (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President." A member shall speak only when recognized and shall confine himself to the question before the Legislature.

## RULE 2

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups to organizations at his discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

**Sec. 8. Transgression of Rules, Call Member to Order.** If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise, and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

**Sec. 9. Words Excepted To.** If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

**Sec. 10. Time Limit on Speaking.** Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he be the mover, proposer, or introducer of the matter pending in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer or introducer of the matter pending may speak for ten minutes when he first presents the matter to the Legislature.

**Sec. 11. Personal Privilege.** Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure

**RULE 2**

pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

## RULE 3—COMMITTEES

**Section 1. Standing Committees Defined.** All committees with regular meeting times shall be identified as standing committees except as otherwise provided by law. The membership of all standing committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

**Sec. 2. Standing Committees, Permanent.** The standing committees and the number of members shall be as follows:

|   |           |
|---|-----------|
| Administrative Rules and Regulations Review . . . . . | 7 members |
| Agriculture and Environment . . . . .                 | 8 members |
| Appropriations . . . . .                              | 9 members |
| Banking, Commerce and Insurance . . . . .             | 8 members |
| Business and Labor . . . . .                          | 7 members |
| Constitutional Revision and Recreation . . . . .      | 7 members |
| Education . . . . .                                   | 8 members |
| Government, Military and Veterans Affairs . . . . .   | 8 members |
| Judiciary . . . . .                                   | 8 members |
| Miscellaneous Subjects . . . . .                      | 8 members |
| Public Health and Welfare . . . . .                   | 7 members |
| Public Works . . . . .                                | 8 members |
| Revenue . . . . .                                     | 8 members |
| Urban Affairs . . . . .                               | 8 members |

The Speaker shall not be a regular member of any standing committee.

All committee members shall be nominated by the Committee on Committees in such manner as is hereafter set forth.

*Committee on Committees. Rule 3, Sec. 17.*

*Budget—Governor’s Bill, Introduction. Rule 5, Sec. 7.*

*Chairman, Appropriations Committee, Member Executive Board.  
RRS 50-401.01*

*Government Committee—Review Civil Defense program. RRS  
50-127*

**Sec. 3. Chairman, Vice-Chairman.** (a) The chairman of each committee shall be selected by secret ballot on the floor of the Legislature.

### **RULE 3**

(b) Each standing committee shall elect from its membership a vice chairman to serve in the absence of the chairman.

**Sec. 4. Meeting Times.** (a) Standing Committees, except for the Administrative Rules and Regulations Review Committee, shall meet at 2:00 p.m., unless otherwise ordered by the Legislature. Any committee chairman before deciding not to hold committee meetings or a committee meeting on an assigned day, must receive permission from the Reference Committee.

(b) The Administrative Rules and Regulations Review Committee shall not have a regular meeting time, but shall meet (1) at the call of the chairperson, (2) upon a call signed by any two (2) members of the Committee, or (3) upon a call signed by any five (5) members of the Legislature.

*Reference Committee. Rule 3, Sec. 19.*

*Excuse from attendance. Rule 2, Sec. 4.*

**Sec. 5. Public Hearing, Notice.** Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal, of the date and time of said hearings. No bill, having been set for public hearing, shall be withdrawn nor the hearing canceled within seven calendar days' of the date set for said public hearing, except for hearings set during the first 20 legislative days of each session, there shall be required only five calendar days' notice of said hearing or withdrawal of said bill.

*Reference of bill to committee. Rule 3, Sec. 20.*

*Withdrawal of bills before hearing. Rule 5, Sec. 11.*

**Sec. 6. State Officials Appearing Before Committees.** State officials and department heads, or their designee and state employees may appear before any legislative committee.

*State officials appearing on chamber floor. Rule 2, Sec. 3.*

**Sec. 7. Executive Sessions, Press.** Executive sessions of standing committees shall be open to the news media.

## RULE 3

### **Reports on votes by a committee shall be as follows:**

1. The vote of an individual senator on all motions may be reported.
2. The press may report the vote of individual senators by name on any motion.

*Privilege of press on floor. Rule 2, Sec. 3b iii.*

**Sec. 8. Consideration and Correlation of Bills.** Standing committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Standing committees shall be authorized to combine and to correlate the provisions of different bills referred to them and related to the same subject under the number of one of the correlated bills, and may, before taking final action on any bill, adopt amendments thereto, for the consideration of the Legislature.

The chairman of each committee shall take into consideration the importance, need for, and passage of the bills referred to his committee and set the bills for hearing accordingly.

*Review of workload by Committee on Committees. Rule 3, Sec. 17f.*

**Sec. 9. Debate Before Committees.** Each standing committee shall keep a record of its proceedings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto. The vote so taken shall be made a part of the committee report.

**Sec. 10. Request From Committee, Bills Held.** (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty days or more after the committee hearing, and by a vote of a majority of the elected members, said bill shall be placed on General File.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a

### **RULE 3**

majority vote of the members elected to the Legislature. The introducer must concur with any motion offered under this rule.

**Sec. 11. Report of Bill to Legislature.** In reporting a bill to the Legislature, whether with or without amendments, a standing committee shall, by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled committee meetings only. A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has acted upon the particular measure. No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

**Sec. 12. Indefinitely Postponed Bills.** If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

**Sec. 13. Standing Committee Statement.** Each standing committee with the assistance of the legislative staff shall, when reporting a bill, submit therewith a brief statement of the main purpose and the provisions of the bill, and, if recommended to General File, a copy of all amendments recommended by the committee. Such statement shall give the committee's reason for so reporting. A minority view signed by whoever proposed it may also be given. Copy of amendments shall be furnished to the members. On a motion to report the bill to the floor the majority report shall reflect the voting record of each senator.

**Sec. 14. Temporary Appointments.** (a) When a member is unable to serve, the chairman of such committee after a majority vote of the remaining members shall request to fill such vacancy or vacancies. The request shall be made to the Committee on Committees and such

**RULE 3**

committee shall appoint either the Speaker, or a member from a regular standing committee having eight members to fill such vacancy or vacancies.

(b) A temporary appointment may be made by the chairman of the Committee on Committees for only one day when requested by a chairman of a regular standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member or members, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he was appointed.

**Sec. 15. Select Committees, Defined.** All permanent committees without a regular meeting time shall be identified as select committees. The members of all select committees shall be appointed by the Committee on Committees unless otherwise provided for by statute or rule.

**Sec. 16. Select Committees, Named.** The permanent select committees shall be as follows:

|                              |            |
|------------------------------|------------|
| Committee on Committees..... | 13 members |
| Enrollment and Review .....  | 1 member   |
| Reference .....              | 9 members  |
| Rules .....                  | 5 members  |

*Committee on Committees. Rule 3, Sec. 17.*

*E & R. Rule 3, Sec. 18.*

*Reference Committee. Rule 3, Sec. 19.*

*Rules Committee, Review of Amendment to Rules. Rule 2, Sec. 2.*

**Sec. 17. Committee on Committees.** (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairman, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45, and 46; three from District No. 2 consisting of legislative districts Nos. 4 through 14, 20, and 31; three from District No. 3 consisting of legislative districts 15 through 19, 21

### **RULE 3**

through 24, 34, 35, and 40, and three from District No. 4 consisting of legislative districts 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees by a majority vote of all of its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as set forth, unless otherwise provided for herein or by statute.

(c) Committee on Committees shall publish a schedule of regular standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees.

(d) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature, shall be referred to the Committee on Committees, and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

*Note: Effective December 31, 1980, subsection (d) of Rule 3, section 17 shall be stricken and new language inserted requiring that Gubernatorial nominations be submitted to the appropriate standing committee for confirmation hearings.*

*73-74 Attorney General Opinion No. 56—Need 25 votes to disapprove.*

(e) The chairman of the Committee on Committees shall daily report the number and identity of any bills held by a committee when said committee has taken action on said bill more than eight days prior thereto. Said report shall be set forth in the Journal.

(f) The Committee on Committees shall have authority to call before it a committee chairman and discuss the workload of said committee. They shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairman. The Committee on Committees shall conduct said hearing in accordance with its own rules.

*See Rule 3, Sec. 3a for selection of chairman.*

*See Rule 3, Sec. 3b for selection of vice chairman.*

### RULE 3

**Sec. 18. Enrollment and Review.** (a) The chairman of Enrollment and Review shall be in order at any time in reporting bills which have been engrossed for Final Reading and passage. In the absence of the chairman, the vice chairman of the Judiciary Committee shall assume the duties of the chairman of the Enrollment and Review Committee.

(b) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(c) The chairman of Enrollment and Review shall have authority, without being required to include the same specifically in his reports and recommendations to the Legislature, in accord with accepted usage:

- i To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.
- ii To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.
- iii When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

*For amendments to title. Rule 7, Sec. 3c.*

*For engrossment of bill. Rule 5, Sec. 9.*

**Sec. 19. Reference Committee.** The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the bill to a standing committee or to General File.

Those placed on General File will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these bills, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

**RULE 3**

*Reference of resolutions. Rule 4, Sec. 8.*

**Sec. 20. Objection to Reference of Bills.** Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

**Sec. 21. Special Committees.** Special committees shall include all permanent committees other than standing or select committees. The special committees shall include but not be limited to the following:

- Intergovernmental Cooperation. RRS 81-816.....5 members
- Nebraska Retirement Systems. RRS 50-416.....5 members
- Law Enforcement and Justice Advisory Committee, Judiciary Committee. RRS 50-601..8 members
- Nebraska Transportation Advisory Committee.  
RRS 50-421 .....5 members
- Education Commission of the States.  
RRS 79-2504 .....4 members

**Sec. 22. Investigating Committees.** The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

**Sec. 23. Nebraska Retirement Systems Committee.** The Nebraska Retirement Systems Committee together with the chairman of the Appropriation Committee shall function during each legislative session as a special committee of the Legislature, shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions. All rules of procedure and operation of the standing committees shall apply, except as to a date certain for holding hearings.

*RRS 50-416*

**Sec. 24. Intergovernmental Cooperation.** In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816, the Executive Board may appoint alternate members to serve on such assignments as the chairman shall direct.

## RULE 4—RESOLUTIONS

**Section 1. Identifications.** A resolution shall be designated as Legislative Resolution \_\_\_\_\_. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

*73-74 Attorney General Opinion No. 13—Resolutions must be printed and read before a vote is taken.*

**Sec. 2. When Considered As a Bill.** Resolutions which propose amendments to the state constitution, propose the ratification of amendments to the federal constitution, or memorialize the Congress for the purpose of proposing amendments to the U. S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

*Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.  
Const. Art. III, Sec. 25, Cannot appropriate funds by resolution.*

**Sec. 3. Study Resolution.** Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board. The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be an ex officio member of said committee, but such membership shall not extend beyond the convening of the next legislative session and shall be limited to a study of that resolution only.

*RRS 50-404*

**Sec. 4.** All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

**Sec. 5.** All resolutions shall be adopted by an affirmative vote of a majority of the elected members except for those specified in Section 2 which shall be considered and adopted in the same manner as bills.

## **RULE 4**

**Sec. 6.** Resolutions shall lie over for consideration at least one legislative day after introduction.

**Sec. 7.** Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lt. Governor or Speaker and certified to by the Clerk as to the date of final passage.

*Const. Art. III, Sec. 14.*

**Sec. 8. Reference to Committee.** Resolutions other than those covered by Secs. 2 and 3 of this rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members.

**Sec. 9. Reviving Resolution Killed by Committee.** If the standing committee report on a resolution be to postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter.

*For public hearing. Rule 3, Sec. 5.*

**Sec. 10.** A committee, when reporting out a resolution shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

*Emergency seat of government; Resolution proving for, must be signed by Governor. RRS 23-2103, 1943, by Governor.*

## RULE 5—BILLS—GENERAL PROVISIONS

**Section 1. Drafting of Bills.** The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. In order to shorten the length of sections, the bill drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

**Sec. 2. Content and Form of Bills.** A bill shall be designated as Legislative Bill No. \_\_.

*Style of bill. Const. Art. III, Sec. 13.*

(b) No bill shall contain more than one subject, and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

*Const. Art. III, Sec. 13.*

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the Statutes or Constitution.

**Sec. 3. Revisor Correctional Bills, Pre-Printing.** (a) Preceding each legislative session, the chairman or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as chairman of the Judiciary Committee, shall sign as introducer the Revisor of Statutes correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the

## **RULE 5**

committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

**Sec. 4. Introducers Signing Bills.** Members shall introduce only such bills as they are willing to endorse and support personally. Not more than three senators shall sign any single bill; Provided that, this limitation shall not apply to committee bills, to Legislative Council bills, and to Revisor of Statutes correctional bills. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any additional signers shall be by the suspension of the rules with a machine vote and cannot be made by unanimous consent.

**Sec. 5. Introduction of Bills, Ten Day Limitation.** (a) Except as provided in Rule 5, Sec. 6, no bill shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill. After the tenth legislative day, any motion by a standing committee or a special committee to introduce a bill must receive a vote of three-fifths of the elected members of the Legislature for such bill to be introduced.

(c) A copy of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) Each member shall be limited as an introducer or co-introducer to a total of 17 bills for the two-year period consisting of the first and second regular sessions of each Legislature. Each committee shall be limited as an introducer to a total of 10 bills for each regular session of the Legislature. Bills introduced as a result of an interim study of the

## RULE 5

Legislative Council shall be included within the limitations prescribed by this section. Provided, to suspend the rules to allow a committee to exceed the 10 bill limit a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a), bills introduced at the request of the Governor, and Appropriations bills will not be included in the limitation.

(e) For each bill introduced, following the name of the introducer and the district number, there shall appear the following language: "This bill introduced on behalf of \_\_\_\_\_". The blank space shall be completed by adding the name of the special interest group, if any, encouraging the legislation; if no special interest group was responsible for the legislation, then the Senator shall insert his or her own name.

**Sec. 6. Fiscal Analyst.** (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact of more than five thousand dollars shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other

## **RULE 5**

entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by a committee or the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note.

(f) When the Legislative Fiscal Analyst determines that the fiscal impact of a bill will be less than five thousand dollars, it shall not be necessary to prepare a detailed fiscal note, and the fiscal note may merely state this fact.

(g) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation of \$50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(h) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(i) The note shall be factual in nature, as brief and concise as may be, and shall if possible provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

## RULE 5

(j) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(k) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(l) To implement the provisions of and assure compliance with Art. III, Sec. 22, of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

*For creation of position. RRS 50-418.*

*For duties of position. RRS 50-419.*

**Sec. 7. Governor's Budget Bill.** The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

*Governor's Budget message. Const. Art. IV, Sec. 7.*

**Sec. 8. Reading Title of Bills, Printing.** Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

*Const. Art. III, Sec. 14.*

**Sec. 9. Engrossment of Bills.** All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

**Sec. 10. Expenditure of Legislative Funds.** Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

## **RULE 5**

*Salaries of employees. Rule 1, Sec. 22.*

**Sec. 11. Withdrawal of Bills.** No bill, having been introduced may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

*Withdrawal of bills set for hearing. Rule 3, Sec. 5.*

**Sec. 12. Division of Bills, Prohibited.** No bill shall be divided into two or more bills.

**Section 13. Holding of Bills.** Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

## RULE 6—BILLS—STAGES OF CONSIDERATION

**Section 1. Introduction of Bills.** Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction the Clerk shall deliver bills requiring reference to the Reference Committee.

**Sec. 2. General File.** (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

*Speaker determine order of bills. Rule 1, Sec. 16.*

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary

## RULE 6

introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any rule to the contrary notwithstanding any motion to amend a bill shall require a majority vote of the elected members. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.

(i) Any bill failing to receive 25 votes to be advanced to E & R Initial after three attempts shall be indefinitely postponed.

**The following votes shall be required to adopt the following motions affecting bills on General File:**

*UC—Unanimous Consent; MEM—Majority of Elected Members;  
MTV—Majority of those voting.*

### GENERAL FILE

|  | Rule- | Sec. |
|--|-------|------|
| On introduction of bill, Motions to          |       |      |
| Add names as introducers                     | UC    | 5-4  |
| More than 3, Suspension of Rules             |       |      |
| Place on General File without public hearing | MEM   | 3-19 |
| Withdraw bill                                | MTV   | 5-11 |
| On consideration of bill on General File     |       |      |
| Move to pass over                            | MTV   | 6-2d |
| Move to change order                         | MEM   |      |

**RULE 6**

|  |            |             |
|--|------------|-------------|
| <b>Move to IPP before bill is read</b>             | <b>MEM</b> | <b>6-2e</b> |
| <b>Move to IPP after bill is read</b>              | <b>MTV</b> |             |
| <b>Move to Advance to E &amp; R Review</b>         | <b>MEM</b> | <b>6-3</b>  |
| <b>Move to return to Committee</b>                 | <b>MEM</b> |             |
| <b>Move to Reconsider</b>                          |            |             |
| <b>(within one legislative day thereafter)</b>     | <b>MEM</b> | <b>7-7a</b> |
| <b>(if after one legislative day, by</b>           |            |             |
| <b>suspension of the rules only)</b>               |            | <b>7-7a</b> |
| <b>Move to expedite</b>                            | <b>UC</b>  |             |
| <b>Move to amend</b>                               | <b>MEM</b> | <b>6-2g</b> |
| <b>Move to amend the Amendment</b>                 | <b>MTV</b> |             |
| <b>Move to withdraw bill-first introducer</b>      | <b>MTV</b> | <b>5-11</b> |
| <b>If returned from Select File</b>                |            |             |
| <b>Motion to return to Select File</b>             | <b>MEM</b> | <b>6-4d</b> |
| <b>Motion to amend</b>                             | <b>MEM</b> | <b>6-2g</b> |
| <b>Motion to advance</b>                           | <b>MEM</b> | <b>6-3</b>  |
| <b>Move to return to E &amp; R for Engrossing</b>  | <b>MEM</b> | <b>6-4d</b> |
| <b>Defeated bill, motion to reconsider</b>         | <b>MEM</b> | <b>7-7</b>  |
| <b>Returned from Final Reading</b>                 |            |             |
| <b>Advance to Final Reading (if no amendments)</b> | <b>MEM</b> |             |

*Withdrawal of bills. Rule 3, Sec. 5.*

**Sec. 3. Enrollment and Review.** Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

**Sec. 4. Select File.** When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the chairman of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted the bill shall be

## **RULE 6**

considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by E & R. If the bill is not altered, it may be advanced to E & R for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by E & R shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the E & R Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to E & R Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File.

### **SELECT FILE**

|  | <b>Rule-<br/>Sec.</b> |
|--|-----------------------|
| <b>Motion to advance to E &amp; R for Engrossing<br/>if machine vote requested</b> | <b>MEM 6-4d</b>       |
| <b>Motion to act on E &amp; R amendment</b>  | <b>MTV 6-4a</b>       |
| <b>Motion to amend</b>   | <b>MEM 6-4b</b>       |
| <b>Motion to recommit to a standing committee</b>                                  | <b>MEM 6-4d</b>       |
| <b>Motion to return to General File for amendment</b>                              | <b>MEM 6-4d</b>       |
| <b>Motion to Indefinitely Postpone</b>   | <b>MEM 6-4e</b>       |
| <b>On bill returned from E &amp; R Engrossing &amp; Final Reading</b>              |                       |
| <b>Motion to return for specific amendment</b>                                     | <b>MEM 6-5</b>        |
| <b>Motion to adopt specific amendment</b>  | <b>MEM 6-5</b>        |

**Sec. 5. Return to Select File.** On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

## RULE 6

**Sec. 6. Final Reading.** No bill shall be voted on for final passage until:

- (a) After five legislative days following the introduction of the bill.
- (b) Two legislative days after its reference to Final Reading file.
- (c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

*Const. Art. III, Sec. 14.*

**Sec. 7. Final Reading, Motions.** On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

- (a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.
- (b) To recommit the bill to the proper standing committee, with or without instructions.
- (c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members; Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two-thirds of the elected members.
- (d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment & Review. A motion to so advance shall require the concurrence of a majority of the elected members.

*Members to remain in their seat. Rule 2, Sec. 3g.*

*No one to be seated beside member during Final Reading. Rule 2, Sec. 3d.*

**Sec. 8. Question on Final Reading.** The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

## **RULE 6**

*Majority of elected members required. Const. Art. III, Sec. 13.*

**Sec. 9. Emergency Clause, Votes Requested.** When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

*Const. Art. III, Sec. 27.*

**Sec. 10. Governor's Veto, Reconsideration.** Upon the day of receipt of a message from the Governor announcing his veto of a bill, or on either of the next five legislative days, any member may move that the bill so vetoed be taken up for passage. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?"

*Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.*

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

*Const. Art. IV, Sec. 15.*

**Sec. 11. Bills, Passed Over Veto.** Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

*RRS 84-503.*

**Sec. 12. Certificates.** Whenever the Legislature shall override a line item veto, on any bill as provided for in Article 10, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate the Clerk of the Legislature shall note on each line, when the legislature votes to override, a stamp reading "line item veto overridden" and place thereon the date and his initials.

**RULE 6**

**Sec. 13.** (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the chairman of the Appropriations Committee shall report within one legislative day to the Legislature on its fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the chairman of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line item veto therein.

(b) If such motion fails or is not offered the chairman of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line item veto.

**Sec. 14.** When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?'"

**The following votes shall be required to adopt the following motions on Final Reading:**

**FINAL READING**

|  |            | <b>Rule-<br/>Sec.</b> |
|--|------------|-----------------------|
| <b>To return to standing committee</b>                 | <b>MEM</b> | <b>6-7</b>            |
| <b>To return to E &amp; R to correct an error</b>      | <b>MEM</b> | <b>6-7</b>            |
| <b>To return to Select File for specific amendment</b> | <b>MEM</b> | <b>6-5</b>            |
| <b>Unless to add the emergency clause</b>              | <b>2/3</b> | <b>6-7</b>            |
| <b>To pass on Final Reading</b>                        | <b>MEM</b> | <b>6-8</b>            |
| <b>With emergency clause attached</b>                  | <b>2/3</b> | <b>6-9</b>            |

## **RULE 6**

|  |                 |
|--|-----------------|
| <b>Creation of State Office</b>                            | <b>2/3</b>      |
| <i>Const. Art. IV, Sec. 27</i>                             |                 |
| <b>Motion to reconsider (when failed on Final Reading)</b> | <b>3/5 7-7</b>  |
| <b>To add the emergency clause</b>                         | <b>2/3 6-7</b>  |
| <b>Override Governor's veto</b>                            | <b>3/5 6-10</b> |
| <b>"A" bills considered first</b>                          | <b>5-6g</b>     |

*Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.*

## RULE 7—PROCEEDINGS AND MOTIONS

### (A) Order of Business

**Section 1. Meeting Time, Restrictions.** (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

*Const. Art. III, Sec. 10.*

Each day the Legislature convenes shall be considered a legislative day.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

- a. Prayer by the Chaplain
- b. Roll call
- c. Call for correction of the Journal
- d. Petitions and memorials
- e. Notice of committee hearings and reports
- f. Bills on Final Reading
- g. Resolutions
- h. Introduction of bills and reading by title
- i. Consideration of bills on Select File
- j. Motions to reconsider
- k. Motions to advance bills from committee
- l. Other pending motions
- m. Unfinished business, including messages on President's desk
- n. Consideration of bills on General File
- o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

## **RULE 7**

(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

*Introduction of bills. Rule 6, Sec. 1.*

### **(B) Voting Machine**

**Sec. 2. Voting, Electric Roll Call.** (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay'."

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under Call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

## **RULE 7**

### **(C) Motions**

**Sec. 3. Motion, in Writing, Withdrawal.** (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

- a. To adjourn
- b. For the previous question
- c. To postpone to a time certain
- d. To recommit to a committee
- e. To amend
- f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

- a. Motion to postpone indefinitely on Select File
  - b. Motion to advance bills from committee
  - c. Motion to place bills on General File, notwithstanding the action of a standing committee
- (b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.
- (c) Amendments to the title shall be made by the Enrollment and Review Committee.

## **RULE 7**

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

**Sec. 4. Shall the Debate Cease.** The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be in order when demanded by five or more members and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

**Sec. 5. Call of the Legislature.** A Call of the Legislature may be made by any member in the manner following: "I move for a Call of the Legislature." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under Call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under Call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the Call. After the Clerk shall note the names of the absentees, proceedings under the Call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the

## RULE 7

proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the Call raised.

*Lieutenant Governor votes only when Legislature equally divided. Rule 1, Sec. 14.*

*Voice vote while House under Call. Rule 7, Sec. 2b.*

**Sec. 6. Postpone to Time Certain.** No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

**Sec. 7. Reconsideration.** (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

*Motion to reconsider cannot be withdrawn without leave. Rule 7, Sec. 3.*

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the

## **RULE 7**

constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

**Sec. 8. Strike the Enacting Clause.** A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

**Sec. 9. Motion to Adjourn.** A motion to adjourn shall be in order, except:

- a. While a member is speaking.
- b. When a motion to adjourn has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion, otherwise a motion to adjourn is not debatable.

## INDEX TO RULES

|   | Rule | Sec. |
|---|------|------|
| <b>ADJOURNMENT</b>  |      |      |
| Hour of printed in Journal  | 1    | 18c  |
| Motions   | 7    | 9    |
| <b>AMENDMENTS</b>   |      |      |
| All printed in the Journal  | 1    | 18d  |
| Color of amendment, matter prohibited when                        | 7    | 3d   |
| Motions to amend  | 7    | 3b   |
| On General File   | 6    | 2b   |
| Specific  | 6    | 5    |
| Standing Committees, authority to recommend                       | 3    | 13   |
| <b>APPOINTMENTS</b>   |      |      |
| Governor, approval of   | 3    | 17d  |
| <b>APPROPRIATION BILLS</b>  |      |      |
| Introduction of   | 5    | 6g   |
| Priority of consideration   | 1    | 16   |
| <b>APPROPRIATIONS</b>   |      |      |
| Appropriations in excess of<br>Governor's request                 | 5    | 6l   |
| Chairman, Report on effect of<br>line item veto                   | 6    | 13   |
| Chairman, Retirement Systems Advisory<br>Committee, membership on | 3    | 23   |
| Governor's bills, introduction of                                 | 5    | 7    |
| Request of bill from committee, exceptions                        | 3    | 10   |
| Resolutions, considered as bill                                   | 4    | 2    |
| <b>ASSISTANT CLERK</b>  |      |      |
| Duties of   | 1    | 19   |
| <b>BILL DRAFTER</b>   |      |      |
| Committee amendments, duty to review                              | 5    | 1    |
| also  | 3    | 11   |
| Correctional Bills,<br>Printing of                                | 5    | 3a   |
| Signing of  | 5    | 3a   |
| Drafting bills after January 1, only for<br>Senators              | 5    | 1    |
| Preparation of bills and amendments                               | 5    | 1    |
| also  | 3    | 11   |
| Sections amended, compilation of                                  | 5    | 2c   |
| <b>BILL DRAFTING</b>  |      |      |
| Enrollment and Review,  |      |      |

|   | Rule | Sec. |
|---|------|------|
| Legal services                              | 3    | 18b  |
| Review of bills                             | 6    | 3    |
| <b>BILLS</b>                                |      |      |
| Amendatory form of                          | 5    | 2c   |
| Amendments                                  |      |      |
| General File                                | 6    | 2b   |
| When printed in Journal                     | 1    | 18d  |
| Appropriation bills                         |      |      |
| Governors, introduced by Appropriations     |      |      |
| Committee                                   | 5    | 7    |
| Correlation and combination of, Standing    |      |      |
| Committee authority                         | 3    | 8    |
| Designation of                              | 5    | 2    |
| Dividing into two or more bills, prohibited | 5    | 12   |
| Drafting Service                            |      |      |
| Enrollment and Review                       | 3    | 18c  |
| Engrossment of                              | 5    | 9    |
| Enrollment and Review                       |      |      |
| Action which may be taken                   | 6    | 3    |
| Final Reading                               |      |      |
| Emergency Clause, vote required             | 6    | 9    |
| Generally                                   | 6    | 6    |
| Printing                                    | 6    | 6c   |
| Fiscal Note                                 |      |      |
| Preparation of                              | 5    | 6    |
| General File                                |      |      |
| Fails to advance a third time               | 6    | 2i   |
| Holdover of                                 | 5    | 13   |
| Order and arrangement by Speaker            | 6    | 2c   |
| Passing over when introducer present        | 6    | 2c   |
| Introducer                                  |      |      |
| Reading name of principal introducer        | 6    | 2a   |
| Introduction of                             |      |      |
| Day limitation                              | 5    | 5    |
| Limit number of                             | 5    | 5d   |
| Members willing to support                  | 5    | 4    |
| Signature of Senators on bills              | 5    | 4    |
| Priority of                                 |      |      |
| Appropriation bills                         | 1    | 16   |
| Importance of bills                         | 3    | 8    |
| Public hearing, notice required             | 3    | 5    |
| Reading of, on introduction                 |      |      |
| Section by section not required             | 6    | 2a   |

|   | Rule | Sec. |
|---|------|------|
| Reference to committee                      | 3    | 19   |
| Objection to                                | 3    | 20   |
| Request for bills held in committee         | 3    | 10   |
| Signers on, additional                      | 5    | 4    |
| Signing upon passage                        |      |      |
| Restriction on who may                      | 1    | 7    |
| Who authorized                              | 1    | 13   |
| Stages of consideration                     |      |      |
| Generally                                   | 6    |      |
| Title                                       |      |      |
| Amendments to                               | 7    | 3c   |
| Reading title of bills                      | 5    | 8    |
| Veto by Governor                            |      |      |
| Overriding, procedure                       | 6    | 11   |
| Reconsideration                             | 6    | 10   |
| Withdrawal of, procedure                    | 5    | 11   |
| Withdrawal of, notice required              | 3    | 5    |
| <b>CALL OF THE LEGISLATURE</b>              |      |      |
| Procedure                                   | 7    | 5    |
| <b>CHALLENGE THE CHAIR</b>                  |      |      |
| Vote required                               | 1    | 12   |
| <b>CHAPLAIN</b>                             |      |      |
| Duties of                                   | 1    | 21   |
| Election of                                 | 1    | 2    |
| <b>CLERK OF THE LEGISLATURE</b>             |      |      |
| Assistant Clerk, duties of                  | 1    | 19   |
| Attesting to bills passed                   | 1    | 13   |
| Bills                                       |      |      |
| Amendments, reading, E & R when required    | 6    | 4f   |
| Deliver to Reference Committee              | 6    | 1    |
| Numbering of and reading                    | 6    | 1    |
| Communications, authority to read           | 1    | 17e  |
| Distribution of material, when authorized   | 2    | 3f   |
| Duties, generally                           | 1    | 17   |
| Fiscal notes, duties of therewith           | 5    | 6d   |
| Printing                                    |      |      |
| Bills from Executive Board                  | 5    | 3b   |
| Revisor correctional bills                  | 5    | 3a   |
| Record of all debate                        | 1    | 18g  |
| <b>COMMITTEE ON COMMITTEES</b>              |      |      |
| Chairman, election of                       | 1    | 1    |
| Committee meetings, publication of schedule | 3    | 17c  |
| Daily report of bills held by committee     | 3    | 17e  |

|  | Rule | Sec. |
|--|------|------|
| Governor's appointments, hearing on  | 3    | 17d  |
| Investigating Committee  | 3    | 22   |
| Membership on, districts   | 3    | 17   |
| Nomination of members for committees   | 3    | 2    |
| Select Committees, appointment of members  | 3    | 16   |
| Vacancies of committee   |      |      |
| Temporary appointments   | 3    | 14   |
| COMMITTEES (See also Standing Committees,<br>Select Committees and Special Committees) |      |      |
| Attendance at, requirement of  | 2    | 4a   |
| Chairman, report to Committee on Committees  | 3    | 17e  |
| Executive Sessions, Press  | 3    | 7    |
| Hearings, cancellation of  | 3    | 5    |
| Importance of bills, consideration of  | 3    | 8    |
| Introduction of bills  |      |      |
| After tenth day  | 5    | 5a   |
| Investigations, appointment of members   | 3    | 22   |
| Minority report on bills reported  | 3    | 13   |
| Select Committees, defined   | 3    | 15   |
| State officials, appearing before, when  | 3    | 6    |
| Statement of intent required   | 3    | 13   |
| Vacancies  |      |      |
| Appointments to  | 3    | 14a  |
| DEBATE   |      |      |
| Motion to cease debate, closing  | 7    | 4    |
| DEPARTMENT HEADS   |      |      |
| Fiscal notes, duty to provide information  | 5    | 6c   |
| ELECTRICAL ROLL CALL SYSTEM  |      |      |
| Call of the Legislature  |      |      |
| Indicate presence on   | 7    | 5    |
| EMERGENCY CLAUSE   |      |      |
| E & R amendment, authority to add  | 3    | 18c  |
| Final Reading  |      |      |
| Vote required  | 6    | 9    |
| Final Reading, stricken when not<br>sufficient votes                                   | 6    | 9    |
| Motion to reconsider to add  | 7    | 7    |
| Vote required  |      |      |
| Return from Final Reading  | 6    | 7c   |
| EMPLOYEES  |      |      |
| Hiring and salary, Executive Board   | 1    | 22   |
| Report of, monthly   | 1    | 17c  |
| Supervision of, by Clerk   | 1    | 17d  |

|   | Rule | Sec. |
|---|------|------|
| <b>ENGROSSMENT</b>  |      |      |
| Bills   |      |      |
| Show new and stricken matter                              | 5    | 9    |
| <b>ENROLLMENT AND REVIEW</b>                              |      |      |
| Advancement of bills to                                   | 6    | 3    |
| Amendments  |      |      |
| Reading by Clerk, not required, when                      | 6    | 4f   |
| Title, authority to make                                  | 7    | 3c   |
| Bills   |      |      |
| Advancement to vote required                              | 6    | 3    |
| Amendments, authority to submit                           | 3    | 18c  |
| Priority when bill returns                                | 6    | 4d   |
| Duties and authority                                      | 3    | 18   |
| Motion to return to General File                          | 6    | 3    |
| <b>EXECUTIVE BOARD</b>                                    |      |      |
| Employees, hire and determine salary                      | 1    | 22   |
| Reference Committee, shall constitute                     | 3    | 19   |
| Reference of bills before session                         | 5    | 3a   |
| Reference of Study Resolution                             | 4    | 3    |
| Revisor of Statute correctional bills,<br>introduction of | 5    | 3b   |
| <b>EXECUTIVE SESSION</b>                                  |      |      |
| Press, admission to, committees                           | 3    | 7    |
| <b>FINAL READING</b>                                      |      |      |
| Bills   |      |      |
| Appropriation   | 5    | 6g   |
| Placing on Final Reading                                  | 6    | 6    |
| Reading of bills at large                                 | 6    | 7    |
| Machine vote required, when                               | 7    | 2c   |
| Members to remain in seats                                | 2    | 3g   |
| Motions numerated, generally                              |      |      |
| General File  | 6    |      |
| Select File   | 6    |      |
| Final Reading   | 6    |      |
| Question on Final Reading                                 | 6    | 8    |
| Reconsideration motion to                                 |      |      |
| Votes required  | 7    | 7c   |
| Visitors on floor prohibited                              | 2    | 3b   |
| <b>FISCAL ANALYST</b>                                     |      |      |
| Fiscal Notes, duties associated therewith                 | 5    | 6    |
| Review of all bills                                       | 5    | 6    |
| <b>FLOOR DEBATE</b>                                       |      |      |
| Verbatim record, preparation of                           | 1    | 18g  |

|   | Rule | Sec. |
|---|------|------|
| <b>GENERAL FILE</b>                                       |      |      |
| Bills   |      |      |
| Advancement to E & R, vote required                       | 6    | 3    |
| Bracket, when   | 3    | 19   |
| Fail to advance a third time                              | 6    | 2i   |
| Bills placed directly on, bracket                         | 3    | 19   |
| Clerk   |      |      |
| Introduction of bills, procedure                          | 6    | 2a   |
| Motion  |      |      |
| Enumeration of and votes required                         | 6    |      |
| Place on General File notwithstanding<br>committee action | 3    | 10   |
| Order of consideration                                    | 1    | 16   |
| Raise bill killed by committee                            | 3    | 12   |
| Reference Committee                                       |      |      |
| Placed directly on, when                                  | 3    | 19   |
| Resolutions referred to                                   | 4    | 10   |
| <b>GOVERNOR</b>   |      |      |
| Admission to Legislative Chambers                         | 2    | 3c   |
| Appointments by, hearings on                              | 3    | 17d  |
| Bills vetoed, reconsideration                             | 6    | 10   |
| Budget bill, introduction of                              | 5    | 7    |
| Department heads, appearance before<br>committees         | 3    | 6    |
| Introduction of bills                                     |      |      |
| After tenth Legislative Day                               | 5    | 5a   |
| Line item veto of legislation, overriding                 | 6    | 12   |
| Messages, print in Journal                                | 1    | 18b  |
| Messages from, privilege                                  | 7    | 1c   |
| Veto of legislation, overriding                           | 6    | 11   |
| <b>INDEFINITELY POSTPONED</b>                             |      |      |
| Committee Report, affect of                               | 3    | 12   |
| Request from committee, bill held                         | 3    | 10c  |
| Standing Committee, motion to take<br>bill from           | 3    | 12   |
| <b>INTRODUCTION OF BILLS</b>                              |      |      |
| After tenth day   | 5    | 5a   |
| Numbering, reading of title                               | 6    | 1    |
| Statement of Intent, required after tenth day             | 5    | 5a   |
| <b>IMMUNITY</b>   |      |      |
| For words spoken during debate                            | 2    | 9    |
| <b>JOURNAL</b>  |      |      |
| Bound volumes, preparation of                             | 1    | 18f  |

|   | <b>Rule</b> | <b>Sec.</b> |
|---|-------------|-------------|
| Contents                                    | 1           | 18b         |
| Daily Preparation of, by Clerk              | 1           | 18a         |
| Distribution of for Senators                | 1           | 18b         |
| Notice of committee hearings                | 3           | 5           |
| <b>LEGISLATIVE CHAMBER</b>                  |             |             |
| Decorum, abusive language, prohibited       | 2           | 7b          |
| Material, distribution of, restrictions     | 2           | 3f          |
| Visitors to                                 | 2           | 3           |
| What constitutes                            | 2           | 3a          |
| <b>LEGISLATIVE COUNCIL</b>                  |             |             |
| Chairman, election of                       | 1           | 1           |
| Executive Board                             |             |             |
| Officers and employees, recommendations for | 1           | 2           |
| Vice Chairman, election of                  | 1           | 1           |
| <b>LEGISLATURE</b>                          |             |             |
| Call of the Legislature                     |             |             |
| Remain in seats                             | 7           | 5           |
| Legislative Day, defined                    | 7           | 1           |
| Meeting time                                | 7           | 1           |
| Office space, supervision of                | 1           | 17d         |
| Officers and employees                      |             |             |
| Change compensation                         | 5           | 10          |
| Order of business                           | 7           | 1b          |
| Rules procedure                             |             |             |
| Amendment                                   | 2           | 2           |
| Matters not covered by                      | 2           | 1           |
| Session, limitation on,                     |             |             |
| ninety days-sixty days                      | 7           | 1a          |
| Suspension                                  | 2           | 2           |
| Voting                                      |             |             |
| Machine votes, when called for              | 7           | 2b          |
| <b>LIEUTENANT GOVERNOR</b>                  |             |             |
| Presiding officer                           | 1           | 5           |
| Voting, tie                                 | 1           | 14          |
| <b>LOBBYISTS, REGISTERED</b>                |             |             |
| Reports on                                  | 1           | 18h         |
| <b>MATERIAL</b>                             |             |             |
| Written or printed, distribution in the     |             |             |
| Legislative Chamber                         | 2           | 3f          |
| <b>MINORITY REPORT</b>                      |             |             |
| Submitted by committee, when                | 3           | 13          |
| <b>MOTION TO RECONSIDER</b>                 |             |             |
| Withdrawal of, unanimous consent            |             |             |

|   | Rule | Sec. |
|---|------|------|
| required when   | 7    | 3a   |
| <b>MOTIONS</b>  |      |      |
| Adjournment, order of                                 | 7    | 9    |
| Amendments  |      |      |
| Adoption, vote required                               | 6    | 2g   |
| Motion to amend amendments                            | 7    | 3b   |
| also  | 7    | 3d   |
| Bracket and unbracketing bills                        | 6    | 2e   |
| Division of a question                                | 7    | 3e   |
| General File, enumeration of                          | 6    | 2    |
| Indefinitely postponed                                |      |      |
| Failure in attempt to raise from committee,<br>affect | 3    | 10c  |
| General File, before reading                          | 6    | 2e   |
| Postpone or postpone indefinitely, precedence         | 7    | 3a   |
| Postpone to time certain                              | 7    | 6    |
| Precedent in, consideration of                        | 7    | 3a   |
| Reading of before vote taken                          | 7    | 3a   |
| Reconsideration                                       |      |      |
| Votes required  | 7    | 7c   |
| Who may move  | 7    | 7a   |
| Select File, enumeration                              | 6    |      |
| Shall the debate cease                                |      |      |
| Procedure for invoking                                | 7    | 4    |
| Seconded required by five or more members             | 7    | 4    |
| Strike out and insert                                 | 7    | 3e   |
| Stike the enacting clause                             |      |      |
| Equivalent to   | 7    | 8    |
| Precedence over motion to amend, forbidden            | 7    | 8    |
| Suspension of the Rules                               |      |      |
| Additional names as introducers                       | 5    | 4    |
| Withdrawal of, when permitted                         | 7    | 3a   |
| Writing, required when                                | 7    | 3a   |
| <b>OATH</b>   |      |      |
| Officers of Legislature                               | 1    | 4    |
| <b>OFFICERS</b>                                       |      |      |
| Election of, votes required                           | 1    | 3    |
| Election of each Legislature                          | 1    | 1    |
| Oath 1  | 4    |      |
| Removal of, procedure                                 | 1    | 3    |
| <b>OFFICERS AND EMPLOYEES</b>                         |      |      |
| Assistant Sergeant at Arms                            |      |      |
| Duties of   | 1    | 20b  |

|  | Rule | Sec. |
|--|------|------|
| Election of Chaplain                     | 1    | 2    |
| Duties of                                | 1    | 21   |
| Election of Clerk                        | 1    | 2    |
| Duties of                                | 1    | 17   |
| Election of Clerk, Assistant             | 1    | 2    |
| Duties of                                | 1    | 19   |
| Election of                              | 1    | 2    |
| Compensation of, change                  | 5    | 10   |
| Sergeant at Arms                         |      |      |
| Duties of                                | 1    | 20   |
| Election of                              | 1    | 2    |
| ORDER OF BUSINESS                        |      |      |
| Enumeration of                           | 7    | 1b   |
| Governor's Messages, privilege           | 7    | 1c   |
| Special order                            | 7    | 1d   |
| PERSONAL PRIVILEGE                       | 2    | 11   |
| PETITIONS AND MEMORIALS                  |      |      |
| Order of business                        | 7    | 1b   |
| PRESIDENT                                |      |      |
| Duties of                                |      |      |
| Preserve decorum                         | 1    | 11   |
| Sign bills and resolutions               | 1    | 13   |
| Overruling, vote required                | 1    | 12   |
| Presiding officer, order of designation  | 1    | 6    |
| Senators addressing the Chair, procedure | 2    | 7a   |
| Signing bills and resolutions            | 1    | 13   |
| PRESIDING OFFICER                        |      |      |
| Alternate                                | 1    | 8    |
| Call of the Legislature                  |      |      |
| Authority to declare the Call raised     | 7    | 5    |
| Delegation of authority, order           | 1    | 6    |
| Powers of                                | 1    | 7    |
| Voting, machine vote if in doubt         | 7    | 2b   |
| PRESS                                    |      |      |
| Admission to Chamber                     | 2    | 3b   |
| Admission to Executive Sessions          | 3    | 7    |
| PRINTING                                 |      |      |
| Bills and Resolutions                    | 5    | 8    |
| Final Reading bills                      | 6    | 6c   |
| Pre-printing of bills, when authorized   | 5    | 3b   |

|   | Rule | Sec. |
|---|------|------|
| Revisors correctional bills               | 5    | 3a   |
| <b>PUBLIC HEARINGS</b>                    |      |      |
| Notice of hearing, days required          | 3    | 5    |
| <b>QUORUM</b>                             |      |      |
| Absence of                                | 1    | 10   |
| Majority constitutes                      | 1    | 9    |
| Postpone the reconvening of               |      |      |
| Legislature, in absence of                | 1    | 16A  |
| <b>RECONSIDERATION</b>                    |      |      |
| Motion for, withdrawal of                 | 7    | 3a   |
| <b>RECORD OR ROLL CALL VOTE</b>           |      |      |
| Any member may request                    | 7    | 2d   |
| <b>REFERENCE COMMITTEE</b>                |      |      |
| Committee meetings, permission to suspend | 3    | 4    |
| Delivery of bills to                      | 6    | 1    |
| Duties and powers                         | 3    | 20   |
| Objection to reference, procedure         | 3    | 20   |
| Review of bill proposed for introduction  | 5    | 5b   |
| Speaker                                   |      |      |
| Re-refer bill changed by amendment        | 6    | 2f   |
| <b>RESOLUTIONS</b>                        |      |      |
| Consideration of                          | 4    | 4    |
| Engrossed, when                           | 4    | 7    |
| General provisions                        | 4    |      |
| Hold for 25 signatures                    | 4    | 5    |
| Motions to raise from committee           | 4    | 9    |
| Printing                                  | 5    | 8    |
| Referred to committee                     | 4    | 8    |
| Signing upon passage                      |      |      |
| Restriction on who may                    | 1    | 7    |
| Who authorized                            | 1    | 13   |
| Study committees, proposed by review by   |      |      |
| Executive Board                           | 4    | 3    |
| Voting on                                 |      |      |
| Yeas and Nays required                    | 7    | 2c   |
| Voting printed in Journal                 | 1    | 18b  |
| When considered as a bill                 | 4    | 2    |
| <b>RETIREMENT SYSTEMS COMMITTEE</b>       |      |      |
| Designation of, as special committee      | 3    | 21   |
| Jurisdiction and rules for operation      | 3    | 23   |
| <b>RULES</b>                              |      |      |
| Amendments to                             | 2    | 2    |
| Matters not covered, procedure            | 2    | 1    |

|  | Rule | Sec. |
|--|------|------|
| Suspension of, vote required                     | 2    | 2    |
| Transgression of Rules by a member               | 2    | 8    |
| <b>RULES COMMITTEE</b>                           |      |      |
| Amendment to Rules, reference to                 | 2    | 2    |
| Designation of, as Select Committee              | 3    | 16   |
| <b>RULES OF PROCEDURE</b>                        |      |      |
| Amendments of                                    | 2    | 2    |
| <b>SECURITY GUARDS</b>                           |      |      |
| Supervision of, by Speaker                       | 1    | 20c  |
| <b>SELECT COMMITTEES</b>                         |      |      |
| Appointment of members to                        | 3    | 17b  |
| Definition of                                    | 3    | 15   |
| Designation of                                   | 3    | 16   |
| Enrollment and Review                            |      |      |
| Chairman of, privilege                           | 3    | 18c  |
| Duties   | 3    | 18c  |
| Membership on, designation of                    | 3    | 15   |
| <b>SELECT FILE</b>                               |      |      |
| Amendments                                       |      |      |
| Enrollment and Review, prohibit other amendments | 6    | 4    |
| Vote required                                    | 6    | 4f   |
| Bills  |      |      |
| Advancement E & R for engrossment, when          | 6    | 3    |
| Fail to advance a second time-                   | 6    | 4i   |
| Return from Final Reading                        | 6    | 7c   |
| Motion, enumeration of                           | 6    |      |
| <b>SENATORS</b>                                  |      |      |
| Absence of, excused, when                        | 2    | 4a   |
| Absent, explanation of vote                      | 2    | 5    |
| Addressing the Chair, procedure                  | 2    | 7a   |
| Attendance at meetings, requirement              | 2    | 4a   |
| Censure, excepted words                          | 2    | 8    |
| Exception to words spoken                        | 2    | 9    |
| Expulsion of, procedure                          | 2    | 6    |
| Families, admitted to floor, when                | 2    | 3d   |
| Final Reading, remain in seats                   | 2    | 3g   |
| Immunity for words spoken                        | 2    | 9    |
| Personal Privilege                               | 2    | 11   |
| Restriction on speaking                          | 2    | 10   |
| Signature on bills                               | 5    | 4    |
| Speaking on floor, limitation on length          | 2    | 10   |
| Use of profanity prohibited                      | 2    | 7b   |

|   | Rule | Sec. |
|---|------|------|
| Violation of Rules, restrictions on             | 2    | 8    |
| Words excepted to                               | 2    | 9    |
| <b>SERGEANT AT ARMS</b>                         |      |      |
| Compel presence of member                       | 2    | 4b   |
| Duties of                                       | 1    | 20   |
| Election of                                     | 1    | 2    |
| <b>SESSIONS</b>                                 |      |      |
| Debate, limitations on, length                  | 2    | 10   |
| Immunity for words spoken during                | 2    | 9    |
| Interruption of, prohibited                     | 2    | 7b   |
| Limitation on duration                          | 7    | 1    |
| Violation of Rules, objection to                | 2    | 8    |
| <b>SPEAKER</b>                                  |      |      |
| Acting President, when                          | 1    | 5    |
| <b>Bills</b>                                    |      |      |
| Poor form, refer to committee                   | 6    | 2g   |
| Refer back to committee                         | 6    | 2h   |
| Bills on General File, set order                | 6    | 2c   |
| Committee membership, restricted                | 3    | 2    |
| Election of                                     | 1    | 1    |
| Excuse members, authority to                    | 2    | 4a   |
| Postpone the reconvening                        |      |      |
| of the Legislature                              | 1    | 16a  |
| Preside over Legislature                        | 1    | 15   |
| Privileged at any time                          | 1    | 15   |
| Reporting order of bills                        | 1    | 16   |
| Security guards, supervision of                 | 1    | 20c  |
| Service on committee, temporary appointment     | 3    | 14   |
| Signing bills and resolutions                   | 1    | 13   |
| <b>SPECIAL COMMITTEES</b>                       |      |      |
| Designation of                                  | 3    | 21   |
| Introduction of bills                           | 5    | 5b   |
| <b>SPECIAL ORDER</b>                            |      |      |
| Order of bill not yet reached                   | 7    | 1d   |
| <b>SPECIAL ORDER OF THE DAY</b>                 |      |      |
| Unfinished business                             | 7    | 1d   |
| <b>STANDING COMMITTEES</b>                      |      |      |
| Appointment of members to                       | 3    | 17b  |
| <b>Bills</b>                                    |      |      |
| Attempt to put on General File, failure, affect | 3    | 10c  |
| Correlations of bills into lesser number        | 3    | 8    |
| Recommit from Final Reading                     | 6    | 7b   |

|  | Rule | Sec. |
|--|------|------|
| Twenty days, motions to place on<br>General File   | 3    | 10a  |
| Chairman, selection by secret ballot               | 3    | 3a   |
| Definition and enumeration of                      | 3    | 1    |
| Duration of membership                             | 3    | 1    |
| Eight calendar days, duty to act                   | 3    | 11   |
| Force bill to be placed on General File            | 3    | 10b  |
| Indefinitely postponed                             |      |      |
| Motion to place on General File<br>notwithstanding | 3    | 12   |
| Introduction of bills after tenth day              | 5    | 5a   |
| Membership on, appointment to                      | 3    | 17b  |
| Nomination of members for                          | 3    | 2    |
| Number of members on each committee                | 3    | 2    |
| Raise bill indefinitely postponed                  | 3    | 12   |
| Record of proceedings                              | 3    | 9    |
| Report from, required, when                        | 3    | 11   |
| Report to the Legislature                          |      |      |
| Indefinitely postponed                             | 3    | 12   |
| On General File                                    | 3    | 12   |
| Requirement of, contents                           | 3    | 14   |
| Resolutions  |      |      |
| Consideration of                                   | 4    | 4    |
| Reference to                                       | 4    | 8    |
| Speaker, not member of                             | 3    | 2    |
| Time for meetings                                  | 3    | 4    |
| Vice Chairman, designation by committee            | 3    | 3b   |
| STATEMENT OF INTENT                                |      |      |
| Purpose of, required                               | 3    | 13   |
| SUSPENSION OF THE RULES                            |      |      |
| Additional names as introducers                    | 5    | 4    |
| Votes required                                     | 2    | 2    |
| UNANIMOUS CONSENT                                  |      |      |
| Suspension of the Rules, prohibited when           | 5    | 4    |
| VACANCIES  |      |      |
| On committees, appointment to                      | 3    | 14   |
| VISITORS   |      |      |
| Legislative Chamber, admission to                  | 2    | 3    |
| Notice to presiding officer                        | 2    | 7b   |
| VOTING   |      |      |
| Absent members, insert in Journal                  | 2    | 5    |
| Committees, action on bills                        | 3    | 11   |
| Expulsion of members                               | 2    | 6    |

|  | <b>Rule</b> | <b>Sec.</b> |
|--|-------------|-------------|
| Lieutenant Governor, only when tie                     | 1           | 14          |
| Machine vote, decision announced,<br>votes thereafter  | 7           | 2d          |
| Machine votes, when required                           | 7           | 2b          |
| Question, form of                                      | 7           | 2a          |
| Record or roll call vote, requested by<br>member, when | 7           | 2d          |
| Resolutions, plurality required                        | 4           | 6           |
| Voice vote, authorized when                            | 7           | 2a          |
| <b>WITHDRAWAL OF BILLS</b>                             |             |             |
| Procedure, consent                                     | 5           | 11          |
| Restriction on, when set for hearing                   | 3           | 5           |

**TITLES TO BILLS**  
**Titles to Bills introduced in the**  
**Eighty-Sixth Legislature of Nebraska, First Session, 1979**  
**and pending before the**  
**Eighty-Sixth Legislature of Nebraska, Second Session, 1980**

**STATUS OF BILLS**  
**on**  
**January 9, 1980**

**GENERAL FILE:** 16 35 35A 44 60 69 71 121 123 151CA 166 184 185  
 186 197 203 221 222 222A 228 228A 235 254 259 261CA 267 267A 283  
 284 304 306 314 318 319 324CA 327 330 361 374 399 405 409 423  
 436CA 442 457 460 465 471 481 483 485 485A 486 488 490 491 493CA  
 496 497 498 507 525 526 533 535 550 552 572 597 LR43

**SELECT FILE:** 108 418A 175CA 382 382A 484

**BILLS HELD BY COMMITTEES:**

AGRICULTURE AND ENVIRONMENT: 106 473 501 515 566

APPROPRIATIONS: 88 549 592

BANKING COMMERCE AND INSURANCE: 276 279 280 308

309 333 335 336 337 338 340 346 402 413 422 439 440 448 480 499

BUSINESS & LABOR: 113

CONSTITUTIONAL REVISION & RECREATION: 82CA

350CA 366CA 383CA 445CA 453CA

EDUCATION: 104 177 264 426 522

GOVERNMENT, MILITARY & VETERANS AFFAIRS: LR30

JUDICIARY: 371 388 406 519

MISCELLANEOUS SUBJECTS: 389 454 462 504

NEBRASKA RETIREMENT SYSTEMS: 118 182 218 229 230 231

364 410

PUBLIC HEALTH AND WELFARE: 21 94 171 256 299 418 503

530

PUBLIC WORKS: 27 48 243 266 430 458 461 502

REVENUE: 8 89 142 144 317 325 487

URBAN AFFAIRS: 61 153 303



**RESOLUTIONS****LEGISLATIVE RESOLUTION 30.**

Introduced by Haberman, 44th District; Carsten, 2nd District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duis, 39th District; Dworak, 22nd District; George, 16th District; Goodrich, 20th District; Hasebroock, 18th District; Hefner, 19th District; Koch, 12th District; Kennedy, 21st District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Lewis, 45th District; Maresh, 32nd District; Marvel, 33rd District; Murphy, 17th District; Nichol, 48th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Venditte, 7th District; Wagner, 41st District; Wesely, 26th District.

WHEREAS, the 95th Congress of the United States of America at its second session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

**“JOINT RESOLUTION**

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

**ARTICLE**

Section 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, The District constituting the seat of government of the United States shall be treated as though it were a State.

Section 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

Section 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

Section 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.”

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That such proposed amendment to the Constitution of the United States be rejected.

2. That the Clerk of the Legislature send copies of this resolution to the Administrator of the General Services Administration, the President of the United States Senate, and the Speaker of the United States House of Representatives.

### **LEGISLATIVE RESOLUTION 43.**

Introduced by Chambers, 11th District; Fowler, 27th District.

WHEREAS, slavery of black people was prohibited by the Territorial Legislature of Nebraska in 1861; and

WHEREAS, the admission of the State of Nebraska to the Union affirmed the rights of all persons, regardless of "race or color", including the right to vote; and

WHEREAS, the Constitution of Nebraska declares that "All persons are by nature free and independent, and have certain inherent and inalienable rights"; and

WHEREAS, the laws of the State of Nebraska uphold the equal rights of people of all races; and

WHEREAS, the Nebraska Fair Employment Practice Act of 1965 states that racial discrimination in employment is "contrary to the principles of freedom" and contrary to the laws of the state; and

WHEREAS, the Nebraska Civil Rights Act of 1969 states that racial discrimination in housing and the use of any place of public accommodation is contrary to the policy and laws of the state; and

WHEREAS, the principle of racial equality enunciated in the Nebraska Constitution and upheld in its laws has not yet found expression in policy governing the management of state public funds; and

WHEREAS, the Nebraska Legislature has charged the State Investment Officer with the careful and prudent investment of state funds, but has provided no further guidance; and

WHEREAS, the State Investment Council's approved list for investment of trust funds includes many corporations which support the apartheid regime of South Africa; and

WHEREAS, the South African government is unstable, resting not with the consent of the governed, but rather relying on violence and the support of outside investment in strategic sectors of the economy; and

WHEREAS, the South African apartheid regime, solely for reason of race or color denies 19 million South Africans basic human rights, including decent housing, education, and farmland, as well as the right to vote, organize, travel, and speak freely.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature declares the investment of Nebraska state funds in institutions which support the apartheid system of South Africa to be contrary to Nebraska's principle of human rights and social equality.

2. That the Legislature calls on the Nebraska Investment Council to review the list of corporations and banks which invest in South Africa, as compiled by the American Consulate General in Johannesburg, and to remove them from the approved list for investment of Nebraska trust funds.

### BILLS

**LEGISLATIVE BILL 8.** By Koch, 12th District.

A BILL FOR AN ACT to amend sections 77-505, 77-509, 77-629, 77-1241.09, 77-1250, 77-1301.06, 77-1331, and 77-1342, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide for centralized valuation and assessment of real property as prescribed; to provide duties and penalties; to provide severability; to provide an operative date; to repeal the original sections, and also section 77-1301.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 16.** By Newell, 13th District.

A BILL FOR AN ACT to amend sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1978, relating to taxation; to exempt certain foods intended for human consumption from the sales and use taxes; to eliminate the food sales tax credit; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 21.** By Carsten, 2nd District.

A BILL FOR AN ACT relating to public health and welfare; to declare public policy; to provide for reciprocal exchange of blood; to prohibit nonreplacemnt fees as prescribed; to provide a penalty; and to provide for severability.

**LEGISLATIVE BILL 27.** By Kremer, 34th District.

A BILL FOR AN ACT to amend section 46-613, Reissue Revised Statutes of Nebraska, 1943, relating to ground water; to provide an

exclusion from liability for interfering with the use of a domestic well; and to repeal the original section.

**LEGISLATIVE BILL 35.** By Johnson, 8th District.

A BILL FOR AN ACT relating to welfare; to provide for standards in determining need; and to provide duties of the Department of Public Welfare.

**LEGISLATIVE BILL 35A.** By Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 35, Eighty-sixth Legislature, First Session, 1979.

**LEGISLATIVE BILL 44.** By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1978, relating to revenue and taxation; to increase the food sales tax credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 48.** By Warner, 25th District.

A BILL FOR AN ACT to amend section 2-1506.06, Reissue Revised Statutes of Nebraska, 1943, and section 46-257, Revised Statutes Supplement, 1978, relating to agriculture; to change the considerations and criteria for issuing certain permits as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 60.** By Fowler, 27th District.

A BILL FOR AN ACT to adopt the Nebraska Public Radio Act; to create the Nebraska Public Radio Commission; and to create the State Public Radio Fund.

**LEGISLATIVE BILL 61.** By Marsh, 29th District.

A BILL FOR AN ACT to amend section 15-901, Reissue Revised Statutes of Nebraska, 1943, and section 23-174.03, Revised Statutes Supplement, 1978, relating to real estate; to provide for an exception from subdivision regulations as prescribed; to redefine terms; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 69.** By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 8-901, 8-902, 8-903, and 8-904, Reissue Revised Statutes of Nebraska, 1943, relating to bank holding companies; to permit bank holding companies to own or control more than one bank under limited conditions; to limit acquisition by out-of-state bank holding companies; to provide for registration and regulation of bank holding companies; and to repeal the original sections.

**LEGISLATIVE BILL 71.** By Warner, 25th District.

A BILL FOR AN ACT relating to taxation; to provide that tax levy authorizations be reduced in an amount proportionate to increases in assessed valuation as prescribed.

**LEGISLATIVE BILL 82.** By Constitutional Revision and Recreation Committee: Reutzell, 15th District, Chairman; Pirsch, 10th District; Hefner, 19th District; Koch, 12th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 30, of the Constitution of Nebraska, relating to the judiciary; to provide additional disciplinary measures and an additional ground for discipline; applicable to a Justice or Judge of the Supreme Court or other judge; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 88.** By Koch, 12th District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1978, relating to the Nebraska Veterans' Aid Fund; to increase such fund to twelve million dollars; to provide for appropriations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 89.** By Burrows, 30th District.

A BILL FOR AN ACT relating to taxation; to declare intent; to define terms; to impose a tax for support of schools on adjusted gross income of individuals, corporations, trusts, and estates; to provide for determination of the tax rate; to prescribe tax rate formulae; to provide for administration; to provide penalties; to provide severability; to provide an operative date; to repeal section 79-1335, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 94.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Clark, 47th District; Maresh, 32nd District; Goodrich, 20th District; Wesely, 26th District; Kennedy, 21st District; Simon, 31st District.

A BILL FOR AN ACT to amend sections 33-150, 71-1326, 71-1327, 71-1329, 71-1330, 71-1332 to 71-1336, and 71-1338, Reissue Revised Statutes of Nebraska, 1943, sections 71-102, 71-110, 71-112 to 71-114, 71-122, 71-1331, and 81-194, Revised Statutes Supplement, 1978, and section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1978, LB 689, sec. 1 and LB 406, sec. 12, relating to professional licenses; to change provisions relating to embalmers and funeral directors; to define a term; to change the name of a board; to repeal the original sections, and also sections 71-146 and 71-197, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 104.** By Cullan, 49th District.

A BILL FOR AN ACT to adopt the Educational Accountability Act; to amend section 79-4, 147.01, Reissue Revised Statutes of Nebraska, 1943; to provide duties of the State Board of Education; and to repeal the original section.

**LEGISLATIVE BILL 106.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Haberman, 44th District; Nichol, 48th District; Lamb, 43rd District; Maresh, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to insect pests; to create a fund; and to provide for grasshopper control.

**LEGISLATIVE BILL 108.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Fitzgerald, 14th District; Kahle, 37th District; DeCamp, 40th District; Landis, 46th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 48-838, Revised Statutes Supplement, 1978, relating to the Court of Industrial Relations; to provide provisions relating to collective bargaining units for postsecondary educational institutions; and to repeal the original section.

**LEGISLATIVE BILL 113.** By Brennan, 9th District.

A BILL FOR AN ACT to amend sections 48-121, 48-122, and 48-122.03, Revised Statutes Supplement, 1978, relating to workmen's compensation; to increase weekly benefits; to provide for computations and recomputations; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 118.** By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Fowler, 27th District; Lewis, 45th District; Cullan, 49th District.

A BILL FOR AN ACT relating to retirement; to create the Nebraska City and County Peace Officers' Retirement System as prescribed.

**LEGISLATIVE BILL 121.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Kahle, 37th District; Nichol, 48th District; Haberman, 44th District.

A BILL FOR AN ACT to amend section 66-820, Revised Statutes Supplement, 1978, relating to Nebraska gasohol and energy development; to clarify an appropriation; to appropriate funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 123.** By Hefner, 19th District.

A BILL FOR AN ACT relating to the ownership of bank stock; to prohibit foreign ownership of such stock; to provide a period for divestiture by foreign owners; and to provide for escheat.

**LEGISLATIVE BILL 142.** By Burrows, 30th District.

A BILL FOR AN ACT to amend Laws 1977, LB 518, section 12, as amended by Laws 1978, LB 552, section 1, relating to taxation; to delay the date in which certain personal property tax exemptions are effective; to provide procedures for computation and allocation of such tax; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 144.** By Labeledz, 5th District; Pirsch, 10th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1978, relating to sales and income tax; to exempt sewer and water services and certain sources of energy from sales tax as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 151.** By Duis, 39th District.

A BILL FOR AN ACT for submission to the electors of amendments to Article III, sections 6 and 10, of the Constitution of Nebraska, relating to the Legislature; to provide that the sessions of the Legislature shall be biennial; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 153.** By Fowler, 27th District; Landis, 46th District.

A BILL FOR AN ACT to amend section 74-1302, Reissue Revised Statutes of Nebraska, 1943, relating to Railroad Transportation Safety Districts; to limit the use of funds as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 166.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Brennan, 9th District; Sieck, 24th District; Fitzgerald, 14th District; Lewis, 45th District; Simon, 31st District.

A BILL FOR AN ACT to prohibit the use of polygraph or similar tests by employers as prescribed; to provide penalties; and to provide additional remedies.

**LEGISLATIVE BILL 171.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Wesely, 26th District; Maresh, 32nd District; Simon, 31st District; Clark, 47th District.

A BILL FOR AN ACT to adopt the Nebraska Lighting and Thermal Efficiency Act; to provide duties of the Nebraska Energy Office; to create a fund; and to provide penalties.

**LEGISLATIVE BILL 175.** By Simon, 31st District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to provide that the Legislature may by general law exempt from taxation improvements to property; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 177.** By Kahle, 37th District.

A BILL FOR AN ACT to adopt the Nebraska Public School Foundation and Equalization Act; to provide an operative date; to repeal sections 79-1330, 79-1331, 79-1332, 79-1333.01, 79-1335, 79-1339, 79-1340, 79-1342, 79-1344, 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1333, 79-1333.02, 79-1334, 79-1336 to 79-1338, 79-1343, Revised Statutes Supplement, 1978; and to declare an emergency.

**LEGISLATIVE BILL 182.** By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 79-1522, Reissue Revised Statutes of Nebraska, 1943, relating to retirement; to provide for annuity adjustments as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 184.** By Venditte, 7th District; Nichol, 48th District; Labeledz, 5th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend sections 80-301, 80-302, and 80-304 to 80-308, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska veterans' homes; to establish a new home; to delete obsolete material; and to repeal the original sections, and also section 80-310, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 185.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Sieck, 24th District; Simon, 31st District; Fitzgerald, 14th District; Lewis, 45th District.

A BILL FOR AN ACT relating to crimes and punishments; to make it unlawful to use false or misleading advertisements; and to provide a penalty.

**LEGISLATIVE BILL 186.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Fitzgerald, 14th District; Sieck, 24th District; Simon, 31st District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 59-1614, Revised Statutes Supplement, 1978, relating to the Consumer Protection Act; to provide that certain acts do not constitute a violation of such act; and to repeal the original section.

**LEGISLATIVE BILL 197.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Brennan, 9th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to the Nebraska Workmen's Compensation Court; to provide for the expense of administering the court through a cash fund as prescribed.

**LEGISLATIVE BILL 203.** By Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Cullan, 49th District; Clark, 47th District; Kennedy, 21st District; Vickers, 38th District.

A BILL FOR AN ACT to amend section 74-913, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to change requirements for reporting accidents as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 218.** By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Fowler, 27th District; Lewis, 45th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943, relating to judges' retirement; to provide an additional option for retirement; and to repeal the original section.

**LEGISLATIVE BILL 221.** By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 53-103, 53-180.02, and 53-180.04, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to redefine minor; and to repeal the original sections.

**LEGISLATIVE BILL 222.** By LR 158 Select Committee: DeCamp, 40th District; Fowler, 27th District; Schmit, 23rd District; Reutzel, 15th District; Chambers, 11th District; Nichol, 48th District.

A BILL FOR AN ACT relating to law enforcement; to create the Board of Medicolegal Investigations as prescribed; to provide for powers and duties of such board; to establish the office and position of State Coroner; to provide for powers and duties of such coroner; to provide procedures for investigating certain deaths; to provide penalties; and to repeal Chapter 23, article 18, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 222A.** By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 222, Eighty-sixth Legislature, First Session, 1979.

**LEGISLATIVE BILL 228.** By Fowler, 27th District.

A BILL FOR AN ACT relating to teachers' retirement; to provide for supplemental retirement benefits for teachers as prescribed; to determine the value of such benefits; and to establish the Retired Teachers Supplementary Benefits Fund.

**LEGISLATIVE BILL 228A.** By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 228, Eighty-sixth Legislature, First Session, 1979.

**LEGISLATIVE BILL 229.** By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Warner, 25th District; Fowler, 27th District; Lewis, 45th District; Cullan, 49th District.

A BILL FOR AN ACT to amend sections 15-1001.01 and 15-1007, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to change certain pension requirements; and to repeal the original sections.

**LEGISLATIVE BILL 230.** By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Warner, 25th District; Fowler, 27th District; Lewis, 45th District; Cullan, 49th District.

A BILL FOR AN ACT relating to firemen; to provide a monthly supplemental pension payment.

**LEGISLATIVE BILL 231.** By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Warner, 25th District; Fowler, 27th District; Lewis, 45th District; Cullan, 49th District.

A BILL FOR AN ACT to amend sections 23-2315, 79-1521, and 84-1317, Reissue Revised Statutes of Nebraska, 1943, and section 79-1509, Revised Statutes Supplement, 1978, relating to retirement; to change mandatory retirement ages; to repeal the original sections, and also section 79-1509.04, Revised Statutes Supplement, 1978; and to declare an emergency.

**LEGISLATIVE BILL 235.** By Judiciary Committee: Nichol, 48th District, Chairman; Venditte, 7th District; Stoney, 4th District; Wagner, 41st District; Pirsch, 10th District; Reutzell, 15th District.

A BILL FOR AN ACT relating to real property; to give effect to certain instruments not duly approved purporting to subdivide real estate as prescribed.

**LEGISLATIVE BILL 243.** By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Merz, 1st District; Johnson, 8th District; Landis, 46th District; Wagner, 41st District.

A BILL FOR AN ACT to adopt the Nebraska Municipal Cooperative Financing Act; and to provide severability.

**LEGISLATIVE BILL 254.** By Venditte, 7th District.

A BILL FOR AN ACT to amend sections 39-1713 and 39-1715 to 39-1718, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to change provisions relating to isolated lands; to provide for public access; to provide for payment of certain costs as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 256.** By Wesely, 26th District.

A BILL FOR AN ACT to amend section 71-2020, Reissue Revised Statutes of Nebraska, 1943, relating to hospitals and nursing homes; to require certain statistical, financial, and operational data on hospital licenses as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 259.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Maresh, 32nd District; Kennedy, 21st District; Clark, 47th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to alcoholism; to decriminalize certain offenses; to amend section 39-684, Revised Statutes Supplement, 1978; to provide provisions relating to law enforcement officers; to provide operative dates; and to repeal the original section, and also sections 53-1,119 and 53-1,120, Revised Statutes Supplement, 1978, and section 39-684, Revised Statutes Supplement, 1978, as amended by section 2 of this act; and to declare an emergency.

**LEGISLATIVE BILL 261.** By Hoagland, 6th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 5, of the Constitution of Nebraska, relating to the judiciary; to change the number and formation of Supreme Court judicial districts; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 264.** By Kahle, 37th District.

A BILL FOR AN ACT relating to schools; to provide bid and contract procedures for educational service units; to provide limitations; and to declare an emergency.

**LEGISLATIVE BILL 266.** By Merz, 1st District.

A BILL FOR AN ACT relating to public power; to provide intent; and to place restrictions on certain sales of electrical energy as prescribed.

**LEGISLATIVE BILL 267.** By Newell, 13th District.

A BILL FOR AN ACT to create the Commission on Transportation; to provide for membership; to provide duties; to provide for expenses of members; and to declare an emergency.

**LEGISLATIVE BILL 267A.** By Newell, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 267, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

**LEGISLATIVE BILL 276.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Lewis, 45th District; Fitzgerald, 14th District; Schmit, 23rd District; Merz, 1st District.

A BILL FOR AN ACT to amend sections 1-136 and 1-136.01, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to change the expiration date for permits; to clarify dates relating to continuing education; and to repeal the original sections.

**LEGISLATIVE BILL 279.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Lewis, 45th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 1-135, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to provide for a fee for registration of certain offices; and to repeal the original section.

**LEGISLATIVE BILL 280.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Fitzgerald, 14th District; Lewis, 45th District.

A BILL FOR AN ACT to amend section 1-136, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to increase a bond requirement; to provide for an insurance policy as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 283.** By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Cullan, 49th District; Fowler, 27th District.

A BILL FOR AN ACT relating to home rule charter cities; to establish minimum benefits of the pension or retirement plans for members of the fire and police departments of any such city.

**LEGISLATIVE BILL 284.** By Stoney, 4th District.

A BILL FOR AN ACT to amend section 39-6,180, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,177 to 39-6,179, Revised Statutes Supplement, 1978, relating to rules of the road; to provide certain exceptions for rubber tired cranes as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 299.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Maresh, 32nd District; Goodrich, 20th District; Clark, 47th District; Simon, 31st District.

A BILL FOR AN ACT relating to infants; to provide for court review of the status of certain children; to provide for notice; to provide duties; to provide for a court order as prescribed; and to provide for continuing jurisdiction.

**LEGISLATIVE BILL 303.** By Johnson, 8th District.

A BILL FOR AN ACT to amend sections 14-402, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska, 1943, relating to city planning; to provide that land be zoned for mobile homes as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 304.** By Education Committee: Koch, 12th District, Chairman; George, 16th District; Kremer, 34th District; Landis, 46th District; Lamb, 43rd District.

A BILL FOR AN ACT to amend section 85-501, Reissue Revised Statutes of Nebraska, 1943, relating to tuition and fees at state educational institutions; to provide provisions relating to resident status as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 306.** By Beutler, 28th District.

A BILL FOR AN ACT to amend section 30-2707, Reissue Revised Statutes of Nebraska, 1943, relating to the transfer of property on the

death of a joint owner; to define types of property subject to limitations on such transfer; to define duties of the personal representative of the deceased person's estate; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 308.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Brennan, 9th District; Merz, 1st District; Lewis, 45th District; Schmit, 23rd District; Fitzgerald, 14th District.

A BILL FOR AN ACT to adopt the Nebraska Captive Insurance Company Act; and to declare an emergency.

**LEGISLATIVE BILL 309.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Brennan, 9th District; Schmit, 23rd District; Merz, 1st District; Fitzgerald, 14th District; Lewis, 45th District.

A BILL FOR AN ACT to amend section 85-106, Revised Statutes Supplement, 1978, relating to the University of Nebraska; to empower the Board of Regents to form a captive insurance company as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 314.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Duis, 39th District; Merz, 1st District; Brennan, 9th District; Schmit, 23rd District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend sections 8-331 and 8-355, Revised Statutes Supplement, 1978, relating to banks and banking; to change provisions relating to building and loan associations as prescribed; to change requirements for issuance of a certificate of approval; and to repeal the original sections.

**LEGISLATIVE BILL 317.** By Wesely, 26th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1978, relating to revenue and taxation; to provide a tax credit or a deduction for a renewable energy source system; to define terms; to provide for computation; to provide duties; and to repeal the original section.

**LEGISLATIVE BILL 318.** By Burrows, 30th District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1978, relating to unemployment benefits; to change a condition disqualifying an applicant as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 319.** By Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 83-152 and 83-183, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1826, 81-1828, 83-151, and 83-184, Revised Statutes Supplement, 1978, relating to the Department of Correctional Services; to delete certain youths from employment provisions; to provide for disposition of inmate-employee wages; to allow the selling of goods made by inmates under certain conditions; to change provisions relating to goods in interstate commerce; and to repeal the original sections.

**LEGISLATIVE BILL 324.** By Hefner, 19th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 22, of the Constitution of Nebraska, relating to the Legislature; to require the Legislature to appropriate funds for certain new or revised programs and services provided by political subdivisions; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 325.** By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 77-2704, 77-2715, 77-2715.01, and 77-27,142, Revised Statutes Supplement, 1978, relating to taxation; to exempt certain foods from the sales and use taxes; to eliminate the food sales tax credit; to continue a sales and use tax as prescribed; to provide for distribution of a report; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 327.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kahle, 37th District; Burrows, 30th District; DeCamp, 40th District; Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 19-901, 19-916, 19-922, 84-151, 84-153, and 84-155, Reissue Revised Statutes of Nebraska, 1943, and section 19-911, Revised Statutes Supplement, 1978, relating to zoning; to remove second class cities and villages from certain zoning provisions as prescribed; to remove second class cities and villages from comprehensive development plan provisions; and to repeal the original sections.

**LEGISLATIVE BILL 330.** By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 39-662 and 39-666, Revised Statutes Supplement, 1978, relating to rules of the road; to change speed limits as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 333.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Brennan, 9th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 8-110, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change provisions relating to bonds as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 335.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Brennan, 9th District; Merz, 1st District; Fitzgerald, 14th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-140, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change provisions relating to loans to officers and employees of banks as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 336.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to industrial loan and investment companies; to restrict certain loans as prescribed; and to provide penalties.

**LEGISLATIVE BILL 337.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-403, Reissue Revised Statutes of Nebraska, 1943, and section 8-403.01, Revised Statutes Supplement, 1978, relating to industrial loan and investment companies; to provide an additional application requirement; to change the time for setting a hearing; and to repeal the original sections.

**LEGISLATIVE BILL 338.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Brennan, 9th District; Merz, 1st District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 8-403.02, Revised Statutes Supplement, 1978, relating to industrial loan and investment companies; to require undivided profits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 340.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-407.01, Reissue Revised Statutes of Nebraska, 1943, relating to industrial loan and investment companies; to provide cash reserve requirements as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 346.** By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 9-401 and 9-403, Uniform Commercial Code, relating to filing; to provide for the proper place of filing; to permit computer recording of financing statement information; to permit telephone inquiries; to exempt certain people from liability in furnishing information; and to repeal the original sections.

**LEGISLATIVE BILL 350.** By Kelly, 35th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XV, of the Constitution of Nebraska, relating to miscellaneous provisions; to add a new section 19 thereto; to provide a minimum age for consumption and possession of alcoholic liquor; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 361.** By Nebraska Transportation Advisory Committee: Fitzgerald, 14th District, Chairman; Keyes, 3rd District; Carsten, 2nd District; Hefner, 19th District; Kremer, 34th District.

A BILL FOR AN ACT to amend sections 66-410, 66-428, and 66-605, Revised Statutes Supplement, 1978, relating to motor vehicle fuels; to increase motor fuel tax rates; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 364.** By Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to provide that a surviving spouse has pensionable status; and to provide for entitlement to benefits.

**LEGISLATIVE BILL 366.** By Dworak, 22nd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII of the Constitution of Nebraska, by adding new sections 13 to 18, relating to revenue; to limit the ad valorem tax rate on real property; to provide procedures for changing such limit; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 371.** By Stoney, 4th District.

A BILL FOR AN ACT to adopt the Nebraska Plea Negotiations Act; to provide for severability; and to provide an operative date.

**LEGISLATIVE BILL 374.** By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District; Haberman, 44th District.

A BILL FOR AN ACT relating to motor vehicles; to require the deposit of an operator's license with the court under certain conditions; to provide for a document proving ownership of an operator's license; and to provide for restrictions on the use of such document.

**LEGISLATIVE BILL 382.** By Venditte, 7th District.

A BILL FOR AN ACT relating to laetrile; to authorize the sale, prescription, and administration of such drug; to impose duties on physicians as prescribed; and to provide duties of the Department of Health.

**LEGISLATIVE BILL 382A.** By Venditte, 7th District; Labeledz, 5th District; Kahle, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, Eighty-sixth Legislature, First Session, 1979.

**LEGISLATIVE BILL 383.** By Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Stoney, 4th District; Wagner, 41st District; Venditte, 7th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 19, of the Constitution of Nebraska, relating to the Legislature; to remove a prohibition against increasing or decreasing the compensation of public officers during their term of office; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 388.** By Judiciary Committee: Nichol, 48th District, Chairman; Wagner, 41st District; Reutzell, 15th District; Pirsch, 10th District; Stoney, 4th District.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to create a fund; to provide duties; and to provide for disbursement from the fund as prescribed.

**LEGISLATIVE BILL 389.** By Nichol, 48th District.

A BILL FOR AN ACT relating to residential construction; to provide for certification of contractors as prescribed; to define terms; to provide exceptions; to create a board; to provide for membership; to provide duties; to provide for fees; to create a fund; and to provide penalties.

**LEGISLATIVE BILL 399.** By Merz, 1st District.

A BILL FOR AN ACT relating to meat; to require notice when imported meat or meat products are sold or offered for sale; to provide penalties; to provide for enforcement; to provide for rules and regulations; and to provide powers and duties.

**LEGISLATIVE BILL 402.** By Rumery, 42nd District.

A BILL FOR AN ACT relating to interest; to amend sections 25-1801 and 45-104, Reissue Revised Statutes of Nebraska, 1943; to provide interest on unsettled accounts as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 405.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Merz, 1st District; Fitzgerald, 14th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT relating to banking; to provide for state chartered capital stock savings and loan associations; to provide for licensure; to define terms; to provide duties; to provide penalties; and to provide for license revocation.

**LEGISLATIVE BILL 406.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to court reporters; to provide for making records of oral proceedings as prescribed; and to require that transcripts of such proceedings be made available.

**LEGISLATIVE BILL 409.** By Johnson, 8th District.

A BILL FOR AN ACT to amend section 43-210, Revised Statutes Supplement, 1978, relating to infants; to change provisions relating to certain probation hearings as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 410.** By Nebraska Retirement Systems Committee: Hasebrook, 18th District, Chairman; Cullan, 49th District; Lewis, 45th District; Fowler, 27th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to cities of the primary class; to change annuity benefit provisions for firemen; and to limit contribution changes as prescribed.

**LEGISLATIVE BILL 413.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Merz, 1st District; Lewis, 45th District.

A BILL FOR AN ACT relating to insurance; to provide for continuation of insurance for surviving family members after employee's death as prescribed; and to provide procedures.

**LEGISLATIVE BILL 418.** By Kelly, 35th District.

A BILL FOR AN ACT relating to mobile homes and recreational vehicles; to amend sections 71-4603, 71-4604.01, 71-4605, 71-4606, 71-4609, 71-4611, 71-4616, 71-4617, 71-4618, 71-4619, Reissue Revised Statutes of Nebraska, 1943, and sections 60-303 and 71-4608, Revised Statutes Supplement, 1978; to redefine terms; to change fees; to change duties of dealers; to authorize certain departmental agreements; to redefine a penalty; to create an advisory board; to provide for membership; to provide additional powers and duties of the department; to provide duties of manufacturers of recreational vehicles as prescribed; to provide an additional duty of the county treasurer; and to repeal the original sections, and also section 71-4607, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 418A.** By Kelly, 35th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 418, Eighty-sixth Legislature, First Session, 1979.

**LEGISLATIVE BILL 422.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to insurance; to provide requirements for certain insurance.

**LEGISLATIVE BILL 423.** By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 2-1504, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Natural Resources Commission; to change the number of members; to change the procedure for filling vacancies; and to repeal the original section.

**LEGISLATIVE BILL 426.** By Education Committee: Koch, 12th District, Chairman; Landis, 46th District; Lamb, 43rd District; George, 16th District; Beutler, 28th District.

A BILL FOR AN ACT to amend section 79-403, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to tracts of land being attached to another school district; and to repeal the original section.

**LEGISLATIVE BILL 430.** By Lewis, 45th District.

A BILL FOR AN ACT to adopt the Bus Passenger Safety Act; to make certain acts unlawful; and to provide penalties.

**LEGISLATIVE BILL 436.** By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Koch, 12th District; Carsten, 2nd District; Hefner, 19th District; Stoney, 4th District; Pirsch, 10th District; George, 16th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 14, of the Constitution of Nebraska, relating to the Legislature; to eliminate the requirement that bills be read at large before final passage; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 439.** By Hoagland, 6th District.

A BILL FOR AN ACT to adopt the Uniform Trustees' Powers Act; and to provide for severability.

**LEGISLATIVE BILL 440.** By Hoagland, 6th District.

A BILL FOR AN ACT to adopt the Uniform Principal and Income Act; and to provide for severability.

**LEGISLATIVE BILL 442.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to technical community college teachers; to provide a probationary period; to amend section 79-1254.02, Revised Statutes Supplement, 1978; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 445.** By Lamb, 43rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 11, of the Constitution of Nebraska, relating to revenue; to eliminate a restriction on taxation of public power; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 448.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Murphy, 17th District; Brennan, 9th District; Lewis, 45th District; Duis, 39th District.

A BILL FOR AN ACT to amend section 81-1329, Reissue Revised Statutes of Nebraska, 1943, and section 8-105, Revised Statutes Supplement, 1978, relating to the personnel system; to remove all bank examiners from the State of Nebraska Classification and Pay Plan; to authorize the Director of Banking and Finance to fix compensation for all examiners; and to repeal the original sections.

**LEGISLATIVE BILL 453.** By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District; Newell, 13th District; Cullan, 49th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 11, of the Constitution of Nebraska, relating to revenue; to remove the requirement that certain public corporations and political subdivisions make in lieu of tax payments; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 454.** By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District; Newell, 13th District.

A BILL FOR AN ACT to create the office of the Deputy Ombudsman for Public Utility Affairs; to provide for appointment; to authorize the employment of staff and assistants; to provide office space; to prescribe duties and responsibilities; to provide for procedures before the Power Review Board as prescribed; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 457.** By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District; Newell, 13th District.

A BILL FOR AN ACT relating to electrical rate increases; to provide procedures; to provide duties; to amend section 70-655, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

**LEGISLATIVE BILL 458.** By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District.

A BILL FOR AN ACT to amend section 70-625, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to restrict the use of electric revenue as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 460.** By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District; Cullan, 49th District.

A BILL FOR AN ACT relating to electric utility service; to permit service at a low rate as prescribed; to amend section 70-655, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

**LEGISLATIVE BILL 461.** By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District; Newell, 13th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 70-1014, Reissue Revised Statutes of Nebraska, 1943, relating to power districts and

corporations; to provide that certain findings be made before certain electric generation facilities and lines are constructed; and to repeal the original section.

**LEGISLATIVE BILL 462.** By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District; Newell, 13th District.

A BILL FOR AN ACT relating to electric service; to restrict rate charges for different classes of consumers as prescribed; to amend section 70-655, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

**LEGISLATIVE BILL 465.** By Burrows, 30th District.

A BILL FOR AN ACT to amend sections 32-216.01 and 32-221, Reissue Revised Statutes of Nebraska, 1943, and section 32-216, Revised Statutes Supplement, 1978, relating to elections; to provide for registration of voters on the day of primary and general elections as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 471.** By Venditte, 7th District.

A BILL FOR AN ACT to amend section 71-606, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to require death certificates as prescribed; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 473.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Maresh, 32nd District; Burrows, 30th District; DeCamp, 40th District.

A BILL FOR AN ACT to repeal sections 2-1575 to 2-1578 and 2-1580 to 2-1582, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1978, relating to the Nebraska Water Conservation Act of 1977.

**LEGISLATIVE BILL 480.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Merz, 1st District; Schmit, 23rd District; Lewis, 45th District; Brennan, 9th District.

A BILL FOR AN ACT relating to insurance; to authorize the Department of Insurance to promulgate rules and regulations as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 481.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Merz, 1st District; Schmit, 23rd District; Brennan, 9th District; Lewis, 45th District.

A BILL FOR AN ACT relating to insurance; to provide for licensing of insurance consultants; to define terms; to provide duties; to provide for license revocation or suspension; to provide severability; and to repeal sections 44-2601, 44-2602, 44-2604, and 44-2605, Reissue Revised Statutes of Nebraska, 1943, and section 44-2603, Revised Statutes Supplement, 1978.

**LEGISLATIVE BILL 483.** By Newell, 13th District.

A BILL FOR AN ACT to amend sections 43-109, 43-113, and 71-626.01, Reissue Revised Statutes of Nebraska, 1943, and sections 43-104.02 and 43-107, Revised Statutes Supplement, 1978, relating to adoption; to provide additional consent requirements; to provide for additional investigation as prescribed; to harmonize provisions; to provide for access to records; and to repeal the original sections.

**LEGISLATIVE BILL 484.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Brennan, 9th District; Lewis, 45th District; Sieck, 24th District; Simon, 31st District.

A BILL FOR AN ACT to repeal section 23-1736, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to repeal a prohibition of political activity.

**LEGISLATIVE BILL 485.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Lewis, 45th District; Brennan, 9th District; Sieck, 24th District; Simon, 31st District.

A BILL FOR AN ACT to adopt the Licensing of Truth and Deception Examiner's Act; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 485A.** By Miscellaneous Subjects Committee: Newell 13th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, Eighty-sixth Legislature, First Session, 1979.

**LEGISLATIVE BILL 486.** By Koch, 12th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 79-1344, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1334 and 79-1338, Revised Statutes Supplement, 1978, relating to schools; to change rates of financial support as prescribed; to change a method of calculation; to correct an internal reference; and to repeal the original sections.

**LEGISLATIVE BILL 487.** By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 77-202.30, Revised Statutes Supplement, 1978, relating to the Personal Property Tax Relief Fund; to change the method of distribution; and to repeal the original section.

**LEGISLATIVE BILL 488.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Brennan, 9th District; Simon, 31st District; Sieck, 24th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to authorize race track messenger services as prescribed; to provide for licensure; to provide fees; to provide powers and duties; to provide a tax; to create a fund; to provide for disbursements; to provide for revocation of a license; to provide for severability; and to repeal section 2-1221, Revised Statutes Supplement, 1978.

**LEGISLATIVE BILL 490.** By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 23-1703, 23-2802, and 23-2803, Reissue Revised Statutes of Nebraska, 1943, relating to county jails; to provide that the county board shall have charge of the jail and correction facilities as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 491.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 8-157, Reissue Revised Statutes of Nebraska, 1943, relating to banks; to permit not more than three detached auxiliary teller offices as prescribed; to permit the making of loans at such detached auxiliary teller offices; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 493.** By Constitutional Revision and Recreation Committee: Reutzell, 15th District, Chairman; Koch, 12th

District; Pirsch, 10th District; Carsten, 2nd District; Stoney, 4th District; George, 16th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 1, of the Constitution of Nebraska, relating to education; to provide for maintenance and support of a system of free public schools; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 496.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Merz, 1st District; Lewis, 45th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-1101, Revised Statutes Supplement, 1978, relating to securities; to provide additional exclusions; to repeal the original section, and also Laws 1978, LB 760, section 3; and to declare an emergency.

**LEGISLATIVE BILL 497.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Kahle, 37th District; Lamb, 43rd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 39-6,190, Reissue Revised Statutes of Nebraska, 1943, and section 28-523, Revised Statutes Supplement, 1978, relating to littering; to change penalties; and to repeal the original sections.

**LEGISLATIVE BILL 498.** By Judiciary Committee: Nichol, 48th District, Chairman; Venditte, 7th District; Reutzell, 15th District; Wagner, 41st District; Stoney, 4th District.

A BILL FOR AN ACT relating to estates; to amend section 24-559, Reissue Revised Statutes of Nebraska, 1943, and sections 30-2209, 30-2220, and 30-2476, Revised Statutes Supplement, 1978; to change filing requirements for real estate; to change notice requirements; to harmonize provisions; and to repeal the original sections, and also section 30-238, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 499.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Lewis, 45th District; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to adopt the Nebraska Tourism and Economic Development Act; to impose a sales tax on lodging; to define terms; to

provide for the collection of such tax; to prescribe the use of the proceeds; and to provide procedures.

**LEGISLATIVE BILL 501.** By Warner, 25th District.

A BILL FOR AN ACT relating to the State Board of Agriculture; to authorize the board to lease certain real estate.

**LEGISLATIVE BILL 502.** By Warner, 25th District.

A BILL FOR AN ACT relating to public power and public power and irrigation districts; to provide for the organization of not for profit corporations for the purpose of acquiring or operating electric generation or transmission facilities as prescribed; to provide rights, powers, and duties; to provide limitations; and to provide how this act shall be construed.

**LEGISLATIVE BILL 503.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Fowler, 27th District; Marsh, 29th District; Hoagland, 6th District; Hasebroock, 18th District.

A BILL FOR AN ACT relating to public welfare; to define terms; to provide assistance to employable disabled persons; to provide duties; to provide for fees; and to provide for appeals.

**LEGISLATIVE BILL 504.** By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 75-105, 75-106, 75-107, and 75-128, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to provide for the appointment of a secretary; to provide duties; to provide for reports as prescribed; to provide for grant of an application; to create a customer relations staff; to provide for adequacy of telephone service; to provide for plans; and to repeal the original sections.

**LEGISLATIVE BILL 507.** By Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; Cullan, 49th District; Vickers, 38th District; Clark, 47th District; Goodrich, 20th District.

A BILL FOR AN ACT to adopt the Agricultural and Industrial Branch Rail Revitalization Act of 1979; to define terms; to provide duties; to create a council; to provide for membership; and to provide for issuance of bonds.

**LEGISLATIVE BILL 515.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kahle, 37th District; Maresh, 32nd District; Lamb, 43rd District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to ratify the Interstate Compact on Agricultural Grain Marketing.

**LEGISLATIVE BILL 519.** By Judiciary Committee: Nichol, 48th District, Chairman; Stoney, 4th District; Wagner, 41st District; Pirsch, 10th District; Reutzell, 15th District.

A BILL FOR AN ACT to amend section 42-347, Reissue Revised Statutes of Nebraska, 1943, relating to divorce; to define additional terms; and to repeal the original section.

**LEGISLATIVE BILL 522.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to schools; to require that each school board establish priority expenditure programs as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 525.** By Sieck, 24th District.

A BILL FOR AN ACT relating to zoning; to provide for community living arrangements as prescribed.

**LEGISLATIVE BILL 526.** By Education Committee: Koch, 12th District, Chairman; George, 16th District; Landis, 46th District; Kremer, 34th District; Kahle, 37th District.

A BILL FOR AN ACT relating to tuition and fees at state educational institutions; to provide for reimbursement of certain tuition credits.

**LEGISLATIVE BILL 530.** By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 71-1901, 71-1902, and 71-1903, Reissue Revised Statutes of Nebraska, 1943, relating to the board and care of children; to redefine a term; to remove a fee; to allow a probationary license; to change the term of a license; to require annual inspections; and to repeal the original sections.

**LEGISLATIVE BILL 533.** By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Fowler, 27th District; Lewis, 45th District.

A BILL FOR AN ACT to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943, and section 24-707 and 24-710, Revised Statutes Supplement, 1978, relating to judges retirement; to provide for early retirement; to provide early retirement benefits; to change the method of calculating retirement annuity for future members; to provide that associate county judges shall not be members of the retirement system; and to repeal the original sections.

**LEGISLATIVE BILL 535.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Sieck, 24th District; Simon, 31st District; Brennan, 9th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend sections 49-1410, 49-1413, 49-1427, 49-1445, 49-1446, 49-1449, 49-1451, 49-1454, 49-1459 to 49-1464, 49-1466, 49-1469, 49-1472, 49-1479, 49-1496, 49-14,105, 49-14,106, 49-14,111, 49-14,112, 49-14,121, and 49-14,129, Revised Statutes Supplement, 1978, relating to the Nebraska Political Accountability and Disclosure Commission; to redefine a term; to change membership of the commission as prescribed; to change appointment procedures; to change filing requirements as prescribed; to provide certain requirements for political funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 549.** By Appropriations Committee: Warner, 25th District, Chairman; Hasebroock, 18th District; Rumery, 42nd District; Dworak, 22nd District; Fowler, 27th District.

A BILL FOR AN ACT relating to appropriations; to authorize the installation of a capacity chiller as prescribed; to make appropriations; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 550.** By Appropriations Committee: Warner, 25th District, Chairman; Hasebroock, 18th District; Rumery, 42nd District; Dworak, 22nd District; Cope, 36th District.

A BILL FOR AN ACT relating to appropriations; to provide procedures for determining appropriations; to require a report by the Appropriations Committee of the Legislature; to provide for appropriation priorities; and to declare an emergency.

**LEGISLATIVE BILL 552.** By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Pirsch, 10th District; George, 16th District; Stoney, 4th District; Hefner, 19th District; Carsten, 2nd District; Koch, 12th District.

A BILL FOR AN ACT to amend sections 37-101 and 37-201, Revised Statutes Supplement, 1978, relating to game and parks; to redefine terms; to specify additional predators that may be destroyed as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 566.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Maresh, 32nd District; Haberman, 44th District; Nichol, 48th District; Burrows, 30th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 54-1704, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to change an application fee as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 572.** By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District; Chambers, 11th District; Reutzell, 15th District.

A BILL FOR AN ACT relating to district court funds; to amend sections 24-345, 24-348, and 69-1318, Reissue Revised Statutes of Nebraska, 1943; to provide that certain funds be paid to the State Treasurer; to provide duties; to allow claims; and to repeal the original sections, and also sections 24-346 and 24-347, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 592.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Hasebroock, 18th District; Labeledz, 5th District; Fowler, 27th District; Dworak, 22nd District; Hoagland, 6th District.

A BILL FOR AN ACT to repeal section 83-409, Reissue Revised Statutes of Nebraska, 1943; and to provide an operative date.

**LEGISLATIVE BILL 597.** By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Stoney, 4th District; Wagner, 41st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1001 to 25-1004, 25-1009 to 25-1011, 25-1016, 25-1024, 25-1025, 25-1029, 25-1030, 25-1041, 25-1050, and 25-1056, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to attachments as prescribed; to change provisions relating to garnishments in aid of execution; to repeal the original sections, and also sections 25-1012, 25-1038, and 25-1053, Reissue Revised Statutes of Nebraska, 1943, and section 25-1013, Revised Statutes Supplement, 1978.

**FIRST DAY - JANUARY 9, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 9, 1980

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Sixth Legislature, Second Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:01 a.m. on Wednesday, January 9, 1980, and was called to order by President Luedtke.

**PRAYER**

The prayer was offered by Chaplain Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

Lord of us all, at the start of this session in the dawn of a decade, we are anxiously aware of the winds of change blowing around us, the dangers of this day hovering over us, and the issues of this Legislature menacingly confronting us. Make us equally aware of the resources we each have within us, of the people we represent all around us and the God who fashioned us watching over us.

There are some familiar faces which are gone from this chamber, and we remember them; other new faces have come, and we welcome them; many familiar faces have returned, and we are gladdened by them.

During these coming months may we come closer to the truth, and though we may at times be too proud to cry, too grim to laugh, too sophisticated to enjoy, or too hard to repent, may we never be too legal to love, too narrow to notice, or too proud to pray. Amen.

Presentation of Colors by the Nebraska National Guard.

**ROLL CALL**

The roll was called and the following members were present.

|                      |                     |                       |
|----------------------|---------------------|-----------------------|
| Barrett, Bill        | Hoagland, Peter     | Murphy, J. R.         |
| Beutler, Chris       | Johnson, Vard Royce | Newell, David R.      |
| Burrows, George      | Kahle, Martin F.    | Nichol, William E.    |
| Carsten, Calvin F.   | Kelly, Ralph D.     | Pirsch, Carol McBride |
| Chronister, Harry B. | Kennedy, Thomas C.  | Powers, Ray           |
| Clark, Robert L.     | Keyes, Orval A.     | Reutzel, Barry L.     |
| Cope, Ron            | Koch, Gerald D.     | Rumery, Myron G. A.   |
| Cullan, Samuel K.    | Kremer, Maurice A.  | Schmit, Loran         |
| DeCamp, John         | Labeledz, Bernice   | Sieck, Harold F.      |
| Dworak, Donald N.    | Lamb, Howard A.     | Simon, Neil           |
| Fitzgerald, Tom      | Landis, Dave        | Venditte, Patrick L.  |
| Fowler, Steve        | Lewis, Frank        | Vickers, Tom          |
| George, Walter       | Maresh, Richard     | Warner, Don           |
| Goodrich, Glenn A.   | Marsh, Shirley Mac  | Warner, Jerome        |
| Haberman, Rex S.     | Marvel, Richard D.  | Wesely, Don           |
| Hefner, Elroy        | Merz, Nelson        |                       |

Messrs. Ernest Chambers and Larry D. Stoney were excused until they arrive.

#### **MOTION - Adopt Rules**

Mr. Fowler moved that we adopt temporary Rules until such time that a motion to adopt permanent Rules is made.

The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

#### **MOTION - Advise Governor**

Speaker Marvel moved to advise that a committee of five be appointed to advise the Governor that the Eighty-Sixth Legislature, Second Session, of the Nebraska Legislature has convened and is ready for the transaction of business.

The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

The Chair appointed Messrs. Clark, DeCamp, Kremer, Lewis, and Warner to serve on said committee.

#### **EASE**

The Legislature was at Ease from 10:11 a.m. until 10:18 a.m.

The committee returned and delivered the following message.

**MESSAGE FROM THE GOVERNOR**

January 9, 1980

The Honorable President, Speaker, and  
Members of the Nebraska Legislature:

It is with great pleasure that I welcome you back to the Second Session of the Eighty-sixth Legislature. I realize that during this sixty-day session, every minute is valuable. As I will deliver my Budget Address and State of the State Message to you personally tomorrow, I have chosen not to appear today. This will allow you to devote your limited time to the many tasks before you.

As we begin this decade, we will face many tough issues that were carried forward from the last. We will also face new challenges and opportunities. I wish to take this occasion to renew my pledge to work cooperatively with you to find solutions to our problems, old and new. By working together, we can make state government a more effective servant of all of the people of Nebraska.

With kind personal regards,

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:bhd

**CERTIFICATE FROM THE SECRETARY OF STATE**

STATE OF NEBRASKA  
DEPARTMENT OF STATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Eighty-sixth Legislature, Second Session (Regular), 1980.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected or appointed Members of the Unicameral Legislature in the State of Nebraska for the Eighty-sixth Legislature, Second Session (Regular), 1980.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of January in the year of our Lord, one thousand nine hundred and eighty.

(Signed) Allen J. Beermann  
Secretary of State

(SEAL)

MEMBERS OF THE LEGISLATURE  
EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION (Regular) 1980

| DISTRICT | NAME                 | ELECTED                   |
|----------|----------------------|---------------------------|
| 1        | Nelson Merz          | November 2, 1976          |
| 2        | Calvin Carsten       | November 7, 1978          |
| 3        | Orval Keyes          | November 2, 1976          |
| 4        | Larry Stoney         | November 7, 1978          |
| 5        | Bernice Labeledz     | November 2, 1976          |
| 6        | Peter Hoagland       | November 7, 1978          |
| 7        | Patrick Venditte     | November 2, 1976          |
| 8        | Vard Johnson         | November 7, 1978          |
| 9        | Ray Powers           | Appointed August 31, 1979 |
| 10       | Carol McBride Pirsch | November 7, 1978          |
| 11       | Ernest Chambers      | November 2, 1976          |
| 12       | Gerald Koch          | November 7, 1978          |
| 13       | David Newell         | November 2, 1976          |
| 14       | Tom Fitzgerald       | November 7, 1978          |
| 15       | Barry Reutzel        | November 2, 1976          |
| 16       | Walter George        | November 7, 1978          |
| 17       | John R. Murphy       | November 2, 1976          |
| 18       | Harry B. Chronister  | Appointed June 22, 1979   |
| 19       | Elroy M. Hefner      | November 2, 1976          |
| 20       | Glenn A. Goodrich    | November 7, 1978          |
| 21       | Thomas C. Kennedy    | November 7, 1978 (2 yr.)  |
| 22       | Donald N. Dworak     | November 7, 1978          |
| 23       | Loran Schmit         | November 2, 1976          |
| 24       | Harold F. Sieck      | November 7, 1978          |
| 25       | Jerome Warner        | November 2, 1976          |
| 26       | Don Wesely           | November 7, 1978          |
| 27       | Steve Fowler         | November 2, 1976          |
| 28       | Chris Beutler        | November 7, 1978          |
| 29       | Shirley Marsh        | November 2, 1976          |
| 30       | George Bill Burrows  | November 7, 1978          |
| 31       | Neil Simon           | November 2, 1976          |
| 32       | Richard Maresh       | November 7, 1978          |
| 33       | Richard D. Marvel    | November 2, 1976          |

|    |                    |                           |
|----|--------------------|---------------------------|
| 34 | Maurice A. Kremer  | November 7, 1978          |
| 35 | Ralph D. Kelly     | November 2, 1976          |
| 36 | Ron Cope           | November 7, 1978          |
| 37 | Martin F. Kahle    | November 2, 1976          |
| 38 | Tom Vickers        | November 7, 1978          |
| 39 | William Barrett    | Appointed June 15, 1979   |
| 40 | John DeCamp        | November 7, 1978          |
| 41 | Donald L. Wagner   | Appointed January 5, 1979 |
| 42 | Myron G. A. Rumery | November 7, 1978          |
| 43 | Howard Lamb        | November 2, 1976          |
| 44 | Rex Haberman       | November 7, 1978          |
| 45 | Frank Lewis        | November 2, 1976          |
| 46 | David M. Landis    | November 7, 1978          |
| 47 | Robert L. Clark    | November 2, 1976          |
| 48 | William E. Nichol  | November 7, 1978          |
| 49 | Samuel K. Cullan   | November 2, 1976          |

**MESSAGE FROM THE SECRETARY OF STATE**

January 9, 1980

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Ray P. Powers as Member of the Legislature from the Ninth (9th) Legislative District for the unexpired term of William Brennan, deceased.

Sincerely,  
(Signed) ALLEN J. BEERMANN  
Secretary of State

Enclosures

**GUBERNATORIAL APPOINTMENT**

KNOW ALL MEN BY THESE PRESENTS:

That I, Charles Thone, Governor of the State of Nebraska, do hereby appoint Ray P. Powers of 3316 Woolworth Ave., Omaha 68105 to the office of Member of the Legislature, Ninth District to do and perform all the duties of said office for the term beginning August 31, 1979 for



I hereby certify that the foregoing appointment was made by Governor Charles Thone under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this ninth day of January in the year of our Lord, one thousand nine hundred and eighty.

(Signed) Allen J. Beermann  
Secretary of State

(SEAL)

**MESSAGE FROM THE SECRETARY OF STATE**

January 9, 1980

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Harry B. Chronister as Member of the Legislature from the Eighteenth (18th) District for the unexpired term of William Hasebroock, deceased.

Sincerely,  
(Signed) ALLEN J. BEERMANN  
Secretary of State

Enclosures

**GUBERNATORIAL APPOINTMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

That I, CHARLES THONE, Governor of the State of Nebraska, do hereby appoint Harry B. Chronister of Route 1, Schuyler, NE 68861 to the office of member of the Legislature - District 18 to do and perform all the duties of said office for the term beginning June 22, 1979 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 7, 1981. Said appointee succeeds William Hasebroock, deceased.



I hereby certify that the foregoing appointment was made by Governor Charles Thone under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this ninth day of January in the year of our Lord, one thousand nine hundred and eighty.

(SEAL)

(Signed) Allen J. Beermann  
Secretary of State

**MESSAGE FROM THE SECRETARY OF STATE**

January 9, 1980

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Bill Barrett as Member of the Legislature from the Thirty-Ninth (39th) District for the unexpired term of Herb Duis, resigned.

Sincerely,  
(Signed) ALLEN J. BEERMANN  
Secretary of State

Enclosures

**GUBERNATORIAL APPOINTMENT**

KNOW ALL MEN BY THESE PRESENTS:

That I, CHARLES THONE, Governor of the State of Nebraska, do hereby appoint Bill Barrett of Box 366, Lexington, NE 68850 to the office of member of the Legislature - District 39 to do and perform all the duties of said office for the term beginning June 15, 1979 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 7, 1981. Said appointee succeeds Herb Duis, resigned.



I hereby certify that the foregoing appointment was made by Governor Charles Thone under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this ninth day of January in the year of our Lord, one thousand nine hundred and eighty.

(Signed) Allen J. Beermann  
Secretary of State

(SEAL)

The Chair introduced the new members and their families.

**MESSAGES FROM THE GOVERNOR**

August 20, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the Agricultural Products Industrial Utilization Committee:

Ronald Kelly, 623 Emerson, Alliance 69301, term expiring July 1, 1983.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:MH

cc: Ronald Kelly  
Committee on Committees  
Agricultural Products Industrial Utilization Committee

August 20, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Investment Council requiring legislative confirmation:

Gwen Hershberger, 715 Park Avenue, Milford, Nebraska  
68405, succeeding Glenn Chase, resigned, term expiring  
September 18, 1980

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Gwen Hershberger  
Committee on Committees  
Nebraska Investment Council

August 20, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Advisory Committee of the Department of Economic Development requiring legislative confirmation:

Reappointment of:  
John W. Cattle, Sr., Box 467, Seward 68434  
Appointments of:

FIRST DAY - JANUARY 9, 1980

47

Arthur L. Knox, 920 Pine Tree Lane, Lincoln, 68521 - succeeds  
W. W. Cook, term expired  
Robert Krohn, 1427 South 85th, Omaha 68124 - succeeds  
William Spitzenberger, term expired  
James Stuart, Jr., 625 Stuart Building, Lincoln 68508 - succeeds  
Clifford Williams, term expired  
Bruce Allen, 1421 West C, North Platte 69101 - succeeds Ed  
Loutzenheiser, term expired.

I respectfully submit these appointments, all expiring July 1, 1983,  
for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh  
cc: All appointees  
Committee on Committees

August 20, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the  
following appointment to the Board of Trustees of Nebraska State  
Colleges requiring legislative confirmation:

J. Alan Cramer, 711 Fairacres Road, Wayne 68787, succeeding  
Henry Ley, deceased, term expiring January 1, 1981.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh  
cc: J. Alan Cramer  
Committee on Committees  
Board of Trustees Nebraska State Colleges

August 20, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Agricultural Products Industrial Utilization Committee requiring legislative confirmation:

- Don Larson, 917 3rd Corso, Nebraska City, 68140, representing general farming, term expiring July 1, 1981
- Doris Royal, Springfield, 68059, representing wheat, term expiring July 1, 1981
- Dean Marsh, Hartington 68739, succeeding Holly Hodge, term expired, and to serve until July 1, 1983
- M. E. "Bus" Whitehead, 2433 Woodcrest, Lincoln 68502, succeeding Wayne R. Winslow, term expired, and to serve until July 1, 1983.

I respectfully submit these appointments for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: All appointees  
Committee on Committees  
Agricultural Products Industrial Utilization Committee

August 20, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Directors for the Omaha Public Power District requiring legislative confirmation:

FIRST DAY - JANUARY 9, 1980

49

Gene P. Spence, 9737 Frederick, Omaha 68124, succeeding Rosemary Skrupa, resigned, and to serve as the law provides.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Gene P. Spence  
Committee on Committees  
Omaha Public Power District

August 20, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Political Accountability and Disclosure Commission requiring legislative confirmation:

Mimi Waldbaum, 1327 South 91st Avenue, Omaha 68124, for a six year term, newly created by law, expiring July 1, 1985.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Mimi Waldbaum  
Committee on Committees  
Accountability and Disclosure Commission

August 20, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Liquor Control Commission requiring legislative confirmation:

Herbert J. Duis, 2012 Lake Avenue, Gothenburg 69138,  
succeeding Lowell Shaffer, term expiring May 24, 1985.

I respectfully submit this appointment for your consideration.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

cc: Herbert J. Duis  
Committee on Committees  
Liquor Control Commission

August 24, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Coordinating Commission for Postsecondary Education requiring legislative confirmation:

James Nils Ackerman, Lincoln  
Ivan Abdouch, Omaha  
Allen Burkhardt, Norfolk

I respectfully submit these appointments, all expiring June 3, 1985,  
for your consideration.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

cc: All appointees  
Committee on Committees  
Coordinating Commission for Postsecondary Education

FIRST DAY - JANUARY 9, 1980

51

August 24, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Coordinating Commission for Postsecondary Education requiring legislative confirmation:

Greg Eden, 669 North 57th, Omaha 68132, term expiring June 3, 1984, succeeding Sam Jensen, resigned.

I respectfully submit this appointment for your consideration.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

cc: Greg Eden  
Committee on Committees  
Coordinating Commission for Postsecondary  
Education

August 24, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Environmental Control Council requiring legislative confirmation:

Reappointments:  
Ed Narjes, R.R. 2, Box 40, Sidney 69162  
E. A. Olson, 925 South 52nd, Lincoln 68510  
Richard Veach, 1030 Palamino Road, Omaha 68154  
Appointments:

Hal Schroeder, 1404 Sharp Building, Lincoln 68508, succeeding  
Dr. David H. Smith, term expired

Hal Daub, 12209 Leavenworth, Omaha 68154, succeeding C. R.  
Lambert, term expired Mel Beermann, R. R. 1, Box 207,  
Dakota City 68731, succeeding Wendell Gangwish, term  
expired

Dr. Maurice Frazer, 1744 South 58th, Lincoln 68506, succeeding  
James H. Walston, term expired.

Harold E. Kirkpatrick, Box 70, Lexington 68850, succeeding  
Paul Harm, term expired.

All of the above appointments will expire June 22, 1983.

I respectfully submit these appointments for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: All appointees  
Committee on Committees  
Environmental Control Council

August 24, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the  
following appointment to the Motor Vehicle Industry Licensing  
Board, requiring legislative confirmation:

Ted Cannon, 1202 East 35th, Scottsbluff 69361, term expiring  
May 18, 1982, succeeding Robert Kramer, term expired.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Ted Cannon  
Committee on Committees

Motor Vehicle Industry Licensing Board

August 30, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the newly formed Commission for the Hearing Impaired requiring legislative confirmation:

Chairman:

James E. Kamas, 1208 Mulder Drive, Lincoln 68510, term  
expiring January 31, 1984.

Members:

Beverly Thomas, RR 3, Kearney 68847, term expiring January  
31, 1984.

Henry Barthuly, 1851 22nd Street, Mitchell 69357, term expiring  
January 31, 1982.

Dr. Patricia Sullivan, Boys Town, 555 North 30th, Omaha  
68131, term expiring January 31, 1986.

Berton Leavitt, 6841 Starr Street, Lincoln 68505, term expiring  
January 31, 1984.

Beverly Steskal, 1726 South 29th, Omaha 68105, term expiring  
January 31, 1986.

Dr. George Propp, RFD #1, Box 4E, Davey 68336, term  
expiring January 31, 1986.

Gerald Hoffmaster, 4 Country Club Heights, York 68467, term  
expiring January 31, 1982.

Betty Lof, 3044 Belvedere Boulevard, Omaha, term expiring  
January 31, 1982.

I respectfully submit these appointments for your consideration.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

cc: All appointees

Committee on Committees

Commission for the Hearing Impaired

August 30, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the Commission of Industrial Relations requiring legislative confirmation:

John M. Gradwohl, U of N, College of Law - Rm 217, Lincoln  
68508, term expiring June 9, 1985.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: John M. Gradwohl  
Committee on Committees  
Commission of Industrial Relations

August 30, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Motor Vehicle Licensing Board:

Hubert W. Monsky, Omaha, term expiring May 18, 1982  
Gerald Novelty, Omaha, term expiring May 19, 1982

I respectfully submit these appointments for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Hubert W. Monsky  
Gerald Novelty  
Committee on Committees  
Motor Vehicle Licensing Board

September 17, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Rural Health Manpower Commission requiring legislative confirmation:

Tod Voss, 4623 Douglas, Omaha 68132, for a term expiring September 1, 1980, succeeding Gary Ensz, who replaced Ben Meckel.

Gary Ensz, M.D., 908 13th Street, Auburn 68305, for a term expiring September 1, 1980, succeeding Ben Meckel, resigned.

I respectfully submit these appointments for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:MH

cc: All Appointees  
Committee on Committees  
Accountability and Disclosure Commission  
Rural Health Manpower Commission

September 17, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Manufactured Housing Advisory Board requiring legislative confirmation:

William M. Fenton, 226 Stuart Building, Lincoln 68508  
 Charles Thomsen, 1515 Sharp Building, Lincoln 68508  
 Harold E. Dwyer, 109 East B Street, Hastings 68901

I respectfully submit these appointments, all expiring July 29, 1981,  
 for your consideration.

(Signed) Sincerely,  
 CHARLES THONE  
 Governor

CT:mh

cc: All Appointees  
 Committee on Committees  
 Accountability and Disclosure Commission  
 Manufactured Housing Advisory Board

September 17, 1979

Mr. President, Mr. Speaker and  
 Members of the Legislature  
 State Capitol  
 Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the  
 following appointment requiring legislative confirmation:

W. Ralph Michener, Lincoln, Nebraska, Director, Department  
 of Institutions, for a term as provided by law, succeeding Jack  
 Cleavenger, term expired.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
 CHARLES THONE  
 Governor

CT:MH

cc: W. Ralph Michener  
 Committee on Committees  
 Accountability and Disclosure Commission  
 Department of Institutions

FIRST DAY - JANUARY 9, 1980

57

October 3, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Coordinating Commission for Postsecondary Education requiring legislative confirmation:

James Nils Ackerman, Lincoln  
Ivan Abdouch, Omaha  
Allen Burkhardt, Norfolk

I respectfully submit these appointments, all expiring June 3, 1982, for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: All appointees  
Committee on Committees  
Coordinating Commission for Postsecondary Education

October 10, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the State Highway Commission requiring legislative confirmation:

Milan Bish, Box 1365, Grand Island 68801, succeeding Everett Lillich, term expired;  
Paul Mohr, 3524 Skyline Drive, Scottsbluff 69361, succeeding Joe Huckfeldt, term expired.

These terms expire September 14, 1985.

I respectfully submit these appointments for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Milan Bish  
Paul Mohr  
Committee on Committees  
Highway Commission

October 10, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Nebraska Arts Council for three year terms expiring September 2, 1982, requiring legislative confirmation:

Reappointment of:

R. Jerry Hargitt, 100 South 19th, Omaha 68102

Appointment of:

Dr. Gail Walling, 6520 Rainwood Road, Omaha 68152,  
replacing Paul Amen, resigned;

Mrs. Jody Asmussen, Box 27, Neligh 68746, succeeding Dr.  
James Thayer, term expired;

Mrs. Gloria Dinsdale, Box 38, Palmer, 68864, succeeding Mrs.  
Tom Creigh, term expired;

Mrs. LaVon Crosby, 3720 South 40th, Lincoln, 68506,  
succeeding Mrs. Nancy Van Pelt, term expired.

I respectfully submit these appointments for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: All appointees  
Committee on Committees  
Nebraska Arts Council

FIRST DAY - JANUARY 9, 1980

59

October 15, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Public Employees Retirement Board requiring legislative confirmation:

Phil Kaldahl, 1116 Lincoln Road, Bellevue 68005, succeeding  
W. Gale Rumpeltes, term expired;  
Ron Elmshauser, 3730 LaSalle, Lincoln 68516, succeeding  
Lowell W. Fisk, term expired.

These terms expire January 1, 1982.

I respectfully submit these appointments for your consideration.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

cc: Phil Kaldahl  
Ron Elmshauser  
Committee on Committees  
Public Employees Retirement Board

October 15, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the State Personnel Board requiring legislative confirmation:

Mr. Jerry Sellentin, 2325 St. Thomas Drive, Lincoln 68502,  
succeeding Helen Lassek, term expired.

Mr. Sellentin's term will expire August 4, 1985.

I respectfully submit these facts for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Jerry Sellentin  
Committee on Committees  
State Personnel Board

October 15, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the Board of Educational Lands and Funds, expiring October 1, 1984, and requiring legislative confirmation:

Mr. John B. Cassel, P. O. Box 105, Ainsworth 69210.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: John B. Cassel  
Committee on Committees  
Board of Educational Lands and Funds

October 15, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

FIRST DAY - JANUARY 9, 1980

61

Dear Mr. President and Senators:

This is to inform your honorable body that I have reappointed the following chairman of the Parole Board to serve until September 9, 1985, requiring legislative confirmation:

John Greenholtz, Box 94754, Lincoln 68509.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: John Greenholtz  
Committee on Committees  
Parole Board

November 2, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Motor Vehicle Licensing Board requiring legislative confirmation:

Roger Cross, 5020 Howard Blvd., Columbus 68601 - succeeding  
Dale F. Sailors, term expiring October 19, 1982.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Roger Cross  
Committee on Committees  
Motor Vehicle Licensing Board

November 2, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

Irwin S. Chesen, P. O. Box 94666, Lincoln 68509, Director of the Department of Economic Development, succeeding Ron Mertens, resigned, to a term as provided by law.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Irwin S. Chesen  
Committee on Committees  
Department of Economic Development

December 18, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Oil and Gas Commission requiring legislative confirmation:

Mike Carr, P. O. Box 818, McCook 69001, for a term until September 28, 1983 - succeeding Ray Smith, term expired.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Mike Carr  
Committee on Committees  
Nebraska Oil and Gas Commission

December 18, 1979

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Investment Council requiring legislative confirmation:

Cal Coulter, Star Route, Bridgeport 69336, term expiring September 18, 1984, and succeeding George Howard, term expired.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Cal Coulter  
Committee on Committees  
Nebraska Investment Council

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 128  
July 12, 1979

Dear Senator Haberman:

This is a response to your inquiry concerning LB 623, which was passed in the 1978 Legislature session.

Following the receipt of your letter, this office contacted the Department of Welfare concerning that agency's interpretation of LB 623 and the extent of its implementation. We were informed that you had been in regular contact with the Department and that on May

22, 1979, Mr. Knight, the Director, had forwarded to you a resume of the services implemented by the Department pursuant to LB 623. In the interest of brevity we will not set out the details of that resume, but you will note that contracts were effected with 15 Domestic Abuse Projects for periods beginning the end of 1978 or the beginning of 1979 for a period of six months. These contracts, ranging up to \$10,000.00 were agreed upon after a review rating of 20 proposals by a select committee.

In a follow-up contact with the Department of Welfare, we found that on June 11, 1979, the Department of Welfare provided you with additional information in response to your request of May 30, 1979. That response set out the expenditures of each of the above mentioned projects through April 30, 1979. It further set out the fact that the Department hired one staff member to be responsible for the coordination of the Domestic Abuse Program and it included a review of the cost and the number of participants in the Statewide Training Conference on Domestic Violence.

Our interview with the representatives of the Department of Welfare indicates that the information forwarded to you is a fair representation of the extent of the implementation of LB 623 by the Department of Welfare. This brings us to the essence of your request:

1. Has the intent of the Legislature been properly interpreted in regard to funding of domestic violence projects? and,
2. Is it the duty of the State Department of Public Welfare to provide the services enumerated in the statute rather than the duty of the local welfare and social service units? If so, what is the recourse for a community which did not receive a grant, but has need for services?

In regard to question number one, we do not feel that it is the duty of this office to opine to the Legislature as to whether the intent of that body concerning a particular bill has been properly implemented. Further, 84-901.02(2)(a), R.S.Supp., 1978, provides that the Legislature's Administrative Rules and Regulations Review Committee shall determine whether the administration of programs created by the Legislature are consistent with legislative intent. We would suggest that the Legislature itself could best make that determination except where an actual controversy exists and then "intent" would properly be decided by the courts.

In regard to your question number two, we note that it is not the desire of this office to regularly comment on existing legislation in the absence of a justiciable controversy. However, in this instance we have reviewed LB 623 and we note that section 4 states:

"The department shall establish and maintain comprehensive support services to aid victims of domestic abuse and to provide

prevention and treatment programs to aid victims of domestic abuse, their families, and abusers." (Emphasis added.)

Section 5 describes the support services.

Section 6 reads as follows:

"The department shall provide the support services as provided in section 5 of this act to any person who seeks such services." (Emphasis added.)

We note that the above quoted section 6 uses the directive word "shall" rather than the permissive word "may," which would indicate that the program was to be effective statewide.

This office makes the above observations with the understanding that in the process of implementation of such a bill the Director is influenced by competing priorities and the extent of appropriations, both of which are relevant factors in the event of a controversy.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
Royce N. Harper  
Assistant Attorney General

(Signed)

RNH:tlk

cc Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 131  
July 19, 1979

Dear Senator Wesely:

This is in reply to your inquiry concerning possible liability for public statements by a state senator.

As you suggested, the United States Supreme Court in Hutchinson v. Proxmire, recently had occasion to go into this subject.

The Supreme Court examined both the scope of the immunity of a U.S. Senator under the Speech and Debate Clause of the United States Constitution as well as the question of liability for defamation if the person claiming to have been injured was a "public figure."

On the first question, the court reaffirmed that the Speech and Debate Clause protects congressmen not only for utterances made within the four walls of either chamber but also protects committee hearings and committee reports. Citing Doe v. McMillan, 412 U.S. 306 (1973) and Gravel v. United States, 408 U.S. 606 (1972). The court emphasized, however, that the protection extended only to "legislative activities." Proxmire argued that such things as newsletters to constituents and press releases were part of his

legislative activities as this brought pressure on other congressmen, governmental agencies and also exercised his “informing” obligation. The court rejected this argument pointing out that even republication of defamatory material first uttered within the four walls of Congress had been held to not be protected by the Speech and Debate Clause. Quoting from Doe v. McMillan, 412 U.S. 306, 314-315, the court stated:

“A Member of Congress may not with impunity publish a libel from the speaker’s stand in his home district, and clearly the Speech or Debate Clause would not protect such an act even though the libel was read from an official committee report. The reason is that republishing a libel under such circumstances is not an essential part of the legislative process and is not part of that deliberative process ‘by which Members participate in committee and House proceedings.’ “

The court then held:

“We reach a similar conclusion here. A speech by Proxmire in the Senate would be wholly immune and would be available to other Members of Congress and the public in the Congressional Record. But neither the newsletters nor the press release was ‘essential to the deliberations of the Senate’ and neither was part of the deliberative process.”

The court bolstered its opinion with the following from United States v. Johnson, 383 U.S. 169 (1966). The court stated:

“In stating that those things [Johnson’s attempts to influence the Department of Justice] ‘in no wise related to the due functioning of the legislative process’ were not covered by the privilege, the Court did not in any sense imply as a corollary that everything that ‘related’ to the office of a Member was shielded by the Clause. Quite the contrary, in Johnson we held, citing Kilbourn v. Thompson, supra, that only acts generally done in the course of the process of enacting legislation were protected.

“In no case has this Court ever treated the Clause as protecting all conduct relating to the legislative process.

“In its narrowest scope, the Clause is a very large, albeit essential, grant of privilege. It has enabled reckless men to slander [by speech or debate] and even destroy others with impunity, but that was the conscious choice of the Framers.”

“We are unable to discern any ‘conscious choice’ to grant immunity for defamatory statements scattered far and wide by mail, press, and the electronic media.” Hutchinson v. Proxmire, supra.

As to the argument that the “information” function is a part of the legislative process the court clarified that it had used this term in

previous cases to cover congressional efforts to inform itself through committee hearings and reports as a part of the legislative function and not the activity of members of Congress telling the public about their activities. "Valuable and desirable as it may be in broad terms, the transmittal of such information by individual Members in order to inform the public and other Members is not a part of the legislative function or the deliberations that make up the legislative process."

In deciding the first amendment "free speech issue" the court held that the plaintiff had not become a "public figure" by accepting grants of public funds for research and by publishing reports as to his research or by answering Senator Proxmire's charges in the press. (The reason Proxmire wanted to establish that the plaintiff was a "public figure" was because the Supreme Court had held in New York Times v. Sullivan, 376 U.S. 254 (1964), that a "public figure" could not sustain any cause of action for defamation unless he could show that the defamation had been made with "actual malice.")

In Tenney v. Brandhove, 341 U.S. 367, the United States Supreme Court held that state legislators, "acting in a field where legislators traditionally have power to act" are immune from civil liability under the Civil Rights Act. We assume that the same definitions and reasoning used by the court as to congressmen in the various cases discussed, would be used as to state legislators in any defamation based lawsuit.

In the recent case of William E. Green, plaintiff v. John W. DeCamp, et al., defendants, in the United States District Court for the District of Nebraska, Chief Judge Urbom in dismissing plaintiff's petition held that committee activities of the Nebraska Legislature were a proper legislative function and that the state legislators were immune while so acting, reaffirming and applying as to state legislators, Tenney v. Brandhove, above, and previous U. S. Supreme Court cases as to congressmen mentioned earlier herein.

In light of the foregoing, it would be our opinion that a state legislator making defamatory statements, whether in the form of an award or otherwise, by the use of newsletters, press releases or other modes of transmitting information would be personally liable. A state legislator, in our opinion, would be protected so long as such statements were made upon the floor, in legislative committee or in legislative committee reports distributed in the normal course of legislative activities.

Respectfully submitted,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Mel Kammerlohr  
Assistant Attorney General

MK:pjs

cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 137  
August 2, 1979

Dear Senator Cope:

We are in receipt of your letter of July 20, 1979, calling to our attention a service provided by the Retail Merchants Association of Nebraska to their members which involves furnishing their members forms to use in the collection of insufficient fund checks.

You asked in your letter whether or not in our opinion the associations distributing these forms to their members caused them to become a collection agency and therefore require them to be licensed under the statutes requiring collection agencies to be licensed. You indicate that if in our opinion this activity would require the Retail Merchants Association of Nebraska to become licensed as collection agencies you would introduce legislation to correct that situation.

You draw our particular attention to section 81-8,159, R.R.S. 1943, subsection (3) and (4). From our analysis of these subsections we believe that the Retail Merchants Association of Nebraska is not a collection agency within those definitions and therefore would not be required to obtain a license before it distributes to its members forms such as that which you enclosed.

You did not direct our attention to subsection (1) of section 81-8,159, R.R.S. 1943, however, that section also defines collection agency. We have reviewed this section and while we have some slight concern over whether or not the Retail Merchants Association is "indirectly engaged in soliciting" or "indirectly engaged in asserting enforcing or prosecuting such claims" we still do not believe that the intent of the statute was to include within those required to obtain a license an association such as this engaging to this limited extent and in this most indirect manner in claims such as insufficient fund checks.

Therefore, it is our conclusion that the definitions contained within the collection agency licensing sections do not include an activity such as that which the Retail Merchants Association of Nebraska proposes to engage.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Terry R. Schaaf  
Assistant Attorney General

(Signed)

TRS:ekj

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 138  
August 7, 1979

Dear Senator Koch:

You have asked us several questions relating to LB 2, Eighty-fifth Legislature, First Special Session, 1978. While your questions relate to existing legislation and normally would fall within the proscription of our office on answering questions concerning the interpretation or constitutionality of existing statutes, you state that you are studying potential methods of amending or repealing LB 2 in the upcoming legislative session. For that reason we will respond to the questions you have posed.

In your first question you ask whether sections 2 and 10 of LB 2 establish a dual standard for imposing and removing a lid? You further inquire as to the constitutionality of such double standards.

Reading the language of the provisions in question admits of no other meaning than two separate standards are being contemplated. Section 2 in part provides, "the budget limitation shall be adopted if approved by a majority of those voting on the question." Section 10 in part provides:

"Any limitation placed on budgets pursuant to this act shall remain in effect until a majority of the registered voters authorized to vote for the members of the governing body of such political subdivision vote to alter, amend, or revoke such budget limitation at a primary or special election . . ."

Under section 2 a simple majority of those voting on the question will be sufficient to adopt the proposed lid. On the other hand, once a petition presenting the question of removal has been successful, it would be necessary to achieve a vote of more than 50% of all voters registered to vote in that particular subdivision.

We have found no case which has discussed clearly the constitutional aspects of the question which you have raised. Most of the cases which have considered such requirements have dealt with an interpretation of specific language. For instance, in Nebraska, in Bryan v. City of Lincoln, 50 Neb. 620 (1897), our Supreme Court held that the following language: ". . . when the same shall have been authorized by a vote of the people . . ." required a majority of the votes cast at that election was necessary rather than a majority voting on the issue. Similar cases can be found in Nebraska and other jurisdictions. The variety of interpretations of the specific language used is directly related to the wording of the statute and, in some

instance, the purpose of the election. For that reason a review of those cases would not be helpful. None, however, were based on constitutional grounds. We conclude that the method selected under LB 2 is constitutionally defensible.

In your second question you ask whether or not the provisions of section 11 of LB 2 exempt a subdivision adopting a limit under LB 2 from the provisions of LB 285, Eighty-sixth Legislature, First Session, 1979. It is our conclusion that the language of section 11 requires no interpretation. It, in part, provides:

“Any statutory limitation on the budget, . . . shall not apply to any . . . subdivision which has adopted a . . . limitation . . . pursuant to this act . . .”

The specific language of this section would indicate that LB 2 will govern over other limits established by law.

In your final question you ask who pays the cost of a special election required pursuant to the provisions of LB 2? Section 32-226 generally sets forth the duties of the election commissioner in each of the various counties of the state having an election commissioner. In those counties in which there is no election commissioner the duties are to be performed by the county clerks. LB 2 does not specify any separate or different method for funding elections than that generally specified by law. For that reason we believe that the general provisions relating to elections will apply. The aforementioned section provides in part:

“ . . . The expense of holding and conducting, separately, any city, municipality, metropolitan utilities district, school district, or other political subdivision election shall be charged to and paid by the city, municipality, metropolitan utilities district, school district, or other political subdivision holding the election. . . .”

Further, section 32-417, R.R.S. 1943, in part provides:

“ . . . The expense of printing and delivering the ballots and cards of instruction to be used in any city, municipality, metropolitan utilities district, or other political subdivision elections shall be a charge upon the city, municipality, metropolitan utilities district, school district, or other political subdivision in which the election shall be held.”

We believe that the provisions of the cited sections indicate that the particular subdivision generally will be required to bear the cost of any special election called for the purpose of deciding a question relating to that political subdivision.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:smb

cc: Mr. Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 139  
August 7, 1979

Dear Senator DeCamp:

You have asked whether or not legislation which would authorize the imposition of a lid by a mere majority of persons voting in a special election which could be removed only by a majority of all registered voters authorized to vote would be constitutional. You indicate that you are considering such legislation.

We would point out that LB 2, Eighty-fifth Legislature, First Special Session, 1978, does exactly what you propose to do in your suggested bill. We refer you specifically to sections 2 and 10 of LB 2. Section 2 provides that a limitation may be imposed by a majority of those voting on the question. Section 10 provides that such limitation, once imposed, shall remain in effect until "a majority of the registered voters authorized to vote for members of the governing body of such political subdivision vote to alter, amend, or revoke such budget limitation at a primary or special election. . ."

Our research has failed to disclose any case which has held that requiring a majority of all registered voters to approve a measure for its adoption, is unconstitutional. Most cases which have considered these questions have dealt with the question of whether or not the specific language utilized in the statute or Constitution under consideration mandated a greater number than those persons actually voting in an election. We enclose with this letter a copy of an opinion sent to Senator Gerald D. Koch on similar questions of an even date.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:smb

enc.

cc: Mr. Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 142  
August 29, 1979

Dear Senator Johnson:

You have indicated that the Government, Military and the Veterans Affairs Committee of the Legislature is considering revisions to the election procedure for natural resource districts and other special use areas. Toward that end, you ask to what extent departure from the 'one man - one vote' concept is permissible in such elections.

Your inquiry is extremely broad in scope and therefore by necessity, our response must be equally broad and most general in nature. Of course, in the event that the committee were to propose specific changes, we would be most willing to constitutionally consider any such proposed changes individually.

Generally speaking, the United States Supreme Court has held the standard to be that:

". . . whenever a state or local government decides to select persons by popular election to perform governmental functions, the equal protection clause of the Fourteenth Amendment requires that each qualified voter must be given an equal opportunity to participate in that election, and when members of an elected body are chosen from separate districts, each district must be established on a basis that will insure, as far as is practicable, that equal numbers of voters can vote for proportionally equal numbers of officials. . . ." Hadley v. Junior College District, 397 U.S. 50, 25 L.Ed.2d 45, 90 S.Ct. 791 (1970).

In Hadley, supra, the court concluded that once the class of voters had been chosen and their qualifications specified, they could foresee no constitutional way by which equality of voting power might be evaded. Hadley, supra, at 25 L.Ed.2d 52.

Three years later, the United States Supreme Court had occasion to consider the case of Salyer Land Co. v. Tulare Water District, 410 U.S. 719, 35 L.Ed.2d 659, 93 S.Ct. 1224 (1973). Here the court concluded that:

". . . the appellee water storage district, by reason of its special limited purposes and of the disproportionate effect of its activities on landowners as a group, is the sort of exception to the rule laid down [previously]." Salyer, supra, at 35 L.Ed.2d 666.

Specifically the court held:

". . ., that the popular election requirements [previously enumerated] are inapplicable to elections such as the general

election of appellee Water Storage District." Salyer, supra, at 35 L.Ed.2d 667.

From an examination of the decisions of the United States Supreme Court the general rule with regard to the constitutional requirements of the one man - one vote doctrine appears clear. Therefore, any attempted departure from that doctrine will have to be closely scrutinized. The court is apparently willing to recognize that there will arise cases in which elected functionaries perform duties so far removed from normal governmental activities and so disproportionately affecting different groups that a popular election in compliance with the one man - one vote doctrine would not be required.

Whether or not any revisions the committee might propose to the election procedures for natural resource districts or other such districts, would meet the exception recognized by the Supreme Court in Salyer, supra, would have to be analyzed on an individual case by case basis.

If we can be of any further assistance to you or to the committee in this area, please let us know.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Terry R. Schaaf  
Assistant Attorney General

(Signed)

TRS/cmb

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 148  
September 10, 1979

Dear Senator Keyes:

You state that you have received an inquiry from a constituent who has driven a school bus for the Gretna School District for the past nine years. You also state that he was offered his position again for next year, but has now run into a snag; his 68th birthday was July 24, 1978. In addition, you also state that the State Department of Education, under their Rule 31, has informed him that because of his age he is prohibited from driving a school bus during the 1979-1980 school year. You then ask if Rule 31 and LB 161 of the Eighty-sixth Legislature, First Session (1979), are in conflict.

As you know, LB 161 did not contain an emergency clause. Thus LB 161 was not operative law when the State Department of

Education, on July 9, 1979, informed your constituent that because of his age, it could not issue him a school bus driver's permit.

Second, LB 161 changes the mandatory retirement date of certain employees; it does not grant such employees a vested right in a particular position. On the other hand, Rule 31 provides that a school bus driver's permit can not be issued to an individual after the individual's sixty-eighth birthday. Rule 31 does not (and legally could not) state when the individual must retire. Thus LB 161 and Rule 31 of the State Department of Education are not in conflict.

Third, Dr. M. Anne Campbell, Commissioner of Education, has now advised this office of the opinion of the State Department of Education in this matter. We, therefore, trust that your inquiry has been fully answered.

Best regards.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Harold Mosher  
Assistant Attorney General

HM:pes

cc: Clerk of the Legislature

Opinion No. 149  
September 11, 1979

Dear Senator Johnson:

In Opinion of the Attorney General, No. 142, dated August 29, 1979, we informed you that in our opinion the leading cases from the United States Supreme Court on the question of when the concept of 'one man - one vote' was mandated were the cases of Hadley v. Junior College District, 397 U.S. 50, 25 L.Ed.2d 45, 90 S.Ct. 791 (1970), and Salyer Land Company v. Tulare Water District, 410 U.S. 719, 35 L.Ed.2d 659, 93 S.Ct. 1224 (1973).

After reviewing our opinion and noting, as we did, that the controlling case we cited was decided by the United States Supreme Court in 1973, you ask us to again research the point to make certain there has not been a more recent pronouncement by that Court on this issue. With the exception of a case decided the same day as Salyer, supra, Associated Enterprises v. Toltec District, 410 U.S. 743, 35 L.Ed.2d 675, 93 S.Ct. 1237, stating the same principles, and a 1977 case of Concerned Citizens v. Pine Creek District, 429 U.S. 651, 51 L.Ed.2d 116, 97 S.Ct. 828, a case which was remanded back to the Circuit Court for further consideration in which three dissenting

judges felt that the matter might be disposed of more properly by simply affirming the lower court based upon the Salyer, supra, principles, we have discovered no other United States Supreme Court decisions which in any manner might qualify the holding pronounced in Salyer.

We have also researched the decisions of the various United States Courts of Appeals. In this respect we have found a number of instances where the particular Court of Appeals has decided the matter based upon the Salyer principles. We have found no occasion where a Court of Appeals has chosen to disregard this principle. See, for example, the decisions in Baker v. Regional High School District No. 5, 520 F.2d 799 (1975); Lytle v. Commissioners of Union County, 509 F.2d 1049 (1974); and Panior v. Iberville Parish School Board, 498 F.2d 1232 (1974).

Therefore, in spite of the fact that the leading case in this area appears to have been decided almost seven years ago, we are still of the opinion that the law stated therein and in our previous opinion to you is the correct and applicable law to any consideration of whether or not a departure can be had from the traditional 'one man - one vote' concept.

As we stated to you in our previous opinion, once you or the Government, Military, and Veterans Affairs Committee can be more specific as to your proposed revisions to the election procedure for the election of natural resource district directors and other special use areas, we will be in a better position to advise you as to our opinion on such a revision's constitutionality.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Assistant Attorney General

(Signed) Terry R. Schaaf

TRS:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 151  
September 17, 1979

Re: LB 171

Dear Senator Wesely:

We are responding to your letter of August 1, 1979, requesting an opinion as to the constitutionality of LB 171, known as the Nebraska

Lighting and Thermal Efficiency Act, which seeks to create a Nebraska Energy Office.

The specific concerns you address are: (1) the selection of the membership of a state board from a list provided by private organizations or associations; (2) whether the rule-making authority contained in the language of the proposed act is an unconstitutional delegation of authority by the Legislature?

I.

As proposed, LB 171 provides for the creation of the Lighting and Thermal Efficiency Standards Board consisting of seven members. Section 5 of the proposed act provides for the appointment of such members by the Governor subject to approval by the Legislature. Each of the seven members would be chosen from a list of three persons submitted by a specific private trade organization representing different businesses or professions. No business or profession would be permitted representation by more than one member on the board.

The Nebraska Constitution at Article IV, Section 10 grants the Governor of the State the power to make appointments to state offices, and reads in pertinent part as follows:

“The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature. . . .”

The Supreme Court applied this constitutional section to an act creating a public electric corporation whose membership was composed of public power districts within the state, in Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966). By this act, the Legislature created a board of directors providing a system for their appointment by the Governor. The state was apportioned into regions, each region being represented by a person serving on one of the constituent public power district board of directors. It was undisputed that of the nine regions from which members were selected for the board of directors, five of the regions contained only one person qualified to receive appointment to the board of directors. The court recognizes that it was a legislative function to define the qualifications for an office. It concluded, however, that this system limiting the Governor's power of appointment violated Article IV, Section 10, of the Nebraska Constitution. The court said:

“. . . The provisions of the Act which limit the appointment of grid system directors by the Governor to a certain unnamed individual or to a limited few, is an encroachment by the

Legislature upon the powers of the Governor and is void as violative of Article IV, section 10, of the Constitution of Nebraska." (Emphasis added.) Id. at 460.

It is evident that LB 171 as proposed encroaches upon the Governor's prerogatives of appointment by its limitation of eligibility for an appointment as a member of the board of directors each selected from a list provided by one of six private trade organizations, which trade organizations are designated by the Legislature. This is not only an encroachment by the Legislature by its designation of these organizations, and by its designation of a list of three persons, it is also a delegation of executive authority reserved for the Governor in Article IV, Section 10, of the Constitution to private trade organizations in the limitation of the eligibility to a person selected from that organization.

It is our conclusion that the limitation of the Governor's selection to a list of three persons previously selected by private organizations named by the Legislature is an encroachment by the Legislature upon the prerogatives of the Governor and is, therefore, in violation of Article IV, Section 10, of the Nebraska Constitution.

## II.

The proposed act at Section 10 requires the board to adopt standards by the following pertinent language:

"The board shall adopt standards imposing reasonable and cost effective requirements for lighting and thermal design consistent with recognized and accepted standards. . . ."

It provides the following guidance in the same section.

". . . In adopting such standards the board may include all or any part of the standards published by the International Conference of Building Officials, the National Bureau of Standards, the United States Department of Energy, the Council of American Building Officials, the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, Incorporated, and the National Conference of States on Building Codes and Standards, Incorporated. . . ." (Emphasis added.)

The only other guidance to the board for its standards is contained in Section 2 of the act which states the purpose as follows in pertinent part:

"The purpose of this act is to provide for the creation, application, and enforcement of uniform minimum standards for lighting and thermal design for certain buildings, consistent with national and statewide energy conservation goals, . . ."

Nowhere are the energy conservation goals more specifically identified or defined. Nowhere are the "recognized and accepted

standards" more specifically identified or defined. Nowhere is there any guidance or limitation for determining what may be a "reasonable and cost effective requirement." Although the board may consider seven different standards identified in the act, it may or may not include all or any part of them in its standards.

The Nebraska Constitution contains the following pertinent provision at Article II, Section 1:

"The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted."

Our Supreme Court in Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214 (1974), in holding that the Dairy Industry Trade Products Act was unconstitutional, stated:

"It is fundamental that the Legislature may not delegate legislative authority to an administrative or executive authority. It does, however, have power to authorize an administrative or executive department to make rules and regulations to carry out an express legislative purpose or for the complete operation and enforcement of a law within designated limitations. It is fundamental, however, that in the legislative grant of power to an administrative agency, such power must be limited to the express legislative purpose and administered in accordance with standards described in the legislative act. . . ." *Id.* at 100.

In quoting from Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960), the court stated:

". . . In that case we held: 'The limitations of the power granted and the standards by which the granted powers are to be administered must, however, be clearly and definitely stated. They may not rest on indefinite, obscure, or vague generalities, or upon extrinsic evidence not readily available.'" *Id.* at 100.

This principle has been further recognized by our Supreme Court in University Police Officials Union v. University of Nebraska, 203 Neb. 4, 277 N.W.2d 529 (1979).

A statute providing for the enactment of regulations must provide designated limitations. This may be provided in the legislative history as well as in the standards clearly and definitely stated in the act. The language contained in LB 171 is not clearly and definitely stated. The purpose is vague and indefinite. There is no definite standard by which the regulations are to be issued and administered. The board is to adopt standards with only the limitation that they be reasonable and cost effective. No other guidelines or limitations are provided.

The act does refer to seven separate standards which the board may or may not adopt in total or in part, however these offer very little guidance.

It is our conclusion, that the language contained in LB 171 is so general, vague and indefinite that it fails to place adequate limitations on the board's power to enact regulations. It would, therefore, be an unconstitutional delegation of legislative power to the executive in violation of the Nebraska Constitution, Article II, Section 1.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
G. Roderic Anderson  
Assistant Attorney General

(Signed)

GRA:smb

cc: Mr. Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 159  
October 12, 1979

Dear Senator Fowler:

You have asked whether the litter fee imposed by section 81-1559, R.S.Supp., 1979, applies to farmers and ranchers, as producers of food for human consumption. You ask the question as a member of the Administrative Rules and Regulations Review Committee, to aid you in determining whether proposed rules of the Department of Revenue dealing with this subject comply with the statutes.

We have concluded that farmers and ranchers producing food for human consumption are not, as such, subject to the litter tax, although the literal language of the statute could arguably apply it to them.

Section 81-1542 provides:

“Manufacturer shall mean any person engaged in a business activity, in the state, of selling tangible personal property which the person has made, produced, manufactured, processed, or fabricated. The selling of meals, food products, or drinks at retail to a consumer on his or her order and for his or her immediate consumption shall not classify the seller as a manufacturer by reason of such activity.”

Section 81-1559 imposes an annual litter fee equal to \$150.00 per one million dollars of gross proceeds of products manufactured and sales of which are consummated within this state, in the case of manufacturers. Section 81-1560 includes food for human or pet

consumption in the products the production and sale of which are subject to the litter fee. Certainly a farmer or a rancher "produces" food for human consumption, and would appear, at first glance, to be defined as a manufacturer by section 81-1542.

Two considerations have led us to conclude that this literal construction does not reflect legislative intent. First is the fact that the word "manufacturer" is so inappropriate as applied to a farmer or rancher. True, the Legislature can give any meaning it wishes to a word, but when a proposed meaning is completely foreign to the ordinary one, we would require the statutory definition to be very clear in conveying that meaning. We do not think it is that clear in this case, but believe we have a case of somewhat careless statutory wording which accidentally included in its literal language classes not really intended to be included.

Second, we are disposed not to include farmers and ranchers as manufacturers because to do so would be so wasteful and unproductive. We have no statistics about the median gross sales of farmers and ranchers in this state, but we point out that the sale of one hundred thousand dollars worth of products would result in a litter fee of only \$15.00. Even aside from the expense and trouble it would take on the part of individual farmers to make the necessary returns, we are confident that it would cost more for the Department of Revenue to handle such returns than the amount of litter fee collected.

Our basic purpose in statutory construction is to determine the intention of the Legislature. We will not lightly ascribe to the Legislature an intent to require the payment of a fee from thousands of taxpayers, when the cost of collection would exceed the amount collected.

In State v. Nance, 197 Neb. 257, 248 N.W.2d 339 (1976), the court said:

"It is a fundamental rule of statutory construction that if possible a court will try to avoid a construction which leads to absurd, unjust, or unconscionable results. A sensible construction will be placed upon a statute to effectuate the object of the legislation rather than a literal meaning that would have the effect of defeating the legislative intent. . . ."

The purpose of the provision for a litter fee is to raise money. When we combine (1) the inappropriateness of the use of the words "manufacturer" and "manufactured" as applied to farmers and ranchers and the products they produce with (2) the counterproductive effect of collecting the fee from farmers and ranchers, we are forced to conclude that the Legislature did not so intend, but, instead, simply used overly-broad language in expressing its intent.

This opinion is not to be construed to exclude from the reach of the litter fee all enterprises whose operations are so small as to make collection from them uneconomical. The statute provides no minimum volume of business to subject the manufacturer or wholesaler to the fee. This opinion is limited strictly to the question of the liability of farmers and ranchers for the litter fee.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Ralph H. Gillan  
Assistant Attorney General

RHG:ejg  
cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

October 23, 1979

Dear Senator Maresh:

You have stated in your letter of October 1, 1979, that the federal government owns property in Omaha, Nebraska, which cannot be disposed of without the permission of the Nebraska Legislature. You have asked whether such permission may be given by resolution rather than legislative bill. Generally, legislative resolutions are merely expressions of opinion by a legislative body. As stated in 73 Am.Jur.2d 270, Statutes, section 3:

"While some constitutions provide to the contrary the general rule is that a joint or concurrent resolution adopted by the legislature is not a statute, does not have the force or effect of law and cannot be used for any purpose for which an exercise of legislative power is necessary." (Emphasis added)

It must be assumed that the granting of permission by the Nebraska legislature would be an exercise of legislative power. Under the above stated rule, such an exercise of legislative power would require a bill rather than a resolution.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) John E. Brown  
Assistant Attorney General

JEB/ta  
cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 163  
October 25, 1979

Re: Domestic Abuse Act, sections 42-901  
to 42-927, R.R.S. 1943.

Dear Senator Lewis:

You have asked several questions about the constitutionality of the above act. Apparently you are prepared to introduce remedial legislation if it is necessary.

You have asked whether the phrase "persons living as spouses" in the above act and section 42-918 in the above act are unconstitutionally vague. We have concluded that the phrase is sufficiently specific and at least part of section 42-918 is constitutional.

A civil law was challenged as being unconstitutionally vague in State v. A. H., 198 Neb. 444, 253 N.W.2d 283 (1977). The court said:

"Most decisions invoking the constitutional void for vagueness doctrine have dealt with statutes and ordinances imposing criminal sanctions. It is clear, however, that this doctrine applies equally to civil statutes. Yet even in criminal statutes the language adopted need not afford an interpretation approaching mathematical certainty. . . ." Supra at 449.

"The due process command imposed by Amendment XIV to the Constitution of the United States, and Article I, section 3, Constitution of Nebraska, translates into two basic requirements. The statute's language must be sufficiently specific that persons of ordinary intelligence must not have to guess at its meaning. The statute must contain ascertainable standards by which it may be applied. This does not demand total absence of vagueness in a statute, but merely requires that a statute provide adequate notice of what conduct it requires or prescribes as well as guidelines by which a violation of the statute may be fairly and nonarbitrarily determined." Supra at 448,449.

Under a rule of statutory construction, a term not defined in the statute is to be given its usual and ordinary meaning. See State v. Byrum, 60 Neb. 384, 387, 83 N.W. 207 (1900). The courts often turn to a dictionary to find such a meaning. "Spouse" is defined in The American Heritage Dictionary of the English Language, 1969, 1970, 1971, as one's marriage partner; a husband or wife. In Attorney General Opinion #113 (June 27, 1977), we cited cases from other jurisdictions in which "marriage" was defined according to common usage as the union of a man and a woman. Using those definitions,

“persons living as spouses” would be a man and woman living together as marriage partners. This is consistent with the dialogue on page 07084 of the legislative history of Laws 1978, LB 623:

Q. “[T]his does not only apply to spouses. It also applies to people living together, right?”

A. “As spouses, . . .”

Thus the phrase “persons living as spouses” is sufficiently specific that it is not necessary to guess at its meaning.

Section 42-918, R.R.S. 1943, is a criminal law. It provides:

“Under sections 42-901 to 42-927, strict confidence shall be observed in all contact with victims of spouse abuse and their families. Any record, report, or files maintained by the department pursuant to sections 42-901 to 42-927 shall be confidential, except that the department may release statistical information, while not releasing names. Violation of this section shall be a Class V misdemeanor.”

The standards by which the first sentence of that section is to be applied may not be ascertainable and thus its constitutionality is questionable. However, the rest of the section is quite specific about which records of the department are not to be disclosed except for statistical data which does not include the names of the victims of spouse abuse and their families. “Abuse”, “family”, and “department” are defined in section 42-903, R.R.S. 1943. Thus that portion of section 42-918 should pass constitutional muster at least as well as the statute challenged for vagueness in *State v. Dreifurst*, 204 Neb. 378, \_\_\_ N.W.2d \_\_\_ (1979). (That statute made it a crime to abuse any sheriff, constable or any other officer in the execution of his office, but abuse of an officer was not defined. The court held the defendant had been adequately informed of the charge against him by an information which specified the acts constituting the abuse in his case.)

You have also asked if there are any due process problems with the ex parte exclusionary orders provided for by sections 42-924 and 42-925, R.R.S. 1943. We have concluded that there probably are not.

Section 42-924 provides that a district court or conciliation court or judge thereof may issue a temporary restraining order without bond on the filing of an application and supporting affidavit by any victim of domestic abuse. It may enjoin the adverse party from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the applicant; or (3) entering the family dwelling or the dwelling of the applicant upon a showing that physical or emotional harm would otherwise result. Under section 42-925, such an order may be issued ex parte if the circumstances of the case demand it, i.e.,

it must reasonably appear from the specific facts shown by the affidavit of the applicant that irreparable harm, loss, or damage will result before the matter can be heard on notice. "If such order is issued without notice to the adverse party, the court shall cause immediate notice of the application to be given the adverse party, that he or she may show cause, not less than five days after service upon him or her, why such order should not remain in effect."

Under the Fourteenth Amendment to the U. S. Constitution and Article I, section 3 of the Nebraska Constitution, no person shall be deprived of life, liberty, or property, without due process of law. The general rule is that due process includes the right to be heard before life, liberty or property are taken away. See Albin v. Consolidated School District, 106 Neb. 719, 723, 184 N.W. 141 (1921), and Bell v. Burson, 402 U.S. 535, 29 L.Ed.2d 90, 91 S.Ct. 1586 (1971). However, in Burson, the Court acknowledged that in emergency situations (which did not include that case where petitioner's driver's license had been taken away), the hearing could come after the interest had been terminated. The emergency situations cited were those in Fahey v. Mallonee, 332 U.S. 245, 91 L.Ed. 2030, 67 S.Ct. 1552 (1947), and Ewing v. Mytinger & Casselberry, 339 U.S. 594, 94 L.Ed. 1088, 70 S.Ct. 870 (1950). In Fahey a regulation of the Federal Home Loan Bank Board in the exercise of its statutory power was upheld. It provided for a hearing on the appointment of a conservator or receiver for a federal savings and loan association after such person had taken possession. In Ewing the court upheld a section of the Federal Food, Drug, and Cosmetic Act which permitted multiple seizures of misbranded articles "when the Administrator has probable cause to believe from facts found, without hearing, by him or any officer or employee of the Agency that the misbranded article is dangerous to health, or that the labeling of the misbranded article is fraudulent, or would be in a material respect misleading to the injury or damage of the purchaser or consumer." (Emphasis added.)

Thus the constitutionality of the ex parte temporary restraining order authorized under sections 42-924 and 42-925 depends upon whether the situation is an emergency requiring prompt action to preserve the status quo. (This is the purpose of a temporary restraining order granted under sections 25-1063 and 25-1064(2), R.R.S. 1943. See, Trester v. Pike, 60 Neb. 510, 83 N.W. 676 (1900).) Both the legislative history and the evidence required would indicate that spouse abuse may present such an emergency situation.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Marilyn B. Hutchinson

Assistant Attorney General

MBH:pes

cc: Clerk of the Legislature

Opinion No. 165October 29, 1979

Dear Senator Haberman:

In your letter of October 25, 1979, you state that you are in the process of having a bill drafted to increase the tax on pari-mutuel wagering.

You state that you understand that the tax from the Lincoln races goes into the State Fairgrounds Building Fund, and is used to finance capital improvements at the State Fairgrounds. In substance you are correct, although in form these funds are appropriated from the General Fund. Section 2-1208.01, R.R.S. 1943, imposes the tax on pari-mutuel wagering, and provides that the tax shall be paid into the General Fund. Section 2-128, R.R.S. 1943, provides:

“There is hereby appropriated from the state General Fund to the Nebraska State Fairgrounds Building Fund from the gross sum wagered by the pari-mutuel method at race meetings conducted by the Nebraska State Board of Agriculture five per cent of any amount in excess of one million dollars, which amount is hereby appropriated to such fund for each fiscal year beginning with the fiscal year commencing July 1, 1974 and continuing for each fiscal year thereafter until June 30, 1994.”

As you will note, this is an appropriation out of the General Fund, the amount of which is measured by the amount of tax generated at the Lincoln races. You will also note that each session of the Legislature appropriates this sum to the Nebraska State Fairgrounds Building Fund, and that section 2-128 is not self-executing. See section 19 of LB 593, Eighty-sixth Legislature, First Session (1979).

Your question is whether part of the money now raised, or the increase you propose, can be earmarked for State Aid to Schools. We conclude that it can. As the court said in Evans V. Metropolitan Utilities District, 187 Neb. 261, 188 N.W.2d 851 (1971), the state Constitution is not a grant, but a restriction on legislative power, and the taxing power is vested in the Legislature without limit, except as prescribed in the Constitution. We know of no constitutional restriction on the power of the Legislature to tax pari-mutuel wagering.

The only restriction we are aware of with respect to the disposition of the proceeds of a tax is that it must be for a public purpose. Clearly State Aid to Schools is a public purpose, since Article VII, Section 1,

of the Constitution requires the Legislature to provide for the free instruction in the common schools of all persons between the ages of five and twenty-one years. There is no constitutional requirement of a direct connection between the activity taxed and the use to which the tax is put.

The earmarking you mention could be accomplished either by a provision similar to that contained in section 2-128, or by a provision that the earmarked portion of the tax should be paid directly into a special fund in the hands of the State Treasurer, which fund could annually be appropriated to the purpose you have in mind.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Ralph H. Gillan  
Assistant Attorney General

RHG:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 167  
October 31, 1979

Dear Senator Cullan:

You have asked for our opinion on whether or not LB 285, Eighty-sixth Legislature, first session, 1979, applies to the tax levy authorized for rural or suburban fire protection districts under section 35-514.02 R.S.Supp. 1978. That section of the statutes authorizes rural fire protection districts to provide ambulance services and for such purposes to:

“ . . . pay the cost for such service out of available funds, or may levy a tax for the purpose of providing necessary ambulance service, which levy shall be in addition to any other tax for such fire protection district and shall be in addition to restrictions on the levy of taxes provided by statute; . . . ”

You ask we whether or not the limitations contained in LB 285 apply to a fire district in this circumstance. For purposes of your letter, we assume from your first sentence that you are anticipating legislation with regard to the authority of rural fire protection districts to initiate and raise revenue for the payment of the cost of ambulance services, although it is not explicitly set out in your letter. We have arrived at this conclusion because you have stated that it pertains to the drafting of emergency medical services legislation. For that reason, we proceed to answer your question.

The Political Subdivision Budget Limitation Act of 1979, section 77-3412 through 77-3430, R.S.Supp., 1979, generally limit political subdivisions to an increase in their budget of not more than seven percent in any one year. The section authorizing the levy of a tax for the provision of ambulance services provides that such tax levy may exceed that generally authorized for a rural fire protection district. Section 35-509, R.S.Supp., 1978, authorizes such a district to levy a tax of up to one mill or in certain circumstances, not to exceed two mills after a majority vote by the eligible voters, and three mills under certain other circumstances. It is our opinion that section 35-514.02 authorizes a tax levy in excess of the limitations contained in 35-509.

The only portions of LB 285 which would be applicable to the situation you describe is section 77-3426. That section provides:

“Any political subdivision that is authorized by state law to levy a tax or cause a tax to be levied, which tax or portion thereof is in addition to the tax such political subdivision is authorized to levy or cause to be levied on May 17, 1979, shall not include as a receipt from local tax sources the anticipated receipts from such newly authorized levy during the first fiscal year for which such newly authorized levy generates tax receipts, but thereafter the receipts from such newly authorized tax shall be included in determining receipts from local tax sources. . . .”

The authority granted in section 35-514.02 was effective as of April 20, 1978; thus, well in advance of the date provided for in section 77-3426. It is, therefore, our opinion that the limitations of LB 285, sections 77-3412 through 77-3430 are applicable as a limitation upon the authority granted under section 35-514.02.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Patrick T. O'Brien  
Assistant Attorney General

(Signed)

PTO:pes

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 168  
November 8, 1979

Dear Senator Kremer:

You have called our attention to section 45-338, R.S.Supp., 1979, which provides in part:

“(1) Notwithstanding the provisions of any other law, the time price differential for any goods or services sold under an installment contract shall not exceed eighteen per cent per annum on that part of the unpaid principal balance not in excess of one thousand dollars, and not exceeding twelve per cent per annum on that part of the unpaid principal balance in excess of one thousand dollars, except the time price differential for installment contracts on vehicles having a gross vehicle weight of over fifteen thousand pounds or costing more than twenty thousand dollars shall not exceed sixteen per cent on the unpaid principal balance; . . .”

Your question is whether the word “vehicle” as used in that section of the statutes includes mobile homes. We conclude that it does not include mobile homes, as defined in section 60-1601.01, R.R.S. 1943, but might include some cabin trailers and self-propelled mobile homes, as defined in section 60-301, R.R.S. 1943, if they meet the weight and cost requirements of section 45-338.

In Chapter 60, Article 16 of the statutes, the Legislature classified mobile homes as motor vehicles, and taxed them as such. In Gates v. Howell, 204 Neb. 256, 282 N.W.2d 22 (1979), the court declared such provisions unconstitutional, holding that mobile homes of the type involved in that litigation were not motor vehicles, despite the legislative attempt to so define them.

We recognize that section 45-338, uses the word “vehicles,” rather than the term “motor vehicles.” We do not think that has any significance, and that the court would reach the same result. Section 60-301(9), defines “vehicle” as every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. In Gates v. Howell, the court stated that even single-wide mobile homes were not self-contained units, and could not be operated or used as trailers. We therefore conclude that the court would say that such mobile homes are not “vehicles” as well as not being “motor vehicles.”

Chapter 60, Article 3 makes provision for the registration of cabin trailers and self-propelled mobile homes for operation on the highways. A cabin trailer eligible for such registration is defined as not exceeding eight feet in width, or forty feet in length, or thirteen and one half feet in height. A self-propelled mobile home does not have any size limitations, but is a vehicle with motive power designed for living quarters. We have taken the position that Gates v. Howell does not apply to vehicles eligible for operation on the highways under Chapter 60, Article 3, and that they are motor vehicles.

Therefore, the vehicle exception of section 45-338 would apply to self-propelled mobile homes and cabin trailers, as defined by section 60-301, if they meet the weight and cost requirements of section 45-338. Other mobile homes, and cabin trailers exceeding the size limitations of section 60-301, are not eligible for registration for operation on the highways pursuant to Chapter 60, Article 3, and therefore are not vehicles.

Very truly yours,  
PAUL L. DOUGLAS

Attorney General

(Signed)

Ralph H. Gillan

Assistant Attorney General

RHG:pjs

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 169  
November 14, 1979

Re: Authority of the Commission on Rural Health  
Manpower to administer the Nebraska Medical  
Student Assistance Act

Dear Senator Maresh:

You have asked if you will need to introduce legislation to enable the Commission on Rural Health Manpower to administer the Nebraska Medical Student Assistance Act as amended by Laws 1979, LB 506. We have concluded that the commission already has that authority.

Under section 71-5612, R.S.Supp., 1978, the commission shall cease to exist three years after September 2, 1977 "except for the duties prescribed by the Nebraska Medical Student Assistance Act." According to section 71-5614, R.S.Supp., 1978, sections 71-5613 to 71-5645 shall be known and cited as the Nebraska Medical Student Assistance Act. Under section 71-5626, R.S.Supp., 1978:

"The provisions of sections 71-5609 and 71-5612 to 71-5645 shall be administered by the commission with such assistance from the Department of Health as may be needed."

According to section 71-5617, R.S.Supp., 1978, commission shall mean the Commission on Rural Health Manpower.

Laws 1979, LB 506, amended several sections in the Nebraska Medical Student Assistance Act and repealed others, but it did not amend or repeal any of the sections referred to above. The Legislature

is presumed to have had in mind all previous legislation on a subject so that in the construction of a statute or a part thereof courts may consider the pre-existing law. See Ledwith v. Bankers Life Insurance Company of Nebraska, 156 Neb. 107, 54 N.W. 409 (1952).

We have concluded that the Commission on Rural Health Manpower has authority to administer the Nebraska Medical Student Assistance Act as amended by Laws 1979, LB 506. Under present laws it may continue to do so beyond three years after September 2, 1977.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Marilyn B. Hutchinson  
Assistant Attorney General

MBH:eig

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 172  
November 27, 1979

Dear Senator DeCamp:

This is in reply to your inquiry concerning the provision in LB 234, Second Session, 1979 concerning the payment for jury duty, as you are considering legislation at the up-coming session, if necessary.

You have asked for clarification on the matter of whether or not it is proper, in our opinion, for an employer to either deduct an amount equal to the pay an employee would receive for jury duty or require the employee to pay over his jury fee to the employer.

As you know, Mr. Lamb offered an amendment on March 27, 1979 to clarify this matter. The amendment would have inserted language just before the sentence providing the penalty for violation so that the provision would have read in part as follows, "No employer shall subject an employee to discharge, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty on account of his or her absence from employment by reason of jury duty./, except an employer may reduce the pay of an employee by an amount equal to any salary other than expenses paid by the court for jury duty. Any person violating the provisions of this section shall be guilty of a Class IV misdemeanor."

As you can see, had the above amendment been adopted, the matter would have been clarified. However, since the amendment was not adopted, a strong argument could be made that the Legislature did not intend that the employee be penalized in any manner, either by

deduction or by employee paying over to the employer his jury pay. Of course, the fact that the amendment was defeated does not clarify the matter completely since some persons could argue that the Senators who voted against it thought the provision was already clear that an employer deducting the amount would not be penalizing the employee but merely causing him to receive the same amount of money that he would receive had he not been placed on jury duty.

In other words, in accordance with the strict wording of the statute, the employer would not be subjecting the employee to "loss of pay" or "any other form of penalty on account of his or her absence from employment by reason of jury duty." Since this is a criminal statute, it must be strictly construed.

Therefore, as you can see from the foregoing, a strong argument can be made for either interpretation. We do not think it would be proper for us to select one interpretation over the other since this bill has been enacted into law and the courts are now the only ones who can give a binding interpretation. Clarification by additional legislation at the up-coming session, as suggested in your letter, would clearly be in order.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
Mel Kammerlohr  
Assistant Attorney General

(Signed)

MK:pes

cc: Patrick J. O'Donnell  
Clerk of the Legislature

December 6, 1979

Dear Senator Haberman:

You have requested the opinion of this office regarding the constitutionality of legislation under consideration to prohibit the use of State tax funds for the benefit or welfare of any person or persons who are not United States citizens.

Such legislation would be unconstitutional. Ostensibly it could be challenged on several constitutional grounds, however, it clearly violates the Fourteenth Amendment to the United States Constitution. Said amendment provides in pertinent part:

"... [N]or shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The term "person," within the above quoted provision, encompasses resident aliens as well as citizens; both are entitled to equal protection of the laws of the State in which they reside. Graham v. Richardson, 403 U.S. 365, 371 (1971). The Supreme Court has held that classifications by a State that are based on alienage are suspect classifications, subject to close judicial scrutiny. Nyquist v. Mauclet, 432 U.S. 1, 6 (1977). A state law which discriminates against resident aliens will only withstand constitutional challenge if it advances a legitimate and substantial state interest and if the means adopted are necessary and precisely drawn.

In Graham v. Richardson, *supra*, the Supreme Court held unconstitutional state laws which denied welfare benefits to resident aliens or to aliens who had not resided in the United States for a specified number of years. Further, in Nyquist v. Mauclet, *supra*, the Court struck down, as violative of the equal protection clause of the Fourteenth Amendment, a state law barring certain resident aliens from state financial assistance for higher education.

Based on the above legal authorities, it is our opinion that the legislation you are considering is clearly unconstitutional.

Yours truly,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Lynne Fritz  
Assistant Attorney General

LRF:sjr

Opinion No. 177  
December 7, 1979

Dear Senator Keys:

You have asked for our opinion on whether the Legislature could entirely repeal LB 2 or whether less drastic changes could be made. In your letter you indicate that certain political subdivisions have adopted budget limitations under LB 2, now codified as section 77-3401 through section 77-3411. Pursuant to these provisions at least two subdivisions of government have held elections at which a zero budget limitation has been imposed.

We assume that your question is, what effect would follow if LB 2 were in its entirety repealed. Prior to the adoption of LB 2 by the Legislature there was no specific statutory authority authorizing the imposition of a lid on any governmental subdivision. LB 2, however, authorizes a limitation different from that which was subsequently enacted by the Legislature generally limiting budget increases for a

governmental subdivision. This limitation could be imposed by a vote of the people. The question is, if LB 2 is repealed, what happens in those jurisdictions that have adopted different budget limitations than those provided by law. Arguably, the Legislature has the authority to enact, repeal, amend and otherwise adopt laws for the government of local subdivisions. The local subdivisions exist by virtue of legislative action and are empowered to do certain things pursuant to statutes adopted by the Legislature. When the Legislature repeals statutes authorizing certain actions, the authority to take those actions generally also ceases to exist.

While our research has not been able to uncover any case law which indicate the effect of the repeal of a law requiring the vote of the people for its effectuation, it is our belief that if such law is repealed then actions taken under that law would also end. The difficulty with this conclusion is that section 77-3410 provides:

“Any limitation placed on budgets pursuant to sections 77-3401 to 77-3411 shall remain in effect until a majority of the registered voters authorized to vote for the members of the governing body of such political subdivision vote to alter, amend, or revoke such budget limitation at a primary or special election. Such elections shall be called and conducted in the same manner as elections to place a limitation on budgets are called and conducted pursuant to sections 77-3401 to 77-3411.”

Under this section the single vote of the people establishes a budget that will continue until a subsequent election modifies that vote. If you repeal the sections which authorize the modification of a limitation previously imposed, you might also thereby end the authority of any political subdivision to ever remove such a budget limitation. Conceivably there would be no authority to hold an election to remove the limitation imposed upon the budget. However, there are also arguments for the proposition that if the act itself is repealed, then the budget limitation is repealed and no longer exists. We cannot with certainty tell you which result would occur. There is simply no law available upon which we can rely. This appears to be a unique situation. Conceivably, the Legislature in repealing such an action could also enact a law that would eliminate existing budget limitations. That might be sufficient to cure the problems that are pointed out earlier in this letter. However, once again, this is a matter upon which no sure guidance can be had. In any event, any legislation drafted which seeks this result as its end should be carefully researched and very carefully written.

In the second part of your question you allude to less drastic measures. While we are not sure what less drastic measures you refer to, it does seem clear to us that the Legislature could, for instance,

reduce the required majority for the removal of a lid from a majority of all registered voters to a majority of those voting in the election. We see no constitutional or statutory problems with such an amendment. Several other possibilities might exist but we would decline to speculate on those at this time. Should you have a specific amendment upon which you would like our advice, please feel free to contact us.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 179  
December 6, 1979

Dear Senator Haberman:

You have requested the opinion of this office regarding the constitutionality of legislation under consideration to prohibit the use of State tax funds for the benefit or welfare of any person or persons who are not United States citizens.

Such legislation would be unconstitutional. Ostensibly it could be challenged on several constitutional grounds, however, it clearly violates the Fourteenth Amendment to the United States Constitution. Said amendment provides in pertinent part:

“ . . . [N]or shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The term “person,” within the above quoted provision, encompasses resident aliens as well as citizens; both are entitled to equal protection of the laws of the State in which they reside. Graham v. Richardson, 403 U.S. 365, 371 (1971). The Supreme Court has held that classifications by a State that are based on alienage are suspect classifications, subject to close judicial scrutiny. Nyquist v. Mauclet, 432 U.S. 1, 6 (1977). A state law which discriminates against resident aliens will only withstand constitutional challenge if it advances a legitimate and substantial state interest and if the means adopted are necessary and precisely drawn.

In Graham v. Richardson, supra, the Supreme Court held unconstitutional state laws which denied welfare benefits to resident aliens or to aliens who had not resided in the United States for a

specified number of years. Further, in Nyquist v. Mauclet, *supra*, the Court struck down, as violative of the equal protection clause of the Fourteenth Amendment, a state law barring certain resident aliens from state financial assistance for higher education.

Based on the above legal authorities, it is our opinion that the legislation you are considering is clearly unconstitutional.

Yours truly,  
PAUL L. DOUGLAS

Attorney General

(Signed) Lynne Fritz

Assistant Attorney General

LRF:sjr

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 180  
December 12, 1979

**SUBJECT:** Authority of Legislative Council Committees to Compel the Testimony of Witnesses; Authority for Legislative Council Committees to Initiate Contempt Proceedings where Witnesses Refuse to be Sworn or to Testify.

**REQUESTED BY:** Senator Franklin L. Lewis, Co-Chairman, LR 119 Interim Study Committee, Nebraska State Legislature, Lincoln, Nebraska

**OPINION BY:** Paul L. Douglas, Attorney General, Shanler D. Cronk, Assistant Attorney General

**QUESTION:** 1. Where a witness not under oath is testifying before a properly convened Legislative Council committee, and at some point refuses to testify further, does said committee have the authority to compel further testimony, and if so, what action can be taken if the witness refuses to testify further? What action can said committee take in a similar situation but where the witness has been placed under oath?

**CONCLUSION:** 1. A witness who refuses to testify further can be compelled to do so by contempt proceedings in the district court. If not previously sworn or affirmed, the witness should be requested to take the oath or affirmation, refusal of which is grounds for contempt proceedings. If previously sworn or affirmed, refusal to testify further upon request is likewise grounds for contempt proceedings.

**QUESTION:** 2. Can such Legislative Council committee compel the testimony of a witness who is not subpoenaed to testify, but who appears at a properly convened committee session as a spectator or observer?

CONCLUSION: 2. Yes, but only if the witness refuses to be sworn or affirmed, or to testify after being sworn or affirmed.

1. Sections 50-406 and 50-407, R.R.S. 1943, bestow on the Legislative Council and its committees the authority to administer oaths, issue subpoenas, compel the attendance of witnesses, and produce papers, books, accounts, documents, and testimony, and to cause the depositions of witnesses to be taken. These provisions further establish the duty of the district court, on application of a member of the council, to institute contempt proceedings against any person who fails to comply to requests made by virtue of that authority in the same manner as the court would if such refusal occurred in a matter before it.

The Nebraska Supreme Court early established in Wilcox v. State, 46 Neb. 402, 64 N.W. 1072 (1895), that the refusal to be sworn or affirmed is a ground for contempt separate from the refusal to testify after being sworn or affirmed. Remembering that the action that a Legislative Council committee can take to compel obedience to its requests are the same as that which the court could take, section 25-2121, R.R.S. 1943, must be noted. That section provides that the court has the power to punish by fine and imprisonment, or by either, as for criminal contempt, persons guilty of contumacious and unlawful refusal to be sworn or affirmed as a witness, and when sworn or affirmed, refusal to answer any legal and proper interrogatory.

In light of Wilcox v. State, supra, these statutes taken together set out the appropriate course of action for a Legislative Council committee to take upon encountering a witness who refuses to testify further. If not previously sworn, said committee should request that the witness be sworn or affirmed, and if he refuses, contempt proceedings can be brought in the district court. If said witness has been sworn or affirmed, and subsequently refuses to testify, contempt proceedings can be brought in the district court.

As a practical matter, in either situation a request by the committee that the witness be sworn or affirmed is a condition of bringing contempt proceedings. Against this background, a reexamination of the current practice of not swearing witnesses who appear before Legislative Council committees might be prudent.

2. The authority on the question of the power of such a Legislative Council committee to compel the testimony of a witness who appears before it as a spectator or observer is not voluminous, but it is clear and has stood the test of time. Where a person is present in court he can be called and forced to testify without subpoena, and this is true as to a third party, as well as to a party to the suit. Ex parte Hall, 90 Okla. 231, 122 P.2d 1005 (1942). See also, Leckie v. Scott, 10 La. 412, and Hawson v. Marlene Blouse Corp., 106 N.Y.S.2d 774.

Remembering, again, that such a committee can compel obedience to its requests by proceedings for contempt which the court would treat in the same manner as if the disobedience had occurred in a matter before it, such a committee may compel persons in attendance at its properly convened sessions or hearings to come forward and testify. Consistent with the above, failure to come forward upon such request and be sworn or affirmed, or failure to testify after being sworn or affirmed, would be grounds upon which contempt proceedings could be initiated.

(Signed) Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General  
Shanler D. Cronk  
Assistant Attorney General

SDC:ejg  
APPROVED:  
(Signed) Paul L. Douglas  
Attorney General

Opinion No. 183  
December 19, 1979

Dear Senator Johnson:

This is in reply to your inquiry concerning enforcement of section 60-556 relating to picking up a suspended license or registration.

In answer to your first question, it would be relatively easy for a law enforcement officer to ignore the direction of the department to pick up a license or registration if the law enforcement officer is the employee of a city or county rather than the state. In addition, section 60-556 does not impose any duty upon a law enforcement officer but merely authorizes the department to direct; this may or may not imply a reciprocal duty on the part of the officer directed. As a practical matter, it would be difficult to pin the failure upon any one particular officer in a fairly large department.

There are presently statutes authorizing removal from office of police officers or sheriff's officers for failure to do their duty, inefficiency, etc.

For example, section 19-1807, R.R.S. 1943, authorizes a city civil service commission to remove, demote, suspend, etc., any officer found to be derelict in his duty, incompetent, or guilty of other types of misconduct therein listed.

Along the same lines, section 25-21,147, R.R.S. 1943, authorizes the removal from office of any sheriff, police officer, etc., who shall

willfully fail, neglect or refuse to enforce any law which it is made his duty to enforce.

We would suggest more precise language in section 60-556, spelling out a duty on the part of the sheriff or chief of police of the department notified to follow certain steps listed in the statute. This will not only give the director of motor vehicles a tool to work with but should make it easier to prove who failed to carry out his direction.

Hoping this will be of assistance to you, we are

Very truly yours,  
PAUL L. DOUGLAS

Attorney General

(Signed)

Mel Kammerlohr

Assistant Attorney General

MK:pes

cc: Clerk of the Legislature

Opinion No. 188

January 8, 1980

Dear Senator Beutler:

You have requested the opinion of this office regarding whether a legislative committee can constitutionally be empowered to act in the interim by a rule of the Legislature. As you noted, the power given by rule would be separate and distinct from any powers conferred upon committees by the Executive Board of the Legislative Council pursuant to its enabling legislation.

As you explained, permanent committees are created and empowered by the Rules of the Legislature adopted at the beginning of each biennial session. The committees meet even when the Legislature is in recess and conduct business pertaining to their functions of oversight, investigation and bill formulation. Some of the committee business conducted during the interim is not specifically authorized by interim study resolution.

It is axiomatic that the committee system is a creature of the legislative body and must look to its parent for its authority and power. In other words, a committee may act only upon proper authorization by the legislative body. Murphy v. Collins, 20 Ill. App.3d 181, 312 N.E.2d 772, 785 (1974); Mason's Manual of Legislative Procedure, section 615, p. 439 (1953); Sturgis Standard Code of Parliamentary Procedure, p. 179 (1966). Additionally, legislative committees have no power to act as such after adjournment of the Legislature, unless they are specifically authorized to do so.

Commercial & Farmers Bank v. Worth, 117 N.C. 146, 23 S.E. 160 (1895); Mason's Manual of Legislative Procedure, supra, at 445; 28 A.L.R. 1154, 1155 (1922).

The manner through which this authority may be transmitted from the legislative body to its committees has been the subject of several judicial decisions. In Murphy v. Collins, 20 Ill. App.3d 181, 312 N.E.2d 772 (1974), the court, while holding that the particular committee activity at issue was not authorized, concluded that the Illinois House of Representatives could create and empower standing committees through its legislative rules. However, this case involved only the authority of committees to function during the legislative session.

In regard to the manner of authorizing a legislative committee to function during the interim between sessions, the weight of judicial authority supports the conclusion that the Legislature may do so by resolution. People v. Hofstadler, 258 N.Y.425, 180 N.E. 106 (1932); 28 A.L.R. 1154 (1922). In so holding, courts have rejected challenges founded on constitutional restrictions regarding the duration of legislative sessions, as well as arguments based on constitutional prohibitions against enacting laws except by bill. State ex rel. Robinson v. Fluent, 30 Wash. 2d 194, 191 P.2d 241 (1948); People v. Backer, 113 Misc. 400, 185 N.Y.S. 459 (1920); State v. Atterbury, 300 S.W.2d 806 (Mo., 1957). The Nebraska Supreme Court has never considered this issue; however, in In re Appeal of Wilkins, 116 Neb. 748, 219 N.W. 9 (1928), the court, while considering a different issue, apparently presupposed the validity of committee actions taken after the close of the legislative session pursuant to a resolution of the state senate.

Our research has revealed no cases considering the precise inquiry raised herein, i.e. whether the Legislature may constitutionally authorize legislative committees to function during the interim by rule of the Legislature. However, the reasoning employed by the above cited authorities is instructive.

A state constitution is not a grant but a restriction on the legislative powers; therefore, the Legislature has all legislative powers not denied it by the constitution. AFMSCE v. State, 200 Neb. 171, 177, 263 N.W.2d 643 (1978); State v. Atterbury, supra at 810. An express enumeration of legislative powers in a state constitution does not exclude others not mentioned, unless accompanied by negative terms. State ex rel. Robinson v. Fluent, supra 191 P.2d at 246.

The Legislature possesses the inherent powers of inquiry, research and investigation as a basis for future legislation. 72 Am.Jur.2d, States, section 48, p. 447. It has been held that constitutional restrictions regarding sessions are limitations upon the power of

enacting laws, not upon the function of investigation. State ex rel. Robinson v. Fluent, supra 191 P.2d at 246; State v. Atterbury, supra, 300 S.W.2d at 812.

Further, as heretofore noted, the constitutional prohibition against enacting laws except by bills has been held to be inapplicable to the transmittal of power and authority from the Legislature to its committees. People v. Backer, supra, 185 N.Y.S. at 460.

In our opinion, there appears to be no constitutional restriction on the power of the Nebraska Legislature to specifically authorize its permanent committees to conduct business during the interim by rule of the Legislature. There being no constitutional restriction, the result follows, in our opinion, that the Legislature is empowered to do so.

Further, Article III, section 10 of the Nebraska Constitution directs that “. . . the Legislature shall determine the rules of its proceedings. . . .” In State v. Hagemester, 161 Neb. 475, 73 N.W.2d 265 (1955), the court discussed this constitutional provision, stating:

“. . . It will be observed that this authority does not limit itself to any particular power which the Legislature has or is given but is broad and unlimited in its scope. . . .

“. . . ‘The power to determine rules of proceedings is not restricted to proceedings of the body in ordinary legislative matters, but extends to the determination of the propriety and effect of any action taken by the body as it proceeds in the exercise of any power, in the transaction of any business, or in the performance of any duty conferred on it by the constitution. \* \* \*’” Id. at 628,629.

Further, it has been held that the Legislature’s interpretation of the constitutional provision authorizing it to determine the rules of its proceedings, while not binding on the judiciary, is persuasive and should be upheld unless manifestly erroneous. Witherspoon v. State, 138 Miss. 310, 103 So. 134 (1925); Moore’s Manual of Legislative Procedure, section 71, p. 72-73.

The committee system, being the principal means through which the legislative body performs many of its duties and powers including investigation, research and inquiry, is an integral part of the legislative process. In our opinion, the Legislature could reasonably interpret the constitutional directive to determine the rules of its proceedings as encompassing the creation and authorization of committee activities which, if so specifically directed, could therefore constitutionally continue during the interim.

Yours truly,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Lynne Fritz

Assistant Attorney General

LF:pes

cc: Patrick O'Donnell  
Clerk of the Legislature

**MESSAGE FROM THE SECRETARY OF STATE**

May 29, 1979

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

Dear Clerk:

This letter with the attached certification does hereby certify that:

“Legislative Bill 595 passed by the Eighty-Sixth Legislature having been with the Governor at least five days, Sunday excepted, and the Governor having failed to veto, and the Governor having failed to sign the Bill, and the Bill having been presented to the Secretary of State without the signature, it does hereby become law without the Governor's signature pursuant to the Constitution on this 29th day of May, 1979.”

Sincerely yours,  
(Signed) ALLEN J. BEERMANN  
Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 595 passed by the Eighty-Sixth Legislature having been with the Governor at least five days, Sunday excepted, and the Governor having failed to veto, and the Governor having failed to sign the Bill, and the Bill having been presented to the Secretary of State without the signature, it does hereby become law without the Governor's signature pursuant to the Constitution on this 29th day of May, 1979.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this

Twenty-Ninth day of May in the year of our Lord, One Thousand Nine Hundred and Seventy-Nine.

(SEAL)

(Signed) Allen J. Beermann  
Secretary of State

### COMMUNICATIONS

Received copy of Concurrent Resolution from the West Virginia Legislature regarding a proposed constitutional amendment nationalizing all companies which produce, process, refine, manufacture or otherwise alter crude oil.

Received copy of Senate Joint Resolution No. 1 by the General Assembly of Iowa regarding the balancing of the federal budget.

Received copy of resolution from the International Association of Chiefs of Police regarding motorcycle/moped helmet use legislation.

### APPRECIATION

Received note of appreciation from the William Brennan family.

### REPORTS

According to statute, the following reports have been filed in the office of the Clerk of the Legislature.

Copies of plans from Southeast Community, Northeast Community, Central Tech Community, Metropolitan Tech Community, Western Tech Community, and Mid-Plains Tech Community Colleges in accordance with LB585, Sec. 24, 1979, showing how funds from the respective areas will be integrated into the budgets of the area.

Reports from the State Building Division in compliance with section 81-1108.41 on Requests for Construction Contract Approval for the following: Lincoln Equipment Storage, Lincoln; Ord Equipment Storage, Ord; New Beef Barn Facility, Nebraska State Fairgrounds; Campground Improvements-Branched Oak and Pawnee State Recreation Areas.

Report from the Natural Resources Commission on the amount of funds allocated from the Commission Discretionary Fund for Water Conservation Fund and Resources Development Fund in accordance with LB596, Sec. 23, 1979.

Annual report from the Natural Resources Commission on the Nebraska State Water Planning and Review Process in accordance with LB595, 1979.

Annual report from the Natural Resources Commission describing work accomplished by the Development Fund in accordance with section 2-3265.

Reports from the Board of Trustees of Nebraska State Colleges in accordance with LB596, 1979 on the following: Master's of Business Administration program between the University of Nebraska and Kearney State College; number of tenured and nontenured faculty by rank; ways in which permanent and new salary dollars were distributed by the board; specific vocational tech programs offered at Peru State and Chadron State Colleges; all cooperative programs initiated among the state colleges, the University of Nebraska and the tech community colleges.

Report from the Department of Agriculture in accordance with LB596, 1979, updating fee schedules for the Division of Weights and Measures and Dairies and Foods.

Annual report from the Department of Public Institutions of applicants for admission who could not be accepted at time of application, in accordance with section 83-109, 1979.

Report from the Department of Justice on the activities of the Medicaid Fraud Control Unit, in accordance with LB596, 1979.

Annual report from the Nebraska Commission on the Status of Women.

Report from the Department of Environmental Control showing the financial status of the Construction Grants Program in accordance with section 81-1533.

Biennial report from the Department of Economic Development.

Report from the Department of Education regarding LB596 legislative intent for instructional television.

Annual and study report from the State Athletic Commissioner pursuant to LB586.

Copy of the workload study for the Nebraska State Probation System in accordance with LB596.

Reports from the Board of Trustees of Nebraska State Colleges listing all non-degree recreational and avocational courses and statement of receipts and expenditures pursuant to LB596, Sec. 21, 1979; also, summary of distribution of salary discretionary funds for the State College System in accordance with LB591, Sec. 8, 1979.

Copy of report from the Commission on Aging relative to the anticipated increase in the non-federal share of aid to the elderly in accordance with LB596, 1979.

Report from the University of Nebraska on all cooperative programs initiated among University of Nebraska, state colleges, and tech community colleges; also, report of non-degree recreational and avocational courses as required by LB596, 1979.

Report from the Department of Public Welfare on medicaid information pursuant to LB596, Sec. 13, 1979.

Quarterly report of the Correctional Improvement Program, Leisure Time Activities Evaluation Team pursuant to LB596, Sec. 18, 1979.

Annual report from the State Court Administrator on the Courts of Nebraska, structures and operations.

Report from the Nebraska Accountability and Disclosure Commission on summary of activities of Political Action Committees 1978 elections.

Annual report from the Nebraska Workmen's Compensation Court.

1979 annual report from the Department of Aeronautics.

Quarterly report from the Department of Roads for the Nebraska State Highway Commission.

Annual fiscal report from the Department of Administrative Services, Accounting Division.

Report from the Department of Education on current information concerning the two Displaced Homemaker Centers operating in Nebraska.

Annual report from the Auditor of Public Accounts of the Public Employee's Retirement Board for fiscal year ending June 30, 1979.

Letter from the Director of Health stating the Department of Health proposes no change to the listing of clinical equipment identified in section 31 of LB 172, 1979, the Nebraska Health Care Certificate of Need Act.

Letter from the Nebraska Liquor Control Commission reporting no revenue collected or additional expenditures in the issuing of licenses provided under subdivision (5) of section 53-124.03.

Report from the Department of Education on the Teacher Certification and the Professional Practices Commission Certification fee proposal.

Annual report from the Nebraska Military Department for the period ending June 30, 1979.

Copy of report on the training course for supervisors offered by the Department of Personnel, pursuant to LB 596.

Report from the Department of Roads of a one year and long-range five year plan of scheduled design, construction, and improvement for all exterior access roads and interior service roads as certified to the Department of Roads by the Game and Parks Commission as provided under Section 39-1392, R.R.S. 1943.

Copy of merger legislation being proposed by the Department of Personnel and the Joint Merit System, as required by LB 596.

Activity report from the Marketing Division, Department of Agriculture, for fiscal year 1979.

First Year Composite Report of the Board of Jail Standards from July 1, 1978 to June 30, 1979, pursuant to LB 212, 1978.

Letter from Department of Correctional Services stating by July, 1980 an accurate determination could be made on the inmate work and training potential at the new Central Utilities Plant for the State Penitentiary, pursuant to Sec. 18, LB596, 1979.

Letter from the Commission on Aging requesting an extension from January 1, 1980 to March 1, 1980 for the filing of their report under the provisions of LB161, The Older Nebraskans Act, since organizational efforts had a late start.

Copy of the proceedings of the State Communications Advisory Board meeting, in accordance with LB 427.

Annual report from the Nebraska Commission on Rural Health Manpower.

### NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1979 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

| DISTRICT  |                  | FEE       |
|---|------------------|-----------|
| Central Platte                                      |                  |           |
| James I. Shamberg                                   | Attorney         | 6,772.77  |
| Cook & Kopf, P.C.                                   | Attorneys        | 1,036.94  |
| Lewis and Clark                                     |                  |           |
|   | Attorneys        | 4,491.75  |
| Little Blue   |                  |           |
| Knudsen, Berkheimer, Beam,<br>Richardson & Endacott | Attorneys        | 521.22    |
| Lower Big Blue                                      |                  |           |
| Everson, Noble, Wullschleger,<br>Sutter & Sharp     |                  | 8,349.48  |
| Lower Elkhorn                                       |                  |           |
| Jewell, Otte, Gatz,<br>Collins, Domina              | Attorneys        | 16,721.40 |
| Lower Niobrara                                      |                  |           |
|   | Lobbyists        | 413.44    |
|   | Public Relations | 413.44    |
| Lower Platte North                                  |                  |           |
| George E. Svoboda                                   | Attorney         | 27,059.25 |
| Sabata & Egr  | Attorneys        | 50.00     |
| Lower Platte South                                  |                  |           |
|   | Attorney         | 19,716.73 |
| Middle Niobrara                                     |                  |           |
| Robert Coupland                                     | Attorney         | 26.25     |
| Warren Arganbright                                  | Attorney         | 75.00     |
| Middle Republican                                   |                  |           |
| Fred Schroeder                                      | Attorney         | 768.50    |
| James Lane  | Attorney         | 2,809.12  |
| Natural Resources Commission                        |                  |           |
| Merritt   | Public Relations | 1,595.09  |
| Nemaha  |                  |           |
| Seglin; Finn & Dobler;<br>Nestor & Mercure          | Attorneys        | 20,425.59 |
| North Platte  |                  |           |
| Holtorf, Hansen, Kovarik &                          |                  |           |

FIRST DAY - JANUARY 9, 1980

107

|  |                  |           |
|--|------------------|-----------|
| Nuttleman, P.C.                              | Attorneys        | 605.45    |
| South Platte                                 |                  |           |
| Van Steenberg,<br>Myers & Burke              | Attorneys        | 11,064.38 |
| Tri-Basin                                    |                  |           |
| Anderson, Storms, Strasburger<br>& Klein     | Attorneys        | 537.33    |
| Twin Platte                                  |                  |           |
| Jess C. Nielsen                              | Attorney         | 11,332.71 |
| Upper Big Blue                               |                  |           |
| Svehla & Brugh                               | Attorneys        | 785.00    |
| Luebs, Dowding, Beltzer<br>& Leininger       | Attorneys        | 3,857.50  |
| Crosby, Guenzel, Davis,<br>Kessner & Kuester | Attorneys        | 2,619.94  |
| Upper Elkhorn                                |                  |           |
| Nebr. Natural<br>Resources Assn.             | Lobbyists        | 750.00    |
| Nebr. Natural<br>Resources Assn.             | Public Relations | 750.00    |
| Upper Loup                                   |                  |           |
| None   |                  |           |
| Upper Niobrara-White                         |                  |           |
| None   |                  |           |
| Upper Republican                             |                  |           |
| Terry E. Savage                              | Attorney         | 1,285.50  |

**MOTION - Election of Chairman**

Speaker Marvel moved to proceed to the election of the Chairman of Administrative Rules and Regulations Committee.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

**Election of  
Administrative Rules and Regulations  
Chairman**

Mr. DeCamp nominated Mr. Kelly.

Mr. Lewis moved the nominations cease and a unanimous ballot be cast for Mr. Kelly.

The motion prevailed with 40 ayes, 0 nays, and 19 not voting.

The Chair declared Mr. Kelly duly elected Chairman for the Administrative Rules and Regulations Committee.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 598.** By Lewis, 45th District.  
This bill introduced on behalf of: Legislature.

A BILL FOR AN ACT to amend section 49-707, Reissue Revised Statutes of Nebraska, 1943, relating to statute revision; to provide that the Revisor of Statutes shall cause the statutes to be copyrighted; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 599.** By Warner, 25th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 10-407, 10-409, 10-801, 14-365.07, 18-1401, and 31-709, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 20, 21, 25, 30, 75, and 139, respectively, Laws 1979, LB 187, relating to taxation; to adjust certain rates; to amend sections 17-938, 19-2504, 31-727.03, 46-673, 77-605, 77-660, 77-1250, 77-1605, 79-2210, and 79-2650, Revised Statutes Supplement, 1979; to harmonize provisions with changes made in Laws 1979, LB 187; to provide an operative date; and to repeal the original sections, and also sections 23-362, 23-362.03, and 77-1604, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, sections 118, 119, and 214, respectively.

**LEGISLATIVE BILL 600.** By Kahle, 37th District.  
This bill introduced on behalf of: County Attorneys.

A BILL FOR AN ACT to amend section 29-1607, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide when a preliminary examination shall be conducted; and to repeal the original section.

**LEGISLATIVE BILL 601.** By Kahle, 37th District.  
This bill introduced on behalf of: County Officials.

A BILL FOR AN ACT to amend section 23-2010, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to change procedure for removal of an officer by recall; to provide the causes for such removal; and to repeal the original section.

**LEGISLATIVE BILL 602.** By Marsh, 29th District.  
This bill introduced on behalf of: City of Lincoln.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of such property to the city of Lincoln.

**LEGISLATIVE BILL 603.** By Marsh, 29th District.  
This bill introduced on behalf of: Constituents.

A BILL FOR AN ACT relating to mopeds; to amend section 60-401, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,197, Revised Statutes Supplement, 1979; to redefine terms; to change provisions relating to the operation of mopeds; to provide for a moped operator's license as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 604.** By Marsh, 29th District.  
This bill introduced on behalf of: Civil Air Patrol.

A BILL FOR AN ACT to amend section 60-335, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle registration; to exempt certain motor vehicles from a registration fee; and to repeal the original section.

**LEGISLATIVE BILL 605.** By Haberman, 44th District.  
This bill introduced on behalf of: State Patrol.

A BILL FOR AN ACT relating to crimes and punishments; to provide the offenses of unlawful assembly and refusing to disperse; to limit liability; and to provide penalties.

**LEGISLATIVE BILL 606.** By Barrett, 39th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 79-478 and 79-482, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to transfer of pupils; and to repeal the original sections.

**LEGISLATIVE BILL 607.** By Merz, 1st District.  
This bill introduced on behalf of: Nebraska Association of County Officials.

A BILL FOR AN ACT to amend sections 39-1722 to 39-1726, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to eliminate certain provisions relating to the relocation of county roads; and to repeal the original sections.

**LEGISLATIVE BILL 608.** By Revenue Committee: Carsten, 2nd District, Chairman; Johnson, 8th District; Sieck, 24th District; Burrows, 30th District; Hefner, 19th District; Newell, 13th District. This bill introduced on behalf of: committee.

A BILL FOR AN ACT to adopt the Homestead Property Tax Relief Act; to provide a penalty; to repeal provisions relating to homestead exemptions; to provide an operative date; and to repeal sections 77-3501 to 77-3525, and 77-3529, Revised Statutes Supplement, 1979.

**LEGISLATIVE BILL 609.** By Revenue Committee: Carsten, 2nd District, Chairman; Keyes, 3rd District; Murphy, 17th District; Burrows, 30th District; Sieck, 24th District; Hefner, 19th District. This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 77-3410, Revised Statutes Supplement, 1979, relating to the Local Option Tax Control Act; to change the procedures relating to revocation of local budget limitations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 610.** By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Burrows, 30th District; Sieck, 24th District; Johnson, 8th District. This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 77-2734, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to increase the corporate income tax rate; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 611.** By Sieck, 24th District. This bill introduced on behalf of: Nebraska Rural Electric Association.

A BILL FOR AN ACT to amend sections 75-710, 75-713, 75-715, 75-716, 75-719, and 75-721, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to change provisions relating to transmission lines; to change provisions relating to construction or alteration of certain lines; to change duties; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 612.** By Simon, 31st District. This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to lotteries; to define terms; to create a statewide lottery; to provide duties for the Department of Revenue; to create a fund; and to provide for the use of funds as prescribed.

**LEGISLATIVE BILL 613.** By Simon, 31st District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to the metropolitan transit authority; to state intent; to amend section 77-3423, Revised Statutes Supplement, 1979; to exempt a transit authority from certain budget limitations; and to repeal the original section.

**LEGISLATIVE BILL 614.** By Simon, 31st District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 16-691.02 and 17-609, Reissue Revised Statutes of Nebraska, 1943, relating to cities; to remove the authorization to transfer surplus utility funds to the general fund; and to repeal the original sections.

**LEGISLATIVE BILL 615.** By Wagner, 41st District.

This bill introduced on behalf of: County Officials.

A BILL FOR AN ACT to amend section 33-117, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1112, 23-1112.01, 83-337, and 83-424, Revised Statutes Supplement, 1978, relating to county government and officers; to change the rate of mileage allowance; and to repeal the original sections.

**LEGISLATIVE BILL 616.** By Revenue Committee: Carsten, 2nd District; Chairman; Burrows, 30th District; Hefner, 19th District; Sieck, 24th District; Murphy, 17th District; Newell, 13th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to revenue and taxation; to provide alternate procedures for computation and payment of certain taxes as prescribed.

**LEGISLATIVE BILL 617.** By Haberman, 44th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1978, and section 77-27,142, Revised Statutes Supplement, 1979, relating to the sales and income tax; to change the sales and income tax rate increments; to remove the requirement that sales and use taxes generate equal revenue; and to repeal the original sections.

**LEGISLATIVE BILL 618.** By Cullan, 49th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 5-105, Reissue Revised Statutes of Nebraska, 1943, relating to judicial districts; to increase the number of judges as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 619.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Sieck, 24th District; Powers, 9th District; Murphy, 17th District; Simon, 31st District; Lewis, 45th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 39-6,131, Reissue Revised Statutes of Nebraska, 1943, relating to tires; to prohibit the use or sale of tires with studs or spikes; to require the posting of notices; to prohibit the sale of studs or spikes; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 620.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Sieck, 24th District; Venditte, 7th District; Simon, 31st District; Fitzgerald, 14th District; Powers, 9th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 18-2203 to 18-2205, Reissue Revised Statutes of Nebraska, 1943, and sections 18-2201, 18-2202, and 18-2206, Revised Statutes Supplement, 1979, relating to cable television service; to change a term; to permit counties to control certain cable television service; to harmonize a penalty provision; to permit counties and municipalities to jointly provide such service; to authorize publicly-owned cable television service; to require a vote; and to repeal the original sections.

**LEGISLATIVE BILL 621.** By Judiciary Committee: Nichol, 48th District; Chairman; Pirsch, 10th District; Stoney, 4th District, Venditte, 7th District; Reutzel, 15th District; Chronister, 18th District; Wagner, 41st District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to adopt the American Law Institute and the National Conference of Commissioners on Uniform State Laws 1972 revisions to article 9 and related sections; to harmonize provisions with previous legislative action as prescribed; to amend sections 1-105, 1-201, 2-107, 5-116,

9-102, 9-103, 9-104, 9-105, 9-106, 9-203, 9-204, 9-205, 9-301, 9-302, 9-304, 9-305, 9-306, 9-307, 9-308, 9-312, 9-313, 9-318, 9-401, 9-402, 9-403, 9-404, 9-405, 9-406, 9-501, 9-502, 9-504, and 9-505, Uniform Commercial Code; and to repeal the original sections.

**LEGISLATIVE BILL 622.** By Pirsch, 10th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 42-365 and 42-366, Reissue Revised Statutes of Nebraska, 1943, relating to divorce and alimony; to provide additional considerations in division of property and award of alimony as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 623.** By Murphy, 17th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 48-1118, Revised Statutes Supplement, 1979, relating to the Nebraska Fair Employment Practices Act; to require that notice of unlawful employment practice be given to the employer; to place a time limit on certain commission actions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 624.** By Murphy, 17th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to mopeds; to amend sections 60-102 and 60-401, Reissue Revised Statutes of Nebraska, 1943 and sections 39-602, 39-6,196, 39-6,197, and 60-301, Revised Statutes Supplement, 1979; to change provisions relating to the licensing of moped operators; to redefine terms; to make mopeds subject to title, licensing, and registration provisions; and to repeal the original sections.

**LEGISLATIVE BILL 625.** By Koch, 12th District; Hefner, 19th District; Kahle, 37th District.  
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to taxation; to repeal the Local Option Revenue Act; to provide an operative date; and to repeal sections 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, sections 77-27,142.01 to 77-27,142.05, Revised Statutes Supplement, 1978, and section 77-27,142, Revised Statutes Supplement, 1979.

**LEGISLATIVE BILL 626.** By Koch, 12th District.

This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend section 28-509, Revised Statutes Supplement, 1978, relating to crimes and punishments; to redefine a term; to provide an additional offense; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 627.** By Koch, 12th District.

This bill introduced on behalf of: Subdivisions of Nebraska.

A BILL FOR AN ACT to amend sections 77-3401, 77-3402, 77-3403, 77-3405, 77-3406, 77-3409, and 77-3410, Revised Statutes Supplement, 1979, relating to the Local Option Tax Control Act; to change petition requirements; to change the period of time a budget limitation is applicable; to harmonize provisions; to provide for the cost of an election; to repeal the original sections, and also section 77-3403, Revised Statutes Supplement, 1979; and to declare an emergency.

**LEGISLATIVE BILL 628.** By Chambers, 11th District.

This bill introduced on behalf of: Justice and Equity.

A BILL FOR AN ACT to amend sections 23-1114.02 to 23-1114.07 and 33-117, Reissue Revised Statutes of Nebraska, 1943, relating to sheriffs; to change compensation as prescribed; to provide for qualifications; to change provisions relating to the boarding of prisoners; to provide a penalty; to provide operative dates; and to repeal the original sections, and also sections 9 and 10 of this act and sections 33-117.01, 47-113, and 47-113.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 629.** By Koch, 12th District.

This bill introduced on behalf of: City of Ralston.

A BILL FOR AN ACT to amend section 16-104, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change the minimum number of wards required in such cities; and to repeal the original section.

**RESOLUTION****LEGISLATIVE RESOLUTION 179.**

Introduced by DeCamp, 40th District.

WHEREAS, the conservation and beneficial use of Nebraska's water resources are of paramount importance to the continued growth and prosperity of agriculture, industry, municipalities, recreational activities, environmental protection, and the general welfare of the State;

WHEREAS, the imminent threat of continuing conflicts among water use and water users is one of the state's major long-range problems;

WHEREAS, it is necessary to define the role of the State in the planning, development and management of its water resources;

WHEREAS, it is apparent that legal means must be found for integrating surface and ground water development for the most effective and economical use of this vital natural resource;

WHEREAS, all problems of water supply, discharge, re-use, and the financing of projects are so intertwined as to make them inseparable and all aspects of water resources of the State should be coordinated as carefully as possible;

WHEREAS, the multiplicity of state agencies, committees, and other organizations concerned and dealing with water issues has made resolution of problems difficult and has not enabled there to be a clearly recognized source for consideration of all issues and problems, and recommendation of action to remedy conflicts;

WHEREAS, multitudes of studies by a variety of publicly and privately financed water interested groups have been completed, are being completed or will be completed, all of which will have recommendations or suggestions as to what problems exist with respect to water use, potential solutions to these problems, estimates of consequences of one proposed solution versus another solution;

WHEREAS, each of these problems and proposed solutions to them can only be and must be resolved by making a public policy decision which is in effect a decision which can only be made by a political body, namely the Legislature;

WHEREAS, in order for the Legislature to express its opinion on major issues of water policy in Nebraska, bills regarding major water matters should be voted upon to provide guidance to the People, to administrative agencies, and to the courts;

WHEREAS, this Second Session of the Eighty-Sixth Legislature should provide the machinery for detailed final legislative resolution and determination as to what the public policy and laws of this State should be with respect to the following matters which should be handled as legislative decisions rather than left to the courts:

1. Interrelationship of ground and surface water.
2. Conjunctive use of water.

3. Transbasin diversion of water.
4. The definition of beneficial uses of water.
5. Statutory amendments recommended by the so-called "ad hoc water committee."
6. The Nebraska Ground Water Management Act.
7. Instream flow protection for recreation, fishing, wildlife, waste disposal, aesthetics, and other public purposes.
8. Conservation of water.
9. Off stream and on-stream storage of water.
10. Supplemental storage of water.
11. Forfeiture of water rights.
12. Ground water management.
13. Ground water storage.
14. Transferability of rights to use water.
15. Interstate decrees, compacts, and agreements.
16. Riparian rights.
17. Protection of recreational, aesthetic, and ecological values.
18. Economic impacts of water resources development and water use controls.
19. Flooding problems and needs and solutions.
20. Recreation needs.
21. Multiple purpose benefits and values in water projects and issues.
22. Energy needs for water.
23. Industrial and commercial needs for water.
24. Economic values for and in irrigation development, energy production, fish and wildlife values, and outdoor recreation.
25. Conflicts between ground water users and those diverting water from streams pursuant to state permits or riparian rights.
26. Water quality.
27. Criteria for issuance of permits to divert water from water courses.
28. Weather modification.
29. Irrigation scheduling and conservation.
30. Preferences for water use and rights.

NOW, THEREFORE, BE IT RESOLVED BY THE EIGHTY-SIXTH LEGISLATURE, SECOND SESSION, OF THE STATE OF NEBRASKA:

Section 1. Creation of the Water Policy Decision Commission. A Water Policy Decision Commission is hereby created and the appointment of its members authorized. The Commission shall consist of the chairman of the Public Works Committee of the Nebraska Legislature, the chairman of the Agriculture and Environment Committee of the Nebraska Legislature, and seven other members of the Legislature who shall be appointed by the

Legislature's Executive Board. The Executive Board in making its decision as to which legislative members shall serve on this Commission is hereby instructed to receive applications from interested legislative members for this Commission to attempt to find legislative members who are specifically known by the Executive Board to have interest and knowledge in the subject of water use and regulation and legislative members who shall represent agriculture, environmental interest, cities and towns, and energy interests particularly. The Commission members shall after being appointed by the Executive Board select from among themselves a chairman for the Water Policy Decision Commission.

Section 2. Powers of the Commission. The Commission is authorized to: (a) create subcommittees as it may deem necessary and proper, (b) determine the membership of all subcommittees and make appointments to them, (c) outline subcommittee studies, (d) require reports in such form as it may deem available, (e) employ necessary technical and clerical assistance as determined by a majority of the Commission, and (f) have the authority to do all things necessary or desirable to carry out the purposes and functions of the Commission as directed by this Resolution.

Section 3. Duties of the Commission. The Commission shall review current and potential water problems in Nebraska, analyze existing Nebraska laws, consolidate scattered provisions, eliminate obsolete laws, clarify ambiguous matters and thereafter draft and introduce bills for consideration by the Legislature. In connection with each bill proposed, there shall be prepared a comprehensive background report covering what changes, if any, the bill makes in existing law, the major alternatives considered by the Commission, and the probable impact of the bill.

The Commission shall hold a minimum of two meetings per month which may or may not be open to the public. It may hold such additional meetings as are deemed necessary by the committee by a majority vote or its chairman.

For action by the Eighty-Sixth Legislature, Second Session, the committee shall on or before March 15, 1980 recommend and is hereby authorized to introduce any emergency legislation it deems necessary and proper including any constitutional amendments it deems proper, which would facilitate the future work of the Commission or which would prevent any particular crisis situations the Commission determines would develop before the 1981 session.

In the event that there is not unanimous agreement for any emergency legislation to be introduced in the Eighty-Sixth Legislative Session, then a minority report stating the reasons why the legislation should or should not be introduced or variations or alternate

legislation shall be submitted by the individuals dissenting from introduction of any legislation in the Eighty-Sixth Legislative Session. A majority report stating the reason for the emergency and the specific reasons why the legislation must be passed in the Eighty-Sixth Legislative Session shall accompany any legislation to be introduced in the Eighty-Sixth Session of the Legislature.

For the Eighty-Seventh Legislature, First Session, the Commission shall prepare a codification of existing water statutes and an analysis of any problems, deficiencies, inconsistencies, or needed clarifications; and it shall submit a plan or recommendation for recodification and improvement of such statutes.

For consideration and action by subsequent legislatures, the Commission shall analyze and evaluate studies now being prepared by the State Natural Resources Commission and Work Plan Development Committee, and it shall analyze studies and data, and data collection activities of all state agencies involved in or concerned with water. The Commission shall then recommend priorities for studies including re-direction of efforts where advisable, and shall recommend legislation where necessary, or file a Report setting forth the Commission's reasons why no legislation is necessary in connection with the specific matter. Those areas of concern to be considered and addressed by the Commission shall include, but not be limited to:

1. Interrelationship of ground and surface water.
2. Conjunctive use of water.
3. Transbasin diversion of water.
4. The definition of beneficial uses of water.
5. Statutory amendments recommended by the so-called "ad hoc water committee."
6. The Nebraska Ground Water Management Act.
7. Instream flow protection for recreation, fishing, wildlife, waste disposal, aesthetics, and other public purposes.
8. Conservation of water.
9. Off stream and on-stream storage of water.
10. Supplemental storage of water.
11. Forfeiture of water rights.
12. Ground water management.
13. Ground water storage.
14. Transferability of rights to use water.
15. Interstate decrees, compacts, and agreements.
16. Riparian rights.
17. Protection of recreational, aesthetic, and ecological values.
18. Economic impacts of water resources development and water use controls.

19. Flooding problems and needs and solutions.
20. Recreation needs.
21. Multiple purpose benefits and values in water projects and issues.
22. Energy needs for water.
23. Industrial and commercial needs for water.
24. Economic values for and in irrigation development, energy production, fish and wildlife values, and outdoor recreation.
25. Conflicts between ground water users and those diverting water from streams pursuant to state permits or riparian rights.
26. Water quality.
27. Criteria for issuance of permits to divert water from water courses.
28. Weather modification.
29. Irrigation scheduling and conservation.
30. Preferences for water use and rights.

The Water Policy Decision Commission shall ask organizations and agencies to file written briefs stating: 1) Wherein and why present laws are inadequate; 2) What should be done to correct the inadequacies if any exists; 3) What are the basic plans which should govern future water use, conservation and environmental policies. After filing the briefs within the time limits and on specific subjects the Commission designates, the organization and agencies shall be asked to meet with the Water Policy Decision Commission to discuss the issues raised and make decisions. Groups represented at a minimum shall include the following: agriculture, sportsmen and fishermen, environmental organizations, commerce and industry, civic organizations, water suppliers and utilities, state agencies, federal agencies, irrigators, municipalities, land and water developers, such other public or private groups as the Commission deems necessary.

The Commission is hereby specifically directed to utilize the talents, research and abilities of state officials knowledgeable in the area of water resources, water law and water use including the state geologist, water law specialists at the University or the University Law School, other public and private individuals known to the Commission to have expertise in various areas of water use and water law.

Section 4. Procedures. After an initial draft of recommended legislation is completed, or a report is prepared setting out why no changes are necessary or desirable in the laws applicable to a specific subject, the draft or report shall be DELIVERED TO THE Governor, the Natural Resources Commission, the Interagency Water Coordinating Committee, the Public Advisory Board, and the Legislature's Executive Board. A detailed and comprehensive review by the Commission of recommended legislation shall ALSO be

delivered and made available. The review and recommendation shall also be available to the public.

The Commission shall continue in existence until the end of the Eighty-seventh Legislature, Second Session (1982), whereupon it shall turn over to the Public Works Committee all reports, comments, impact assessments and other relevant materials generated by the Commission; UNLESS, the Commission shall have agreed that its work and efforts have been completed prior to that time and it shall have recommended to the Legislature its continuation.

If the Commission shall recommend its continuation, the Legislature shall consider such continuation on a biannual basis, for two-year extensions to coincide with the terms of the Legislature; except that at any time after a continuation the Commission may be terminated by the Legislature on recommendation of such termination by the Commission. At the time of termination of the Commission, the Public Works Committee shall study all documents turned over to it by the Commission, and shall decide if additional legislation or planning and policy actions should be introduced in subsequent legislatures.

All appointments of members to the Commission shall remain throughout the life of the Commission, unless the Legislature shall specifically change an appointment; and the Legislature shall appoint members to the Commission to fill vacancies as they may occur.

Section 5. Funding. The Legislature's Executive Board shall provide to the Commission the necessary resources, staff and related things to complete the work of this Water Policy Decision Commission.

Laid over.

### **LEGISLATIVE RESOLUTION 180.**

Introduced by Beutler, 28th District.

WHEREAS, the integrity of state government is dependent upon the awareness of its citizens of the proceedings of the executive, legislative, and judicial branches of government; and

WHEREAS, the Legislature has extended a forum to the Governor for addressing the states' citizens, as authorized under Article IV, section 7 of the Nebraska Constitution; and

WHEREAS, the viability and effectiveness of the judicial branch depends upon the knowledge that the states' citizens have of the courts of this state; and

WHEREAS, the general administrative authority over the courts in this state is exercised by the Chief Justice of the Supreme Court, in accordance with Article V, section 1 of the Nebraska Constitution.

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

1. That the Chief Justice of the Nebraska Supreme Court be invited annually to address the Legislature on the condition of the state's courts.

2. That the presiding officer of the Legislature appoint a committee of five members to escort the Chief Justice to the legislative chambers at the time set by the presiding officer for the address.

Laid over.

**LEGISLATIVE RESOLUTION 181.**

Introduced by Powers, 9th District.

Whereas William E. "Bill" Brennan was born in Omaha, Nebraska, and a life-long resident of that city and state,

Whereas William E. "Bill" Brennan served as President of the Nebraska AFL-CIO from April 1972,

Whereas William E. "Bill" Brennan was elected to the Nebraska Unicameral and served as a representative from the 9th Legislative District since January 1977,

Whereas William E. "Bill" Brennan was a compassionate lawmaker with a deep concern for all working people of the State of Nebraska,

Whereas his interest in the youth of the community involved him as a baseball coach for the Catholic Youth Organization and served on the Advisory Boards of the University of Nebraska at Omaha and Lincoln and,

Whereas, in his active participation in the community included serving on the board of directors of the Nebraska Red Cross, United Way of the Midlands, Nebraska U.S. Savings Bonds, and the National Commission of Public Libraries,

Whereas Bill Brennan was called from his duties as husband, father, union leader and public servant on August 7, 1979,

NOW BE IT RESOLVED BY THE MEMBERS OF THE 86th LEGISLATIVE OF NEBRASKA, SECOND SESSION,

1. That members of the Legislature recognize the public service career of Senator William E. "Bill" Brennan and express our deepest sympathies to the members of this family,

2. That a copy of this resolution be presented to the Brennan family members as a token of his colleagues sorrow for his passing.

Laid over.

### UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 221 in the Journal. No objections. So ordered.

- 1 1. On page 8 line 23 strike "twenty-one"
- 2 and insert "twenty"; and strike the new matter in
- 3 lines 24 through 26.
- 4 2. On page 11 in lines 13, 17, and 20
- 5 strike "twenty-one" and insert "twenty".
- 6 3. On page 13 line 13 strike "21" and insert
- 7 "20".

Mr. Keyes asked unanimous consent to print the following amendment to LB 44 in the Journal. No objections. So ordered.

- 1 1. On page 2, line 27 after "his" insert "or her".
- 2 2. On page 3, lines 1 and 4 after "his" insert
- 3 "or her"; in line 21 strike "There", show as stricken,
- 4 and insert "For the first taxable year commencing on
- 5 or after January 1, 1979, there"; in line 24 strike
- 6 "twenty-three" and insert "forty"; and in line 27 after
- 7 the period insert "For the first taxable year commencing
- 8 on or after January 1, 1980, and each year thereafter,
- 9 the food sales tax credit shall be twenty dollars for
- 10 each allowable personal exemption. The Tax Commissioner
- 11 shall review all individual income tax returns and claims
- 12 for refund processed by his or her office in 1980 prior
- 13 to the effective date of this act and make the adjustment
- 14 of food sales tax credit allowances required by this act
- 15 either by credit against tax obligations or by refunds."
- 16 3. On page 4, line 15 after "himself" insert
- 17 "or herself".
- 18 4. Strike original section 2 and insert a new
- 19 section as follows:
- 20 "Sec. 3. Since an emergency exists, this act
- 21 be in full force and take effect, from and after its
- 22 passage and approval, according to law."
- 23 5. Renumber original section 3 as section 2.

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

January 9, 1980

The Committee on Committees will meet at 12:10 p.m. on Wednesday, January 16, 1980, in Room 1520 for the purpose of hearing appointments or reappointments as follows:

Don Larson  
Agricultural Products Industrial Utilization Committee  
Dean Marsh  
Agricultural Products Industrial Utilization Committee  
William O. Mulligan  
Nebraska Accountability and Disclosure Commission  
Doris Royal  
Agricultural Products Industrial Utilization Committee  
Lola Jean Staley  
Nebraska Accountability and Disclosure Commission  
Mimi Waldbaum  
Nebraska Accountability and Disclosure Commission  
M. E. "Bus" Whitehead  
Agricultural Products Industrial Utilization Committee

(Signed) Shirley Marsh, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 630.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kahle, 37th District; Lamb, 43rd District; Burrows, 30th District; Nichol, 48th District; DeCamp, 40th District.

This bill introduced on behalf of: Department of Agriculture.

A BILL FOR AN ACT relating to the Department of Agriculture; to adopt the Nebraska Food Safety and Quality Law; to adopt the 1976 Food and Drug Administration Food Service Sanitation Ordinance by reference; to provide for licenses, inspections, fees, administration, and enforcement; to provide an operative date; to repeal provisions relating to hotels and inns; to repeal provisions relating to certain foods and the manufacture and preparation of certain foods; and to repeal sections 41-101 to 41-130, 81-217 to 81-217.09, 81-217.11 to 81-217.14, 81-217.16 to 81-218.09, 81-218.11 to 81-221, 81-223 to 81-227, 81-2,111 to 81-2,119, 81-2,122 to 81-2,124, 81-2,127, 81-2,129, 81-2,132, 81-2,133, 81-2,134.01, 81-2,134.03 to 81-2,134.11,

and 81-2,181 to 81-2,184, Reissue Revised Statutes of Nebraska, 1943, and sections 81-217.10, 81-217.15, 81-2,121, 81-2,134, and 81-2,185, Revised Statutes Supplement, 1978.

**LEGISLATIVE BILL 631.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kahle, 37th District; Lamb, 43rd District; Burrows, 30th District; Nichol, 48th District; Maresh, 32nd District; DeCamp, 40th District.

This bill introduced on behalf of: Department of Agriculture.

A BILL FOR AN ACT to amend sections 54-761, 54-1333, and 54-1708, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide a penalty; to change provisions related to official vaccinates; to change provisions relating to inspection fees of dealers; to eliminate provisions relating to glanders and dourine; to eliminate provisions for livestock remedies; to eliminate registration of stallions and jacks; and to repeal the original sections, and also sections 54-725, 54-901 to 54-906, and 54-1001 to 54-1011, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 632.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Kahle, 37th District; Lamb, 43rd District; Burrows, 30th District; Nichol, 48th District; Maresh, 32nd District.

This bill introduced on behalf of: Department of Agriculture.

A BILL FOR AN ACT to adopt the Nebraska Pasteurized Milk Law; to adopt the Grade A Pasteurized Milk Ordinance by reference; to provide for the payment of permit and inspection fees; to provide for administration and enforcement; to provide for surveys; and to repeal sections 81-218 to 81-227, 81-230 to 81-256, 81-263.50 to 81-263.52, 81-263.54 to 81-263.78, 81-263.80, 81-264 to 81-266, 81-287 to 81-290, 81-292, 81-2,217 to 81-2,229, 81-2,231, and 81-2,232, Reissue Revised Statutes of Nebraska, 1943, and sections 81-228, 81-257, 81-263.53, 81-263.79, 81-267, 81-291, 81-293, and 81-2,230, Revised Statutes Supplement, 1978.

**LEGISLATIVE BILL 633.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kahle, 37th District; Lamb, 43rd District; Burrows, 30th District; Nichol, 48th District; Maresh, 32nd District; DeCamp, 40th District.

This bill introduced on behalf of: Department of Agriculture.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-2104, 2-3103, 81-2,147.01 to 81-2,147.03, and

89-186, Reissue Revised Statutes of Nebraska, 1943, and section 89-187, Revised Statutes Supplement, 1979; to change procedures relating to rural rehabilitation corporate funds; to change fees as prescribed; to change labeling requirements for certain seeds; to provide for sale of seeds in certain containers; to provide for the use of federal measuring standards as prescribed; to provide for cooperation between agencies in their official services; to create a fund; to eliminate provisions relating to synthetic rubber production; to eliminate the Nebraska Swine Producers Association; to eliminate the supervision of hydraulic brake fluid; to eliminate the licensing of produce commission merchants; to repeal the Nebraska Dry Bean Resources Act; and to repeal the original sections, and also sections 2-1701, 2-2201 to 2-2205, 39-6,173 to 39-6,175, and 81-276 to 81-279, Reissue Revised Statutes of Nebraska, 1943, section 81-280, Revised Statutes Supplement, 1978, and sections 2-3701 to 2-3734, Revised Statutes Supplement, 1979.

### SELECT COMMITTEE REPORT Rules

January 8, 1980

The Rules Committee met Friday, December 21, 1979, to consider rule changes submitted by the LR 168 Study Committee. The attached rule changes were acted favorably on and sent to the floor for consideration.

(Signed) Steve Fowler, Chair

(1)

Amend Rule 1 section 16 by inserting a subsection (c):

C. The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the legislature not less than one day prior to the day for which the agenda was prepared.

(2)

Amend Rule 4, Section 2 as follows:

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal constitution, or memorialize the Congress for the purpose of proposing with regard to amendments to the U.S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

(3)

Amend Rule 5 section 4 to read as follows:

Section 4 Introducers signing bills.

Members shall introduce only such bills as they are willing to endorse and support personally. ~~Not more than three senators shall sign any single bill. Provided that, this limitation shall not apply to committee bills, to Legislative Council bills, and to Revisor of Statutes correctional bills.~~ The last name and district shall be used, unless an initial or name is necessary to identify the introducer. ~~Any additional signers shall be by the suspension of the rules with a machine vote and cannot be made by unanimous consent.~~

(4)

Insert a new section 2 under Rule 6 to read as follows, and renumber subsequent sections accordingly:

“Section 2 Objection to Reference of Bills:

(a) ~~Rule 3 Section 20~~

Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) ~~Rule 3 Section 19~~ (paragraph 2)

Those bills and resolutions placed on General File by the reference committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these bills matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

(5)

Amend Rule 6 section 10 as follows:

“Section 10 Governor’s Veto, ~~Reconsideration~~ Further legislative action: Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on either any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. Whereupon, the question shall be, “Shall the bill pass, notwithstanding the objection of the Governor?” No bill vetoed by the Governor shall be taken up by the legislature for any purpose other than passage of the bill notwithstanding the objection of the Governor.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.”

(6)

Amend Rule 7 to read as follows:

Section 1 Meeting Time, Restrictions

(a) The legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. “The Legislature shall, after the period allowed for the introduction of bills, recess for two weeks. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held during the recess provided for in this section. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

(7)

Amend the second paragraph of Rule 7, Section 4 as follows:

Section 4 (second paragraph)

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn.

The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter.

Mr. Fowler moved the adoption of permanent Rules.

Mr. Fowler moved to adopt the above seven miscellaneous rule changes to the Rules as recommended by the Rules Committee.

Proposed rule change (1) was adopted with 46 ayes, 0 nays, and 3 not voting.

Proposed rule change (2) was adopted with 34 ayes, 0 nays, and 15 not voting.

Proposed rule change (3) was adopted with 32 ayes, 0 nays, and 17 not voting.

Proposed rule change (4) was adopted with 34 ayes, 0 nays, and 15 not voting.

Mrs. Marsh offered the following amendment to proposed rule change (5):

Amend proposed rule change, page 5 of the Miscellaneous Rules Changes, to add on line 9 after "Governor" "or for override of a line-item veto".

The Marsh amendment was adopted with 33 ayes, 0 nays, and 16 not voting.

Proposed rule change (5), as amended, was adopted with 36 ayes, 0 nays, and 13 not voting.

Mr. DeCamp offered the following amendment to proposed rule change (6):

Add the following new language: "This rule shall become effective December 31, 1980;"

In line 6 change "2" to "1".

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 10 nays, and 12 not voting.

The Decamp amendment was adopted with 27 ayes, 15 nays, and 7 not voting.

Mr. Warner offered the following amendment to proposed rule change (6):

After the word "Legislature" in line 5 add "in odd numbered years".

The Warner amendment was adopted with 27 ayes, 14 nays, and 8 not voting.

Mr. Lewis requested a record vote on proposed rule change (6), as amended.

Voting in the affirmative, 31:

|            |          |          |        |         |
|------------|----------|----------|--------|---------|
| Barrett    | Fowler   | Kelly    | Marsh  | Rumery  |
| Beutler    | George   | Koch     | Marvel | Schmit  |
| Chronister | Goodrich | Labeledz | Murphy | Sieck   |
| Cope       | Hoagland | Landis   | Newell | Simon   |
| DeCamp     | Johnson  | Lewis    | Pirsch | Vickers |
| Dworak     | Kahle    | Maresh   | Powers | Wagner  |

Wesely

Voting in the negative, 11:

|         |          |         |         |
|---------|----------|---------|---------|
| Burrows | Cullan   | Kennedy | Reutzel |
| Carsten | Haberman | Lamb    | Stoney  |
| Clark   | Hefner   | Nichol  |         |

Present and not voting, 7:

|            |        |          |        |
|------------|--------|----------|--------|
| Chambers   | Keyes  | Merz     | Warner |
| Fitzgerald | Kremer | Venditte |        |

Proposed rule change (6), as amended, was adopted with 31 ayes, 11 nays, and 7 present and not voting.

Proposed rule change (7) pending.

#### SPEAKER'S AGENDA

The Legislature is scheduled to meet on all weekdays with exception of the following days:

- Friday, January 18, 1980
- Friday, February 1, 1980
- Friday, February 15, 1980
- Monday, February 18, 1980
- Friday, February 29, 1980
- Friday, March 14, 1980
- Friday, March 28, 1980
- Thursday, April 3, 1980
- Friday, April 4, 1980
- Monday, April 7, 1980
- Friday, April 11, 1980
- Anticipated adjournment, April 16, 1980

#### SPECIAL ORDER BILLS

|              |                     |
|--------------|---------------------|
| LB 284       | Friday, January 11  |
| LB 306       | Friday, January 11  |
| LB 399       | Friday, January 11  |
| LB 382, 382A | Monday, January 14  |
| LB 318       | Tuesday, January 15 |
| LB 222, 222A | Tuesday, January 15 |
| LB 525       | Tuesday, January 15 |

LB 221 Thursday, January 17  
LB 16 Monday, January 21  
LB 44 Wednesday, January 23

**GENERAL FILE**

General File will be followed by order of the Worksheet, excluding those bills scheduled for Special Order.

A new category will be created entitled "Passed Over". This category will list all General File bills which are passed over one time. Upon being passed over a second time, the bill will then be moved to the bottom of General File. (Pursuant to Rule 6, Sec. 2, (c))

(Signed) Richard D. Marvel  
Speaker

**RECESS**

At 12:07 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:40 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:40 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Lewis and Sieck who were excused until they arrive.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 634.** By Merz, 1st District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-6,179, Revised Statutes Supplement, 1979, relating to vehicle size; to increase the maximum length of vehicle combinations; to provide for special permits; to provide for the adoption of rules and regulations; to provide a termination date; and to repeal the original section.

**LEGISLATIVE BILL 635.** By Rumery, 42nd District.

This bill introduced on behalf of: Attorney Jess Nielson.

A BILL FOR AN ACT to amend section 29-1408, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change provisions relating to county attorneys as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 636.** By Kremer, 34th District.

This bill introduced on behalf of: Nebraska Grain and Feed Dealers' Association.

A BILL FOR AN ACT relating to implements of husbandry; to amend section 77-202.25, Reissue Revised Statutes of Nebraska, 1943, and section 60-301, Revised Statutes Supplement, 1979; to provide an exemption from motor vehicle registration for specified property; to provide a tax exemption for specified property; and to repeal the original sections and also section 60-333, Revised Statutes Supplement, 1978.

**LEGISLATIVE BILL 637.** By Maresh, 32nd District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 1, of the Constitution of Nebraska, relating to state indebtedness; to permit the Legislature to authorize the state to guarantee bonds for the construction of gasohol plants in Nebraska as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 638.** By Rumery, 42nd District.

This bill introduced on behalf of: James Conner.

A BILL FOR AN ACT to amend section 39-6,177, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change certain width restrictions as provided; and to repeal the original section.

**LEGISLATIVE BILL 639.** By Cullan, 49th District.

This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to appropriations; to make an appropriation for capital construction; and to declare an emergency.

**LEGISLATIVE BILL 640.** By Kremer, 34th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide procedures for inclusion of certain annexed territory within a Class III school district as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 641.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Clark, 47th District; Maresh, 32nd District; Kennedy, 21st District, Goodrich, 20th District, Simon, 31st District.

This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend sections 71-5602, 71-5603, 71-5605, 71-5606, 71-5608, and 71-5612, Revised Statutes Supplement, 1978, relating to rural health manpower; to define terms; to provide for staff support as prescribed; to provide for the selection of a director; to change the termination date of the commission and the referral service; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 642.** By Sieck, 24th District.

This bill introduced on behalf of: County Attorneys Association.

A BILL FOR AN ACT relating to criminal procedure; to provide for restitution to crime victims as prescribed; to provide for the enforcement of such restitution; to amend section 29-2206, Revised Statutes Supplement, 1979, relating to sentencing; and to repeal the original section.

**LEGISLATIVE BILL 643.** By Sieck, 24th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 46-657, 46-659, and 46-660, Reissue Revised Statutes of Nebraska, 1943, and section 46-602, Revised Statutes Supplement, 1979, relating to ground water; to define a term; to change provisions relating to the construction of a well or replacement well as prescribed; to provide for a late permit; to prohibit withdrawing of certain ground water; and to repeal the original sections.

**LEGISLATIVE BILL 644.** By Fowler, 27th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to beverage containers; to state intent; to provide for control of beverage containers; to define terms; to provide duties; to provide for enforcement; to provide penalties; to repeal the Nebraska Litter Reduction and Recycling Act; to provide

an operative date; and to repeal sections 81-1534 to 81-1566, Revised Statutes Supplement, 1979.

### UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused at 2:00 p.m. No objections. So ordered.

### MOTION - Rule Changes

Mr. Fowler renewed his pending motion found in this day's Journal to adopt proposed rule change (7).

Mr. Beutler offered the following amendment to proposed rule change (7).

Amend proposed rule change, page 7 of the Miscellaneous Rules Changes, by adding the following to line 9 after "matter.": "The ruling of the Presiding Officer shall be subject to overrule in accordance with Rule 1, Section 12 of these Rules."

The amendment was adopted with 32 ayes, 0 nays, and 17 not voting.

Proposed rule (7) was adopted as amended with 30 ayes, 0 nays, and 19 not voting.

### SELECT COMMITTEE REPORT

#### Rules

January 9, 1980

The Rules Committee met Monday, January 7, and Tuesday, January 8, 1980, to consider rule changes submitted by the LR 168 Study Committee. The attached rule changes to Rule 3 were acted favorably on and sent to the floor for consideration.

(Signed) Steve Fowler  
Chair

### PROPOSED REVAMP OF RULE THREE

#### REVAMP OF RULE THREE: PROPOSED AMENDMENTS

#### Section 1 COMMITTEES IN GENERAL.

(a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions,

recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

## Section 2 APPOINTMENT OF COMMITTEES.

### Section 17 Committee on Committees

(a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairman person, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45, and 46; three from District No. 2 consisting of legislative Districts Nos. 4 through 14, 20, and 31; three from District No. 3 consisting of legislative districts 15 through 19, 21 through 24, 34, 35, and 40, and three from District No. 4 consisting of legislative districts 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for herein by rule or by statute.

~~Section 1 Standing Committees Defined All committees with regular meeting times shall be identified as standing committees except as otherwise provided by law.~~

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

~~Section 2 Standing Committees, Permanent. The standing committees and the number of members shall be as follows.~~

(d) (i) The Standing Committees of the Legislature shall be as follows:

|   |           |
|---|-----------|
| Administrative Rules and Regulations Review . . . . . | 7 members |
| Agriculture and Environment . . . . .                 | 8 members |
| Appropriations . . . . .                              | 9 members |
| Banking, Commerce and Insurance . . . . .             | 8 members |
| Business and Labor . . . . .                          | 7 members |
| Constitutional Revision and Recreation . . . . .      | 7 members |
| Education . . . . .                                   | 8 members |
| Government, Military and Veterans Affairs . . . . .   | 8 members |
| Judiciary . . . . .                                   | 8 members |
| Miscellaneous Subjects . . . . .                      | 8 members |
| Public Health and Welfare . . . . .                   | 7 members |
| Public Works . . . . .                                | 8 members |
| Revenue . . . . .                                     | 8 members |
| Urban Affairs . . . . .                               | 8 members |

~~All committee members shall be nominated by the Committee on Committees in such manner as is hereafter set forth.~~

~~Section 16 Select Committees, Named. The permanent select committees shall be as follows:~~

(ii) The Select Committees shall be as follows:

|                                   |            |
|-----------------------------------|------------|
| Committee on Committees . . . . . | 13 members |
| Enrollment and Review . . . . .   | 1 member   |
| Reference . . . . .               | 9 members  |
| Rules . . . . .                   | 5 members  |

(e) Sec. 2 The speaker shall not be a regular member of a standing committee.

~~Section 15 Select Committees, Defined. All permanent committees without a regular meeting time shall be identified as select committees. The members of all select committees shall be appointed by the Committee on Committees unless otherwise provided for by statute or rule.~~

Section 3 SELECT COMMITTEES.

(a) Select Committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(b) Committee on Committees.

(i) (17 (f)) The Committee on Committees shall have authority to call before it a committee chair~~man~~person and discuss the workload of said committee. ~~They~~ It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chair~~man~~person. The Committee on Committees shall conduct said hearing in accordance with its own rules.

~~(17) (e) The Chairman of the Committee on Committees shall daily report the number and identity of any bills held by a committee when said committee has taken action on said bill more than eight days prior thereto. Said report shall be set forth in the Journal.~~

**Section 18 (a)**

**(c) Enrollment and Review**

~~(i)~~ **(i)** The ~~Chairman~~ chairman person of Enrollment and Review shall be in order at any time in reporting bills which have been engrossed for Final Reading and passage. In the absence of the ~~chairman~~ chairman person, the vice ~~chairman~~ chairman person of the Judiciary Committee shall assume the duties of the ~~chairman~~ chairman person of the Enrollment and Review Committee.

~~(b)~~

**(ii)** The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

~~(iii)(e)~~ **(iii)(e)** The ~~chairman~~ chairman person of Enrollment and Review shall have authority, without being required to include the same specifically in his/or her reports and recommendations to the Legislature, in accord with accepted usage:

~~(i)~~

**(A)** To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

~~(ii)~~

**(B)** To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

~~(iii)~~

**(C)** When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the ~~chairman~~ chairman person of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his/or her reports and recommendations to the Legislature or making any special record thereof.

~~(d) Sec. 19 Reference Committee~~

**(i)** The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and

either refer the bill matter to a the appropriate standing committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

~~Those placed on General File will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these bills, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.~~

Sec. 17 (d)

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the Committee on Committees, and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

Note: Effective December 31, 1980, subsection (d) of Rule 3, section 17 shall be stricken and new language inserted requiring that gubernatorial nominations be submitted to the appropriate standing committee for confirmation hearings.

(e) Rules Committee

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

SECTION 4 24 SPECIAL COMMITTEES

(a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statutes as of January 1, 1980 are as follows: ~~Special committees shall include all permanent committees other than standing or select committees. The special committees shall include but not be limited to the following:~~

|   |           |
|---|-----------|
| Building and Maintenance. RRS 81-106  | 4 members |
| Education Commission of the States. RRS 79-2504                                   | 4 members |
| Executive Board of the Legislative Council.<br><u>RRS 50-401.01</u>               | 9 members |
| Intergovernmental Cooperation. RRS 81-816   | 5 members |
| Law Enforcement and Justice Advisory Committee,<br>Judiciary Committee RRS 50-601 | 8 members |
| Nebraska Retirement Systems. RRS 50-416   | 5 members |
| Nebraska Transportation Advisory Committee.                                       |           |

|  |           |
|--|-----------|
| RRS 50-421                                     | 5 members |
| <u>Performance Review and Audit Committee.</u> |           |
| RRS 50-701.02                                  | 6 members |
| <u>Telecommunications. RRS 50-424</u>          | 8 members |

(c) The following special provisions shall be in force with regard to the following special committees:

Sec. 24

(i) Intergovernmental Cooperation Committee:

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816, the Executive Board may appoint alternate members to serve on such assignments as the chairman ~~person~~ shall direct.

Sec. 23

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS 50-416) together with the chairman ~~person~~ of the Appropriation Committee, ~~shall function during each legislative session as a special committee of the Legislature,~~ shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions. ~~All rules of procedure and operation of the standing committees shall apply, except at to a date certain for holding hearings.~~

#### SECTION 5(4) MEETING TIMES

17(e) (a) After consultation with the speaker, the Committee on Committees shall publish a schedule of regular standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees. Sec. 4 (a) Standing committees, except for the Administrative Rules and Regulations Review Committee, shall meet at 2:00 p.m. on weekdays, unless otherwise ordered approved by the Legislature.

(b) Any committee chairman before A Standing committee deciding not to hold meetings on the appointed day, must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of any three of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

17(b) The Administrative Rules and Regulations Review Committee shall not have a regular meeting time, but shall meet (1) at the call of the chairperson, (2) upon a call signed by any two (2) members of the Committee, or (3) upon a call signed by any five members of the legislature.

Section 3 6 Chairmanperson, Vice Chairmanperson.

(a) The Chairmanperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) ~~(b)~~ Each standing committee shall elect from its membership a vice chairmanperson to serve in the absence of the chairmanperson.

SECTION 7 COMMITTEE QUORUM

A majority of the members of a committee shall constitute a quorum. No committee shall transact any business other than a committee hearing unless a quorum is present. SECTION 8 QUORUM AT COMMITTEE HEARINGS.

(a) A quorum of committee members should be maintained throughout all committee hearings.

SECTION 9 14 TEMPORARY APPOINTMENTS.

(a) When a member is unable to serve, the chairmanperson of such the committee after a majority vote of the remaining members shall ~~request to fill that such vacancy or vacancies be filled by the~~ request shall be made to the Committee on Committees, and such Such committee shall appoint either the Speaker, or a member from a ~~regular~~ standing committee having eight members to fill ~~such each vacancy or vacancies.~~

(b) A temporary appointment may be made by the chairmanperson of the Committee on Committees for only one day when requested by a chairmanperson of a ~~regular~~ standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member ~~or members~~, such appointee shall cease to be a member of such committee upon the return of the incapacitated member from whom he or she was appointed.

SECTION 10 COMMITTEE PROCEDURAL RULES

Each legislative committee shall at its first meeting establish and adopt, by a majority vote of its members, comprehensive committee rules which will govern the procedure by which its business is to be conducted. Such committee rules shall be filed with Clerk of the Legislature within ten days following the first meeting. In the alternative, a committee may adopt by affirmative vote, or by failure

to enact other procedures at its first meeting, the Model Committee Rules attached hereto as Appendix "A". Any committee amendments to such model rules must be filed with Clerk of the Legislature within ten days following the first meeting. Additional procedures not inconsistent with the rules adopted by the committee may be imposed at the discretion of the committee chairperson.

The committee chairperson shall make available to all interested parties a copy of the committee rules governing that committee's action.

(Appendix "A" on file in the Clerk's Office.)

### Section 118 CONSIDERATION AND CORRELATION OF BILLS AND RESOLUTIONS.

(a) Standing Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Standing Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairmanperson of each committee shall ~~take into consideration the importance, need for, and passage of the bills referred to his committee and set the bills for hearing accordingly.~~ set for hearing all bills and resolutions referred to the committee.

### Section 12 § PUBLIC HEARING, NOTICE

Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, but publication in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing, except for hearings set during the first 20 legislative days of each session, there shall be required only five calendar days' notice of said hearing or withdrawal of said bill.

### Section 13 6 STATE OFFICIALS APPEARING BEFORE COMMITTEES.

State Officials and department heads, or their designees and state employees ~~may~~ are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

### Section 14 ~~7~~ EXECUTIVE SESSIONS, ~~PRESS AND CLOSED MEETINGS.~~

(a) Executive Session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the record of which shall be available for public inspection. Executive sessions of ~~standing committees~~ shall be open to members of the news media.

~~Reports on votes by a committee shall be as follows: 1. The vote of an individual senator on all motions may be reported.~~

~~2. The press may report the vote of individual senators by name on any motion.~~

(b) All other meetings of a committee shall be public unless the committee, by majority vote of all of its members, determines that a meeting should not be open to the public in a particular instance, due to extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

### Section 15 ~~44~~ REPORT OF BILL TO LEGISLATURE

(a) In reporting a bill to the Legislature, whether with or without amendments, a ~~standing~~ committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has ~~acted~~ taken final action upon the particular measure.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

### Sec. 16 ~~42~~ INDEFINITELY POSTPONED BILLS.

If the ~~standing~~ committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; ~~Provided,~~ except that such bill may be placed on General File or referred back to the ~~standing~~ committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Section 1743 ~~STANDING~~ COMMITTEE STATEMENT

~~(a) The chairperson of Each standing each committee with the assistance of the legislative staff shall; when reporting a bill, submit therewith with such bill a brief committee statement of the main purpose and the provisions of the bill, and if recommended to General File, a copy of all amendments recommended by the committee. Such statement shall give the committee's reason for so reporting, which shall contain, but need not be limited to, the following information:~~

- ~~(1) the one-line title and number of the bill;~~
- ~~(2) a roll call vote of final committee action taken on the bill and on any amendments thereto;~~
- ~~(3) the date of the public hearing on the bill;~~
- ~~(4) a list of all individuals testifying for and against the bill and any organization they represent;~~
- ~~(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;~~
- ~~(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.~~

~~A minority view signed by whoever proposed it may also be given. Copy of the amendments shall be furnished to the members. On a motion to report the bill to the floor the majority report shall reflect the voting record of each senator.~~

~~(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.~~

~~(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.~~

~~Sec. 9~~~~Debate Before Committees.~~

~~Each standing committee shall keep a record of its proceedings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto. The vote so taken shall be made a part of the committee report.~~

Sec. 18 ~~40~~ REQUEST FROM COMMITTEE, BILLS HELD.

(a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If at the expiration of eight calendar days from the date final action was taken the Chairperson has not reported the bill, any senator may file with the Speaker a motion that the Chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the Chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer must concur with any motion offered under this rule.

Remaining section of original Rule 3; not assigned by committee to a new section number.

3 (f) Sec. 22 consistent with subject matter  
Sec. 22. Investigating Committees. The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Laid over.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 645.** By Nichol, 48th District.  
This bill introduced on behalf of: City of Scottsbluff.

A BILL FOR AN ACT to amend section 31-436, Reissue Revised Statutes of Nebraska, 1943, relating to drainage districts; to provide

for additional means of dissolution; to provide for a contract as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 646.** By Powers, 9th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for alcoholism; to define terms; and to provide for minimum benefits as prescribed.

**LEGISLATIVE BILL 647.** By Labeledz, 5th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 77-3507 and 77-3508, Revised Statutes Supplement, 1979, relating to taxation; to change provisions relating to homestead exemptions as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 648.** By Wagner, 41st District.  
This bill introduced on behalf of: Department of Water Resources.

A BILL FOR AN ACT to amend section 46-229.03, Reissue Revised Statutes of Nebraska, 1943, relating to water rights; to provide for notice by certified mail as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 649.** By Wagner, 41st District.  
This bill introduced on behalf of: Department of Water Resources.

A BILL FOR AN ACT to amend section 46-238, Revised Statutes Supplement, 1979, relating to water; to change procedures for the extension of water rights; and to repeal the original section.

**LEGISLATIVE BILL 650.** By Wagner, 41st District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 76-902, Revised Statutes Supplement, 1978, relating to the Documentary Stamp Act; to provide for an exception to the tax as prescribed; and to repeal the original section.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to proposed rule 3, Sec. 14 (a) in the Journal. No objections. So ordered.

Add to (a) Sec. 14. Members of the news media may report on action taken by the committee in executive session.

### GENERAL FILE

**LEGISLATIVE BILL 460.** Laid over at the request of Mr. Simon.

**LEGISLATIVE BILL 374.** Title read. Considered.

Failed to advance to E & R for Review with 19 ayes, 9 nays, 20 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 436.** Title read. Considered.

Mr. Reutzel offered the following amendment:

Amend LB 436 on page 2, line 1, strike the word "primary" and insert "general" and strike "May", inserting "November".

The amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 26 ayes, 17 nays, 5 present and not voting, and 1 excused and not voting.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 651.** By Merz, 1st District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to provide for an alcoholism treatment program as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 652.** By Executive Board: Lewis, 45th District, Chairman; Clark, 47th District; Chambers, 11th District; Fitzgerald, 14th District; Lamb, 43rd District; DeCamp, 40th District; Fowler, 27th District.

This bill introduced on behalf of: Executive Board.

A BILL FOR AN ACT to amend section 84-306.03, Revised Statutes Supplement, 1979, relating to state officers; to increase the reimbursement for mileage; and to repeal the original section.

**LEGISLATIVE BILL 653.** By Fowler, 27th District; Reutzel, 15th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to adopt the Nebraska Protected Rivers Act; to provide duties; and to provide for severability.

### UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to proposed rule 3, Section 2 in the Journal. No objections. So ordered.

#### Section 2 APPOINTMENT OF COMMITTEES ~~Section 17~~ ~~Committee on Committees~~

(a) Effective January 1, 1981 and at the commencement of each session thereafter, the Legislature shall elect a Committee on Committees and Rules to consist of ten members, one at large who shall be chairperson, and three from each of the three Congressional Districts to be elected by caucuses. Congressional District No. 1 shall include legislative districts Nos. 1, 2, 15, 17 through 19, 21, 23 through 30, 32 and 46. Congressional District No. 2 shall include legislative districts Nos. 3 through 14, 16, 20, 31 and 45. Congressional District No. 3 shall include legislative districts Nos. 22, 33 through 44 and 47 through 49.

(b) The Committee on Committees and Rules by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

~~Section 1 Standing Committees Defined All committees with regular meeting times shall be identified as standing committees except as otherwise provided by law.~~

(c) The Committee on Committees and Rules shall hear all proposed rules changes. They shall be set for public hearing within five

legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(d) The membership of all standing & select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

~~Section 2 Standing Committees, Permanent. The standing committees and the number of members shall be as follows.~~

(e) (i) The Standing Committees of the Legislature shall be as follows:

|   |           |
|---|-----------|
| Administrative Rules and Regulations Review ..... | 7members  |
| Agriculture and Environment .....                 | 8 members |
| Appropriations .....                              | 9 members |
| Banking, Commerce and Insurance.....              | 8 members |
| Business and Labor.....                           | 7 members |
| Constitutional Revision and Recreation .....      | 7 members |
| Education.....                                    | 8 members |
| Government, Military and Veterans Affairs .....   | 8 members |
| Judiciary.....                                    | 8 members |
| Miscellaneous Subjects .....                      | 8 members |
| Public Health and Welfare .....                   | 7 members |
| Public Works .....                                | 8 members |
| Revenue .....                                     | 8 members |
| Urban Affairs.....                                | 8 members |

~~All committee members shall be nominated by the Committee on Committees in such manner as is hereafter set forth.~~

~~Section 16 Select Committees, Named. The permanent select committees shall be as follows:~~

(ii) The Select Committees shall be as follows:

|  |                      |
|--|----------------------|
| <u>Committee on Committees and Rules</u> | 10 members           |
| <u>Enrollment and Review</u>             | 1 member             |
| Reference                                | 9 members            |
| Rules                                    | <del>5 members</del> |

(e) (d)(i) The speaker shall not be a regular member of a standing committee.

~~Section 15 Select Committees, Defined. All permanent committees without a regular meeting time shall be identified as select committees. The members of all select committees shall be appointed by the Committee on Committees unless otherwise provided for by statute or rule.~~

Mr. Newell asked unanimous consent to print the following amendment to LB 483 in the Journal. No objections. So ordered.

Amendments to the Committee Amendments  
To LB 483 White Copy Request 2663

- 1 1. On page 7, in line 8 strike the new  
2 matter; and in lines 8 through 14 reinstate the stricken  
3 matter.
- 4 2. On page 8, line 22 strike "July 1, 1980,"  
5 and insert "the effective date of this act".
- 6 3. On page 9, in lines 17 and 19 strike  
7 "July 1, 1980" and insert "the effective date of this  
8 act".

SPECIAL ORDER

LB 184

Wednesday, January 16, 1980

(Signed) Richard D. Marvel  
Speaker

**ADJOURNMENT**

At 3:32 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Thursday, January 10, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**SECOND DAY - JANUARY 10, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 10, 1980

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Dear God, you have created us all to have faith in You as Lord, and to love one another as members of Your family. Help us to keep these lines of communication open with You and one another through prayer. Some of us don't believe in You and won't pray; others don't believe in You and yet pray when we're in need. Some believe in You but don't pray, while others of us believe in You and do pray. God, during these next 59 days of the session, forgive our unbelief, hear our prayers, and strengthen our faith to follow You more nearly, to love You more dearly, and to see You more clearly, that we may pray more sincerely. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Koch and Lewis who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 107, last line, delete "19" and insert "9".

Page 108, delete line 6 and insert:

**LEGISLATIVE BILL 598.** By Executive Board: Lewis, 45th District, Chairman.

Page 112, line 34, delete "committee" and insert "Nebraska State Bar Association".

Page 131, line 20, correct spelling of "indebtedness".

The Journal for the First Day was approved as corrected.

**STANDING COMMITTEE REPORT**  
**Government, Military and Veterans Affairs**

**LEGISLATIVE RESOLUTION 30.** Placed on General File.

Committee Statement

LR 30

Committee on Government, Military & Veterans Affairs

Introduced by Senator Rex S. Haberman

Public Hearing Held on October 12, 1979

**INTENT:** LR 30 was introduced by Senator Haberman, et al, to reject a proposed amendment to the Constitution of the United States which would allow the District of Columbia to have two senators in the U. S. Senate and one or more congresspersons in the House of Representatives.

**PROPOSERS:** Senator Rex Haberman, 44th District; Senator Donald Dworak, 22nd District; Pat Haller, Omaha, Nebraska; Tom Ryan, representative from Senator Edward Zorinsky's office; Dave Heineman, Nebraska Republican Committee; Mabel Meyer, Lancaster Co. to Restore the Constitution.

**OPPOSERS:** John Reeves, Urban League; Gordon McDonald, AFL-CIO; Ginger Luke, League of Women Voters; Robert Bertrand, Common Cause of Nebraska; Herb Schimek, Nebraska State Assn. of Education; Robert Haller, Professor, UNL; DiAnna Schimek, Democratic Party, Nebraska; Senator Shirley Marsh, 29th District; Senator Ernest Chambers, 11th District.

**NEUTRAL:** Terry Schaaf, Attorney General's Office.

**AMENDMENTS:** None.

**COMMITTEE ACTION:** In Executive Session on January 9, 1980, Senator Chambers moved that LR 30 be Indefinitely Postponed. Senator Landis seconded the motion. Voting in favor of the Chambers motion to Indefinitely Postpone LR 30 were Senators Keyes, Johnson, Landis, and Chambers. Voting against the motion were Senators Chronister, Barrett and Wagner. Senator Merz passed.

The bill did not receive a majority vote.

Senator Chronister then moved to advance LR 30 to the floor without changes. Senator Barrett seconded the motion. Voting in favor of Advancing LR 30 were Senators Barrett, Chronister, Keyes, Wagner and Merz. Voting against advancing were Senators Chambers, Johnson and Landis.

LR 30 was advanced to General File.

(Signed) Orval Keyes, Chairperson

**NATURAL RESOURCE DISTRICT REPORTS**

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1979 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

| DISTRICT               | ATTORNEY       | FEE       |
|------------------------|----------------|-----------|
| Middle Missouri Tribes | Golby C. Uhlir | 10,268.29 |
|                        | Patrick Rensch | 7,000.00  |
|                        | C. J. Galvin   | 4,781.86  |

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

Amendments to  
Standing Committee Amendment to LB 306

1. Insert a new section as follows:

2 "Sec. 3. That section 30-2352, Revised Statutes Supple-  
3 ment, 1978, be amended to read as follows:  
4 30-2352. (a) (1) A person (or ~~his personal~~ the repre-  
5 sentative of a deceased, incapacitated or protected person)  
6 who is an heir, devisee, person succeeding to a renounced in-  
7 terest, donee, beneficiary under a testamentary or nontesta-  
8 mentary instrument, donee of a power of appointment, grantee,  
9 surviving joint owner or surviving joint tenant, beneficiary  
10 or owner of an insurance contract or any incident of ownership  
11 therein, beneficiary or person designated to take pursuant to  
12 a power of appointment exercised by a testamentary or nontesta-  
13 mentary instrument, person who has a statutory entitlement to  
14 or election with respect to property pursuant to the Nebraska  
15 Probate Code, or recipient of any ~~benefit otherwise~~ beneficial  
16 interest under a any testamentary or nontestamentary instrument,  
17 may renounce in whole or in part, or with reference to specific  
18 parts, fractional shares, undivided portions or assets thereof,  
19 by filing a written instrument or renunciation within the time  
20 and at the place hereinafter provided.

21 (2) The instrument shall (i) describe the property or  
22 part thereof or the interest therein renounced, (ii) be signed  
23 and acknowledged by the person renouncing in the manner  
24 provided  
25 for in the execution of deeds of real estate, ~~and~~ (iii) declare  
26 the renunciation and the extent thereof, and (iv) declare that  
27 the renunciation is an irrevocable and unqualified refusal to  
1 accept the renounced interest.

2 (3) The appropriate court in a proceeding under section  
3 30-2806 may direct or permit a trustee under a testamentary  
4 or nontestamentary instrument to renounce, modify, alter,  
5 amend or otherwise deviate from any restriction on or power  
6 of administration, management or allocation of benefit upon  
7 finding that such restrictions or the exercise of such power  
8 may defeat or impair the accomplishment of the purposes of the  
9 trust whether by the imposition of tax or the allocation of  
10 beneficial interest inconsistent with such purposes or by other  
11 reason. Such authority shall be exercised after hearing and  
12 upon notice to all known persons beneficially interested in such  
13 trust, in the manner directed by said court.

14 (b) The writing instrument specified in (a) (1) and (a) (2)  
15 must be filed within nine months after the death of the decedent,  
16 settlor of the trust or donee of the power, or if the taker of  
17 the property is not then finally ascertained not later than nine  
18 months after the event by which the taker or the interest is fin-  
19 ally ascertained. The writing must be received by the transferor  
20 of the interest, his legal representative, the personal repre-  
21 sentative of a deceased transferor, the trustee of any trust in  
22 which the interest being renounced exists, or the holder of the  
23 legal title to the property to which the interest relates. To  
24 be effective for purposes of determining inheritance and estate  
25 taxes under Articles 20 and 21, Chapter 77, Reissue Revised  
26 Statutes of Nebraska, 1943, the instrument must be received not  
27 later than the date which is nine months after the later of  
1 (i) the date on which the transfer creating the interest in  
2 such person is made, or (ii) the date on which such person  
3 attains age 21. If the circumstances which establish the  
4 right of a person to renounce an interest arise as a result  
5 of the death of an individual the instrument shall also be  
6 filed in the court of the county where proceedings concerning  
7 the decedent's estate are pending, or where they would be pend-  
8 ing if commenced. If an interest in real estate is renounced,  
9 a copy of the writing instrument shall also be recorded in the  
10 office of the register of deeds in the county in which said  
11 real estate lies. A copy of the writing also shall be mailed  
12 to the personal representative of the decedent, the trustee  
13 of any trust in which the interest renouncing exists, or to  
14 such other person as has legal title to, or possession of, the  
15 property in which the interest renounced exists, and no such  
16 personal representative, trustee, or No person entitled to a  
17 copy of the instrument shall be liable for any other proper dis-  
18 tribution or other disposition made without actual notice of the  
19 renunciation and no such person making a proper distribution or  
20 disposition in reliance upon the renunciation shall be liable  
21 for any such distribution or disposition in the absence of actual  
22 notice that an action has been instituted contesting the valid-  
23 ity of the renunciation.

24 (c) Unless the decedent or donee of the power has other

25 wise indicated by his will, the transferor of the interest has  
26 otherwise indicated in the instrument creating the interest,  
27 the interest renounced, and any future interest which is to  
1 take effect in possession or enjoyment at or after the termin-  
2 ation of the interest renounced, passes as if the person re-  
3 nouncing had predeceased the decedent or had died prior to the  
4 date on which the transfer creating the interest in such per-  
5 son is made, as the case may be, if the renunciation is within  
6 the time periods set forth in subsection (b) and if not within  
7 such time periods the interest renounced, and any future inter-  
8 est which is to take effect in possession or enjoyment at or  
9 after the termination of the interest renounced, passes as if  
10 the person renouncing had died on the date the interest was re-  
11 nounced, or if the person renouncing is one designated to  
12 take pursuant to a power of appointment exercised by a testa-  
13 mentary instrument, as if the person renouncing had predeceased  
14 the donee of the power. The person renouncing shall have no  
15 power to direct how the interest being renounced shall pass;  
16 Provided, that the renunciation of an interest for which the  
17 right to renounce was established by the death of an individual  
18 shall, in the case of the spouse of the decedent, relate only  
19 to that statutory provision or that provision of the instrument  
20 creating the interest being renounced and shall not preclude  
21 the spouse from receiving the benefits of the renounced inter-  
22 est which may be derived as a result of the renounced interest  
23 passing pursuant to other statutory provisions or pursuant to  
24 other provisions of the instrument creating the interest unless  
25 such further benefits are also renounced. In every case where  
26 the renunciation is within the time periods set forth in sub-  
27 section (b) the renunciation relates back for all purposes to  
1 the date of death of the decedent or the date on which the  
2 transfer creating the interest in such person is made, donee,  
3 as the case may be.

4 (d) Any (1) assignment, conveyance, encumbrance, pledge  
5 or transfer of property therein or any contract therefore, (2)  
6 written waiver of the right to renounce or any acceptance of  
7 property or benefits therefrom or an interest therein by an  
8 heir, devisee, person succeeding to a renounced interest,  
9 donee, beneficiary under a testamentary or nontestamentary in-  
10 strument, donee of a power of appointment, grantee, surviving  
11 joint owner or surviving joint tenant, beneficiary or owner of  
12 an insurance contract or any incident of ownership therein,  
13 beneficiary or person designated to take pursuant to a power  
14 of appointment exercised by a testamentary or nontestamentary  
15 instrument, person who has a statutory entitlement to or elec-  
16 tion with respect to property pursuant to the Nebraska Probate  
17 Code, or recipient of any beneficial interest under any testa-  
18 mentary or nontestamentary instrument, or (3) sale or other  
19 disposition of property pursuant to judicial process, made  
20 within the time periods set forth in subsection (b) shall not

21 bar the right to renounce but shall make a subsequent renunci-  
 22 ation within the time periods set forth in subsection (b) in-  
 23 effective for purposes of determination of inheritance and  
 24 estate taxes under Articles 20 and 21, Chapter 77, Reissue  
 25 Revised Statutes of Nebraska, 1943. before the expiration of  
 26 the period in which he is permitted to renounce, bars the right  
 27 to renounce as to the property.

1 (e) Within thirty days of receipt of a written instrument  
 2 or renunciation by the transferor of the interest, his legal  
 3 representative, the personal representative of the decedent,  
 4 the trustee of any trust in which the interest being renounced  
 5 exists, or the holder of the legal title to the property to  
 6 which the interest relates, as the case may be, such person  
 7 shall attempt to notify in writing those persons who are known  
 8 or ascertainable with reasonable diligence who shall be recipi-  
 9 ents or potential recipients of the renounced interest of the  
 10 renunciation and the interest or potential interest such recipi-  
 11 ent shall receive as a result of the renunciation.

12 (e) (f) The right to renounce granted by this section  
 13 exists irrespective of any limitation on the interest of the  
 14 person renouncing in the nature of a spendthrift provision or  
 15 similar restriction. A trust beneficiary whose interest is  
 16 subject to any limitation in the nature of a spendthrift pro-  
 17 vision or similar restriction may assign, sell or otherwise con-  
 18 vey such interest or any part thereof upon a finding by a court  
 19 in a proceeding under section 30-2806, that the rights of other  
 20 beneficiaries would not be impaired and that such assignment,  
 21 sale or other conveyance would not result in any substantial  
 22 benefit to nonbeneficiaries of the trust at the expense of the  
 23 trust or trust beneficiaries. Such finding may be made after  
 24 hearing and upon notice to all known persons beneficially inter-  
 25 ested in such trust, in the manner directed by said court.

26 (f) (g) This section does not abridge the right of any  
 27 person to assign, convey, release, or renounce any property  
 1 arising under any other section of this code or other statute.

2 (g) (h) Any interest in property which exists on January  
 3 1, 1977, the effective date of this section but which has not  
 4 then become indefeasibly fixed both in quality and quantity,  
 5 or the taker of which has not then become finally ascertained,  
 6 may be renounced after January 1, 1977 the effective date of  
 7 this section as provided herein. An interest which has arisen  
 8 prior to January 1, 1977 the effective date of this section  
 9 in any person other than the person renouncing is not destroyed  
 10 or diminished by any action of the person renouncing taken  
 11 under this section."

12 2. Insert a new section as follows:

13 "Sec. 4. That original section 30-2352, Revised Statutes  
 14 Supplement, 1978, is repealed."

15 3. Renumber original section 4 as section 5.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 654.** By Nichol, 48th District.  
This bill introduced on behalf of: City of Scottsbluff.

A BILL FOR AN ACT to amend section 16-618, Reissue Revised Statutes of Nebraska, 1943, relating to street improvement districts; to provide for certain streets to be included in the district; and to repeal the original section.

**LEGISLATIVE BILL 655.** By Dworak, 22nd District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 19-2404, Reissue Revised Statutes of Nebraska, 1943, relating to water and sewer districts; to change the time in which an assessment becomes delinquent; to provide provisions relating to delinquent installments; and to repeal the original section.

**LEGISLATIVE BILL 656.** By Simon, 31st District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to flood control; to provide procedures to alleviate flooding under certain conditions; to establish a central file of information on flooding; to provide when liability exists; to provide sharing of costs in alleviating flooding; to create a fund; to amend section 81-829.55, Reissue Revised Statutes of Nebraska, 1943; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 657.** By Beutler, 28th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to repeal sections 43-654, 43-655, 43-657, and 43-659, Reissue Revised Statutes of Nebraska, 1943, and sections 43-656 and 43-658, Revised Statutes Supplement, 1979, relating to the Nebraska Coordinating Council for the Handicapped; to abolish the council.

**LEGISLATIVE BILL 658.** By Beutler, 28th District.  
This bill introduced on behalf of: County of Lancaster.

A BILL FOR AN ACT to amend section 77-1502.01, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to change counties

which may appoint referees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 659.** By Cope, 36th District.  
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 18-1301, Reissue Revised Statutes of Nebraska, 1943, and section 18-1303, Revised Statutes Supplement, 1978, relating to municipal planning; to remove a definition; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 660.** By Cope, 36th District.  
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 16-612, Reissue Revised Statute of Nebraska, 1943, relating to cities of the first class; to change when a street may be narrowed without petition; and to repeal the original section.

**LEGISLATIVE BILL 661.** By Haberman, 44th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 2-128, 2-1207, and 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to change the amount of tax imposed on pari-mutuel wagering; to change appropriations to the Nebraska State Fairgrounds Building Fund; to create a fund; to provide for deposits and prescribe its purpose; and to repeal the original sections.

**LEGISLATIVE BILL 662.** By Reutzell, 15th District.  
This bill introduced on behalf of: Nebraska League of Municipalities.

A BILL FOR AN ACT to amend sections 16-312, 16-404, and 17-110, Reissue Revised Statutes of Nebraska, 1943, and section 16-503, Revised Statutes Supplement, 1978, relating to cities; to change when the mayor has a right to vote; and to repeal the original sections.

### **MOTION - Rule Changes**

Mr. Fowler moved the adoption of the rule changes to Rule 3 starting on page 133 of the Journal as recommended by the Rules Committee.

Mr. Wesely renewed his pending amendment to the rule change, found in the Journal on pages 144 and 145 to section 14.

The amendment was adopted with 30 ayes, 0 nays, and 19 not voting.

Mr. Newell renewed his pending amendment to the rule change, found in the Journal on page 146 to section 2.

The amendment lost with 15 ayes, 20 nays, and 14 not voting.

Mr. Beutler offered the following amendment to the rule change, section 14.

I move that the new Section 14, Revamp of Rule Three (page 16) be amended as follows: In line 3 of subsection (a), strike "minutes" and insert "records".

The amendment was adopted with 28 ayes, 0 nays, and 21 not voting.

### EXPLANATION OF VOTE

My reason for voting to advance LR 30 to the floor was due to my firm belief to not leave issues bottled up in Committee.

I do not support the resolution in its present rejection fashion. The Government Committee studied LR 30 during the interim and it is my belief that it is too early in the game for the Legislature to make an informed decision. The various states have until 1985 to decide. As LR 30 reads now, it is my opinion that if the Nebraska Legislature passes this resolution, that it will have done absolutely nothing.

(Signed) Orval Keyes, Chairperson  
Government Committee

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 663.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Fowler, 27th District; Labeledz, 5th District; Hoagland, 6th District; Kelly, 35th District; Cope, 36th District; Marsh, 29th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 48-1304, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Equal Opportunity for Displaced Homemakers Act; to remove a restriction on the number of service centers; to continue the act; and to repeal the original section, and also section 48-1308, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 664.** By Marsh, 29th District.

This bill introduced on behalf of: Children of Nebraska.

A BILL FOR AN ACT relating to motor vehicles; to require the use of a passenger restraint system as prescribed; and to provide a penalty.

#### **MOTION - Escort Governor**

Speaker Marvel moved that a Committee of five be appointed to escort the Governor to the Chamber to deliver his State of the State and Budget Message.

The Chair appointed Messrs. Cullan, Hefner, Schmit, Sieck, and Mrs. Marsh to serve on said Committee.

#### **EASE**

The Legislature was at ease from 9:51 a.m. until 9:55 a.m.

The committee returned and escorted Governor Charles Thone to the Rostrum where he delivered the following State of the State, and Budget address.

Mr. President, Mr. Speaker, distinguished members of the Legislature and friends.

My message this morning is both a report on the State of the State and my recommendations on the budget for the 1980-81 Fiscal Year. I believe the two are virtually inseparable, because the destiny of our state is in so many ways influenced by fiscal considerations and economic factors.

As your legislative session begins, the new decade is but a few days old. It is already filled with turmoil. American citizens are held hostage in an American Embassy overseas. The United States government has taken steps to punish the Soviet Union for its aggressive actions in the same part of the world. Included in those steps is a controversial embargo on grain trade which is likely to result in more damage to our own economy than to that of the Soviet Union.

Inflation runs rampant as the dollar shrinks in value each day on world money markets. Interest rates soar, seriously hampering business expansion and critically crippling housing markets. The availability of energy to power the machinery that runs this country and enables its citizens to move about freely is as uncertain as our own winter weather.

With these facts clearly in mind, we must look forward to the 1980s as a decade of perhaps unprecedented challenge. We face serious problems. But, Americans--and especially Nebraskans--have never shrunk from challenge. We are at our best in the face of adversity. Our forefathers overcame almost impossible odds to settle this country, to see it grow and to help it prosper. They--and you--have worked hard to make America the great country it is--the greatest in the world.

The challenges we face in Nebraska are reflective of those that confront our nation. In some ways they are compounded. In many ways, they are different. Fortunately, given able, honest and compassionate leadership, we are not without means to control our own destiny. As your Governor for a little over one year, I have sought to provide the leadership necessary to insure that our state continues to grow and prosper.

On Statehood Day, March 1, 1979, I outlined 10 major goals of my administration. . . a plan for progress in 10 critical areas for our state. This list was not meant to be all-inclusive. We have many critical areas that need attention, but I believe my 10 goals are ones upon which we at the state level can focus and upon which we can show marked progress by their implementation. No priority was assigned to the 10 because they are all of critical importance. As a reminder, those goals were to record significant progress in: Agriculture, Citizen Participation in Government, Criminal Justice, Education, Nebraska 2000, Health Care, Jobs, Roads, Taxes and Water.

My remarks this morning are generally organized along the lines of the 10 goals with a report on the progress we have made toward their accomplishment and what we see for the future. There are some budget items and legislative concerns that don't fall neatly within the 10 goals, and they will be addressed as well.

I know the Legislature shares my pride in our joint achievement during 1979 of holding the increase in state spending to 7 percent. In the previous 10 years, state spending had skyrocketed, by over 200 percent--an average of at least 20 percent each year. It is my goal again this year to keep state spending under 7 percent for the 1980-81 Fiscal Year. I pledge to work with each and every Senator on this issue. We know well the pressures that can be applied by some special interests who advocate big spending policies that have dominated for so many

years at the federal level. We know, too, that these pressures can be, and must be, resisted in Nebraska. If local governments are required to live under a state-imposed 7 percent lid, state government can do no less.

The budget I am recommending to you today is the product of weeks of hard work--and even harder decisions. It is an austere budget. But it is a budget built upon the commitment to improve the quality of services and programs which constitute our state government. Moreover, it is a budget which demonstrates state leadership in fiscal prudence and restraint.

Such leadership is required and the challenge for the 1980s is clear. The era of unchecked government fiscal expansion is over. Government is not, never was and cannot be, all things to all people. Our budgetary task--difficult as it is--is to allocate the limited resources available to us with wisdom and self-restraint.

In my first budget message to you last year, I counseled and urged fiscal caution in light of the then uncertain economic situation. The outlook for 1980 is no less uncertain. It demands special caution on fiscal matters from us all.

The Department of Revenue has prepared--and your Appropriations Committee has accepted--a FY 1980-81 Revenue forecast based on current tax rates which reflects--necessarily--the uncertainties of which I spoke. The Revenue Department projects the range of net receipts to the General Fund for next Fiscal Year to be from \$632.0 million to \$644.2 million.

My budget recommendations are based on net receipts of \$638.1 million, which is the midpoint of that range. Together with the June 30, 1980 estimated General Fund balance of \$38.8 million, a total of \$676.9 million will be available in General Fund Revenue.

This total will be reduced by the total of Fiscal Year 1980 deficits approved by the Legislature, and by increased tax credits and transfers from the General Fund, which I will recommend. New economic information as well as national and international events also will undoubtedly effect these projections over the next several months. I will communicate to you such new information as it becomes available.

I am recommending to you a 6.5 percent General Fund Reserve which I believe is prudent at this time.

During your budget deliberations I earnestly urge you to consider the full future annual costs of those proposed new programs which will be placed before you. As harsh experience has taught all of us, the future costs of current decisions often come very high.

In addition, it should be noted that the states' portion of the General Revenue Sharing Program may not be the only federal

program faced with a significant reduction. It is true that the Carter Administration has recommended continuation of State Revenue Sharing, but the program must be funded by the Congress, where its most vocal opponents have been heard.

There are, though, other federal reductions, should they be fully implemented, that may in the long run place more fiscal pressure on the states than the loss of Revenue Sharing money. Throughout my budget deliberations, I was constantly faced with requests for additional state monies for lower federal match rates, federal reductions under current year allocation, or estimated federal allocations insufficient to offset inflationary costs for increased program demands. Such added fiscal pressure at a time of stringent limits on state resources tremendously complicates the budgetary task before us. As I suggested last year, our resources may be limited, but this does not mean we must limit our resourcefulness. I am presenting to you today a budget of \$608.3 million, which is 5.5 percent above the current Fiscal Year Budget of \$576.6 million. It is my intent to recommend to you at a later date revisions and significant increases in the Homestead Exemption Program which will provide needed property tax relief and which will bring my total budget recommendation close to an overall 7 percent increase.

Included in the \$608.3 million total is the added cost of \$7.8 million for the Personal Property Exemption Program which brings this program to the \$70 million level mandated by your body in LB 518.

We are well aware of the lawsuit that is pending in the courts challenging that state distribution of this money back to local subdivisions of government for the purposes of reimbursement for revenue lost because of the exemptions. We will be watching closely the outcome of this suit and any legislation which may be proposed to change the distribution formula. However, the current budget recommendation is based upon the law as it currently stands.

Further, I have delivered to your Speaker, Senator Marvel, a bill which will provide a much needed 30 percent increase in the current Food Sales Tax Credit Program. This is a \$9 million total increase for the Tax Credit Program; raising it by \$6 from the current \$20 to \$26.

#### TAXES

As Chairman of the State Board of Equalization--which sets your sales and income tax rates--it was my recommendation at the November 15, 1979 meeting that the income tax rate for 1980 be lowered from 18 percent of federal liability to the current 17 percent. This recommendation was approved and the sales tax rate was allowed to remain at 3 cents on the dollar. In addition, I gave my approval to a plan to suspend withholding taxes during the month of December. This was not a tax reduction, but an early refund. This was necessary,

in my opinion, because federal tax policies have resulted in over-withholding by both state and federal government. I saw no need to collect those taxes in December and then turn around and refund them in April or May.

Let me stress that there will be no tax increase required if the budget I am recommending to you today is adopted. Let me repeat--there will be no tax increase needed with this budget.

In another area of taxes, real progress was made during 1979 in property tax equalization. This was politically tough, but absolutely necessary under the law and in the interest of fairness. Changes in the assessment rate by the State Board of Equalization did not raise property taxes. Tax levels are set by local units of Government--the cities and villages, counties, school districts and special districts.

In 1978 the Legislature passed--LB 285--providing that local governments cannot increase their receipts by more than 7 percent a year. The law provides for some exceptions but, in general, 7 percent is the limit. Most reports during the past year indicate that, by and large, the law has been effective.

Another point should be made: about 53 percent of all tax money collected by state government is returned to localities and individuals in Nebraska.

It also should be clear that no property taxes--let me repeat: no property taxes--are levied to support state government. Income for state-level operations comes mainly from sales and income taxes, excises and fees.

With the current high rate of inflation, many families are finding it necessary for both parents to work in order to support a family. They, and working, single parents are finding it harder and harder to support their families after paying day-care costs for children. I believe the parents who wish to work to keep their families off public assistance deserve all of the help they can get. I therefore plan to offer a bill consistent with federal tax law providing a state income tax credit for a portion of the day-care costs incurred by working parents. The amount would vary depending upon actual expenses for child care, but could mean a state income tax break of up to \$136 for a parent with two small children.

The State Board of Equalization and Assessment is required to set sales tax rates in increments of 1/2 percent and individual income tax rates in increments of 1 percent. I would urge the Revenue Committee to re-examine a proposal which would set the rates in smaller increments. I would propose that 1/4 percent increments for sales tax and 1/2 percent increments for individual income tax would allow the needed flexibility to limit taxes and still maintain the balance between these two major tax sources.

### BUDGET OVERVIEW

In developing my Fiscal Year 1980-81 Budget, I have reduced state agency requests for operations and aid by \$37.3 million and for capital construction by \$44.6 million.

My total General Fund recommendation for state operations and state aid is \$601.5 million including \$15 million from the Federal Revenue Sharing Trust Fund. Even though the state portion of revenue sharing--in whole or part--still remains in some jeopardy in the Congress, its inclusion in the budget gives tangible evidence of our continued support of and need for this vital program.

Of the total \$601.5 million recommendation, 52.8 percent, or \$317.5 million, is allocated to state aid to local subdivisions of government and individuals: 24.2 percent or \$145.9 million to post-secondary education; and 23 percent, or \$138.1 million to all other operations of state government.

In light of the stringent budget I am proposing to you, I am also recommending that, with very few exceptions, all Fiscal Year 1980 ending balances be reappropriated to their respective state agencies in addition to the amounts I am recommending to you today. By instituting further procedures now to reduce current expenditures, state agencies will have added flexibility to meet pressing needs in Fiscal Year 1981. I ask your early concurrence with this concept so as to allow state agencies to proceed with what is, in effect, a biennial approach to budget planning.

Additionally, you will notice that in many instances my recommendations consolidate programs at a sub-agency and agency level for additional administrative flexibility. Expenditure reporting and control would still be accomplished in the current program categories.

### CAPITAL CONSTRUCTION

My total capital construction recommendation of \$31 million includes \$21.7 million in General Fund monies, \$7.4 million from Cigarette Tax Funds and \$1.9 million from Revenue Sharing Trust Funds. I am recommending \$7 million for deferred building maintenance as provided by LB 309, including improvements to meet handicapped access requirements and energy-related projects. The LB 309 concept has been a great success, and I enthusiastically recommend that the life of the commission be extended an additional two years. In addition, I am recommending \$17.3 million for second and third year capital items currently underway and \$6.7 million for other necessary capital projects.

My capital construction recommendation carries forward the policy I established last year of finishing previously approved projects, continuing the important LB 309 program and providing for

renovation and improvements in existing structures as priority items, given available funds.

#### STATE EMPLOYEE SALARIES

Nebraskans are fortunate indeed in the dedication and ability of their hardworking public employees. This past year has reaffirmed their contribution.

Any real wage gains made by state employees last July have been largely, if not wholly, offset by continued high inflation. Even so, improvement in competitive salary levels has been achieved and will continue to be made through pay grade and classification revisions and pay grade adjustments.

I am recommending for your approval a 7 percent increase in state employees' salaries effective July 1, 1980. State agencies are provided the flexibility to make other pay adjustments necessary to maintain hiring competitiveness and reward meritorious service. Funds made available through reappropriated current savings, vacancy savings, reorganization and operational changes may be used for these purposes.

In my message to you last year, I called upon all state agencies to cooperate in a full review of their staffing needs directed toward an overall reduction in state staffing. In pursuing this goal, positions vacant on the authorized state staffing report for over thirty days were eliminated and procedures for re-justification were instituted. Subsequent vacancies of over 90 days duration are now automatically eliminated, and many state agencies have completed thorough reviews of their current staffing levels.

#### GOVERNMENT IMPROVEMENT

I am very proud that we have greatly reduced the overall percentage of increase in the number of state employees even though we substantially increased staff for new correctional facilities. During recent years the number of state employees has increased dramatically. During the current Fiscal Year, that increase has been cut to 4-tenths of one percent. However, that is not good enough.

One of the pledges I made upon taking office as your Governor was to reduce the number of state employees. I also pledged that your state government would run with economy and efficiency as our hallmarks.

After a year of working with state government, it is obvious that more must be done to accomplish those goals. We must get a better handle on state government. We must stop unwarranted growth and we must make some adjustments to make government more efficient and more responsive.

This is what I shall do. First, I will conduct my own detailed study of the executive branch to identify which facets of it can be made more responsive and more accountable to the taxpayers. We will look for

ways to improve delivery of needed services at less cost. Second, I will appoint a blue ribbon task force on government improvement to examine the results of my study and to apply the perspective of the private sector in determining how best to overhaul the machinery of the executive branch. My hope is that the confluence of this inside and outside look at state government will produce a set of practical and attainable recommendations for legislative and executive action.

To achieve this, I have already taken two major steps. First, I have asked Mr. Earl T. Luff of Lincoln, Chairman of the Board of Lincoln Steel, to serve as Chairman of the Governor's Task Force for Government Improvement. This most distinguished Nebraskan has accepted this challenge.

Next, I have asked Dr. William A. Hamilton, who is already on my staff, to become my Special Consultant on Government Improvement. Dr. Hamilton has accepted this challenge and has already begun work on a comprehensive study of the executive branch.

Hand-in-hand with this examination of the executive branch will be an on-going effort to persuade people to become more involved in their state government. Another of my 10 goals is citizen participation in government. During the past year I believe we have brought state government closer to the people by holding "Meet Your Governor" sessions in Gering, South Sioux City, Kearney and Tecumseh. We'll have more of these one-on-one sessions in 1980.

As I travel throughout the state and talk with many Nebraskans, I pick up one underlying theme--people want less government, not more; fewer laws, not more; and less regulation, not more.

Our philosophy has been and will continue to be a restrained approach to state government and governing. We believe in a marked lowering of the profile of state government and a concerted effort to get government off the peoples' backs and let them go about their business.

My pledge is to remove as much governmental influence from Nebraskans' lives as I can.

In this regard, I urge the Legislature to apply very stringently the provisions of sections 50-430 through 50-436 of our statutes which provide for fiscal impact statements to be made on bills which increase or change the powers of state agencies in their dealings with business and consumers. This would go a long way in helping to eliminate those provisions which will be costing our citizens more and more tax dollars for more and more regulation. We have taken a step in this direction in the Governor's Office.

In November, I directed that all requests for approval of regulations sent to my office by state agencies, boards and commissions, be

accompanied by a statement, signed by the department head or governing board, stating in dollars and cents:

(1) The fiscal impact of proposed regulations on state government; and

(2) The fiscal impact on those being regulated. For example, if a regulation will require a business to fill out a new form, I want to know what the total cost to Nebraska businesses will be to fill out that form. If there are 10,000 affected businesses and the form requires 10 hours to complete, at \$5 per hour, that would be \$500,000--quite an impact.

#### NEBRASKA 2000

As we enter a new decade, it is important that we begin to prepare for entry into a new century--only 20 years away. One of my 10 goals is to plan for a series of grassroots meetings in each of the 49 legislative districts followed by regional meetings and winding up with a statewide conference in Lincoln. The purpose of the meetings would be to have every citizen participate in planning for Nebraska's future in the 21st century.

A good deal of preliminary planning and consultation has already been accomplished under the direction of Lieutenant Governor Luedtke. To follow up on this, we will be announcing soon a planning committee for this volunteer effort and a list of meeting sites. I hope and expect that significant progress can be made in this challenging effort during the coming year.

#### EDUCATION

As Nebraskans, we can take great pride in our higher education institutions. Their contributions to the present and--perhaps more importantly--the future of Nebraska must be appreciated by all as they are by your Governor.

Nevertheless, administrators of our post-secondary education must take note: public resources are not unlimited. As I stated in my message to you last year: "It is vital that scarce tax dollars invested in higher education bear the highest possible return." It is incumbent upon our institutions of higher education to carefully and prudently manage all resources available to them to maintain the high level of quality they have achieved.

Post-secondary education includes the University of Nebraska, the State Colleges and the Community Vocational Technical College System. Approximately 24% of the State General Fund Budget is committed to post-secondary education.

Over the past ten years, state tax support for operations has increased by 212% for post-secondary education in Nebraska. This places Nebraska second among the "Big 8" States in state tax support growth.

After hours of review and careful study, I am recommending an 8.57 percent increase for the University of Nebraska from \$116.0 million to \$125.9 million, an increase of \$9.9 million. Further, included in this recommendation is \$1.2 million to be made available to the regents to assist in coping with extraordinary utility costs and other pressing problems.

In developing this recommendation, no changes were made to the basic cash and federal fund estimates of the Regents and identified University cash balances were not utilized. However, my recommendation does not include state assumption of all reduced federal grants and awards. It is incumbent upon University administrators--through increased efficiency, alternative revenue sources, or, where indicated, program reallocation--to manage the projected federal loss. There should be no easy assumption of unquestioned state support once federal funds are gone.

In addition to this flexibility, I am again recommending that the appropriation be made available to the Regents in lump-sum in accordance with a systems-wide approach to management.

In the area of University capital construction, my budget includes necessary renovation and improvements to the Agricultural Engineering Building on Lincoln's East Campus. In addition, I am recommending a fund of \$1 million for miscellaneous capital items system-wide. It is proposed that this fund be appropriated in such a manner that the Regents have some flexibility in its use.

There has been some suggestion of eliminating the Central Administration offices of the University of Nebraska. I think this would be most unwise. The coordination and effective administration of University functions by this office far outweigh any criticisms I have heard.

For the state colleges at Chadron, Peru, Wayne and Kearney, I am recommending an 8.4 percent increase for a total of \$20 million with maximum flexibility provided to the trustees to allocate funds. The budget for technical community colleges is recommended at 7.45 percent for a total of \$17.7 million. While this is slightly higher than their request of 7 percent, it is my firm intent that a proportionate reduction be made in their property tax levies.

In addition to the post-secondary coordinating commission's responsibilities for the State Student Incentive Grant Program, Title I and Title VI-A of the Higher Education Act, and the Higher Education General Information Survey, I am recommending that the Commission begin examining areas of potential duplication in post-secondary education. Such studies, properly managed, should be of inestimable value in husbanding educational resources.

The most significant item in the budget recommendation for education is the increased support for special education programs within the State Department of Education. The General Fund recommendation for Fiscal Year 1980-81 is \$28.4 million, an increase in excess of \$5.5 million from the current year's appropriation. The rate of growth in costs has been dramatic for this program and the amount of federal support has increased markedly in recent years. However, this latter factor has become a matter of concern. As the level of federal support has grown, so too has the level of federal intervention in the use of these monies. The federal government has directed that its funds can be used to support only new programs and may not be used to supplement state support of ongoing services. This federal interpretation has the effect of penalizing those states, such as Nebraska, whose innovation in this area precedes the federal government's involvement. More importantly, this interference by federal government challenges Nebraska's role in the setting of service priorities for the future.

I invite the Legislature to address this matter, perhaps in the form of a Resolution to the Congress. I offer the support and assistance of my administration.

#### HEALTH CARE

The improvement of health care for Nebraskans and better and more efficient delivery of human services to all citizens is another of the major goals of my administration.

Our mental retardation programs are a matter of immediate concern. Of the \$1 million dollars made available this Fiscal Year for movement of Beatrice State Developmental Center residents to appropriate community facilities, it now appears that only \$600,000 will be expended for this purpose. Unless the transfer of Beatrice State Developmental Center residents who can be better served in community programs is accelerated, we can expect major capital expenditures at Beatrice necessary to meet pending Medicaid standards for a larger than expected population.

My budget recommendation provides \$1 million dollars to be made available exclusively for the placement of Beatrice State Developmental Center residents in appropriate community settings, \$500,000 to continue support for residents placed this Fiscal Year, and \$250,000 for further deinstitutionalization or use at Beatrice State Developmental Center at the discretion of the director of the Department of Public Institutions. Let me hasten to add that I'm talking about only those citizens who can be better served in community programs. If community-based facilities are unable to, or will not accept eligible placements, other providers will be encouraged to develop appropriate licensed programs. I am meeting this

afternoon with regional mental retardation governing board members to discuss our problems in this area and to seek their support for a timely solution.

As you know, there was a good deal of controversy in 1979 about activities at the Lincoln Regional Center Comprehensive Care Unit. My concern prompted me to appoint a three member panel--including a member of the Legislature--to study the situation and report to me. This committee of distinguished citizens did an outstanding job. Their report led me to ask that two distinguished professionals with national reputations in the field of mental health and mental retardation analyze the entire operation of our Department of Public Institutions and our community mental health and mental retardation structure and report to my Advisory Committee on Public Welfare, Institutions and Corrections. Since those recommendations have been made public previously, I will not go into them at this time. Shortly, we will have recommendations for legislation to improve the delivery of those vital services. In addition, you can soon expect some significant management changes to be accomplished in areas that do not require legislation.

To better reflect the Department's role in state government, I will be asking that legislation be approved to change the name of the Department of Public Institutions to the Department of Community and Residential Services. Under the leadership of Ralph Michener, a thorough professional in this field, I believe this Department can become a nationally-admired example in the delivery of these vital human services.

To promote greater efficiency and a more effective approach to the problems of chemical dependency, I will recommend to you this session the consolidation of the Drug Commission and the Alcoholism Division of the Department of Public Institutions. This consolidation is intended to achieve a comprehensive approach to the provision of services in this area. Further, I am recommending to you legislation for the over-all equalization of local match rates for state support for community mental retardation and mental health and alcoholism programs.

Continuing in the health field, I would like to express my support for efforts within the Legislature to bring the State Department of Health under the direct control of the Governor. It is my conviction that this executive branch agency, with its tremendous influence on the lives of our citizens, should be directed by an appointee of the Governor and be directly answerable to him. Our citizens rightly expect the Chief Executive Officer of the State to be responsible for the executive branch. Yet, of the 180 executive agencies, boards and commissions only 23 are controlled directly by the Governor. It is my

firm philosophy that if the Governor has responsibility for the executive branch, he must have the means to make it more responsive. In the case of the Department of Health, I believe this to be a necessity. I would welcome discussion with senators on specific proposals to accomplish this transfer during the current session of the Legislature.

#### PUBLIC WELFARE

For the Department of Public Welfare, I am recommending \$79 million, a 7.8 percent increase in General Fund support. \$2.3 million of this increase is pursuant to LB 138 which I supported and which reduces the county share of Medicaid costs from 20 percent to 16 percent for FY 1981.

Further, I am recommending substantially increased General Fund support--from \$3.2 million to \$4.4 million--for the rapidly growing program for status offenders created by LB 700 of 1978. Implementation of this program has resulted in startling increases in the number of children for whom the Department of Public Welfare is responsible. I have directed John Knight, Director of the Department of Public Welfare, to investigate the sources of this increase and recommend to me measures for coordinating state policy among the several agencies with responsibilities for children. I would support legislation which would give the State the option to place offenders in the facility it determines the most appropriate.

#### AGING

My budget recommendation for the Commission on Aging recognizes the significant role of the elderly in maintaining Nebraska's heritage and culture. We will provide state matching funds--for the first time--to support community services such as nutrition programs and social services across the state. Also, we will continue to fund the "Grand Generation" program on the NETV network. My budget recommendation for the Commission represents an increase in General Fund support of \$245,000 or 97% over the current year.

#### CRIMINAL JUSTICE

This past spring, the Department of Corrections opened its two new facilities--the Lincoln Medium/Minimum Correctional Facility and the Diagnostic and Evaluation Center. With these two facilities, long-awaited improvements in the correctional environment have been realized. This important goal of improvement in our entire criminal justice system has come close to being realized. In addition, construction of the new maximum security facility is ahead of schedule. I will recommend to you acceleration of funding currently scheduled for next Fiscal Year to ensure the early completion of this vitally needed new facility.

With regard to the Omaha Medium/Minimum Security Facility, my budget recommendation provides for site work beginning in the fall of 1980 with construction to commence in the spring of 1981.

#### ROADS

The Department of Roads is responsible for planning, designing, constructing, maintaining and administering a modern, safe and efficient system of highways, roads and streets in Nebraska. The costs of this operation have expanded greatly in recent years, but revenues tied to gasoline taxes at the state and federal level have not kept up.

I am very much interested in legislation that has been proposed to increase the funding to insure our highways, roads and streets do not deteriorate and can be properly maintained. Therefore, action on this matter by the Legislature would be most welcome.

I am recommending fuller reliance on self-generated funds for the Department of Motor Vehicles. This includes increased fees for reinstatement of drivers licenses and transfer of the state portion of the driver license registration fee to a new departmental cash fund.

For our fine state patrol, I am recommending a new pay plan designed to offset the extreme compression found in the current pay grades through the creation of a Trooper II Classification. The cost of this recommendation is \$328,000.

#### WATER

Protection, preservation and careful management of our natural resources are the guarantee of our continued prosperity. Nowhere is this more important than in the area of water resources. One of my 10 goals is to improve significantly our water management and planning policies at all levels of government. My budget recommendation includes the full second phase of the five-year water planning process at a cost of \$413,000. Further, the completion of the multi-year program in the Department of Water Resources designed to upgrade and expand stream gauging activities is recommended. This program will ensure the availability of critical information for the water resources planning and development process.

For the Natural Resources Commission, I am recommending a major change in the financing of the Natural Resources Development Fund and the Water Conservation Fund. Effective July 1, 1980, one cent of the existing cigarette tax would be placed in the newly created Water Conservation Fund together with all reappropriated General Funds, and an additional \$1 million fund I am recommending for this purpose. All interest accruing to these funds would also be made available to the Commission. The revenues to this fund will allow the Natural Resources Commission to more carefully schedule multi-year resource development projects together with the financial planning necessary to assure them.

In 1979, I formed the Interagency Water Coordinating Committee composed of 10 state agency or university department heads with the Governor as chairman, to better coordinate water resource planning and management in Nebraska. I believe we have made great strides during the year and have stimulated useful discussion which will lead to more effective water planning and management in the years to come. There will be several pieces of legislation considered during the current session to change some of our state water laws. My staff and I will examine each carefully, keeping in mind that there currently is an on-going study being coordinated for the Legislature by the Natural Resources Commission. As I said in my Statehood Day speech, because of the critical importance of water to this state and its many complexities, we must not move too hastily, but we must move.

#### JOBS

Our Department of Labor reports that Nebraska probably will have the number 1 ranking in the nation for the best record of employment. Our state had the lowest average unemployment in 1973, 1976, and 1978, and was fourth or better throughout the past 10 years. No other state has been as consistently low in unemployment statistics. The decade average unemployment in Nebraska for the 1970s was 2.8 percent.

Not that we do not have unemployment problems in our state, however. In our largest metropolitan area--Omaha--the average for the 70's was 4.2 percent. While this is significantly lower than the national average, it still presents a major problem for those many able-bodied and willing workers who cannot find a job. This is why we are pursuing employment opportunities for the Omaha area. One possibility we are aggressively exploring is convincing a large automobile manufacturer to locate an assembly plant employing as many as 5,000 people in that area.

#### AGRICULTURE

Agriculture is the cornerstone of Nebraska's economy. The Department of Agriculture is the state agency with prime responsibilities for the furthering of agricultural interests. A number of commodity organizations receive administrative support from the Department of Agriculture. These include: soybeans, wheat, potato, corn, and poultry and egg. My recommendation includes the consolidation of the agricultural organizations formerly funded as a separate agency with the Department of Agriculture. This will provide a central agency to coordinate all agricultural organizations and societies receiving state funding or deriving taxing authority from the state.

You will find in my budget recommendations further expansion of the agricultural marketing activities I recommended last year. This

added emphasis on international marketing will provide new and expanded markets for Nebraska products.

That is why this administration has developed a comprehensive international marketing plan for our state to be led by four of our agencies--agriculture, economic development, banking and finance and the policy research office. Details of this plan were released last week, so I will not dwell on them this morning. I do want to stress, however, that the more planning we can put into our exports, the better off we will be. My marketing trip to Europe last year taught me many things, but the one thing that stood out was that we can do a much better job in selling our products overseas. The markets are there. We must take advantage of them. I pledge to you that our state government will do everything in its power to help increase exports and stabilize our economy. Marketing activities within my administration have received a boost of more than \$500,000 in their budgets for Fiscal 1980-81.

#### ENERGY

One of the most serious problems facing America is its over-dependence on foreign oil. There is every indication that our national problems associated with this situation will be at least as serious in 1980 as they were in 1979.

Nebraska has been a leader in the area of energy conservation. The people of this state have been doing something about it. During the months of May through November, 1979, they used 10 percent less gasoline than in the same period a year earlier. The state agencies under my direction during this May-November period achieved approximately a 25 percent reduction in gasoline over the same months of 1978. That was not an easy accomplishment. While the citizens of Nebraska and state agencies were reducing their use of gas, the federal government had a shocking increase. In the same 7 months of 1979, the federal government used 32 percent more gasoline in Nebraska than in the same period of 1978. President Carter is receiving a strong letter from me urging that the federal government start becoming a good example of energy conservation, instead of a horrible example.

The Nebraska Unicameral in 1979 made a good investment when it voted matching funds for the federal program to offer energy assistance to schools, hospitals, nursing homes and local governments. Nebraska was the first state in the nation to have its plan for operation of this program approved. Nebraska is the only state offering a free energy audit to each eligible institution that requests one. Already, 546 buildings have been audited. Just by following the suggested changes in operating procedures--with no investment--the average owner of a building audited has been able to reduce energy use by 20 percent.

In 1980, the largest electric and natural gas utilities will be required to offer energy audits to all the residences they serve. The responsibility is upon the utilities. The federal government does not require the State of Nebraska to be involved in this program at all. The Nebraska Energy Office worked with the 8 utilities that are under the law. One unified plan has been developed. Many smaller Nebraska utilities that are not required to participate in this program have indicated that they will offer audits. On January 21st, the Nebraska plan will be taken to Washington for federal approval. I believe that Nebraska will be the first state in the nation to complete a plan for offering this important service.

There has been a need for more information about the end use in Nebraska of various types of energy--particularly petroleum. The Nebraska Energy Office has obtained a grant from the Old West Regional Commission to expand its data collection greatly. All energy suppliers are cooperating fully in providing all available information requested.

This administration will ask that you approve at least four pieces of legislation which will equip the State of Nebraska to better deal with the national problem of energy supply and distribution: The legislation would: establish an independent energy office separate from the Department of Revenue under which it currently resides; clarify the Governor's powers to deal with resource shortages in emergency situations; set thermal and lighting efficiency standards similar to those contained in legislation introduced last year; and provide a solar tax credit for those citizens who seek to utilize this important alternative energy source. I recognize that legislation relating to these issues is already being considered by the Legislature. My proposals are not intended to compete with those proposals, but rather to reflect the Governor's thinking on these issues. As on all matters, we intend to work closely with the members of the Legislature on these proposals, and would welcome constructive suggestions for improvement.

In the area of gasohol--an ever increasing important energy source--we will continue through the Gasohol Commission, the Department of Economic Development, the Department of Agriculture and Energy Office to promote the manufacture of ethanol in our state from farm products and the marketing of gasohol in our state's service stations along our roads and highways. The nation recognizes Nebraska's role as a pioneer in this area and we must continue to lead in this important area.

It is my understanding that the Legislature will be considering a constitutional amendment to allow the State of Nebraska to back bonds for construction of plants to produce alcohol to be used in gasohol. I will support a reasonable approach in this area.

Mr. President, Mr. Speaker, and Members of the Legislature, I am privileged to have presented this budget message and State of the State Address. We share a difficult and challenging task, you and I. You will not agree with my recommendation in every instance, and that is not only your right, but your duty.

I welcome your careful consideration and constructive criticism, and it is my sincere hope and desire that as we begin this 1980 session we can continue the good relationship we established last year. I thank you both officially and personally for the cooperation and kindness every member of the Legislature has shown me. In return, I renew my pledge to continue to be as forthcoming and as responsive to your concerns as I can. Nebraskans expect us to work together for the good of Nebraska. We must not fail them.

The Committee escorted the Governor from the Chamber.

### EASE

The Legislature was at ease from 11:04 a.m. until 11:21 a.m.

### SPEAKER MARVEL PRESIDING

#### UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following change to LB 636 in the Journal. No objections. So ordered.

“This bill introduced on behalf of: ~~Nebraska Grain and Feed Dealer’s Association~~ Nebraska Cooperative Council”

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 665.** By Powers, 9th District.

This bill introduced on behalf of: Nebraska Association of Area Agencies on Aging.

A BILL FOR AN ACT to adopt the Nebraska Aging Services Act; to provide for designation as a new program as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 666.** By Kahle, 37th District.

This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1979, relating to taxation; to change provisions relating to sales and use tax exemptions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 667.** By Goodrich, 20th District.  
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT relating to the Department of Health; to amend sections 71-2602, 71-2603, 71-2605, 71-2606, 71-2607, 71-2609, 71-2610, 81-102, 81-108, and 81-109, Reissue Revised Statutes of Nebraska, 1943, and section 71-2601, Revised Statutes Supplement, 1978; to create an advisory committee; to provide for membership; to provide duties; to change the designation of a department head; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also sections 71-2604, 71-2608, and 71-2612 to 71-2616, Reissue Revised Statutes of Nebraska, 1943, and section 71-2611, Revised Statutes Supplement, 1978.

**LEGISLATIVE BILL 668.** By Clark, 47th District.  
This bill introduced on behalf of: Dix School Board.

A BILL FOR AN ACT to amend section 79-466, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to employment of teachers; and to repeal the original section.

**LEGISLATIVE BILL 669.** By Speaker Marvel, 33rd District; Kremer, 34th District; Maresh, 32nd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT relating to water conservation and development; to create a fund and specify the source and use thereof; to amend section 77-2602, Revised Statutes Supplement, 1978; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 670.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1978, relating to taxation; to increase the food sales tax credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 671.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to amend section 60-115, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change provisions relating to the disposition of a fee; to create a fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 672.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to amend section 60-505.02, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change a fee; to create a fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 673.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1980, to June 30, 1981; and to declare an emergency.

**LEGISLATIVE BILL 674.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1981; and to declare an emergency.

**LEGISLATIVE BILL 675.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to make appropriations for capital construction projects; to provide severability; and to declare an emergency.

**LEGISLATIVE BILL 676.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1978, LB 956, sections 4 and 35, as amended by Laws 1979, LB 593, sections 2 and 6 respectively, Laws 1978, LB 937, section 27, as amended by Laws 1979, LB 593, section

7, and Laws 1979, LB 594, section 31; to provide severability; and to declare an emergency.

**LEGISLATIVE BILL 677.** By Speaker Marvel, 33rd District.

This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government for the year ending June 30, 1981; and to declare an emergency.

**LEGISLATIVE BILL 678.** By Rumery, 42nd District.

This bill introduced on behalf of: Dr. S. B. Stafford.

A BILL FOR AN ACT relating to the Game and Parks Commission; to provide aid for deer and antelope depredation control efforts; to provide powers; to create a fund; and to appropriate funds.

**LEGISLATIVE BILL 679.** By Rumery, 42nd District.

This bill introduced on behalf of: Nebraska Association of County Officials.

A BILL FOR AN ACT to amend sections 39-2503 and 39-2504, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change provisions relating to certain incentive payments as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 680.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Nichol, 48th District; Haberman, 44th District; Burrows, 30th District; Kahle, 37th District; Lamb, 43rd District; DeCamp, 40th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 76-720, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to provide for an award of attorney's fees and costs as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 681.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Goodrich, 20th District; Clark, 47th District; Simon, 31st District; Kennedy, 21st District.

This bill introduced on behalf of: Department of Welfare.

A BILL FOR AN ACT to amend section 43-107, Reissue Revised Statutes of Nebraska, 1943, relating to adoptions; to limit instances in

which an investigation is required; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 682.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Goodrich, 20th District; Clark, 47th District; Kennedy, 21st District; Maresh, 32nd District; Simon, 31st District.

This bill introduced on behalf of: Department of Welfare.

A BILL FOR AN ACT relating to public welfare; to designate resources which must be considered as available for support when determining eligibility for public assistance benefits.

**LEGISLATIVE BILL 683.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Goodrich, 20th District; Clark, 47th District; Kennedy, 21st District; Maresh, 32nd District; Simon, 31st District.

This bill introduced on behalf of: Department of Welfare.

A BILL FOR AN ACT to amend section 43-512, Reissue Revised Statutes of Nebraska, 1943, relating to aid to dependent children payments; to restrict the designation of a minor as payee in aid to dependent children cases; to prohibit the approval of more than one aid to dependent children case in the same home for the purpose of awarding higher benefits than would otherwise be permitted; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 684.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Goodrich, 20th District; Clark, 47th District; Kennedy, 21st District; Maresh, 32nd District; Simon, 31st District.

This bill introduced on behalf of: Department of Public Institutions.

A BILL FOR AN ACT to amend sections 71-5002, 71-5003, 83-159, 83-160, 83-164, 83-165, and 83-167 to 83-169, Reissue Revised Statutes of Nebraska, 1943, sections 42-917, 71-5016, 71-5018, 71-5019, and 71-5025, Revised Statutes Supplement, 1978, and sections 71-5027 and 83-163, Revised Statutes Supplement, 1979, relating to the creation of the Division of Alcoholism and Drug Abuse; to eliminate the Commission on Drugs; to establish the State Drug Advisory Committee; to provide for duties and powers; to authorize promulgation of rules and regulations; to consolidate the state drug abuse programs; and to repeal the original sections, and also sections 81-1430, 81-1431, 81-1433 to 81-1437, 83-161, and 83-162, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 685.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Goodrich, 20th District; Kennedy, 21st District; Maresh, 32nd District; Simon, 31st District.

This bill introduced on behalf of: Senator Cullan.

A BILL FOR AN ACT to amend section 23-343.01, Reissue Revised Statutes of Nebraska, 1943, relating to county hospitals; to eliminate a restriction on the county hospital board membership; and to repeal the original section.

**LEGISLATIVE BILL 686.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Goodrich, 20th District; Clark, 47th District; Kennedy, 21st District; Maresh, 32nd District; Simon, 31st District.

This bill introduced on behalf of: Department of Health.

A BILL FOR AN ACT to amend sections 71-2041.01, 71-2042, 71-2045.01, 71-2045.02, and 71-2045.04 to 71-2045.08, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to delete a definition; to provide for suspension or revocation of a license as prescribed; to specify license fees; to delete a limitation; to provide for an examination; to provide conditions for reciprocity; to provide for provisional licenses; and to repeal the original sections, and also section 71-2044, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 687.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Maresh, 32nd District; Haberman, 44th District; Kahle, 37th District; DeCamp, 40th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 2-1579, Revised Statutes Supplement, 1979, relating to the Nebraska Water Conservation Act of 1977; to change certain requirements for eligible projects as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 688.** By Revenue Committee: Carsten, 2nd District, Chairman; Hefner 19th District; Keyes, 3rd District; Johnson, 8th District; Newell, 13th District; Burrows, 30th District; Sieck, 24th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 77-202.01 and 77-202.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-202.03,

Revised Statutes Supplement, 1979, relating to revenue and taxation; to change provisions relating to tax exemptions for motor vehicles as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 689.** By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Keyes, 3rd District; Sieck, 24th District; Hefner, 19th District; Burrows, 30th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 77-1318, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide a penalty for late reporting or failure to report certain improvements; and to repeal the original section.

**LEGISLATIVE BILL 690.** By Executive Board: DeCamp, 40th District, Vice Chairman; Clark, 47th District; Chambers, 11th District; Fowler, 27th District; Fitzgerald, 14th District; Warner, 25th District; Lamb, 43rd District.  
This bill introduced on behalf of: Legislature.

A BILL FOR AN ACT relating to the Legislature; to provide intent; and to provide for certain expenses.

**LEGISLATIVE BILL 691.** By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Burrows, 30th District; Johnson, 8th District; Sieck, 24th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 77-202, Revised Statutes Supplement, 1978, relating to taxation; to provide state assistance for property tax relief; to provide duties; to provide for the distribution of state assistance; to repeal provisions relating to personal property tax relief and aid to governmental subdivisions; to repeal the original section, and also sections 77-202.25 to 77-202.29, 77-202.31, 77-202.33, 77-1204, 77-1205, 77-27,139, and 77-27,140, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.30, 77-202.36 to 77-202.43, and 77-27,136 to 77-27,137.01, Revised Statutes Supplement, 1978, and section 77-202.32, Reissue Revised Statutes of Nebraska, 1943, as amended by section 192, Legislative Bill 187, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

**LEGISLATIVE BILL 692.** By Maresh, 32nd District.  
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 17-953, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to make an exception from election requirements for certain projects; and to repeal the original section.

**LEGISLATIVE BILL 693.** By Clark, 47th District.  
This bill introduced on behalf of: Motor Vehicles.

A BILL FOR AN ACT to amend section 60-323, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change provisions relating to motor vehicle number plates; and to repeal the original section.

**LEGISLATIVE BILL 694.** By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Reutzel, 15th District; Stoney, 4th District; Chronister, 18th District; Wagner, 41st District; Venditte, 7th District; Chambers, 11th District.  
This bill introduced on behalf of: Nebraska State Bar Association.

A BILL FOR AN ACT to amend sections 30-2302, 30-2313, 30-2314, 30-2315, 30-2317, 30-2328, 30-2338, 30-2352, 76-118, and 77-2039, Reissue Revised Statutes of Nebraska, 1943, relating to estates; to change provisions relating to intestate share, augmented estates, holographic wills, renunciation of successors, severance of a joint tenancy, and property subject to any inheritance or Nebraska estate tax as prescribed; and to repeal the original sections, and also section 30-2466, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 695.** By Judiciary Committee: Nichol, 48th District, Chairman; Venditte, 7th District; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District; Reutzel, 15th District; Chronister, 18th District.  
This bill introduced on behalf of: Nebraska State Patrol.

A BILL FOR AN ACT to amend section 60-434.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Patrol criminalistics laboratory; to authorize the admission of reports from such laboratory as prima facie evidence in preliminary hearings; and to repeal the original section.

**LEGISLATIVE BILL 696.** By Judiciary Committee: Nichol, 48th District, Chairman; Wagner, 41st District; Stoney 4th District; Reutzel, 15th District; Chronister, 18th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT To amend section 28-905, Revised Statutes Supplement, 1978, relating to crimes and punishments; to change penalty provisions relating to the operation of a motor vehicle to avoid arrest as prescribed; to repeal the original section, and also section 60-430.07, Revised Statutes Supplement, 1979.

**LEGISLATIVE BILL 697.** By Judiciary Committee: Nichol, 48th District, Chairman; Reutzal, 15th District; Stoney 4th District; Venditte, 7th District; Pirsch, 10th District; Wagner 41st District; Chambers, 11th District; Chronister, 18th District.

This bill introduced on behalf of: Department of Correctional Services.

A BILL FOR AN ACT to amend section 29-751, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change provisions relating to extradition as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 698.** By Judiciary Committee: Nichol, 48th District, Chairman; Reutzal, 15th District; Pirsch, 10th District; Chronister, 18th District; Wagner, 41st District.

This bill introduced on behalf of: Department of Correctional Services.

A BILL FOR AN ACT to amend section 83-915, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to authorize investment of certain funds as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 699.** By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Wagner, 41st District; Venditte, 7th District; Chronister, 18th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 24-536, Revised Statutes Supplement, 1979, relating to county courts; to provide for an exception to jury trials as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 700.** By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Wagner, 41st District; Venditte, 7th District; Pirsch, 10th District; Stoney, 4th District; Chronister, 18th District; Reutzal, 15th District.

This bill introduced on behalf of: Jail Standards Board.

A BILL FOR AN ACT to amend section 83-945, Revised Statutes Supplement, 1978, relating to the Jail Standards Board; to provide additional qualification requirements; to provide for staggered terms; and to repeal the original section.

#### **VISITOR**

The Speaker introduced U. S. Senator Ed Zorinsky.

#### **RECESS**

At 12:04 p.m., on a motion by Mr. Stoney, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:50 p.m., Speaker Marvel presiding.

#### **ROLL CALL**

The roll was called and all members were present except Mrs. Marsh and Mr. Warner who were excused until they arrive.

#### **RESOLUTION**

**LEGISLATIVE RESOLUTION 181.** Read. Considered.

The members stood for a moment of silence in memory of Mr. Brennan.

LR 181 was adopted with 42 ayes, 0 nays, and 7 not voting.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 701.** By Kremer, 34th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 2-1505, Revised Statutes Supplement, 1978, relating to the Nebraska Natural Resources Commission; to change compensation as prescribed; and to repeal the original section.

**UNANIMOUS CONSENT - Member Excused**

Mr. Koch asked unanimous consent to be excused Friday, January 11, 1980. No objections. So ordered.

**MOTION - Rule Change**

Mr. Fowler renewed his pending motion to adopt the proposed revamp of Rule 3 beginning on page 133 in the Journal.

Mr. DeCamp offered the following amendment to the proposed rule change:

That the Rules Changes and Appendix "A" embodied in the Revamp of Rule Three as amended be adopted to go into effect at the end of the Regular Session of 1980, and that until that time, Rule Three as it appeared in the Rules of the Nebraska Unicameral, Eighty-Sixth Legislature, January, 1979 be in effect.

The amendment was adopted with 30 ayes, 1 nay, and 18 not voting.

Mr. Beutler offered the following amendment to Sec. 7 of the proposed rule change:

Amend Section 7 of Revamp of Rule Three as follows: Strike the second sentence and insert: "A quorum must be present for the transaction of any committee business except a public hearing."

The amendment was adopted with 28 ayes, 0 nays, and 21 not voting.

Mr. Beutler offered the following amendment to Sec. 5 of the proposed rule change:

Amend new Section 5, Revamp of Rule Three (page 8) be amended as follows: in line 2 of subsection (c), strike "any three" and insert "a majority".

The amendment was adopted with 30 ayes, 0 nays, and 19 not voting.

Mr. Beutler offered the following amendment to Sec. 14 of the proposed rule change: Amend section 14(b) of the Revamp of Rule Three as follows: In line 3 of subsection (b), after "public" insert "including members of the news media,"

The amendment was adopted with 25 ayes, 1 nay, and 23 not voting.

Mr. Beutler offered the following amendment to the proposed rule change, section 13.

Amend section 13 of Revamp of Rule Three as follows:  
In line 1 of section 13, strike “and state employees”.

The amendment lost with 18 ayes, 10 nays, and 21 not voting.

Mr. Beutler offered the following amendment to section 17 of the proposed rule change.

Amend Section 17(a)(2) of the Revamp of Rule Three as follows:  
In line 9 of Section 17, strike “and on any amendments thereto”.

Mr. Beutler requested a record vote on the amendment.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

#### Vote on Beutler Amendment

Voting in the affirmative, 25:

|            |          |        |        |          |
|------------|----------|--------|--------|----------|
| Barrett    | DeCamp   | Keyes  | Marsh  | Reutzel  |
| Beutler    | Fowler   | Koch   | Murphy | Stoney   |
| Carsten    | George   | Kremer | Newell | Venditte |
| Chronister | Hoagland | Landis | Pirsch | Vickers  |
| Cope       | Kelly    | Lewis  | Powers | Warner   |

Voting in the negative, 13:

|          |         |         |        |        |
|----------|---------|---------|--------|--------|
| Burrows  | Hefner  | Kennedy | Rumery | Wesely |
| Dworak   | Johnson | Lamb    | Sieck  |        |
| Haberman | Kahle   | Maresh  | Simon  |        |

Present and not voting, 11:

|          |            |        |        |
|----------|------------|--------|--------|
| Chambers | Fitzgerald | Marvel | Schmit |
| Clark    | Goodrich   | Merz   | Wagner |
| Cullan   | Labedz     | Nichol |        |

The amendment was adopted with 25 ayes, 13 nays, and 11 present and not voting.

The Chair declared the Call raised.

The proposed revamp of Rule 3, as amended, was adopted with 26 ayes, 6 nays, and 17 not voting.

Mr. Fowler moved to adopt permanent rules of last session, as amended.

Mr. Carsten moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The permanent rules, as amended, were adopted with 38 ayes, 9 nays, and 2 present and not voting.

## RESOLUTION

### LEGISLATIVE RESOLUTION 182.

Introduced by Venditte, 7th District; Barrett, 39th District; Beutler, 28th District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Murphy, 17th District; Nichol, 48th District; Pirsch, 10th District; Powers, 9th District; Reutzel, 15th District; Rumery, 42nd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Vickers, 38th District; Wesely, 26th District.

WHEREAS, basketball is a source of enjoyment for fans of college athletics in Nebraska;

WHEREAS, the Nebraska Legislature wishes to recognize the dedication and service of Coach Joe Cipriano; and

WHEREAS, Joe Cipriano has served as head basketball coach at the University of Nebraska in Lincoln for over sixteen years; and

WHEREAS, Coach Cipriano is the winningest coach in Nebraska basketball history and has been Big Eight Coach of the year on two occasions; and

WHEREAS, the coaching philosophy and techniques of Coach Cipriano can be credited with influencing the development of many fine athletes;

WHEREAS, Joe Cipriano has been and will continue to be an inspiration to his players and all Nebraskans.

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

1. That the Legislature expresses the pride of all Nebraskans in commending the competitive spirit, sportsmanship, and high coaching and personal qualities demonstrated by Coach Cipriano throughout his services to the University of Nebraska and this state.

2. That the Legislature acknowledges Coach Cipriano's dedicated service and constructive contribution to the lives of his players, staff, and all Nebraskans.

3. That the Clerk of the Legislature send a copy of this resolution to Coach Joe Cipriano and his staff.

Laid over.

#### **UNANIMOUS CONSENT - Member Excused**

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 35.** Title read. Considered.

Mr. Johnson renewed his pending amendment Req. 2799, found in the Journal on page 1204, First Session.

Mr. Haberman moved to recommit LB 35 to the Public Health and Welfare Committee.

The motion lost with 5 ayes, 25 nays, and 19 not voting.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 598 through 618 inclusive; and 621 through 652 inclusive; and 654 through 700 inclusive; for the approval of the Nebraska State Legislature.

| <b>LB</b> | <b>Committee</b>                        |
|-----------|---|
| 598       | General File                            |
| 599       | Revenue                                 |
| 600       | Judiciary                               |
| 601       | Government, Military & Veterans Affairs |
| 602       | Urban Affairs                           |
| 603       | Public Works                            |
| 604       | Public Works                            |
| 605       | Judiciary                               |
| 606       | Education                               |
| 607       | Government, Military & Veterans Affairs |
| 608       | Revenue                                 |
| 609       | Government, Military & Veterans Affairs |
| 610       | Revenue                                 |
| 611       | Public Works                            |
| 612       | Miscellaneous Subjects                  |
| 613       | Revenue                                 |
| 614       | Urban Affairs                           |
| 615       | Government, Military & Veterans Affairs |
| 616       | Revenue                                 |
| 617       | Revenue                                 |
| 618       | Judiciary                               |
| 621       | Judiciary                               |
| 622       | Judiciary                               |
| 623       | Business & Labor                        |
| 624       | Public Works                            |
| 625       | Government, Military & Veterans Affairs |
| 626       | Judiciary                               |
| 627       | Government, Military & Veterans Affairs |
| 628       | Government, Military & Veterans Affairs |
| 629       | Urban Affairs                           |
| 630       | Public Health & Welfare                 |
| 631       | Agriculture & Environment               |
| 632       | Public Health & Welfare                 |
| 633       | Agriculture & Environment               |
| 634       | Public Works                            |
| 635       | Judiciary                               |
| 636       | Public Works                            |

|     |   |
|-----|---|
| 637 | Constitutional Revision & Recreation    |
| 638 | Public Works                            |
| 639 | Appropriations                          |
| 640 | Education                               |
| 641 | Public Health & Welfare                 |
| 642 | Judiciary                               |
| 643 | Public Works                            |
| 644 | Agriculture & Environment               |
| 645 | Urban Affairs                           |
| 646 | Banking, Commerce & Insurance           |
| 647 | Revenue                                 |
| 648 | Public Works                            |
| 649 | Public Works                            |
| 650 | Banking, Commerce & Insurance           |
| 651 | Judiciary                               |
| 652 | Appropriations                          |
| 654 | Urban Affairs                           |
| 655 | Urban Affairs                           |
| 656 | Public Works                            |
| 657 | Education                               |
| 658 | Revenue                                 |
| 659 | Urban Affairs                           |
| 660 | Urban Affairs                           |
| 661 | Revenue                                 |
| 662 | Urban Affairs                           |
| 663 | Education                               |
| 664 | Public Health & Welfare                 |
| 665 | Public Health & Welfare                 |
| 666 | Revenue                                 |
| 667 | Public Health & Welfare                 |
| 668 | Education                               |
| 669 | Appropriations                          |
| 670 | Revenue                                 |
| 671 | Public Works                            |
| 672 | Public Works                            |
| 673 | Appropriations                          |
| 674 | Appropriations                          |
| 675 | Appropriations                          |
| 676 | Appropriations                          |
| 677 | Appropriations                          |
| 678 | Constitutional Revision & Recreation    |
| 679 | Government, Military & Veterans Affairs |
| 680 | Judiciary                               |
| 681 | Judiciary                               |
| 682 | Public Health & Welfare                 |

|     |   |
|-----|---|
| 683 | Public Health & Welfare                 |
| 684 | Public Health & Welfare                 |
| 685 | Public Health & Welfare                 |
| 686 | Public Health & Welfare                 |
| 687 | Agriculture and Environment             |
| 688 | Government, Military & Veterans Affairs |
| 689 | Revenue                                 |
| 690 | Miscellaneous Subjects                  |
| 691 | Revenue                                 |
| 692 | Urban Affairs                           |
| 693 | Public Works                            |
| 694 | Judiciary                               |
| 695 | Judiciary                               |
| 696 | Judiciary                               |
| 697 | Judiciary                               |
| 698 | Judiciary                               |
| 699 | Judiciary                               |
| 700 | Judiciary                               |

(Signed) Frank Lewis, Chairperson  
Executive Board

### ATTORNEY GENERAL'S OPINION

Opinion No. 191  
January 9, 1980

Dear Senator Maresh:

You have informed us that you intend to offer an amendment to LB 44. Apparently you plan to eliminate sales tax on food sold at grocery stores, while retaining it on food sold at restaurants. You ask whether there would be any constitutional difficulties with such a provision.

We conclude that there are no such problems. The only constitutional argument we can see against such a provision is that it would constitute unreasonable classification, in violation of Article III, Section 18, of the Nebraska Constitution. We do not believe a court would sustain such an argument.

We are informed by the Department of Revenue that approximately 19 states have such a provision in their sales tax acts. This fact would make us hesitant to hold that it constituted unreasonable classification, even if we were so inclined.

The courts have held that in the sales tax field the Legislature has great latitude in establishing the class to which the tax shall apply, or

the class to be excluded from the tax, and to invalidate a tax for discrimination, exemption from its terms must be purely arbitrary. See 68 Am.Jur.2d 42, Sales and Use Taxes, section 27.

In Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), the court said:

“The power of a state to make reasonable and natural classifications for purposes of taxation is clear and unquestioned. ‘That a statute may discriminate in favor of a certain class does not render it arbitrary if the discrimination is founded upon a reasonable distinction, or difference in state policy. \* \* \* Similarly, it has long been settled that a classification, though discriminatory, is not arbitrary nor violative of the Equal Protection Clause of the Fourteenth Amendment if any state of facts reasonably can be conceived that would sustain it.’ Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522, 79 S.Ct. 437, 3 L.Ed.2d 480.”

In Associated Food Services Inc. v. Commissioner of Taxation, 216 N.W.2d 253 (Minn. 1974), the court interpreted a statute exempting food sold in grocery stores but not restaurants. Vending machine operators said they sold the same items as could be bought in a grocery store, and so should be exempt. They contended that a contrary construction would be unconstitutional. The court rejected the argument saying:

“If similarity of product is the test, restaurants could not be taxed either, without violating the Equal Protection Clause, despite the legislative determination, acknowledged by all parties, that going to a restaurant is a taxable luxury and purchasing food at a grocery store is a nontaxable necessity.”

We believe the rationale used by the Minnesota Court to justify their classification is valid, and would sustain your proposed amendment from attack on equal protection or unreasonable classification grounds.

Very truly yours,  
 PAUL L. DOUGLAS  
 Attorney General  
 Ralph H. Gillan  
 Assistant Attorney General

(Signed)

RHG:ejg

cc Mr. Patrick J. O'Donnell  
 Clerk of the Legislature

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 702.** By LR 169 Study Committee: Newell, 13th District, Chairman; Fowler, 27th District; George, 16th District; Johnson, 8th District; Simon, 31st District; Koch, 12th District.  
This bill introduced on behalf of: LR 169 Urban Growth.

A BILL FOR AN ACT to amend section 15-106, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to change provisions relating to additions to the city as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 703.** By Goodrich, 20th District.  
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 14-1733, Revised Statutes Supplement, 1979, relating to cities of the metropolitan class; to eliminate the interest limitation on off-street parking revenue bonds as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 704.** By Keyes, 3rd District.  
This bill introduced on behalf of: Government Committee.

A BILL FOR AN ACT relating to public transportation; to amend sections 19-3902, 19-3903, 19-3904, 19-3908, 19-3909, 19-3911, and 75-303, Reissue Revised Statutes of Nebraska, 1943, and section 19-3905, Revised Statutes Supplement, 1979; to restate intent; to define a term; to provide duties; to provide assistance to public purpose organizations; to provide additional exemptions from public service commission regulation; and to repeal the original sections.

**LEGISLATIVE BILL 705.** By George, 16th District.  
This bill introduced on behalf of: Senator George and Mr. Les Robinson.

A BILL FOR AN ACT relating to audits; to require the publication of certain audits as prescribed; to require an annual audit of irrigation districts as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 706.** By Sieck, 24th District.  
This bill introduced on behalf of: Technical College.

A BILL FOR AN ACT to amend section 71-1559, Revised Statutes Supplement, 1978, relating to the Nebraska Uniform Standards for

Manufactured Housing Units Act; to exclude technical community colleges from certain requirements of such act; and to repeal the original section.

**LEGISLATIVE BILL 707.** By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Barrett, 39th District; Lamb, 43rd District; Haberman, 44th District.

This bill introduced on behalf of: Cities of Scottsbluff and Gering.

A BILL FOR AN ACT to amend sections 74-1302 to 74-1304, and 74-1308, Reissue Revised Statutes of Nebraska, 1943, and section 74-1305, Revised Statutes Supplement, 1978, relating to railroad transportation safety districts; to allow the inclusion of more than one municipality in a district; to change a penalty; and to repeal the original sections.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. Warner asked unanimous consent to print the following amendment to LB 550 in the Journal. No objections. So ordered.

1. re-print of Committee amendment to LB 550 found in 1979 Leg Journal p. 783 and 784
2. On page 3, strike lines 11 through 15 and insert "in excess of the recommendation made under the provisions of section 2 of this act shall require thirty-three votes for adoption. Any resolution or amendment to the resolution to reduce the maximum General Fund appropriation shall require twenty-five votes for adoption."

#### **RESOLUTION**

##### **LEGISLATIVE RESOLUTION 183.**

Introduced by Schmit, 23rd District; Barrett, 39th District; Beutler, 28th District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; George, 16th District; Haberman, 44th District; Hefner, 19th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Kremer, 34th District; Lamb, 43rd District; Maresh, 32nd District; Murphy, 17th District; Nichol, 48th District; Pirsch, 10th District; Reutzell, 15th District; Rumery, 42nd District; Sieck, 24th District; Venditte, 7th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, agriculture is a vital, significant, and necessary industry in the United States; and

WHEREAS, the free market system used to exchange agriculture products represents a delicate balance between the world markets and the continuing production capability of American agriculture; and

WHEREAS, American agriculture derives its strength from the independence, resourcefulness, and productivity of the American farmer; and

WHEREAS, the livelihood of the American farmer and the certainty of economic continuity and survival depends in large part on the free market system; and

WHEREAS, President Carter promised never to use grain embargoes; and

WHEREAS, the impact of grain embargoes severely and adversely affected the market place through price depression; and

WHEREAS, the daily grain market decline, because of the Soviet grain embargo, reduces the income of the United States by billions of dollars; and

WHEREAS, President Carter did not provide sufficient remedy to counter-balance the impact of the embargo; and

WHEREAS, tremendous damage has been done to American agriculture, related industries, businesses, and the economy in general; and

WHEREAS, unless immediate action is taken, the lack of adequate financing from banks and financial institutions for agriculture and business could plunge this entire nation into a most serious, long-lasting recession.

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

1. That the Speaker of the Nebraska Legislature request an immediate meeting with appropriate members of Congress and appoint a delegation from the Unicameral to a) express concern for Nebraska and other American agricultural producers, b) to solicit congressional response to this embargo in the form of immediate remedies, c) to request congressional support and action to improve current circumstances.

2. That the Nebraska Legislature urge President Carter to immediately lift the Soviet grain embargo.

3. Should the embargo not be lifted, then the Nebraska Legislature urges the following alternatives for immediate federal government action: a) make purchases as necessary to stabilize the market, b) increase loan price levels to 90% of parity, c) increase storage subsidies to farmers with grain already in storage, d) implement a

set-aside program, e) make alcohol plant loans available immediately, and f) embargo all exports to the Soviet Union.

Laid over.

### ADJOURNMENT

At 4:06 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Friday, January 11, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRD DAY - JANUARY 11, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 11, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Dear God, we hear that "Prayer Changes Things", but that really isn't true. Prayer doesn't move mountains, though it can move us to move mountains. Prayer won't endorse our blank checks, nor initiate the right bills, nor pass the correct legislation, but prayer can move us to do these things together. Prayer doesn't so much need discussion as it needs doing. Prayer isn't a motion to be tabled, it is a mood to be expressed. So as we take this moment for prayer, teach us that while You do not do everything for us, you can help us do those things which need to be done when we approve of ourselves. Prayer doesn't offer us escape, but it does give us encouragement, enlightenment, and it can enable us together to be better than otherwise we might be. May that be our experience today in our deeds because we have paused for this moment of meditation. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Koch, Lewis, and Sieck who were excused; and Messrs. Newell and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Second Day was approved.

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

**LEGISLATIVE BILL 436.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

**CORRECTED REPORT**

The Committee on Committees wishes to report that no hearing will be held on January 16, 1980 for Lola Jean Staley, appointee to the Nebraska Accountability and Disclosure Commission, due to her resignation which is effective on that date.

(Signed) Shirley Marsh, Chairperson

**NATURAL RESOURCE DISTRICT REPORT**

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1979 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

| DISTRICT | ATTORNEY   | FEE       |
|----------|--|-----------|
| Papio    | Baird, Holm, McEachen,<br>Pedersen, Hamann & Haggart | 3,053.44  |
|          | Taylor, Hornstein & Peters                           | 49,830.83 |

**REPORT**

Received 42nd Annual Report from the Nebraska Department of Labor, Division of Employment. Report on file in the Clerk's Office.

**ANNOUNCEMENT**

Mr. Carsten announced the apples for the members are from the 2nd Legislative District.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 180.** Read. Considered.

LR 180 was adopted with 29 ayes, 0 nays, and 20 not voting.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 708.** By Public Works Committee: Kremer, 34th District, Chairman; Clark, 47th District; Kennedy, 21st District; Vickers, 38th District; Cullan, 49th District; Beutler, 28th District; Goodrich, 20th District.

This bill introduced on behalf of: Central Nebraska Public Power and Irrigation District.

A BILL FOR AN ACT to amend sections 2-3263, 2-3264, 2-3266, 2-3267, 2-3269 to 2-3272, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3265 and 2-3268, Revised Statutes Supplement, 1979, relating to natural resources districts; to restate legislative intent; to rename a fund; to harmonize provisions; to authorize certain contracts; to change membership of an advisory board as prescribed; to provide terms; to change certain application, review, and approval procedures and requirements as prescribed; to change the status of a lien as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 709.** By Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; Clark, 47th District; Goodrich, 20th District; Beutler, 28th District; Vickers, 38th District; Cullan, 49th District; Wesely, 26th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 57-919, Reissue Revised Statutes of Nebraska, 1943, section 81-195, Revised Statutes Supplement, 1978, and section 57-905, Revised Statutes Supplement, 1979, relating to the Nebraska Oil and Gas Conservation Commission; to provide for an examiner and an appeal process as prescribed; to provide duties for the Tax Commissioner; to provide for continuation of the commission; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 710.** By Urban Affairs Committee: George, 16th District, Chairman; Barrett, 39th District; Lamb, 43rd District; Merz, 1st District; Haberman, 44th District.

This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT relating to cities and villages; to provide for contracts for legal services between counties and cities and villages; and to provide a limitation on cost.

**LEGISLATIVE BILL 711.** By DeCamp, 40th District.

This bill introduced on behalf of: all reasonable people wanting a reasonable solution to a myriad of tax problems and litigation now pending on LB 518.

A BILL FOR AN ACT to amend section 77-202, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3424 and 77-3425, Revised Statutes Supplement, 1979, relating to political subdivisions; to provide state financial assistance to political subdivisions; to create a fund; to provide for distribution of state aid; to provide duties; to remove certain funds from the limits set on the budgets of political subdivisions; to provide an operative date; to repeal the original sections, and also sections 77-202.25 to 77-202.29, 77-202.31, 77-202.33, 77-1204, and 77-1205, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.30 and 77-202.36 to 77-202.43, Revised Statutes Supplement, 1978, and section 77-202.32, Reissue Revised Statutes of Nebraska, 1943, as amended by section 192, Legislative Bill 187, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

#### ATTORNEY GENERAL'S OPINION

Opinion No. 192  
January 7, 1980

Dear Senator Maresh:

This is in reply to your inquiry concerning problems with titles to land because of a failure to obtain prior approval of subdivisions by the governing municipalities.

You ask whether sections 19-916 through 19-921 R.R.S. 1943 allow for after the fact approval of the subdivision or addition by the municipality and whether such subsequent approval would cure the title defect problem.

It is the opinion of this office that the answer to both of your questions is no for the following reasons.

Section 19-916 R.R.S. 1943 provides in part:

“No addition shall have any validity, right or privileges as an addition, and no plat of land or, in the absence of a plat, no instrument subdividing land within the corporate limits of any such municipality, or contiguous to the same, shall be recorded or have any force or effect, unless the same be approved by the governing body and its approval endorsed thereon.”

Section 19-917 R.R.S. 1943 requires a proper ordinance duly enacted by the governing body in order to vacate an existing plat and

addition. Section 19-918 R.R.S. 1943 provides that to subdivide real estate within the corporate limits you must comply with the provisions of section 19-917. Section 19-919 also provides that any plat or instrument effecting the subdivision of real property described in section 19-918 has no force or effect unless it is approved by the governing body of the municipality.

In Village of Niobrara v. Tichy, 148 Neb. 517, 63 N.W.2d 867 (1954) at page 524, the court states:

“The making and filing of a plat of a subdivision of land by the owner, the dedication of streets and alleys shown on the plat, the continuous exercise by the municipality of authority thereafter over such platted area, and taxation of the territory and property thereon for municipal purposes do not annex the platted area and make it a part of the village or extend the corporate limits of the village. The reason for the insufficiency of either or all of these to have that effect is that they or any of them is not the exercise of the jurisdiction given the municipality to annex territory to it. The rule is stated in Wagner v. City of Omaha, supra: ‘A municipal corporation or its corporate authorities have no power to extend its boundaries otherwise than provided for by legislative enactment or constitutional provision. Such power may be validly delegated to municipal corporations by the legislature and where so conferred must be exercised in strict accord with the statute conferring it.’”

Since these statutes require the prior approval of the subdivision, annexation or vacation, the late approval by the governing body would not cure the title defect problem since a gap in time would exist between the initial attempted subdivision and the approval at a later date by the governing body.

In City of Valentine v. Valentine Motel, Inc., 176 Neb. 63, 125 N.W.2d 98 (1963), the City of Valentine attempted to comply with the statutory requirements for annexation by passing a nunc pro trunc order to supply the missing statutory requirements for annexation and the court held that this could not be done.

For these reasons we feel that late approval by the governing body of the particular municipality would not correct the title defect.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Robert G. Avey  
Assistant Attorney General

RGA/ta

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

**RESOLUTION****LEGISLATIVE RESOLUTION 184.**

Introduced by Haberman, 44th District.

WHEREAS, recent Russian aggression in Afghanistan has forced the President of the United States to impose economic sanctions against the Soviet Union; and

WHEREAS, the economic sanctions involve a grain embargo which will cost this state and its farmers billions of dollars in unsold grain; and

WHEREAS, the State of Nebraska and the University of Nebraska engage in the testing of Russian tractors as a service to the Soviet Union; and

WHEREAS, the testing of Russian tractors directly benefits the agricultural stability of the Soviet Union at the expense of the Nebraska farmer and taxpayer.

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

1. That the tractor testing laboratory of the Department of Agricultural Engineering at the University of Nebraska and the state Department of Agriculture cease to test and report on the Russian tractors.

2. That the tractor testing laboratory inform the appropriate Soviet Union officials that their tractors currently at the laboratory must be removed within fifteen days after receiving notice, or they will be sold as salvage.

3. That the Legislature directs the Department of Agriculture and the University of Nebraska Department of Agricultural Engineering not to release any result or report of the testing on the Russian tractors to any person unless a release is authorized by a majority vote of the Legislature.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 712.** By Murphy, 17th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to rules of administrative agencies; to provide duties for the Revisor of Regulations; to provide for a hearing on rules and amendments; to amend section 84-906.03, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

**UNANIMOUS CONSENT - Member Excused**

Mr. Haberman asked unanimous consent to be excused for 45 minutes. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 284.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1017 for the Fiftieth Day, First Session, were adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 306.** Title read. Considered.

Standing Committee amendments found in the Journal on page 859 for the Forty-Fourth Day, First Session, were considered.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Standing Committee amendments were adopted with 28 ayes, 7 nays, 8 present and not voting, and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 151. No objections. So ordered.

Mr. DeCamp offered the following amendment:

Amendments to

Standing Committee Amendment to LB 306

1. Insert a new section as follows:

- 2 "Sec. 3. That section 30-2352, Revised Statutes Sup-  
 3 plement, 1978, be amended to read as follows:  
 4 30-2352. (a) (1) A person (or his personal represen-  
 5 tative) who is an heir, devisee, person succeeding to a  
 6 renounced interest, donee, beneficiary under a testamen-

7 tary or nontestamentary instrument, donee of a power of ap-  
8 pointment, grantee, surviving joint owner or surviving joint  
9 tenant, beneficiary of an insurance contract, person design-  
10 nated to take pursuant to a power of appointment exercised  
11 by a testamentary or nontestamentary instrument, or recipi-  
12 ent of any benefit otherwise under a testamentary or non-  
13 testamentary instrument, may renounce in whole or in part,  
14 or with reference to specific parts, fractional shares or  
15 assets thereof, by filing a written instrument within the  
16 time and at the place hereinafter provided.

17 (2) The instrument shall (i) describe the property or  
18 part thereof or the interest therein renounced, (ii) be signed  
19 and acknowledged by the person renouncing in the manner pro-  
20 vided for in the execution of deeds of real estate, and (iii)  
21 declare the renunciation and the extent thereof.

22 (3) The appropriate court may direct or permit a trustee  
23 under a testamentary or nontestamentary instrument to renounce  
24 or deviate from any power of administration, management or al-  
25 location of benefit upon finding that exercise of such power  
26 may defeat or impair the accomplishment of the purposes of  
1 the trust whether by the imposition of tax or the allocation  
2 of beneficial interest inconsistent with such purposes. Such  
3 authority shall be exercised after hearing and upon notice to  
4 all known persons beneficially interested in such trust, in  
5 the manner directed by said court.

6 (b) The writing specified in (a) (1) and (a) (2) must  
7 be filed within nine months after the death of the decedent,  
8 settlor of the trust or donee of the power, or if the taker  
9 of the property is not then finally ascertained not later  
10 than nine months after the event by which the taker or the  
11 interest is finally ascertained. The writing must be filed  
12 in the court of the county where proceedings concerning the  
13 decedent's estate are pending, or where they would be pending  
14 if commenced. If an interest in real estate is renounced, a  
15 copy of the writing shall also be recorded in the office of  
16 the register of deeds in the county in which said real estate  
17 lies. A copy of the writing also shall be mailed to the per-  
18 sonal representative of the decedent, the trustee of any trust  
19 in which the interest renouncing exists, or to such other per-  
20 son as has legal title to, or possession of, the property in  
21 which the interest renounced exists, and no such personal rep-  
22 resentative, trustee, or person shall be liable for any other  
23 proper distribution or other disposition made without actual  
24 notice of the renunciation.

25 (c) Unless the decedent or donee of the power has other-  
26 wise indicated by his will, the interest renounced, and any  
27 future interest which is to take effect in possession or enjoy-  
1 ment at or after the termination of the interest renounced,  
2 passes as if the person renouncing had predeceased the de-  
3 cedent, or if the person renouncing is one designated to take  
4 pursuant to a power of appointment exercised by a testamentary  
5 instrument, as if the person renouncing had predeceased the  
6 donee of the power. In every case the renunciation relates  
7 back for all purposes to the date of death of the decedent  
8 or the donee, as the case may be.

9 (d) Any (1) assignment, conveyance, encumbrance, pledge

10 or transfer of property therein or any contract therefor,  
 11 (2) written waiver of the right to renounce or any accept-  
 12 ance of property by an heir, devisee, person succeeding to a  
 13 renounced interest, beneficiary or person designated to take  
 14 pursuant to a power of appointment exercised by testamentary  
 15 instrument, or (3) sale or other disposition of property pur-  
 16 suant to judicial process, made before the expiration of the  
 17 period in which he is permitted to renounce, bars the right  
 18 to renounce as to the property.

19 (e) The right to renounce granted by this section  
 20 exists irrespective of any limitation on the interest of the  
 21 person renouncing in the nature of a spendthrift provision  
 22 or similar restriction. A trust beneficiary whose interest  
 23 is subject to any limitation in the nature of a spendthrift  
 24 provision or similar restriction may assign, sell or other-  
 25 wise convey such interest or any part thereof upon a finding  
 26 by a court in a proceeding under section 30-2806, that the  
 27 rights of other beneficiaries would not be impaired and that  
 1 such assignment, sale or other conveyance would not result  
 2 in any substantial benefit to nonbeneficiaries of the trust  
 3 at the expense of the trust or trust beneficiaries. Such  
 4 finding may be made after hearing and upon notice to all  
 5 known persons beneficially interested in such trust, in the  
 6 manner directed by said court.

7 (g) Any interest in property which exists on January  
 8 1, 1977, but which has not then become indefeasibly fixed  
 9 both in quality and quantity, or the taker of which has not  
 10 then become finally ascertained, may be renounced after  
 11 January 1, 1977 as provided herein. An interest which has  
 12 arisen prior to January 1, 1977 in any person other than  
 13 the person renouncing is not destroyed or diminished by any  
 14 action of the person renouncing taken under this section."

15 2. Insert a new section as follows:

16 "Sec. 4. That original section 30-2352, Revised  
 17 Statutes Supplement, 1978, is repealed."

18 3. Renumber original section 4 as section 5.

The amendment lost with 13 ayes, 18 nays, 12 present and not voting,  
 and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 306.

Mrs. Pirsch moved the previous question. The question is, "Shall the  
 debate now close?" The motion lost with 22 ayes, 9 nays, and 18 not  
 voting.

Mr. Vickers moved the previous question. The question is, "Shall the  
 debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21  
 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 17:

|          |          |        |        |        |
|----------|----------|--------|--------|--------|
| Burrows  | Fowler   | Maresh | Powers | Wesely |
| Chambers | Hoagland | Marsh  | Schmit |        |
| Cullan   | Johnson  | Marvel | Simon  |        |
| Dworak   | Labeledz | Pirsch | Stoney |        |

Voting in the negative, 24:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Cope       | Hefner  | Lamb    | Rumery  |
| Beutler    | Fitzgerald | Kahle   | Landis  | Vickers |
| Carsten    | George     | Kennedy | Murphy  | Wagner  |
| Chronister | Goodrich   | Keyes   | Nichol  | Warner  |
| Clark      | Haberman   | Kremer  | Reutzel |         |

Present and not voting, 2:

|       |      |
|-------|------|
| Kelly | Merz |
|-------|------|

Excused and not voting, 6:

|        |        |          |
|--------|--------|----------|
| DeCamp | Lewis  | Sieck    |
| Koch   | Newell | Venditte |

The motion to indefinitely postpone lost with 17 ayes, 24 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Beutler requested a roll call vote to advance LB 306.

Voting in the affirmative, 25:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Barrett    | Cope     | Kahle   | Landis | Reutzel |
| Beutler    | George   | Kennedy | Maresh | Rumery  |
| Carsten    | Goodrich | Keyes   | Merz   | Vickers |
| Chronister | Haberman | Kremer  | Murphy | Wagner  |
| Clark      | Hefner   | Lamb    | Nichol | Warner  |

Voting in the negative, 15:

|          |            |          |        |        |
|----------|------------|----------|--------|--------|
| Burrows  | Fitzgerald | Johnson  | Marvel | Schmit |
| Chambers | Fowler     | Labeledz | Pirsch | Simon  |
| Dworak   | Hoagland   | Marsh    | Powers | Stoney |

Present and not voting, 2:

Kelly           Wesely

Excused and not voting, 7:

|        |       |        |          |
|--------|-------|--------|----------|
| Cullan | Koch  | Newell | Venditte |
| DeCamp | Lewis | Sieck  |          |

Advanced to E & R for Review with 25 ayes, 15 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

**UNANIMOUS CONSENT - Print Copy of LB 382**

Mrs. Labeledz asked unanimous consent to have a white copy of LB 382 printed with all adopted amendments incorporated therein. No objections. So ordered.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Simon asked unanimous consent to print the following amendments to LB 457 in the Journal. No objections. So ordered.

Amendments to LB 457:

Amend line 5 of page 1 of the Standing Committee amendments to LB 457 by inserting "retail" after the word "its";

Amend line 6 of page 1 of the Standing Committee amendments to LB 457 by inserting the word "retail" after the word "All";

Amend line 7 of page 1 of the Standing Committee amendments to LB 457 by adding the following language after the word "writing":  
" , which may be in the form of official publications reaching all customers"

Amend line 14 of page 1 of the Standing Committee amendments to LB 457 by adding the following language after the semi-colon:  
"provided, any adjustments by the board at either of such meetings to the proposed rates or rate schedules, as a result of such consideration, shall not require additional written notice or require consideration at two additional board meetings, and a proposed rate increase as so adjusted may be placed in effect upon a vote of approval by the board;"

Amend line 2 of page 2 of the Standing Committee amendments to LB 457 by adding the word "retail" after the word "any".

#### **UNANIMOUS CONSENT - Members Excused**

Mr. Johnson asked unanimous consent to be excused on the afternoon of Monday, January 14, 1980 and all day on Tuesday, January 15, 1980. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused on January 14, 1980 until he arrives. No objections. So ordered.

#### **MOTION - "A" Bills**

Mr. Warner moved that any bill carrying an "A" Bill for a General Fund appropriation or any enabling legislation containing a General Fund appropriation within the bill be bracketed on Final Reading until the 1980-81 appropriations bills for the continued operation of state government and state aid have been considered and enacted by the Legislature, except those bills appropriating General Fund for the 1979-80 fiscal year.

Motion pending.

#### **NOTICE OF COMMITTEE HEARING Appropriations**

The Appropriations Committee will meet on Monday, February 4, 1980, at 7:00 p.m. in Room 1520 of the State Capitol to receive public testimony on suggestions for the 1980-81 State Salary Policy.

(Signed) Jerome Warner, Chairperson

**ANNOUNCEMENT**

The Banking, Commerce and Insurance Committee will meet in Executive Session, Monday, January 14, 1980, at 9:00 a.m. in Senator DeCamp's office.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 713.** By LR 154 Committee: Chambers, 11th District; Reutzel, 15th District; Landis, 46th District; Johnson, 8th District; Fowler, 27th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 29-507 and 29-508, Reissue Revised Statutes of Nebraska, 1943, relating to witnesses; to change procedures providing for the appearance of certain witnesses; to provide for appeal; to provide a fee; and to repeal the original sections.

**LEGISLATIVE BILL 714.** By George, 16th District.

This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to insurance; to provide for insurance adjusters as prescribed; to provide fees; and to prohibit certain acts as prescribed.

**LEGISLATIVE BILL 715.** By Wesely, 26th District.

This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to asbestos; to state intent; to define terms; to provide duties; to provide a fee; to provide for abatement of asbestos materials as prescribed; to provide a penalty; to provide for severability; and to declare an emergency.

**LEGISLATIVE BILL 716.** By George, 16th District.

This bill introduced on behalf of: Nebraska homeowners.

A BILL FOR AN ACT relating to taxation; to provide a maximum limitation on any ad valorem tax on real property; to provide for changes in the actual value as prescribed; and to provide that special taxes may be imposed.

**LEGISLATIVE BILL 717.** By Urban Affairs Committee: George, 16th District, Chairman; Barrett, 39th District; Lamb, 43rd District; Merz, 1st District; Schmit, 23rd District.

This bill introduced on behalf of: People of State of Nebraska.

A BILL FOR AN ACT relating to parking for handicapped or disabled persons; to amend sections 18-1736 to 18-1741 and 60-311.14, Revised Statutes Supplement, 1979; to define a term; to provide for designated parking spaces as prescribed; to authorize additional applications; to prescribe the permit form; to provide a fee; to provide for suspension of the permit; to eliminate a provision for rules and regulations; and to repeal the original sections, and also section 18-1742, Revised Statutes Supplement, 1979.

**NOTICE OF COMMITTEE HEARINGS**  
**Appropriations**

Friday, January 18, 1980  
9:00 a.m., Room 1003

Committee Briefing on Governor's Budget  
Review of Legislation to Merge Department  
of Personnel and Joint Merit System  
Department of Labor Budget Hearing

Friday, January 18, 1980  
1:30 p.m., Room 1003

Budget Hearings:  
State Auditor  
Investment Council  
State Treasurer  
Liquor Control Commission  
Workmen's Compensation Court  
Commission on Industrial Relations

(Signed) Jerome Warner, Chairperson

**VISITORS**

Visitors to the Chamber were 50 seniors and teacher from Northeast High School, Lincoln; and Mr. and Mrs. Harold Deethardt from Aurora, South Dakota.

**RECESS**

At 12:00 noon, on a motion by Speaker Marvel, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Barrett, Cullan, Koch, Lewis, Newell, and Sieck who were excused; and Mr. Venditte who was excused until he arrives.

**UNANIMOUS CONSENT - Member Excused**

Mr. Stoney asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 718.** By Venditte, 7th District.  
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 28-801, Revised Statutes Supplement, 1978, relating to crimes and punishments; to eliminate a provision for citation in lieu of arrest; to change a penalty; and to repeal the original section.

**GENERAL FILE**

**LEGISLATIVE BILL 399.** Title read. Considered.

Standing Committee amendments, Req. #2664, referred to in the Journal on page 925, Forty-Seventh Day, First Session, were adopted with 26 ayes, 8 nays, 8 present and not voting, and 7 excused and not voting.

**MR. CLARK PRESIDING**

Mr. Schmit renewed his pending amendment, Req. #2911, found in the Journal on page 1710, First Session.

The amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Kahle moved to indefinitely postpone.

**SPEAKER MARVEL PRESIDING**

Mr. Merz moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Merz requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 22:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Beutler    | George   | Kahle  | Murphy  | Warner |
| Chambers   | Goodrich | Keyes  | Rumery  | Wesely |
| Chronister | Hefner   | Landis | Simon   |        |
| Cope       | Hoagland | Maresh | Stoney  |        |
| Fowler     | Johnson  | Marsh  | Vickers |        |

Voting in the negative, 19:

|         |            |          |        |         |
|---------|------------|----------|--------|---------|
| Burrows | Fitzgerald | Kremer   | Merz   | Reutzel |
| Carsten | Haberman   | Labeledz | Nichol | Schmit  |
| DeCamp  | Kelly      | Lamb     | Pirsch | Wagner  |
| Dworak  | Kennedy    | Marvel   | Powers |         |

Present and not voting, 1:

Clark

Excused and not voting, 7:

|         |       |        |          |
|---------|-------|--------|----------|
| Barrett | Koch  | Newell | Venditte |
| Cullan  | Lewis | Sieck  |          |

The motion to indefinitely postpone prevailed with 22 ayes, 19 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 719.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Fitzgerald, 14th District; Simon, 31st District; Powers, 9th District; DeCamp, 40th District; Kahle, 37th District; Landis, 46th District.

This bill introduced on behalf of: Nebraska Labor Department.

A BILL FOR AN ACT to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to change the contribution rate for certain employers as prescribed; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 720.** By George, 16th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to real property; to provide liability for certain acts as prescribed.

**LEGISLATIVE BILL 721.** By Fowler, 27th District.

This bill introduced on behalf of: Nebraska Association of Retarded Citizens.

A BILL FOR AN ACT to amend sections 30-2601, 30-2604, 30-2617, 30-2618, 30-2620, 30-2622, 30-2623, 30-2624, 30-2627, 30-2628, 30-2630, and 30-2633, Reissue Revised Statutes of Nebraska, 1943, and sections 30-2619, 30-2625, and 30-2626, Revised Statutes Supplement, 1978, relating to protection of persons under disability; to define a term; to change procedures as prescribed; to harmonize provisions; to provide duties; to provide for appointment of a guardian as prescribed; to change powers and duties; and to repeal the original sections.

**LEGISLATIVE BILL 722.** By Warner, 25th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to motor vehicle fuels; to provide an excise tax; to provide for its use; to provide duties of the State Board of Equalization and Assessment and the Tax Commissioner; to amend sections 66-409, 66-410.04, and 66-452, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410, 66-428, and 66-605, Revised Statutes Supplement, 1979; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 723.** By Constitutional Revision and Recreation Committee: Reutzell, 15th District, Chairman; Carsten, 2nd District; Hefner, 19th District; Pirsch, 10th District; Stoney, 4th District.

This bill introduced on behalf of: Games and Park Commission.

A BILL FOR AN ACT to amend sections 37-1102, 37-1103, 37-1105, 37-1105.01, 37-1108, and 37-1111, Reissue Revised Statutes of Nebraska, 1943, relating to park entry permits; to change provisions relating to the classification and display of park entry permits as prescribed; to change fees; to harmonize provisions with the Nebraska Criminal Code; to provide a penalty; and to repeal the original sections, and also sections 37-1105.02, 37-1105.03, 37-1106, and 37-1107, Reissue Revised Statutes of Nebraska, 1943.

### ANNOUNCEMENT

Mr. Koch announced an executive session of the Education Committee on Monday, January 14, 1980, upon adjournment.

### UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LR 183 in the Journal. No objections. So ordered.

#### TO AMEND THE GRAIN EMBARGO RESOLUTION: LR 183

In Resolve #3:

(a) After "market", add: "but not to exceed by 7% purchases currently being made"

(b) Strike all language and insert: "increase loan price levels by no more than 7%"

(c) After "storage", add: "but no increase shall exceed 7%"

### GENERAL FILE

**LEGISLATIVE BILL 259.** Title read. Considered.

Mr. Wesely moved to indefinitely postpone.

The motion prevailed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Schmit and Kelly asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 457.** Laid over at request of Mr. Simon.

**LEGISLATIVE BILL 197.** Title read. Considered.

Mr. DeCamp moved to indefinitely postpone.

The motion prevailed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 330.** Laid over at request of Mr. Chambers.

**LEGISLATIVE BILL 423.** Laid over at request of Mr. Goodrich.

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 314.** Laid over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 550.** Title read. Considered.

Standing Committee amendments found in the Journal on page 783 for the Forty-First Day, First Session, were adopted with 26 ayes, 0 nays, and 12 present and not voting, and 11 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 194. No objections. So ordered.

Mr. Warner offered the following amendment:

Amendment to LB 550

On page 3, strike lines 11 through 15 and insert "in excess of the recommendation made under the provisions of section 2 of this act shall require thirty-three votes for adoption. Any resolution to endorse the recommendation made under section 2 of this act or any amendment to the resolution to reduce the maximum General Fund appropriation shall require twenty-five votes for adoption."

The amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 60.** Laid over at the request of Mr. Fowler.

**LEGISLATIVE BILL 69.** Laid over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 552.** Laid over at the request of Mr. Reutzel.

**LEGISLATIVE BILL 465.** Laid over at the request of Mr. Burrows.

**LEGISLATIVE BILL 361.** Laid over at the request of Mr. Fitzgerald.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 409.** Title read. Considered.

Standing Committee amendments found in the Journal on page 903 for the Forty-Sixth Day, First Session, were adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 151.** Laid over at the request of Mr. Reutzel.

**LEGISLATIVE BILL 261.** Title read, Considered.

Standing Committee amendment found in the Journal on page 951 for the Forty-Eighth Day, First Session, was adopted with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

Failed to advance to E & R for Review with 22 ayes, 12 nays, 2 present and not voting, and 13 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 724.** By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Merz, 1st District; Chronister, 18th District; Wagner, 41st District; Johnson, 8th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 79-1429, Revised Statutes Supplement, 1978, relating to schools; to authorize a training program for fire fighting personnel; to provide duties; to provide for creation of an advisory committee; to provide membership; to abolish the Commission on Fire Fighting Personnel Standards and Education; and to repeal the original section, and also sections 35-701 and 35-703 to 35-709, Reissue Revised Statutes of Nebraska, 1943, and section 35-702, Revised Statutes Supplement, 1979.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 222 in the Journal. No objections. So ordered.

**Revised Amendments to LB 222**

Strike the original sections 1 to 30 and insert the following:

Section 1: Section 1 to 21 of this act shall be known and may be cited as the Nebraska Forensic Medical Examiner Act.

Section 2: For purposes of this act, unless the context otherwise requires:

(1) Board shall mean the Nebraska Forensic Medical Examiner Advisory Board;

(2) Laboratory shall mean the State Criminalistics Laboratory of the Nebraska State Patrol;

(3) Criminal justice agency shall mean and include:

(a) The Nebraska State Patrol, including its superintendent and its officers;

(b) A sheriff, including deputy sheriffs;

(c) The chief of police of a municipality or incorporated village, including his or her police officers;

(d) A county attorney, including deputy county attorneys;

(e) The Nebraska Attorney General, including deputy and assistant Attorney's General;

(4) Superintendent shall mean the superintendent of the Nebraska State Patrol;

(5) Chief Medical Examiner shall mean the person appointed by the Board pursuant to Section 5 of this act;

(6) District Medical Examiner shall mean the persons appointed by the Board pursuant to Section 5 of this act.

Section 3: There is hereby created the Nebraska Forensic Medical Examiner Advisory Board. The Board shall have the responsibility and duty of providing forensic pathology services in the State of Nebraska as set forth in Section 10 of this act.

Section 4: The Board shall consist of five members who shall be appointed by the Governor and serve at his or her pleasure. The membership of the Board shall be made up from the following persons:

(1) Two physicians who are licensed to practice medicine and surgery in the State of Nebraska; who are certified as specialists in the practice of pathology by the American Board of Pathology; who possess specialized knowledge through education and training in forensic pathology; and who demonstrate and express an interest in forensic pathology;

- (2) One county attorney or deputy county attorney;
- (3) One law enforcement officer;
- (4) One person from the public at large.

Section 5: The Board shall:

(1) Appoint a Chief Medical Examiner whose function it shall be to carry out the purposes of this act as more specifically defined in Section 8 of this act;

(2) Appoint District Medical Examiners as may be deemed necessary by the Board and in conformity with Section 9 of this act;

(3) Develop, establish and coordinate, in consultation with the Superintendent and the Attorney General, policies and procedures for the uniform delivery of forensic pathology services in the State;

(4) Provide consultative services for criminal justice agencies concerning the investigation of the cause and manner of deaths required to be reported under Section 10 of this act;

(5) Formulate, prepare and implement a program of training for criminal justice agencies with the purpose of providing standardization of investigative techniques to aid in the determination of the cause and manner of deaths required to be reported under Section 10 of this act. Such programs of training shall be coordinated with the Director of the Nebraska Law Enforcement Training Center;

(6) Receive and review, upon demand or otherwise, investigative reports of criminal justice agencies relating to the discovery and preservation of evidence at the scene of a death required to be reported under Section 10 of this act, and any other evidence which may be pertinent to a determination of the cause and manner of death;

(7) Adopt such rules and regulations as may be necessary to carry out the purposes of this act.

Section 6: The Board shall meet at least annually or more frequently at the request of the Chief Medical Examiner. The Board members shall be reimbursed for their expenses as provided in section 84-306.01, Revised Statutes, Supplement, 1978. Notwithstanding any other provision of law, each Board member shall receive the sum of one hundred dollars for each meeting attended in carrying out the duties of this act.

Section 7: The Board shall appoint a Chief Medical Examiner who shall possess the following qualifications:

(1) Licensed to practice medicine and surgery in the State of Nebraska;

(2) Certified as a specialist in the practice of pathology by the American Board of Pathology;

(3) Possess a specialized knowledge of the area of forensic pathology through education and training;

(4) Demonstrate and express an interest in forensic pathology.

Section 8. The person appointed by the Board pursuant to Section 7 of this act shall administer the office of Chief Medical Examiner and shall coordinate the functions of the Board and the office with the various criminal justice agencies of the state. The Chief Medical Examiner shall serve at the pleasure of the Board. The Chief Medical Examiner shall employ such assistants and staff as may be necessary to effectively carry out the provisions of this act.

Section 9: The Board shall divide the state into not less than four districts for the purpose of providing and delivering at the local level effective pathology services under sections 10, 11 or 12 of this act. Each district shall be represented by a District Medical Examiner who shall possess the same qualifications as those of the Chief Medical Examiner as more specifically defined in section 7 of this act.

Section 10: If any person shall die in this state as the result of:

(1) Violence;

(2) Suicide;

(3) Casualty in any form;

(4) Fire or explosion;

(5) Under suspicious or unusual circumstances;

(6) While being incarcerated in any jail, penal institution or correctional facility in this state or otherwise being held in custody of any criminal justice agency of this state;

(7) Or suddenly, when in apparent good health, and when unattended at the time of death by a physician, it shall be the duty of the criminal justice agency discovering, or being informed of, such death to immediately notify the county attorney of the county in which such death occurred of the time, place, manner and other circumstances of such death. Upon receiving such report, the county attorney shall immediately consult with the District Medical Examiner of the district in which such death occurred, or his or her designee, as to whether an autopsy is needed and should be performed upon the body. If the District Medical Examiner, or his or her designee, is not available for such consultative purposes, the county attorney shall immediately notify the Chief Medical Examiner of such death and consult with him or her, or his or her designee, as to whether an autopsy is needed and should be performed upon the body. Upon receiving the report required by this section, the District Medical Examiner; the Chief Medical Examiner; or his or her designee, as the case may be, shall determine whether he or she shall go to the dead body or otherwise provide instructions as to the manner in which the cause and manner of death shall be determined. The District Medical Examiner; the Chief Medical Examiner; or his or her designee, as the case may be, shall certify the cause of death and shall file with the

Board a written report concerning the cause and manner of such death. A copy of such report shall also be filed with the county attorney of the county in which such death occurred.

Section 11: The District Medical Examiner or the Chief Medical Examiner, as the case may be, after consulting with the county attorney pursuant to section 10 of this act, shall determine whether and under what circumstances an autopsy of the body shall be performed. The District Medical Examiner; the Chief Medical Examiner; or their designee, may collect blood, fluid, body-waste specimens or other pertinent evidence that he or she deems necessary to carry out the purposes of this act. If so requested by a criminal justice agency, a law enforcement officer shall be permitted to be in attendance during the performance of an autopsy authorized by the District Medical Examiner or the Chief Medical Examiner under this section.

Section 12: In those cases where a body is to be cremated or removed from the state, and where such death may be subject to investigation under section 10 of this act, the fact of impending cremation or removal shall be reported to the District Medical Examiner of the district in which such death occurred. The District Medical Examiner shall investigate the report of such death and shall determine whether any further investigation or the performance of an autopsy upon such body is necessary prior to the body being cremated or removed from this state.

Section 13: Any person authorizing the performance of an autopsy or causing such autopsy to be performed under sections 11 and 12 of this act or taking specimens as authorized under section 11 of this act shall be immune from any and all liability, damages, or lawsuits arising from the performance of such actions.

Section 14: Upon completion of the investigation or examination required under sections 10, 11 or 12 of this act, the county attorney of the county in which the death occurred shall cause the body of the deceased to be delivered to the relatives or friends of the deceased. If there are no relatives or friends of the deceased, the county attorney shall cause the body of the deceased to be disposed of consistent with the provisions of section 71-4804, Revised, Reissue Statutes of Nebraska, 1943. Where the county attorney is absent or otherwise not available to dispose of the remains of the deceased, the county sheriff shall be authorized to discharge such duties.

Section 15: When any valuable personal property, money, papers, or effects are found upon or near the body of the deceased, the criminal justice agency conducting the investigation pursuant to section 10 of this act shall take control of such property listed in this section. If all or any of the property listed in this section is not needed

as evidence, the county attorney shall authorize the release of such property to those whose who are entitled to it. If any of the property listed in this section shall remain unclaimed and not be necessary as evidence, it shall be disposed of by the county attorney consistent with the provisions of the Nebraska Probate Code, section 30-2201 to section 30-2902, Revised Reissue Statutes of Nebraska, 1943, as amended.

Section 16: In any case of death required to be investigated under section 10 of this act where the body is buried without such investigation or where sufficient cause for an investigation is developed after the body has been buried, such fact as known or discovered by the Chief Medical Examiner or the District Medical Examiner of the district in which such body is buried shall immediately be brought to the attention of the county attorney of the county in which the body is buried. Upon receipt of such fact, the county attorney of the county in which the body is buried shall make application to the district court for an order authorizing the exhumation of the body and the performance of an autopsy upon the body by the Chief Medical Examiner or the District Medical Examiner of the district in which such body is exhumed. Such application shall recite the facts, circumstances or reasons why the body should be exhumed and examined. The district court may enter an ex parte order authorizing the exhumation of the body and the performance thereon of an autopsy. At the conclusion of such examination and investigation, the Chief Medical Examiner or the District Medical Examiner shall file with the Board a written report of his or her findings. A copy of such report shall also be filed with the county attorney of the county in which the body was buried and to the county attorney of the county where the death occurred, if different.

Section 17: Any person performing services under sections 10, 11, 12 or 16 of this act shall be entitled to make claim against the state pursuant to section 84-306 to section 84-310, Revised Reissue Statutes of Nebraska, 1943.

Section 18: Any person, including any embalmer, mortician or funeral director, having knowledge of a death required to be reported under this act shall report such death to the criminal justice agency having jurisdiction over the investigation of such death. Failure of any person to report a death as required by this section shall constitute a Class III misdemeanor for which such person may be convicted.

Section 19: Failure of an officer of a criminal justice agency to report a death to the county attorney as required by section 10 of this act shall constitute a Class III misdemeanor for which such officer may be convicted, and in addition to such conviction, such officer may be subject to removal from office.

Section 20: Failure of any county attorney to report a death to the District Medical Examiner or the Chief Medical Examiner as required by section 10 of this act shall constitute malfeasance in office for which the county attorney may be removed from office.

Section 21: The Chief Medical Examiner shall work with, and cooperate with, the director of the Nebraska State Patrol criminalistics laboratory to utilize existing laboratory facilities and to establish such additional facilities or services as may be necessary to carry out the purposes of this act. Overall operation of the criminalistics laboratory shall remain the responsibility of the director of the Nebraska State Patrol criminalistics laboratory. The Chief Medical Examiner shall serve as medical consultant to the director and to the staff of the criminalistics laboratory and shall actively supervise and monitor the analysis of body fluids and secretions for purposes of assuring accuracy and precision of test results.

## RESOLUTION

### LEGISLATIVE RESOLUTION 185.

Introduced by Clark, 47th District.

WHEREAS, the State of Nebraska was previously the owner in fee simple of that certain school land situated and located in Cheyenne County, Nebraska, and specifically described as:

All of Section 16, Township 15 North, Range 50 West in Cheyenne County, Nebraska, containing 640 acres, more or less.

All of Section 36, Township 15 North, Range 50 West in Cheyenne County, Nebraska, containing 640 acres, more or less.

which land was managed by the Board of Educational Lands and Funds in trust for the benefit of the schools of the State of Nebraska; and

WHEREAS, such school land was during the calendar year 1949 condemned by the United States of America for national defense related purposes; and

WHEREAS, such condemnation was in fee simple and included subsurface mineral rights although the national interest of the United States of America at that time did not require that such condemnation include subsurface mineral rights; and

WHEREAS, the national defense purposes for which said land was so condemned were fully served and satisfied many years ago and said land then ceased to be and has not thereafter been used for national defense related purposes or any similar purposes necessary in service of the national interest of the United States of America; and

WHEREAS, said land was thereafter sold by the United States of America but the United States of America retained the subsurface mineral rights of and pertaining to said land and has thereafter remained and is now the owner of such subsurface mineral rights; and

WHEREAS, it is equitable, appropriate and proper that such subsurface mineral rights, the condemnation of which was not required by the national interest of the United States of America be conveyed and returned to the State of Nebraska to be managed by the Board of Educational Lands and Funds in trust for the schools of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE UNICAMERAL OF THE STATE OF NEBRASKA that the United States of America should, and is hereby required to, convey and return to the State of Nebraska the mineral rights of and pertaining to the aforesaid school land to be hereafter owned by the State of Nebraska. A copy of this Resolution should be sent to the Nebraska Congressional Delegation and the President of the United States.

Laid over.

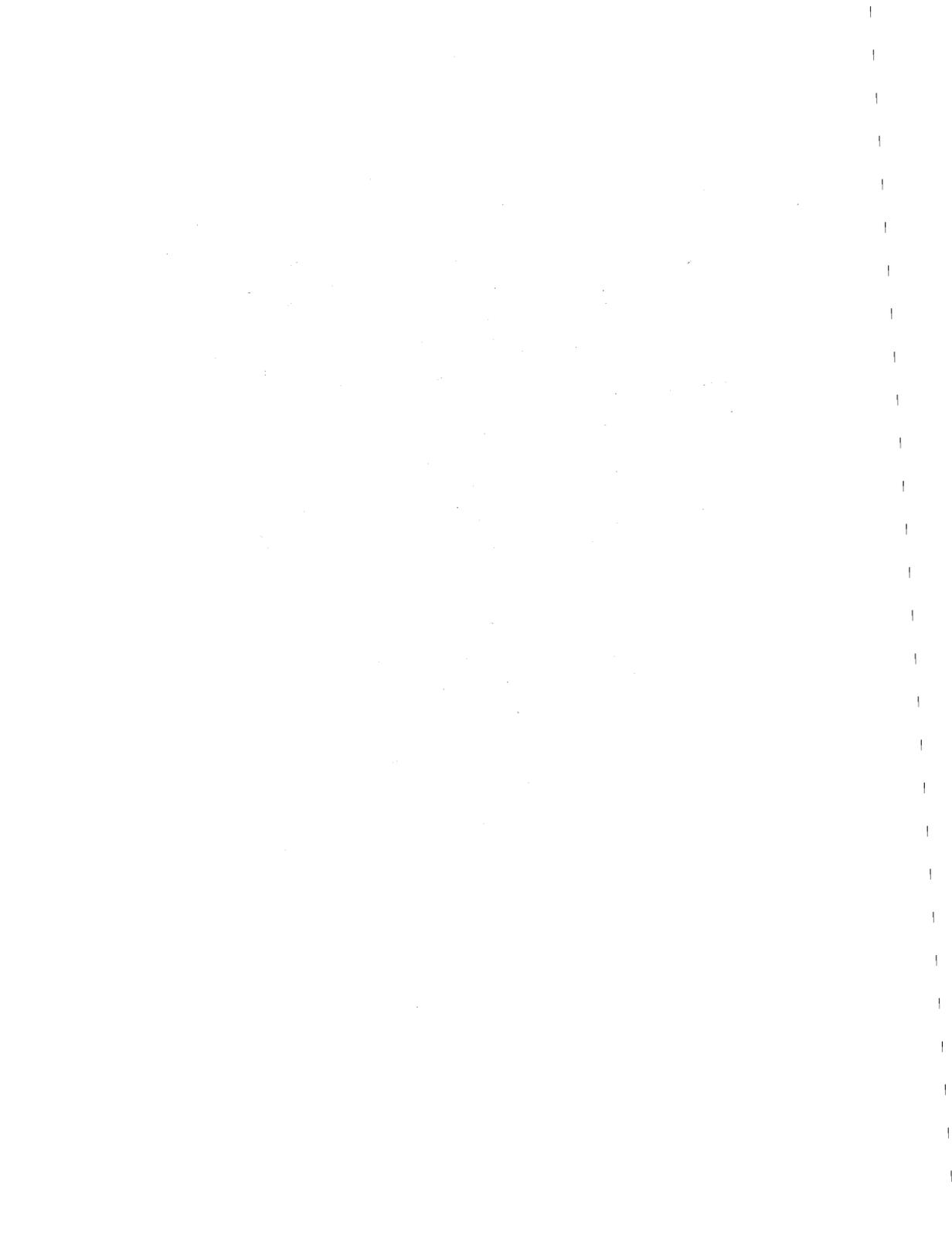
#### **VISITORS**

Visitors to the Chamber were 25 second grade students and teacher from Maude Rousseau Elementary, Lincoln.

#### **ADJOURNMENT**

At 4:10 p.m., on a motion by Mr. Dworak, the Legislature adjourned until 10:00 a.m., Monday, January 14, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTH DAY - JANUARY 14, 1980**  
**LEGISLATIVE JOURNAL**

## LEGISLATIVE JOURNAL

FOURTH DAY - JANUARY 14, 1980

## LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION

## FOURTH DAY

Legislative Chamber, Lincoln, Nebraska  
Monday, January 14, 1980

Pursuant to adjournment, the Legislature met at 10:02 a.m.,  
President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

O God, returning at the beginning of this second week from our homes across the state, we pray for Nebraska: a microcosm of the ailments and aspirations of the world; a representative sampling of life at its best and worst; an ordeal for many, a delight for some.

Raise us as a Legislature, into a leadership community of the State in which the welfare of one becomes the concern of all. Help us to see our differences as assets rather than as liabilities, occasions for growth rather than grounds for tension. From our deeds and deliberations and discussions and decisions may there come a new ideal through which the common good will inspire nobler forms of public service.

So bless each Senator this day with decision-making wisdom, and an irrevocable commitment to equitable law. Help us as members of this body to more effectively relate our beliefs to life as it is lived around us. Make us bearers of hope, champions of justice, agents of reconciliation, and initiators of a better life for all. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Cullan and George who were excused; and Messrs. Burrows and Kennedy who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Third Day was approved.

**REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 11, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bacon, Charles E. - Lincoln, Nebraska Association of Commerce & Industry  
Ballard, Al J. - Lincoln (Withdrawn 1/8/80), Nebraska Rural Electric Association  
Beverage, Roger - Lincoln, Nebraska Bankers Association  
Bartee, Robert D. - Lincoln, University of Nebraska  
Blake, William G. - Lincoln (Withdrawn 5/24/79), City of Lincoln  
Burnett, Joe - Minnetonka, NM (Withdrawn 12/3/79) 3M  
Carpenter, Rex - Lincoln, Nebraska Rural Electric Association  
Clarke, Ronald K. - Manchester, MO, Household Finance Corporation  
Danielson, J. Arthur - Lincoln (Withdrawn 1/8/80), Christian Science Committee on Publication for Nebraska  
Dowd, Thomas F. - Omaha, American Federation of State, County & Municipal Employees Council 32  
Fox, Eldon B. - Kilgore, F X Ranch Company  
Gabelman, Miriam E. - Lincoln, Tews & Radcliffe  
Glaess, Mark A. - Lincoln, Nebraska Rural Electric Association  
Harrington, David M. - Omaha (Withdrawn 3/1/79), Douglas County Sheriff Employees' Association  
Harris, Robert E. - Lincoln (Withdrawn 6/15/79), Nebraska Bankers Association  
Heineman, David - Lincoln, Nebraska Republican Party  
Holtgrewe, Theodore A. - Lincoln, Christian Science Committee on Publication for Nebraska  
Howard, David M. - Lincoln, City of Lincoln  
Jennings, Warren E. - Lincoln, Farmers Mutual Insurance Company of Nebraska  
Jensen, Ronald L. - Lincoln (Withdrawn 5/23/79), Nebraska Hospital Association

- King, Justin P. - Lincoln, Nebraska State School Boards Association  
Larson, Donald H. - Nebraska City, Concerned Citizen  
Lombardi, Richard A. - Lincoln, Lincoln Police Union - Local #544;  
Nebraska Society for Professional Psychologists; Nebraskans For  
Responsible Limited Bingo (Withdrawn 1/4/80)  
Ludtke, David A. - Lincoln, American Stock Exchange Inc.  
McCreary, Karen L. - Lincoln (Withdrawn 6/1/79), Nebraska  
Coalition of Women  
McCullough, Dr. Rose A. - Lincoln, Nebraska Chapter of the Sierra  
Club; Nebraska Society for Professional Psychologists  
McDonald, Gordon L. - Omaha, Nebraska State AFL-CIO  
McMullen, F. D., Jr., - Omaha, Greater Omaha Chamber of  
Commerce  
Mehmken, Roy E. - Lincoln, S & FA Reporting Services, Inc.  
Milligan, Cynthia H. - Lincoln, American Stock Exchange Inc.  
Morocco, Ralph L. - Omaha, Nebraska Methodist Hospital  
Morris, Robert E. - Lincoln, Nebraska Coaches Association  
Nefsky, Robert L. - Lincoln, American Stock Exchange  
O'Hara, Paul V. - Lincoln, Committee of Independent  
Refiners/Marketers; First National Lincoln; First National Bank  
of Omaha; Nebraska Municipal Power Pool; Nebraska Railroad  
Association; Nebraska Soft Drink Association; Vickers Petroleum  
Corporation (Withdrawn 12/1/79)  
Overgard, Jesse N. - Littleton, CO, 3M  
Peters, William E. - Lincoln, Nebraska Association of Commerce &  
Industry  
Piester, David L. - Lincoln (Withdrawn 11/6/79), Legal Services of  
Southeast Nebraska  
Polk, Patrick D. - Lincoln (Withdrawn 4/1/79), Veterans of Foreign  
Wars, Department of Nebraska  
Printz, Gordon - Lincoln (Withdrawn 7/1/79), Nebraska Association  
of Commerce & Industry  
Rader, Glenn - Lincoln, Nebraska Farm Bureau Federation  
Rasmussen, Delmar L. - Lincoln, O'Hara & Associates  
Rasmussen, Dennis - Lincoln (Withdrawn 6/1/79), Nebraska Chapter  
of American Physical Therapy Association  
Rasmussen, Ross H. - Lincoln (Withdrawn 1/1/80), Nebraska State  
School Boards Association  
Remington, S. June - Lincoln, Nebraska Speech & Hearing  
Association  
Richardson, Wallace A. - Lincoln (Withdrawn 5/23/79), Nebraska  
Railroad Association  
Ristow, Janis L. - Lincoln, Lincoln Education Association

Ryan, James E. - Lincoln, Nebraska State Colleges - Board of Trustees  
Schmidt, Kenneth E. - Lincoln (Withdrawn 12/28/79), Nebraska Cooperative Council  
Shaw, Marilynn K. - Lincoln, Nebraska Realtors Association  
Shipper, John P. - Denver, CO, Miller Brewing Company  
Sindelar, Tim - Lincoln, Legal Services of Southeast Nebraska  
Spears, James Herbert - Grand Island (Withdrawn 7/27/79), Greater Nebraska Health Systems Agency  
Tews and Radcliffe:  
Radcliffe, Walter H. - Lincoln, Postal Finance & Postal Savings Company  
Tews, David - Lincoln, Postal Finance & Postal Savings Company  
Vereen, David L. - Lincoln, Nebraska Realtors Association  
Whelan, Gerald T. - Hastings, Tews & Radcliffe  
Wilson, William A. - Lincoln (Withdrawn 7/9/79), Midwest Life Nebraska  
Wishnick, Yale - Lincoln, Lincoln Education Association  
Wruck, George T. - Omaha (Withdrawn 10/30/79), Retail Merchants of Greater Omaha, Inc.

#### REPORT

Received annual report from the Department of Correctional Services. (On file in the Clerk's Office.)

#### COMMUNICATION

January 11, 1980

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

Dear Mr. O'Donnell:

In conformity with the provisions of Section 81-8,226, R.S. Supp. 1976, the following report is made on behalf of the State Claims Board to the Legislature for all claims processed and paid under the State Tort Claims Act for the period July 1, 1978 to June 30, 1979.

It should be noted that some of the disallowed tort claims were later appealed to the district courts and are either included in the report submitted by Paul Douglas, Attorney General, or are pending at the present time.

In conformity with the provisions of Section 48-1,104, R.S. Supp. 1976, the following report is made on behalf of the State Claims Board to the Legislature for all claims paid under the Workmen's Compensation Laws on behalf of the State of Nebraska. This report is submitted in a form of a computer (year-end) printout. It would be greatly appreciated if this office could have this printout returned when the Legislature has completed its study of it.

(Signed) Respectfully submitted,  
Shirley Dame  
Executive Secretary

Enclosures

(Report on file in the Clerk's Office)

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 180 and LR 181.

#### **MOTION - "A" Bills**

Mr. Warner renewed his pending motion regarding "A" bills found in the Journal on page 208.

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

#### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 725.** By Kelly, 35th District.

This bill introduced on behalf of: The Nebraska Health Care Association.

A BILL FOR AN ACT to amend sections 71-5801, 71-5803, 71-5830, 71-5836, 71-5838, 71-5842, and 71-5843, Revised Statutes Supplement, 1979, relating to the Nebraska Health Care Certificate of Need Act; to change procedure and criteria for certain certificate of need applications, review, and issuance; to change the membership of a committee; to provide a term of office; to eliminate reimbursement to the Department of Public Welfare; to repeal the original sections, and also section 71-5871, Revised Statutes Supplement, 1979.

**LEGISLATIVE BILL 726.** By Rumery, 42nd District.

This bill introduced on behalf of: Nebraska State Education Association.

A BILL FOR AN ACT to amend section 79-1528, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to retirement system payments; and to repeal the original section.

**LEGISLATIVE BILL 727.** By Warner, 25th District.

This bill introduced on behalf of: Concerned citizens.

A BILL FOR AN ACT to amend section 37-510, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to require written consent to trap as prescribed; and to repeal the original section.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 182.** Read. Considered.

Messrs. Lewis and Wagner asked unanimous consent to add their names to LR 182. No objections. So ordered.

LR 182 was adopted with 40 ayes, 0 nays, and 9 not voting.

**LEGISLATIVE RESOLUTION 183.** Read. Considered.

Mr. Lewis offered the following amendment:

To strike the following language from LR 183

(5) "Whereas, President Carter promised never to use grain embargoes; and"

and

(8) "Whereas, President Carter did not provide sufficient remedy to counter-balance the impact of the embargo; and"

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

The Lewis amendment was adopted with 34 ayes, 0 nays, and 15 not voting.

Messrs. Carsten and Warner asked unanimous consent to be excused at 11:30 a.m. until they return. No objections. So ordered.

Mr. Hoagland offered the following amendment:

Strike Paragraph 2 of "Resolved Portion" The Resolution on the grain embargo.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Hoagland amendment lost with 18 ayes, 18 nays, and 13 not voting.

Mr. Chambers withdrew his pending amendment found in the Journal on page 214.

Mrs. Marsh asked unanimous consent to be excused at 11:50 a.m. until she returns. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Keyes offered the following amendment:

Beginning with the 5th paragraph strike all language to the Resolve. In the Resolve portion of the resolution strike paragraphs #1 & #2, and in paragraph #3 strike the language "Should the embargo not be lifted, then" and insert the word That.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Keyes moved for a Call of the House. The motion lost with 6 ayes, 17 nays, and 26 not voting.

The Keyes amendment lost with 11 ayes, 21 nays, and 17 not voting.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

LR 183 was adopted with 25 ayes, 11 nays, and 13 not voting.

The Chair declared the Call raised.

**NOTICE OF COMMITTEE HEARING**  
**Appropriations**

Monday, January 21, 1980  
1:30 p.m., Room 1003  
Sarah T. Muir Memorial Hearing Room  
State Capitol Building

**Budget Hearings:**

Indian Commission  
Mexican-American Commission  
Department of Motor Vehicles  
Commission on Aging

(Signed) Jerome Warner, Chairman

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 728.** By Johnson, 8th District.  
This bill introduced on behalf of: the citizenry.

A BILL FOR AN ACT relating to paupers and public assistance; to require counties to adopt written standards; to provide duties; to provide for hearings; to provide for appeals; to provide certain eligibility standards; to repeal sections 68-103 to 68-116, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 729.** By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Carsten, 2nd District; Hefner, 19th District; Pirsch, 10th District; Koch, 12th District; Stoney, 4th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to hunting, fishing, and trapping; to provide for identification of traps as prescribed; and to provide a civil and criminal penalty.

**LEGISLATIVE BILL 730.** By Johnson, 8th District.  
This bill introduced on behalf of: citizenry.

A BILL FOR AN ACT relating to the selection of judges; to require an oath of voting members of nominating commissions; to provide standards for nominations; to eliminate confidentiality of certain

communications; to provide additional standards for rules; to require a report to be available to the public; to amend sections 24-811.01, 24-812, and 24-812.01, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

**LEGISLATIVE BILL 731.** By Beutler, 28th District.  
This bill introduced on behalf of: county attorney.

A BILL FOR AN ACT relating to criminal procedure; to provide for written, oral, and telephonic statements in support of an application for search warrants; to provide for procedures in issuing search warrants; and to repeal section 29-814, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 732.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Powers, 9th District; Sieck, 24th District; Lewis, 45th District; Fitzgerald, 14th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 53-180, 53-180.04, and 53-180.05, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to change a penalty as prescribed; to provide for suspension of a license as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 733.** By Koch, 12th District.  
This bill introduced on behalf of: The Citizens of Nebraska.

A BILL FOR AN ACT to amend section 25-1601, Revised Statutes Supplement, 1979, relating to juries; to allow prospective jurors who are sixty-five or older may be granted exemption from service; and to repeal the original section.

**LEGISLATIVE BILL 734.** By Barrett, 39th District.  
This bill introduced on behalf of: Schools of Nebraska.

A BILL FOR AN ACT to amend section 79-450, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the use of facsimile signatures of school board members; and to repeal the original section.

**LEGISLATIVE BILL 735.** By Barrett, 39th District.  
This bill introduced on behalf of: Schools of Nebraska.

A BILL FOR AN ACT to amend section 79-439, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change meeting requirements as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 736.** By Law Enforcement and Criminal Justice Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Chambers, 11th District; Wagner, 41st District; Chronister, 18th District.

This bill introduced on behalf of: Interim Study Committee on Adult Protective Services.

A BILL FOR AN ACT to adopt the Adult Protective Services Act; to amend section 28-708, Revised Statutes Supplement, 1978, and sections 28-710 to 28-713, 28-715, and 28-726, Revised Statutes Supplement, 1979; to harmonize provisions; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 737.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Powers, 9th District; Simon, 31st District; DeCamp, 40th District; Fitzgerald, 14th District.

This bill introduced on behalf of: Small Businesses.

A BILL FOR AN ACT relating to civil actions; to provide for reimbursements for court costs and attorney fees in certain state actions.

### RECESS

At 12:09 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:40 p.m.

### AFTER RECESS

The Legislature reconvened at 1:49 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Messrs. George and Johnson who were excused; and Messrs. Burrows, Kennedy, Lewis, Rumery, Schmit, and Sieck who were excused until they arrive.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 619, 620, 653; and 701 through 707; and 709 through 735 for the approval of the Nebraska State Legislature. The Executive Board also reports that legislative bill 625 has been re-referred to the Revenue Committee.

| <b>LB</b> | <b>Committee</b>                       |
|-----------|--|
| 701       | Public Works                           |
| 702       | Urban Affairs                          |
| 703       | Urban Affairs                          |
| 704       | Urban Affairs                          |
| 705       | Agriculture and Environment            |
| 706       | Public Health and Welfare              |
| 707       | Urban Affairs                          |
| 709       | Public Works                           |
| 710       | Urban Affairs                          |
| 711       | Revenue                                |
| 712       | Administrative Rules and Regulations   |
| 713       | Judiciary                              |
| 714       | Banking, Commerce and Insurance        |
| 715       | Public Health and Welfare              |
| 716       | Revenue                                |
| 717       | Urban Affairs                          |
| 718       | Judiciary                              |
| 719       | Business and Labor                     |
| 720       | Judiciary                              |
| 721       | Judiciary                              |
| 722       | Revenue                                |
| 723       | Constitutional Revision and Recreation |
| 724       | Education                              |
| 725       | Public Health and Welfare              |
| 726       | Nebraska Retirement Systems            |
| 727       | Constitutional Revision and Recreation |
| 728       | Public Health and Welfare              |
| 729       | Constitutional Revision and Recreation |
| 730       | Judiciary                              |
| 731       | Judiciary                              |
| 732       | Miscellaneous Subjects                 |
| 733       | Judiciary                              |
| 734       | Education                              |
| 735       | Education                              |
| 619       | Miscellaneous Subjects                 |
| 620       | Miscellaneous Subjects                 |
| 653       | Constitutional Revision and Recreation |
| 625       | Re-referral: Revenue                   |

(Signed) Frank Lewis, Chairperson  
Executive Board

**SELECT FILE**

**LEGISLATIVE BILL 382.** Mr. DeCamp withdrew his pending amendment (Req. #2954) found in the Journal on page 2039, First Session.

Mr. Stoney renewed his pending amendment, found in the Journal on page 2000, to his amendment found in the Journal on page 1920, First Session.

The Stoney amendment on page 2000 was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Stoney amendment on page 1920, as amended, was adopted with 26 ayes, 7 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Cullan withdrew his pending amendments found in the Journal on pages 1999 and 2000, First Session.

Mr. Venditte moved to suspend the rules, Rule 6, Section 4, and Rule 7, Section 3 and vote to advance LB 382.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

The Venditte motion to suspend the rules lost with 21 ayes, 16 nays, and 12 not voting.

Mr. Simon withdrew his pending amendment found in the Journal on page 2056, First Session.

Mr. Simon offered the following amendment:

To amend the white copy of LB 382 to add the words on page 2, line 26 after the word Welfare add the words "or the State of Nebraska" and on page 6 line 21 strike the period and add the words "or the State of Nebraska."

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Dworak offered the following amendment:

To delete Sec. VII.

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

Messrs. DeCamp, Lewis, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Cullan moved to indefinitely postpone LB 382.

Mr. Cullan withdrew his motion.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 17 nays, and 15 not voting.

Mr. Venditte moved for a Call of the House. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Venditte requested a roll call vote to advance LB 382.

Voting in the affirmative, 24:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Cope       | Kelly    | Maresh | Stoney   |
| Beutler    | Fitzgerald | Keyes    | Merz   | Venditte |
| Burrows    | Goodrich   | Kremer   | Murphy | Wagner   |
| Chronister | Hefner     | Labeledz | Pirsch | Wesely   |
| Clark      | Kahle      | Lamb     | Sieck  |          |

Voting in the negative, 21:

|          |          |        |         |        |
|----------|----------|--------|---------|--------|
| Carsten  | Fowler   | Marsh  | Reutzel | Warner |
| Chambers | Haberman | Marvel | Rumery  |        |
| Cullan   | Hoagland | Newell | Schmit  |        |
| DeCamp   | Koch     | Nichol | Simon   |        |
| Dworak   | Landis   | Powers | Vickers |        |

Excused and not voting, 4:

|        |         |         |       |
|--------|---------|---------|-------|
| George | Johnson | Kennedy | Lewis |
|--------|---------|---------|-------|

Failed to advance to E & R for Engrossment with 24 ayes, 21 nays, and 4 excused and not voting.

The Chair declared the Call raised.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 738.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Nichol, 48th District; Kahle, 37th District; Maresh, 32nd District; Lamb, 43rd District; Haberman, 44th District; DeCamp, 40th District.

This bill introduced on behalf of: WIFE (Women involved in Farm Economics).

A BILL FOR AN ACT to adopt the Nebraska Dry Bean Resources Act; to make an appropriation; to provide penalties; to repeal sections 2-3701 to 2-3734, Revised Statutes Supplement, 1979, relating to dry bean resources; and to declare an emergency.

**LEGISLATIVE BILL 739.** By Kremer, 34th District.

This bill introduced on behalf of: Association of Ground Water Conservation Districts.

A BILL FOR AN ACT to amend section 46-634.01, Reissue Revised Statutes of Nebraska, 1943, section 2-3213, Revised Statutes Supplement, 1978, and Laws 1978, LB 411, section 3, relating to ground water conservation districts; to change when such district shall be dissolved; to change an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 740.** By Reutzel, 15th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to authorize the Legislature to provide a tax exemption for certain energy conservation improvements as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 741.** By Hoagland, 6th District.

This bill introduced on behalf of: The people of the State of Nebraska.

A BILL FOR AN ACT relating to obsolete statutes; to eliminate provisions relating to manufacturing of synthetic rubber, hitching horses, posses, hucksters, county workhouses, township bands, licensing of ferries, the Nebraska Constitutional Revision

Commission, toll mills, the anti-trust act of 1897, streetcars, personal property of stage companies, and poll tax; and to repeal sections 2-1701, 16-208, 17-116, 17-562, 23-401 to 23-407, 23-409 to 23-419, 23-803, 23-805 to 23-807, 39-901 to 39-912, 49-239 to 49-244, 56-201 to 56-207, 59-101, 74-1101 to 74-1123, 74-1125, 77-1221, and 80-110, Reissue Revised Statutes of Nebraska, 1943, section 74-1124, Revised Statutes Supplement, 1978, section 23-408, Revised Statutes Supplement, 1979, and sections 23-801, 23-802, and 23-804, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, section 121, 122, and 123 respectively.

**LEGISLATIVE BILL 742.** By Revenue Committee: Carsten, 2nd District, Chairman; Burrows, 30th District; Hefner, 19th District; Sieck, 24th District; Keyes, 3rd District; Murphy, 17th District; Newell, 13th District.

This bill introduced on behalf of: Department of Revenue.

A BILL FOR AN ACT to amend section 77-1301, Reissue Revised Statutes of Nebraska, 1943, relating to assessment of property; to provide for biennial valuation of real and personal property; and to repeal the original section.

**LEGISLATIVE BILL 743.** By Haberman, 44th District.

This bill introduced on behalf of: State Patrol.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1701, Reissue Revised Statutes of Nebraska, 1943, and section 79-488, Revised Statutes Supplement, 1978; relating to motor vehicles; to change provisions relating to motor vehicle safety inspections for school buses as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 744.** By LR 169 Committee: Newell, 13th District, Chairman; Simon, 31st District; Marsh, 29th District; Beutler, 28th District; Koch, 12th District; Fowler, 27th District.

This bill introduced on behalf of: LR 169 Committee.

A BILL FOR AN ACT to amend sections 14-116 and 15-901, Reissue Revised Statutes of Nebraska, 1943, and section 23-174.03, Revised Statutes Supplement, 1978, relating to real estate; to change provisions relating to subdivisions as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 745.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Powers, 9th District; Simon, 31st District; Sieck, 24th District; Fitzgerald, 14th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to alcohol abuse education programs; to provide for certain programs as prescribed; to provide duties; to create a fund; to provide funding; to amend sections 79-1270 and 79-1270.01, Reissue Revised Statutes of Nebraska, 1943, and section 53-160, Revised Statutes Supplement, 1979; and to repeal the original sections.

**LEGISLATIVE BILL 746.** By DeCamp, 40th District; Labeledz, 5th District.

This bill introduced on behalf of: People who wish to vote on this issue and the specific form of District Elections as written for them by the legislature.

A BILL FOR AN ACT relating to cities of the metropolitan class; to require an election prior to certain statutes becoming operable; and to provide the effect of voter disapproval.

**LEGISLATIVE BILL 747.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Fitzgerald, 14th District; Powers, 9th District; Venditte, 7th District; Simon, 31st District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 84-1206 and 84-1215, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1202 and 84-1213, Revised Statutes Supplement, 1979, relating to the Records Management Act; to redefine terms; to provide duties; to change provisions relating to public officials; to encourage certain papers be offered for preservation; and to repeal the original sections.

## RESOLUTION

### LEGISLATIVE RESOLUTION 186.

Introduced by Venditte, 7th District.

WHEREAS, this nation and state are faced with an energy crisis which by all indications will become more severe; and

WHEREAS, the cost and availability of energy supplies has been and will continue to be a matter of state concern; and

WHEREAS, it is in the best interests of this state to encourage and promote efforts which can conserve energy; and

WHEREAS, the energy crisis and the preventing or alleviating of resultant hardships on the citizens of Nebraska is within the proper police powers of the state; and

WHEREAS, the increased cost and decreased availability of energy supplies may limit the ability of many of Nebraska's citizens to provide the basic necessities of life, thereby threatening the health and welfare of the citizens of the state; and

WHEREAS, a reduction in the number of days in a work and school week will reduce the amount of energy expended for transportation and utilities in the state.

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

1. That retail stores in the state shall be open for not more than six days each week.

2. That all government bodies and agencies, and businesses other than retail stores, shall convert to a forty-hour four-day work week.

3. That schools in the state shall, without sacrificing required instruction, operate four days a week instead of the present five.

Laid over.

#### **MOTION - Withdraw LB 638**

Mr. Rumery moved to withdraw LB 638.

Motion pending.

#### **ADJOURNMENT**

At 4:18 p.m., on a motion by Mr. Kelly, the Legislature adjourned until 9:00 a.m., Tuesday, January 15, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTH DAY - JANUARY 15, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 15, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Almighty God, our first thought when someone comments on what a beautiful day this is, is to take credit for introducing the bill which established sunny skies and warm temperatures in midwinter. May we be equally willing to shoulder responsibility for those snow storms and sub-zero temperatures which might follow.

Our second thought, however, is that we really aren't responsible for either the good or the bad weather, but You are.

Teach us, therefore, to trust in You as the Creator of all things - Creator of the universe - for the big things in life, and then to do the best with our God-given talents with the little things confronting us.

Give us the serenity to accept those things which cannot be changed, give us the courage to change those things which can, and give us the wisdom to know the difference. Amen.

The Chaplain announced Mrs. Tom Kennedy is in the Lutheran Hospital in Norfolk, Nebraska.

**ROLL CALL**

The roll was called and all members were present except Messrs. Cullan and Johnson who were excused; and Mrs. Labeledz, Messrs. Beutler, Kennedy, Schmit, Simon, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fourth Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 284.** Placed on Select File as amended.  
 E & R amendments to LB 284:

1. On page 6, line 16, strike "1978" and insert "1979";  
 and strike lines 25 to 27.

2. On page 7, strike lines 1 to 5 and insert:  
 "(b) Combinations of vehicles shall not exceed a  
 total length of sixty-five feet, inclusive of front and rear bumpers  
 and including load, and two consecutive sets of tandem axles may  
 carry a gross load of thirty-four thousand pounds each when the  
 overall distance between the first and last axles of such  
 consecutive sets of tandem axles is thirty-six feet or more;"  
 and redesignate subdivisions "(d)" to "(f)" as "(c)" to "(e)".

3. On page 15, line 25, and in the title, line 3,  
 strike "and"; on page 15, line 26 and in the title, line 4, strike  
 "to 39-6,179" and insert "and 39-6,178"; and on page 15, line 26,  
 and in the title, line 5, insert ", and section 39-6,179, Revised  
 Statutes Supplement, 1979" after "1978".

**LEGISLATIVE BILL 306.** Placed on Select File as amended.  
 E & R amendment to LB 306:

1. In the title, strike lines 2 to 9 and insert:  
 "FOR AN ACT relating to decedents' estates; to provide liability of  
 the surviving joint owner of certain property as  
 prescribed; and to declare an emergency."

**LEGISLATIVE BILL 550.** Placed on Select File as amended.  
 E & R amendments to LB 550:

1. On page 2, line 8, strike "Committee on" and in line 9  
 insert "Committee" after "Appropriations".

2. On page 3, line 26, strike "Nebraska Unicameral"  
 and insert "Legislature".

**LEGISLATIVE BILL 409.** Placed on Select File as amended.  
 E & R amendments to LB 409:

1. On page 4, line 18, strike ", the child" and  
 insert "and"; and in line 20, strike ", or" and insert "or".

2. In the last line of committee amendment 1, strike  
 the first period and insert an underscored semicolon.

3. On page 6, line 15, strike "or".

(Signed) Don Wesely, Chairperson

**NATURAL RESOURCE DISTRICT REPORTS**

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1979 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

| DISTRICT         | ATTORNEY                                     | FEE       |
|------------------|--|-----------|
| Little Blue      | Baldwin & McKernan                           | 250.00    |
|                  | Schwab & Brackle                             | 42.66     |
|                  | Dan Baird                                    | 1,330.00  |
|                  | Crosby, Guenzel, Davis,<br>Kessner & Kuester | 25,852.49 |
| Lower Republican | Thomas McNally                               | 60.00     |
|                  | Little Blue NRD                              | 4,500.00  |

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 748.** By Wagner, 41st District.  
This bill introduced on behalf of: Nebraska Council of Home Extension Clubs.

A BILL FOR AN ACT to amend section 21-608, Revised Statutes Supplement, 1979, relating to charitable and fraternal societies; to declare the Nebraska Council of Home Extension Clubs to be a corporation; and to repeal the original section.

Mr. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 184.** Read. Considered.

Mr. Barrett offered the following amendment:  
Amend LR 184, Resolution #2, the last 7 words "or they will be sold as salvage."

The amendment was adopted with 26 ayes, 1 nay, and 22 not voting.

Mr. Haberman requested a record vote on the adoption of LR 184.

Voting in the affirmative, 12:

|          |            |          |        |
|----------|------------|----------|--------|
| Barrett  | Chronister | Haberman | Murphy |
| Burrows  | Fitzgerald | Kelly    | Pirsch |
| Chambers | George     | Maresh   | Powers |

Voting in the negative, 16:

|          |        |         |        |
|----------|--------|---------|--------|
| Carsten  | Hefner | Marvel  | Rumery |
| Clark    | Koch   | Newell  | Stoney |
| Cope     | Landis | Nichol  | Warner |
| Goodrich | Marsh  | Reutzel | Wesely |

Present and not voting, 12:

|        |          |        |         |
|--------|----------|--------|---------|
| DeCamp | Hoagland | Kremer | Sieck   |
| Dworak | Kahle    | Lamb   | Vickers |
| Fowler | Keyes    | Merz   | Wagner  |

Excused and not voting, 9:

|         |         |          |        |          |
|---------|---------|----------|--------|----------|
| Beutler | Johnson | Labeledz | Schmit | Venditte |
| Cullan  | Kennedy | Lewis    | Simon  |          |

LR 184 failed with 12 ayes, 16 nays, 12 present and not voting, and 9 excused and not voting.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 749.** By Stoney, 4th District; Nichol, 48th District.

This bill introduced on behalf of: Concerned Grandparents.

**A BILL FOR AN ACT** relating to infants; to provide visitation rights as prescribed.

**LEGISLATIVE BILL 750.** By Warner, 25th District.

This bill introduced on behalf of: Jan Ray.

**A BILL FOR AN ACT** to amend section 75-303, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to provide for the regulation by the commission of motor carriers or vehicles within cities or villages; and to repeal the original section.

**LEGISLATIVE BILL 751.** By Powers, 9th District.  
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 14-383, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to change provisions relating to parks, recreational facilities, and playgrounds as prescribed; to authorize special assessments; and to repeal the original section, and also Laws 1979, LB 187, section 31.

**NOTICE OF COMMITTEE HEARINGS**  
**Banking, Commerce and Insurance**

|        |                          |           |
|--------|--------------------------|-----------|
| LB 650 | Monday, January 21, 1980 | 1:30 p.m. |
| LB 714 | Monday, January 21, 1980 | 1:30 p.m. |
| LB 646 | Monday, January 28, 1980 | 1:30 p.m. |

(Signed) John W. DeCamp, Chairperson

**Revenue**

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 599 | Monday, January 21, 1980    | 2:00 p.m. |
| LB 658 | Monday, January 21, 1980    | 2:00 p.m. |
| LB 670 | Monday, January 21, 1980    | 2:00 p.m. |
| LB 689 | Tuesday, January 22, 1980   | 2:00 p.m. |
| LB 666 | Tuesday, January 22, 1980   | 2:00 p.m. |
| LB 616 | Tuesday, January 22, 1980   | 2:00 p.m. |
| LB 661 | Wednesday, January 23, 1980 | 2:00 p.m. |

(Signed) Calvin F. Carsten, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Murphy asked unanimous consent to print the following amendment to LB 624 in the Journal. No objections. So ordered.

- 1 1. Strike original section 1 and insert the
- 2 following:
- 3 "Section 1. That subdivision (52) of section
- 4 39-602, Revised Statutes Supplement, 1979, be amended
- 5 to read as follows:
- 6 (52) Moped shall mean a bicycle with fully
- 7 operative pedals for propulsion by human power, an
- 8 automatic transmission, and a motor with a cylinder
- 9 capacity not exceeding fifty cubic centimeters, which
- 10 produces no more than two brake horsepower and is

11 capable of propelling the bicycle at a maximum design  
 12 speed of no more than thirty miles per hour on level  
 13 ground. Mopeds, their owners, and their operators  
 14 shall be subject to and shall be treated the same as  
 15 motorcycles, their owners, and their operators for pur-  
 16 poses of Chapter 60, ~~article 4~~ articles 1, 3, and 4,  
 17 but shall be exempt from the requirements of Chapter  
 18 60, ~~articles 1, 3, 5,~~ and 17;”.

19 2. On page 35, line 10, after “1943,” insert  
 20 “subdivision (52) of section 39-602, Revised Statutes  
 21 Supplement, 1979;” and in line 11 strike “39-602,”.

22 3. In the title, line 4, after “1943” insert  
 23 “, subdivision (52) of section 39-602, Revised Statutes  
 24 Supplement, 1979;” and in line 4 strike “39-602,”.

### GENERAL FILE

**LEGISLATIVE BILL 318.** Laid over at the request of Mr. Burrows.

**LEGISLATIVE BILL 222.** Title read. Considered.

Standing Committee amendments found in the Journal on page 866 for the Forty-Fifth Day, First Session, lost with 0 ayes, 25 nays, 15 present and not voting, and 9 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 217.

Mr. Reutzel moved the previous question. The question is, “Shall the debate now close?” The motion lost with 24 ayes, 6 nays, and 19 not voting.

Mr. Ruetzel 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 DeCamp amendment was adopted with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Nichol offered the following amendment:  
 Amendment to LB 222

Add at the end of Section 8, on page 5:

“Nothing in this section shall be construed to require an investigation, autopsy or inquest in any case where death occurred unattended by a physician solely because the deceased was under treatment by spiritual means through prayer alone in accordance with the tenets and practices of a well recognized church or religious denomination.”

Mr. Nichol withdrew his amendment.

Mr. Maresh offered the following amendment:  
Amendment to LB 222

Strike all references to District Medical Examiners.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Maresh amendment lost with 11 ayes, 16 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 7 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 222A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 752.** By Simon, 31st District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to nursing homes; to define terms; to create a commission and a committee; to provide duties; to provide for uniform accounting procedures; and to provide for severability.

**LEGISLATIVE BILL 753.** By Simon, 31st District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to nursing homes; to declare legislative findings and purpose; to define terms; to create a commission and a committee; to provide duties; to provide for uniform accounting procedures; to provide for rate review and approval; to create a fund; to provide a penalty; and to provide for severability.

**LEGISLATIVE BILL 754.** By Simon, 31st District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to adult care homes; to authorize a legislative study as prescribed; and to provide powers and duties.

**LEGISLATIVE BILL 755.** By Kremer, 34th District.

This bill introduced on behalf of: Nebraska Society of Professional Soil Scientists.

A BILL FOR AN ACT relating to soil classification; to create a division within the Department of Agriculture; to provide for membership; to provide duties; to create a fund; to require registration and certification as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 756.** By George, 16th District; Kahle, 37th District.

This bill introduced on behalf of: grain farmers in my district.

A BILL FOR AN ACT relating to agriculture; to authorize grain boards to use certain funds as prescribed; to provide for disbursements from certain funds; to amend sections 2-2317 and 2-3322, Reissue Revised Statutes of Nebraska, 1943, and section 2-3632, Revised Statutes Supplement, 1978; and to repeal the original sections.

**LEGISLATIVE BILL 757.** By Dworak, 22nd District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to irrigation; to define a term; to provide duties for the Director of Water Resources; and to change provisions relating to permits to appropriate water as prescribed.

**LEGISLATIVE BILL 758.** By Hoagland, 6th District.

This bill introduced on behalf of: the Nebraska Association for the Gifted and the people of the State of Nebraska.

A BILL FOR AN ACT relating to education; to define terms; to encourage the development of programs for gifted children; to provide duties; to create a fund; to change funding provisions for certain programs as prescribed; to amend section 79-1337, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

**LEGISLATIVE BILL 759.** By Maresh, 32nd District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to enter into a compact with Iowa, Missouri, and Kansas to develop the Missouri River for more barge traffic and to promote the use of barges on the Missouri River.

**NOTICE OF COMMITTEE HEARINGS**  
**Constitutional Revision and Recreation**

LB 637      Thursday, January 24, 1980      2:00 p.m.

(Signed) Barry L. Reutzel, Chairperson

**Appropriations**

Tuesday, January 22, 1980  
 1:30 p.m., Room 1003

Sarah T. Muir Memorial Hearing Room  
 State Capitol Building

**Budget Hearings:**

Board of Public Accountancy  
 Nebraska Arts Council  
 Equal Employment Opportunity Commission  
 State Historical Society:  
     Capital Construction  
     Operations

(Signed) Jerome Warner, Chairperson

**Government, Military and Veterans Affairs**

LB 607      Thursday, January 24, 1980      1:30 p.m.  
 LB 615      Thursday, January 24, 1980      1:30 p.m.  
 LB 628      Thursday, January 24, 1980      1:30 p.m.  
 LB 679      Thursday, January 24, 1980      1:30 p.m.

(Signed) Orval A. Keyes, Chairperson

**Public Works**

LB 604      Wednesday, January 23, 1980      1:30 p.m.  
 LB 656      Wednesday, January 23, 1980      1:30 p.m.  
 LB 603      Thursday, January 24, 1980      1:30 p.m.  
 LB 624      Thursday, January 24, 1980      1:30 p.m.  
 LB 634      Friday, January 25, 1980      1:30 p.m.  
 LB 636      Friday, January 25, 1980      1:30 p.m.  
 LB 671      Friday, January 25, 1980      1:30 p.m.  
 LB 672      Friday, January 25, 1980      1:30 p.m.

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 643 | Wednesday, January 30, 1980 | 1:30 p.m. |
| LB 648 | Wednesday, January 30, 1980 | 1:30 p.m. |
| LB 649 | Wednesday, January 30, 1980 | 1:30 p.m. |
| LB 611 | Wednesday, February 6, 1980 | 1:30 p.m. |

(Signed) Maurice A. Kremer, Chairperson

### ANNOUNCEMENT

Mr. Reutzel announced the Constitutional Revision and Recreation Committee will hold an Executive Session on Thursday, January 24, 1980, at 3:00 p.m.

### GENERAL FILE

**LEGISLATIVE BILL 525.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1501, Sixty-Seventh Day, First Session, were considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Standing Committee amendments were adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Haberman withdrew his pending amendment found in the Journal on page 1704, First Session.

Mr. Haberman offered the following amendment:

On page 2 line 1 strike "for every five hundred residents"

The 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 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

### RECESS

At 12:06 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:32 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Mr. Johnson who was excused; and Messrs. Barrett, Beutler, Burrows, Cullan, Haberman, Hoagland, Lewis, Merz, Schmit, Venditte, Mesdames Labedz, and Marsh who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 267.** Title read. Considered.

Mr. Newell moved to indefinitely postpone.

The motion prevailed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 267A.** Title read. Considered.

Mr. Newell moved to indefinitely postpone.

The motion prevailed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Kremer asked unanimous consent to be excused the rest of the day and all day tomorrow. No objections. So ordered.

**LEGISLATIVE BILL 324.** Title read. Considered.

Standing Committee amendment found in the Journal on page 951 for the Forty-Eighth Day, First Session, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Newell moved to indefinitely postpone.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

The Newell motion to indefinitely postpone prevailed with 22 ayes, 10 nays, 11 present and not voting, and 6 excused and not voting.

## ANNOUNCEMENT

Mr. Fowler announced a meeting of the Nebraska Retirement Systems Committee Thursday, January 17, 1980, at 1:20 p.m. in Room 2103.

## BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 760.** By LR 137 Committee: Lewis, 45th District, Co-chairman; Marvel, 33rd District, Co-chairman; Wesely, 26th District; Rumery, 42nd District; Chambers, 11th District; Fowler, 27th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to adopt the Nebraska Inspector General Act; to define terms; to provide for auditing and review of the Department of Public Institutions; to provide for investigations of public institutions; to provide duties and responsibilities of the Inspector General; to provide for semiannual reports; to provide for the handling of complaints as prescribed; to provide for severability; and to declare an emergency.

**LEGISLATIVE BILL 761.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Landis, 46th District; Fitzgerald, 14th District; Simon, 31st District; Powers, 9th District; DeCamp, 40th District.

This bill introduced on behalf of: Nebraska Labor Department.

A BILL FOR AN ACT to amend sections 48-626 and 48-652, Reissue Revised Statutes of Nebraska, 1943, and section 48-628, Revised Statutes Supplement, 1979, relating to labor; to change provisions relating to unemployment benefits; and to repeal the original sections.

**LEGISLATIVE BILL 762.** By Chambers, 11th District.

This bill introduced on behalf of: Justice and Civilization.

A BILL FOR AN ACT to amend sections 24-342, 28-105, and 28-303, Revised Statutes Supplement, 1978, relating to crimes and punishments; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; and to repeal the original sections, and also sections 29-2521, 29-2523, and 29-2525 to 29-2546, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2519, 29-2520, 29-2521.01 to 29-2521.04, 29-2522, 29-2524, 29-2524.01, and 29-2524.02, Revised Statutes Supplement, 1978.

**STANDING COMMITTEE REPORTS**  
**Education**

**LEGISLATIVE BILL 104.** Indefinitely postponed.  
**LEGISLATIVE BILL 522.** Indefinitely postponed.

(Signed) Jerry D. Koch, Chairperson

**ANNOUNCEMENT**

Speaker Marvel announced that all new bill requests should be in to the Bill Drafter by Thursday, January 17, 1980.

**GENERAL FILE**

**LEGISLATIVE BILL 526.** Title read. Considered.

Mr. Koch renewed his pending amendment found in the Journal on page 1290, First Session.

The amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 493.** Laid over the request of Mr. Reutzel.

**LEGISLATIVE BILL 203.** Title read. Considered.

Standing Committee amendments found in the Journal on page 965 for the Forty-Ninth Day, First Session, was rejected with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment:

**AMENDMENTS TO LB 203**

Req. #2528

- 2 1. Strike the original sections and insert the
- 3 following:
- 4 "Section 1. That section 75-426, Reissue Revised
- 5 Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 75-426. Upon the occurrence of any serious
- 8 ~~accident~~ personal injury or loss of life to persons other
- 9 than railroad employees resulting from an accident at a
- 10 railroad crossing or from an accident involving an
- 11 explosion, fire, or release of noxious fumes occurring
- 12 upon any railroad within the State of Nebraska , ~~which~~

~~13 results in personal injury or loss of life, the  
 14 corporation operating which operates the railroad upon  
 15 which the accident occurred shall immediately furnish  
 16 report such accident in writing or by telephone to the  
 17 commission a copy of the same notice that it is required  
 18 to furnish to the Interstate Commerce Commission, and the  
 19 commission shall, if it deems it necessary, promptly  
 20 investigate and determine the extent of the personal  
 21 injuries or loss of life, and whether the accident was  
 22 the result of mismanagement or neglect of the corporation  
 23 on whose line the injury occurred. Such report shall not  
 24 within twenty-four hours of the time such accident  
 25 occurred. The commission shall promptly investigate any  
 1 such accident and a report shall be made a part of the  
 2 commission's official files. The corporation which  
 3 operates the railroad shall also furnish to the  
 4 commission a copy of the same report that it is required  
 5 to furnish to the Federal Railroad Administration.  
 6 Neither of such reports shall be evidence or referred to  
 7 in any case in any court. Any railroad carrier violating  
 8 any of the provisions of this section shall be guilty of  
 9 a Class IV misdemeanor, and upon conviction thereof  
 10 shall be subject to a fine of not less than one hundred  
 11 dollars and not more than five hundred dollars for each  
 12 offense, each day of violation constituting a separate  
 13 offense.~~

14 Sec. 2 That original section 75-426, Reissue  
 15 Revised Statutes of Nebraska, 1943, and also section  
 16 74-913, Reissue Revised Statutes of Nebraska, 1943, are  
 17 repealed.''.

18 2. In the title strike lines 2 through 6 and  
 19 insert:

20 "FOR AN ACT to amend section 75-426, Reissue Revised  
 21 Statutes of Nebraska, 1943, relating to  
 22 railroads; to change requirements for  
 23 reporting accidents as prescribed; to  
 24 harmonize a penalty with the criminal code;  
 25 and to repeal the original section, and also  
 26 section 74-913, Reissue Revised Statutes of  
 27 Nebraska, 1943.'".

The amendment was adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 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.

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 261.** Title read. Considered.

**SPEAKER MARVEL PRESIDING**

Advanced to E & R for Review with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Fitzgerald asked unanimous consent to print the following amendment to LB 184 in the Journal. No objections. So ordered.

**AMENDMENTS TO LB 184**

Req. #2011

- 2 1. Strike the committee amendments.
- 3 2. Insert the following new section:
- 4 "Sec. 9. The Legislature hereby approves and
- 5 recommends to the Governor that the State of Nebraska
- 6 enter into a lease agreement with Douglas County,
- 7 Nebraska, relating to land and buildings located in
- 8 Douglas County, Nebraska for use as a veterans' home.
- 9 Such land and buildings shall include two parcels of land
- 10 being part of the northwest quarter of the northwest
- 11 quarter of section 11, township 15 north, range 11 east
- 12 of the 6th principal meridian, Douglas County, Nebraska,
- 13 and being more particularly described as follows:
- 14 (1) Commencing at the northeast corner of the
- 15 northwest quarter of the northwest quarter of said
- 16 section 11; thence south zero degrees two minutes
- 17 thirty-six seconds for a distance of thirty-three feet to
- 18 the point of beginning; thence continuing south zero
- 19 degrees two minutes thirty-six seconds west for a
- 20 distance of nine hundred sixty-six and seventy-five
- 21 hundredths feet; thence north eighty-nine degrees
- 22 fifty-seven minutes twenty-four seconds west for a
- 23 distance of two hundred fifteen and seven-tenths feet;
- 24 thence south zero degrees two minutes thirty-six seconds
- 25 west for a distance of twenty-nine feet; thence north
- 1 eighty-nine degrees fifty-seven minutes twenty-four
- 2 seconds west for a distance of four hundred ninety-nine
- 3 and sixty-five hundredths feet; thence north zero degrees
- 4 two minutes thirty-six seconds east for a distance of
- 5 nine hundred ninety-three and seventy-five hundredths
- 6 feet; thence north eighty-nine degrees fifty-three
- 7 minutes one second east for a distance of seven hundred
- 8 fifteen and thirty-four hundredths feet to the point of
- 9 beginning, containing sixteen and nineteen hundredths
- 10 acres, more or less; and

11       (2) Commencing at the southwest corner of the  
 12 northwest quarter of the northwest quarter of said  
 13 section 11; thence north eighty-nine degrees fifty  
 14 minutes fifty-six seconds east for a distance of one  
 15 hundred sixty-eight and seventy-five hundredths feet to  
 16 the point of beginning; thence north zero degrees zero  
 17 minutes zero seconds east for a distance of seventy-three  
 18 feet; thence north eighty-nine degrees fifty minutes  
 19 fifty-six seconds east for a distance of one hundred five  
 20 and fifty-three hundredths feet; thence south zero  
 21 degrees zero minutes zero seconds east for a distance of  
 22 seventy-three feet; thence south eighty-nine degrees  
 23 fifty minutes fifty-six seconds west for a distance of  
 24 one hundred five and fifty-three hundredths feet to the  
 25 point of beginning, containing eighteen hundredths acre,  
 26 more or less."

1       3. Renumber remaining sections accordingly.

### NOTICE OF COMMITTEE HEARINGS

#### Judiciary

|        |                          |           |
|--------|--------------------------|-----------|
| LB 605 | Monday, January 21, 1980 | 1:30 p.m. |
| LB 626 | Monday, January 21, 1980 | 1:30 p.m. |
| LB 695 | Monday, January 21, 1980 | 1:30 p.m. |
| LB 696 | Monday, January 21, 1980 | 1:30 p.m. |

(Signed) William E. Nichol, Chairperson

#### Government, Military and Veterans Affairs

##### Room 1113

|        |                          |           |
|--------|--------------------------|-----------|
| LB 601 | Friday, January 25, 1980 | 1:30 p.m. |
| LB 688 | Friday, January 25, 1980 | 1:30 p.m. |

##### Room 1520

|        |                            |           |
|--------|----------------------------|-----------|
| LB 609 | Thursday, February 7, 1980 | 6:30 p.m. |
| LB 627 | Thursday, February 7, 1980 | 6:30 p.m. |

(Signed) Orval A. Keyes, Chairperson

#### Education

|        |                          |           |
|--------|--------------------------|-----------|
| LB 668 | Monday, January 21, 1980 | 1:30 p.m. |
| LB 734 | Monday, January 21, 1980 | 1:30 p.m. |
| LB 735 | Monday, January 21, 1980 | 1:30 p.m. |

|        |                           |           |
|--------|---------------------------|-----------|
| LB 606 | Tuesday, January 22, 1980 | 1:30 p.m. |
| LB 640 | Tuesday, January 22, 1980 | 1:30 p.m. |
| LB 724 | Tuesday, January 22, 1980 | 1:30 p.m. |

(Signed) Jerry Koch, Chairperson

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 763.** By Cope, 36th District; Goodrich, 20th District.

This bill introduced on behalf of: State Emergency Medical Services Organization.

A BILL FOR AN ACT relating to public health and safety; to adopt the Emergency Medical Services Systems Act; to define terms; to provide for rules and regulations; to provide for restrictions on liability as prescribed; to provide for severability; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 764.** By Lamb, 43rd District.

This bill introduced on behalf of: Public Schools.

A BILL FOR AN ACT to amend sections 43-606 and 79-4,102, Reissue Revised Statutes of Nebraska, 1943, relating to handicapped pupils; to provide for educating handicapped high school age pupils as prescribed; to provide for state reimbursement; and to repeal the original sections.

**LEGISLATIVE BILL 765.** By Lamb, 43rd District.

This bill introduced on behalf of: Public Schools of Nebraska.

A BILL FOR AN ACT to amend section 43-646.02, Reissue Revised Statutes of Nebraska, 1943, relating to the care and education of handicapped children; to provide reimbursement for the costs of certain special education programs; and to repeal the original section.

**LEGISLATIVE BILL 766.** By Keyes, 3rd District.

This bill introduced on behalf of: County Officials.

A BILL FOR AN ACT to amend section 77-1601, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to change the date for levying taxes; and to repeal the original section.

**LEGISLATIVE BILL 767.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to amend Laws 1978, LB 956, section 35 as amended by Laws 1979, LB 593, section 6, Laws 1979, LB 585, section 32, Laws 1979, LB 586, section 11, Laws 1979, LB 587, sections 6 and 8, Laws 1979, LB 588, sections 8 and 11, and Laws 1979, LB 589, sections 4, 5, 9, 17, 26, 29, 30, and 45; to make, increase, and reduce appropriations; to transfer and reappropriate funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 768.** By Speaker Marvel, 33rd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to amend Laws 1979, LB 585, section 5, relating to appropriations; to increase an appropriation; to repeal the original section; and to declare an emergency.

### MESSAGES FROM THE GOVERNOR

January 15, 1980

Mr. President and Mr. Speaker  
Members of the 86th Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

I am transmitting herewith, as required by law, my recommendations for supplemental appropriations for fiscal year 1979/1980. These recommendations include General Fund, Cash Fund and Revolving Fund monies. Requested increases in personal services limitations are not included. It is my understanding that your Appropriations Committee will address this area.

Included in the General Fund supplemental recommendation of \$667,467 is:

- \$4,000 to correct an error in last year's Claims Bill.
- \$246,807 for the Department of Motor Vehicles to maintain and keep current computerized motor vehicle records. These important records were made fully current this past summer for the first time following a crash program by the Department of Motor Vehicles and the Department of Administrative Services.
- \$96,300 for Kearney State College to provide for additional and unanticipated workload.

- \$15,000 for the Historical Society to provide for utilities cost of the former Elks Building once the current lease arrangement is terminated.
- \$199,000 for the State Patrol to fund increased fuel costs for highway operations.
- \$106,360 for the Claims Board to provide for increased Workman's Compensation claims and medical expenses.

In addition to the above amounts, I am recommending that \$1,500,000 of scheduled FY 1980/1981 appropriations for the Lincoln Maximum Security Facility be made available this fiscal year as accelerated funding. Favorable weather conditions have allowed this project to move ahead of schedule. My recommendation for FY 1980/1981 is reduced by the same amount.

I am also recommending \$1,500,000 new monies for this Spring's cooperative grasshopper spraying program. When added to the reappropriation of \$500,000 of unused funds from last Spring's program, this recommendation will provide total available dollars of \$2,000,000 from the General Fund. This will allow a \$6,000,000 spraying program with the costs to be shared equally by the Federal Government, the State of Nebraska, and local participating ranchers.

Other supplemental requests which I have not recommended have been shared with the Appropriations Committee.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:dld

January 15, 1980

Mr. President and Mr. Speaker  
Members of the 86th Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

As required by law, I am transmitting herewith a bill to reimburse school districts for special education costs. Specifically, based upon the request of the Department of Education, this bill provides for a supplemental appropriation of \$6,680,199 for fiscal year 1978/1979 school district special education cost.

This program pledges State reimbursement to school districts upon proper presentation of actual expenditures for the prior fiscal year. Consequently, program costs are known after the fact; and

supplemental appropriations have been a consistent and prominent feature of this program.

Included in the bill is \$1,066,290 to fully fund school district claims for transportation of special education students during the 1978-79 school year. This amount supplements a previous appropriation in excess of three million dollars for this purpose. The remaining supplemental amount in this bill, \$5,613,909, is required to fulfill the State's obligation to fund 90% of the excess costs of programs for school-age children. A prime factor in the size of this supplemental request is the continued interference by the federal government in our administration of these programs. The Board of Education and Commissioner Campbell have concluded that federal interference is responsible for at least \$2.5 million of this deficit request, and may cause more financial problems in future years. An additional factor is the complexity of our own reimbursement procedures that require decisions to be made on outdated financial and enrollment data.

It is my intention to work closely with Senator Koch, the Education Committee and Commissioner Campbell of the Department of Education to study these issues and to improve the overall management of our reimbursement programs.

Sincerely,  
 (Signed) CHARLES THONE  
 Governor

CT:dld

#### UNANIMOUS CONSENT - Member Excused

Mr. Reutzel asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

#### NOTICE OF COMMITTEE HEARINGS Public Health and Welfare

|        |                           |           |
|--------|---------------------------|-----------|
| LB 641 | Monday, January 21, 1980  | 2:00 p.m. |
| LB 685 | Monday, January 21, 1980  | 2:00 p.m. |
| LB 706 | Monday, January 21, 1980  | 2:00 p.m. |
| LB 725 | Monday, January 21, 1980  | 2:00 p.m. |
| LB 667 | Tuesday, January 22, 1980 | 2:00 p.m. |
| LB 682 | Tuesday, January 22, 1980 | 2:00 p.m. |
| LB 683 | Tuesday, January 22, 1980 | 2:00 p.m. |
| LB 686 | Tuesday, January 22, 1980 | 2:00 p.m. |

(Signed) Samuel K. Cullan, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 108.** Mr. DeCamp withdrew his pending amendment found in the Journal on page 2023, First Session.

Mr. Landis moved to indefinitely postpone.

Mr. Landis moved to suspend the rules, Rule 7, Section 3, to take up the motion today.

The motion to suspend the rules prevailed with 33 ayes, 1 nay, and 15 not voting.

Mr. Landis withdrew his motion to indefinitely postpone.

Advanced to E & R for Engrossment with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 769.** By Education Committee: Koch, 12th District, Chairman; Kahle, 37th District; Vickers, 38th District; Lamb, 43rd District; George, 16th District; Barrett, 39th District; Beutler, 28th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 43-604, Reissue Revised Statutes of Nebraska, 1943, relating to care and education of handicapped children; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 770.** By Education Committee: Koch, 12th District, Chairman; Kahle, 37th District; Vickers, 38th District; Lamb, 43rd District; George, 16th District; Barrett, 39th District; Beutler, 28th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1979, relating to schools; to provide for the payment of certain transportation costs; and to repeal the original section.

**LEGISLATIVE BILL 771.** By Education Committee: Koch, 12th District, Chairman; Kahle, 37th District; Vickers, 38th District; Lamb, 43rd District; George, 16th District; Barrett, 39th District; Beutler, 28th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 79-1247.07, Revised Statutes Supplement, 1978, relating to teachers; to change fees for certificates and permits; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 772.** By Education Committee: Koch, 12th District, Chairman; Kahle, 37th District; Vickers, 38th District; Lamb, 43rd District; Barrett, 39th District; George, 16th District; Beutler, 28th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 43-646.02, 43-647.01, and 43-648, Reissue Revised Statutes of Nebraska, 1943, relating to the care and education of handicapped children; to provide for reimbursement of a percentage of costs for certain servicing agencies as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 773.** By Education Committee: Koch, 12th District, Chairman; Kahle, 37th District; Vickers, 38th District; Lamb, 43rd District; Barrett, 39th District; Beutler, 28th District; George, 16th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 43-654 and 43-657, Reissue Revised Statutes of Nebraska, 1943, and section 43-656, Revised Statutes Supplement, 1979, relating to the Nebraska Coordinating Council for the Handicapped; to change membership; to provide duties; to provide for supervision; to change provisions for meetings; to require a single plan and budget request for certain programs as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 774.** By Education Committee: Koch, 12th District, Chairman; Kahle, 37th District; Vickers, 38th District; Lamb, 43rd District; Barrett, 39th District; Beutler, 28th District; George, 16th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 79-2804, Revised Statutes Supplement, 1978, relating to the private Vocational Educational Authorization Act of 1977; to provide an additional exemption from such act; and to repeal the original section.

**UNANIMOUS CONSENT - Member Excused**

Mr. Kennedy asked unanimous consent to be excused tomorrow, January 16, until he returns. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Dick Poston, Kearney; and Mr. and Mrs. Henry Lange, Ord.

**ADJOURNMENT**

At 3:52 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Wednesday, January 16, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**SIXTH DAY - JANUARY 16, 1980**

**LEGISLATIVE JOURNAL**

LEGISLATIVE JOURNAL  
SIXTH DAY - JANUARY 16, 1980  
LEGISLATIVE JOURNAL  
EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 16, 1980

Pursuant to adjournment, the Legislature met at 9:07 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

Dear God, for so long a time now we have been thinking of the American hostages in Iran; concerned for them, praying for them; and we continue in our prayers and concerns.

What is also tragic is that so many of us remain in bondage as well, hostages to our past mistakes, hostages to our present problems, and hostages to our future anxieties.

Free us from these just now by reminding us that we are created for freedom, and that we are called to initiate those laws that will free up the people of this State to live the good life.

So give us pardon for our past, promise for the future, and purpose for the present that we may be free indeed. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kremer who was excused; and Messrs. Burrows, Chambers, George, Haberman, Johnson, Kennedy, Koch, Lewis, Newell, Schmit, Sieck, Simon, Stoney, Venditte, Mesdames Labeledz, Marsh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 182 and LR 183.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

Req. #2003

- 2 1. Strike the original sections and insert the
- 3 following new sections:
- 4 "Section 1. That section 8-1111, Revised
- 5 Statutes Supplement, 1978, be amended to read as follows:
- 6 8-1111. Except as hereinafter in this section
- 7 expressly provided, sections 8-1103 to 8-1109 shall not
- 8 apply to any of the following transactions:
- 9 (1) Any isolated transaction, whether effected
- 10 through a broker-dealer or not;
- 11 (2) Any nonissuer distribution of an outstanding
- 12 security by a registered broker-dealer if (a) a
- 13 recognized securities manual contains the name of the
- 14 issuer's officers and directors, a balance sheet of the
- 15 issuer as of a date within eighteen months, and a profit
- 16 and loss statement for either the fiscal year preceding
- 17 that date or the most recent year of operations, or (b)
- 18 the security has a fixed maturity or a fixed interest or
- 19 dividend provision and there has been no default during
- 20 the current fiscal year or within the three preceding
- 21 fiscal years, or during the existence of the issuer and
- 22 any predecessors if less than three years, in the payment
- 23 of principal, interest, or dividends on the security;
- 24 (3) Any nonissuer transaction effected by or
- 25 through a registered broker-dealer pursuant to an
- 1 unsolicited order or offer to buy; but the director may
- 2 by rule require that the customer acknowledge upon a
- 3 specified form that the sale was unsolicited, and that a
- 4 signed copy of each such form be preserved by the
- 5 broker-dealer for a specified period;
- 6 (4) Any transaction between the issuer or other
- 7 person on whose behalf the offering is made and an
- 8 underwriter, or among underwriters;
- 9 (5) Any transaction in a bond or other evidence
- 10 of indebtedness secured by a real or chattel mortgage or
- 11 deed of trust, or by an agreement for the sale of real
- 12 estate or chattels, if the entire mortgage, deed of
- 13 trust, or agreement, together with all the bonds or other
- 14 evidences of indebtedness secured thereby, is offered and

15 sold as a unit; Provided, that such exemption shall not  
 16 apply to any transaction in a bond or other evidence of  
 17 indebtedness secured by a real estate mortgage or deed of  
 18 trust or by an agreement for the sale of real estate if  
 19 the real estate securing the evidences of indebtedness  
 20 are parcels of real estate the sale of which requires the  
 21 subdivision in which the parcels are located to be  
 22 registered under the Interstate Land Sales Full  
 23 Disclosure Act, 82 Stat. 590 et seq., 15 U.S.C. 1701 et  
 24 seq.;

25 (6) Any transaction by an executor,  
 26 administrator, sheriff, marshal, receiver, trustee in  
 27 bankruptcy, guardian, or conservator;

1 (7) Any transaction executed by a bona fide  
 2 pledgee without any purpose of evading sections 8-1101 to  
 3 8-1124;

4 (8) Any offer or sale to a bank, savings  
 5 institution, trust company, insurance company, investment  
 6 company as defined in the Investment Company Act of 1940,  
 7 pension or profit-sharing trust, or other financial  
 8 institution or institutional buyer, or to a  
 9 broker-dealer, whether the purchaser is acting for itself  
 10 or in some fiduciary capacity;

11 (9) Any transaction pursuant to a sale to not  
 12 more than ten persons, other than those designated in  
 13 subdivision (8) of this section, in this state during any  
 14 period of twelve consecutive months, if (a) the seller  
 15 reasonably believes that all the buyers are purchasing  
 16 for investment, (b) no commission or other remuneration  
 17 is paid or given directly or indirectly for soliciting  
 18 any prospective buyer, except to a broker-dealer  
 19 registered under the provisions of sections 8-1101 to  
 20 8-1124, (c) a notice generally describing the terms of  
 21 the transaction and containing a representation that the  
 22 conditions of this exemption are met is filed by the  
 23 seller with the director within thirty days after the  
 24 first sale for which this exemption is claimed, except  
 25 that failure to give such notice may be cured by an order  
 26 issued by the director in his or her discretion, is  
 27 given, stating the seller's name and address and a  
 1 statement that the conditions of this exemption have been  
 2 met, and (d) no solicitations are made by newspaper,  
 3 radio, or television;

4 (10) Any offer or sale of a preorganization  
 5 certificate or subscription if (a) no commission or other  
 6 remuneration is paid or given directly or indirectly for  
 7 soliciting any prospective subscriber, (b) the number of  
 8 subscribers does not exceed ten, and (c) no payment is  
 9 made by any subscriber;

10 (11) Any transaction pursuant to an offer to

11 existing security holders of the issuer, including  
12 persons who at the time of the transaction are holders of  
13 convertible securities, nontransferable warrants, or  
14 transferable warrants exercisable within not more than  
15 ninety days of their issuance, if (a) no commission or  
16 other remuneration, other than a standby commission, is  
17 paid or given directly or indirectly for soliciting any  
18 security holder in this state, or (b) the issuer first  
19 files a notice specifying the terms of the offer and the  
20 director does not by order disallow the exemption within  
21 the next five full business days;

22 (12) Any offer, but not a sale, of a security for  
23 which registration statements have been filed under both  
24 sections 8-1101 to 8-1124 and the Securities Act of 1933  
25 if no stop order or refusal order is in effect and no  
26 public proceeding or examination looking toward such an  
27 order is pending under either sections 8-1101 to 8-1124  
1 or the Securities Act of 1933;

2 (13) The issuance of any stock dividend, whether  
3 the corporation distributing the dividend is the issuer  
4 of the stock or not, if nothing of value is given by the  
5 stockholders for the distribution other than the  
6 surrender of a right to a cash dividend where the  
7 stockholder can elect to take a dividend in cash or  
8 stock;

9 (14) Any transaction incident to a right of  
10 conversion or a statutory or judicially approved  
11 reclassification, recapitalization, reorganization, quasi  
12 reorganization, stock split, reverse stock split, merger,  
13 consolidation or sale of assets; ~~or~~

14 (15) Any transaction involving the issuance for  
15 cash of any evidence of ownership interest or  
16 indebtedness by an agricultural cooperative formed as a  
17 corporation under section 21-1301 or 21-1401, if the  
18 issuer has first filed a notice of intention to issue  
19 with the director and the director has not by order,  
20 mailed to the issuer by registered mail within ten  
21 business days after receipt thereof, disallowed the  
22 exemption; ~~or -~~

23 (16) Any transaction in this state not involving  
24 a public offering when (a) there is no general or public  
25 advertising or solicitation, (b) no commission or  
26 remuneration is paid directly or indirectly for  
27 soliciting any prospective buyer, except to a  
1 broker-dealer registered under the provisions of sections  
2 8-1101 to 8-1124, (c) a notice generally describing the  
3 terms of the transaction and containing a representation  
4 that the conditions of this exemption are met is filed by  
5 the seller with the director within thirty days after the  
6 first sale for which this exemption is claimed, except

7 that failure to give such notice may be cured by an order  
8 issued by the director in his or her discretion, and (d)  
9 any such transaction is effected in accordance with rules  
10 adopted and promulgated by the director relating to this  
11 section when the director finds in adopting such rules  
12 that the applicability of sections 8-1104 to 8-1107,  
13 Reissue Revised Statutes of Nebraska, 1943, is not  
14 necessary or appropriate in the public interest or for  
15 the protection of investors. As used in this section,  
16 not involving any public offering shall mean any offering  
17 in which the seller has reason to believe that the  
18 securities purchased are taken for investment and in  
19 which each offeree, by reason of his or her knowledge  
20 about the affairs of the issuer or otherwise, does not  
21 require the protections afforded by registration under  
22 sections 8-1104 to 8-1107, Reissue Revised Statutes of  
23 Nebraska, 1943, in order to make a reasonably informed  
24 judgment with respect to such investment.

25 The director may by order deny or revoke the  
26 exemption specified in subdivision (2) of this section  
27 with respect to a specific security. Upon the entry of  
1 such an order, the director shall promptly notify all  
2 registered broker-dealers that it has been entered and of  
3 the reasons therefor and that within fifteen days of the  
4 receipt of a written request the matter will be set down  
5 for hearing. If no hearing is requested and none is  
6 ordered by the director, the order will remain in effect  
7 until it is modified or vacated by the director. If a  
8 hearing is requested or ordered, the director, after  
9 notice of an opportunity for hearing to all interested  
10 persons, may modify or vacate the order or extend it  
11 until final determination. No such order may operate  
12 retroactively. No person may be considered to have  
13 violated the provisions of sections 8-1101 to 8-1124 by  
14 reason of any offer or sale effected after the entry of  
15 any such order if he sustains the burden of proof that he  
16 did not know, and in the exercise of reasonable care  
17 could not have known of the order. In any proceeding  
18 under sections 8-1101 to 8-1124, the burden of proving an  
19 exemption from a definition is upon the person claiming  
20 it.

21 Sec. 2. That original section 8-1111, Revised  
22 Statutes Supplement, 1978, is repealed.''

**ATTORNEY GENERAL'S OPINION**

Opinion No. 193  
January 15, 1980

Dear Senator Labeledz:

You indicate that you are considering introducing legislation to insure the continuance of a court in South Omaha. As a part of your investigation in preparation for this action you ask whether section 14-125, R.R.S. 1943, requires the continuance of a courtroom in South Omaha.

As background to this opinion request and the analysis following, it should be pointed out that certain problems were brought to light involving the Municipal Court of Omaha, Nebraska. Pursuant to those problems an evaluation of the Omaha Municipal Court was conducted by the Court Administrator's Office. Certain recommendations were made as a result of that evaluation. Included among them was a recommendation that the branch court of the Omaha Municipal Court located in South Omaha be abolished; or, in the alternative, that court be held there only one day a week.

Section 14-125, provides:

"Any rights, power or authority acquired, granted or received or possessed by any person, city or village through consolidation effectuated under the terms of Chapter 212 of the Session Laws of Nebraska for 1915, are hereby granted and continued."

Chapter 212, enacted in 1915 as an emergency act, provided for the merger between a metropolitan class city and a city of the first or second class or village adjoining such city. Section 4 of that Act provides, in part:

"Where at the time of such consolidation, there exists and is established under existing law governing any city of the first class so consolidated with a metropolitan city, a . . . police court . . . such . . . police court . . . shall not be abolished by this act, but shall be provided for, conducted and governed by the proper officers of such metropolitan city. And where at the time of such consolidation there has been elected and is in office a Police Magistrate in any city of the first class the incumbent thereof shall hold and continue in said office, at the salary under which he was elected, and exercise his functions and jurisdiction of Police Magistrate over the territory embraced, for Police Magistrate purposes, within the first class city at the time of consolidation, until the time provided for the election of Police Magistrate in the metropolitan city, and until the time of

taking office pursuant to such election, at which election there shall be elected in the metropolitan city, as thus consolidated, two Police Magistrates, and the Mayor and Council of the metropolitan city shall then divide the metropolitan city into two Police Court districts and designate the place in each district where the Police Court shall be held, one of which places shall be within the territory formerly embraced within the first class city, and the Mayor and Council shall assign each of such Police Magistrates to a particular district at the beginning of his term. . . .”

Clearly, under Chapter 212 at the time of consolidation a metropolitan city was required to continue in existence a police magistrate court which embraced within its jurisdiction the area formerly held within the first class city.

Subsequently, in the 1921 Legislative Session, the Legislature enacted a bill contained in Chapter 116, Laws 1919-1921, section 18, containing a similar provision. It provided:

“Where, at the time of such annexation or merger, there has been elected and is in office, a justice of the peace or police magistrate in any city or village annexed or merged, the incumbent thereof shall hold and continue in said office at the salary under which he was elected and exercised his functions and jurisdiction of police magistrate over the territory embraced for justice of the peace or police magistrate purposes, within the city or village at the time of such annexation or merger until the expiration of the term for which he was elected.”

Also, in Chapter 116, section 24, the current section 14-125 was enacted.

Arguably, under section 14-125, a right, power or authority granted, received or possessed by a person, city or village through consolidation would continue. The question to be addressed initially is whether any city or village acquired any rights, powers or authority to continue a police magistrate court under Chapter 212. It seems beyond argument that the City of Omaha acquired the right, power or authority to establish two police magistrate courts and to divide the city into two districts for purposes of police court jurisdiction. For the purposes of this opinion it would serve little purpose to delve into the question of whether or not the City of Omaha was required to maintain two police court districts or merely authorized to do so. The reason such question is immaterial is that at the time under consideration police courts were of constitutional significance. Prior to 1920 the Constitution provided in Article VI, section 1:

“The judicial power of this state shall be vested in a Supreme Court, district courts, county courts, justices of the peace,

police magistrates, and such other courts inferior to the district courts as may be created by law for cities and incorporated towns.”

In 1920 a Constitutional Convention was convened and adopted Article V, section 1 of the Constitution which provided:

“The judicial power of the state shall be vested in a Supreme Court, district courts, county courts, justices of the peace, and such other courts inferior to the Supreme Court as may be created by law; . . .”

Thus, the constitutional basis for police magistrate courts was eliminated. Subsequently, in LB 1032, of the Eighty-Second Legislature, Second Session, a unified system for county courts was adopted for the purpose of combining the functions of county courts, justice of the peace courts and police magistrate courts. Thus, police magistrate courts were abolished. Therefore, any rights, duties, powers or privileges relating to police magistrate courts arising under Chapter 212, Laws of 1915, were abolished.

It is clear that a legislative session cannot forever bind future Legislatures from reorganizing, streamlining or in other manners altering the particular structure of government where the Constitution does not prohibit such changes or alterations by subsequent Legislatures. We find no such prohibition with respect to police magistrate courts.

Section 26-101, R.R.S. 1943, established metropolitan courts in Omaha. They succeeded to all the powers, duties and authorities of police magistrates. Section 26-101, in part, provides:

“There is hereby established and created in each city of the metropolitan and primary classes, a municipal court, which shall be held in such place as may be provided for that purpose within such city. It is hereby made the duty of such cities to provide suitable courtrooms, necessary equipment and room for the clerk of the court and the necessary help therefor, to be appointed by the judges of the court. The city may provide rooms in such location in the city as it sees fit where the judges of the municipal court shall conduct police court and exercise the duties theretofore performed by police magistrates and be governed by the procedure and jurisdiction provided by law for police courts. . . .”

LB 1032 in 1972 repealed the procedures relating to police courts. Sections 24-501 through 24-592, R.R.S. 1943, now govern. See section 26-122, R.R.S. 1943.

Generally, in the absence of a constitutional requirement, either the creating statute of the legislative body or the political subdivision to which such power is delegated establish the site at which a court is

to hold its session. The statutes in this case have delegated that authority to the City of Omaha. We have examined the Municipal Code of the City of Omaha but have found no designation of the location at which the municipal court is to conduct its proceedings. Absent a specific designation by the City of Omaha it would appear that court for the Municipal Court of Omaha is to be held under a de facto designation in the rooms set aside by the City of Omaha for that purpose.

Generally, once a location at which a court is to sit has been specified, the court must sit in that location. See, Roberts v. State, 100 Neb. 199, and annotation 43 A.L.R. 1516, Place of holding sessions of trial court as affecting validity of its proceedings.

However, those general provisions have been overridden, at least as to county courts in Nebraska, by section 24-512 which authorizes the establishment of divisions of county courts at places other than the county seat.

A municipal court is a creation of the Legislature. The Legislature has, by virtue of its delegation under section 26-101, R.R.S. 1943, authorized the cities of the metropolitan and primary classes to establish the location in which courts shall be held. The question then is whether a court must hold sessions at locations specified, where there are more than one, when it has been determined that insufficient court business exists at one such location. While this is a close question, we believe that in the present situation at a minimum the court has the power to set sessions at South Omaha for once a week. Further if the municipal court determines that the amount of business conducted is wasteful of court resources, and entirely unnecessary, the South Omaha branch could be closed. Section 14-125, R.R.S. 1943, would not preclude either action.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:smb

cc: Patrick O'Donnell  
Clerk of the Legislature

**NOTICE OF COMMITTEE HEARINGS**  
**Public Works**

|        |                                      |           |
|--------|--------------------------------------|-----------|
| LB 604 | Wednesday, January 23, 1980 (Cancel) | 1:30 p.m. |
| LB 604 | Friday, January 25, 1980 (Reset)     | 1:30 p.m. |

|        |                                     |           |
|--------|-------------------------------------|-----------|
| LB 634 | Friday, January 25, 1980 (Cancel)   | 1:30 p.m. |
| LB 634 | Wednesday, January 23, 1980 (Reset) | 1:30 p.m. |
| LB 636 | Friday, January 25, 1980 (Cancel)   | 1:30 p.m. |
| LB 636 | Wednesday, January 23, 1980 (Reset) | 1:30 p.m. |

(Signed) Robert Clark, Vice Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Maresh asked unanimous consent to print the following statement in the Journal. No objections. So ordered.

That LB 761 be corrected to read "Introduced on behalf of: Business and Labor Committee".

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 775.** By Carsten, 2nd District.  
This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1978, relating to income tax; to authorize a credit as prescribed; to provide an operative date; and to repeal the original section.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 185.** Read. Considered.

LR 185 was adopted with 25 ayes, 0 nays, and 24 not voting.

**MOTION - Withdraw LB 638**

Mr. Rumery renewed his pending motion found in the Journal on page 240 to withdraw LB 638.

The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

**NOTICE OF COMMITTEE HEARINGS**  
**Business and Labor**

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 623 | Wednesday, January 23, 1980 | 2:00 p.m. |
| LB 719 | Wednesday, January 23, 1980 | 2:00 p.m. |

(Signed) Richard Maresh, Chairperson

**Constitutional Revision and Recreation**

|        |                          |           |
|--------|--------------------------|-----------|
| LB 82  | Friday, January 25, 1980 | 1:30 p.m. |
| LB 678 | Friday, January 25, 1980 | 1:30 p.m. |
| LB 723 | Friday, January 25, 1980 | 1:30 p.m. |

(Signed) Barry L. Reutzel, Chairperson

**Judiciary**

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 621 | Tuesday, January 22, 1980   | 1:30 p.m. |
| LB 635 | Tuesday, January 22, 1980   | 1:30 p.m. |
| LB 700 | Tuesday, January 22, 1980   | 1:30 p.m. |
| LB 697 | Wednesday, January 23, 1980 | 1:30 p.m. |
| LB 698 | Wednesday, January 23, 1980 | 1:30 p.m. |
| LB 699 | Wednesday, January 23, 1980 | 1:30 p.m. |
| LB 618 | Monday, January 28, 1980    | 1:30 p.m. |
| LB 730 | Monday, January 28, 1980    | 1:30 p.m. |
| LB 733 | Monday, January 28, 1980    | 1:30 p.m. |
| LB 651 | Tuesday, January 29, 1980   | 1:30 p.m. |
| LB 718 | Tuesday, January 29, 1980   | 1:30 p.m. |
| LB 622 | Wednesday, January 30, 1980 | 1:30 p.m. |
| LB 680 | Wednesday, January 30, 1980 | 1:30 p.m. |
| LB 694 | Wednesday, January 30, 1980 | 1:30 p.m. |
| LB 600 | Monday, February 4, 1980    | 1:30 p.m. |
| LB 681 | Monday, February 4, 1980    | 1:30 p.m. |
| LB 713 | Monday, February 4, 1980    | 1:30 p.m. |
| LB 731 | Monday, February 4, 1980    | 1:30 p.m. |
| LB 642 | Tuesday, February 5, 1980   | 1:30 p.m. |
| LB 720 | Tuesday, February 5, 1980   | 1:30 p.m. |
| LB 721 | Tuesday, February 5, 1980   | 1:30 p.m. |

(Signed) William E. Nichol, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 486.** Laid over at the request of Mr. Reutzel.

**LEGISLATIVE BILL 327.** Title read. Considered.

The Wesely-Warner amendment found in the Journal on page 1252, First Session, was withdrawn.

Laid over at the request of Mr. Warner.

Mr. Cullan asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

**LEGISLATIVE BILL 498.** Title read. Considered.

Mr. Nichol moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Nichol requested a roll call vote to advance LB 498.

Voting in the affirmative, 20:

|            |        |          |         |         |
|------------|--------|----------|---------|---------|
| Beutler    | Clark  | Goodrich | Keyes   | Sieck   |
| Burrows    | Cope   | Hoagland | Landis  | Stoney  |
| Carsten    | Fowler | Johnson  | Marsh   | Vickers |
| Chronister | George | Kelly    | Reutzel | Wesely  |

Voting in the negative, 18:

|         |          |        |          |        |
|---------|----------|--------|----------|--------|
| Barrett | Koch     | Marvel | Powers   | Wagner |
| DeCamp  | Labeledz | Merz   | Rumery   | Warner |
| Hefner  | Lamb     | Murphy | Schmit   |        |
| Kahle   | Maresh   | Nichol | Venditte |        |

Present and not voting, 3:

|        |            |       |
|--------|------------|-------|
| Dworak | Fitzgerald | Simon |
|--------|------------|-------|

Excused and not voting, 8:

|          |          |        |        |
|----------|----------|--------|--------|
| Chambers | Haberman | Kremer | Newell |
| Cullan   | Kennedy  | Lewis  | Pirsch |

Failed to advance to E & R for Review with 20 ayes, 18 nays, 3 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 235.** Title read. Considered.

Standing Committee amendment found in the Journal on page 1068 for the Fifty-Second Day, First Session, was considered.

Mr. Nichol offered the following amendment to the Standing Committee amendment:

- 1 1. In the Standing Committee amendments page
- 2 1, line 15, strike "Such" and insert "Upon filing
- 3 such affidavit such"; in line 16 after "such" insert
- 4 "written"; in line 19 after the period insert "If an
- 5 objection is filed, the conveyance shall not be validated.";
- 6 strike beginning with "all" in line 21 through "period"
- 7 in line 22 and insert ", prospectively waive, or retro-
- 8 actively waive such notice or such one hundred and twenty-
- 9 day period, as to a single subdivision or any category
- 10 of subdivisions".

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Stoney asked unanimous consent to be excused at 10:30 a.m. until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

#### UNANIMOUS CONSENT - Withdraw Name

Mr. Simon asked unanimous consent to withdraw his name as a committee signer to LB 761. No objections. So ordered.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

- 1 1. On page 9 strike lines 19 to 27.
- 2 2. On page 10 strike line 1, in line 2 strike
- 3 "(4)" and insert "(1)"; in line 15 strike "(5) Ten
- 4 per cent to" and insert "(2) An amount shall"; and
- 5 in line 18 strike "(6)" and insert "(3)", and strike
- 6 the first "to" and insert "shall".

**NOTICE OF COMMITTEE HEARING**  
**Committee on Committees**

January 16, 1980

The Committee on Committees will meet at 12:10 p.m. on Wednesday, January 23, 1980, in Room 1520 for the purpose of hearing appointments or reappointments as follows:

Bruce Allen  
Advisory Committee to the Dept. of Economic Development  
John Cattle, Sr.  
Advisory Committee to the Dept. of Economic Development  
J. Alan Cramer  
Board of Trustees of Nebraska State Colleges  
Herbert J. Duis - Liquor Control Commission  
Gwen Hershberger - Nebraska Investment Council  
Arthur L. Knox  
Advisory Committee to the Dept. of Economic Development  
Gene P. Spence  
Board of Directors for Omaha Public Power District

(Signed) Shirley Marsh, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 776.** By Rumery, 42nd District.  
This bill introduced on behalf of: James Conner.

A BILL FOR AN ACT to amend section 39-6,177, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change certain width restrictions as provided; and to repeal the original section.

**LEGISLATIVE BILL 777.** By Constitutional Revision and Recreation Committee: Reutzell, 15th District, Chairman; Carsten, 2nd District; Hefner, 19th District; Koch, 12th District; George, 16th District; Stoney, 4th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 37-501, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to provide for an additional offense for trapping as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 778.** By Vickers, 38th District.  
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend section 39-6,184, Revised Statutes Supplement, 1979, relating to rules of the road; to provide an additional weight restriction on certain vehicles; and to repeal the original section.

**LEGISLATIVE BILL 779.** By Landis, 46th District.  
This bill introduced on behalf of: the city of Lincoln.

A BILL FOR AN ACT to amend sections 39-2402, 39-2501, 39-2507, 39-2509, 39-2510, 39-2511, 39-2517, 39-2519, and 39-2520, Reissue Revised Statutes of Nebraska, 1943, relating to funds allocated to municipalities; to provide that certain funds may be used for public transportation purposes; to define a term; and to repeal the original sections.

**LEGISLATIVE BILL 780.** By Marsh, 29th District.  
This bill introduced on behalf of: Women, the county of Lancaster and city of Lincoln.

A BILL FOR AN ACT relating to the status of women; to authorize the establishment of a commission; and to state intent.

**LEGISLATIVE BILL 781.** By Stoney, 4th District.  
This bill introduced on behalf of: Davis School Service Teacher Placement, Omaha.

A BILL FOR AN ACT to amend section 48-518, Reissue Revised Statutes of Nebraska, 1943, relating to employment agencies; to increase a registration fee as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 782.** By Johnson, 8th District.  
This bill introduced on behalf of: Nebraska Civil Liberties Union.

A BILL FOR AN ACT to amend section 29-3523, Revised Statutes Supplement, 1978, relating to criminal history information; to define conditions when arrest records shall not be disseminated; to provide exceptions; and to repeal the original section.

**LEGISLATIVE BILL 533A.** By Fowler, 27th District.  
This bill introduced on behalf of: LB 533.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 533, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 184.** Title read. Considered.

Mr. Merz asked unanimous consent to add his name to LB 184. No objections. So ordered.

Standing Committee amendments found in the Journal on page 894 for the Forty-Sixth Day, First Session, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Fitzgerald renewed his pending amendment (Req. #2011) found in the Journal on page 255.

Mr. Wesely offered the following amendment to the Fitzgerald amendment:

Strike Section 2 of the Fitzgerald amendments to LB 184 printed on pages 255 and 256 of the Journal.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Murphy asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Wesely withdrew his amendment.

The Fitzgerald amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:

#### AMENDMENT TO LB 184

- 1 1. On page 2, line 8 after the underscored
- 2 period insert "The Nebraska Veterans' Home, Douglas
- 3 County, Nebraska, shall be established only if such
- 4 home meets the requirements of sections 71-5801 to
- 5 71-5872, Revised Statutes Supplement, 1979."

**SPEAKER MARVEL PRESIDING**

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

Mr. Wesely withdrew his amendment.

Advanced to E & R for Review with 36 ayes, 2 nays, 7 present and not voting, and 4 excused and not voting.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 184A.** By Labeledz, 5th District; Fitzgerald, 14th District; Venditte, 7th District; Nichol, 48th District.

This bill introduced on behalf of: LB 184.

**A BILL FOR AN ACT** to appropriate funds to aid in carrying out the provisions of Legislative Bill 184, Eighty-sixth Legislature, First Session, 1979.

**LEGISLATIVE BILL 783.** By Hefner, 19th District; Burrows, 30th District.

This bill introduced on behalf of: self.

**A BILL FOR AN ACT** to amend section 77-3423, Revised Statutes Supplement, 1979, relating to the Political Subdivision Budget Limit Act of 1979; to exempt certain political subdivisions as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 784.** By Fowler, 27th District; Wesely, 26th District.

This bill introduced on behalf of: Lincoln Alliance.

**A BILL FOR AN ACT** to amend section 79-902.01, Revised Statutes Supplement, 1979, relating to schools; to change provisions relating to election of certain board of education members as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 785.** By Warner, 25th District.

This bill introduced on behalf of: Nebraska Motor Carriers Association.

**A BILL FOR AN ACT** to amend section 39-6,180.01, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to permit partial use of a weight table; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 786.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Merz, 1st District; Landis, 46th District; Schmit, 23rd District; Powers, 9th District.  
This bill introduced on behalf of: some auctioneers.

A BILL FOR AN ACT to adopt the Nebraska Auctioneer License Act; to provide a penalty; to create a fund; to provide for severability; and to repeal sections 81-887.01 to 81-887.03, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 787.** By Carsten, 2nd District; Hefner, 19th District.  
This bill introduced on behalf of: Calvin F. Carsten.

A BILL FOR AN ACT relating to taxation; to tax certain classes of personal property; to provide partial exemption; to provide for reimbursement to taxing agencies; to provide for administration; to amend sections 77-202.25, 77-202.31, and 77-202.32, Reissue Revised Statutes of Nebraska, 1943, and section 77-202.30, Revised Statutes Supplement, 1978; and to repeal the original sections, and also sections 77-202.26 to 77-202.29, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202.36 to 77-202.40, and 77-202.42, Revised Statutes Supplement, 1978.

#### **NOTICE OF COMMITTEE HEARINGS** **Miscellaneous Subjects**

|        |                            |           |
|--------|----------------------------|-----------|
| LB 619 | Thursday, January 24, 1980 | 1:30 p.m. |
| LB 620 | Thursday, January 24, 1980 | 3:30 p.m. |
| LB 612 | Thursday, January 24, 1980 | 4:45 p.m. |

(Signed) Dave Newell, Chairperson

#### **STANDING COMMITTEE REPORT** **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 413.** Placed on General File as amended.  
Standing Committee amendments to LB 413:

- 1 1. On page 2, strike beginning with "The"
- 2 in line 1 through the period in line 5; in line 7 after
- 3 "delivered" insert a comma, strike "or", after "delivery"
- 4 insert ", or renewed", and after "state" insert "on or
- 5 after September 1, 1980,"; in line 12 strike "families"
- 6 and insert "dependents"; in line 14 strike "an employee"
- 7 and insert "the covered surviving spouse or covered

8 dependent children"; in line 16 strike "which"; in line 18  
 9 strike "allow continuance of" and insert "be entitled to  
 10 continue"; strike beginning with "by" in line 18 through  
 11 "children" in line 19; in line 25 strike "If there is a"  
 12 and insert "with respect to the", and strike "until" and  
 13 insert "the date"; and in line 26 before "surviving" insert  
 14 "covered".

15 2. On page 3, line 1 after the second "the"  
 16 insert "covered"; in line 2 before the semicolon insert  
 17 "or is covered by medicaid"; strike lines 3 through 6;  
 18 in line 7 strike "(c)" and insert "(b)"; in line 8 after  
 19 "the" insert "covered"; in line 9 before "dependent" insert  
 20 "covered"; in line 10 strike "(d)" and insert "(c)", and  
 21 after "the" and "or" insert "covered"; in line 13 strike  
 22 the second "or"; and in line 14 strike "(e)" and insert "(d)".

23 3. On page 3, line 18 after "agreement"  
 24 insert "; or (e) The date of expiration of a period of one  
 25 year following the date of the death of the covered employee".

26 4. On page 3, line 21 strike "charged" and  
 27 insert "established" and strike "had" and insert "for";  
 1 in line 22 before "surviving" insert "covered"; strike  
 2 beginning with "and" in line 22 through "right" in line 23  
 3 and insert "or covered dependent children had the deceased  
 4 employee still been a member of the insured group"; and  
 5 in line 24 before "surviving" and after "or" insert "covered".

6 5. On page 4, lines 4, 5, 8, and 9 before  
 7 "surviving" insert "covered"; in lines 13, 17, and 24 before  
 8 "surviving" each time it appears insert "covered"; in  
 9 line 5 before "dependent" insert "covered"; and in line 22  
 10 strike "ten" and insert "thirty-one", and strike "receipt  
 11 of the notice" and insert "the death of the employee".

(Signed) John DeCamp, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland, Dworak, Beutler, Wagner, Maresh, Merz, Newell,  
 Koch, Powers, Keyes, Fowler, Vickers, Goodrich, Johnson, DeCamp,  
 Simon, Cullan, Lewis, Wesely, Landis, Sieck, and Mrs. Marsh asked  
 unanimous consent to print the following amendment to LB 221 in the  
 Journal. No objections. So ordered.

1 1. On page 8, line 22 strike "any person, male  
 2 or female.", show as stricken, and insert "(a) for  
 3 purposes of consumption on the premises, any person under  
 4 nineteen years of age, and (b) for purposes of  
 5 consumption off the premises, any person"; and strike  
 6 the new matter in lines 24 through 26.

7 2. On page 12, line 27, strike "250" and insert  
 8 "500".

9 3. On page 13, strike lines 1 through 15, show  
 10 as stricken, and insert:  
 11

12 "3 MONTHS IMPRISONMENT  
 13 OR BOTH  
 14 IF UNDER 19 AND YOU PURCHASE  
 15 OR ATTEMPT TO PURCHASE  
 16 OR HAVE IN YOUR POSSESSION  
 17 ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT  
 18 FOR CONSUMPTION ON THE PREMISES  
 19 OR IF UNDER 21 and you purchase  
 20 OR ATTEMPT TO PURCHASE  
 21 OR HAVE IN YOUR POSSESSION  
 22 ALCOHOLIC LIQUOR FOR CONSUMPTION OFF THE PREMISES  
 23 AND  
 24 WARNING TO ADULTS  
 25 \$500 FINE  
 26 3 MONTHS IMPRISONMENT  
 27 OR BOTH  
 1 IF 19 OR OVER AND YOU PURCHASE ALCOHOLIC LIQUOR  
 2 FOR A PERSON UNDER 19  
 3 OR IF YOU PURCHASE ALCOHOLIC LIQUOR  
 4 FOR A PERSON UNDER 21  
 5 FOR CONSUMPTION OFF THE PREMISES  
 6 LAWS OF THE STATE OF NEBRASKA".

Mr. Haberman asked unanimous consent to print the following amendment to LB 605 in the Journal. No objections. So ordered.

Req. #2013

2 1. Strike original sections 1 to 3 and insert  
 3 the following:  
 4 "Section 1. (1) A person commits disorderly  
 5 conduct if, with intent to cause public inconvenience or  
 6 alarm, or recklessly creating a risk thereof, such  
 7 person: (a) Engages in fighting or violent behavior; or  
 8 (b) creates a hazardous condition by any act.  
 9 (2) Disorderly conduct is a Class III  
 10 misdemeanor.  
 11 Sec. 2. (1) A person is guilty of unlawful  
 12 assembly if such person assembles with three or more  
 13 other persons for the purpose of engaging in conduct  
 14 constituting disorderly conduct or, if being present at  
 15 an assembly that either has or develops such a purpose,  
 16 such person remains there with an intent to advance that  
 17 purpose.  
 18 (2) Unlawful assembly is a Class III misdemeanor.  
 19 Sec. 3. When three or more persons are  
 20 participating in a course of disorderly conduct which  
 21 threatens to cause violent and destructive interference  
 22 with the rights of others, a law enforcement officer may  
 23 order the participants and others in the immediate  
 24 vicinity to disperse. Any person who refuses or  
 25 knowingly fails to obey such an order shall be guilty of  
 1 a Class III misdemeanor."

- 2 2. In the title strike lines 2 to 5 and insert  
 3 the following:  
 4 "FOR AN ACT relating to crimes and punishments;  
 5 to provide the offenses of disorderly conduct  
 6 and unlawful assembly; to provide for  
 7 enforcement; and to provide penalties."

### GENERAL FILE

**LEGISLATIVE BILL 490.** Title read. Considered.

Mr. Hoagland moved to indefinitely postpone.

The motion prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 123.** Laid over at the request of Mr. Hefner.

**LEGISLATIVE BILL 572.** Title read. Considered.

Mr. Nichol renewed his pending amendment found in the Journal on page 1768, First Session.

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

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

**LEGISLATIVE BILL 319.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1111 for the Fifty-Fourth Day, First Session, were adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1597, First Session.

Mr. Dworak renewed his pending amendment found in this day's Journal.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 788.** By Sieck, 24th District.

This bill introduced on behalf of: John Brogan, Attorney.

A BILL FOR AN ACT to amend section 79-403, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change requirements for transfer of land by freeholder petition; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 789.** By Chambers, 11th District; Goodrich, 20th District.

This bill introduced on behalf of: children.

A BILL FOR AN ACT to amend section 43-512, Reissue Revised Statutes of Nebraska, 1943, relating to aid to dependent children payments; to increase the maximum aid as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 790.** By LR 154 Committee: Chambers, 11th District; DeCamp, 40th District; Reutzel, 15th District; Landis, 46th District; Fowler, 27th District; Johnson, 8th District.

This bill introduced on behalf of: County Attorneys Association.

A BILL FOR AN ACT relating to county attorneys; to create the Nebraska County Attorney Standards Advisory Board; to provide for powers and duties for such board; to require county attorneys and deputy county attorneys to complete required continuing legal education as prescribed; to provide for powers and duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to provide for the removal from office of county attorneys and deputy county attorneys as prescribed; to provide for the payment of tuition, fees, and other expenses incurred for continuing legal education as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 791.** By LR 169 Committee: Newell, 13th District, Chairman; Beutler, 28th District; Fowler, 27th District; Koch, 12th District; Johnson, 8th District; Simon, 31st District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 14-116 and 14-360, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to change provisions relating to sewerage and drainage; and to repeal the original sections.

**LEGISLATIVE BILL 792.** By Dworak, 22nd District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 60-404, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle operators' licenses; to provide for issuance of operators' licenses by any county as prescribed; to provide for reimbursement of expenses; and to repeal the original section.

### RECESS

At 12:08 p.m., on a motion by Mr. Nichol, the Legislature recessed until 1:40 p.m.

### AFTER RECESS

The Legislature reconvened at 1:52 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Kremer, and Murphy who were excused; and Messrs. Haberman, Lewis, Simon, Mesdames Labeledz, and Marsh who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 483.** Title read. Considered.

Standing Committee amendments (Req. #2663) referred to in the Journal on page 1148 for the Fifty-Fifth Day, First Session, were adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Mr. Venditte moved to recommit LB 483 to the Judiciary Committee.

The motion lost with 8 ayes, 21 nays, and 20 not voting.

Mr. Newell withdrew his pending amendment found in the Journal on page 1739, First Session.

Mr. Newell renewed his pending amendment found in the Journal on page 148.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Johnson offered the following amendment:

To amend the Committee Amendment (Req. 2663) to LB 483 by striking Section 21 and 23.

Mr. Kelly offered the following amendment to the Johnson amendment:

Reinstate stricken paragraph in section 23; insert new item (H) ct. approved adoptive parent in Pg. 9 1. 16 of Req #2683.

### MR. CLARK PRESIDING

The Kelly amendment lost with 5 ayes, 18 nays, 22 present and not voting, and 4 excused and not voting.

### SPEAKER MARVEL PRESIDING

The Johnson amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Advanced E & R for review with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

### UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

- 1 1. On page 2, line 1 after "1980," insert
- 2 "the county board of any county may provide that",
- 3 and after "person" insert "within such county"; in line
- 4 7 strike "After" and insert "If the county board has
- 5 prohibited the sale or supply of rubber tires equipped
- 6 with studs or spikes and the sale or supply of studs
- 7 or spikes for installation in tires in such county,
- 8 after", and after "person" insert "within such county";
- 9 in line 13 strike "state" and insert "county"; and in
- 10 lines 26 and 27 reinstate the stricken matter.
- 11 2. On page 3 reinstate the stricken matter
- 12 in lines 1 through 4 and in line 4 after the reinstated
- 13 "15" insert ", unless a county board under section 1
- 14 of this act establishes such prohibition for such
- 15 county"; in line 7 reinstate the stricken "(2)"; in

16 line 9 reinstate the stricken comma; and in line 10  
 17 strike the new matter and reinstate the stricken matter.  
 18 3. Strike original section 4 and insert the  
 19 following new section:  
 20 "Sec. 4. Any person violating this act shall be  
 21 guilty of a Class V misdemeanor."

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 793.** By Keyes, 3rd District.  
 This bill introduced on behalf of: Credit Union.

A BILL FOR AN ACT to amend section 21-17,120.01, Revised Statutes Supplement, 1979, relating to credit unions; to provide the same advantages as a federal credit union; and to repeal the original section.

**LEGISLATIVE BILL 794.** By Appropriations Committee: Warner, 25th District, Chairman; Dworak, 22nd District; Rumery, 42nd District; Fowler, 27th District; Marsh, 29th District; Cope, 36th District; Hoagland, 6th District.  
 This bill introduced on behalf of: Department of Corrections.

A BILL FOR AN ACT to amend sections 83-108.02, 83-108.03, 83-905, and 83-915, Reissue Revised Statutes of Nebraska, 1943, and section 83-173, Revised Statutes Supplement, 1979, relating to the Department of Correctional Services; to change the duties of the director; to change provisions relating to prisoner classification; to substitute a term; to harmonize provisions; to provide for the issuance of warrants as prescribed; to provide for additional means of investing funds; to provide duties for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 795.** By Schmit, 23rd District.  
 This bill introduced on behalf of: private purchasers of grain cars.

A BILL FOR AN ACT to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1979, relating to sales tax; to redefine a term; to change provisions relating to railroad rolling stock; to provide an exemption; and to repeal the original sections.

**LEGISLATIVE BILL 796.** By Keyes, 3rd District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to funds; to amend sections 39-2401 and 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 39-2215, Revised Statutes Supplement, 1979; to provide that certain funds from the sales and use tax on vehicles be placed in the Highway Trust Fund rather than the Highway Allocation Fund as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 797.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Kahle, 37th District; Nichol, 48th District; DeCamp, 40th District.  
This bill introduced on behalf of: Nebraska Brand Committee.

A BILL FOR AN ACT to amend sections 54-104, 54-109, 54-109.01, 54-112, 54-118, 54-119, 54-131, 54-133.01, 54-134.07, 54-135, 54-137, 54-140, 54-141, 54-143, 54-145.02, 54-147, 54-148, and 54-150, Reissue Revised Statutes of Nebraska, 1943, section 81-195, Revised Statutes Supplement, 1978, and sections 54-101, 54-133.03, 54-153.01, 54-156, and 54-415, Revised Statutes Supplement, 1979, relating to livestock; to change provisions relating to brand recorder; to provide for in-herd identification brands; to change procedure for removing territory from a brand inspection area; to provide for the legislative purpose of the Nebraska Brand Committee; to provide duties for the committee's secretary; to provide for reimbursement of expenses of committee members; to provide for shipper certificate requirements; to provide for proof of ownership of livestock; to provide for disposition of estrays; to provide for penalties; to provide for the continuation of the Nebraska Brand Committee; to eliminate assessments on brands; to repeal provisions for adding territory to a brand inspection area; to eliminate certain duties of the brand recorder; to repeal the original sections, and also sections 54-113, 54-133.02, 54-134.01 to 54-134.06, 54-134.08, and 54-137.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 798.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Simon, 31st District; Powers, 9th District; Fitzgerald, 14th District; DeCamp, 40th District.  
This bill introduced on behalf of: Nebraska Labor Department.

A BILL FOR AN ACT to amend section 48-665, Reissue Revised Statutes of Nebraska, 1943, relating to the Employment Security Law; to change liability provisions regarding benefits received to which an individual was not entitled; and to repeal the original section.

**NOTICE OF COMMITTEE HEARINGS**  
**Appropriations**

Wednesday, January 23, 1980  
 1:30 p.m., Room 1003  
 Sarah T. Muir Memorial Hearing Room  
 State Capitol Building

**Budget Hearings:**

Department of Roads:  
 Capital Construction  
 Operations  
 Motor Vehicle Dealers' Licensing Board  
 Commission on the Status of Women  
 State Energy Office

(Signed) Jerome Warner, Chairperson

**Agriculture and Environment**

|        |                            |           |
|--------|----------------------------|-----------|
| LB 687 | Thursday, January 24, 1980 | 2:00 p.m. |
| LB 644 | Thursday, January 24, 1980 | 2:30 p.m. |
| LB 631 | Friday, January 25, 1980   | 2:00 p.m. |
| LB 633 | Friday, January 25, 1980   | 2:00 p.m. |
| LB 705 | Friday, January 25, 1980   | 2:00 p.m. |

(Signed) Loran Schmit, Chairperson

**Urban Affairs**

|        |                             |      |
|--------|-----------------------------|------|
| LB 602 | Wednesday, January 23, 1980 | 1:30 |
| LB 645 | Wednesday, January 23, 1980 | 1:30 |
| LB 654 | Wednesday, January 23, 1980 | 1:30 |
| LB 629 | Wednesday, January 30, 1980 | 1:30 |
| LB 614 | Wednesday, January 30, 1980 | 1:30 |
| LB 703 | Wednesday, January 30, 1980 | 1:30 |
| LB 655 | Wednesday, February 6, 1980 | 1:30 |
| LB 659 | Wednesday, February 6, 1980 | 1:30 |
| LB 660 | Wednesday, February 6, 1980 | 1:30 |

(Signed) Walter George, Chairperson

**MOTION - Withdraw LB 364**

Mr. Wesely moved to withdraw LB 364.

Motion pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 733 in the Journal. No objections. So ordered.

- 1 Section 1. That section 25-1640, Revised  
2 Statutes Supplement, 1979, be amended to read as follows:  
3 25-1640. Any person who is summoned to serve on  
4 jury duty shall not be subject to discharge from  
5 employment, loss of pay, loss of sick leave, loss of  
6 vacation time, or any other form of penalty, as a result  
7 of his or her absence from employment due to such jury  
8 duty, upon giving reasonable notice to his or her  
9 employer of such summons. No employer shall subject an  
10 employee to discharge, loss of pay, loss of sick leave,  
11 loss of vacation time, or any other form of penalty on  
12 account of his or her absence from employment by reason  
13 of jury duty, except that an employer may reduce the pay  
14 of an employee by an amount equal to any compensation,  
15 other than expenses, paid by the court for jury duty.  
16 Any person violating the provisions of this section shall  
17 be guilty of a Class IV misdemeanor.  
18 Sec. 2. That original section 25-1640, Revised  
19 Statutes Supplement, 1979, is repealed.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 708; and 736 through 745; and 747 through 749; and 751 through 758; and 760 through 785; and 787 through 790 for the approval of the Nebraska State Legislature. The Executive Board also reports that legislative bills 630 and 632 have been re-referred to the Agriculture and Environment Committee.

| <b>LB</b> | <b>Committee</b>                       |
|-----------|--|
| 708       | Public Works                           |
| 736       | Judiciary                              |
| 737       | Judiciary                              |
| 738       | Agriculture and Environment            |
| 739       | Public Works                           |
| 740       | Constitutional Revision and Recreation |
| 741       | Judiciary                              |

|     |   |
|-----|---|
| 742 | Revenue                                   |
| 743 | Public Works                              |
| 744 | Urban Affairs                             |
| 745 | Miscellaneous                             |
| 747 | Appropriations                            |
| 748 | Miscellaneous Subjects                    |
| 749 | Judiciary                                 |
| 751 | Urban Affairs                             |
| 752 | Public Health and Welfare                 |
| 753 | Public Health and Welfare                 |
| 754 | Public Health and Welfare                 |
| 755 | Agriculture and Environment               |
| 756 | Agriculture and Environment               |
| 757 | Public Works                              |
| 758 | Education                                 |
| 760 | Government, Military and Veterans Affairs |
| 761 | Business and Labor                        |
| 762 | Judiciary                                 |
| 763 | Public Health and Welfare                 |
| 764 | Education                                 |
| 765 | Education                                 |
| 766 | Government, Military and Veterans Affairs |
| 767 | Appropriations                            |
| 768 | Appropriations                            |
| 769 | Education                                 |
| 770 | Education                                 |
| 771 | Education                                 |
| 772 | Education                                 |
| 773 | Education                                 |
| 774 | Education                                 |
| 775 | Revenue                                   |
| 776 | Public Works                              |
| 777 | Constitutional Revision and Recreation    |
| 778 | Public Works                              |
| 779 | Public Works                              |
| 780 | Government, Military and Veterans Affairs |
| 781 | Business and Labor                        |
| 782 | Judiciary                                 |
| 783 | Revenue                                   |
| 784 | Education                                 |
| 785 | Public Works                              |
| 787 | Revenue                                   |
| 788 | Education                                 |
| 789 | Public Health and Welfare                 |
| 790 | Judiciary                                 |

630 Re-referral: Agriculture and Environment  
 632 Re-referral: Agriculture and Environment

(Signed) Frank Lewis, Chairperson  
 Executive Board

### GENERAL FILE

**LEGISLATIVE BILL 442.** Title read. Considered.

Standing Committee amendment found in the Journal on page 1261 for the Fifty-Eighth Day, First Session, was considered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Beutler requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 21:

|         |          |        |         |        |
|---------|----------|--------|---------|--------|
| Barrett | Hefner   | Lamb   | Pirsch  | Wesely |
| Beutler | Hoagland | Landis | Sieck   |        |
| Clark   | Johnson  | Maresh | Vickers |        |
| Cope    | Kahle    | Merz   | Wagner  |        |
| George  | Kennedy  | Nichol | Warner  |        |

Voting in the negative, 22:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Burrows    | Fitzgerald | Koch     | Newell  | Stoney   |
| Carsten    | Fowler     | Labeledz | Powers  | Venditte |
| Chronister | Goodrich   | Lewis    | Reutzel |          |
| DeCamp     | Haberman   | Marsh    | Rumery  |          |
| Dworak     | Keyes      | Marvel   | Simon   |          |

Present and not voting, 2:

Chambers Kelly

Excused and not voting, 3:

Cullan Kremer Murphy

Absent and not voting, 1:

Schmit

Standing Committee amendments lost with 21 ayes, 22 nays, 2 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title.

**LEGISLATIVE BILL 799.** By LR 154 Committee: Landis, 46th District; Reutzell, 15th District; Chambers, 11th District; Fowler, 27th District; DeCamp, 40th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 29-2221, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide how certain convictions are construed for purposes of habitual criminal determination; and to repeal the original section.

**LEGISLATIVE BILL 800.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Powers, 9th District; Landis, 46th District; Simon, 31st District; Fitzgerald, 14th District.

This bill introduced on behalf of: Department of Labor.

A BILL FOR AN ACT to amend sections 48-625, 48-626, and 48-652, Reissue Revised Statutes of Nebraska, 1943, and sections 48-602 and 48-628, Revised Statutes Supplement, 1979, relating to the Employment Security Law; to eliminate the benefit unit system; to change provisions relating to computation of weekly benefits; to eliminate a disqualification for benefits; to provide a disqualification for individuals receiving government payments as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

### **VISITORS**

Visitors to the Chamber were 25 seniors and teacher from Pius X High School, Lincoln.

**ADJOURNMENT**

At 4:05 p.m., on a motion by Mr. Lewis, the Legislature adjourned until 9:00 a.m., Thursday, January 17, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTH DAY - JANUARY 17, 1980**

**LEGISLATIVE JOURNAL**

SEVENTH DAY - JANUARY 17, 1980

## LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION

## SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 17, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

## PRAYER

The prayer was offered by the Chaplain.

O God, may the sudden changes of weather in the past few days remind us that all things in life change, and that whatever our present mood of the moment may be, it too will change. Amid these changes may we find those constant factors of faith and hope and love to keep us secure. As we take this moment for prayer, charge our beings with a current of gratitude, that whatever may be our momentary mood or fortune, we may find reason to be grateful to you.

We thank you for patience that helps us bridge desire and fulfillment; for unwise prayers that went unanswered, sparing us heavy pain; for the unwelcome new that led us to discover in ourselves capacities we never dreamed were there; for ancient words of wisdom that blaze with light and meaning as our circumstances change; for the winsome example of great leaders that excites the trust of young and old of every generation; and for Your mercy that holds us fast even when we are hardly worth the holding. Let the joy of what You are indwell our souls, so even in the worst of times our hearts may love You, our voices may speak Your truth, and our deeds may accomplish Your will. Amen.

## ROLL CALL

The roll was called and all members were present except Mesdames Labedz, Pirsch, Messrs. Beutler, Cullan, Johnson, Newell, and Reutzler who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Sixth Day was approved.

**REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 16, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Birtwell, Kathleen Ayres - Lincoln, Nebraska Bankers Association  
Crowl, Ralph E. - Omaha (Withdrawn 1/11/80), Nebraska State Council of Electrical Workers; Nebraska State AFL-CIO  
Dunlevey, James E. - Lincoln, National Association of Theatre Owners of Nebraska  
Johnston, Paul - Lincoln, Nebraska Livestock Feeders Association  
Messersmith, Rex - Lincoln, Nebraska Livestock Feeders Association  
Noren, Charles F. - Lincoln, Nebraska Wholesale Suppliers Association; ABATE of Nebraska, Inc.  
O'Hara, Paul V. - Lincoln, Omaha Public Power District  
Ryan, James E. - Omaha, Nebraska Optometric Association, Inc. (Withdrawn 1/10/80); Sell Nebraska Committee  
Statmore, Clay - Lincoln (Withdrawn 1/10/80), Common Cause/Nebraska  
Tews and Radcliffe:  
Radcliffe, Walter H. - Lincoln, Singleton Ranch, Inc.  
Tiehen, Mary Anne - Bellevue, Nebraska Coalition for Life, Inc.  
Wunderlich, LaRue - Roca (Withdrawn 5/1/79), Citizens for Fair Motorcycle Legislation; Nebraskans for Public Radio, Inc.

**REPORTS**

Received State Agency Audits released July through December, 1979 from the Auditor of Public Accounts on the following agencies: Revenue, Treasurer, State Patrol - Drug Control, Educational Television, Secretary of State, Legislative Council, Technical Community Colleges, Military, District Courts, Environmental Control, Board of Examiners - Professional Engineers and Architects, Water Resources, Welfare, Library Commission, Roads, Supreme Court, Investment Council, and Retirement. (Audits on file in the Clerk's Office.)

## ATTORNEY GENERAL'S OPINION

Opinion No. 194

January 16, 1980

Dear Senator Simon:

You draw our attention to LB 614. LB 614 amends sections 16-691.02 and 17-609, R.R.S. 1943, by striking the authority existing for cities of the first class, second class, and villages to transfer excess operating revenues from certain publicly operated utilities to the general fund of such political subdivision.

Your question is whether such transfers would be prohibited under the provisions of section 77-3412 through section 77-3432, R.S. Supp., 1979, commonly known as the lid bill. Your intention in seeking this answer is to determine whether or not LB 614 is a necessary bill. Section 77-3423 provides that no governing body may increase their budget in such a manner that the anticipated combined receipts will exceed an increase of seven percent over the combined receipts budget base. Section 77-3421 defines combined receipts as those funds received by a political subdivision as defined in sections 77-3419 and 77-3420. Section 77-3419 defines local tax sources and includes funds received from the tax or taxes authorized to be levied by law. Section 77-3420 defines state tax sources to mean funds received by a political subdivision, the source of which is a tax imposed or levied by the State of Nebraska.

Operating revenues of a municipal utility are not a tax. Rather, they are a fee or charge for services rendered. As such they are not within the purview of section 77-3412, et seq., R.S. Supp., 1979.

Sincerely,

PAUL L. DOUGLAS

Attorney General

(Signed) Patrick T. O'Brien

Assistant Attorney General

PTO:ejg

cc Patrick J. O'Donnell  
Clerk of the Legislature

## BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 801.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Sieck, 24th

District; Fitzgerald, 14th District; Powers, 9th District; Lewis, 45th District. This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 23-343.75, 23-343.93, and 23-343.99, Reissue Revised Statutes of Nebraska, 1943, relating to the Hospital Authorities Act; to restate legislative intent; to change duties as prescribed; to change provisions for the issuance of bonds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 802.** By Wagner, 41st District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 46-202, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to provide for the appropriation of certain water in the Missouri River as prescribed; and to repeal the original section.

**MEMBER'S BIRTHDAY**

The Speaker announced today is Mr. Lewis' birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 221.** Title read. Considered.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 122 temporarily.

Mr. Koch moved to indefinitely postpone.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Kelly requested a record vote on the Koch motion to indefinitely postpone.

Voting in the affirmative, 14:

|         |          |        |         |        |
|---------|----------|--------|---------|--------|
| Beutler | Goodrich | Koch   | Newell  | Simon  |
| DeCamp  | Johnson  | Landis | Reutzel | Wesely |
| Fowler  | Keyes    | Lewis  | Schmit  |        |

Voting in the negative, 31:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Dworak   | Kremer   | Murphy | Venditte |
| Burrows    | George   | Labeledz | Nichol | Wagner   |
| Carsten    | Haberman | Lamb     | Pirsch | Warner   |
| Chambers   | Hefner   | Maresh   | Powers |          |
| Chronister | Kahle    | Marsh    | Rumery |          |
| Clark      | Kelly    | Marvel   | Sieck  |          |
| Cope       | Kennedy  | Merz     | Stoney |          |

Present and not voting, 3:

Fitzgerald Hoagland Vickers

Excused and not voting, 1:

Cullan

The motion to indefinitely postpone lost with 14 ayes, 31 nays, 3 present and not voting, and 1 excused and not voting.

The Hoagland et al pending amendment found in the Journal on page 282 was renewed.

Mr. Newell asked unanimous consent to have his name deleted from the Hoagland et al amendment. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Mr. Kelly requested a record vote on the Hoagland et al amendment.

Voting in the affirmative, 26:

|            |            |         |          |        |
|------------|------------|---------|----------|--------|
| Beutler    | Fitzgerald | Johnson | Marsh    | Wagner |
| Carsten    | Fowler     | Keyes   | Merz     | Wesely |
| Chronister | George     | Koch    | Newell   |        |
| Clark      | Goodrich   | Landis  | Reutzell |        |
| DeCamp     | Hefner     | Lewis   | Simon    |        |
| Dworak     | Hoagland   | Maresh  | Vickers  |        |

Voting in the negative, 18:

|          |          |        |        |          |
|----------|----------|--------|--------|----------|
| Barrett  | Haberman | Lamb   | Powers | Venditte |
| Burrows  | Kelly    | Marvel | Rumery | Warner   |
| Chambers | Kremer   | Nichol | Schmit |          |
| Cope     | Labeledz | Pirsch | Stoney |          |

Present and not voting, 4:

Kahle            Kennedy        Murphy        Sieck

Excused and not voting, 1:

Cullan

The Hoagland et al amendment was adopted with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

Messrs. Hoagland, Dworak, and Wagner offered the following amendment:

1. In the Hoagland et al amendment on page 282 of the Journal on page 1 strike beginning with the semicolon in line 5 through "26" in line 6.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

The Hoagland, Dworak, and Wagner amendment was adopted with 26 ayes, 11 nays, 11 present and not voting, and 1 excused and not voting.

Mr. Kelly requested a record vote to advance LB 221 to E & R for Review.

Voting in the affirmative, 35:

|            |            |         |          |          |
|------------|------------|---------|----------|----------|
| Barrett    | Dworak     | Kelly   | Marsh    | Rumery   |
| Beutler    | Fitzgerald | Kennedy | Marvel   | Sieck    |
| Burrows    | George     | Kremer  | Merz     | Stoney   |
| Carsten    | Haberman   | Lamb    | Murphy   | Venditte |
| Chronister | Hefner     | Landis  | Nichol   | Vickers  |
| Clark      | Hoagland   | Lewis   | Powers   | Wagner   |
| Cope       | Kahle      | Maresh  | Reutzell | Warner   |

Voting in the negative, 9:

|          |         |          |        |        |
|----------|---------|----------|--------|--------|
| Fowler   | Johnson | Labeledz | Pirsch | Wesely |
| Goodrich | Koch    | Newell   | Simon  |        |

Present and not voting, 4:

Chambers DeCamp Keyes Schmit

Excused and not voting, 1:

Cullan

Advanced to E & R for Review with 35 ayes, 9 nays, 4 present and not voting, and 1 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Maresh asked unanimous consent to print the following amendment to LB 44 in the Journal. No objections. So ordered.

- 1 1. On page 3 line 24 strike "twenty-three"
- 2 and insert "twenty-six".
- 3 2. On page 5 line 12 strike "1979" and insert
- 4 "1980".

**RESOLUTION**

**LEGISLATIVE RESOLUTION 187.**

Introduced by Sieck, 24th District; Maresh, 32nd District; Kremer, 34th District.

WHEREAS, the Legislature is aware of the contribution of religious services and teachings to the rehabilitative and other goals of the correctional institutions of this state; and

WHEREAS, a center for religious services and other purposes which can serve persons of all faiths and beliefs, will contribute to the objectives and functions of a correctional institution, and the personal growth of its residents; and

WHEREAS, there is now no chapel or meeting hall at the Nebraska Center for Women at York; and

WHEREAS, there is currently a proposed donation to the Nebraska Center for Women to be used to build such a chapel and meeting hall in order to serve women of all faiths and beliefs.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Legislature authorize the Director of Correctional Institutions to establish a fund composed of donations and other gifts to be used to build an all faiths chapel and meeting hall at the Nebraska Center for Women at York.

2. That the chapel and meeting hall be built at no cost to the State of Nebraska under the authority and with the approval of the Director of Correctional Institutions who shall consult with persons of all faiths and beliefs.

Laid over.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 803.** By Venditte, 7th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 29-2203, Revised Statutes Supplement, 1978, relating to criminal procedure; to provide that the defendant prove insanity or mental derangement by a preponderance of the evidence; and to repeal the original section.

**LEGISLATIVE BILL 804.** By Venditte, 7th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1979, relating to motor vehicle operators' licenses; to change certain age provisions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 805.** By Venditte, 7th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 60-408 and 60-411.01, Reissue Revised Statutes of Nebraska, 1943, and section 60-407, Revised Statutes Supplement, 1979, relating to motor vehicles; to change provisions relating to renewal of licenses as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 806.** By LR 154 Committee: Chambers, 11th District, Chairman; Reutzell, 15th District; Fowler, 27th District; Landis, 46th District; Schmit, 23rd District, DeCamp, 40th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 29-1401, 29-1401.01, and 29-1408, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedures; to provide a grand jury for certain official actions; to provide a special prosecutor as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 807.** By Sieck, 24th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 46-612.01, Revised Statutes Supplement, 1979, relating to ground water; to change provisions relating to mechanical devices on pumps to prevent pollution; to provide duties; to increase a penalty; and to repeal the original section.

**LEGISLATIVE BILL 808.** By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Venditte, 7th District; Chronister, 18th District; Wagner, 41st District, Reutzel, 15th District.  
This bill introduced on behalf of: Shirley Marsh.

A BILL FOR AN ACT relating to the Department of Correctional Services; to permit the transfer of prisoners to foreign countries as prescribed.

**LEGISLATIVE BILL 809.** By Newell, 13th District; Labeledz, 5th District.  
This bill introduced on behalf of: Omaha and Lincoln Educators.

A BILL FOR AN ACT to amend section 79-1255, Reissue Revised Statutes of Nebraska, 1943, relating to fourth and fifth class schools; to redefine a term; to change procedures for contracting with teachers or administrators; to provide procedure for terminating such contracts; to restrict board members from voting as prescribed; to repeal the original section, and also sections 79-1256 to 79-1260, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 810.** By Hefner, 19th District.  
This bill introduced on behalf of: State Fire Marshal.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-538, Revised Statutes Supplement, 1978; to clarify a penalty provision; to authorize a ban on open burning as prescribed; to provide a waiver; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 811.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Powers, 9th District; Landis, 46th District; Kahle, 37th District; Fitzgerald, 14th District; Simon, 31st District; DeCamp, 40th District.

This bill introduced on behalf of: American Arbitration Association.

A BILL FOR AN ACT to adopt the Uniform Arbitration Act; and to provide for severability.

**LEGISLATIVE BILL 812.** By Reutzell, 15th District.

This bill introduced on behalf of: Nebraska State Education Association.

A BILL FOR AN ACT to amend sections 32-215 and 32-216, Reissue Revised Statutes of Nebraska, 1943, relating to registration of electors; to provide that public high schools be used as a place of registration for enrolled students and staff as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 813.** By Fowler, 27th District; Labeledz, 5th District.

This bill introduced on behalf of: State of Nebraska Advisory Panel on Aging.

A BILL FOR AN ACT relating to public transportation; to amend sections 19-3908, 75-303, and 79-487, Reissue Revised Statutes of Nebraska, 1943; to authorize certain contracts; to exempt certain motor carriers from regulation by the Public Service Commission; and to repeal the original sections.

**LEGISLATIVE BILL 814.** By Johnson, 8th District.

This bill introduced on behalf of: the citizenry.

A BILL FOR AN ACT to adopt the Uniform Fraudulent Conveyance Act; and to repeal sections 36-101, 36-102, 36-201, 36-204, 36-205, 36-206, 36-401, 36-403, 36-405, 36-406, and 36-407, Reissue Revised Statutes of Nebraska, 1943.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 108.** Replaced on Select File as amended. E & R amendments to LB 108:

1. On page 2, line 2, page 4, line 27, and in the title, line 3, strike "1978" and insert "1979".
2. On page 2, lines 3, 14, 18, 20, 21, 22, 25, and 26; page 3, lines 1, 21, and 24; and page 4, line 6, strike "court" and insert "commission".
3. On page 3, line 16, insert an underscored period after "unit".

**LEGISLATIVE BILL 222.** Placed on Select File as amended.  
E & R amendments to LB 222:

1. In section 2, insert "and" at the end of lines 13 and 19.
2. In section 4, insert "and" at the end of line 10.
3. In section 5, insert "and" at the end of subdivision (6).
4. In section 6, line 4, strike the first comma and strike "1978" and insert "1979".
5. In section 7, insert "and" at the end of subdivision (3).
6. In section 9, lines 5 and 6, strike "more specifically defined", and insert "set forth".
7. In section 10, insert "or" at the end of subdivision (6); and in subdivision (7), line 1, strike "Or suddenly" and insert "Suddenly" and also in subdivision (7), lines 14, 15, and 18, strike the semicolons and insert commas.
8. In section 11, lines 4 and 5, strike the semicolon and insert a comma.
9. In section 12, lines 1 and 2, strike "where" and insert "when".
10. In section 14, strike line 7, and insert "Revised Statutes Supplement, 1978. When the county attorney is absent".
11. In section 15, line 7, strike "whose"; and strike lines 10 and 11 and insert "bate Code.".
12. In section 16, lines 2 and 3, strike "where" and insert "when".
13. In section 17, line 3, strike "section 84-306 to section" and insert "sections 84-306 to"; and after "1943" insert ", and amendments thereto".
14. In section 18, insert a period at the end of line 5 and strike line 6.
15. In section 19, strike beginning with "for" in line 3 through the second comma in line 4 and insert "and, upon conviction thereof,".
16. In the title, strike lines 2 to 11 and insert:  
"FOR AN ACT to adopt the Nebraska Forensic Medical Examiner Act.".

**LEGISLATIVE BILL 222A.** Placed on Select File as amended.  
E & R amendment to LB 222A:

1. On page 2, line 3, strike "1979" and insert "1980"; in line 4 strike "1980" and insert "1981"; and strike beginning with "Board" in line 4 through the first comma in line 5 and insert "Nebraska Forensic Medical Examiner Advisory Board,".

**LEGISLATIVE BILL 525.** Placed on Select File.

**LEGISLATIVE BILL 526.** Placed on Select File as amended.  
E & R amendments to LB 526:

1. In the title, line 2, insert "to amend section 80-903, Reissue Revised Statutes of Nebraska, 1943," after "ACT"; and in line 4 insert "; and to repeal the original section" after "credits".
2. Renumber original section 1 as section 2.

**LEGISLATIVE BILL 203.** Placed on Select File.

**LEGISLATIVE BILL 261.** Placed on Select File as amended.  
E & R amendment to LB 261:

1. On page 3, line 5, strike "To" and insert "Constitutional amendment to".

(Signed) Don Wesely, Chairperson

#### UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 221 in the Journal. No objections. So ordered.

- 1 1. Insert the following new section:
- 2 "Sec. 4. Any person who shall be injured in
- 3 person, property, or means of support by any intoxicated
- 4 minor or resulting from the intoxication of any minor,
- 5 shall have a right of action for all damages actually
- 6 sustained against any person who sells or gives any
- 7 alcoholic liquor to such minor. The right of action
- 8 provided under this section shall be in addition to any
- 9 other right of action such person may have."
- 10 2. Renumber remaining sections accordingly.

#### GENERAL FILE

**LEGISLATIVE BILL 507.** Laid over at the request of Mr. Kremer.

**LEGISLATIVE BILL 497.** Title read. Considered.

Mr. Schmit moved to indefinitely postpone.

The motion prevailed with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 304.** Laid over at the request of Mr. Koch.

**LEGISLATIVE BILL 185.** Title read. Considered.

Mr. Newell moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Advanced to E & R for Review with 27 ayes, 8 nays, and 14 not voting.

Mr. Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

**LEGISLATIVE BILL 186.** Title read. Considered.

Mr. Newell moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Failed to advance to E & R for Review with 24 ayes, 15 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 166.** Title read. Considered.

Standing Committee amendment found in the Journal on page 1308 for the Sixtieth Day lost with 20 ayes, 25 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Kremer asked unanimous consent to be excused until 1:30 p.m. No objections. So ordered.

Mr. Lewis offered the following amendment:

1       1. In the Standing Committee Amendments strike  
2 all underscoring and on page 1, line 7 after “unless”  
3 insert “(1)” and in line 11 after “corporations” insert  
4 “or (2) the truth and deception examination focuses  
5 on the employer’s business or industry, the inquiry  
6 is pertinent to such business or industry, and the  
7 questions to be used are on file with the Attorney  
8 General”.

Amendment pending.

Laid over at the request of Mr. Lewis.

The Chair declared the Call raised.

**LEGISLATIVE BILL 485.** Laid over at the request of Mr. Lewis.

**LEGISLATIVE BILL 485A.** Laid over at the request of Mr. Lewis.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 283.** Laid over at the request of Mr. Goodrich.

**LEGISLATIVE BILL 496.** Laid over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 481.** Title read. Considered.

Standing Committee amendments (Req. #2669) found in the Journal on page 1745 for the Seventy-Fifth Day, First Session, were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. DeCamp offered the following amendment:

To amend LB 481 as follows:

1. On page 7 line 17 strike “:”; strike lines 18 thru 22; in line 23 strike “(2) Any” and insert “any”.
2. On page 10 strike lines 2 thru 5.

Amendment pending.

Laid over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 488.** Title read. Considered.

Mr. Newell moved to indefinitely postpone.

The motion prevailed with 23 ayes, 6 nays, 15 present and not voting, and 5 excused and not voting.

**NOTICE OF COMMITTEE HEARING**  
**Appropriations**

Thursday, January 24, 1980 through  
Friday, February 15, 1980  
Room 1003, Sarah T. Muir Memorial Hearing Room

**THURSDAY, JANUARY 24 - 1:30 p.m.**

**Budget Hearings:**

State Board of Nursing  
State Athletic Commissioner  
State Fire Marshal  
State Claims Board  
Crime Victims' Reparations Board

**FRIDAY, January 25 - 1:30 p.m.**

**Public Hearing:**

LB 747—Relating to Records Management Act

**Budget Hearings:**

Secretary of State:  
Capital Construction Operations  
Oil and Gas Conservation Commission  
State Racing Commission  
Department of Agriculture  
Nebraska Library Commission

**MONDAY, JANUARY 28 - 1:30 p.m.**

**Public Hearing:**

LB 767 and LB 768—Governor's 1979-80  
Supplemental Appropriations Bill

**TUESDAY, JANUARY 29 - 1:30 p.m.**

**Budget Hearings:**

Board of Pardons and Parole  
Board of Jail Standards  
Department of Correctional Services:  
Capital Construction Operations

**Public Hearing:**

LB 592—Supplemental Benefits for State Employees

**WEDNESDAY, JANUARY 30 - 1:30 p.m.**

**Public Hearing:**

LB 652—Increase State Employee Mileage  
Reimbursement

**Budget Hearings:**

Nebraska Brand Committee

Military Department  
Department of Revenue

THURSDAY, JANUARY 31 - 1:30 p.m.

Public Hearing:

LB 669—Create Water Conservation and  
Development Cash Fund and Provide One  
Cent Cigarette Tax Revenue

Budget Hearings:

Natural Resources Commission  
Department of Water Resources  
Department of Environmental Control

FRIDAY, FEBRUARY 1 - 9:00 a.m.

Budget Hearings:

Drug Commission  
Department of Public Institutions:  
Capital Construction Operations

FRIDAY, FEBRUARY 1 - 1:30 p.m.

Budget Hearings:

Board of Examiners for Psychologists  
Department of Health  
Department of Public Welfare  
Capital Construction Operations

MONDAY, FEBRUARY 4 - 1:30 p.m.

Budget Hearings:

State Board of Agriculture:  
Capital Construction Operations  
Commission on Criminal Justice and Law  
Enforcement  
State Patrol  
Department of Personnel and Joint Merit  
System

TUESDAY, FEBRUARY 5 - 1:30 p.m.

Committee Review and Planning Session

WEDNESDAY, FEBRUARY 6 - 1:30 p.m.

Budget Hearings:

Department of Economic Development  
Game and Parks Commission:  
Capital Construction Operations

**THURSDAY, FEBRUARY 7 - 1:30 p.m.****Budget Hearings:**

Political Accountability and Disclosure Commission  
Policy Research Office  
Department of Administrative Services:  
Capital Construction Operations  
Coordinating Commission for Postsecondary  
Education

**FRIDAY, FEBRUARY 8 - 1:30 p.m.****Budget Hearings:**

Supreme Court  
District Courts  
Attorney General  
Educational Television Commission

**MONDAY, FEBRUARY 11 - 1:30 p.m.****Budget Hearings:**

Commission for the Hearing Impaired  
Department of Education:  
Capital Construction Operations  
Technical Community Colleges

**TUESDAY, FEBRUARY 12 - 1:30 p.m.****Public Hearing:**

LB 639—Chadron Capital Construction

**Budget Hearings:**

Board of Trustees of the Nebraska State  
Colleges  
Nebraska State Colleges:  
Capital Construction Operations

**WEDNESDAY, FEBRUARY 13 - 1:30 p.m.****Budget Hearings:**

University of Nebraska:  
Capital Construction Operations

**THURSDAY, FEBRUARY 14 - 1:30 p.m.****Budget Hearings:**

Legislative Council

**FRIDAY, FEBRUARY 15 - 9:00 a.m.**

Presentation of Correctional Improvement Team  
Reports

FRIDAY, FEBRUARY 15 - 1:30 p.m.

Public Hearing:

LB 673, 674, 675, 676, 677—Governor's  
1980-81 Appropriations Bills for the  
expenses of Nebraska State Government

(Signed) Jerome Warner, Chairperson

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 815.** By Appropriations Committee: Warner, 25th District, Chairman; Hoagland, 6th District; Rumery, 42nd District; Dworak, 22nd District; Fowler, 27th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 48-193 to 48-197, 48-1,107 to 48-1,109, 77-2205, 81-8,210 to 81-8,213, 81-8,220, 81-8,221, 81-8,227, 81-8,228, 81-8,231, 81-8,233, 81-8,234, 81-8,236 to 81-8,239, and 84-306, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1801 to 81-1803, Revised Statutes Supplement, 1978, relating to state administrative departments; to eliminate the State Claims Board and the Crime Victim's Reparations Board; to create a new board; to provide for membership and duties; to provide an operative date; and to repeal the original sections, and also section 81-8,222, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 816.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Wesely, 26th District; Simon, 31st District; Maresh, 32nd District; Goodrich, 20th District.

This bill introduced on behalf of: Department of Health.

A BILL FOR AN ACT to amend section 71-3508, Revised Statutes Supplement, 1978, relating to public health and welfare; to change provisions relating to certain regulations as prescribed; and to repeal the original section.

### SPECIAL ORDER

LB 228  
LB 228A

Thursday, January 24, 1980  
Thursday, January 24, 1980

(Signed) Richard D. Marvel, Speaker

**UNANIMOUS CONSENT - Print in Journal**

Mr. Koch asked unanimous consent to print the following amendments to LB 486 in the Journal. No objections. So ordered.

## Amendments to Committee Amendments

- 1 1. Strike committee amendment 1.
- 2 2. On page 3, line 17 reinstate "tuition";
- 3 and in lines 17 and 18 strike the new matter and
- 4 insert "receipts as defined in this section".
- 5 3. On page 3, after line 21 insert a new
- 6 paragraph as follows:
- 7 "For purposes of making the computations
- 8 required in subdivision (3) of this section, the school
- 9 district shall exclude all special education tuition
- 10 receipts. Tuition receipts shall include only those
- 11 receipts which exceed one hundred twenty-five per cent
- 12 of the elementary or secondary per pupil costs, whichever
- 13 is applicable, for the year prior to the preceding
- 14 year based on the average daily membership of nonresident
- 15 students for the preceding year. Such tuition receipts
- 16 shall be computed separately for elementary and secondary
- 17 costs as reported on the annual financial report.".

**VISITORS**

Visitors to the Chamber were 66 senior high school students and teacher from St. Paul; Walter E. Peffer, Jr., North Platte, and Steven W. Perry, Omaha.

**RECESS**

At 12:06 p.m., on a motion by Mr. Kahle, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:43 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Cullan, Haberman, and Nichol who were excused; and Messrs. Chronister, George, Johnson, Kelly, Koch, Lewis, Maresh, Merz, Newell, Simon, Wagner, Mesdames Labeledz, and Marsh who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 533.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1444 for the Sixty-Fifth Day, First Session, were considered.

Mr. Fowler offered the following amendment to the Standing Committee amendments:

1. Strike committee amendments 2.

The amendment was adopted with 13 ayes, 1 nay, 18 present and not voting, and 17 excused and not voting.

Standing Committee amendments were adopted, as amended, with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Laid over at the request of Mr. Fowler.

**LEGISLATIVE BILL 597.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1852 for the Seventy-Eighth Day, First Session, were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

**LEGISLATIVE BILL 121.** Laid over at the request of Mr. Schmit.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 254.** Title read. Considered.

Standing Committee amendments found in the Journal on page 880 for the Forty-Fifth Day, First Session, were considered.

Laid over at the request of Mr. Kahle.

**MOTION - Reconsider Action on LB 498**

Mr. Nichol moved to reconsider action on LB 498 of January 22, 1980.

Motion pending.

**MOTION - Withdraw LB 471**

Mr. Venditte moved to withdraw LB 471.

Motion pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 817.** By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairman; Warner, 25th District; Goodrich, 20th District; Schmit, 23rd District.

This bill introduced on behalf of: University and State College Faculty.

A BILL FOR AN ACT to amend section 85-320, Reissue Revised Statutes of Nebraska, 1943, and sections 85-106 and 85-195, Revised Statutes Supplement, 1978, relating to the university and state colleges; to change provisions relating to retirement plans and contracts; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 818.** By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairman; Warner, 25th District; Goodrich, 20th District; Schmit, 23rd District.

This bill introduced on behalf of: Employees of Department of Education.

A BILL FOR AN ACT to amend section 79-1510, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for a change in retirement system membership as prescribed; to provide conditions; and to repeal the original section.

**LEGISLATIVE BILL 819.** By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairman; Goodrich, 20th District; Schmit, 23rd District; Warner, 25th District.

This bill introduced on behalf of: reserve teachers.

A BILL FOR AN ACT to amend section 79-1279, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the rate of salary for certain teachers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 820.** By Public Works Committee: Kremer, 34th District, Chairman; Vickers, 38th District; Goodrich, 20th District; Kennedy, 21st District; Clark 47th District; Wesely, 26th District; Beutler, 28th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to the Nebraska Motor Vehicle Industry Licensing Board; to amend section 60-1411.03, Reissue Revised Statutes of Nebraska, 1943, and section 81-195, Revised Statutes Supplement, 1978; to change provisions regarding unauthorized advertising; to provide for the continuation of the board; and to repeal the original sections.

**LEGISLATIVE BILL 821.** By Maresh, 32nd District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-614, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to provide for left turns in certain situations as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 822.** By Judiciary Committee: Stoney, 4th District, Vice Chairman; Wagner, 41st District; Pirsch, 10th District; Chambers, 11th District; Reutzler, 15th District; Chronister, 18th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 39-664, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change provisions relating to speed detection; and to repeal the original section.

**LEGISLATIVE BILL 823.** By LR 154 Committee: Chambers, 11th District, Chairman; Reutzler, 15th District; Landis, 46th District; Dworak, 22nd District; Johnson, 8th District; Fowler, 27th District; DeCamp, 40th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to adopt the Private Security Licensing and Regulatory Act; to create a board; to provide duties; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 824.** By Education Committee: Koch, 12th District, Chairman; Barrett, 39th District; Vickers, 38th District; Kahle, 37th District; Kremer, 34th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 79-2648, Revised Statutes Supplement, 1978, and section 79-2650, Revised Statutes Supplement, 1978, as amended by Laws 1979, LB 187, section 251, relating to technical community colleges; to change provisions relating to issuance of revenue and general obligation bonds and certification of mill levies as prescribed; to provide for the use of taxes levied; and to repeal the original sections, and also sections 79-2650.01, 79-2650.02, 79-2650.04, and 79-2650.05, Revised Statutes Supplement, 1978.

**LEGISLATIVE BILL 825.** By LR 154 Committee: Chambers, 11th District, Chairman; DeCamp, 40th District; Reutzell, 15th District; Landis, 46th District; Fowler, 27th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 29-1823, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change procedures for determination of mental incompetency to stand trial as prescribed; to provide duties; to provide objection to the prosecution as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 826.** By Koch, 12th District.

This bill introduced on behalf of: The Youth of Nebraska.

A BILL FOR AN ACT relating to Nebraska common schools; to declare legislative intent relating to such schools.

**LEGISLATIVE BILL 827.** By LR 169 Committee: Newell, 13th District, Chairman; Simon, 31st District; George, 16th District; Fowler, 27th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 14-116, 14-418, and 14-419, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan cities; to expand the jurisdictional limits of such cities; and to repeal the original sections.

### GENERAL FILE

**LEGISLATIVE BILL 71.** Laid over at the request of Mr. Warner.

### VISITORS

Visitors to the Chamber were 12 fourth grade students and teacher from Trinity Lutheran School, Lincoln; and Mr. David Sizer and Mr. Dan Crouse from Arthur, Nebraska.

**ADJOURNMENT**

At 2:45 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 10:00 a.m., Monday, January 21, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**EIGHTH DAY - JANUARY 21, 1980**

**LEGISLATIVE JOURNAL**

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LEGISLATIVE JOURNAL  
EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska  
Monday, January 21, 1980

Pursuant to adjournment, the Legislature met at 10:42 a.m.,  
President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

Oh God, after the snow, comes the sun, and after the weekend, comes the work of another week. We thank you for this long weekend when most of us have had the opportunity of being in our own community, visiting with families and friends, refreshing our minds as to local needs. Though we sometimes joke about looking around us on the floor here, and then praying for the people of Nebraska, it is for them this morning that we pray.

We pray especially for those who have needs that bring them near the breaking point; those who are expected to produce more than they can deliver; those whose grief and loneliness have made life seem unbearable; those who need work but find the market tight; those who are living on fixed incomes in a spiraling economy; those whose every breath is drawn in a struggle against disease; those who have been repeatedly rebuffed because of color, creed, or economics; those who await the release of imprisoned loved ones; those who are caught in the grip of social wrongs.

We pray not only that they may have courage to hang on one day more, and not only that You will strengthen them, but that we here may enact that kind of legislation that will comfort the oppressed, liberate the imprisoned, and make the good life a reality for all the people. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Cullan, Keyes, Merz, and Simon who were excused; and Messrs. Maresh and Warner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 307, line 16, delete "DeCamp" and insert "Koch".

Page 315, line 30, delete "of" and insert "on".

The Journal for the Seventh Day was approved as corrected.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 195  
January 17, 1980

Dear Senator Murphy:

In your letter of January 15, 1980 you inform us of your introduction of Legislative Bill 624, the primary purpose of which would be to amend subsection 52 of section 39-602, R.R.S. 1943.

The bill as drafted sets forth section 39-602, R.R.S. 1943, including all of its 113 subsections. The only subsection of this section affected by Legislative Bill 624 is subsection 52. You ask if the provisions of Article III, Section 14 of the Constitution of the State of Nebraska mandates the reproduction of all of these subsections in the amendatory legislation where only a particular subsection is involved.

Article III, Section 14 of the Constitution of the State of Nebraska provides in pertinent part:

“ . . . And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. . . . ”

The only decision of the Nebraska Supreme Court with reference to this constitutional provision which we believe to be directly on point is the 1896 decision of that court in *State ex rel. City Water Co. v. City of Kearney, et al.*, 49 Neb. 325, 68 N.W. 533. In this particular case a section of law containing 36 subsections was amended by an act which contained only the particular subsection involved and did not recite all of the other 35 subsections. The Nebraska Supreme Court in discussing the constitutionality of the act stated:

“ . . . While the act under consideration is amendatory of said section 69, it does not contain the entire section thereby amended, but merely the subdivision charged (sic). This does not contravene the provisions of . . . the constitution, which

declares: 'no law shall be amended unless the new act contains the section or sections so amended, and the section or sections so amended shall be repealed.' In amending statutes it is necessary that all parts of the amended law should be set forth in the new act, and the old statute so amended repealed. The constitution requires that the section as amended shall be set out. This court has more than once held that the word 'section,' as employed in the constitutional provision above quoted, refers to a subdivision of a legislative enactment, and that a law to amend a certain subdivision of a section which contains the subdivision so amended is not inimical to said clause or the constitution. [Citations Omitted]"

In spite of the fact that this decision is over 80 years old we believe it to be a controlling decision on this question. Therefore, we would be of the opinion that your proposed amendment might be accomplished through a Legislative Bill containing only the recitation of the language of the subsection involved indicating the amendment and a statement within the act, indicating that the prior subsection is repealed.

We reach this conclusion with respect to the provisions of Article III, Section 14 of the Constitution of the State of Nebraska. We do however, call to your attention that Rule 5, section 2(b) of the Rules of the Nebraska Unicameral set forth identical language to that used in the Constitution and given the language of Article III, Section 10, of the Constitution of the State of Nebraska giving the Legislature the exclusive power to determine its own rules of proceedings we express no opinion as to whether or not a Legislative Bill drafted in the manner you propose would be in conflict with this legislative rule.

If we can be of further assistance to you on this matter please let us know.

Sincerely,

PAUL L. DOUGLAS

Attorney General

(Signed)

Terry R. Schaaf

Assistant Attorney General

TRS:ekj

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

#### REPORT

Received report concerning the Policy Research Office's review of county and municipal land use regulations as required by Section 84-156. (Report filed in the Clerk's Office.)

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 235.** Placed on Select File as amended.  
E & R amendments to LB 235:

1. In committee amendments, page 1, line 16,  
and the Nichol amendment, line 8, strike "and".

2. In the title, line 2, strike "give effect  
to" and insert "provide for validation of".

**LEGISLATIVE BILL 184.** Placed on Select File as amended.  
E & R amendments to LB 184:

2 1. Section 80-301 having been extensively  
3 amended in 1979, amend section 1 to read:  
4 "Section 1. That section 80-301, Revised  
5 Statutes Supplement, 1979, be amended to read as follows:  
6 80-301. There shall be established and  
7 maintained by the State of Nebraska ~~an institution~~ two  
8 institutions to be known as the Nebraska Veterans' Home,  
9 Grand Island, Nebraska, and the other to be known as the  
10 Nebraska Veterans' Home, Douglas County, Nebraska. The  
11 ~~the object of which these homes shall be to provide~~  
12 domiciliary and nursing home care and subsistence (1) to  
13 all persons who served in the armed forces of the United  
14 States during a period of war as defined in section  
15 80-401.01; Provided, that at the time of making an  
16 application for admission to ~~such home~~ one of the homes  
17 (a) the applicant has been a bona fide resident of the  
18 State of Nebraska for at least two years; (b) the  
19 applicant has become disabled due to service, old age, or  
20 otherwise to an extent that it would prevent such  
21 applicant from earning a livelihood; and (c) the  
22 applicant's income from all sources is such that such  
23 applicant would be dependent wholly or partially upon  
24 public charities for support, or the type of care needed  
25 is available only at a state institution; (2) to the  
1 spouse of any such person admitted to ~~such home~~ one of  
2 the homes, who has attained the age of fifty years and  
3 has been married to such member for at least two years  
4 before his or her entrance into the home; (3) to the  
5 ~~widows, widowers,~~ surviving spouses and parents of  
6 eligible servicemen and women, as defined in subdivision  
7 (1) of this section, who died while in the service of the  
8 United States, or who have since died of a  
9 service-connected disability as determined by the  
10 Veterans Administration; and (4) to the ~~widows and~~  
11 ~~widowers~~ surviving spouses of eligible servicemen or  
12 servicewomen, as defined in subdivision (1) of this  
13 section, who have since died; Provided, such ~~widows,~~

14 ~~widowers~~, surviving spouses and parents referred to in  
 15 subdivision (3) or (4) of this section shall, at the time  
 16 of applying, have been bona fide residents of the State  
 17 of Nebraska for at least two years, have attained the age  
 18 of fifty years, be unable to earn a livelihood, and be  
 19 dependent wholly or partially upon public charities, or  
 20 the type of care needed is available only at a state  
 21 institution. No one admitted to ~~the home~~ one of these  
 22 homes under conditions herein enumerated shall have a  
 23 vested right to a continued residence in such home if  
 24 such person shall cease to meet any of the above  
 25 eligibility requirements; Provided, no person who has  
 26 been regularly admitted shall be denied continued  
 27 residence solely because of his or her marriage to a  
 1 member of ~~the home~~ one of these homes; provided further,  
 2 that veterans, spouses, ~~widows, widowers~~ surviving  
 3 spouses, and parents admitted to one of the Nebraska  
 4 ~~Veterans' Home~~ Veterans' Homes under the provisions of  
 5 this section, who have an income in excess of forty  
 6 dollars per month, including federal pension,  
 7 compensation, social security, or have sufficient assets  
 8 will be required to reimburse the state monthly a  
 9 reasonable amount for the expense of their maintenance,  
 10 this amount to be determined by the Board of Inquiry and  
 11 Review; and provided further, all money paid to the state  
 12 by members of the Nebraska ~~Veterans' Home~~ Veterans' Homes  
 13 in compliance with this section will be deposited in the  
 14 Institutional Cash Fund for the Nebraska Veterans' ~~Home~~  
 15 Homes. Any money in the Veterans' Home Building Fund or  
 16 the Institutional Cash Fund for the Nebraska ~~Veterans'~~  
 17 ~~Home~~ Veterans' Homes available for investment shall be  
 18 invested by the state investment officer pursuant to the  
 19 provisions of sections 72-1237 to 72-1259."

20 2. In the Fitzgerald amendments, page 1, line 8,  
 21 insert an underscored comma after Nebraska.

22 3. On page 9, line 24, and in the title, line 2,  
 23 strike "80-301,"; and on page 9, line 26, and in the  
 24 title, line 4, insert "and section 80-301, Revised  
 25 Statutes Supplement, 1979," after the second comma.

26 4. In the title, line 6, insert "to approve and  
 27 recommend a lease agreement;" after the semicolon.

**LEGISLATIVE BILL 572.** Placed on Select File.

**LEGISLATIVE BILL 319.** Placed on Select File as amended.  
 E & R amendments to LB 319:

1. Renumber sections 2 and 3 added by  
 committee amendments as sections 3 and 4, and restore  
 original number to section 2.

2. On page 2, line 12, strike "(1)" and show stricken.

3. On page 7, line 2, strike the new and reinstate the stricken matter.

4. In the title, line 2, strike "83-152" and insert "83-145, 83-152"; and in line 4 insert "81-1828, and" after the second comma and strike "and 83-184,".

**LEGISLATIVE BILL 483.** Placed on Select File as amended. E & R amendments to LB 483:

(References are to Committee amendments.)

1. Renumber section 22 as section 21, and sections 24 to 26 as sections 22 to 24.

2. On page 3, insert "of this act" at the end of line 11.

3. On page 5, line 17, strike the second comma.

4. On page 6, line 22, strike the comma.

5. On page 13, line 17, strike "43-701,"; and strike lines 19 and 20 and insert "Nebraska, 1943, are repealed.".

6. In the title as amended, line 5, strike "43-701,"; and strike beginning with the second comma in line 6 through "1978" in line 8.

**LEGISLATIVE BILL 442.** Placed on Select File.

**LEGISLATIVE BILL 221.** Placed on Select File as amended. E & R amendment to LB 221:

1. In the title, line 4, insert "and section 53-102, Revised Statutes Supplement, 1978," after the second comma; and in line 5 insert "to provide certain employment; to increase penalties;" after the semicolon.

**LEGISLATIVE BILL 185.** Placed on Select File.

**LEGISLATIVE BILL 597.** Placed on Select File as amended. E & R amendment to LB 597:

1. On page 18, line 4, strike the first comma.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 185.

**NOTICE OF COMMITTEE HEARING**  
**Constitutional Revision and Recreation**

|        |                            |           |
|--------|----------------------------|-----------|
| LB 727 | Thursday, January 31, 1980 | 1:30 p.m. |
| LB 729 | Thursday, January 31, 1980 | 1:30 p.m. |
| LB 777 | Thursday, January 31, 1980 | 1:30 p.m. |

(Signed) Barry L. Reutzel, Chairperson

**STANDING COMMITTEE REPORT**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 499.** Placed on General File as amended.  
 Standing Committee amendments to LB 499:

- 2 1. Strike original sections 1 through 19 and
- 3 insert the following:
- 4 "Section 1. The purposes of this act are (1) to
- 5 create a fund for general promotional activity,
- 6 solicitation, and an operating program to attract
- 7 visitors to Nebraska and further the use of travel and
- 8 tourism facilities in Nebraska, (2) to provide for a
- 9 lodging tax on hotels for the purpose of establishing a
- 10 State Visitors' Promotion Cash Fund, and (3) to authorize
- 11 the governing body of any county to appoint a visitors'
- 12 committee and impose a lodging tax on hotels for the
- 13 purpose of establishing a County Visitors' Promotion
- 14 Fund.
- 15 Sec. 2. For purposes of this act, unless the
- 16 context otherwise requires, the definitions found in
- 17 sections 3 to 8 of this act shall be used.
- 18 Sec. 3. Hotel shall mean any facility in which
- 19 the public may, for a consideration, obtain sleeping
- 20 accommodations. The term shall include hotels, motels,
- 21 tourist homes, campgrounds, houses or courts, lodging
- 22 houses, inns, rooming houses, state operated hotels, and
- 23 nonprofit hotels, but hotels shall not be defined so as
- 24 to include hospitals, sanitariums, nursing homes, or
- 25 chronic care centers.
- 1 Sec. 4. Consideration shall mean the monetary
- 2 charge for the use of space in a hotel only if the space
- 3 is one ordinarily used for accommodations and shall not
- 4 include the charge for any food or beverage served or
- 5 personal services rendered to the occupant of such space.
- 6 Sec. 5. Occupancy shall mean the use or

7 possession, or the right to the use or possession, of any  
8 space in a hotel if the space is one ordinarily used for  
9 accommodations and if the occupant's use, possession, or  
10 right to the use or possession does not exceed a period  
11 of thirty days.

12 Sec. 6. Occupant shall mean anyone who, for a  
13 consideration, uses, possesses, or has a right to use or  
14 possess any space in a hotel if the space is one  
15 ordinarily used for accommodations.

16 Sec. 7. Committee shall mean the visitors'  
17 committee appointed as provided in this act for the  
18 purpose of administering any County Visitors' Promotion  
19 Fund established pursuant to this act and to carry out  
20 the purposes of this act.

21 Sec. 8. The area chamber of commerce shall be  
22 the chamber of commerce serving the largest city in any  
23 county to which this act may apply.

24 Sec. 9. (1) There is hereby created in the  
25 state treasury a special fund to be known as the State  
26 Visitors' Promotion Cash Fund which shall be under the  
27 Department of Economic Development.

1 (2) The division of travel and tourism in the  
2 Department of Economic Development shall use the proceeds  
3 of the State Visitors' Promotion Cash Fund to generally  
4 promote, encourage, and attract visitors to and within  
5 the State of Nebraska and enhance the use of travel and  
6 tourism facilities within the state. The proceeds of the  
7 State Visitors' Promotion Cash Fund shall be in addition  
8 to funds appropriated to the Department of Economic  
9 Development, division of travel and tourism, from the  
10 state General Fund.

11 Sec. 10. There is hereby imposed a sales tax of  
12 one per cent upon the total consideration charged for  
13 occupancy of any space furnished by any hotel in this  
14 state. The proceeds from such tax shall be paid to the  
15 State Visitors' Promotion Cash Fund.

16 Sec. 11. The governing body of any county may,  
17 by resolution, impose an additional sales tax of not to  
18 exceed two per cent upon the total consideration charged  
19 for occupancy of any space furnished by any hotel,  
20 provided such county has created a County Visitors'  
21 Promotion Fund and a visitors' committee pursuant to  
22 section 12 of this act. The proceeds from such tax shall  
23 be paid to the County Visitors' Promotion Fund.

24 Sec. 12. The governing body of the county  
25 shall, by resolution, establish a County Visitors'  
26 Promotion Fund and a visitors' committee to administer  
27 the proceeds from the tax provided to the county by this  
1 act, and such proceeds shall be used generally to  
2 promote, encourage, and attract visitors to come to the

3 county and use the travel and tourism facilities within  
4 the county. The committee shall consist of five members  
5 appointed by the governing body of the county in the  
6 following manner:

7 (1) Three members shall be appointed from a list  
8 of eight persons submitted by the lodging industry, which  
9 shall consist of a representative of each hotel in the  
10 county; and

11 (2) Two members shall be appointed from a list of  
12 five persons submitted by the area chamber of commerce.

13 Such appointees shall serve without compensation,  
14 except for reimbursement for necessary expenses.  
15 Committee members shall serve for a term of four years,  
16 except that those initially appointed from the area  
17 chamber of commerce list shall be appointed for an  
18 initial term of two years. Vacancies shall be filled in  
19 the same manner as the initial appointment. The  
20 committee shall elect a chairperson and vice-chairperson  
21 from among its members to serve for a term of two years.

22 Sec. 13. The committee may select, appoint,  
23 employ, and fix the compensation of such staff and  
24 consultants as it deems necessary, within its budget, to  
25 carry out the purposes of this act. The committee shall  
26 annually submit a report of its expenditures and  
27 activities and make recommendations to the governing body  
1 of the county as to its budget and staff.

2 Sec. 14. The committee may contract with any  
3 person, association, chamber of commerce, or corporation  
4 to carry out this act.

5 Sec. 15. None of the proceeds from the taxes  
6 provided by this act shall be used for any type of  
7 capital construction.

8 Sec. 16. The Department of Economic  
9 Development's Division of Travel and Tourism shall  
10 cooperate with other departments and agencies of the  
11 state and may contract with other persons, including  
12 private agencies, to carry out any of the functions and  
13 purposes of this act.

14 Sec. 17. Unless otherwise specifically  
15 provided, any sales tax on transient lodging imposed  
16 under this act is in addition to that sales tax imposed  
17 under the provisions of Chapter 77, article 27, and shall  
18 be interpreted, collected, remitted, and enforced by the  
19 Tax Commissioner under the provisions of such article.

20 Sec. 18. The amount the Tax Commissioner shall  
21 remit, as taxes collected for a County Visitors'  
22 Promotion Fund, shall be reduced by three per cent as an  
23 administrative fee necessary to defray the cost of  
24 collecting the tax and the expenses incident to such  
25 collection.

26 Sec. 19. The Tax Commissioner shall adopt rules  
27 and regulations necessary for the administration of this  
1 act.

2 Sec. 20. This act shall be known and may be  
3 cited as the Nebraska Visitors' Development Act."

4 2. In the title, line 2, strike "Tourism and  
5 Economic" and insert "Visitors".

(Signed) John DeCamp, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Dworak asked unanimous consent to print the following amendment to LB 35 in the Journal. No objections. So ordered.

1 1. Insert a new section as follows:  
2 "Sec. 12. Any person meeting the standards of  
3 need established under section 3 of this act and who is  
4 not eligible to receive aid solely by reason of minority,  
5 incompetency, disablement, or being a single parent with  
6 preschool children shall be referred to the state Department  
7 of Personnel for placement in public work positions or to  
8 such other authority as may be applicable. The Department  
9 of Personnel in consultation with the Department of Public  
10 Welfare shall establish a procedure for assigning persons  
11 referred under this section to positions available in public  
12 works projects. The Department of Personnel or job service  
13 shall arrange with units of local government for establish-  
14 ment of such projects, which may include any type of work  
15 or endeavor that is within the scope of authority of the  
16 unit of local government involved, if the benefits of the  
17 project inure primarily to the public at-large. The employees  
18 under such project shall be paid at the same rate as other  
19 employees doing similar work for that unit of local government  
20 and shall be entitled to participate in the benefit programs  
21 of that unit of local government, but shall not be entitled  
22 to qualify for unemployment compensation benefits on the  
23 basis of employment under the project."

**RESOLUTION**

**LEGISLATIVE RESOLUTION 188.**

Introduced by George, 16th District.

WHEREAS, John G. Neihardt was a distinguished Nebraskan and the poet laureate of the State of Nebraska, and;

WHEREAS, the year 1981 will coincide with the 100 year anniversary of the birth of John G. Neihardt, and;

WHEREAS, the issuing of a commemorative stamp by the U.S. Postal Service would be a fitting tribute to this distinguished Nebraskan, and;

WHEREAS, the U.S. Postal Service normally waits at least ten years after the death of a distinguished American to issue a commemorative stamp, and;

WHEREAS, John G. Neihardt passed from this life November 3, 1973,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE SECOND SESSION:

1. That the Legislature encourages the Postal Service to waive its ten (10) year rule so that a commemorative stamp may be issued in 1981 honoring John G. Neihardt on the 100th anniversary of his birth.

2. That a copy of this resolution be sent to the John G. Neihardt Center in Bancroft, Nebraska, the Black Elk-John G. Neihardt Park Board in Blair, Nebraska, and to Mr. Robert Vassell, Chairman of the Neihardt Stamp Committee.

Laid over.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 828.** By LR 169 Committee: Newell, 13th District, Chairman; Simon, 31st District; Johnson, 8th District; Koch, 12th District; Fowler, 27th District.

This bill introduced on behalf of: LR 169 committee.

A BILL FOR AN ACT to amend sections 31-728, 31-747, and 31-753, Reissue Revised Statutes of Nebraska, 1943, and sections 31-739 and 31-740, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 143 and 144 respectively, Legislative Bill 187, Eighty-sixth Legislature, First Session, 1979, relating to sanitary and improvement districts; to change provisions relating to tax levies; to require elections as prescribed; to change provisions relating to certain interest rates; to require notice prior to the creation of such districts; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 829.** By Public Works Committee: Kremer, 34th District, Chairman; Clark, 47th District; Vickers, 38th District; Goodrich, 20th District; Beutler, 28th District; Kennedy, 21st District; Wesley, 26th District; Cullan, 49th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 46-673, Revised Statutes Supplement, 1979, as amended by Laws 1979, LB 187, section 177, relating to ground water; to authorize a levy or a fee as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 830.** By Public Works Committee: Kremer, 34th District, Chairman; Clark, 47th District; Kennedy, 21st District; Wesely, 26th District; Cullan, 49th District; Beutler, 28th District; Vickers, 38th District; Goodrich, 20th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to ground water; to amend sections 46-607, 46-609, 46-612, 46-613.02, 46-638, 46-639, 46-645, 46-647, 46-650, 46-652, 46-654, 46-655 to 46-657, and 46-659, Reissue Revised Statutes of Nebraska, 1943, and sections 46-612.01, 46-651, 46-658, 46-663, and 46-666, Revised Statutes Supplement, 1979; to change penalties; to provide requirements for wells; to define and redefine terms; to rename an act; to state intent; to provide duties; to change registration requirements; to change provisions and procedures relating to control areas; to provide natural resources districts with additional powers; to provide a hearing; and to repeal the original sections.

**LEGISLATIVE BILL 831.** By Kremer, 34th District.

This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to amend sections 81-829.36 to 81-829.42, 81-829.44, 81-829.46, 81-829.55, 81-829.57 to 81-829.62, and 81-829.64 to 81-829.66, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to rename an act; to grant the Governor authority to deal with resource crises as prescribed; to change internal references to include additional sections; and to repeal the original sections.

**LEGISLATIVE BILL 832.** By Kremer, 34th District.

This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 66-704, 66-707, 66-708, and 66-711, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1602 and 81-1603, Revised Statutes Supplement, 1978; to remove the office from the jurisdiction of the Tax Commissioner; to provide powers and duties relating to the distribution of energy sources; to provide for transfer of certain records; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 833.** By Nichol, 48th District.

This bill introduced on behalf of: Potato Shippers.

A BILL FOR AN ACT to amend section 2-1807, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Potato Development Act; to change the excise tax on potatoes; and to repeal the original section.

**LEGISLATIVE BILL 834.** By Revenue Committee: Carsten, 2nd District, Chairman; Sieck, 24th District; Johnson, 8th District; Murphy, 17th District; Newell, 13th District; Burrows, 30th District; Hefner, 19th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-1208.02, 66-303, 66-304, 66-306, 66-308, 66-309, 66-311, 66-317, 77-301, 77-302, 77-303.01 to 77-303.03, 77-304 to 77-319, 77-323, 77-324, 77-326 to 77-329, 77-332, 77-340, 77-342, 77-344 to 77-347, 77-412, 77-1320.05, and 77-1327, Reissue Revised Statutes of Nebraska, 1943, sections 81-195 and 88-518, Revised Statutes Supplement, 1978, and sections 77-333.01, 77-348 to 77-359, and 81-1401, Revised Statutes Supplement, 1979; to provide duties for the Department of Revenue as prescribed; to provide for continuation of the department; to provide employees of the department with powers as prescribed; to change provisions relating to violations of county officials; to provide for oil inspection certificates as prescribed; to provide duties for the Department of Agriculture; to change penalties relating to personal tax returns; to eliminate references to the Division of Motor Fuels; to transfer sections; to provide duties for the Revisor of Statutes; to repeal the original sections, and also sections 66-301, 66-302, 66-511, 77-302.01, 77-303, 77-318.01, 77-320 to 77-322, 77-325, 77-330 to 77-333, 77-335 to 77-339, 77-343, 77-2101, and 77-2107, Reissue Revised Statutes of Nebraska, 1943, and section 77-333.02, Revised Statutes Supplement, 1978; and to declare an emergency.

**LEGISLATIVE BILL 835.** By Building Maintenance Oversight Committee: Kelly, 35th District, Chairman; Labeledz, 5th District; Rumery, 42nd District; Cope, 36th District.

This bill introduced on behalf of: Building Renewal Task Force.

A BILL FOR AN ACT to amend sections 81-173, 81-174, 81-176, 81-177, 81-178, 81-180, 81-185, 81-186, 81-189, and 81-191, Revised Statutes Supplement, 1978, relating to building maintenance; to redefine a term; to provide for a program of deferred maintenance of

state buildings; to defer expiration dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 836.** By Sieck, 24th District.  
This bill introduced on behalf of: City of Stromsburg.

A BILL FOR AN ACT relating to cities and villages; to provide for certain liens as prescribed.

**LEGISLATIVE BILL 837.** By Burrows, 30th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to agriculture; to declare intent; to define terms; to provide that no corporation shall engage in farming operations except as authorized; to require reports of farming operations as prescribed; and to provide for enforcement.

**LEGISLATIVE BILL 838.** By Cope, 36th District.  
This bill introduced on behalf of: Grand Island Chamber of Commerce.

A BILL FOR AN ACT relating to cities of the first class; to authorize registration of certain vehicles; and to authorize a fee.

**LEGISLATIVE BILL 839.** By Wesely, 26th District.  
This bill introduced on behalf of: Lancaster County Board.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1979, relating to schools; to provide for payment of educational costs as prescribed; to repeal the original section; and to declare an emergency.

**MOTION - Withdraw LB 364**

Mr. Wesely renewed his pending motion found in the Journal on page 291 to withdraw LB 364.

The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

District Three reports the election of Senator Tom Kennedy to fill the vacancy on the Committee on Committees.

(Signed) Shirley Marsh, Chairperson

Mrs. Marsh moved the adoption of the report.

The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Chair declared Mr. Kennedy a member of the Committee on Committees.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 187.** Read. Considered.

LR 187 was adopted with 34 ayes, 0 nays, and 15 not voting.

### **MOTION - Suspend Rules**

Mr. Haberman moved to suspend the rules, Rule 3, Section 5, to cancel the hearing date of January 23, 1980 on LB 661 by the Revenue Committee.

The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 16.** Title read. Considered.

Mr. Newell offered the following amendment:

To amend the effective dates in LB 16 to July 1, 1983.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Newell amendment was adopted with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 22 nays, and 10 not voting.

Laid over.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 791 through 821; and 823 through 827 for the approval of the Nebraska State Legislature.

**LB Committee**  
791 Urban Affairs  
792 Public Works  
793 Banking, Commerce and Insurance  
794 Judiciary  
795 Revenue  
796 Public Works  
797 Agriculture and Environment  
798 Business and Labor  
799 Judiciary  
800 Business and Labor  
801 Banking, Commerce and Insurance  
802 Public Works  
803 Judiciary  
804 Public Works  
805 Public Works  
806 Judiciary  
807 Public Works  
808 Judiciary  
809 Education  
810 Government, Military and Veterans Affairs  
811 Business and Labor  
812 Government, Military and Veterans Affairs  
813 Urban Affairs  
814 Banking, Commerce and Insurance  
815 Appropriations  
816 Public Health and Welfare  
817 Nebraska Retirement Systems  
818 Nebraska Retirement Systems  
819 Education  
820 Public Works  
821 Public Works  
823 Miscellaneous Subjects  
824 Education  
825 Judiciary  
826 Education  
827 Urban Affairs

(Signed) Frank Lewis, Chairperson  
Executive Board

## ATTORNEY GENERAL'S OPINION

Opinion No. 197  
January 17, 1980

Dear Senator Haberman:

You have asked us whether LB 661, which would distribute a part of the receipts of parimutuel betting to the counties, would endanger the tax exempt status of Ak-Sar-Ben, with either the state or federal governments. We are sure that it would not affect their status, so far as exemption from property tax is concerned. We cannot speak authoritatively on the question of exemption from federal income tax, but we have no reason to suspect that the bill would have any effect in that regard.

We are informed that Ak-Sar-Ben property is exempt from property tax under section 77-202(1) (c), which provides exemption for property owned by and used exclusively for agricultural and horticultural societies. This exemption is authorized by Article VIII, section 2 of the Nebraska Constitution.

LB 661 would amend section 2-1207, R.R.S. 1943, to provide that one half of the so-called breakage in parimutuel betting should be paid to the State Treasurer to be placed in the newly-created County Tax Relief Fund. The bill would also amend section 2-1208.01 to provide that half of the tax on parimutuel betting should be placed in the same fund. Section 4 of the bill provides that the money in that fund shall, from time to time, be divided equally among the counties in the state.

We fail to see how these provisions could even arguably affect Ak-Sar-Ben's status as an agricultural and horticultural society. That is the statutory test, and nothing in LB 661 would change its status.

We are not in a position to rule on the effect of the bill on federal exemptions. We are not sure under what federal provision Ak-Sar-Ben claims exemption from federal income tax, but we note that 26 U.S.C. Section 501 (c) (5) gives such exemption to agricultural and horticultural organizations. If Ak-Sar-Ben is exempt under that provision, requiring them to pay a tax or other payment to the State Treasurer, to be put into a fund for the benefit of various counties would not seem to change the nature of the organization.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
Ralph Gillan  
Assistant Attorney General

(Signed)

RG:pes

CC: Clerk of the Legislature

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 840.** By Haberman, 44th District.  
This bill introduced on behalf of: County Sheriffs.

A BILL FOR AN ACT to amend sections 23-1717 and 23-1719, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to provide a description of uniforms to be worn by sheriffs and sheriff's deputies; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 841.** By Kelly, 35th District.  
This bill introduced on behalf of: Nebraska Associated General Contractors.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1979, relating to taxation; to authorize a refund of certain taxes as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 842.** By Kelly, 35th District.  
This bill introduced on behalf of: Garbage Haulers Association.

A BILL FOR AN ACT to amend section 39-6,181, Revised Statutes Supplement, 1979, relating to weight of vehicles; to provide special permits for overweight vehicles carrying garbage; and to repeal the original section.

**LEGISLATIVE BILL 843.** By Vickers, 38th District.  
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to public power districts; to amend sections 3-106, 70-620, 70-621, 70-625, 70-639, and 70-643, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain purchases of aircraft; to authorize certain leases as prescribed; to restrict the appointment of a treasurer as prescribed; to provide for rules and regulations; to provide additional considerations for the letting of certain contracts; to place restrictions on certain payments or expenditures as prescribed; to require certain contracts be filed as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 844.** By Haberman, 44th District.  
This bill introduced on behalf of: Nebraska State Education Association.

A BILL FOR AN ACT relating to teachers; to provide for the continued employment of teachers in reorganized school districts; and to declare an emergency.

**LEGISLATIVE BILL 845.** By Maresh, 32nd District.  
This bill introduced on behalf of: Ohioa School District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to provide for payment of certain orders of the commission; to amend section 77-3423, Revised Statutes Supplement, 1979; to provide an exemption from limits on budgets as prescribed; and to repeal the original section.

#### ANNOUNCEMENT

The Clerk announced an executive session of the LR 119 Committee on Tuesday, January 22, 1980 at 4:00 p.m.

#### ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Tuesday, January 22, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**NINTH DAY - JANUARY 22, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 22, 1980

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Father in Heaven, even the best of us need encouragement on occasion. Fatigue, disappointment and just plain long hours and hard work drain us of our pep and good humor.

We ask this day that You send the inspiration to the members of this Assembly to buoy them up so that they can do this work. Give them the consolation of knowing they are serving their constituents and the realization that what is said and done here can result in a better life for all. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Maresh, Simon, and Warner who were excused; and Messrs. Fowler, Keyes, and Lewis who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Eighth Day was approved.

**COMMUNICATIONS**

January 8, 1980

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

Dear Mr. O'Donnell:

Enclosed please find a copy of the response which I received from Assistant Secretary Stanley J. Marcuss of the Department of Commerce in response to my request for an embargo on the export of locomotives, switch engines, and freight cars.

Pursuant to Legislature Resolution 53 passed during the First Session of the Eighty-Sixth Legislature, I wrote to President Carter to request an embargo on the export of this equipment. I have enclosed a copy of my letter to the President of August 7, 1979. I am respectfully requesting that you make both my letter to the President and the Department of Commerce response available to the Senators.

Thank you for your cooperation in this matter, and I remain

Sincerely yours,  
(Signed) JOHN J. CAVANAUGH  
Member of Congress

JJC/tlt  
Enclosure

August 7, 1979

The Honorable Jimmy Carter  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

In light of the current grain storage and shipment crisis resulting from recent high prices of wheat and feed grains and from the acute shortage of covered hopper railroad cars and boxcars in the Midwest, I am respectfully requesting that you exercise the power of your high office to impose an immediate embargo on the export of railroad locomotives, switch engines and freight cars until such time as all outstanding orders for this equipment from domestic railroads have been filled.

In addition, I urge you to instruct the Interstate Commerce Commission to order all railroads operating in the eastern United States to immediately return covered hoppercars, boxcars and fertilizer cars to the railroads of the Midwest, so that the current transportation shortage can be eased.

Mr. President, I'm sure you are aware of the crop failures currently being experienced by the Soviet Union and the potential for large foreign grain sales resulting from these crop failures. The

prospects for bumper crops of wheat, corn, and soybeans in the United States this year are excellent. However, grain elevators and terminals throughout the Midwest are filled to capacity with recently marketed grain produced in previous years and are now refusing to purchase additional quantities of grain until such time as current stocks can be shipped. The result, of course, is the inevitable stockpiling of this year's harvest on the ground, exposed to the elements and the risk of loss of a substantial percentage of total production. This is a situation which can be averted through action on your part, and I strongly encourage you to take the necessary action.

I thank you for your prompt attention to this matter.

Respectfully yours,  
(Signed) JOHN J. CAVANAUGH  
Member of Congress

JJC/tlt

December 20, 1979

Honorable John J. Cavanaugh  
House of Representatives  
Washington, D.C. 20510

Dear Mr. Cavanaugh:

Thank you for your letter of August 7 addressed to the President requesting that exports of locomotives, switch engines, and freight cars be embargoed until such time as all outstanding orders for this equipment from domestic railroads have been filled. I apologize for the delay in responding to you; however, I understand our respective staffs have been in contact on this issue.

The recently-enacted Export Administration Act of 1979 authorizes the Commerce Department to control exports "where necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand."

In response to your request for action, this Department initiated a preliminary assessment of the rail transportation situation to determine if exports of locomotives, switch engines, and freight cars were contributing to a domestic shortage of these items. At present, our conclusion is that exports of these items have not contributed to such a shortage.

For the most part those locomotives, switch engines, and rail cars which are exported from the United States are either: (1) obsolete equipment, below United States performance and safety standards;

(2) built under long-term contracts to European specifications which are incompatible with the U.S. rail system; or (3) destined to Mexico and Canada, countries whose rail transportation systems are interlinked with our own, with rolling stock being freely used on both sides of the border. Thus restricting the export of these items would not alleviate the rail transportation shortage.

This Department has long been concerned with the chronically overloaded rail transportation system, as ever larger volumes of an increasing variety of commodities compete for available cargo space.

In the past, interagency consultations have been initiated in an effort to determine if any action could be taken under the Export Administration Act to alleviate this situation. Then, as now, our conclusion is that exports do not contribute to the problem.

Please let me know if this Department can provide any other assistance in reaching a solution to this problem.

Sincerely,  
(Signed) Stanley J. Marcuss  
Acting Assistant Secretary  
for Industry and Trade

### REPORT

Received report on Advertising Control Program for 1979 from the Department of Roads, pursuant to Section 39-1320. (Report on file in the Clerk's Office.)

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 846.** By Administrative Rules and Regulations Review Committee: Kelly, 35th District, Chairman; Johnson, 8th District; Koch, 12th District; Haberman, 44th District; Kennedy, 21st District; Fowler, 27th District.

This bill introduced on behalf of: Committee Investigation.

A BILL FOR AN ACT to amend section 84-909, Reissue Revised Statutes of Nebraska, 1943, and section 84-907, Revised Statutes Supplement, 1978, relating to rules of administrative agencies; to change notice and waiver provisions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 847.** By Administrative Rules and Regulations Review Committee: Koch, 12th District; Haberman, 44th District; Fowler, 27th District; Johnson, 8th District; Kennedy, 21st District.

This bill introduced on behalf of: Committee Investigation.

A BILL FOR AN ACT to amend sections 71-121.01, 71-1,132.05, 71-1,132.13 to 71-1,132.16, 71-1,132.22, 71-1,132.24, 71-1,132.28 to 71-1,132.34, 71-1,132.37, 71-1,132.47, and 71-1,132.49 to 71-1,132.51, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,132.11, 71-1,132.20, and 71-1,132.36, Revised Statutes Supplement, 1978, relating to professional and occupational licenses; to change provisions relating to the licensing of nurses as prescribed; to change the duties of the Department of Health, the Director of Health, and the Board of Nursing as prescribed; to make the Bureau of Examining Boards responsible for administration of the activities of the Board of Nursing; and to repeal the original sections.

**LEGISLATIVE BILL 848.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Fitzgerald, 14th District; Sieck, 24th District; Venditte, 7th District; Powers, 9th District; Murphy, 17th District.

This bill introduced on behalf of: Liquor Commission.

A BILL FOR AN ACT to amend sections 53-117, 53-123.02, 53-123.03, 53-124, 53-129, 53-131, 53-140, 53-146, 53-147, 53-151, 53-152, 53-153, 53-160.07, 53-180, 53-180.04, 53-1,104, 53-1,114, and 53-1,116, Reissue Revised Statutes of Nebraska, 1943, and sections 53-142 and 53-176, Revised Statutes Supplement, 1979, relating to the Liquor Control Act; to change provisions relating to the powers and duties of the Nebraska Liquor Control Commission; to provide for audits as prescribed; to change provisions relating to license applications; to change certain fees; to change provisions relating to licenses for certain retail sales; to provide for conversion of such licenses; to change provisions relating to warehouse control; to eliminate a prohibition on liquor sales; to harmonize a penalty provision; to eliminate certain provisions relating to retail beer licenses; to provide an operative date; and to repeal the original sections; and also sections 53-141, 53-143, 53-145, and 53-1,115, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 849.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Fitzgerald, 14th District; Powers, 9th District; Sieck, 24th District; Venditte, 7th District; Murphy, 17th District.

This bill introduced on behalf of: Sunset Review.

A BILL FOR AN ACT to amend sections 81-8,129 to 81-8,130, 81-8,132 to 81-8,139, and 81-8,141, Reissue Revised Statutes of

Nebraska, 1943, section 81-8,142, Revised Statutes Supplement, 1978, and section 81-8,140, Revised Statutes Supplement, 1979, relating to the State Athletic Commissioner; to change provisions relating to the duties of the commissioner; to change license fees and bonds; to change referee duties as prescribed; to limit boxing and wrestling matches in the state as prescribed; to change the gross receipts tax collected; to provide for collection of such tax as prescribed; to provide for an Athletic Advisory Committee; to provide for appeal proceedings as prescribed; to provide a procedure for handling violations; and to repeal the original sections, and also section 81-8,131, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 850.** By Newell, 13th District.

This bill introduced on behalf of: City of Omaha and Omaha Fire Fighters.

A BILL FOR AN ACT relating to fire investigations; to amend section 81-1401, Revised Statutes Supplement, 1979; to provide local officers with additional powers during investigations as prescribed; to provide for training of such officers; and to repeal the original section.

**LEGISLATIVE BILL 851.** By Lewis, 45th District.

This bill introduced on behalf of: Natural Resource District Association.

A BILL FOR AN ACT to amend section 2-3252, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources districts; to change provisions relating to special improvement project areas; to provide for issuance of bonds for such projects; to provide for a sinking fund; to provide procedures related to awarding contracts; to provide a hearing for special assessments; to provide for foreclosure of a lien for delinquent payments; and to repeal the original section.

**LEGISLATIVE BILL 852.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Lamb, 43rd District; Kahle, 37th District; Haberman, 44th District; DeCamp, 40th District; Nichol, 48th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to real property; to prohibit the acquisition of agricultural property by nonresident aliens as prescribed; to provide duties; to require filing of information; and to provide a penalty.

**LEGISLATIVE BILL 853.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Lamb, 43rd District; Kahle, 37th District; DeCamp, 40th District; Nichol, 48th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 81-1502, 81-1517, 81-1519, and 81-1528, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1504, 81-1505, and 81-1518, Revised Statutes Supplement, 1979, relating to environmental protection; to provide for management of hazardous wastes; to define terms; to provide procedure; to provide duties; to change license provisions as prescribed; to change provisions relating to solid waste disposal; and to repeal the original sections.

**LEGISLATIVE BILL 854.** By Kahle, 37th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 60-330, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle registration; to provide a special registration fee for certain vehicles used by farmers and ranchers; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 855.** By Beutler, 28th District.

This bill introduced on behalf of: School District of City of Lincoln.

A BILL FOR AN ACT to amend section 43-662, Reissue Revised Statutes of Nebraska, 1943, relating to the care and education of handicapped children; to change provisions relating to the special education appeal procedure; and to repeal the original section.

**LEGISLATIVE BILL 856.** By Wesely, 26th District.

This bill introduced on behalf of: Homeowner's, renters, and business people of Nebraska.

A BILL FOR AN ACT to adopt the Nebraska Building Code Act; to provide penalties; to amend sections 48-418 to 48-418.13, 48-701 to 48-710, 48-712 to 48-718, 71-1555 to 71-1558, 71-1560 to 71-1562, 71-1564 to 71-1567, 71-4601 to 71-4607, 71-4609 to 71-4620, 72-1101 to 72-1118, 72-1122 to 72-1124, 81-571, 81-574, 81-576, 81-580, 81-581, 81-582 to 81-588, 81-591, 81-593, 81-594, 81-595, 81-597, 81-599, 81-5,100 to 81-5,104, 81-5,106 to 81-5,109, 81-5,112, and 81-5,114, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1559, 71-1563, 71-4608, 72-1119, 81-572, 81-573, 81-575, 81-577 to 81-590, 81-592, 81-593.01, 81-596, 81-598, 81-5,105, 81-5,110,

81-5,111, and 81-5,113, Revised Statutes Supplement, 1978; to provide an operative date; and to repeal the original sections, and also sections 72-1120 and 72-1121, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 857.** By Clark, 47th District.

This bill introduced on behalf of: Power Review Board.

A BILL FOR AN ACT to amend section 70-1021, Revised Statutes Supplement, 1978, relating to the Nebraska Power Review Board; to change procedures for authorizing construction of a microwave communication facility by a public power district; and to repeal the original section.

**LEGISLATIVE BILL 858.** By Beutler, 28th District; Fitzgerald, 14th District.

This bill introduced on behalf of: injured parties.

A BILL FOR AN ACT to amend section 25-224, Revised Statutes Supplement, 1978, relating to limitation of actions; to change the statute of limitations for prescribed product liability actions; and to repeal the original section.

**LEGISLATIVE BILL 859.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Powers, 9th District; Simon, 31st District; Fitzgerald, 14th District; Venditte, 7th District.

This bill introduced on behalf of: Louis Finocchiaro.

A BILL FOR AN ACT to amend section 53-169, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to permit liquor distributors to sell certain items to retailers as prescribed; and to repeal the original section.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Cope asked unanimous consent to print the following amendment to LB 185 in the Journal. No objections. So ordered.

Section 1.; Line 20

statement of fact which is known to be untrue, deceptive,

Section 2.; Line 5

merchandise for sale at retail at less than original actual cost or less than original replacement cost, whichever is lower, if the merchant does not have a sufficient quantity of merchandise to meet the reasonable expected demand, and or the advertisement either (1) fails to state in such advertisement the quantity of merchandise available for sale, or (2) fails to state that

the advertiser is discontinuing the item.

**UNANIMOUS CONSENT - Member Excused**

Mr. Sieck asked unanimous consent to be excused at 10:00 a.m. until he returns. No objections. So ordered.

**MOTION - Withdraw LB 471**

Mr. Venditte renewed his pending motion found in the Journal on page 316 to withdraw LB 471.

The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 186.** Read. Considered.

Mr. Venditte offered the following amendment:

- 1 1. On page 240 of the Journal strike beginning
- 2 with "1" in line 11 through the period in line 16 and
- 3 insert:
- 4 "1. That the Executive Board of the Legislative
- 5 Council appoint a special committee to conduct an interim
- 6 study of the energy problem in the context of reducing the
- 7 number of days in a work and school week during months of
- 8 heaviest energy consumption. Such study shall include, but
- 9 not be limited to the effectiveness of:
- 10 a. Having retail stores in the state open for
- 11 not more than six days each week during January and Febru-
- 12 ary.
- 13 b. Having all government bodies and agencies,
- 14 and businesses other than retail stores convert to a forty-
- 15 hour four-day work week during January and February.
- 16 c. Having schools in the state operate four
- 17 days a week instead of the present five during January and
- 18 February, without sacrificing required instruction.
- 19 2. That the special committee report its findings,
- 20 conclusions, and recommendations at the conclusion of the
- 21 study."

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Venditte amendment lost with 15 ayes, 18 nays, and 16 not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

LR 186 failed with 11 ayes, 20 nays, and 18 not voting.

**LEGISLATIVE RESOLUTION 188.** Read. Considered.

Messrs. Newell and Chronister asked unanimous consent to add their names to LR 188. No objections. So ordered.

LR 188 was adopted with 34 ayes, 0 nays, and 15 not voting.

**LEGISLATIVE RESOLUTION 189.**

Introduced by Nichol, 48th District.

WHEREAS, the Nebraska Legislature wishes to recognize one of the greatest college football coaches, Dana X. Bible; and

WHEREAS, Coach Bible served as the University of Nebraska football coach from 1929 to 1936, during which years the football team won six conference championships; and

WHEREAS, Coach Bible was responsible for producing fine athletes in Nebraska and Texas, and contributed much to the game of college football, for which he was rewarded by winning fourteen conference championships and being selected to seven different football halls of fame; and

WHEREAS, Dana Bible passed away on January 19, 1980, at the age of 88.

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

1. That the members of the Legislature express their sympathy to the family of Dana X. Bible.

2. That the Legislature hereby acknowledges the passing of one of the most distinguished coaches in the history of Nebraska and college football.

3. That the Clerk of the Legislature send a copy of this resolution to Dana Bible's family.

Laid over.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 187.

**NOTICE OF COMMITTEE HEARINGS**  
**Revenue**

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 617 | Monday, January 28, 1980    | 2:00 p.m. |
| LB 742 | Monday, January 28, 1980    | 2:00 p.m. |
| LB 775 | Monday, January 28, 1980    | 2:00 p.m. |
| LB 716 | Tuesday, January 29, 1980   | 2:00 p.m. |
| LB 783 | Wednesday, January 30, 1980 | 2:00 p.m. |
| LB 613 | Wednesday, January 30, 1980 | 2:00 p.m. |

(Signed) Calvin F. Carsten, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 860.** By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Barrett, 39th District; Haberman, 44th District; Lamb, 43rd District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 15-261 and 75-418, Reissue Revised Statutes of Nebraska, 1943, relating to railroad crossings; to change provisions related to such crossings in primary class cities; to eliminate to certain agreements with county boards as prescribed; to eliminate provisions related to viaducts and subways as prescribed; and to repeal the original sections, and also sections 18-618 to 18-622, 18-633, 75-415, and 75-416, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 861.** By Pirsch, 10th District; Beutler, 28th District.  
This bill introduced on behalf of: homeowners.

A BILL FOR AN ACT to amend sections 52-102 and 52-103, Reissue Revised Statutes of Nebraska, 1943, relating to mechanic's liens; to provide for filing of notices as prescribed; to change the effective date of certain liens; and to repeal the original sections.

**LEGISLATIVE BILL 862.** By Powers, 9th District.  
This bill introduced on behalf of: Douglas County.

A BILL FOR AN ACT to amend sections 77-3201, 77-3205, and 77-3206, Reissue Revised Statutes of Nebraska, 1943, relating to Land

Reutilization Authorities; to change provisions relating to conveyances and transfers of property as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 863.** By Beutler, 28th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 70-1003, Revised Statutes Supplement, 1978, relating to the Nebraska Power Review Board; to make such board independent of the Department of Water Resources; to provide for expenses; to provide for an executive director and other staff; to provide duties; and to repeal the original section.

**LEGISLATIVE BILL 864.** By Public Works Committee: Kremer, 34th District, Chairman; Clark, 47th District; Cullan, 49th District; Vickers, 38th District; Kennedy, 21st District; Beutler, 28th District; Goodrich, 20th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-303, 60-309, 60-310, 60-311.02, 60-311.11, 60-311.12, 60-320, 60-322 to 60-324, 60-330, 60-332, 60-1006, 60-1604, 60-1701, 60-1704, and 60-1705, Reissue Revised Statutes of Nebraska, 1943, and sections 60-301, 60-311, 60-311.10, and 60-334, Revised Statutes Supplement, 1979; to eliminate certain categories of motor vehicles; to provide for registration numbers as prescribed; to change registration fees as prescribed; to provide for registration of more than one vehicle; to change the reference to counties on license plates; to change provision relating to amateur radio license plates; to change inspection requirements as prescribed; to provide for rules and regulations; and to repeal the original sections, and also sections 60-311.01, 60-311.06, and 60-331.03, Reissue Revised Statutes of Nebraska, 1943, and sections 60-311.05 and 60-311.07, Revised Statutes Supplement, 1979.

### NOTICE OF COMMITTEE HEARING

#### Banking, Commerce and Insurance

|        |                          |           |
|--------|--------------------------|-----------|
| LB 793 | Monday, January 28, 1980 | 1:30 p.m. |
| LB 801 | Monday, January 28, 1980 | 1:30 p.m. |
| LB 814 | Monday, January 28, 1980 | 1:30 p.m. |

(Signed) John DeCamp, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 16.** Considered.

Mr. Newell moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Newell requested a roll call vote to advance LB 16.

Voting in the affirmative, 19:

|          |            |        |        |         |
|----------|------------|--------|--------|---------|
| Beutler  | Dworak     | Koch   | Newell | Reutzel |
| Burrows  | Fitzgerald | Landis | Nichol | Schmit  |
| Chambers | Hoagland   | Lewis  | Pirsch | Wesely  |
| DeCamp   | Johnson    | Murphy | Powers |         |

Voting in the negative, 23:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Goodrich | Kennedy  | Marsh  | Venditte |
| Carsten    | Haberman | Kremer   | Marvel | Vickers  |
| Chronister | Hefner   | Labeledz | Merz   | Wagner   |
| Cope       | Kahle    | Lamb     | Rumery |          |
| George     | Kelly    | Maresh   | Stoney |          |

Present and not voting, 1:

Clark

Excused and not voting, 5:

|        |       |       |       |        |
|--------|-------|-------|-------|--------|
| Fowler | Keyes | Sieck | Simon | Warner |
|--------|-------|-------|-------|--------|

Absent and not voting, 1:

Cullan

Failed to advance to E & R for Review with 19 ayes, 23 nays, 1 present and not voting, 5 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

**NOTICE OF COMMITTEE HEARINGS**  
**Public Health and Welfare**

|        |                          |           |
|--------|--------------------------|-----------|
| LB 715 | Monday, January 28, 1980 | 2:00 p.m. |
| LB 763 | Monday, January 28, 1980 | 2:00 p.m. |
| LB 789 | Monday, January 28, 1980 | 2:00 p.m. |
| LB 816 | Monday, January 28, 1980 | 2:00 p.m. |

|        |                           |           |
|--------|---------------------------|-----------|
| LB 664 | Tuesday, January 29, 1980 | 2:00 p.m. |
| LB 684 | Tuesday, January 29, 1980 | 2:00 p.m. |
| LB 728 | Tuesday, January 29, 1980 | 2:00 p.m. |
| LB 665 | Tuesday, January 29, 1980 | 2:00 p.m. |

(Signed) Samuel K. Cullan, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 405 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2021.)

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 865.** By Murphy, 17th District.  
This bill introduced on behalf of: state savings and loans.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1979, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; and to repeal the original sections.

**LEGISLATIVE BILL 866.** By Kelly, 35th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1979, relating to motor vehicles; to require proof of age as prescribed; to provide powers; and to repeal the original section.

**LEGISLATIVE BILL 867.** By Education Committee: Koch, 12th District, Chairman; George, 16th District; Beutler, 28th District; Lamb, 43rd District; Kahle, 37th District; Vickers, 38th District; Barrett, 39th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to the transportation of children for educational purposes; to amend section 43-607, Reissue Revised Statutes of Nebraska, 1943, and section 79-490, Revised Statutes Supplement, 1979; to change rates of reimbursement for mileage as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 868.** By Education Committee: Koch, 12th District, Chairman; Vickers, 38th District; George, 16th District; Barrett, 39th District; Kahle, 37th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to schools; to provide for development of English proficiency development programs; to define terms; to provide state funding; to provide duties; and to provide for rules and regulations.

**LEGISLATIVE BILL 869.** By Education Committee: Koch, 12th District, Chairman; Lamb, 43rd District; Kahle, 37th District; Vickers, 38th District; Barrett, 39th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 79-516.04, 79-1003, and 79-1103, Reissue Revised Statutes of Nebraska, 1943, section 79-803.03, Revised Statutes Supplement, 1978, and section 79-902.01, Revised Statutes Supplement, 1979, relating to schools; to provide for a student member on school boards in certain districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 870.** By George, 16th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to energy conservation; to prohibit the installation and operation of certain engines in Nebraska; to define a term; to prohibit the use of certain fuels by electrical generating facilities; to provide duties; and to provide penalties.

**LEGISLATIVE BILL 871.** By Kelly, 35th District.

This bill introduced on behalf of: Nebraska Chapter National Society for Autistic Children.

A BILL FOR AN ACT relating to autistic citizens; to define terms; to state intent; to create a division; to provide for a director; to provide duties; to create an advisory board; and to provide a subsidy to certain families as prescribed.

### GENERAL FILE

**LEGISLATIVE BILL 498.** Considered.

Mr. Lewis moved to indefinitely postpone.

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The motion to indefinitely postpone prevailed with 23 ayes, 15 nays, 5 present and not voting, 5 excused and not voting, and 1 absent and not voting.

Mrs. Labeledz asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

**LEGISLATIVE RESOLUTION 30.** Read. Considered.

Mrs. Marsh moved to indefinitely postpone LR 30.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?"

Mr. Kahle moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The motion to close debate prevailed with 26 ayes, 7 nays, and 16 not voting.

The motion to indefinitely postpone lost with 8 ayes, 27 nays, and 14 not voting.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Mr. Beutler raised a point of order pursuant to Rule 7, Section 4.

The Chair ruled the debate closed.

Mr. Chambers appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 12 ayes, 19 nays, and 18 not voting.

The Chair was sustained.

Mr. Haberman requested a roll call vote to advance LR 30.

Voting in the affirmative, 31:

|            |          |        |          |         |
|------------|----------|--------|----------|---------|
| Barrett    | George   | Kremer | Pirsch   | Vickers |
| Burrows    | Goodrich | Lamb   | Powers   | Wagner  |
| Carsten    | Haberman | Lewis  | Reutzel  | Wesely  |
| Chronister | Hefner   | Marvel | Rumery   |         |
| Clark      | Kahle    | Merz   | Schmit   |         |
| Cope       | Kelly    | Murphy | Stoney   |         |
| Dworak     | Kennedy  | Nichol | Venditte |         |

Voting in the negative, 9:

|          |            |         |        |        |
|----------|------------|---------|--------|--------|
| Beutler  | Fitzgerald | Johnson | Landis | Newell |
| Chambers | Hoagland   | Koch    | Marsh  |        |

Excused and not voting, 7:

|        |          |       |        |
|--------|----------|-------|--------|
| Fowler | Labeledz | Sieck | Warner |
| Keyes  | Maresh   | Simon |        |

Absent and not voting, 2:

|        |        |
|--------|--------|
| Cullan | DeCamp |
|--------|--------|

Advanced to E & R for Review with 31 ayes, 9 nays, 7 excused and not voting, and 2 absent and not voting.

### ATTORNEY GENERAL'S OPINIONS

Opinion No. 198  
January 21, 1980

Re: Proposed Legislation for  
Motor Vehicle Safety Inspection

Dear Senator Wesely:

Our office is in receipt of your letter of January 11, 1980, in which you have requested an opinion concerning proposed legislation regarding the motor vehicle safety inspection statutes. At the present time our office is involved in litigation in the Douglas County District Court regarding the constitutionality of the statute as a whole. Certain attacks have been made concerning the various exemptions contained in section 60-1701, R.R.S. 1943. It is urged that the various exemptions are unreasonable and arbitrary, thereby making the law unconstitutional.

In that our office is defending the constitutionality of the statute in its present form, it would be inappropriate for us to render an opinion

concerning the merits of the case. However, the exemption given to car dealers and to their employees (including their respective families) has been attacked. In the event that this particular exemption is declared to be unconstitutional or invalid, it would appear that the legislation which you have proposed would cure a defect in the law. However, it should be noted that other exemptions have been attacked as well.

We would also point out that the decision rendered by Judge Burke did not determine the constitutionality of the statute. This issue is pending at the present time, and is still to be resolved.

If our office can be of further assistance to you on this matter, please contact the undersigned.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Ruth Anne E. Galter  
Assistant Attorney General

REG:kkh

C.C. Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 199  
January 21, 1980

Re: Motor Vehicle Inspection  
Statutes

Dear Senator Cullan:

Our office is in receipt of your letter of January 8, 1980, in which you have inquired as to the current status of the Motor Vehicle Inspection Law in the State of Nebraska. At the present time our office is defending an attack upon the constitutionality of the inspection statute as a whole in the Douglas County District Court. The ruling by Judge Burke in this matter was not determinative of the status of the current law and the Department of Motor Vehicles is continuing to enforce the law in its present form.

In that our office is defending the current law, it would be inappropriate to render an opinion on the merits of the case. The attack that has been made in the pending litigation centers around the various exemptions which are granted pursuant to section 60-1701, R.R.S. 1943. In the event that the lawsuit is successful, the various exemptions may be declared invalid.

If our office can be of further assistance to you in this matter, please contact the undersigned.

Sincerely,

PAUL L. DOUGLAS

Attorney General

(Signed)

Ruth Anne E. Galter

Assistant Attorney General

REG:kkh

C.C. Patrick O'Donnell

Clerk of the Legislature

**NOTICE OF COMMITTEE HEARING**  
**Nebraska Retirement Systems**

|        |                           |              |
|--------|---------------------------|--------------|
| LB 726 | Tuesday, January 29, 1980 | 12:00 (noon) |
| LB 817 | Tuesday, January 29, 1980 | 12:00 (noon) |
| LB 818 | Tuesday, January 29, 1980 | 12:00 (noon) |

(Signed) Steve Fowler, Chairperson

**STANDING COMMITTEE REPORTS**  
**Education**

**LEGISLATIVE BILL 734.** Placed on General File.

**LEGISLATIVE BILL 735.** Placed on General File.

(Signed) Jerry D. Koch, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 872.** By Executive Board: Lewis, 45th District, Chairman; Chambers, 11th District; Fitzgerald, 14th District; Lamb, 43rd District; DeCamp, 40th District.

This bill introduced on behalf of: people of Nebraska.

A **BILL FOR AN ACT** to amend section 75-104, Reissue Revised Statutes of Nebraska, 1943, sections 84-201.01 and 84-721, Revised Statutes Supplement, 1978, and section 24-201.01, Revised Statutes Supplement, 1979, relating to state officers; to increase salaries; and to repeal the original sections.

**LEGISLATIVE BILL 873.** By Hoagland, 6th District.

This bill introduced on behalf of: the people of the State of Nebraska.

**A BILL FOR AN ACT** to amend sections 39-1315.01, 39-2103 to 39-2105, 39-2110, and 39-2113, Reissue Revised Statutes of Nebraska, 1943, relating to highways and roads; to provide for a transfer of a road or highway from the state highway system; to provide for payment of costs; to provide for an additional class of roads; to provide for jurisdictional responsibility for such roads; to change procedure as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 874.** By Lewis, 45th District.

This bill introduced on behalf of: Nebraska Beer Wholesalers' Association.

**A BILL FOR AN ACT** to amend section 53-168, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to prohibit a distributor or wholesaler from participating in a merchandising and coupon plan of any manufacturer involving alcoholic liquor and a redemption in cash; to provide a method for redemption in cash; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 875.** By Wesely, 26th District.

This bill introduced on behalf of: Nebraska families.

**A BILL FOR AN ACT** to adopt the Developmental Disabilities-Family Assistance and Support Act; to provide duties; to provide a penalty; and to provide for severability.

**LEGISLATIVE BILL 876.** By Schmit, 23rd District.

This bill introduced on behalf of: self.

**A BILL FOR AN ACT** to amend sections 66-452 and 66-467.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle fuels; to increase the amount of funds transferred to the Agricultural Alcohol Fuel Tax Fund; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 877.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Fitzgerald, 14th District; Haberman, 44th District; Landis, 46th District; Lewis, 45th District; Merz, 1st District; Powers, 9th District. This bill introduced on behalf of: all citizens of Nebraska.

A BILL FOR AN ACT relating to insurance; to adopt the Individual Medicare Supplement and Sickness and Accident Insurance Minimum Standards Act; to provide for enforcement; to change provisions relating to unfair methods of competition; to amend sections 44-710.18 and 44-1525, Reissue Revised Statutes of Nebraska, 1943; to provide for severability; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 878.** By Venditte, 7th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to cities of the metropolitan class; to state intent; and to prohibit certain activities as prescribed.

**LEGISLATIVE BILL 879.** By Venditte, 7th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-3506, Revised Statutes Supplement, 1979, relating to revenue and taxation; to change provisions relating to homestead exemptions as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 880.** By Hefner, 19th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-3422, Revised Statutes Supplement, 1979, relating to the Political Subdivision Budget Limit Act of 1979; to provide definitions as prescribed; to repeal the original section; and to declare an emergency.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Reutzel asked unanimous consent to print the following amendment to LB 436 in the Journal. No objections. So ordered.

On page 2, line 14, before "NO", insert  
"The Legislature shall by rule provide a procedure for its members to request a bill be read at large before the vote is taken upon its final passage."

On page 3, line 5, after "passage" insert  
"and directing the Legislature to provide by rule for reading bills at large upon request."

Amend the title accordingly.

**NOTICE OF COMMITTEE HEARINGS****Education**

|        |                            |           |
|--------|----------------------------|-----------|
| LB 657 | Monday, January 28, 1980   | 1:30 p.m. |
| LB 773 | Monday, January 28, 1980   | 1:30 p.m. |
| LB 769 | Monday, January 28, 1980   | 1:30 p.m. |
| LB 772 | Monday, January 28, 1980   | 1:30 p.m. |
| LB 758 | Tuesday, January 29, 1980  | 1:30 p.m. |
| LB 765 | Tuesday, January 29, 1980  | 1:30 p.m. |
| LB 663 | Tuesday, January 29, 1980  | 1:30 p.m. |
| LB 788 | Tuesday, January 29, 1980  | 1:30 p.m. |
| LB 824 | Monday, February 4, 1980   | 1:30 p.m. |
| LB 771 | Monday, February 4, 1980   | 1:30 p.m. |
| LB 826 | Tuesday, February 5, 1980  | 1:30 p.m. |
| LB 784 | Tuesday, February 5, 1980  | 1:30 p.m. |
| LB 809 | Tuesday, February 5, 1980  | 1:30 p.m. |
| LB 764 | Monday, February 11, 1980  | 1:30 p.m. |
| LB 819 | Monday, February 11, 1980  | 1:30 p.m. |
| LB 770 | Tuesday, February 12, 1980 | 1:30 p.m. |
| LB 774 | Tuesday, February 12, 1980 | 1:30 p.m. |

(Signed) Jerry Koch, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 598.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, 7 excused and not voting, and 1 absent and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 881.** By Merz, 1st District.

This bill introduced on behalf of: Nebraska League of Municipalities.

A BILL FOR AN ACT to amend section 70-626.05, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to change provisions relating to wheeling service as prescribed; and to repeal the original section.

**VISITORS**

Visitors to the Chamber were 5 seniors and teacher from Winside High School.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, January 23, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature.



**TENTH DAY - JANUARY 23, 1980**

**LEGISLATIVE JOURNAL**

**TENTH DAY - JANUARY 23, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 23, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

The Chaplain announced Mr. Fowler is doing well after his surgery yesterday.

Father in Heaven, we pray this day for the gift of hearing.

It may be strange to pray for that when we are surrounded by sound. We are being continually spoken to by the media. Lobbyists and other representatives of specific segments of our society send their messengers regularly. Our constituents are in contact on weekends and quite often in between.

But do we hear the voice of the poor, the lame, the halt, the down trodden, the prisoner, the institutionalized?

Father, we beg you for the power to hear them; to hear the counsel of one another; to hear Your voice. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Labeledz and Mr. Fowler who were excused; and Messrs. DeCamp, George, Haberman, Kremer, Lewis, and Simon who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Ninth Day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 828 through 861; and 746, 759, 786, and 822 for the approval of the Nebraska State Legislature.

| <b>LB</b> | <b>Committee</b>                          |
|-----------|---|
| 828       | Urban Affairs                             |
| 829       | Public Works                              |
| 830       | Public Works                              |
| 831       | Miscellaneous Subjects                    |
| 832       | Government, Military and Veterans Affairs |
| 833       | Agriculture and Environment               |
| 834       | Revenue                                   |
| 835       | Appropriations                            |
| 836       | Urban Affairs                             |
| 837       | Agriculture and Environment               |
| 838       | Urban Affairs                             |
| 839       | Education                                 |
| 840       | Government, Military and Veterans Affairs |
| 841       | Revenue                                   |
| 842       | Public Works                              |
| 843       | Public Works                              |
| 844       | Education                                 |
| 845       | Business and Labor                        |
| 846       | Administrative Rules and Regulations      |
| 847       | Public Health and Welfare                 |
| 848       | Miscellaneous Subjects                    |
| 849       | Miscellaneous Subjects                    |
| 850       | Government, Military and Veterans Affairs |
| 851       | Public Works                              |
| 852       | Agriculture and Environment               |
| 853       | Agriculture and Environment               |
| 854       | Public Works                              |
| 855       | Education                                 |
| 856       | Public Health and Welfare                 |
| 857       | Public Works                              |
| 858       | Banking, Commerce and Insurance           |
| 859       | Miscellaneous Subjects                    |
| 860       | Urban Affairs                             |
| 861       | Judiciary                                 |
| 746       | Government, Military and Veterans Affairs |
| 759       | Agriculture and Environment               |
| 786       | Banking, Commerce and Insurance           |
| 822       | Judiciary                                 |

(Signed) Frank Lewis, Chairperson  
Executive Board

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 200  
January 18, 1980

Dear Senator Wagner:

You have requested our opinion regarding whether or not the waters of the Missouri River are included within the terms of Section 46-202, R.R.S. Neb. 1943, as it presently appears in our statutes.

Section 46-202 provides:

"The water of every natural stream not heretofore appropriated within the State of Nebraska is hereby declared to be the property of the public and is dedicated to the use of the people of this state, subject to appropriation as herein provided."

In your request, you indicate that your uncertainty regarding this matter arises from the fact that Section 46-202 refers to water "within" the state. Inasmuch as the Missouri River waters are along the border of our state, you wonder whether those waters are comprehended by the statutory terms, and therefore a part of our state's appropriation system.

The question you raise has never been addressed by the Nebraska Supreme Court. Accordingly, and until such time as that occasion arises, we are unable to answer your question with absolute certainty. We are of the opinion, however, that the language of Section 46-202 could reasonably be interpreted to comprehend the waters of the Missouri River.

Our opinion is based upon the enabling Act of Congress passed April 19, 1864, which provides in pertinent part in section 2 that: ". . . the said state of Nebraska shall consist of all territory included within the following boundaries, to wit: . . . Thence down the middle of the channel of the said Missouri River, and following the meanderings thereof, to the place of beginning." Hence, because the eastern boundary of Nebraska is located "down the middle of the channel" of the Missouri River, its water should be deemed to be "within" the State, therefore within the terms of Section 46-202, and correspondingly, a part of our state's appropriative system. That interpretation appears to be in harmony with other statutory and constitutional provisions relating to water use in this State, particularly Article XV, section 6, of our Constitution which declares, in part that:

“ . . . The right to divert unappropriated waters of every natural stream for beneficial use shall never be denied except when such denial is demanded by the public interest. . . .”

In closing, we wish to emphasize that while we are of the opinion that the waters of the Missouri River are presently included by the language of section 46-202, we do not wish to imply that such an interpretation will, in fact, be given the language of Section 46-202. The precise meaning of the statute awaits further clarification by the Legislature and/or interpretation by our highest court. Accordingly, and in that connection, inclusion of “or border” after the word within; or “including the Missouri River” immediately following “the State of Nebraska” --as you have suggested--would certainly aid in clarifying the statute. Either of those suggested changes would unquestionably serve the purpose of meeting any objections or challenges which might otherwise be made to the notion that the waters of the Missouri River are subject to appropriation pursuant to Section 46-202.

We hope the foregoing has been of some assistance to you. If you have further questions, please don't hesitate to ask. We remain available to assist you.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Judy K. Hoffman  
Assistant Attorney General

JKH/cmb

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 201  
January 21, 1980

Dear Senator Warner:

In your letter of January 14, 1980, you requested our opinion on two questions set forth as follows:

1. Is a county agricultural society established under the provisions of 2-201 to 2-220.04 a political subdivision?
2. Is a county fair board established under the provisions of 2-221 to 2-237 a political subdivision?

We assume, for purposes of this discussion, that by the term “political subdivision,” you were referring to the traditional concept of a political subdivision of the state, or a public entity created by an act of the Legislature. See, e.g., Wight v. McGuigan, 94 Neb. 358, 143 N.W. 232 (1913).

As referenced in your separate questions above, the Nebraska statutes addressing matters with regard to county agricultural societies and fairs are divided into two general parts. Part 1, section 2-201 through and including section 2-217, Neb.Rev.Stat. (Reissue 1977), deals with the formation of a county agricultural society, and the general powers of such a society in conducting fairs, and working with the county board in the assessment of certain levies for fairground improvements, acquiring fairground property, etc. Sections 2-221.01 through and including 2-237, Neb.Rev.Stat. (Reissue 1977), provide for a separate procedure for the conducting and support of county fairs by popular election within the county, and generally under the coordination of the county board and a county fair board appointed by the county board. It is necessary to consider these distinctions in responding to the separate questions you have raised.

We have had occasion to previously consider the question of whether a county agricultural society is a public agency, or for purposes of this discussion, a political subdivision of the state. Relying on earlier decisions of the Nebraska Supreme Court, such as Wilson v. Thayer County Agricultural Society, 115 Neb. 579, 213 N.W. 966 (1927), and Crete Mills v. Nebraska State Board of Agriculture, 132 Neb. 244, 271 N.W. 684 (1937), we opined that an agricultural society is organized and empowered to act in a fashion similar to that of a private corporation, as opposed to a governmental agency. Those previous opinions, No. 98 and No. 144, 1977-1978 Report of the Attorney General, are enclosed herewith. Consistent with that judicial reasoning, we would advise you that a county agricultural society is not a political subdivision of the state.

A county fair board, however, is a different type of entity, appointed by the county board which is elected in each of the respective Nebraska counties. The county fair board, therefore, serves at the pleasure of elected officers who represent the county, a political subdivision of the state under the rationale set forth in Wight v. McGuigan, *supra*. We would therefore consider the county fair board a governmental body serving a political subdivision of the state.

We trust this correspondence answers the questions you have raised, and invite you to contact the undersigned attorney if you have further questions.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General  
Robert F. Bartle  
Assistant Attorney General

(Signed)

RFB:sjr  
Enc.

cc: Patrick J. O'Donnell  
Clerk of the Legislature

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Keyes asked unanimous consent to add his name to LB 873. No objections. So ordered.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 882.** By Schmit, 23rd District; Lamb, 43rd District; Kahle, 37th District; Nichol, 48th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-202.33, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1978, relating to taxation; to provide state assistance for property tax relief as prescribed; to provide duties; to create a fund; to provide for severability; to repeal the original sections, and also sections 77-202.25 to 77-202.29, and 77-202.31, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.30, and 77-202.36 to 77-202.43, Revised Statutes Supplement, 1978, and section 77-202.32, Reissue Revised Statutes of Nebraska, 1943, as amended by section 192, Legislative Bill 187, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

**LEGISLATIVE BILL 883.** By Lewis, 45th District.  
This bill introduced on behalf of: Nebraska Association of Polygraph Examiners.

A BILL FOR AN ACT to adopt the Polygraph Examiner's Act; to provide penalties; to create a fund; and to provide severability.

**LEGISLATIVE BILL 884.** By Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; Wesely, 26th District; Goodrich, 20th District; Cullan, 49th District; Clark, 47th District; Vickers, 38th District; Beutler, 28th District.  
This bill introduced on behalf of: Nebraska Association of Resources Districts.

A BILL FOR AN ACT relating to natural resources districts; to provide when a bond shall not be required as prescribed.

**LEGISLATIVE BILL 885.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Hoagland, 6th District; Dworak, 22nd District; Kelly, 35th District; Marsh, 29th District; Labedz, 5th District; Cope, 36th District; Fowler, 27th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to the State Capitol; to state intent; to provide for the identification, return, preservation, and maintenance of original capitol furniture; and to provide duties.

**LEGISLATIVE BILL 886.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Hoagland, 6th District; Dworak, 22nd District; Kelly, 35th District; Marsh, 29th District; Cope, 36th District; Labedz, 5th District; Fowler, 27th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 50-701.02, Reissue Revised Statutes of Nebraska, 1943, and section 81-1,102, Revised Statutes Supplement, 1978, relating to the Performance Review and Audit Committee; to provide for ex officio nonvoting members; to provide that the committee hold a public hearing and report to the Legislature as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 887.** Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; Wesely, 26th District; Cullan, 49th District; Beutler, 28th District; Vickers, 38th District; Clark, 47th District; Goodrich, 20th District.

This bill introduced on behalf of: Little Blue NRD.

A BILL FOR AN ACT relating to natural resources district control areas; to designate certain control areas as new programs.

**LEGISLATIVE BILL 888.** By Lamb, 43rd District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 79-1103.05, Reissue Revised Statutes of Nebraska, 1943, relating to Class VI school districts; to provide for county payment of tuition in certain cases as prescribed; to provide for state reimbursement; and to repeal the original section.

**LEGISLATIVE BILL 889.** By Lamb, 43rd District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 81-2,162.03, 81-2,162.07, 81-2,162.13, and 81-2,162.26, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,162.02, 81-2,162.05, 81-2,162.06, and 81-2,162.23, Revised Statutes Supplement, 1978, relating to commercial fertilizer and soil conditioners; to redefine a term; to change registration provisions as prescribed; to change provisions relating to inspection fees; and to repeal the original sections, and also section 81-2,162.24, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 890.** By Powers, 9th District.  
This bill introduced on behalf of: Driver Education.

A BILL FOR AN ACT to amend sections 60-409.02 and 60-409.04, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide reimbursement for certain driver education programs; and to repeal the original sections.

**LEGISLATIVE BILL 891.** By Dworak, 22nd District; Labeledz, 5th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to insurance; to restrict the coverage provided under certain contracts or agreements as prescribed.

**LEGISLATIVE BILL 892.** By Judiciary Committee: Nichol, 48th District, Chairman; Reutzell, 15th District; Chronister, 18th District; Pirsch, 10th District; Wagner, 41st District; Venditte, 7th District.  
This bill introduced on behalf of: County Judges Association.

A BILL FOR AN ACT to amend section 24-524, Revised Statutes Supplement, 1979, relating to small claims court; to provide for appeal procedure as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 893.** By Johnson, 8th District.  
This bill introduced on behalf of: Attorney Howard Hahn.

A BILL FOR AN ACT to amend section 21-2202, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to permit real estate brokers to incorporate under the Nebraska Professional Corporation Act; and to repeal the original section.

**LEGISLATIVE BILL 894.** By Stoney, 4th District.  
This bill introduced on behalf of: constituent.

A BILL FOR AN ACT relating to crime victim's reparations; to provide for assessment of an additional cost against certain defendants in district court; and to provide procedures for deposit of funds in the Victim's Compensation Fund as prescribed.

**LEGISLATIVE BILL 895.** By Pirsch, 10th District.  
This bill introduced on behalf of: victims of Nebraska.

A BILL FOR AN ACT to amend section 29-2005, Reissue Revised Statutes of Nebraska, 1943, and section 29-2203, Revised Statutes Supplement, 1978, relating to criminal procedure; to change provisions relating to peremptory challenges; to change defense of insanity provisions as prescribed; and to repeal the original sections.

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 44.** Title read. Considered.

Mr. Maresh renewed his pending amendment found in the Journal on page 302.

Mr. Newell offered the following amendment to the Maresh amendment:

To strike \$26 and include \$30.00.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?"

Mr. Hefner moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The motion to close debate prevailed with 25 ayes, 5 nays, and 19 not voting.

The Chair announced today is Mr. Haberman's birthday.

The Newell amendment to the Maresh amendment lost with 18 ayes, 23 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment to the Maresh amendment:

To strike \$26 and add \$28.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 21:

|          |            |        |         |        |
|----------|------------|--------|---------|--------|
| Beutler  | Fitzgerald | Koch   | Pirsch  | Wesely |
| Burrows  | Hoagland   | Landis | Powers  |        |
| Chambers | Johnson    | Marsh  | Reutzel |        |
| DeCamp   | Kelly      | Merz   | Simon   |        |
| Dworak   | Keyes      | Newell | Vickers |        |

Voting in the negative, 22:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | George   | Kennedy | Nichol | Wagner |
| Carsten    | Goodrich | Lamb    | Rumery | Warner |
| Chronister | Haberman | Maresh  | Schmit |        |
| Clark      | Hefner   | Marvel  | Sieck  |        |
| Cope       | Kahle    | Murphy  | Stoney |        |

Present and not voting, 1:

Venditte

Excused and not voting, 5:

|        |        |        |          |       |
|--------|--------|--------|----------|-------|
| Cullan | Fowler | Kremer | Labeledz | Lewis |
|--------|--------|--------|----------|-------|

The Newell amendment to the Maresh amendment lost with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

Mrs. Marsh offered the following amendment to the Maresh amendment:

Strike \$26 and insert \$27.00.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

Mrs. Marsh requested a roll call vote on her amendment to the Maresh amendment.

Voting in the affirmative, 20:

|          |            |        |        |         |
|----------|------------|--------|--------|---------|
| Beutler  | Dworak     | Kelly  | Marsh  | Powers  |
| Burrows  | Fitzgerald | Keyes  | Merz   | Reutzel |
| Chambers | Hoagland   | Koch   | Newell | Vickers |
| DeCamp   | Johnson    | Landis | Pirsch | Wesely  |

Voting in the negative, 23:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | George   | Kennedy | Murphy | Stoney |
| Carsten    | Goodrich | Kremer  | Nichol | Wagner |
| Chronister | Haberman | Lamb    | Rumery | Warner |
| Clark      | Hefner   | Maresh  | Schmit |        |
| Cope       | Kahle    | Marvel  | Sieck  |        |

Present and not voting, 2:

Simon            Venditte

Excused and not voting, 4:

Cullan            Fowler            Labeledz            Lewis

The Marsh amendment lost with 20 ayes, 23 nays, 2 present and not voting, and 4 excused and not voting.

### **SPEAKER MARVEL PRESIDING**

Mr. Chambers offered the following amendment to the Maresh amendment:

To amend LB 44. In Maresh amend: strike \$26.00 - insert \$34.00.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Beutler    | Hoagland | Koch   | Newell  | Wesely |
| Burrows    | Johnson  | Landis | Powers  |        |
| Chambers   | Kelly    | Marsh  | Reutzel |        |
| Fitzgerald | Keyes    | Merz   | Simon   |        |

Voting in the negative, 28:

|            |          |         |        |          |
|------------|----------|---------|--------|----------|
| Barrett    | Dworak   | Kennedy | Nichol | Venditte |
| Carsten    | George   | Kremer  | Pirsch | Vickers  |
| Chronister | Goodrich | Lamb    | Rumery | Wagner   |
| Clark      | Haberman | Maresh  | Schmit | Warner   |
| Cope       | Hefner   | Marvel  | Sieck  |          |
| DeCamp     | Kahle    | Murphy  | Stoney |          |

Excused and not voting, 4:

|        |        |          |       |
|--------|--------|----------|-------|
| Cullan | Fowler | Labeledz | Lewis |
|--------|--------|----------|-------|

The Chambers amendment lost with 17 ayes, 28 nays, and 4 excused and not voting.

Laid over.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 896.** By Maresh, 32nd District.

This bill introduced on behalf of: Department of Aeronautics.

A BILL FOR AN ACT to amend section 3-157, Revised Statutes Supplement, 1978, relating to the Department of Aeronautics; to change provisions relating to the rental of property held by such department as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 897.** By Nichol, 48th District.

This bill introduced on behalf of: Adoptive Parents.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1978, relating to revenue and taxation; to provide an income tax credit for certain adoption expenses as prescribed; to define a term; to provide duties; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 898.** By Marvel, 33rd District.  
This bill introduced on behalf of: constituents.

A BILL FOR AN ACT to amend section 75-613, Reissue Revised Statutes of Nebraska, 1943, relating to telegraphs and telephones; to change provisions relating to obtaining telephone service in an adjacent exchange area; and to repeal the original section.

**LEGISLATIVE BILL 899.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Merz, 1st District; Schmit, 23rd District; Powers, 9th District.  
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to interest; to change authorized interest charges as prescribed; to increase a required rate; to clarify provisions; to redefine terms; to amend sections 8-407, 8-435, 8-815, 8-820, 21-1773, 39-1349, 45-102, 45-103, 45-104, and 45-207, Reissue Revised Statutes of Nebraska, 1943, section 8-439, Revised Statutes Supplement, 1978, and sections 45-101.03, 45-101.04, 45-137, and 45-338, Revised Statutes Supplement, 1979; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 900.** By Koch, 12th District.  
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 10 and 14 of the Constitution of Nebraska, relating to Legislature; to remove the Lieutenant Governor as presiding officer and from voting in case of ties; to provide for presiding officers; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 901.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Merz, 1st District; Schmit, 23rd District; Powers, 9th District; Haberman, 44th District; Lewis, 45th District.  
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to personal exemptions; to reject the exemptions provided under the federal bankruptcy act; to elect exemptions as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 902.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Merz, 1st District;

Landis, 46th District; Powers, 9th District; Fitzgerald, 14th District; Schmit, 23rd District; Haberman, 44th District.

This bill introduced on behalf of: Banking Department.

A BILL FOR AN ACT to amend section 21-1316, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide for a limitation on powers of cooperative companies as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 903.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Powers, 9th District; Landis, 46th District; Fitzgerald, 14th District; Schmit, 23rd District; Haberman, 44th District; Merz, 1st District.

This bill introduced on behalf of: Banking Department.

A BILL FOR AN ACT to amend section 8-319, Revised Statutes Supplement, 1979, relating to banks and banking; to eliminate a certain restriction on loans made by building and loan associations; and to repeal the original section.

**LEGISLATIVE BILL 904.** By Banking, Commerce, and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Haberman, 44th District; Fitzgerald, 14th District; Merz, 1st District; Landis, 46th District; Lewis, 45th District; Powers, 9th District.

This bill introduced on behalf of: Nebraska Association of Life Underwriters.

A BILL FOR AN ACT relating to insurance; to adopt the Group Health Insurance Continuation and Conversion Act; to provide an operative date; and to repeal sections 44-1633 to 44-1635, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 905.** By Banking, Commerce, and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Powers, 9th District; Haberman, 44th District; Fitzgerald, 14th District; Merz, 1st District; Landis, 46th District; Lewis, 45th District.

This bill introduced on behalf of: Nebraska Association of Life Underwriters.

A BILL FOR AN ACT to amend section 77-907, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to exempt certain premiums from taxation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 906.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Powers, 9th District; Fitzgerald, 14th District; Schmit, 23rd District; Merz, 1st District.  
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT to adopt the Nebraska No-Fault Motor Vehicle Insurance Act; to repeal section 39-6,191, Reissue Revised Statutes of Nebraska, 1943; relating to guest passengers; to provide severability; and to provide an operative date.

**LEGISLATIVE BILL 907.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Haberman, 44th District; Landis, 46th District; Fitzgerald, 14th District; Merz, 1st District.  
This bill introduced on behalf of: Blue Cross and Blue Shield.

A BILL FOR AN ACT relating to insurance; to require coverage for treatment of alcoholism as prescribed.

**LEGISLATIVE BILL 908.** By Vickers, 38th District.  
This bill introduced on behalf of: citizens of Nebraska.

A BILL FOR AN ACT relating to irrigation; to define terms; and to provide for ground water reuse pits as prescribed.

**LEGISLATIVE BILL 909.** By Maresh, 32nd District.  
This bill introduced on behalf of: Verne Anthony.

A BILL FOR AN ACT to amend sections 12-509, 12-512.03, and 12-516, Reissue Revised Statutes of Nebraska, 1943, relating to cemetery associations; to change provisions on investment of funds as prescribed; to change bonding requirements; and to repeal the original sections.

**LEGISLATIVE BILL 910.** By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Carsten, 2nd District; Stoney, 4th District; Hefner, 19th District; Pirsch, 10th District; Koch, 12th District.  
This bill introduced on behalf of: Nebraska Bass Federation.

A BILL FOR AN ACT relating to motorboats; to eliminate a requirement that the Game and Parks Commission file certain lists; and to repeal section 81-815.36, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 911.** By Hefner, 19th District.

This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to adopt the Alternative Energy Source Tax Refund Act; to provide for penalties; and to provide applicability.

**LEGISLATIVE BILL 912.** By Powers, 9th District.

This bill introduced on behalf of: Nebraska Association of Securities Dealers.

A BILL FOR AN ACT to amend section 8-1110, Reissue Revised Statutes of Nebraska, 1943, relating to the Securities Act of Nebraska; to exempt certain securities and transactions from registration; and to repeal the original section.

**LEGISLATIVE BILL 913.** By Nichol, 48th District.

This bill introduced on behalf of: Scotts Bluff County Commissioners.

A BILL FOR AN ACT to amend section 77-202, Revised Statutes Supplement, 1978, relating to taxation; to eliminate the exemption from ad valorem taxes currently granted certain motor vehicles; and to repeal the original section.

**LEGISLATIVE BILL 914.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Powers, 9th District; Simon, 31st District; Landis, 46th District; DeCamp, 40th District.

This bill introduced on behalf of: Nebraska Labor Department.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of such property.

**LEGISLATIVE BILL 915.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Powers, 9th District; Kahle, 37th District; Fitzgerald, 14th District; Simon, 31st District; DeCamp, 40th District.

This bill introduced on behalf of: Environmental Control Committee.

A BILL FOR AN ACT to amend section 81-1506, Revised Statutes Supplement, 1978, relating to the Environmental Protection Act; to change provisions relating to public nuisances; to delete a restriction on the Department of Environmental Control's authority; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 916.** By Clark, 47th District.

This bill introduced on behalf of: Independent Bankers.

A BILL FOR AN ACT to amend sections 8-120 and 8-122, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide requirements for mergers as prescribed; to provide a rebuttable presumption; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 917.** By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Carsten, 2nd District; Stoney, 4th District; Pirsch, 10th District; Koch, 12th District; Hefner, 19th District.

This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XI of the Constitution of Nebraska, by adding thereto a new section 6, relating to municipal corporations; to provide cities powers of home rule; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 918.** By Nichol, 48th District.

This bill introduced on behalf of: Agriculture Department.

A BILL FOR AN ACT to adopt the Nebraska Rangeland Grasshopper Control Act; to authorize certain contracts; to create a fund; and to declare an emergency.

**LEGISLATIVE BILL 919.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Maresh, 32nd District; Wesely, 26th District; Goodrich, 20th District; Simon, 31st District.

This bill introduced on behalf of: Richard Maresh.

A BILL FOR AN ACT relating to mentally ill dangerous persons; to provide duties for county mental health boards; to require investigations of complaints; to provide procedures to insure that such persons continue required medication; to provide for confidentiality; to provide for definitions; and to provide a penalty.

**LEGISLATIVE BILL 920.** By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Stoney, 4th District; Pirsch, 10th District; Hefner, 19th District; George, 16th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 39-2215, Revised Statutes Supplement, 1979, relating to the Highway Trust Fund; to provide for a transfer from such fund; to create a fund and provide for its use; and to repeal the original section.

**LEGISLATIVE BILL 738A.** By Nichol, 48th District.

This bill introduced on behalf of: LB 738.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 738, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

### NOTICE OF COMMITTEE HEARINGS

#### Business and Labor

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 781 | Wednesday, January 30, 1980 | 2:00 p.m. |
| LB 798 | Wednesday, January 30, 1980 | 2:00 p.m. |
| LB 800 | Wednesday, February 6, 1980 | 2:00 p.m. |
| LB 811 | Wednesday, February 6, 1980 | 2:00 p.m. |

(Signed) Richard Maresh, Chairperson

#### Agriculture and Environment

|        |                            |           |
|--------|----------------------------|-----------|
| LB 630 | Thursday, January 31, 1980 | 2:00 p.m. |
| LB 632 | Thursday, January 31, 1980 | 2:00 p.m. |
| LB 756 | Thursday, January 31, 1980 | 2:00 p.m. |
| LB 797 | Thursday, January 31, 1980 | 2:00 p.m. |

(Signed) Loran Schmit, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and Reutzel asked unanimous consent to print the following amendment to LB 221 in the Journal. No objections. So ordered.

- 1 1. On page 8 line 23 strike "twenty-one"
- 2 and insert "twenty".
- 3 2. On page 11 in lines 13, 17, and 20
- 4 strike "twenty-one" and insert "twenty".
- 5 3. On page 13 line 13 strike "21" and insert
- 6 "20".

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Sieck asked unanimous consent to add his name to LB 837. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS**  
**Committee on Committees**

January 23, 1980

The Committee on Committees will meet at 12:10 p.m. on Wednesday, January 30, 1980, in Room 1520, the Moses P. Kincaid hearing room, for the purpose of hearing appointments or reappointments as follows:

Dr. Maurice Frazer - Environmental Control Council  
John M. Gradwohl - Judge, Commission of Industrial Relations  
Ronald Kelly  
Agricultural Products Industrial Utilization Committee  
Doris Royal  
Agricultural Products Industrial Utilization Committee  
Hal Schroeder - Environmental Control Council  
Richard Veach - Environmental Control Council

(Signed) Shirley Marsh, Chairperson

**MOTION - Place LB 8 on General File**

Mr. Koch moved to place LB 8 on General File pursuant to Rule 3, Section 10(b).

Motion pending.

**RESOLUTION****LEGISLATIVE RESOLUTION 190.**

Introduced by Burrows, 30th District.

WHEREAS, Millard Elmer Wyant started working for the State of Nebraska on April 27, 1936 at the Lincoln Regional Center; and

WHEREAS, Mr. Wyant moved to the Beatrice State Developmental Center in 1951 as business manager and served as the superintendent of that center from 1955 until his retirement on January 18, 1980; and

WHEREAS, tremendous progress was made in the care of the mentally and physically handicapped at the Beatrice State Developmental Center under the direction of Mr. Wyant; and

WHEREAS, Mr. Wyant was a dedicated employee who served under many administrations in a very complex and demanding job.

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

1. That the Legislature expresses the pride and gratitude of all Nebraskans in commending Mr. Wyant for his forty-four years of dedicated and faithful service to the State of Nebraska.

2. That the Legislature wishes Mr. Wyant many enjoyable and rewarding years in his well-deserved retirement.

3. That the Clerk of the Legislature send a copy of this resolution to Mr. Wyant and to the staff of the Beatrice State Developmental Center.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 413.** Title read. Considered.

Standing Committee amendments found in the Journal on page 281 for the Sixth Day were considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

To amend Line 5 of the committee amendments to LB 413 by striking "September 1, 1980" and inserting in its place, "January 1, 1981."

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Dworak offered the following amendment to the Standing Committee amendments:

Amend the committee amendment on line 24 strike one and line 25 strike year and insert 6 months.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The Dworak amendment lost with 8 ayes, 20 nays, 18 present and not voting, and 3 excused and not voting.

Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 184A.** Laid over at the request of Mr. Fitzgerald.

**LEGISLATIVE BILL 374.** Title read. Considered.

**MR. CLARK PRESIDING**

Mr. Nichol moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

**SPEAKER MARVEL PRESIDING**

Advanced to E & R for Review with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 921.** By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Landis, 46th District; Chronister, 18th District; Barrett, 39th District; Merz, 1st District; Johnson, 8th District.

This bill introduced on behalf of: Auditor of Public Accounts.

A BILL FOR AN ACT relating to audits and accounting; to amend sections 23-1611, 77-1331, 77-1613, 77-1615.01, 77-1808, and 79-2210.04, Reissue Revised Statutes of Nebraska, 1943; to provide audit standards; to change provisions relating to county records; to provide duties; to authorize certain contracts; and to repeal the original sections.

**LEGISLATIVE BILL 922.** By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Chambers, 11th District; Landis, 46th District; Barrett, 39th District; Wagner, 41st District; Chronister, 18th District; Merz, 1st District.

This bill introduced on behalf of: Secretary of State and League of Municipalities.

A BILL FOR AN ACT to amend sections 32-403, 32-424, 32-425, 32-471, 32-4,132, 32-711, and 32-819, Reissue Revised Statutes of

Nebraska, 1943, and sections 32-212 and 32-4,152, Revised Statutes Supplement, 1979, relating to elections; to change rates of compensation; to change registration provisions; to change qualifications for election counting board members; to change certain petition and ballot requirements; to authorize an election to fill certain vacancies as prescribed; to change procedures; and to repeal the original sections.

**LEGISLATIVE BILL 923.** By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Landis, 46th District; Chambers, 11th District; Barrett, 39th District; Wagner, 41st District; Chronister, 18th District; Merz, 1st District.

This bill introduced on behalf of: Director of Mexican-American Commission.

A BILL FOR AN ACT to amend section 81-8,270, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,266, Revised Statutes Supplement, 1979, relating to the Commission on Mexican-Americans; to change meeting requirements; to authorize the director to employ personnel as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 924.** By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Landis, 46th District; Barrett, 39th District; Chambers, 11th District; Chronister, 18th District; Merz, 1st District.

This bill introduced on behalf of: Douglas and Lancaster County Surveyors.

A BILL FOR AN ACT relating to counties; to amend sections 23-324.02, 23-1901, and 39-1506, Reissue Revised Statutes of Nebraska, 1943, and section 32-308, Revised Statutes Supplement, 1979; to create the office of county engineer in certain counties as prescribed; to change provisions relating to the county surveyor; to change election provisions as prescribed; to provide powers and duties; and to repeal the original sections.

**LEGISLATIVE BILL 925.** By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Landis, 46th District; Chronister, 18th District; Wagner, 41st District; Merz, 1st District.

This bill introduced on behalf of: Director of Department of Aeronautics.

A BILL FOR AN ACT to amend section 3-239, Reissue Revised Statutes of Nebraska, 1943, relating to airports and landing fields; to restrict certain airport project applications and funding as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 926.** By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Landis, 46th District; Johnson, 8th District; Wagner, 41st District; Chronister, 18th District; Merz, 1st District.

This bill introduced on behalf of: State Surveyor and Professional Surveyors.

A BILL FOR AN ACT to amend sections 23-302, 23-1901, 23-1907, 23-1908, 23-1910, 23-1911, 33-116, 39-1506, 81-8,122, 81-8,122.01, 84-407, and 84-409, Reissue Revised Statutes of Nebraska, 1943, relating to surveyors; to change provisions relating to county surveyors as prescribed; to change provisions relating to the State Surveyor as prescribed; to provide duties; to provide for establishment of a central survey record retention center; to change certain filing procedures; and to repeal the original sections, and also sections 23-1902 and 23-1912, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 927.** By Hoagland, 6th District.

This bill introduced on behalf of: The people of the State of Nebraska.

A BILL FOR AN ACT to amend section 49-1499, Reissue Revised Statutes of Nebraska, relating to the Nebraska Political Accountability and Disclosure Act; to change provisions relating to potential conflicts of interest; and to repeal the original section.

**LEGISLATIVE BILL 928.** By Rules Committee: Fowler, 27th District, Chairman; Newell, 13th District; Beutler, 28th District; Kahle, 37th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to legislative committees; to repeal provisions relating to the Nebraska Transportation Advisory Committee, the Telecommunications Committee, the Nebraska Law Enforcement and Justice Advisory Committee, the Performance Review and Audit Committee, the Nebraska Postsecondary Education Advisory Committee, the Nebraska Retirement Systems Committee, and the Committee on Building Maintenance; and to repeal sections 50-421, 50-424, 50-425, 50-601, 50-602, 50-701.01 to 50-702, and 50-801 to 50-808, Reissue Revised Statutes of Nebraska,

1943, sections 81-185 and 81-186, Revised Statutes Supplement, 1978, and section 50-422, Revised Statutes Supplement, 1979.

**LEGISLATIVE BILL 929.** By LR 169 Committee: Newell, 13th District, Chairman; Fowler, 27th District; Simon, 31st District; Koch, 12th District; Johnson, 8th District.

This bill introduced on behalf of: LR 169 Committee.

A BILL FOR AN ACT to amend section 71-1522, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan cities; to change provisions relating to such city's housing authority jurisdiction; and to repeal the original section.

**LEGISLATIVE BILL 930.** By Schmit, 23rd District.

This bill introduced on behalf of: Public Employees of Nebraska.

A BILL FOR AN ACT to amend section 84-1319, Reissue Revised Statutes of Nebraska, 1943, relating to the state employees retirement system; to provide an additional retirement option; and to repeal the original section.

**LEGISLATIVE BILL 931.** By Wesely, 26th District.

This bill introduced on behalf of: Nebraska.

A BILL FOR AN ACT relating to reclamation districts; to amend sections 46-503 to 46-506, 46-509, 46-512, 46-513, 46-518, 46-525, 46-529, 46-541, 46-564, and 46-566, Reissue Revised Statutes of Nebraska, 1943, and section 46-516, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, section 171, and section 46-543, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, section 172; to provide for additional district electors; to provide a public hearing before forming a district; to provide for additional findings as prescribed; to provide for district continuance elections every ten years; to provide for special elections as prescribed; to change election procedures as prescribed; to provide district election information to certain officials; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 932.** By Urban Affairs Committee: George, 16th District, Chairman; Lamb, 43rd District; Haberman, 44th District; Schmit, 23rd District; Merz, 1st District.

This bill introduced on behalf of: All hearing impaired persons.

A BILL FOR AN ACT to amend sections 20-126, 20-127, 20-129, 20-131.01, and 20-131.04, Reissue Revised Statutes of Nebraska,

1943, and section 20-128, Revised Statutes Supplement, 1978, relating to civil rights; to state policy; to provide for the use of a hearing aid dog by a hearing impaired person as prescribed; to provide a penalty; to provide restrictions; and to repeal the original sections.

**LEGISLATIVE BILL 933.** By LR 169 Committee: Newell, 13th District, Chairman; Simon, 31st District; Keyes, 3rd District; Koch, 12th District; Johnson, 8th District.

This bill introduced on behalf of: LR 169 Committee.

A BILL FOR AN ACT to amend sections 31-728 and 31-753, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to require notice prior to the creation of such districts; to change provisions relating to certain interest rates; and to repeal the original sections.

**LEGISLATIVE BILL 934.** By Goodrich, 20th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to insurance; to provide for continuing education requirements of certain licensees as prescribed; to define terms; and to repeal sections 44-336 to 44-336.06, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 935.** By Chronister, 18th District.

This bill introduced on behalf of: Nebraska Society of CPA's.

A BILL FOR AN ACT to amend section 84-301, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to provide an additional qualification for the Auditor of Public Accounts; and to repeal the original section.

**LEGISLATIVE BILL 936.** By Barrett, 39th District.

This bill introduced on behalf of: Real Estate Commission.

A BILL FOR AN ACT to amend section 81-885.17, Reissue Revised Statutes of Nebraska, 1943, and sections 81-885.13 and 81-885.14, Revised Statutes Supplement, 1978, relating to the State Real Estate Commission; to change provisions for nonresident licenses; and to repeal the original sections.

**LEGISLATIVE BILL 937.** By Burrows, 30th District.

This bill introduced on behalf of: Constituents.

A BILL FOR AN ACT relating to public health; to provide for the licensing of acupuncturists and assistants; to define terms; to provide duties; and to provide for enforcement.

**LEGISLATIVE BILL 938.** By DeCamp, 40th District.  
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to adopt the Therapeutic Research Act; to amend section 28-416, Revised Statutes Supplement, 1978; to provide for penalties; to provide for termination of this act; to provide for severability; and to repeal the original section.

**LEGISLATIVE BILL 939.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Sieck, 24th District; Simon, 31st District; Venditte, 7th District; Powers, 9th District.  
This bill introduced on behalf of: Sunset Review.

A BILL FOR AN ACT to amend sections 2-1203, 2-1208, 2-1208.02, 2-1210, and 2-1219, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to state purpose; to provide duties; to change fees; to change distribution of funds; to change provisions relating to conflicts of interest; to provide for enforcement; and to repeal the original sections.

**LEGISLATIVE BILL 940.** By Murphy, 17th District.  
This bill introduced on behalf of: Nebraska Bankers Association.

A BILL FOR AN ACT to amend section 16-716, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change provisions relating to maximum deposits of city funds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 941.** By Goodrich, 20th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 79-1522.01, 79-1540, and 79-1545, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to change the computation for monthly formula annuities as prescribed; to change provisions for funding such annuities; to delete provisions relating to the School Employer's Deposit Fund; and to repeal the original sections, and also section 79-1545.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 942.** By Newell, 13th District.  
This bill introduced on behalf of: AFL-CIO.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1979, relating to the Employment Security Law; to change provisions relating to disqualification for benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 943.** By Powers, 9th District.

This bill introduced on behalf of: Labor.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1979, relating to the Employment Security Law; to increase benefit amounts for unemployment as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 944.** By Johnson, 8th District; Marsh, 29th District.

This bill introduced on behalf of: the citizens.

A BILL FOR AN ACT relating to motor vehicles; to define terms; to provide for mandatory motor vehicle liability insurance; to provide for an assigned risk plan as prescribed; to provide procedure; to provide duties; to provide a penalty; to amend section 60-556, Reissue Revised Statutes of Nebraska, 1943; to repeal the original section; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 945.** By Barrett, 39th District.

This bill introduced on behalf of: Real Estate Commission.

A BILL FOR AN ACT relating to real estate; to adopt the Nebraska Time-Share Act.

**LEGISLATIVE BILL 946.** By Public Works Committee: Kremer, 34th District, Chairman; Clark, 47th District; Beutler, 28th District; Wesely, 26th District; Kennedy, 21st District; Vickers, 38th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 60-320, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to limit the use of dealer number plates as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 947.** By Goodrich, 20th District.

This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 53-1,121, Revised Statutes Supplement, 1979, relating to liquors; to authorize removal of certain persons from quasi-public property as prescribed; to require civil protective custody; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 948.** By Keyes, 3rd District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-1349, Reissue Revised Statutes of Nebraska, 1943, relating to state highways; to change provisions relating to payments made to construction contractors; to change interest on retained payments as prescribed; and to repeal the original section.

**NOTICE OF COMMITTEE HEARINGS**  
**Public Works**

|        |                              |           |
|--------|------------------------------|-----------|
| LB 701 | Thursday, January 31, 1980   | 1:30 p.m. |
| LB 708 | Thursday, January 31, 1980   | 1:30 p.m. |
| LB 739 | Thursday, January 31, 1980   | 1:30 p.m. |
| LB 709 | Wednesday, February 6, 1980  | 1:30 p.m. |
| LB 820 | Wednesday, February 6, 1980  | 1:30 p.m. |
| LB 776 | Thursday, February 7, 1980   | 1:30 p.m. |
| LB 778 | Thursday, February 7, 1980   | 1:30 p.m. |
| LB 785 | Thursday, February 7, 1980   | 1:30 p.m. |
| LB 693 | Friday, February 8, 1980     | 1:30 p.m. |
| LB 792 | Friday, February 8, 1980     | 1:30 p.m. |
| LB 821 | Friday, February 8, 1980     | 1:30 p.m. |
| LB 757 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 802 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 807 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 779 | Thursday, February 14, 1980  | 1:30 p.m. |
| LB 743 | Thursday, February 14, 1980  | 1:30 p.m. |
| LB 796 | Wednesday, February 20, 1980 | 1:30 p.m. |
| LB 804 | Friday, February 22, 1980    | 1:30 p.m. |
| LB 805 | Friday, February 22, 1980    | 1:30 p.m. |

(Signed) Maurice A. Kremer, Chairperson

**VISITORS**

Visitors to the Chamber were Mr. Nelson Simonetti, Secretary of Legislature, Uruguay, Mr. Martin Ansell, Escort, Department of State, Washington D.C. and 13 Seniors and their instructor from Bruning High School.

**RECESS**

At 11:57 a.m., on a motion by Mr. Vickers, the Legislature recessed until 4:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 4:34 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Cullan, Fowler, and Mrs. Labeledz who were excused; and Messrs. Beutler, Chambers, Clark, DeCamp, Koch, Kremer, Lewis, Sieck, Venditte, and Warner who were excused until they arrive.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Landis asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee amendment on page 1,
- 2 line 7 strike "debts" and insert "loans not to exceed seven
- 3 thousand dollars for each lender"; strike beginning with
- 4 "two" in line 14 through "decedent" in line 15 and insert
- 5 "the time permitted for the presentation of creditor's
- 6 claims against a decedent's estate under Chapter 30"; and
- 7 in line 22 after "property." insert "When the borrower owns
- 8 joint property, the lender may ask for or require the
- 9 signature of the other joint owner as a prerequisite for
- 10 the loan."

**NOTICE OF COMMITTEE HEARINGS****Banking, Commerce and Insurance**

|        |                           |           |
|--------|---------------------------|-----------|
| LB 786 | Tuesday, January 29, 1980 | 1:30 p.m. |
| LB 858 | Tuesday, February 5, 1980 | 1:30 p.m. |

(Signed) John DeCamp, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 949.** By Lamb, 43rd District; Cullan, 49th District.

This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 79-2650, Revised Statutes Supplement, 1979, as amended by Laws 1979, LB 187, section 251, relating to the Technical Community Colleges; to change provisions relating to mill levy authorization as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 950.** By Appropriations Committee: Warner, 25th District, Chairman; Dworak, 22nd District; Rumery, 42nd District; Cope, 36th District; Marsh, 29th District; Kelly, 35th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 81-166, Revised Statutes Supplement, 1978, relating to state administrative departments; to change provisions relating to administrative costs charged for postage as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 951.** By Lewis, 45th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to repeal section 43-704, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to delete provisions restricting the placement of certain children.

**LEGISLATIVE BILL 952.** By Lewis, 45th District.

This bill introduced on behalf of: Democratic Party Members.

A BILL FOR AN ACT relating to taxation; to provide for an income tax checkoff for political parties; to create the Nebraska Election Campaign Fund; to provide for the administration of the fund; and to prescribe duties.

**LEGISLATIVE BILL 953.** By Nebraska Retirement Systems Committee: Lewis, 45th District, Vice Chairman; Schmit, 23rd District; Goodrich, 20th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to cities of the primary class; to establish a police retirement system as prescribed; to provide for membership; to provide for contributions; to create a fund; to authorize investments; to provide conditions for payment of benefits as prescribed; to provide for computation of benefits; to provide for funding; to harmonize provisions; to amend sections 15-1001,

15-1001.01, 15-1002, 15-1011, 15-1013.01, 15-1013.02, 15-1014 to 15-1019, and 15-1021, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1003 to 15-1009, Revised Statutes Supplement, 1979; to provide duties of the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 954.** By LR 98 Committee: DeCamp, 40th District, Chairman; Chambers, 11th District; Schmit, 23rd District; Fitzgerald, 14th District; Lewis, 45th District.

This bill introduced on behalf of: LR 98 committee.

A BILL FOR AN ACT relating to energy; to adopt the Energy Conservation and Independence Act; to appropriate funds; to provide penalties; to change provisions relating to competitive bidding; to eliminate certain audit and filing provisions for public power districts and public power and irrigation districts; to amend section 81-161, Reissue Revised Statutes of Nebraska, 1943; to provide for severability; to repeal the original section, and also sections 70-623 to 70-623.03, and 81-1601 to 81-1603, Reissue Revised Statutes of Nebraska, 1943, and section 81-1604, Revised Statutes Supplement, 1979, relating to the State Energy Office; and to declare an emergency.

**LEGISLATIVE BILL 955.** By Nebraska Retirement Systems Committee: Lewis, 45th District, Vice Chairman; Schmit, 23rd District; Goodrich, 20th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 16-330, 16-333, 16-334, and 16-336, Revised Statutes Supplement, 1979, relating to police officers in first class cities; to change provisions relating to the retirement of such officers as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 956.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Marsh, 29th District; Hoagland, 6th District; Dworak, 22nd District; Cope, 36th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 66-401, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1979, relating to motor vehicle fuels; to redefine a term; to change provisions relating to the purity of agricultural ethyl alcohol as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 957.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Dworak, 22nd District; Cope, 36th District; Kelly, 35th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 81-589 and 81-5,105, Revised Statutes Supplement, 1978, relating to the State Electrical Act; to change provisions relating to fees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 958.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Dworak, 22nd District; Marsh, 29th District; Hoagland, 6th District; Cope, 36th District; Kelly, 35th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 71-121.01, 71-3801, 71-3803, 71-3805 to 71-3807, 71-3812 to 71-3814, 71-3816, 71-3817, 71-3819 to 71-3821, 71-3824, 71-3828, and 71-3830, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3808, 71-3818, 71-3822, 71-3823, 71-3832, 71-3833, 71-3835, and 71-3836, Revised Statutes Supplement, 1978, relating to professional and occupational licenses; to change provisions relating to the licensing of psychologists as prescribed; to change the duties of the Department of Health, the Director of Health, and the State Board of Examiners of Psychologists as prescribed; to make the Bureau of Examining Boards responsible for administration of the activities of the State Board of Examiners of Psychologists; and to repeal the original sections.

**LEGISLATIVE BILL 959.** By Appropriations Committee: Rumery, 42nd District, Vice Chairman; Dworak, 22nd District; Cope, 36th District; Kelly, 35th District; Hoagland, 6th District; Marsh, 29th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 48-704, 48-712, 48-714, and 48-714.02, Reissue Revised Statutes of Nebraska, 1943, relating to boiler inspection; to provide for a certificate fee; to change fees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 960.** By Landis, 46th District.

This bill introduced on behalf of: the public welfare.

A BILL FOR AN ACT to amend sections 60-403.01, 60-408, and 60-409, Reissue Revised Statutes of Nebraska, 1943, and section

60-407, Revised Statutes Supplement, 1979, relating to motor vehicles; to require motorcycle safety instruction as prescribed; to provide an assessment; to establish a fund; to provide for course and instructor requirements; and to repeal the original sections.

**LEGISLATIVE BILL 961.** By Landis, 46th District.  
This bill introduced on behalf of: the public welfare.

A BILL FOR AN ACT relating to motorcycles and mopeds; to require the wearing of a protective helmet as prescribed; to provide duties of the Department of Motor Vehicles; to provide a penalty; to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943; to exclude helmet violations from the point system; and to repeal the original section.

**LEGISLATIVE BILL 962.** By LR 119 Committee: Clark, 47th District; Kremer, 34th District; Lamb, 43rd District; Fitzgerald, 14th District; Beutler, 28th District; Vickers, 38th District; Schmit, 23rd District; Marvel, 33rd District; DeCamp, 40th District; Kennedy, 21st District; Lewis, 45th District.  
This bill introduced on behalf of: LR 119 committee.

A BILL FOR AN ACT to amend section 70-639, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to authorize rejection of certain bids as prescribed; to provide an appeal procedure; and to repeal the original section.

**LEGISLATIVE BILL 963.** By LR 119 Committee: Clark, 47th District; Kremer, 34th District; Lamb, 43rd District; Fitzgerald, 14th District; Schmit, 23rd District; Marvel, 33rd District; DeCamp, 40th District; Beutler, 28th District; Vickers, 38th District; Kennedy, 21st District; Lewis, 45th District.  
This bill introduced on behalf of: LR 119 committee.

A BILL FOR AN ACT relating to public power; to authorize the letting of certain contracts as prescribed; and to provide requirements for persons submitting bids as prescribed for construction or reconstruction.

**LEGISLATIVE BILL 964.** By DeCamp, 40th District.  
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, of the Constitution of Nebraska, by the addition of a new section 18, relating to education; to limit property

tax support for public education; to provide that the Legislature enact a system for financing public education; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 965.** By DeCamp, 40th District.  
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT relating to litter reduction; to amend sections 28-523, 81-1536, 81-1541, 81-1542, 81-1550 to 81-1553, and 81-1559, Revised Statutes Supplement, 1979; to change a penalty provision; to define and redefine terms; to change provisions relating to litter receptacles and fees; to provide for a litter assessment; to provide duties; to provide a penalty; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 966.** By DeCamp, 40th District.  
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT to amend section 8-601, Reissue Revised Statutes of Nebraska, 1943, and section 8-133, Revised Statutes Supplement, 1978, relating to banks and banking; to change provisions relating to inducements for deposits; to change provisions relating to examination assessment fees; and to repeal the original sections.

**LEGISLATIVE BILL 967.** By DeCamp, 40th District.  
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT to amend sections 71-1105 to 71-1107, 71-1110, and 71-1115, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1104, 71-1108, 71-1109, 71-1112, and 71-1114, Revised Statutes Supplement, 1979, relating to prophylactics; to provide for the sale of prophylactics by mechanical devices or vending machines; to provide for the licensing and location of each machine; and to repeal the original sections.

**LEGISLATIVE BILL 968.** By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Johnson, 8th District; Hefner, 19th District; Burrows, 30th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 69-1301, 69-1305 to 69-1308, 69-1313, 69-1314, 69-1316, 69-1318, 69-1321 to 69-1323, 69-1325, 69-1327, and 69-1329, Reissue Revised Statutes of Nebraska,

1943, and sections 69-1302, 69-1304, 69-1310 to 69-1312, 69-1317, and 69-1326, Revised Statutes Supplement, 1978, relating to the Nebraska Disposition of Unclaimed Property Act; to change certain presumptions relating to abandoned property; to change procedures as prescribed; to harmonize provisions; to provide for reciprocity with other states; and to repeal the original sections, and also sections 69-1309, 69-1319, and 69-1328, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 969.** By Hefner, 19th District.  
This bill introduced on behalf of: Counties.

A BILL FOR AN ACT to amend section 29-1804.03, Reissue Revised Statutes of Nebraska, 1943, and section 29-1804.13, Revised Statutes Supplement, 1979, relating to criminal procedure; to provide for payment for representation of certain indigent persons as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 970.** By Kelly, 35th District.  
This bill introduced on behalf of: Law Enforcement Agencies, Attorneys, College Students, Parents, Tavern Operators, Bar Owners, School Teachers, School Administrators, Judges, County Attorneys, High School Students, ASUN (Association of Students of the University of Nebraska), GLC (Government Liaison Committee), Young Democrats, Young Republicans.

A BILL FOR AN ACT to amend sections 53-103, 53-117, 53-180.02, 53-180.04, and 53-180.05, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to define a term; to provide penalties; to harmonize certain provisions with the criminal code; to provide liability for certain actions; to provide duties; to require proof of age as prescribed; to establish a toll-free number; to provide retail licensees with additional powers; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 971.** By Fowler, 27th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to adopt the Nebraska Corrections Act.

**LEGISLATIVE BILL 972.** By Johnson, 8th District.  
This bill introduced on behalf of: Attorney Patrick Betterman.

A BILL FOR AN ACT to amend section 21-2096, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to change

provisions relating to dissolution of a corporation; and to repeal the original section.

**LEGISLATIVE BILL 973.** By Hoagland, 6th District.

This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT to amend sections 81-1542 and 81-1560, Revised Statutes Supplement, 1979, relating to the Nebraska Litter Reduction and Recycling Act; to redefine a term; to change provisions relating to products subject to the litter fee; and to repeal the original sections.

**LEGISLATIVE BILL 974.** By Hoagland, 6th District.

This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-1403, and 49-1409, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide requirements for persons contributing to candidates for the office of member of the Legislature and candidate committees as prescribed; to limit such contributions; to provide for enforcement; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 975.** By Clark, 47th District.

This bill introduced on behalf of: DPI.

A BILL FOR AN ACT relating to the administration of services for mentally disabled persons; to amend sections 43-210.02, 43-646.08, 43-654, 60-1001, 71-5001, 71-5002, 71-5003, 71-5009, 83-108, 83-1,141 to 83-1,143.02, 83-1,143.04, 83-1,143.05, 83-1,143.06, 83-1,147, 83-1,148, 83-1,150, 83-1,151, 83-1,152, 83-227.01, and 83-339, Reissue Revised Statutes of Nebraska, 1943, and section 83-1,149, Revised Statutes Supplement, 1979; to change names of a department and its divisions; to provide duties for the Revisor of Statutes; to provide for severability; to repeal the original sections, and also sections 71-5011 and 83-1,143.03, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 976.** By LR 169 Committee: Newell, 13th District, Chairman; Johnson, 8th District; Keyes, 3rd District; George, 16th District; Marsh, 29th District.

This bill introduced on behalf of: LR 169 committee.

A BILL FOR AN ACT to amend sections 77-1343, 77-1344, and 77-1348, Reissue Revised Statutes of Nebraska, 1943, relating to agricultural lands; to restrict uses of land zoned as agricultural; to increase the interest rate charged upon an additional tax; and to repeal the original sections.

**LEGISLATIVE BILL 977.** By Newell, 13th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-202.25, Reissue Revised Statutes of Nebraska, 1943; relating to taxation; to provide an exemption from personal property taxation for business equipment; and to repeal the original section.

**LEGISLATIVE BILL 978.** By Goodrich, 20th District.  
This bill introduced on behalf of: Omaha Public Schools.

A BILL FOR AN ACT to amend section 43-648, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333, Revised Statutes Supplement, 1978, relating to state funds; to change when payments are made from certain funds as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 979.** By Stoney, 4th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to crimes and punishments; to define terms; to provide offenses relating to arson and other property destruction; to provide penalties; and to repeal sections 28-501 to 28-504, Revised Statutes Supplement, 1978.

**LEGISLATIVE BILL 980.** By LR 169 Committee: Newell, 13th District, Chairman; Keyes, 3rd District; Marsh, 29th District; Koch, 12th District; Johnson, 8th District.  
This bill introduced on behalf of: LR 169 committee.

A BILL FOR AN ACT to amend section 31-747, Reissue Revised Statutes of Nebraska, 1943, and sections 31-739 and 31-740, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 143 and 144 respectively, Legislative Bill 187, Eighty-sixth Legislature, First Session, 1979, relating to sanitary and improvement districts; to change provisions relating to tax levies; to require elections as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 981.** By Beutler, 28th District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 30-2325, Reissue Revised Statutes of Nebraska, 1943, and sections 30-2322 and 30-2323, Revised Statutes Supplement, 1978, relating to decedents' estates; to change provisions relating to homestead allowance, exempt property, and the family allowance as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 982.** By Merz, 1st District.  
This bill introduced on behalf of: Visions 2000.

A BILL FOR AN ACT to amend sections 50-430 and 50-431, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislative Fiscal Analyst; to change requirements for analysis of certain bills and resolutions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 983.** By Executive Board: Lewis, 45th District, Chairman; Chambers, 11th District; DeCamp, 40th District; Fitzgerald, 14th District; Fowler, 27th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 76-214, 76-901, 76-903 to 76-905, 77-112, and 77-508.01, Reissue Revised Statutes of Nebraska, 1943, and section 76-902, Revised Statutes Supplement, 1978, relating to revenue and taxation; to provide for taxation and recording of land contracts; to define a term; to redefine a term; to change provisions relating to intercounty equalization as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 984.** By Schmit, 23rd District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to Natural Resources Districts; to provide legislative intent; to state principles applicable to agriculture and irrigation; to amend section 46-666, Revised Statutes Supplement, 1979; to eliminate provisions relating to closing a control area to the issuance of additional permits; and to repeal the original section.

**LEGISLATIVE BILL 985.** By Schmit, 23rd District.  
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 46-613, Reissue Revised Statutes of Nebraska, 1943, relating to ground water; to change

provisions relating to preference in the use of ground water as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 986.** By Urban Affairs Committee: George, 16th District, Chairman; Lamb, 43rd District; Merz, 1st District; Barrett, 39th District; Haberman, 44th District.

This bill introduced on behalf of: Lincoln Chamber of Commerce and Lincoln Center Development Association.

A BILL FOR AN ACT to amend sections 18-2101.01, 18-2103, and 18-2107, Revised Statutes Supplement, 1979, relating to the Community Development Law; to change provisions relating to a community redevelopment agency; to redefine a term; to provide for an additional power of a redevelopment authority as prescribed; to repeal the original sections; and to declare an emergency.

**MOTION - Withdraw LB 828**

Mr. Newell moved to withdraw LB 828.

Motion pending.

**ADJOURNMENT**

At 4:56 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 9:00 a.m., Thursday, January 24, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**ELEVENTH DAY - JANUARY 24, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 24, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

O God, Who hast put into our hearts the desire to help and to heal those who are in need, and hast placed us in a position where we have the power to improve our society, grant that we may never pass by those sticky situations which seem beyond our individual control, but rather unite for the common good. So draw us together in great efforts of service by which the sore spots of our society may be healed by Thy purpose, and we may be made glad for having been used for the extention of Thy will in the world. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Labeledz, Messrs. Fowler, and Koch who were excused; and Messrs. George, Lewis, Sieck, Simon, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Tenth Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE RESOLUTION 30.** Placed on Select File.

**LEGISLATIVE BILL 598.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Miscellaneous Subjects**

|        |                            |           |
|--------|----------------------------|-----------|
| LB 690 | Thursday, January 31, 1980 | 1:30 p.m. |
| LB 732 | Thursday, January 31, 1980 | 1:30 p.m. |
| LB 745 | Thursday, January 31, 1980 | 1:30 p.m. |
| LB 748 | Thursday, January 31, 1980 | 1:30 p.m. |
| LB 823 | Thursday, January 31, 1980 | 1:30 p.m. |

(Signed) Dave Newell, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Committee on Committees**

January 24, 1980

The Committee on Committees desires to report that the hearing scheduled January 16, 1980 for Doris Royal, appointee to the Agricultural Products Industrial Utilization Committee, has been rescheduled for Wednesday, January 30, 1980 at 12:10 p.m.

(Signed) Shirley Marsh, Chairperson

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

January 24, 1980

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Don Larson  
Agricultural Products Industrial Utilization Committee  
Dean Marsh  
Agricultural Products Industrial Utilization Committee  
William O. Mulligan  
Nebraska Accountability and Disclosure Commission  
Mimi Waldbaum  
Nebraska Accountability and Disclosure Commission

M. E. "Bus" Whitehead  
Agricultural Products Industrial Utilization Committee

VOTE: For: Marsh, Burrows, Cope, Kennedy, Nichol, Reutzell, Schmit, Wesely. (8) Against: None. Not voting: None. Absent: Simon, Lewis, Newell. (3) Excused: Cullan, Labedz. (2)

(Signed) Shirley Marsh, Chairperson

**STANDING COMMITTEE REPORT**  
**Judiciary**

**LEGISLATIVE BILL 700.** Placed on General File.

(Signed) William E. Nichol, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 188.

**GENERAL FILE**

**LEGISLATIVE BILL 35.** Title read. Considered.

Mr. Johnson withdrew his pending amendment found in the Journal on page 1204, First Session.

Mr. Johnson offered the following amendment:

- 1 1. On page 2, strike lines 14 through 19;
- 2 in line 20, strike "(3)" and insert "(2)"; and in line
- 3 25, strike "(4)" and insert "(3)".
- 4 2. On page 3, in line 3, strike "1980" and
- 5 insert "1981"; in line 5, strike "1979" and insert "1980".
- 6 3. On page 6, in line 22, strike "1981" and
- 7 insert "1982".
- 8 4. Strike original section 14.
- 9 5. Insert a new section as follows:
- 10 "Sec. 11. The department shall submit annually
- 11 to the Clerk of the Legislature all standards of need
- 12 constructed pursuant to this act. Until the Legislature
- 13 affirmatively approves in the manner it then deems
- 14 appropriate a standard of need constructed pursuant to
- 15 this act, such standard shall not be used to determine
- 16 eligibility for public assistance nor public assistance
- 17 grant amounts but shall be of informational value only.
- 18 A standard of need developed by the department
- 19 through methods other than those described in this act
- 20 and used by the department on or after the effective

21 date of this act shall be superseded and replaced by a  
 22 standard of need constructed pursuant to this act only  
 23 when the latter is affirmatively approved by the Legislature  
 24 as required by this section.

25 Nothing in this act shall prohibit the department  
 26 from allowing the receipt of increase in federal Social  
 27 Security as supplemented security income payments by  
 1 increasing an item or items of standard of need.”.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Haberman moved to indefinitely postpone LB 35.

Mr. Merz moved the previous question. The question is, “Shall the debate now close?” The motion lost with 17 ayes, 16 nays, and 16 not voting.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Haberman moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 22:

|            |          |         |          |        |
|------------|----------|---------|----------|--------|
| Barrett    | George   | Kennedy | Pirsch   | Wagner |
| Chronister | Haberman | Lamb    | Rumery   | Warner |
| Clark      | Hefner   | Maresh  | Schmit   |        |
| Cope       | Kahle    | Murphy  | Stoney   |        |
| Dworak     | Kelly    | Nichol  | Venditte |        |

Voting in the negative, 23:

|          |            |        |         |         |
|----------|------------|--------|---------|---------|
| Beutler  | DeCamp     | Keyes  | Merz    | Simon   |
| Burrows  | Fitzgerald | Kremer | Newell  | Vickers |
| Carsten  | Goodrich   | Landis | Powers  | Wesely  |
| Chambers | Hoagland   | Marsh  | Reutzel |         |
| Cullan   | Johnson    | Marvel | Sieck   |         |

Excused and not voting, 4:

Fowler          Koch          Labeledz          Lewis

The motion to indefinitely postpone lost with 22 ayes, 23 nays, and 4 excused and not voting.

Mr. Dworak renewed his pending amendment found in the Journal on page 329.

Mrs. Marsh offered the following amendment to the Dworak amendment:

Line 21 - to strike all matter after government. Insert a period in place of a comma.

Mrs. Marsh and Mr. Dworak withdrew their amendments.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Johnson moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Johnson requested a roll call vote to advance LB 35.

Voting in the affirmative, 22:

|          |            |        |         |         |
|----------|------------|--------|---------|---------|
| Beutler  | Fitzgerald | Landis | Powers  | Vickers |
| Burrows  | Hoagland   | Marsh  | Reutzel | Wesely  |
| Chambers | Johnson    | Marvel | Schmit  |         |
| Cullan   | Keyes      | Merz   | Sieck   |         |
| DeCamp   | Kremer     | Newell | Simon   |         |

Voting in the negative, 22:

|            |          |         |          |        |
|------------|----------|---------|----------|--------|
| Barrett    | Dworak   | Kelly   | Nichol   | Wagner |
| Carsten    | George   | Kennedy | Pirsch   | Warner |
| Chronister | Haberman | Lamb    | Rumery   |        |
| Clark      | Hefner   | Maresh  | Stoney   |        |
| Cope       | Kahle    | Murphy  | Venditte |        |

Excused and not voting, 4:

Fowler          Koch          Labeledz          Lewis

Absent and not voting, 1:

Goodrich

Failed to advance to E & R for Review with 22 ayes, 22 nays, 4 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Warner asked unanimous consent to add his name to LB 962 and 963. No objections. So ordered.

**MOTION - Withdraw LB 781**

Mr. Stoney moved to withdraw LB 781.

Motion pending.

**STANDING COMMITTEE REPORT  
Public Health and Welfare**

**LEGISLATIVE BILL 641.** Placed on General File.

(Signed) Samuel K. Cullan, Chairperson

**MOTION - Rule Change**

Mr. Warner moved the adoption of the following rule change:

Amend Rule 6, Section 3(b) as follows:

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Any amendments offered by the introducer to his or her own bill shall not be subject to further amendment notwithstanding Rule 7, Section 3(b). Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

Amend Rule 6, Section 3(h) as follows:

(h) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any rule to the contrary notwithstanding any motion to amend a bill or a motion to amend an amendment shall require a majority vote of the elected

~~members. shall require a majority vote of the elected members. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.~~

Amend Rule 7, Section 3(b) as follows:

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, except as otherwise provided for in these rules.

Referred to the Rules Committee.

## RESOLUTION

### LEGISLATIVE RESOLUTION 191.

Introduced by Sieck, 24th District; Maresh, 32nd District; Kremer, 34th District.

WHEREAS, the Legislature is aware of the contribution of religious services and teachings to the rehabilitative and other goals of the correctional institutions of this state; and

WHEREAS, a center for religious services and other purposes which can serve persons of all faiths and beliefs, will contribute to the objectives and functions of a correctional institution, and the personal growth of its residents; and

WHEREAS, there is now no chapel or meeting hall at the Nebraska Center for Women at York; and

WHEREAS, there is currently a proposed donation to the Nebraska Center for Women to be used to build such a chapel and meeting hall in order to serve women of all faiths and beliefs.

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

1. That the Legislature authorize the Director of Correctional Services to establish a fund composed of donations and other gifts to be used to build an all faiths chapel and meeting hall at the Nebraska Center for Women at York.

2. That the chapel and meeting hall be built at no cost to the State of Nebraska under the authority and with the approval of the Director of Correctional Services who shall consult with persons of all faiths and beliefs.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 186.** Title read. Considered.

Mr. Johnson offered the following amendment:

To amend 186 by adding "good faith" after "such" on line 17, page 2, Green Copy.

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

Advanced to E & R for Review with 26 ayes, 1 nay, 18 present and not voting, 4 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 535.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1785 for the Seventy-Sixth Day, First Session, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Newell offered the following amendment:

AMENDMENTS TO LB 535  
(WHITE COPY REQ. 2926)

- 1       1. On page 11 strike beginning with "A" in
- 2 line 15 through line 27 and show the old matter as
- 3 stricken.
- 4       2. On page 12 strike lines 1 and 2, show the
- 5 old matter as stricken and insert "If a committee did
- 6 not raise, receive, or expend an amount in excess of
- 7 one thousand dollars from the date it raised, received,
- 8 or expended any money, it shall only be required to file
- 9 a campaign statement pursuant to subdivision (3) of
- 10 section 49-1459, which campaign statement need only
- 11 state that fact. After such committee raises, receives,
- 12 or expends in excess of one thousand dollars from the
- 13 date it raised, received, or expended any money, it
- 14 shall file the campaign statement next due pursuant
- 15 to the provisions of section 49-1459 and all campaign
- 16 statements due thereafter."
- 17       2. On page 13 strike beginning with "Unless"
- 18 in line 17 through the period in line 26 and show the
- 19 old matter as stricken.

20 3. On page 14 strike lines 1 to 5, show the  
 21 old matter as stricken, and insert "Unless otherwise  
 22 required to file campaign statements pursuant to sections  
 23 49-1459 to 49-1463, a committee shall file a campaign  
 24 statement not later than June 1 of each year with a  
 25 closing date of April 30 covering the period from the  
 26 closing date of the last campaign statement filed. If  
 27 the committee did not raise, receive, or expend an amount  
 1 in excess of one thousand dollars since the closing  
 2 date of the last campaign statement filed, the campaign  
 3 statement required pursuant to this section need only  
 4 state that fact."

5 4. Strike beginning with "(2)" on page 17,  
 6 line 16 through the underscored period on page 18,  
 7 line 3 and insert "(2) Except as provided in subsection  
 8 (1) of this section, no committee may transfer unexpended  
 9 funds except in the event of dissolution and then only  
 10 to another committee, a tax exempt charitable institution,  
 11 or to the contributors of the committee on a pro rata  
 12 basis or on the basis of priority whereby the last con-  
 13 tributors receive a return of their contributions first.  
 14 In the case of the dissolution of a candidate committee,  
 15 the transfer of unexpended funds to another committee  
 16 is hereby limited to another candidate committee of that  
 17 same individual. Such return of contributions may be  
 18 made to a candidate of a candidate committee if he or  
 19 she is also a contributor thereto, including reimbursement  
 20 for expenditures which were in-kind contributions. In  
 21 no case may any contributor receive more than the amount  
 22 of his or her contribution."

23 5. On page 24, line 16 strike the new matter  
 24 and reinstate the stricken matter.

### **SPEAKER MARVEL PRESIDING**

The Newell amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 491.** Title read. Considered.

Mr. DeCamp moved to indefinitely postpone.

Mr. Dworak moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mr. Dworak requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 18:

|            |            |        |          |        |
|------------|------------|--------|----------|--------|
| Barrett    | Fitzgerald | Marvel | Rumery   | Wagner |
| Carsten    | Goodrich   | Merz   | Simon    | Warner |
| Chronister | Johnson    | Newell | Stoney   |        |
| DeCamp     | Keyes      | Pirsch | Venditte |        |

Voting in the negative, 20:

|         |          |        |        |         |
|---------|----------|--------|--------|---------|
| Beutler | Dworak   | Kahle  | Maresh | Reutzel |
| Clark   | George   | Kelly  | Murphy | Schmit  |
| Cope    | Hefner   | Lamb   | Nichol | Vickers |
| Cullan  | Hoagland | Landis | Powers | Wesely  |

Present and not voting, 4:

|         |          |         |       |
|---------|----------|---------|-------|
| Burrows | Chambers | Kennedy | Sieck |
|---------|----------|---------|-------|

Excused and not voting, 7:

|          |        |          |       |
|----------|--------|----------|-------|
| Fowler   | Koch   | Labeledz | Marsh |
| Haberman | Kremer | Lewis    |       |

The DeCamp motion to indefinitely postpone lost with 18 ayes, 20 nays, 4 present and not voting, and 7 excused and not voting.

#### UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 330 in the Journal. No objections. So ordered.

Req. #2026

- 2 1. Strike the original sections and the
- 3 committee amendments.
- 4 2. Insert four new sections as follows:
- 5 "Section 1. That section 39-662.02, Reissue
- 6 Revised Statutes of Nebraska, 1943, be amended to read as
- 7 follows:
- 8 39-662.02. Any person convicted of exceeding by
- 9 not more than ~~ten~~ fifteen miles per hour the speed limit
- 10 on the National System of Interstate and Defense Highways
- 11 shall be ~~fined not more than ten dollars but no court~~

12 ~~costs shall be assessed against him~~ guilty of unnecessary  
13 use of a limited natural resource.

14 Persons convicted of unnecessary use of a limited  
15 natural resource shall be fined not more than fifteen nor  
16 less than five dollars.

17 Sec. 2. That section 39-669.22, Reissue Revised  
18 Statutes of Nebraska, 1943, be amended to read as  
19 follows:

20 39-669.22. Every court in this state shall make  
21 complete records, including the judgment of conviction  
22 and orders of probation, of every case in which a person  
23 is charged with violation of any provision of Chapter 39,  
24 articles 6 and 7, Chapter 60, articles 4 and 5 or any  
25 amendments thereto, or any traffic regulations in city or  
1 village ordinances. In the event that such person is  
2 convicted, or placed on probation, or that his or her  
3 bail is forfeited, a certified abstract of such judgment  
4 as provided in section 39-669.24 shall be sent within  
5 thirty days by the court to the Director of Motor  
6 Vehicles, except that no certified abstract of judgment  
7 for a violation charged under section 39-662.02, shall be  
8 sent to the director. Any abstract not received by the  
9 Director of Motor Vehicles within thirty days of the date  
10 of conviction shall be reported by the director to the  
11 State Court Administrator. The Director of Motor  
12 Vehicles shall not assess such person with any points  
13 under section 39-669.26 for such violation when the  
14 person is placed on probation therefor, until the  
15 director is advised by the court that such person  
16 previously placed on probation has violated the terms of  
17 his or her probation and such probation has been revoked.  
18 Upon receiving notice of such revocation of probation,  
19 the director shall assess to such person the points which  
20 such person would have been assessed had the person not  
21 been placed on probation. When a person fails to  
22 successfully complete probation, it shall be the duty of  
23 the court to notify the director immediately.

24 Sec. 3. That section 39-669.26, Reissue Revised  
25 Statutes of Nebraska, 1943, be amended to read as  
26 follows:

1 39-669.26. In order to prevent and eliminate  
2 successive traffic violations, there is hereby provided a  
3 point system dealing with traffic violations as disclosed  
4 by the files of the Director of Motor Vehicles. The  
5 following point system shall be adopted:

- 6 (1) Conviction of motor vehicle homicide — 12  
7 points;
- 8 (2) Third offense drunken driving in violation of  
9 any city or village ordinance or of section 39-669.07, as  
10 disclosed by the records of the director, regardless of

- 11 whether the trial court found the same to be a third  
12 offense — 12 points;
- 13 (3) Failure to stop and render aid as required  
14 under the laws of this state in the event of involvement  
15 in a motor vehicle accident resulting in the death or  
16 personal injury of another — 6 points;
- 17 (4) Failure to stop and render aid as required  
18 under the laws of this state or any city or village  
19 ordinance in the event of a motor vehicle accident  
20 resulting in property damage if such accident is reported  
21 by the owner or operator within twelve hours from the  
22 time of the accident — 4 points, otherwise — 8 points,  
23 and for purposes of this subdivision a telephone call or  
24 other notification to the appropriate peace officers  
25 shall be deemed to be a report;
- 26 (5) Driving a motor vehicle while under the  
27 influence of alcoholic liquor or any drug or with  
1 ten-hundredths of one per cent or more by weight of  
2 alcohol in body fluids in violation of any city or  
3 village ordinance or of section 39-669.07 — 6 points;
- 4 (6) Willful reckless driving in violation of any  
5 city or village ordinance or of section 39-669.03 or  
6 39-669.05 — 6 points;
- 7 (7) Careless driving in violation of any city or  
8 village ordinance or of section 39-669 — 4 points;
- 9 (8) Negligent driving in violation of any city or  
10 village ordinance — 3 points;
- 11 (9) Reckless driving in violation of any city or  
12 village ordinance or of section 39-669.01 — 5 points;
- 13 (10) Speeding in violation of any city or village  
14 ordinance or of section 39-662, 39-663, or 39-666: (a)  
15 Not more than five miles per hour over the speed limit —  
16 1 point; (b) more than five miles per hour but not more  
17 than ten miles per hour over the speed limit — 2 points;  
18 (c) more than ten miles per hour over the speed limit —  
19 3 points; Provided, that no points shall be assessed upon  
20 conviction of unnecessary use of a limited natural  
21 resource exceeding by not more than ten miles per hour  
22 the speed limit on any part of the National System of  
23 Interstate and Defense Highways; and provided further,  
24 that one point shall be assessed upon conviction of  
25 exceeding by not more than ten miles per hour, two points  
26 shall be assessed upon conviction of exceeding by more  
27 than ten miles per hour but not more than fifteen miles  
1 per hour, and three points shall be assessed upon  
2 conviction of exceeding by more than fifteen miles per  
3 hour, the speed limits provided for in subdivision (2)(c)  
4 or (d) of section 39-662 or subdivision (1)(c), (d), or  
5 (e), (2)(c), (d), or (e), or (4)(c) or (d) of section  
6 39-666 except as provided in the first proviso in this

7 subdivision; and  
 8 (11) All other traffic violations involving the  
 9 operation of motor vehicles by the operator, for which  
 10 reports to the Department of Motor Vehicles are required  
 11 under sections 39-669.22 and 39-669.23, not including  
 12 parking violations, violations for operating a motor  
 13 vehicle without a valid operator's license in the  
 14 operator's possession, muffler violations, overwidth,  
 15 overheight, or overlength violations, motorcycle  
 16 protective headgear violations, or overloading of trucks  
 17 — 1 point.

18 All such points shall be assessed against the  
 19 driving record of the operator as of the date of the  
 20 violation for which conviction was had.

21 In all cases, the forfeiture of bail, not  
 22 vacated, shall be regarded as equivalent to the  
 23 conviction of the offense with which the operator was  
 24 charged.

25 Sec. 4. That original sections 39-662.02,  
 26 39-669.22, and 39-669.26, Reissue Revised Statutes of  
 27 Nebraska, 1943, are repealed.”.

1 3. In the title strike lines 2 through 6 and  
 2 insert

3 “FOR AN ACT to amend sections 39-662.02, 39-669.22, and  
 4 39-669.26, Reissue Revised Statutes of  
 5 Nebraska, 1943, relating to rules of the road;  
 6 to provide for the offense of unnecessary use  
 7 of a limited natural resource; to provide  
 8 penalties; and to repeal the original  
 9 sections.”.

**NOTICE OF COMMITTEE HEARING**  
**Business and Labor**

LB 781 Wednesday, January 30, 1980 (canceled) 2:00 p.m.

(Signed) Richard Maresh, Chairperson

**STANDING COMMITTEE REPORT**  
**Urban Affairs**

**LEGISLATIVE BILL 61.** Placed on General File.

**LEGISLATIVE BILL 153.** Indefinitely postponed.

(Signed) Walter George, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Vickers asked unanimous consent to print the following amendment to LB 221 in the Journal. No objections. So ordered.

To amend the Reutzel Amendment (Req. 2874) to LB 221 on Page 2, Line 16 after the word "serving" insert "or selling."

Mr. Schmit asked unanimous consent to print the following amendment to LB 491 in the Journal. No objections. So ordered.

- 1 1. On page 2, lines 19, 23, and 24 strike the
- 2 new matter and reinstate the stricken matter; in line
- 3 24 strike "one of" and show as stricken; in line 25
- 4 strike "five thousand feet of" and insert "of"; and
- 5 strike lines 26 and 27 and show the old matter as stricken.

**VISITORS**

Visitors to the Chamber were 13 members and coach of the women's basketball team from Chadron State College and 4 freshmen from the University of Nebraska Agriculture College.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Mr. Rumery, the Legislature adjourned until 9:00 a.m., Friday, January 25, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWELFTH DAY - JANUARY 25, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 25, 1980

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

We know, our Father, that there are times to speak and times to be quiet. Help us to tell the one from the other. When we should speak, give us the courage of our convictions and the sincerity of our beliefs. When we should keep silent, restrain us from speaking, lest in our desire to appear wise, we give ourselves away. Teach us the value of taking times for quiet and reflection, that we may use these times to know ourselves better, to gain new insights into the lives of others around us, and above all, to understand Your will the best of all, for then we shall truly be wise. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Labeledz, Messrs. Fowler, Johnson, Haberman, Koch, and Murphy who were excused; and Messrs. Chambers, Cullan, DeCamp, George, Kelly, Lewis, Newell, and Stoney who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 410, line 4, delete "his" and insert "the".  
The Journal for the Eleventh Day was approved as corrected.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 413.** Placed on Select File as amended.  
 E & R amendments to LB 413:

1. On page 2, line 17, strike the comma; and in line 27 insert "major" after "or".
2. On page 3, line 18, strike the period and insert "; and".

**LEGISLATIVE BILL 374.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 862 through 947; 949 through 953; 955 through 983; and 986 for the approval of the Nebraska State Legislature.

| <b>LB</b> | <b>Committee</b>                          |
|-----------|---|
| 862       | Government, Military and Veterans Affairs |
| 863       | Public Works                              |
| 864       | Public Works                              |
| 865       | Banking, Commerce and Insurance           |
| 866       | Public Works                              |
| 867       | Education                                 |
| 868       | Education                                 |
| 869       | Education                                 |
| 870       | Public Works                              |
| 871       | Education                                 |
| 872       | Government, Military and Veterans Affairs |
| 873       | Public Works                              |
| 874       | Miscellaneous Subjects                    |
| 875       | Public Health and Welfare                 |
| 876       | Agriculture and Environment               |
| 877       | Banking, Commerce and Insurance           |
| 878       | Urban Affairs                             |
| 879       | Revenue                                   |
| 880       | Revenue                                   |
| 881       | Public Works                              |
| 882       | Revenue                                   |
| 883       | Miscellaneous Subjects                    |
| 884       | Public Works                              |
| 885       | Appropriations                            |

|     |   |
|-----|---|
| 886 | Appropriations                            |
| 887 | Public Works                              |
| 888 | Education                                 |
| 889 | Agriculture and Environment               |
| 890 | Education                                 |
| 891 | Banking, Commerce and Insurance           |
| 892 | Judiciary                                 |
| 893 | Banking, Commerce and Insurance           |
| 894 | Judiciary                                 |
| 895 | Judiciary                                 |
| 896 | Government, Military and Veterans Affairs |
| 897 | Revenue                                   |
| 898 | Public Works                              |
| 899 | Banking, Commerce and Insurance           |
| 900 | Constitutional Revision and Recreation    |
| 901 | Banking, Commerce and Insurance           |
| 902 | Banking, Commerce and Insurance           |
| 903 | Banking, Commerce and Insurance           |
| 904 | Banking, Commerce and Insurance           |
| 905 | Revenue                                   |
| 906 | Banking, Commerce and Insurance           |
| 907 | Banking, Commerce and Insurance           |
| 908 | Public Works                              |
| 909 | Government, Military and Veterans Affairs |
| 910 | Constitutional Revision and Recreation    |
| 911 | Revenue                                   |
| 912 | Banking, Commerce and Insurance           |
| 913 | Revenue                                   |
| 914 | Business and Labor                        |
| 915 | Agriculture and Environment               |
| 916 | Banking, Commerce and Insurance           |
| 917 | Constitutional Revision and Recreation    |
| 918 | Agriculture and Environment               |
| 919 | Public Health and Welfare                 |
| 920 | Public Works                              |
| 921 | Government, Military and Veterans Affairs |
| 922 | Government, Military and Veterans Affairs |
| 923 | Government, Military and Veterans Affairs |
| 924 | Government, Military and Veterans Affairs |
| 925 | Government, Military and Veterans Affairs |
| 926 | Government, Military and Veterans Affairs |
| 927 | Miscellaneous Subjects                    |
| 928 | Miscellaneous Subjects                    |
| 929 | Urban Affairs                             |
| 930 | Nebraska Retirement Systems               |

|     |   |
|-----|---|
| 931 | Public Works                              |
| 932 | Public Health and Welfare                 |
| 933 | Urban Affairs                             |
| 934 | Banking, Commerce and Insurance           |
| 935 | Government, Military and Veterans Affairs |
| 936 | Judiciary                                 |
| 937 | Public Health and Welfare                 |
| 938 | Public Health and Welfare                 |
| 939 | Miscellaneous Subjects                    |
| 940 | Banking, Commerce and Insurance           |
| 941 | Nebraska Retirement Systems               |
| 942 | Business and Labor                        |
| 943 | Business and Labor                        |
| 944 | Banking, Commerce and Insurance           |
| 945 | Judiciary                                 |
| 946 | Public Works                              |
| 947 | Judiciary                                 |
| 949 | Education                                 |
| 950 | Appropriations                            |
| 951 | Public Health and Welfare                 |
| 952 | Government, Military and Veterans Affairs |
| 953 | Nebraska Retirement Systems               |
| 955 | Nebraska Retirement Systems               |
| 956 | Agriculture and Environment               |
| 957 | Appropriations                            |
| 958 | Public Health and Welfare                 |
| 959 | Appropriations                            |
| 960 | Public Works                              |
| 961 | Public Works                              |
| 962 | Public Works                              |
| 963 | Public Works                              |
| 964 | Constitutional Revision and Recreation    |
| 965 | Agriculture and Environment               |
| 966 | Banking, Commerce and Insurance           |
| 967 | Public Health and Welfare                 |
| 968 | Banking, Commerce and Insurance           |
| 969 | Judiciary                                 |
| 970 | Miscellaneous Subjects                    |
| 971 | Judiciary                                 |
| 972 | Judiciary                                 |
| 973 | Agriculture and Environment               |
| 974 | Miscellaneous Subjects                    |
| 975 | Government, Military and Veterans Affairs |
| 976 | Revenue                                   |
| 977 | Revenue                                   |

978 Education  
 979 Judiciary  
 980 Urban Affairs  
 981 Judiciary  
 982 Appropriations  
 983 Revenue  
 986 Urban Affairs

(Signed) Frank Lewis, Chairperson  
 Executive Board

### REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 24, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Allan, Tamas R. - Lincoln, (Withdrawn 1/15/80), Tews and Radcliffe  
 Brown, Jim L. - Beatrice, The Martin Luther Home  
 Burnett, Joe - St. Paul, MN (Reinstated 1/22/80), 3M

Crosby, Guenzel, Davis, Kessner & Kuester:

Crosby, Robert B. - Lincoln, American Home Shield (Withdrawn  
 1/16/80), Energy Transportation Systems, Inc. (Withdrawn  
 1/16/80), Shell Oil Company (Withdrawn 1/16/80)

Dalton, Matthew R. - Lincoln, Shell Oil Company (Withdrawn  
 1/16/80)

Davis, Donn E. - Lincoln, Energy Transportation Systems, Inc.  
 (Withdrawn 1/16/80)

Dunn, Donald L. - Lincoln, Police Officers Association of  
 Nebraska

Kessner, Theodore L. - Lincoln, Nebraska Cooperative Council  
 Sedgwick, James L. - Lincoln, American Home Shield  
 (Withdrawn 1/16/80)

Crowl, Ralph E. - Omaha, Kratz, Dean G.

Evans, Thomas Allen - Lincoln, Nebraska Dairy Industries  
 Association

Humble, Charles D. - Lincoln, Nebraska Cable Communications  
 Association

Kelley, Michael A. - Omaha, International Association of Heat &  
 Frost Insulators and Asbestos Workers

**Knudsen, Berkheimer, Beam, Richardson & Endacott:**

Ruth, Larry L. - Lincoln, Nebraska Aviation Trades Association  
(Withdrawn 3/31/79)

Kurtenbach, Richard - Lincoln, Nebraska Civil Liberties Union  
(NCLU)

Lombardi, Richard - Lincoln, Association of Nebraska State  
Troopers

Noren, Charles F. - Lincoln, Nebraska Workmen's Compensation  
Court Judges (Withdrawn 1/8/80)

O'Hara, Paul V. - Lincoln, Lincoln Chamber of Commerce

Pace, Jack M. - Lincoln (Withdrawn 1/16/80), Farmers Mutual  
Insurance Company of Nebraska

Peters, William E. - Lincoln, Nebraskans for Reasonable Taxation

Rasmussen, Dennis - Lincoln, Citizens for Preservation for Free  
Enterprise

Rolofson, Elwyn E. - Raymond, Nebraska State Grange

Royle, R. W. - St. Louis, MO (Withdrawn 1/15/80), UpJohn  
Healthcare Services

Siefkes, Herman - Lincoln, Nebraska Restaurant Association

Siffring, Raymond - Lincoln (Withdrawn 1/1/80), Raymond Siffring  
Company

Tews, David D. - Lincoln, Tews and Radcliffe

Has withdrawn from the following, effective 1/15/80: Can  
Manufacturers Institute; Friends of Higher Education; Glass  
Packing Institute; Lincoln Telephone and Telegraph Company;  
Media of Nebraska; Motion Picture Association of America,  
Inc.; Nebraska Academy of Ophthalmology; Nebraska  
Consumer Credit Association; Nebraska District Judges  
Association, Nebraska Supreme Court Justices and Municipal  
Court Judges; Nebraska Independent Oil and Gas Association;  
Nebraska Mortgage Association; Nebraska Pyrotechnics  
Association; Nebraska Restaurant Employers (Withdrawn  
2/26/79 - reinstated 4/6/79); Nebraska Securities Industries  
Association; Nebraska Sheriffs' & Peace Officers' Association;  
Nebraska Society of Certified Public Accountants; Omaha  
Public Power District; Postal Finance and Postal Savings  
Company (1980); Thompson and Leonard Associates; Whelan,  
Gerald T., Attorney at Law; Wine Institute

Wylie, William - Elgin, Nebraska Independent Auctioneers

Zdan, Brian - Omaha (Withdrawn 6/12/79), -Western Capital  
Corporation

**UNANIMOUS CONSENT - Print in Journal**

Mr. Vickers asked unanimous consent to print the following amendment to LB 483 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 483  
(WHITE COPY REQ. 2663)

- 1 1. On page 4, line 23 strike "either" and
- 2 insert "both", and strike "parent" and insert "parents";
- 3 in line 24 strike "is" and insert "are" and after
- 4 "deceased" insert "or if only one biological parent is
- 5 known and information indicates that such parent is
- 6 deceased".

**MOTION - Approve Appointments**

Mrs. Marsh moved the adoption of the Committee on Committees Report found in the Journal on page 402 on the following appointments: Don Larson, Dean Marsh, William O. Mulligan, Mimi Waldbaum, and M. E. "Bus" Whitehead.

Voting in the affirmative, 28:

|            |            |        |         |        |
|------------|------------|--------|---------|--------|
| Barrett    | Fitzgerald | Lamb   | Nichol  | Sieck  |
| Burrows    | Goodrich   | Landis | Pirsch  | Wagner |
| Chronister | Hefner     | Maresh | Powers  | Warner |
| Clark      | Kahle      | Marsh  | Reutzel | Wesely |
| Cope       | Kennedy    | Marvel | Rumery  |        |
| Dworak     | Kremer     | Merz   | Schmit  |        |

Voting in the negative, 0.

Present and not voting, 7:

|         |          |          |         |
|---------|----------|----------|---------|
| Beutler | Hoagland | Simon    | Vickers |
| Carsten | Keyes    | Venditte |         |

Excused and not voting, 14:

|          |          |         |          |        |
|----------|----------|---------|----------|--------|
| Chambers | Fowler   | Johnson | Labeledz | Newell |
| Cullan   | George   | Kelly   | Lewis    | Stoney |
| DeCamp   | Haberman | Koch    | Murphy   |        |

The appointments were confirmed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 203.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 572.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 442.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 284.** E & R amendments found in the Journal on page 242 for the Fifth Day were adopted.

Laid over at the request of Mr. Kremer.

**LEGISLATIVE BILL 409.** E & R amendments found in the Journal on page 242 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 526.** E & R amendments found in the Journal on page 307 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 261.** E & R amendment found in the Journal on page 307 for the Seventh Day was adopted.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Hoagland requested a roll call vote to advance LB 261.

Voting in the affirmative, 22:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Barrett    | Goodrich | Marsh  | Reutzel | Wagner |
| Beutler    | Hoagland | Merz   | Rumery  | Wesely |
| Burrows    | Keyes    | Newell | Sieck   |        |
| Cope       | Kremer   | Pirsch | Simon   |        |
| Fitzgerald | Landis   | Powers | Vickers |        |

Voting in the negative, 13:

|         |        |         |        |        |
|---------|--------|---------|--------|--------|
| Carsten | George | Kennedy | Marvel | Warner |
| Clark   | Hefner | Lamb    | Nichol |        |
| Dworak  | Kahle  | Maresh  | Schmit |        |

Present and not voting, 3:

Chambers    Chronister    Venditte

Excused and not voting, 11:

|        |          |          |        |
|--------|----------|----------|--------|
| Cullan | Haberman | Koch     | Murphy |
| DeCamp | Johnson  | Labeledz | Stoney |
| Fowler | Kelly    | Lewis    |        |

Failed to advance to E & R for Engrossment with 22 ayes, 13 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the Call raised.

**LEGISLATIVE BILL 597.** E & R amendment found in the Journal on page 325 for the Eighth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 108.** E & R amendments found in the Journal on page 305 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 436.** Mr. Reutzel renewed his pending amendment found in the Journal on page 359.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Reutzel amendment was adopted with 25 ayes, 4 nays, 10 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Reutzel requested a roll call vote to advance LB 436.

Voting in the affirmative, 20:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Beutler    | Goodrich | Kelly  | Newell  | Rumery |
| Carsten    | Hefner   | Landis | Nichol  | Sieck  |
| DeCamp     | Hoagland | Marsh  | Powers  | Simon  |
| Fitzgerald | Kahle    | Merz   | Reutzel | Wesely |

Voting in the negative, 19:

|            |         |        |          |         |
|------------|---------|--------|----------|---------|
| Barrett    | Cope    | Keyes  | Pirsch   | Vickers |
| Chambers   | Dworak  | Lamb   | Schmit   | Wagner  |
| Chronister | George  | Maresh | Stoney   | Warner  |
| Clark      | Kennedy | Marvel | Venditte |         |

Present and not voting, 1:

Burrows

Excused and not voting, 9:

|        |          |        |          |        |
|--------|----------|--------|----------|--------|
| Cullan | Haberman | Koch   | Labeledz | Murphy |
| Fowler | Johnson  | Kremer | Lewis    |        |

Failed to advance to E & R for Engrossment with 20 ayes, 19 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

### **STANDING COMMITTEE REPORTS** **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 650.** Placed on General File as amended.  
Standing Committee amendment to LB 650:

1. On page 2, lines 17 and 21, strike "property of" and insert "interest in"; in line 23 strike the new matter; in line 24 after "or" insert "deeds in"; and in line 25 after "the" insert "interest in the".

(Signed) John DeCamp, Chairperson

#### **Judiciary**

**LEGISLATIVE BILL 697.** Placed on General File.

**LEGISLATIVE BILL 698.** Placed on General File.

**LEGISLATIVE BILL 626.** Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

**NOTICE OF COMMITTEE HEARINGS  
Government, Military and Veterans Affairs**

|        |                            |           |
|--------|----------------------------|-----------|
| LB 760 | Thursday, January 31, 1980 | 1:30 p.m. |
| LB 766 | Thursday, January 31, 1980 | 1:30 p.m. |
| LB 810 | Thursday, January 31, 1980 | 1:30 p.m. |

Room Change: From 1113 to the East Legislative Chambers

|        |                            |           |
|--------|----------------------------|-----------|
| LB 609 | Thursday, February 7, 1980 | 6:30 p.m. |
| LB 627 | Thursday, February 7, 1980 | 6:30 p.m. |

(Signed) Orval Keyes, Chairperson

**Public Works**

|        |  |           |
|--------|--|-----------|
| LB 656 | Wednesday, February 6, 1980 (Continue) | 1:30 p.m. |
| LB 829 | Friday, February 1, 1980               | 9:30 a.m. |
| LB 830 | Friday, February 1, 1980               | 9:30 a.m. |
| LB 843 | Friday, February 1, 1980               | 1:30 p.m. |
| LB 857 | Friday, February 1, 1980               | 1:30 p.m. |
| LB 863 | Friday, February 1, 1980               | 1:30 p.m. |

(Signed) Maurice A. Kremer, Chairperson

**Education**

|        |                            |           |
|--------|----------------------------|-----------|
| LB 949 | Monday, February 4, 1980   | 1:30 p.m. |
| LB 869 | Tuesday, February 5, 1980  | 1:30 p.m. |
| LB 855 | Monday, February 11, 1980  | 1:30 p.m. |
| LB 839 | Tuesday, February 12, 1980 | 1:30 p.m. |
| LB 888 | Tuesday, February 12, 1980 | 1:30 p.m. |
| LB 844 | Monday, February 25, 1980  | 1:30 p.m. |
| LB 867 | Monday, February 25, 1980  | 1:30 p.m. |
| LB 868 | Monday, February 25, 1980  | 1:30 p.m. |
| LB 871 | Monday, February 25, 1980  | 1:30 p.m. |
| LB 890 | Tuesday, February 26, 1980 | 1:30 p.m. |
| LB 978 | Tuesday, February 26, 1980 | 1:30 p.m. |

(Signed) Jerry Koch, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 525.** Mr. Sieck offered the following amendment:

IN SECTION 1, LINE 6, STRIKE "PHYSICAL DISABILITY" AND INSERT "CEREBRAL PALSY, AUTISM".

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 496.** Title read. Considered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 265.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The DeCamp amendment was adopted with 26 ayes, 6 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Mr. Lamb moved to recommit LB 496 to the Banking, Commerce and Insurance Committee.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

The Lamb motion lost with 18 ayes, 17 nays, and 14 not voting.

Advanced to E & R for Review with 26 ayes, 10 nays, 3 present and not voting, and 10 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Nichol asked unanimous consent to print the following amendment to LB 235 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee amendments page  
 2 2 line 4 strike "This" and insert "Other than for  
 3 purposes of validating a conveyance, this"; and in  
 4 line 5 strike "all".  
 5 2. Insert a new section 2:  
 6 "Sec. 2. Since an emergency exists, this  
 7 act shall be in full force and take effect, from and  
 8 after its passage and approval according to law."

**NOTICE OF COMMITTEE HEARINGS**  
**Urban Affairs**

|        |                              |           |
|--------|------------------------------|-----------|
| LB 662 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 692 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 704 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 860 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 986 | Wednesday, January 30, 1980  | 1:30 p.m. |

(Signed) Walter George, Chairperson

**STANDING COMMITTEE REPORTS**  
**Revenue**

- LEGISLATIVE BILL 142.** Indefinitely postponed.  
**LEGISLATIVE BILL 670.** Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

**GENERAL FILE**

- LEGISLATIVE BILL 499.** Title read. Considered.

Standing Committee amendments found in the Journal on page 326 for the Eighth Day were considered.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Dworak offered the following amendment to the Standing Committee amendments:

Amend the committee amendment on page 3 line 12 strike one % and add 3%.

Line 15 strike State Visitors Promotion Cash Fund and insert General Fund.

Strike Sec 9, Sec 11, and Sec 12 and Sec 13, Sec 14, Sec 18

The Dworak amendment lost with 12 ayes, 15 nays, 10 present and not voting, and 12 excused and not voting.

Standing Committee amendments were adopted with 25 ayes, 6 nays, 6 present and not voting, and 12 excused and not voting.

Laid over.

**MOTION - Withdraw LB 828**

Mr. Newell renewed his pending motion found in the Journal on page 400 to withdraw LB 828.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

**MOTION - Withdraw LB 781**

Mr. Stoney renewed his pending motion found in the Journal on page 406 to withdraw LB 781.

The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Burrows asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

- 1 1. Insert the following new section:
- 2 "Sec. 7. A physician shall not be covered by
- 3 provisions of sections 44-2801 to 44-2855, Reissue
- 4 Revised Statutes of Nebraska, 1943, in instances where
- 5 he prescribes laetrile for a patient. The physician
- 6 shall be subject to liability under doctrines of
- 7 common law in the instances where laetrile is prescribed."
- 8 2. Renumber remaining sections accordingly.

**NOTICE OF COMMITTEE HEARING  
Business and Labor**

LB 914

Wednesday, January 30, 1980

2:00 p.m.

(Signed) Richard Maresh, Chairperson

**STANDING COMMITTEE REPORTS**  
**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 607.** Placed on General File.

**LEGISLATIVE BILL 615.** Placed on General File as amended.  
 Standing committee amendments to LB 615:

- 1       1. On page 2 in lines 7 through 9 strike the
- 2 new matter and reinstate the stricken matter, and in
- 3 line 7 strike the reinstated "seventeen" and insert
- 4 "~~seventeen~~ twenty-one"; and in lines 23 through 25
- 5 strike the new matter and reinstate the stricken matter
- 6 and in line 24 strike the reinstated "seventeen" and
- 7 insert "~~seventeen~~ twenty-one".
- 8       2. On page 3 in lines 26 and 27 strike the
- 9 new matter and reinstate the stricken matter and in
- 10 line 26 strike the reinstated "twenty" and insert "~~twenty~~
- 11 twenty-four".
- 12       3. On page 4 line 1 strike the new matter.
- 13       4. On page 7 in lines 5 through 7 strike the
- 14 new matter and reinstate the stricken matter and in
- 15 line 5 strike the reinstated "twenty" and insert
- 16 "~~twenty~~ twenty-four".
- 17       5. On page 8 in lines 26 and 27 strike the
- 18 new matter and reinstate the stricken matter and in
- 19 line 26 strike the reinstated "twenty" and insert
- 20 "~~twenty~~ twenty-four".
- 21       6. On page 9 line 1 strike the new matter.

(Signed) Orval Keyes, Chairperson

**VISITORS**

Visitors to the Chamber were Mr. and Mrs. Frank Palmer of Omaha; Ms. Gail Folda, Lincoln; Mr. Kent Lush, Omaha; Glen Davidson, Syracuse; and Pat Egan, Lincoln.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Monday, January 28, 1980.

Patrick J. O'Donnell  
 Clerk of the Legislature



**THIRTEENTH DAY - JANUARY 28, 1980**

**LEGISLATIVE JOURNAL**

**THIRTEENTH DAY - JANUARY 28, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 28, 1980

Pursuant to adjournment, the Legislature met at 10:02 a.m.,  
President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Oh God, coming back from a weekend, it's easy to exchange conversation about some of the obvious good things that have come our way, but as we gather now before You, we would reflect on those good things that have come to us disguised, or reached us in round about ways, we think of an unwelcome problem that shifted the center of our trust from ourself to You; of different people who entered our life without our willing or wanting, and in time expanded our horizons and made us better for their guidance; of some prize that toppled from our grasp as we strained to reach it, causing us to change course and in the changing to discover life itself. We remember long nights of heavy-hanging doubt that issued in a wiser, sturdier faith in the morning; explosive arguments that aired differences between us, routed sham, located issues, and made an authentic meeting of the minds possible; challenges to our power that deflated the ego and left us with a humbler estimate of self. For these and other back-door mercies, we thank You, God! Amen.

**ROLL CALL**

The roll was called and all members were present except Mr. Simon who was excused; and Messrs. Chambers, Fitzgerald, George, Hoagland, Lewis, and Sieck who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twelfth Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 186.** Placed on Select File.

**LEGISLATIVE BILL 535.** Placed on Select File as amended.  
 E & R amendments to LB 535:

References are to Committee Amendments

1. On page 3, line 17, strike the third comma.
2. On page 5, line 17, strike "other" and insert "otherwise"; and in line 24, insert an underscored comma after "office".
3. On page 9, line 15, strike the comma and show stricken.
4. On page 16, line 11, strike "to" and insert "for"; and in line 26 strike the comma.
5. On page 18, line 14, strike ". However," and insert ", but".
6. On page 25, line 12, insert an underscored comma after "person".
7. On page 30, lines 2 and 6, strike the comma.
8. In the title, line 2, insert "49-1409," after "sections"; strike lines 5 and 6 and insert "49-1479, 49-1496, 49-14,121, and"; and strike beginning with line 10 through line 16 and insert "define and redefine terms; to change and clarify provisions relating to committees and filings; to delete a salary limitation; to prohibit certain acts; to provide penalties; and to repeal the original section."

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORTS**  
**Judiciary**

**LEGISLATIVE BILL 696.** Placed on General File as amended.  
 Standing Committee amendments to LB 696:  
 (Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2019.)

(Signed) William E. Nichol, Chairperson

### Revenue

**LEGISLATIVE BILL 599.** Placed on General File as amended.  
Standing Committee amendments to LB 599:

1. On page 4, line 9, strike "courthouses," and show as stricken.
2. On page 13, line 4, strike "eight-tenths" and insert "nine-tenths".
3. On page 17, in lines 10, 19, and 27 after "dollars" insert "on the actual valuation of all property within the area".
4. On page 18, in line 25 after "dollars" insert "on the actual valuation of all property within the area".
5. On page 19, insert a new section as follows:  
"Sec. 17. Any class of property, whose ad valorem tax or motor vehicle tax is based on a levy computed on an assessed valuation of a percentage of actual value, shall continue to be taxed for the year 1981 on an assessed valuation of such percentage of actual value."
6. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 658.** Placed on General File as amended.  
Standing Committee amendments to LB 658:

1. Insert a new section to read as follows:  
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."
2. In the title, line 5, strike "and"; and in line 6 after "section" insert "; and to declare an emergency".

**LEGISLATIVE BILL 325.** Indefinitely postponed.

**LEGISLATIVE BILL 487.** Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

### NOTICE OF COMMITTEE HEARINGS Judiciary

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 736 | Tuesday, February 5, 1980   | 1:30 p.m. |
| LB 749 | Wednesday, February 6, 1980 | 1:30 p.m. |
| LB 822 | Wednesday, February 6, 1980 | 1:30 p.m. |
| LB 892 | Wednesday, February 6, 1980 | 1:30 p.m. |
| LB 737 | Monday, February 11, 1980   | 1:30 p.m. |
| LB 790 | Monday, February 11, 1980   | 1:30 p.m. |
| LB 894 | Monday, February 11, 1980   | 1:30 p.m. |
| LB 981 | Monday, February 11, 1980   | 1:30 p.m. |
| LB 972 | Monday, February 11, 1980   | 1:30 p.m. |

|        |                              |           |
|--------|------------------------------|-----------|
| LB 825 | Tuesday, February 12, 1980   | 1:30 p.m. |
| LB 895 | Tuesday, February 12, 1980   | 1:30 p.m. |
| LB 936 | Tuesday, February 12, 1980   | 1:30 p.m. |
| LB 947 | Tuesday, February 12, 1980   | 1:30 p.m. |
| LB 741 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 782 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 799 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 979 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 794 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 808 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 969 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 971 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 945 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 762 | Wednesday, February 20, 1980 | 1:30 p.m. |
| LB 803 | Wednesday, February 20, 1980 | 1:30 p.m. |
| LB 806 | Wednesday, February 20, 1980 | 1:30 p.m. |
| LB 861 | Wednesday, February 20, 1980 | 1:30 p.m. |

(Signed) William E. Nichol, Chairperson

### NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1979 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

| DISTRICT   | ATTORNEY                 | FEE      |
|------------|--------------------------|----------|
| Lower Loup | J. Marvin Weems          | 1,569.85 |
|            | Luckey, Sipple, & Hansen | 252.00   |

### REPORT

Received report from the Department of Roads on the Nebraska Public Transportation Combined Annual Report for 1978-79, pursuant to Sec. 19-3905. (Report on file in the Clerk's Office.)

### ANNOUNCEMENT

Mr. Hefner announced former Senator Jules Burbach is in stable condition in the hospital in Columbus.

**GENERAL FILE****LEGISLATIVE BILL 44.** Considered.

The Maresh pending amendment found in the Journal on page 302 was renewed.

Mr. Newell offered the following amendment to the Maresh amendment:

To strike \$26.00 and insert \$28.00.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Newell amendment was adopted with 29 ayes, 5 nays, 8 present and not voting, and 7 excused and not voting.

The Maresh amendment, as amended, was adopted with 32 ayes, 3 nays, 7 present and not voting, and 7 excused and not voting.

The Keyes-Marsh pending amendments found in the Journal on pages 1439 and 1583, First Session, were withdrawn.

Mr. Keyes renewed his pending amendment found in the Journal on page 122.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Keyes amendment lost with 5 ayes, 28 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 32 ayes, 4 nays, 8 present and not voting, and 5 excused and not voting.

**STANDING COMMITTEE REPORTS**  
**Constitutional Revision and Recreation**

**LEGISLATIVE BILL 383.** Placed on General File.

**LEGISLATIVE BILL 453.** Indefinitely postponed.

(Signed) Barry L. Reutzell, Chairperson

**Agriculture and Environment****LEGISLATIVE BILL 687.** Placed on General File.

(Signed) Loran Schmit, Chairperson

**NOTICE OF COMMITTEE HEARINGS  
Constitutional Revision and Recreation**

|          |                             |           |
|----------|-----------------------------|-----------|
| LB 900   | Thursday, February 7, 1980  | 1:30 p.m. |
| LB 917   | Thursday, February 7, 1980  | 1:30 p.m. |
| LB 964   | Friday, February 8, 1980    | 1:30 p.m. |
| LB 740   | Thursday, February 14, 1980 | 1:30 p.m. |
| LB 910   | Thursday, February 14, 1980 | 1:30 p.m. |
| **LB 653 | Thursday, February 21, 1980 | 1:30 p.m. |

**\*\*Room Change:** From 1019 to the East Legislative Chambers

(Signed) Barry L. Reutzel, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 388 in the Journal. No objections. So ordered.

1. 1. Strike original section 1 and insert the
- 2 following:
- 3 "Section 1. (1) There is hereby created the
- 4 Native American Law Enforcement and Assistance Fund. The
- 5 fund shall consist of such funds as the Legislature shall
- 6 appropriate. The fund shall be administered by the Nebraska
- 7 Commission on Law Enforcement and Criminal Justice and shall
- 8 be dispursed to county and local law enforcement agencies who
- 9 have special law enforcement problems associated with concen-
- 10 trated populations of Native Americans: Specifically those
- 11 Nebraska counties bordering the Pine Ridge and Rosebud Indian
- 12 reservations in South Dakota and Nebraska villages located
- 13 within the boundaries of the Winnebago and Santee Sioux Reser-
- 14 vations.
- 15 (2) A preference for disbursements from the fund
- 16 shall go to law enforcement jurisdictions which have a decreased
- 17 tax base as a result of Indian or trust land located within
- 18 the jurisdiction or which have a disproportionate per capita
- 19 law enforcement cost as a result of its proximity to Indian
- 20 reservations. The commission shall consider the following
- 21 factors in disbursing the fund: (1) Native American popula-

22 tion; (2) arrest statistics; (3) proximity to a reservation;  
 23 (4) overall crime rate, as affected by Native Americans;  
 24 (5) operational costs excluding weapons; and (6) personnel  
 25 and training needs of the law enforcement agency.”.

### GENERAL FILE

**LEGISLATIVE BILL 405.** Laid over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 499.** Title read. Considered.

Mr. Vickers moved to indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

The Vickers motion lost with 11 ayes, 26 nays, 8 present and not voting, and 4 excused and not voting.

Messrs. Kahle and Hoagland offered the following amendment:

1. In the Standing Committee amendment, page 327 of the Journal, section 10, line 11, after the word “imposed” strike “a” and insert “an additional”.

2. In section 11, line 16, after the word “may” insert “after a public hearing adopt a”, and in line 17, strike the word “by”, and after the word “resolution,” add the word “to”.

3. At the end of section 11, line 23, after the word “Fund.” insert the following: “The tax authorized by this section shall be in addition to the tax authorized in Section 10 or any other sales tax imposed or authorized.”

4. On page 327, section 12, line 25, after the word “shall,” strike the word “by” and add “after a public hearing adopt a”, and in line 25, strike the word “establish” and insert “establishing”.

5. On page 328, at the end of section 13, line 1, after the word “staff.”, insert the following: “The governing body of the county shall annually set the budget under which the committee and its staff shall operate.”

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

Mr. Dworak offered the following amendment:

To amend the amendment page 3 line 15 strike “State Visitors’ Promotion Cash Fund” and insert Highway Trust Fund.

Strike sec. 11, Sec 12, Sec 13, Sec. 14, Sec 15,  
Sec 10, Line 12 strike 1% and insert 3%.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mr. Johnson requested a ruling on whether there has been sufficient debate on this question, pursuant to Rule 7, Sec. 4.

The chair ruled the debate closed.

Mr. Johnson appealed the decision of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Dworak moved for a Call of the House. The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Dworak requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 19:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Beutler    | Haberman | Kennedy | Merz   | Powers  |
| Burrows    | Hefner   | Keyes   | Murphy | Vickers |
| Chronister | Hoagland | Lamb    | Nichol | Wagner  |
| Dworak     | Johnson  | Maresh  | Pirsch |         |

Voting in the negative, 22:

|         |          |          |          |        |
|---------|----------|----------|----------|--------|
| Barrett | DeCamp   | Kremer   | Reutzel  | Warner |
| Carsten | Fowler   | Labeledz | Rumery   | Wesely |
| Clark   | Goodrich | Landis   | Schmit   |        |
| Cope    | Kelly    | Marsh    | Stoney   |        |
| Cullen  | Koch     | Marvel   | Venditte |        |

Present and not voting, 3:

|       |        |       |
|-------|--------|-------|
| Kahle | Newell | Sieck |
|-------|--------|-------|

Excused and not voting, 4:

|            |        |       |       |
|------------|--------|-------|-------|
| Fitzgerald | George | Lewis | Simon |
|------------|--------|-------|-------|

Absent and not voting, 1:

**Chambers**

The motion to overrule the Chair lost with 19 ayes, 22 nays, 3 present and not voting, 4 excused and not voting, and 1 absent and not voting.

The Chair was sustained.

The Chair declared the Call raised.

Mr. Warner moved to reconsider action on the Koch motion to close debate on the Dworak amendment.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The Warner motion to reconsider action prevailed with 31 ayes, 1 nay, and 17 not voting.

The question is, "Shall the debate now close on the Dworak amendment?" The motion lost with 7 ayes, 28 nays, and 14 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 11 nays, and 11 not voting.

Mr. Chronister asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

The Dworak amendment lost with 12 ayes, 25 nays, 7 present and not voting, and 5 excused and not voting.

Mr. Kelly asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:

LB 499 committee amendments be amended as follows:

Delete Sec. 8.

Delete in Sec. 12 Line 5 "in the" and replace with a period.

In Sec. 12 delete subparagraphs (1) and (2) and the words "following manner;" in Sec. 12, Line 6.

In Sec. 12 add the following: "Two members of the committee shall be in the hotel industry."

The amendment was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 108, 203, 409, 442, 526, 572, and 597.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Venditte asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee amendments, on
- 2 page 1, strike beginning with the semicolon in line 9
- 3 through line 13 and insert a period; and in line 18
- 4 after "municipality" insert ", other than a city of the
- 5 metropolitan class".
- 6 2. In the Standing Committee amendments on
- 7 page 2, line 8 after the comma insert "and"; and strike
- 8 beginning with the comma in line 11 through "residents"
- 9 in line 14.

Mr. Hefner asked unanimous consent to print the following amendment to LB 221 in the Journal. No objections. So ordered.

- 1 1. On page 8 line 25 strike "effective" and
- 2 insert "operative".
- 3 2. Insert the following new section:
- 4 "Sec. 4. This act shall become operative on
- 5 January 1, 1981."
- 6 3. Renumber original section 4 as section 5.

Mr. Wesely asked unanimous consent to print the following amendment to LB 491 in the Journal. No objections. So ordered.

On page 2, line 25, strike the new matter and reinstate the stricken matter.

Mr. Newell asked unanimous consent to print the following amendment to LB 61 in the Journal. No objections. So ordered.

2 1. Insert a new section as follows:

3 "Section 1. That section 14-116, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:  
6 14-116. No owner of any real estate located in  
7 an area which is within three miles of the corporate  
8 limits of any city of the metropolitan class, when such  
9 real estate is located in any county in which a city of  
10 the metropolitan class is located, and is outside of any  
11 organized city or village, shall be permitted to  
12 subdivide, plat, or lay out said real estate in building  
13 lots and streets or other portions of the same intended  
14 to be dedicated for public use or for the use of the  
15 purchasers or owners of lots fronting thereon or adjacent  
16 thereto without first having obtained the approval  
17 thereof by the city council of such city and no plat of  
18 such real estate shall be recorded in the office of the  
19 register of deeds or have any force or effect unless the  
20 same shall have been first approved by the city council  
21 of such city. Such city shall have authority within the  
22 area above described to regulate the subdivision of land  
23 for the purpose, whether immediate or future, of transfer  
24 of ownership or building development; to prescribe  
25 standards for laying out subdivisions in harmony with a  
1 comprehensive plan; to require the installation of  
2 improvements by the owner or by the creation of public  
3 improvement districts; by requiring a good and sufficient  
4 bond guaranteeing installation of such improvement, or by  
5 requiring the execution of a contract with the city  
6 insuring the installation of such improvements; and to  
7 require the dedication of land for adequate streets,  
8 drainage ways, and easements for sewers and utilities.  
9 All such requirements for improvements shall operate  
10 uniformly throughout the area of jurisdiction of said  
11 city. Subdivision shall mean the division of a lot,  
12 tract, or parcel of land into two or more lots, blocks,  
13 or other divisions of lands for the purpose, whether  
14 immediate or future, of ownership or building  
15 developments except that the division of land shall not  
16 be considered to be subdivision when the smallest parcel  
17 created is more than ~~five~~ ten acres in size. The city  
18 council of any such city may withhold approval of a plat  
19 until the appropriate department of the city has  
20 certified that the improvements required by ordinance  
21 have been satisfactorily installed or until a sufficient  
22 bond guaranteeing installation of the improvements has  
23 been posted with the city or until public improvement  
24 districts have been created or until a contract has been  
25 executed insuring the installation of such  
26 improvements."

- 1 2. On page 5, line 16 strike "section" and
- 2 insert "sections 14-116 and".
- 3 3. Renumber original sections 1 to 4 as sections
- 4 2 to 5 respectively.

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Fowler asked unanimous consent to add his name to LB 809 as sponsor. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Judge Krites from Chadron; Mr. Michael Smith, Sheridan County Attorney; and Former Senator Fred Carstens from Beatrice.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Tuesday, January 29, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTEENTH DAY - JANUARY 29, 1980**  
**LEGISLATIVE JOURNAL**

**FOURTEENTH DAY - JANUARY 29, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 29, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Oh God, hear us as we pray for those within this chamber and those for whom we legislate who are finding life too much; those who seem consigned to live on the ragged edge of poverty; those for whom Your name is a word on a coin, who have never heard that You are Love, or seen that Love in those about them; those who have paid too much for their success and yearn to recover a soul lost along the way; those who are slipping ever deeper into self-destructive habits and lack the will to extricate themselves; those who are expected to be what they are not; those who prefer to live at 33-1/3 RPM's but find life spinning toward them at a dizzying 78.

Oh God, the strength of all who seek You in every generation, turn our hearts and minds to You, that as leaders of the people of this state, we may stand as those whose moorings are secure; whose hearts are right, whose minds are sharp, and whose wills are set on building a better life for all. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Chronister, Fitzgerald, and Simon who were excused; and Messrs. Beutler, George, Haberman, Lewis, Murphy, Mesdames Labeledz, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirteenth Day was approved.

**UNANIMOUS CONSENT - Members Excused**

Messrs. Carsten and Hefner asked unanimous consent to be excused at 9:45 a.m. until 10:30 a.m. No objections. So ordered.

Mr. Cope asked unanimous consent to be excused at 10:00 a.m. until he returns. No objections. So ordered.

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

**LEGISLATIVE BILL 496.** Placed on Select File as amended.  
E & R amendment to LB 496:

1. In the title, line 2, strike "8-1101" and insert "8-1111"; and insert a period after "section" in line 5 and strike the rest of the title.

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORTS**  
**Public Works**

**LEGISLATIVE BILL 636.** Placed on General File.

**LEGISLATIVE BILL 458.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

**SPEAKER'S ORDER**

Move from Passed Over to General File:

LB 481 - move to follow LB 499

LB 465 - move to follow LB 481

(Signed) Richard D. Marvel, Speaker

**ATTORNEY GENERAL'S OPINION**

Opinion No. 202  
January 23, 1980

Dear Senator Kelly:

In your letter of January 21, 1980, you call our attention to Legislative Bill 221 and the adoption of an amendment to this legislation on January 16, 1980. You inform us this legislation is intended to amend section 53-103(23) and would, in pertinent part, provide as now amended:

“Minor shall mean any, (a) for purposes of consumption on the premises, any person under nineteen years of age, and (b) for purposes of consumption off the premises, any person twenty-one years of age, regardless of marital status.”

You express a concern with the choice of the word “premises” and therefore ask what, in our opinion, is a reasonable construction of the term “premises”. Corpus Juris Secundum in Volume 72 at page 484, states with regard to this term:

“The word ‘premises’ has various meanings depending upon the subject matter in connection with which it is used. It has no fixed legal significance, and no definition applicable to every situation.”

The authors of this legal encyclopedia go on to point out that the word has two entirely different meanings and in its most popular usage signifies lands and tenements, and the buildings thereon.

The word also is used in a legal context to mean that which has been before mentioned or matters previously stated or set forth or that which is proposed. A third meaning of this word, which is of no relevance here, is the introductory proposition of syllogism from which the conclusion is deduced.

While the amendment proposes to use this term within the Nebraska Liquor Control Act, section 53-101, et seq., and while the words “premises” and “licensed premises” are used throughout the Act, there is no definition provided within the Liquor Control Act of this term. It may be of some interest to note that the authors chose the phrasing “the premises” as opposed to selecting the phrase “a premises,” whether or not the significance of the placement of the article “the” in front of the word premises as opposed to the article “a” has any particular significance, cannot be deduced from the amendment itself and there does not appear to any legislative history at this stage which would help explain this choice.

We do believe that it can be said with certainty that the term premises as used within this amendment, refers to some kind of building or lands and is probably not used in its purely legal sense, as meaning something which has gone on before. Nevertheless, as you suggest in your letter of inquiry, whether or not the use of this term premises in this amendment refers only to premises which are licensed by the Liquor Control Commission or whether they refer to any piece of land or property which might be considered a premises is not

known. You do indicate to us that in some informal communication from the amendment's sponsors, they expressed an opinion that it would permit a person nineteen years of age or older ". . . to drink alcohol by the drink at a bar, a party in a friend's house, or in a similar supervised setting." It would therefore appear that at least in the sponsor's mind the word "premises" would have a broader connotation and meaning than would be implied by "licensed premises". We would suggest that if there is as much confusion about the breadth of the definition of this term as there appears to be, perhaps this matter should be cleared up by further amendment either selecting some more definitive word than premises, or inserting in front of the word premises the word "licensed".

You also ask since the amendment speaks only of "consumption" and not "purchase", whether or not the amendment could be interpreted as permitting nineteen and twenty year olds to consume, but not purchase alcohol on the premises. We would agree that such an interpretation could be made. As you know of concern here, is a definitional section within the entirety of the Nebraska Liquor Control Act. The provisions relative to minors possessing and purchasing alcoholic liquors are found beginning at section 53-180, R.R.S. 1943, and continue as is relevant here, through section 53-180.02, R.R.S. 1943. Section 53-180, supra, provides as is pertinent here:

"No person shall sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquors, to or for any minor, . . ."

Therefore, substituting the definition of minor as amended for the term minor in section 53-180, it would appear as though an individual who is less than twenty-one years of age, is a minor only for purposes of "consumption off the premises" and is not a minor for purposes of "consumption on the premises". Therefore, even after substituting this definition for the term "minor" used in section 53-180, no provision is made for the selling, giving away, disposing of, etc., alcoholic liquors to such persons. The workability of this definition may be less difficult with reference to section 53-180.02, supra, concerning the offense of minors in possession.

Here again, we are of the opinion that if there is confusion as to whether or not you or the authors of this amendment intended to permit persons who are under the age of twenty-one years to purchase liquor for consumption on premises, either licensed or otherwise, that matter should be cleared up at this time and not left subject to speculation at a future time.

We also call to your attention, that while you are proposing that the definition of minor be changed in section 53-103, R.R.S. 1943,

there are three other places within the Liquor Control Act wherein in lieu of the word "minor", the words "nineteen years" are used. These instances are in the second and third paragraphs of section 53-180.02, R.R.S. 1943, and in section 53-180.04, R.R.S. 1943, wherein the mandatory language of the warning to minors sign is set forth. We would suggest that if the definition of minors is to be changed, that some attention be given to amending those instances wherein the words "nineteen years" are used so that the intention of the Legislature with respect to the context in which the words "nineteen years" are used will be clear.

In conclusion, there appears to be considerable confusion and ambiguity as to the intended meaning of several of the words and terms used in this act. We would therefore suggest that efforts be made now to resolve these problems to avoid unnecessary litigation and to avoid the potential of a judicial interpretation inconsistent with legislative intent.

Sincerely,  
**PAUL L. DOUGLAS**  
 Attorney General  
 Terry R. Schaaf  
 Assistant Attorney General

(Signed)

TRS/cmb

cc: Patrick J. O'Donnell  
 Clerk of the Legislature

### REPORT

Received copy of Ninth Biennial Report of the Department of Public Institutions in accordance with section 83-112. (On file in the Clerk's Office.)

### STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

**LEGISLATIVE BILL 628.** Placed on General File as amended. Standing Committee amendment to LB 628:

1. On page 12, line 14 strike "1982" and insert "1983".

**LEGISLATIVE BILL 688.** Placed on General File.

(Signed) Orval A. Keyes, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 189.** Read. Considered.

LR 189 was adopted with 32 ayes, 0 nays, and 17 not voting.

**LEGISLATIVE RESOLUTION 190.** Read. Considered.

LR 190 was adopted with 27 ayes, 0 nays, and 22 not voting.

**LEGISLATIVE RESOLUTION 191.** Read. Considered.

LR 191 was adopted with 29 ayes, 0 nays, and 20 not voting.

**NOTICE OF COMMITTEE HEARINGS**  
**Banking, Commerce and Insurance**

|         |                            |           |
|---------|----------------------------|-----------|
| LB 906  | Monday, February 4, 1980   | 1:30 p.m. |
| LB 944  | Monday, February 4, 1980   | 1:30 p.m. |
| LB 865  | Tuesday, February 5, 1980  | 1:30 p.m. |
| LB 907  | Tuesday, February 5, 1980  | 1:30 p.m. |
| *LB 280 | Tuesday, February 5, 1980  | 1:30 p.m. |
| LB 877  | Tuesday, February 12, 1980 | 1:30 p.m. |

\*This will be a hearing on new amendments which have been submitted since the hearing on LB 280 last year.

(Signed) John W. DeCamp, Chairperson

**MOTION - Return LB 525 to Select File**

Mr. Venditte moved to return LB 525 to Select File for his specific amendment found in the Journal on page 439.

**SPEAKER MARVEL PRESIDING**

Mr. Venditte withdrew his motion temporarily.

Mr. Nichol moved to return LB 525 to Select File for the following specific amendment:

- 1 1. In the Standing Committee amendments, on
- 2 page 1, strike lines 15 through 19 and insert:
- 3 "Sec. 2. Every municipality must provide
- 4 within its exercised zoning jurisdiction that group
- 5 homes, as defined in section 1 of this act, may be
- 6 established and operated in one or more residential zones,

7 except as limited in sections 3 and 4 of this act.”.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Nichol motion lost with 17 ayes, 18 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Venditte renewed his motion to return LB 525 to Select File for his specific amendment found in the Journal on page 439.

Mr. Venditte moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Venditte requested a roll call vote on his amendment.

Voting in the affirmative, 10:

|          |        |        |        |          |
|----------|--------|--------|--------|----------|
| Goodrich | Keyes  | Marvel | Pirsch | Stoney   |
| Haberman | Labedz | Nichol | Rumery | Venditte |

Voting in the negative, 25:

|         |          |        |         |         |
|---------|----------|--------|---------|---------|
| Barrett | Fowler   | Koch   | Marsh   | Sieck   |
| Burrows | Hoagland | Kremer | Merz    | Vickers |
| Cullan  | Johnson  | Lamb   | Murphy  | Wagner  |
| DeCamp  | Kelly    | Landis | Reutzel | Warner  |
| Dworak  | Kennedy  | Maresh | Schmit  | Wesely  |

Present and not voting, 5:

|       |        |       |        |        |
|-------|--------|-------|--------|--------|
| Clark | George | Kahle | Newell | Powers |
|-------|--------|-------|--------|--------|

Excused and not voting, 7:

|            |            |        |       |
|------------|------------|--------|-------|
| Carsten    | Cope       | Hefner | Simon |
| Chronister | Fitzgerald | Lewis  |       |

Absent and not voting, 2:

|         |          |
|---------|----------|
| Beutler | Chambers |
|---------|----------|

The Venditte motion lost with 10 ayes, 25 nays, 5 present and not voting, 7 excused and not voting, and 2 absent and not voting.

**MOTION - Return LB 525 to Select File**

Mr. Nichol moved to return LB 525 to Select File for the following specific amendment:

- 1 1. In the Standing Committee amendments, on
- 2 page 1, line 16 after "any" insert "multifamily".

**MR. CLARK PRESIDING**

Mr. Nichol withdrew his motion.

**UNANIMOUS CONSENT - Print in Journal**

Mrs. Marsh asked unanimous consent to print the following amendment to LB 483 in the Journal. No objections. So ordered.

(Amendments are to white copy - Req. 2663)

- 3 1. Insert the following new section:
- 4 "Sec. 24. That section 71-627.02, Reissue
- 5 Revised Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 71-627.02. ~~Whenever~~ Upon receipt of a certified
- 8 copy of a decree of adoption is entered in issued by any
- 9 court of competent jurisdiction in the State of Nebraska,
- 10 as to any foreign-born child, the Director of Health
- 11 through the Bureau of Vital Statistics shall prepare a
- 12 birth certificate in the new name of the adopted person.
- 13 The birth certificate shall show specifically (1) the new
- 14 name of the adopted person, (2) the date of birth and sex
- 15 of the adopted person, (3) statistical information
- 16 concerning the adoptive parents in place of the natural
- 17 parents, (4) the true or probable country, island, or
- 18 continent of birth, and (5) a statement that the
- 19 certificate is not evidence of U.S. citizenship. judge
- 20 of the court entering such decree shall inform the
- 21 adoptive parents of the procedure to be followed in
- 22 obtaining a Certification of Birth from the
- 23 Authentication Officer, United States Department of State
- 24 or a Certification of Birth Data from the United States
- 1 Immigration and Naturalization Service, as the case may
- 2 be. It shall be the duty of the Director of Health,
- 3 through the Bureau of Vital Statistics, to disseminate
- 4 the necessary information to all courts of this state
- 5 having jurisdiction over adoptions."
- 6 2. On page 13, in lines 18 and 26 strike "and"
- 7 and in lines 18 and 26 after "71-626.01," insert "and
- 8 71-627.02,".
- 9 3. Renumber remaining sections accordingly.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bill was correctly engrossed: 525.

(Signed) Don Wesely, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Public Health and Welfare**

|        |                            |           |
|--------|----------------------------|-----------|
| LB 847 | Monday, February 4, 1980   | 2:00 p.m. |
| LB 951 | Monday, February 4, 1980   | 2:00 p.m. |
| LB 958 | Monday, February 4, 1980   | 2:00 p.m. |
| LB 932 | Monday, February 4, 1980   | 2:00 p.m. |
| LB 752 | Tuesday, February 5, 1980  | 2:00 p.m. |
| LB 753 | Tuesday, February 5, 1980  | 2:00 p.m. |
| LB 754 | Tuesday, February 5, 1980  | 2:00 p.m. |
| LB 256 | Tuesday, February 5, 1980  | 2:00 p.m. |
| LB 875 | Tuesday, February 12, 1980 | 2:00 p.m. |
| LB 919 | Tuesday, February 12, 1980 | 2:00 p.m. |
| LB 937 | Tuesday, February 12, 1980 | 2:00 p.m. |
| LB 967 | Monday, February 18, 1980  | 2:00 p.m. |
| LB 938 | Monday, February 18, 1980  | 2:00 p.m. |
| LB 856 | Monday, February 18, 1980  | 2:00 p.m. |

(Signed) Samuel K. Cullan, Chairperson

**Appropriations**

|        |                            |            |
|--------|----------------------------|------------|
| LB 815 | Tuesday, February 5, 1980  | 1:30 p.m.  |
| LB 957 | Tuesday, February 5, 1980  | 1:30 p.m.  |
| LB 959 | Tuesday, February 5, 1980  | 1:30 p.m.  |
| LB 886 | Tuesday, February 5, 1980  | 1:30 p.m.  |
| LB 835 | Thursday, February 7, 1980 | 1:30 p.m.  |
| LB 885 | Thursday, February 7, 1980 | 1:30 p.m.  |
| LB 950 | Thursday, February 7, 1980 | 1:30 p.m.  |
| LB 982 | Friday, February 15, 1980  | 11:00 a.m. |

(Signed) Jerome Warner, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 221.** E & R amendment found in the Journal on page 325 for the Eighth Day was adopted.

Mr. DeCamp re-offered his amendment found in the Journal on page 122. Mr. Reutzel asked unanimous consent to add his name to the amendment. No objections. So ordered.

**SPEAKER MARVEL PRESIDING**

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. Kelly requested a record vote on the DeCamp-Reutzel amendment.

Voting in the affirmative, 25:

|         |          |          |         |         |
|---------|----------|----------|---------|---------|
| Barrett | Haberman | Labeledz | Nichol  | Schmit  |
| Burrows | Hefner   | Lamb     | Pirsch  | Sieck   |
| Carsten | Kahle    | Landis   | Powers  | Stoney  |
| Clark   | Kelly    | Maresh   | Reutzel | Vickers |
| DeCamp  | Kremer   | Marvel   | Rumery  | Warner  |

Voting in the negative, 11:

|        |          |        |        |
|--------|----------|--------|--------|
| Cullan | Hoagland | Koch   | Wagner |
| Dworak | Kennedy  | Marsh  | Wesely |
| Fowler | Keyes    | Newell |        |

Present and not voting, 8:

|          |          |         |          |
|----------|----------|---------|----------|
| Beutler  | George   | Johnson | Murphy   |
| Chambers | Goodrich | Merz    | Venditte |

Excused and not voting, 5:

|            |      |            |       |       |
|------------|------|------------|-------|-------|
| Chronister | Cope | Fitzgerald | Lewis | Simon |
|------------|------|------------|-------|-------|

The DeCamp-Reutzel amendment was adopted with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 307.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. Kelly requested a record vote on the Koch amendment.

Voting in the affirmative, 11:

|        |          |         |        |
|--------|----------|---------|--------|
| Cullan | Hoagland | Koch    | Warner |
| Fowler | Johnson  | Marvel  | Wesely |
| George | Keyes    | Vickers |        |

Voting in the negative, 23:

|         |          |          |        |          |
|---------|----------|----------|--------|----------|
| Barrett | Dworak   | Kennedy  | Merz   | Reutzel  |
| Beutler | Haberman | Labeledz | Newell | Stoney   |
| Burrows | Hefner   | Lamb     | Nichol | Venditte |
| Carsten | Kahle    | Landis   | Pirsch |          |
| Clark   | Kelly    | Maresh   | Powers |          |

Present and not voting, 10:

|          |          |        |        |        |
|----------|----------|--------|--------|--------|
| Chambers | Goodrich | Marsh  | Rumery | Sieck  |
| DeCamp   | Kremer   | Murphy | Schmit | Wagner |

Excused and not voting, 5:

|            |      |            |       |       |
|------------|------|------------|-------|-------|
| Chronister | Cope | Fitzgerald | Lewis | Simon |
|------------|------|------------|-------|-------|

The Koch amendment lost with 11 ayes, 23 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 414.

The amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Hefner renewed his pending amendment found in the Journal on page 439.

Mr. Hefner moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Kelly requested a record vote on the Hefner amendment.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 17:

|         |          |         |        |         |
|---------|----------|---------|--------|---------|
| Beutler | Fowler   | Johnson | Merz   | Vickers |
| Cullan  | Goodrich | Keyes   | Newell |         |
| DeCamp  | Hefner   | Koch    | Schmit |         |
| Dworak  | Hoagland | Marsh   | Sieck  |         |

Voting in the negative, 24:

|          |          |        |         |          |
|----------|----------|--------|---------|----------|
| Barrett  | Kahle    | Lamb   | Nichol  | Stoney   |
| Carsten  | Kelly    | Landis | Pirsch  | Venditte |
| Clark    | Kennedy  | Maresh | Powers  | Warner   |
| George   | Kremer   | Marvel | Reutzel | Wesely   |
| Haberman | Labeledz | Murphy | Rumery  |          |

Present and not voting, 3:

Burrows      Chambers      Wagner

Excused and not voting, 5:

Chronister      Cope      Fitzgerald      Lewis      Simon

The Hefner amendment lost with 17 ayes, 24 nays, 3 present and not voting, and 5 excused and not voting.

The DeCamp-Reutzel amendment found in the Journal on page 379 was withdrawn.

The Chair declared the Call raised.

Messrs. DeCamp and Reutzel offered the following amendment:

1. Strike the Hoagland amendments on page 282 and 301 of the Journal.
2. In the DeCamp amendment on page 122 of the Journal strike beginning with the semicolon in line 2 through line 3.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The DeCamp-Reutzel amendment was adopted with 29 ayes, 4 nays, 11 present and not voting, and 5 excused and not voting.

Messrs. Maresh and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Koch moved to indefinitely postpone LB 221.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3, to consider the Koch motion today.

Mr. Merz moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

The DeCamp motion to suspend the rules prevailed with 30 ayes, 7 nays, and 12 not voting.

Mr. Koch withdrew his motion to indefinitely postpone.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Messrs. DeCamp, Johnson, and Hoagland offered the following amendment:

- 1 1. On page 11, line 14 after "ordinance"
- 2 insert an underscored period; and strike beginning
- 3 with the comma in line 14 through page 12, line 15
- 4 and show the old matter as stricken.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Johnson moved for a Call of the House. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

Mr. Johnson requested a roll call vote on the amendment.

Voting in the affirmative, 18:

|         |          |        |         |         |
|---------|----------|--------|---------|---------|
| Carsten | Fowler   | Koch   | Merz    | Vickers |
| Clark   | Hoagland | Maresh | Newell  | Wesely  |
| DeCamp  | Johnson  | Marsh  | Reutzel |         |
| Dworak  | Keyes    | Marvel | Schmit  |         |

Voting in the negative, 20:

|         |          |         |        |          |
|---------|----------|---------|--------|----------|
| Barrett | George   | Kelly   | Murphy | Rumery   |
| Beutler | Goodrich | Kennedy | Nichol | Stoney   |
| Burrows | Haberman | Kremer  | Pirsch | Venditte |
| Cullan  | Kahle    | Lamb    | Powers | Warner   |

Present and not voting, 4:

|          |        |       |        |
|----------|--------|-------|--------|
| Chambers | Hefner | Sieck | Wagner |
|----------|--------|-------|--------|

Excused and not voting, 6:

|            |            |       |
|------------|------------|-------|
| Chronister | Fitzgerald | Lewis |
| Cope       | Landis     | Simon |

Absent and not voting, 1:

Labeledz

The DeCamp, Johnson, Hoagland amendment lost with 18 ayes, 20 nays, 4 present and not voting, 6 excused and not voting, and 1 absent and not voting.

Mr. Kelly requested a record vote to advance LB 221.

Voting in the affirmative, 30:

|         |          |          |         |          |
|---------|----------|----------|---------|----------|
| Barrett | Goodrich | Kremer   | Murphy  | Sieck    |
| Beutler | Haberman | Labeledz | Nichol  | Stoney   |
| Burrows | Hefner   | Lamb     | Pirsch  | Venditte |
| Carsten | Kahle    | Maresh   | Powers  | Vickers  |
| Clark   | Kelly    | Marvel   | Reutzel | Wagner   |
| George  | Kennedy  | Merz     | Rumery  | Warner   |

Voting in the negative, 11:

|        |          |        |        |
|--------|----------|--------|--------|
| Cullan | Hoagland | Koch   | Schmit |
| Dworak | Johnson  | Marsh  | Wesely |
| Fowler | Keyes    | Newell |        |

Present and not voting, 2:

|          |        |
|----------|--------|
| Chambers | DeCamp |
|----------|--------|

Excused and not voting, 6:

|            |            |       |
|------------|------------|-------|
| Chronister | Fitzgerald | Lewis |
| Cope       | Landis     | Simon |

Advanced to E & R for Engrossment with 30 ayes, 11 nays, 2 present and not voting, and 6 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**  
**Agriculture and Environment**

|        |                                      |           |
|--------|--------------------------------------|-----------|
| LB 738 | Thursday, February 7, 1980           | 2:00 P.M. |
| LB 755 | Thursday, February 7, 1980           | 2:00 P.M. |
| LB 759 | Thursday, February 7, 1980           | 2:00 P.M. |
| LB 833 | Thursday, February 7, 1980           | 2:00 P.M. |
| LB 515 | Friday, February 8, 1980 (rehearing) | 2:00 P.M. |
| LB 837 | Friday, February 8, 1980             | 2:00 P.M. |
| LB 876 | Friday, February 8, 1980             | 2:00 P.M. |
| LB 889 | Friday, February 8, 1980             | 2:00 P.M. |

(Signed) Loran Schmit, Chairperson

**Nebraska Retirement Systems**

|        |                           |                   |
|--------|---------------------------|-------------------|
| LB 953 | Tuesday, February 5, 1980 | 12:00 - 1:30 p.m. |
| LB 955 | Tuesday, February 5, 1980 | 12:00 - 1:30 p.m. |

(Signed) Steve Fowler, Chairperson

**Revenue**

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 722 | Monday, February 4, 1980    | 1:30 p.m. |
| LB 795 | Monday, February 4, 1980    | 1:30 p.m. |
| LB 841 | Monday, February 4, 1980    | 1:30 p.m. |
| LB 834 | Tuesday, February 5, 1980   | 1:30 p.m. |
| LB 976 | Tuesday, February 5, 1980   | 1:30 p.m. |
| LB 983 | Tuesday, February 5, 1980   | 1:30 p.m. |
| LB 880 | Wednesday, February 6, 1980 | 1:30 p.m. |
| LB 913 | Wednesday, February 6, 1980 | 1:30 p.m. |

(Signed) Calvin F. Carsten, Chairperson

**Urban Affairs**

|        |                              |      |
|--------|------------------------------|------|
| LB 702 | Wednesday, February 20, 1980 | 1:30 |
| LB 791 | Wednesday, February 20, 1980 | 1:30 |
| LB 827 | Wednesday, February 20, 1980 | 1:30 |
| LB 929 | Wednesday, February 20, 1980 | 1:30 |
| LB 933 | Wednesday, February 20, 1980 | 1:30 |
| LB 980 | Wednesday, February 20, 1980 | 1:30 |

(Signed) Walter George, Chairperson

**STANDING COMMITTEE REPORTS**  
**Urban Affairs**

**LEGISLATIVE BILL 602.** Placed on General File as amended.

Standing Committee amendments to LB 602:

- 1 1. Insert two new sections as follows:
- 2 "Sec. 2. (1) The Adjutant General is authorized
- 3 by the Legislature to convey to the city of York, Nebraska,
- 4 a permanent easement for the construction, reconstruction,
- 5 inspection, maintenance, operation, and replacement of a
- 6 sanitary sewer pipe for the passage of sewage water, to-
- 7 gether with all appurtenances, structures, and other
- 8 applicable equipment pertaining to any sewer in, through,
- 9 over, and under certain real estate legally described as
- 10 follows:
- 11 The west two hundred fifty feet, more or less,
- 12 of the east five hundred ten and one half feet, more or
- 13 less, of the north half of the southeast quarter of the
- 14 northeast quarter of section 6, township 10 north, range
- 15 2 west of the 6th principal meridian, a part of the city
- 16 of York, York County, Nebraska (State of Nebraska Armory
- 17 site).
- 18 (2) The permanent easement for the sewage pipe
- 19 conveyed in this section shall be ten feet in width and
- 20 five feet on either side of the centerline, described as
- 21 follows:
- 22 Beginning at a point on the north right-of-way
- 23 line of sixth street and such point being seven and
- 24 eighty-seven hundredths feet east of the southwest
- 25 corner of the above described tract of land; thence in
- 26 a northeasterly direction using a deflection angle to
- 27 the left of twenty-eight degrees twenty minutes zero
- 1 seconds from the northerly right-of-way line of sixth
- 2 street a distance of six and ninety-seven hundredths
- 3 feet to a point; thence northerly along a line which
- 4 has a deflection angle to the left of sixty-one degrees
- 5 forty minutes zero seconds from the last described course
- 6 a distance of one hundred forty-five feet to a point;
- 7 thence in a northwesterly direction along a line which
- 8 has a deflection angle to the left of nineteen degrees
- 9 seventeen minutes twenty-four seconds from the last
- 10 described course a distance of forty-two and thirty-

11 eight hundredths feet to a point on the westerly property  
12 line of such tract and such point being one hundred  
13 eighty-eight and thirty-one hundredths feet north of  
14 the southwest corner of such tract.

15 Sec. 3. Since an emergency exists, this act  
16 shall be in full force and take effect, from and after  
17 its passage and approval, according to law.”.

18 2. In the title, in line 3 strike “such”;  
19 and in line 4 after “Lincoln” insert “; to convey an  
20 easement to the city of York; and to declare an emergency”.

**LEGISLATIVE BILL 645.** Placed on General File as amended.  
**Standing Committee amendments to LB 645:**

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

4 “Section 1. That section 31-436, Reissue Revised  
5 Statutes of Nebraska, 1943, be amended to read as  
6 follows:

7 31-436. (1) If there are no debts outstanding,  
8 the board of directors may, on its own motion or on the  
9 request in writing of ten electors, submit the question  
10 of dissolution of the district after due notice thereof  
11 is given by publication as provided in section 31-418.  
12 If three-fifths of the votes cast on the question at such  
13 election are in favor of such dissolution, the officers  
14 thereof shall cause a record of such election and the  
15 vote thereon to be made in the office of the county clerk  
16 of the proper county, and the drainage district shall  
17 thereupon stand dissolved.

18 (2) In case a drainage district is dissolved, as  
19 authorized in subsection (1) of this section, the funds  
20 on hand or to be collected shall be held by the treasurer  
21 until the distribution thereof is approved. The  
22 directors of the district shall petition the district  
23 court, of the county in which the petition to form the  
24 district was filed, for an order approving the  
25 distribution of such funds to the landowners as a  
1 dividend on the same basis as collected.

2 (3) Whenever the governing body of a metropolitan  
3 or first-class city or a county of the metropolitan class  
4 shall find and determine by resolution that it is in the  
5 best interest of such city or county to assume the  
6 operation and maintenance of a drainage district, such  
7 drainage district shall transfer and convey its  
8 rights-of-way, real and personal property, and all of its  
9 assets to a the city or county of the metropolitan class  
10 and the city or county of the metropolitan class shall  
11 assume the responsibilities and obligations of such  
12 district. Upon the adoption of such a resolution, the  
13 board of directors of the district shall pay all of the  
14 outstanding obligations of the district, close out all of  
15 its affairs, and file a notice of dissolution of the  
16 district with the county clerk. Notwithstanding the  
17 provisions of subsection (2) of this section, all of the  
18 funds remaining after the obligations of the district are

19 fully paid shall be transferred to the general fund of  
20 the metropolitan or first-class city or the flood control  
21 levy fund of the county or city of the metropolitan class  
22 which has assumed the obligations and responsibilities of  
23 the district, and no dividends shall be paid to  
24 landowners upon such transfer of the assets,  
25 rights-of-way, and responsibilities of the district to a  
26 metropolitan or first-class city or county of the  
27 metropolitan class as provided in this section.

1 (4) In the event that a transfer and conveyance  
2 of the real and personal property, assets, obligations,  
3 and responsibilities of the district is made to a  
4 metropolitan or first-class city or a county of the  
5 metropolitan class, or, as the case may be, to a city and  
6 a county, taxes shall no longer be collected by the  
7 district for the maintenance of the improvements of the  
8 district, and the The cost of maintaining the  
9 improvements shall be borne as a general obligation, or  
10 an obligation of the flood control fund, of the  
11 metropolitan or first-class city of the metropolitan  
12 class or county, as the governing body of the city or  
13 county may determine or, if the improvements shall have  
14 been transferred to both a city and county and the city  
15 and county shall have entered into a contract as provided  
16 in subsection (5) of this section, the cost of  
17 maintaining the improvements shall be borne as provided  
18 in such contract.

19 (5) Notwithstanding the provisions of subsections  
20 (2) and (3) of this section, if both the governing body  
21 of a metropolitan or first-class city and the governing  
22 body of the county shall find and determine by resolution  
23 that it is in the best interest of the city and the  
24 county, respectively, to assume the operation and  
25 maintenance of the same drainage district, and shall  
26 cause the city and county to enter into a contract  
27 between themselves concerning the responsibilities and  
1 obligations of the district to be assumed, and the  
2 rights-of-way, real and personal property, and all other  
3 assets of the district to be received, by the city and  
4 county, respectively, the board of directors of the  
5 district shall pay all of the outstanding obligations of  
6 the district, close out all of its affairs, file a notice  
7 of dissolution of the district with the county clerk, and  
8 transfer to the city and county, respectively, in  
9 accordance with the terms of such contract, the  
10 rights-of-way, real and personal property, and all other  
11 assets of the district, including, but not limited to,  
12 all funds remaining after the obligations of the district  
13 are fully paid. The city and county in such contract  
14 shall specify whether the funds thus to be transferred  
15 shall be transferred by the district to the general fund  
16 or the flood control fund of the city and county,  
17 respectively. No dividends shall be paid to landowners  
18 upon such transfer of the assets, rights-of-way, and  
19 responsibilities of the district as provided in this  
20 subsection.

- 21 Sec. 2. That original section 31-436, Reissue  
 22 Revised Statutes of Nebraska, 1943, is repealed.  
 23 Sec. 3. Since an emergency exists, this act  
 24 shall be in full force and take effect, from and after  
 25 its passage and approval, according to law.”.

**LEGISLATIVE BILL 654.** Placed on General File as amended.  
 Standing Committee amendments to LB 654:

1. On page 2, line 8 strike “thoroughfare”, show as stricken  
 and insert “street”; and in line 9 strike “ one or more” and  
 insert “a cul de sac, any”.  
 2. Insert a new section as follows:  
 “Sec. 3. Since an emergency exists, this act shall be in full  
 force and take effect, from and after its passage and approval,  
 according to law.”.

(Signed) Walter George, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following  
 amendment to LB 319 in the Journal. No objections. So ordered.

Req. #2037

- 2 1. Insert the following new sections:  
 3 “Sec. 10. That section 81-1810, Revised  
 4 Statutes Supplement, 1978, be amended to read as follows:  
 5 81-1810. (1) The board or its hearing officer  
 6 may hold hearings, sit and act at the times and places  
 7 and take the testimony that the board or the hearing  
 8 officers consider advisable, and administer oaths or  
 9 affirmations to witnesses. The hearing officer or the  
 10 board shall have full powers by subpoena to compel the  
 11 appearance of witnesses and the production of any  
 12 relevant evidence, but no subpoena shall be issued unless  
 13 signed by a member of the board. Application to a court  
 14 for aid in enforcing the subpoena may be made in the name  
 15 of the board by any board member.  
 16 (2) The applicant and any other person having a  
 17 substantial interest in the proceeding may appear and be  
 18 heard, produce evidence, and cross-examine witnesses in  
 19 person or by his an attorney. The board or its hearing  
 20 officer may hear other persons who in its or his or her  
 21 judgment may have relevant evidence to submit.  
 22 (3) The board or its hearing officer shall have  
 23 access to criminal history record information, as defined  
 24 in section 29-3506, Revised Statutes Supplement, 1978,  
 25 and investigative information of the law enforcement  
 1 agency which handled the offense which is the basis for  
 2 the victim’s application for compensation.  
 3 Sec. 11. Information or records of the Crime

4 Victim's Reparations Board with respect to a victim who  
 5 is applying for compensation under sections 81-1801 to  
 6 81-1841 and who was the victim of a sexual assault shall  
 7 not be made public if such records reveal the victim's  
 8 name or identity.

9 Sec. 12. That section 81-1833, Revised Statutes  
 10 Supplement, 1979, be amended to read as follows:  
 11 81-1833. The board shall prepare and submit to  
 12 the Governor and the Clerk of the Legislature an annual  
 13 report of its activities under sections 81-1801 to  
 14 81-1841 including the name of each applicant, a brief  
 15 description of the facts in each case, and the amount of  
 16 compensation awarded, except that if the applicant was  
 17 the victim of a sexual assault the victim's name shall  
 18 not be included in the report but shall be available to  
 19 the Governor or a member of the Legislature upon request  
 20 to the board. Each member of the Legislature shall  
 21 receive a copy of such report by making a request for it  
 22 to the board."

23 2. On page 10, line 23 strike "and"; in line 24  
 24 after "sections" insert "81-1810"; and in line 25 after  
 25 the second comma insert "and section 81-1833, Revised  
 26 Statutes Supplement, 1979,".

1 3. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2036.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 598 in the Journal. No objections. So ordered.

1 1. Insert a new section as follows:  
 2 "Sec. 2. The Revisor of Statutes shall establish  
 3 an on-going and comprehensive system to provide a continuing  
 4 compilation of sections of the Nebraska statutes which the  
 5 revisor believes to be obsolete or no longer needed. Preceding  
 6 each legislative session, the Revisor of Statutes shall provide  
 7 the chairperson of the Executive Board of the Legislative  
 8 Council with a list of such sections. The Executive Board  
 9 may request that legislation be drafted to amend or repeal  
 10 the obsolete sections and such legislation when introduced  
 11 shall be treated as a Revisor of Statute's correctional bill."

12 2. Renumber original sections 2 and 3 as sections  
 13 3 and 4.

**SELECT FILE**

**LEGISLATIVE BILL 413.** E & R amendments found in the Journal on page 416 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 186.** Advanced to E & R for Engrossment.

**VISITORS**

Visitors to the Chamber were 43 seventh and eighth grade students and teacher from Helen Hyatt School, Lincoln; 24 high school students and teacher from Malcolm; Paivi Koivusaari, foreign exchange student, Malcolm; John and Alvora Anderson, Holdrege; 30 fourth grade students and teacher from Hartley School, Lincoln; Ann Quintard, County Superintendent and Welfare Director, Sioux County; Ed Guzman, Welfare Director, Scotts Bluff County; and Mr. and Mrs. Larry Callihan and Blair, Grand Island.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Mr. Stoney, the Legislature adjourned until 9:00 a.m., Wednesday, January 30, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTEENTH DAY - JANUARY 30, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 30, 1980

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Dear God, as we rise each morning during these cold days of winter, we look at our thermometer, shiver, and maybe complain. Even when we walk into this chamber, our souls sometimes shiver when we get the cold shoulder, or our bill is frozen in committee, or no one warms up to our ideas. Yet, when the thermometer drops, we do have an alternative; we can turn the thermostat up. So it is with us who stand before You now, some of us are like thermometers, others are like thermostats. Some of us merely record what goes on around us, while others change the atmosphere. Help us all, in those areas where genuine values are at stake, to be change agents for a better environment, that by our speaking and voting, by our choosing and compromising, by the work we do in committee rooms, and the halls of this building, or at our desks, that we be like thermostats that help to regulate a more moderating environment for all where, without boiling or freezing, each citizen of this State may better be able to enjoy the good life in a climate of understanding and equality, liberation and justice. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Labeledz who was excused; and Messrs. Chambers, Fowler, Haberman, Murphy, Rumery, Schmit, Warner, and Mrs. Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fourteenth Day was approved.

**SELECT COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 44.** Placed on Select File.

**Correctly Engrossed**

The following bills were correctly engrossed: 186 and 413.

(Signed) Don Wesely, Chairperson

**MESSAGES FROM THE GOVERNOR**

January 28, 1980

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Parole requiring legislative confirmation:

Wayne Schreurs, 45 Jackson, Seward 68434 - for a term expiring September 9, 1984 and succeeding John B. Barrette, resigned.

I respectfully submit this appointment for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Wayne Schreurs  
Committee on Committees  
Board of Parole

January 28, 1980

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol

Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Game and Parks Commission requiring legislative confirmation:

Earl C. Hultman, Box 109, Rt. 2, Sutton 68979 for a term expiring September 6, 1984 and succeeding Gerald Campbell, term expired.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Earl C. Hultman  
Committee on Committees  
Game and Parks Commission

January 28, 1980

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Advisory Committee to Public Welfare, Institutions and Corrections until January 1, 1984 and requiring legislative confirmation:

Bernard R. Gyger, 4832 Manderson, Omaha 68104  
Betty Matz, 911 C Street, Cozad 69130

I respectfully submit these reappointments for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Bernard Gyger  
Betty Matz  
Committee on Committees  
Advisory Committee to Public Welfare,  
Institutions and Corrections

January 28, 1980

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Board of Health for terms expiring September 14, 1982, requiring legislative confirmation:

Reappointment of:

Dr. Robert C. Rosenlof, 17 West 31st, Kearney 68847;

Dr. J. R. Swanson, 142 East 5th, Wahoo 68066;

Appointment of:

Phyllis Haberman, 436 W. 11th, Imperial, 69033, succeeding Sharon Holyoke, term expired;

Duane Mines, R.P., Hooper, 68031, succeeding James McCoy, term expired;

G. Herbert Seberg, DDS, Box 787, Hastings, 68901, succeeding Gregory Kallos, DDS, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

cc: All Appointees  
Committee on Committees  
Board of Health

#### **SPEAKER'S ORDER**

Move from Passed Over to General File:  
LB 184A - move to follow LB 465

(Signed) Richard D. Marvel, Speaker

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 189 and LR 190.

**NOTICE OF COMMITTEE HEARINGS  
Public Works**

|        |                              |           |
|--------|------------------------------|-----------|
| LB 842 | Thursday, February 7, 1980   | 1:30 p.m. |
| LB 854 | Friday, February 8, 1980     | 1:30 p.m. |
| LB 884 | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 870 | Thursday, February 14, 1980  | 1:30 p.m. |
| LB 873 | Wednesday, February 20, 1980 | 1:30 p.m. |
| LB 920 | Wednesday, February 20, 1980 | 1:30 p.m. |
| LB 864 | Friday, February 22, 1980    | 1:30 p.m. |
| LB 866 | Friday, February 22, 1980    | 1:30 p.m. |
| LB 881 | Wednesday, February 27, 1980 | 1:30 p.m. |
| LB 962 | Wednesday, February 27, 1980 | 1:30 p.m. |
| LB 963 | Wednesday, February 27, 1980 | 1:30 p.m. |
| LB 851 | Thursday, February 28, 1980  | 1:30 p.m. |
| LB 887 | Thursday, February 28, 1980  | 1:30 p.m. |
| LB 908 | Thursday, February 28, 1980  | 1:30 p.m. |
| LB 931 | Thursday, February 28, 1980  | 1:30 p.m. |

(Signed) Maurice A. Kremer, Chairperson

**MOTION - Return LB 526 to Select File**

Mr. Koch moved to return LB 526 to Select File for the following specific amendment:

1. to strike the new sub-section (2) to section 80-903 of the Koch amendments.

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 526.** The Koch specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

**MOTION - Return LB 526 to Select File**

Mr. Koch moved to return LB 526 to Select File for the following specific amendment:

- 1 1. In the Koch amendments on page 1, lines
- 2 23 and 24 and on page 2, lines 8 and 9 strike "year"
- 3 and insert "term".

The motion prevailed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 526.** The Koch specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 284.** Messrs. Stoney and Kremer offered the following amendment:

- 1 1. In the standing committee amendments page 1
- 2 line 5, page 2 lines 1 and 21 and page 3 line 15 after
- 3 "highway," insert "excluding any portion of the National
- 4 System of Interstate and Defense Highways, on a"; on page 1
- 5 line 6, page 2 lines 1 and 22, and page 3 line 16 after
- 6 "or" insert "on a"; and on page 1 one 11, page 2 lines 6
- 7 and 27 and page 3 line 21 after the comma insert "except
- 8 that no permit shall be issued by a city for travel on a
- 9 state highway containing a bridge or structure which is
- 10 structurally inadequate to carry the crane as determined
- 11 by the Department of Roads,".

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 306.** E & R amendment found in the Journal on page 242 for the Fifth Day was adopted.

Mr. Landis withdrew his pending amendment found in the Journal on page 390.

Mr. Hoagland, Mesdames Marsh, and Pirsch offered the following amendment:

- 1 1. Strike original sections 1 to 4 and all
- 2 amendments thereto and insert the following new section:
- 3 "Section 1. When a person applying for a loan

4 relies in part upon property to establish creditworthiness,  
5 a creditor may consider the form of ownership of the property,  
6 its susceptibility to attachment, execution, severance,  
7 and partition, and other factors that may affect the value  
8 to the creditor of the applicant's interest in the property.  
9 If necessary to satisfy the creditor's standards of credit-  
10 worthiness, the creditor may require the signature of the  
11 applicant's spouse or other person on any instrument  
12 necessary, or reasonably believed by the creditor to be  
13 necessary, to make the property relied upon available to  
14 satisfy the debt in the event of default."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

Mr. DeCamp moved for a Call of the House. The motion lost with 5 ayes, 19 nays, and 25 not voting.

The motion to close debate prevailed with 25 ayes, 11 nays, and 13 not voting.

The Hoagland, Marsh, and Pirsch amendment lost with 15 ayes, 25 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment:

- 1 1. In the Standing Committee amendment 2, in
- 2 line 7 after "debts" insert "contracted for in writing";

Mr. Fowler offered the following amendment to the Beutler amendment:

Amend the Beutler amendment by adding after "writing" "by all joint tenants"

Mr. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Fowler amendment lost with 16 ayes, 21 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Maresh 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 Beutler amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:

In line 13, after "death", add

Provided. No creditor shall have any rights after the death of the decedent than such creditor would have had prior to the death of the decedent.

The amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Johnson requested a machine vote to advance LB 306.

Mr. Beutler moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Advanced to E & R for Engrossment with 26 ayes, 17 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

### **NOTICE OF COMMITTEE HEARINGS** **Committee on Committees**

The Committee on Committees will meet at 12:10 p.m. on Wednesday, February 6, 1980, in Room 1520, the Moses P. Kincaid Hearing Room, for the purpose of hearing appointments or reappointments as follows:

Hubert W. Monsky  
Motor Vehicle Industry Licensing Board

Hal Daub

Environmental Control Council

Ivan Abdouch

Coordinating Commission for Postsecondary Education

James Nils Ackerman

Coordinating Commission for Postsecondary Education

Allen Burkhardt

Coordinating Commission for Postsecondary Education

Ted Cannon

Motor Vehicle Industry Licensing Board

Gary Ensz, M.D.  
Rural Health Manpower Commission  
James Stuart, Jr.  
Advisory Committee to the Department of Economic Development  
Tod Voss  
Rural Health Manpower Commission

(Signed) Shirley Marsh, Chairperson

**Miscellaneous Subjects**

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 939 | Thursday, February 7, 1980  | 1:30 p.m. |
| LB 849 | Thursday, February 7, 1980  | 2:00 p.m. |
| LB 848 | Friday, February 8, 1980    | 1:30 p.m. |
| LB 859 | Friday, February 8, 1980    | 1:30 p.m. |
| LB 970 | Friday, February 8, 1980    | 2:00 p.m. |
| LB 928 | Friday, February 8, 1980    | 2:30 p.m. |
| LB 927 | Thursday, February 14, 1980 | 1:30 p.m. |
| LB 974 | Thursday, February 14, 1980 | 1:30 p.m. |
| LB 831 | Thursday, February 21, 1980 | 1:30 p.m. |
| LB 883 | Thursday, February 21, 1980 | 2:00 p.m. |
| LB 874 | Thursday, February 21, 1980 | 2:30 p.m. |

(Signed) Dave Newell, Chairperson

**Banking, Commerce and Insurance**

|        |                           |           |
|--------|---------------------------|-----------|
| LB 899 | Tuesday, February 5, 1980 | 1:30 p.m. |
|--------|---------------------------|-----------|

(Signed) John DeCamp, Chairperson

**Public Health and Welfare**

|        |                                    |           |
|--------|------------------------------------|-----------|
| LB 856 | Monday, February 18, 1980 (Cancel) | 2:00 p.m. |
| LB 856 | Tuesday, February 19, 1980 (Reset) | 2:00 p.m. |
| LB 938 | Monday, February 18, 1980 (Cancel) | 2:00 p.m. |
| LB 938 | Tuesday, February 19, 1980 (Reset) | 2:00 p.m. |

LB 967      Monday, February 18, 1980 (Cancel)      2:00 p.m.  
 LB 967      Tuesday, February 19, 1980 (Reset)      2:00 p.m.

(Signed) Samuel K. Cullan, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 221.** Replaced on Select File as amended.  
 E & R amendment to 221:

1. Because of the DeCamp - Reutzel amendment 1, adopted 1/29, striking the Hoagland amendments, in E & R 1, adopted 1/29, strike lines 3 and 4 and insert "in line 5 insert 'to permit certain employment;' after the semicolon."

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORTS**  
**Revenue**

**LEGISLATIVE BILL 317.** Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

**Judiciary**

**LEGISLATIVE BILL 621.** Placed on General File as amended.  
 Standing Committee amendments to LB 621:

- 1      1. On page 22, line 7, strike the second "of"
- 2      and insert "or".
- 3      2. On page 51, strike beginning with the under-
- 4      scored comma in line 16 through "period" in line 20.
- 5      3. On page 65 reinstate the stricken matter in
- 6      lines 18 through 27.
- 7      4. On pages 66, 67, and 68 reinstate the stricken
- 8      matter.
- 9      5. On page 69 strike the new matter.
- 10     6. On page 78 strike lines 1 through 13 and show
- 11     the old matter as stricken.
- 12     7. On page 79 strike beginning with "if" in line
- 13     8 through "dollars" in line 10.
- 14     8. On page 82 strike beginning with "If" in line
- 15     24 through line 27.
- 16     9. On page 83 strike the new matter in lines 1
- 17     through 7; in line 8 reinstate the stricken "The";
- 18     reinstate the stricken matter in lines 9 and 10; and
- 19     strike beginning with the underscored comma in line
- 20     10 through "indexed" in line 14.
- 21     10. On page 84 strike beginning with "if" in

- 22 line 4 through “dollars” in line 6; and in line 9 strike  
 23 “statement” and insert “statement”.  
 24 11. On page 85, strike beginning with “if” in  
 25 line 9 through “dollars” in line 11.  
 26 12. On page 86, strike beginning with “if” in  
 27 line 19 through “dollars” in line 21.  
 1 13. On page 87, line 8 strike “(1)”; and strike  
 2 lines 15 through 27.  
 3 14. On page 88, strike lines 1 and 2.

(Signed) William E. Nichol, Chairperson

**MOTION - Place LB 144 on General File**

Mr. Simon moved to raise LB 144 from the Revenue Committee, pursuant to Rule 3, Section 10.

Motion pending.

**MOTION - Withdraw LB 778**

Mr. Vickers moved to withdraw LB 778.

Motion pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 192.**

Introduced by Maresh, 32nd District; Barrett, 39th District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Cope, 36th District; DeCamp, 40th District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Marsh, 29th District; Merz, 1st District; Newell, 13th District; Powers, 9th District; Reutzell, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District;

WHEREAS, the Nebraska farming and grain shipping industry depends upon the continued use and operation of the railroad lines in this state; and

WHEREAS, the Nebraska Legislature recognizes that abandonment of any single railroad line will require the use of more

expensive alternative means of transportation which will result in the waste of limited energy resources and a loss of income to the farmer; and

WHEREAS, alternative action to abandonment or an early shutdown of railroad lines must be taken to prevent such energy waste and financial loss to farmers and grain shippers; and

WHEREAS, the Interstate Commerce Commission has ordered service on the Rock Island Lines in southeast Nebraska to continue until March 2, after such date the lines may be abandoned by order of the commission.

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

1. That the Legislature requests and urges the Interstate Commerce Commission to continue service on the Rock Island Line beyond the March 2 deadline.

2. That the Legislature requests and urges the Interstate Commerce Commission to continue service on the Rock Island Line until the line is purchased by another railroad or party and an orderly transition is assured.

3. That the Clerk of the Legislature send a copy of this resolution to the appropriate officials of the Interstate Commerce Commission.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 235.** E & R amendments found in the Journal on page 323 for the Eighth Day were adopted.

Mr. Nichol renewed his pending amendment found in the Journal on page 426-427.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 483.** E & R amendments found in the Journal on page 325 for the Eighth Day were adopted.

Mr. Vickers renewed his pending amendment found in the Journal on page 421.

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

Mrs. Marsh renewed her pending amendment found in the Journal on page 449.

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

Mr. Kennedy asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Hoagland requested a machine vote to advance LB 483.

Mr. Newell moved for a Call of the House. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Advanced to E & R for Engrossment with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

**LEGISLATIVE BILL 185.** Mr. Cope renewed his pending amendment found in the Journal on page 346.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE RESOLUTION 30.** Mr. Newell offered the following amendment:

To amend LR 30 to strike the Matter following the Therefore Be it Resolve and replace this language with the following.

Therefore Be it Resolved:

That the D.C. not be given Federal Representation in Congress but instead be granted State Hood.

The amendment lost with 10 ayes, 24 nays, 12 present and not voting, and 3 excused and not voting.

Mrs. Marsh and Messrs. Johnson, Newell, Hoagland, Chambers, Landis, and Simon moved to indefinitely postpone LR 30.

Mr. Lamb moved to suspend the rules, Rule 7, Sec. 3 to consider the motion today.

Mr. Lamb moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The motion to suspend the rules prevailed with 30 ayes, 12 nays, and 7 not voting.

Motion to indefinitely postpone pending.

### STANDING COMMITTEE REPORTS Miscellaneous Subjects

**LEGISLATIVE BILL 612.** Placed on General File.

**LEGISLATIVE BILL 619.** Placed on General File as amended.  
Standing Committee amendments to LB 619:

- 1     1. On page 2, reinstate the stricken matter in
- 2     line 26.
- 3     2. On page 3, line 7 after “(2)” insert “(a)
- 4     vehicles used for the public’s safety, which shall
- 5     include but not be limited to, law enforcement, fire,
- 6     and other emergency vehicles, (b) vehicles driven by
- 7     emergency medical personnel when necessary to their
- 8     duties, (c) rural mail carrier vehicles used to deliver
- 9     mail, (2)”; and in lines 9 and 10 strike the new matter
- 10    and reinstate the stricken matter.
- 11    3. After original section 3, insert the following
- 12    new sections:
- 13    “Sec. 4. The Department of Roads shall adopt
- 14    and promulgate rules and regulations to provide for
- 15    administering section 3 of this act. The Department of
- 16    Roads shall require that emergency medical personnel
- 17    upon request substantiate the need to use studded or
- 18    other prohibited tires pursuant to section 3 of this act.
- 19    Sec. 5. The Department of Roads shall between
- 20    April 16, 1985, and December 31, 1985, file with the
- 21    Clerk of the Legislature a detailed report regarding
- 22    the effects of prohibiting the use of certain tires
- 23    pursuant to this act on the public safety and the
- 24    conditions of the roads.
- 25    Sec. 6. Any person violating this act shall be
- 26    guilty of a Class V misdemeanor.”
- 27    4. On page 3 in line 20, strike “and 5”, and
- 1     insert “, 6, and 8”.
- 2     5. Renumber original sections 4 and 5 as sections
- 3     7 and 8, respectively.

(Signed) Dave Newell, Chairperson

### Judiciary

**LEGISLATIVE BILL 618.** Placed on General File as amended.  
Standing Committee amendments to LB 618:

- 2 1. Insert the following new section:  
3 "Sec. 2. That section 24-503, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:  
6 24-503. For the purpose of serving the county  
7 courts in each county, twenty-one county judge districts  
8 are hereby created, which districts shall be the same as  
9 those established by section 5-105.  
10 Districts 1, ~~4~~, 12, and 18 shall have one county  
11 judge. Districts 3, 4, 6, 7, 8, 10, 11, 14, 15, 16, 17,  
12 19, and 20 shall have two county judges. Districts 2, 5,  
13 9, 13, and 21 shall have three county judges."  
14 2. On page 4, line 1 strike the new matter and  
15 reinstate the stricken matter; in line 4 strike  
16 "fourteenth,"; in line 9 strike "section" and insert  
17 "sections", and after "5-105" insert "and 24-503"; and in  
18 line 10 strike "is" and insert "are".  
19 Renumber original section 2 as section 3.

**LEGISLATIVE BILL 635.** Placed on General File as amended.  
Standing Committee amendments to LB 635:

- 2 1. Strike original section 1 and insert the  
3 following:  
4 "Section 1. That section 29-1408, Reissue  
5 Revised Statutes of Nebraska, 1943, be amended to read as  
6 follows:  
7 29-1408. The county attorney or the assistant  
8 county attorney shall be allowed at all times to appear  
9 before the grand jury for the purpose of giving  
10 information relative to any matter cognizable by ~~them~~  
11 such jury, or giving ~~them~~ such jury advice upon any legal  
12 ~~matter they the jury~~ may require, and ~~he~~ such county  
13 attorney or assistant county attorney may interrogate  
14 ~~witnesses before them the jury when they or he the grand~~  
15 jurors, the county attorneys, or the assistant county  
16 attorney shall deem it necessary; but except that no  
17 ~~other~~ person shall be permitted to remain in the room  
18 with such jury while they the grand jurors are expressing  
19 their views or giving their votes on any matter before  
20 ~~them the jury~~; Provided, whenever it shall be made to  
21 appear to the judge or judges of the district court that  
22 investigation should be made regarding official acts of  
23 county officials, the foreman shall forthwith notify the  
24 Governor of the state, who shall forthwith appoint a  
25 special prosecutor to appear and act in the place of the  
1 county attorney or the assistant county attorney in all

2 matters relating thereto before such grand jury in like  
3 manner as though county attorney; and ~~on such matters~~ the  
4 county attorney or the assistant county attorney shall be  
5 excluded from the presence of the grand jury during all  
6 proceedings which relate to the subject matter for which  
7 the special prosecutor was appointed; except that nothing  
8 in this section shall prevent the county attorney or  
9 assistant county attorney from appearing as a witness  
10 before a grand jury for which a special prosecutor has  
11 been appointed.”.

(Signed) William E. Nichol, Chairperson

### VISITORS

Visitors to the Chamber were 25 juniors and teacher from Platte Valley Academy, Shelton; Mayor and Mrs. Haworth from Bellevue; 25 members from Nebraska P.T.A. Legislative Workshop; and 28 Seniors and sponsors from Coleridge High School, Coleridge.

### ADJOURNMENT

At 12:15 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Thursday, January 31, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTEENTH DAY - JANUARY 31, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 31, 1980

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

We feel a sense of the history and heritage of this House each time we stand for prayer, O Lord our God: so many others have stood here where we now stand. So much has transpired here before we came along. And we know that some of the things we now do will also become a part of that continuing stream of history - destined, perhaps, to be remembered even when our names are long since forgotten. Inspire us day by day, O God, by an understanding of the history of which we are a part. Amen.

**ROLL CALL**

The roll was called and all members were present except Mr. Cope who was excused; and Mesdames Labeledz, Pirsch, Messrs. Burrows, Cullan, Fowler, Hoagland, Johnson, Lewis, Newell, Simon, Stoney, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fifteenth Day was approved.

**SELECT COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 526.** Replaced on Select File as amended. E & R amendment to LB 526:

1. The substantive changes in new section 1 having been stricken by the Koch long-hand amendment adopted 1/30,

strike new sections 1 and 3 added by the Koch amendments adopted 1/15 and strike E & R amendments 1 and 2 adopted 1/25.

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORT**  
**Appropriations**

**LEGISLATIVE BILL 747.** Placed on General File.

(Signed) Jerome Warner, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 191.

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 204  
January 30, 1980

Dear Senator Venditte:

You have requested that we review LB 605 for any constitutional problems. LB 605 is entitled "AN ACT relating to crimes and punishments; to provide the offenses of unlawful assembly and refusing to disperse; to limit liability; and to provide penalties."

As the title suggests, three separate concepts are embodied within LB 605. The first relates to unlawful assembly. Clearly, constitutional implication exists in such a statute by virtue of the First Amendment to the Constitution of the United States which in part provides: "Congress shall make no law . . . abridging . . . the right of the people to peaceably assemble, and to petition the Government for a redress of grievances" and Article I, Section 19, of the Constitution of the State of Nebraska which provides: "The right of the people peaceably to assemble to consult for the common good and to petition the government, or any department thereof, shall never be abridged."

Section 1 of LB 605 provides that certain assemblies are unlawful. In subsection (a) it is provided that whenever a person, together with two or more persons, assembles with intent to do an unlawful act with force and violence against the person or property of another or against the peace or (b) after being lawfully assembled, shall agree with force and violence to act against the person or property of another or the peace shall be guilty of a Class III misdemeanor. Courts which have considered such questions have generally held statutes similar to that

proposed under LB 605 relating to unlawful assemblies to be valid exercise of the constitutional police power of the state. LB 605, section 1, is essentially similar to the provisions of section 28-804 under the criminal code of the State of Nebraska as it existed prior to the adoption of the new criminal code. An extensive annotation at 71 A.L.R.2d 875 sets out the authority of the state to regulate assemblies. It is our view that section 1 is constitutional as written.

Section 2 establishes the crime of refusing to disperse. There are three circumstances under which the crime might occur. First is where a proclamation is made commanding them to disperse by a judge, sheriff, peace officer or ministerial officer; second, a proclamation is attempted to be made or is prevented or absent a proclamation; and third, persons are lawfully assembled but commit an unlawful act. There is little or no question that the state may authorize appropriate officials to determine that a crowd has become a danger and authorize the appropriate official to order a dispersal in such circumstances. However, some standards must be established to guide that determination. In section 2 no such standards are established. It simply authorizes the making of a proclamation. A number of cases have struck down statutes where no standards existed. Such statutes have also failed where they were overly broad.

In the statute under consideration our prime concern is that there are no ascertainable standards which would guide the discretion of the official in determining that a proclamation to disperse should be made. Conceivably under the statute as it is written, if a police officer observed three individuals standing on a corner, he could make a proclamation that they should disperse. Clearly, such a proclamation would be of questionable constitutional validity. However, if there were standards to limit the discretion of an officer to circumstances where there was some reasonable threat of harm, such proclamation would be defensible. We do not intend to say that one may never order a group of individuals to disperse. We simply say that the statute must have some ascertainable standards which would guide the discretion of those making such an order.

Section 3 of LB 605 is legally meaningless. It states that an officer acting in a lawful manner is guiltless. Only by acting in an unlawful manner could an officer be guilty.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Patrick T. O'Brien  
Assistant Attorney General

(Signed)

PTO:ejg  
cc Mr. Patrick J. O'Donnell

Clerk of the Legislature

Opinion No. 205  
January 30, 1980

Dear Senator Haberman:

You have provided to us proposed amendments to LB 605. You have asked whether or not the amendments would withstand attack on a constitutional basis alleging vagueness or overbreadth. In essence, your amendment provides that:

“A person engages in disorderly conduct if such person intentionally creates an unreasonable risk of injury to the person or property of others by any act.”

Generally, the question of whether or not a statute may be susceptible to the challenge on the basis of vagueness arises in terms of whether or not a reasonable individual must necessarily guess what conduct is proscribed by the statute. Use of the language “an unreasonable risk of injury to the person or property of others by any act” would not require a guess at what conduct would fall within the terms of the statute. Some fairly clear standards on the reasonableness or unreasonableness of the risk of injury have been developed through case law. We believe that an attack on this basis could be successfully defended.

With respect to overbreadth, the case law in the area of disorderly conduct has generally narrowed the application of such statutes to those situations where an immediate danger of harmful results exist, sometimes referred to as fighting words where words are involved. Under the amendment as drafted an act is required. Most of the overbreadth attacks have related to protected free speech as opposed to acts. Therefore, we believe it could be successfully defended.

Section 2 authorizes a police officer to order participants and others to disperse where three or more persons are engaged in the course of disorderly conduct. Generally such statutes can withstand constitutional attack. See, Annotation, 65 A.L.R.2d 1152, failure or refusal to obey police officer's order to move on, on street, as disorderly conduct. Generally it is within the province of the Legislature to establish situations under which law enforcement officers may be authorized to order dispersal of crowds. It is necessary in such statutes that standards be established in order to guide the discretion granted to such officers. In the present statute, it is our opinion that a standard is established. The act authorizes action where an act has occurred. Thus, we believe such a provision could be defended against a constitutional attack.

We enclose with this letter a copy of an opinion issued this date to Senator Venditte which addresses similar questions and in some respects is relevant to the issues you have raised.

Sincerely,  
 PAUL L. DOUGLAS  
 Attorney General  
 (Signed) Patrick T. O'Brien  
 Assistant Attorney General

PTO:ejg

enc.

cc Mr. Patrick J. O'Donnell  
 Clerk of the Legislature

### REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 30, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Brown, Jim L. - Lincoln, Nebraska Health Care Association  
 (Withdrawn 1/22/80)  
 Dana, Bernard A. - Lincoln, Nebraska Health Care Association  
 Epke, Walter - York, Nebraska Soft Drink Association (Withdrawn  
 11/1/79)  
 Kurtenbach, Richard - Lincoln, Nebraska Civil Liberties Union  
 Rasmussen, Dennis - Lincoln, William H. Northwall  
 Robinson, Leslie - Kearney, Nebraska Agri-Water Council  
 Sibert, Frank J. - Valentine, Self  
 Wylie, William M. - Elgin, Nebraska Soft Drink Association  
 (Withdrawn 11/1/79)

### SELECT FILE

**LEGISLATIVE RESOLUTION 30.** The Marsh et al motion to indefinitely postpone was renewed.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The motion to indefinitely postpone lost with 9 ayes, 21 nays, 11 present and not voting, and 8 excused and not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mrs. Marsh requested a machine vote to advance LR 30.

Mr. Haberman requested a record vote to advance LR 30.

Voting in the affirmative, 27:

|            |          |         |         |          |
|------------|----------|---------|---------|----------|
| Barrett    | George   | Kennedy | Nichol  | Venditte |
| Burrows    | Goodrich | Kremer  | Pirsch  | Vickers  |
| Carsten    | Haberman | Lamb    | Reutzel | Wagner   |
| Chronister | Hefner   | Maresh  | Rumery  |          |
| Clark      | Kahle    | Marvel  | Sieck   |          |
| Dworak     | Kelly    | Murphy  | Stoney  |          |

Voting in the negative, 12:

|            |        |        |        |
|------------|--------|--------|--------|
| Beutler    | Fowler | Landis | Powers |
| Chambers   | Keyes  | Marsh  | Simon  |
| Fitzgerald | Koch   | Newell | Wesely |

Present and not voting, 4:

|        |      |        |        |
|--------|------|--------|--------|
| DeCamp | Merz | Schmit | Warner |
|--------|------|--------|--------|

Excused and not voting, 6:

|        |          |          |
|--------|----------|----------|
| Cope   | Hoagland | Labeledz |
| Cullan | Johnson  | Lewis    |

Advanced to E & R for Engrossment with 27 ayes, 12 nays, 4 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 598.** Mr. Maresh offered the following amendment:

- 1 1. Insert two new sections as follows:
- 2 "Sec. 2. That section 49-508, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as follows:
- 4 49-508. The new members of each Legislature
- 5 shall be furnished by the State Librarian, at the commence-
- 6 ment of the first session for which they are elected,
- 7 with ~~one copy~~ two copies of each of the laws and journals
- 8 of the preceding session.

- 9       Sec. 3. That section 49-508.01, Reissue  
 10 Revised Statutes of Nebraska, 1943, be amended to read  
 11 as follows:  
 12       49-508.01. The Secretary of State shall furnish  
 13 sufficient copies of the laws and journals to the Clerk  
 14 of the Legislature who shall distribute ~~a copy~~ two copies  
 15 of each to every person who was a member of the Legislature  
 16 by which the laws were enacted.”.  
 17       2. On page 2, line 20 strike “section” and  
 18 insert “sections 49-508, 49-508.01, and”; and in line  
 19 21 strike “is” and insert “are”.  
 20       3. Renumber remaining sections accordingly.

Mr. Maresh moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Maresh requested a roll call vote on his amendment:

Voting in the affirmative, 25:

|          |            |         |        |         |
|----------|------------|---------|--------|---------|
| Beutler  | Fitzgerald | Johnson | Maresh | Reutzel |
| Burrows  | Fowler     | Kahle   | Merz   | Rumery  |
| Chambers | Haberman   | Kelly   | Newell | Sieck   |
| Clark    | Hefner     | Lamb    | Nichol | Simon   |
| DeCamp   | Hoagland   | Landis  | Powers | Wesely  |

Voting in the negative, 13:

|         |        |        |          |        |
|---------|--------|--------|----------|--------|
| Dworak  | Keyes  | Marsh  | Stoney   | Warner |
| George  | Koch   | Marvel | Venditte |        |
| Kennedy | Kremer | Murphy | Vickers  |        |

Present and not voting, 7:

|         |            |        |        |
|---------|------------|--------|--------|
| Barrett | Chronister | Pirsch | Wagner |
| Carsten | Goodrich   | Schmit |        |

Excused and not voting, 4:

|      |        |          |       |
|------|--------|----------|-------|
| Cope | Cullan | Labeledz | Lewis |
|------|--------|----------|-------|

The Maresh amendment was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely renewed his pending amendment found in the Journal on page 461.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

**NOTICE OF COMMITTEE HEARINGS**  
**Agriculture and Environment**

LB 837      Friday, February 8, 1980 (Cancel)      2:00 p.m.

(Signed)    Loran Schmit, Chairperson

**Education**

Hearings on the following Legislative Bills have been canceled:

LB 869      Tuesday, February 5, 1980      1:30 p.m.

LB 871      Monday, February 25, 1980      1:30 p.m.

and have been rescheduled for:

LB 869      Monday, February 25, 1980      1:30 p.m.

LB 871      Monday, February 11, 1980      1:30 p.m.

(Signed)    Jerry Koch, Chairperson

**Government, Military and Veterans Affairs**

LB 832      Friday, February 8, 1980      1:30 p.m.

LB 780      Thursday, February 14, 1980      1:30 p.m.

LB 921      Thursday, February 14, 1980      1:30 p.m.

LB 923      Thursday, February 14, 1980      1:30 p.m.

LB 925      Thursday, February 14, 1980      1:30 p.m.

LB 935      Thursday, February 14, 1980      1:30 p.m.

LB 872      Thursday, February 21, 1980      1:30 p.m.

LB 924      Thursday, February 21, 1980      1:30 p.m.

LB 926      Thursday, February 21, 1980      1:30 p.m.

LB 840      Friday, February 22, 1980      1:30 p.m.

LB 850      Friday, February 22, 1980      1:30 p.m.

LB 862      Friday, February 22, 1980      1:30 p.m.

LB 975      Friday, February 22, 1980      1:30 p.m.

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 812 | Thursday, February 28, 1980 | 1:30 p.m. |
| LB 922 | Thursday, February 28, 1980 | 1:30 p.m. |
| LB 952 | Thursday, February 28, 1980 | 1:30 p.m. |

(Signed) Orval A. Keyes, Chairperson

**MOTION - Return LB 597 to Select File**

Mr. Nichol moved to return LB 597 to Select File for the following specific amendment:

- 1 1. On page 4, line 1 after "any" insert "of"; and in
- 2 line 5 after "facts" insert "demonstrating reasonable cause".
- 3 2. On page 11, line 25 strike "double" and show as
- 4 stricken.

Motion pending.

**UNANIMOUS CONSENT - Withdraw Name**

Mr. DeCamp asked unanimous consent to withdraw his name from LR 30. No objections. So ordered.

**SELECT COMMITTEE REPORTS**  
**Urban Affairs**

**LEGISLATIVE BILL 986.** Placed on General File as amended. Standing Committee amendment to LB 986:

1. On page 5, line 11, strike the new matter and reinstate the stricken matter, and strike "a menace", show as stricken, and insert "detrimental".

**LEGISLATIVE BILL 629.** Placed on General File.

**LEGISLATIVE BILL 703.** Placed on General File as amended. Standing Committee amendment to LB 703:

1. On page 2, line 13 after "public" insert "or private", after "sale" insert an underscored period, and strike "without premium or discount." and show as stricken.

(Signed) Walter George, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 374.** Mr. Chambers moved to indefinitely postpone.

Motion pending.

**LEGISLATIVE BILL 535.** E & R amendments found in the Journal on page 431 for the Thirteenth Day were adopted.

Mr. Hoagland offered the following amendment:

In line 7, page 17, LB535 Req. 2926, change the period to a comma after "49-1479" and insert:

, and except that no such amounts may be converted by any person to any personal use, other than to defray such ordinary and necessary expenses incurred in connection with duties as an officeholder.

Mr. Hoagland withdrew his amendment.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 496.** E & R amendment found in the Journal on page 443 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 499.** Considered.

Mr. Burrows moved to refer LB 499 to the Revenue Committee for further study.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

The Burrows motion lost with 18 ayes, 18 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Vickers offered the following amendment:

To amend 499 on Sec. 10 Line 12 strike 1% insert 3%.

Line 14 after state strike the remainder of Line 14 & 15.

Insert - One per cent of the proceeds to be paid to the Dept. of Economic Development two per cent to be paid to the Dept. of Roads.

Strike Sections 11-12-13-14 & 15.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The Vickers amendment lost with 14 ayes, 20 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Nichol offered the following amendment:

Sec 3, line 22 Strike the words "rooming houses" and Sec 3 line 21, strike the word "houses".

The amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 6, Section 3, and Rule 7, Sect 3 and vote on the advancement of LB 499 without further discussion or debate.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. DeCamp requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 25:

|          |          |        |         |          |
|----------|----------|--------|---------|----------|
| Barrett  | Hoagland | Landis | Nichol  | Sieck    |
| Carsten  | Kahle    | Maresh | Powers  | Venditte |
| DeCamp   | Kelly    | Marsh  | Reutzel | Vickers  |
| George   | Koch     | Marvel | Rumery  | Wagner   |
| Goodrich | Labedz   | Newell | Schmit  | Warner   |

Voting in the negative, 19:

|            |            |         |        |        |
|------------|------------|---------|--------|--------|
| Beutler    | Clark      | Hefner  | Kremer | Simon  |
| Burrows    | Dworak     | Johnson | Lamb   | Stoney |
| Chambers   | Fitzgerald | Kennedy | Murphy | Wesely |
| Chronister | Fowler     | Keyes   | Pirsch |        |

Present and not voting, 2:

Haberman Merz

Excused and not voting, 3:

Cope Cullan Lewis

The motion to suspend the rules lost with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Messrs. Haberman and Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely offered the following amendment:

To strike the authorization for a 2% County Levy provided in LB 499.

Mr. Wesely moved for a Call of the House. The motion prevailed with 21 ayes, 11 nays, and 17 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 22:

|            |            |         |        |         |
|------------|------------|---------|--------|---------|
| Burrows    | Dworak     | Kennedy | Murphy | Vickers |
| Carsten    | Fitzgerald | Keyes   | Pirsch | Wesely  |
| Chambers   | Hefner     | Kremer  | Sieck  |         |
| Chronister | Johnson    | Lamb    | Simon  |         |
| Clark      | Kelly      | Maresh  | Stoney |         |

Voting in the negative, 21:

|          |          |        |          |        |
|----------|----------|--------|----------|--------|
| Barrett  | Hoagland | Marsh  | Reutzel  | Warner |
| Beutler  | Kahle    | Marvel | Rumery   |        |
| DeCamp   | Koch     | Merz   | Schmit   |        |
| Fowler   | Labedz   | Newell | Venditte |        |
| Goodrich | Landis   | Powers | Wagner   |        |

Present and not voting, 1:

George

Excused and not voting, 5:

|      |        |          |       |        |
|------|--------|----------|-------|--------|
| Cope | Cullan | Haberman | Lewis | Nichol |
|------|--------|----------|-------|--------|

The Wesely amendment lost with 22 ayes, 21 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Merz offered the following amendment:

Amend LB 499 adding a new section reading as follows:

The sales tax authorized by this act may only be collected during the months of May, June, July, August and September.

The amendment lost with 17 ayes, 19 nays, 8 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote to advance LB 499.

Voting in the affirmative, 21:

|         |          |          |          |        |
|---------|----------|----------|----------|--------|
| Barrett | Goodrich | Labeledz | Reutzel  | Warner |
| Beutler | Hoagland | Landis   | Rumery   |        |
| DeCamp  | Kahle    | Marsh    | Schmit   |        |
| Fowler  | Keyes    | Newell   | Sieck    |        |
| George  | Koch     | Powers   | Venditte |        |

Voting in the negative, 23:

|            |            |         |        |         |
|------------|------------|---------|--------|---------|
| Burrows    | Dworak     | Kennedy | Merz   | Vickers |
| Carsten    | Fitzgerald | Kremer  | Murphy | Wagner  |
| Chambers   | Hefner     | Lamb    | Pirsch | Wesely  |
| Chronister | Johnson    | Maresh  | Simon  |         |
| Clark      | Kelly      | Marvel  | Stoney |         |

Excused and not voting, 5:

|      |        |          |       |        |
|------|--------|----------|-------|--------|
| Cope | Cullan | Haberman | Lewis | Nichol |
|------|--------|----------|-------|--------|

Failed to advance to E & R for Review with 21 ayes, 23 nays, and 5 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**  
**Business and Labor**

|        |                              |           |
|--------|------------------------------|-----------|
| LB 761 | Wednesday, February 13, 1980 | 2:00 p.m. |
| LB 845 | Wednesday, February 13, 1980 | 2:00 p.m. |
| LB 942 | Wednesday, February 20, 1980 | 2:00 p.m. |
| LB 943 | Wednesday, February 20, 1980 | 2:00 p.m. |

(Signed) Richard Maresh, Chairperson

**Administrative Rules and Regulations Review**

LB 712        Wednesday, February 6, 1980        7:00 p.m.  
 LB 846        Wednesday, February 6, 1980        7:00 p.m.

(Signed)    Ralph D. Kelly, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 388 in the Journal. No objections. So ordered.

- 1        1. Strike original section 1 and insert the  
 2 following:  
 3        "Section 1. (1) There is hereby created the  
 4 Native American Law Enforcement and Assistance Fund.  
 5 The fund shall consist of such funds as the Legislature  
 6 shall appropriate. The fund shall be administered by  
 7 the Nebraska Commission on Law Enforcement and Criminal  
 8 Justice in consultation with and the advice of the  
 9 Commission on Indian Affairs and shall be dispersed to  
 10 county and local law enforcement agencies who have  
 11 special law enforcement problems associated with concen-  
 12 trated populations of Native Americans: Specifically  
 13 those Nebraska counties bordering the Pine Ridge and  
 14 Rosebud Indian Reservations in South Dakota and Nebraska  
 15 villages located within the boundaries of the Winnebago  
 16 and Santee Sioux Reservations.  
 17        (2) A preference for disbursements from the fund  
 18 shall go to law enforcement jurisdictions which have a  
 19 decreased tax base as a result of Indian or trust land  
 20 located within the jurisdiction or which have dispro-  
 21 portionate per capita law enforcement cost as a result  
 22 of its proximity to Indian reservations. The commission  
 23 shall consider the following factors in disbursing the  
 24 fund: (1) Native American population; (2) arrest  
 25 statistics; (3) proximity to a reservation; (4) overall  
 26 crime rate, as affected by Native Americans; (5) opera-  
 27 tional costs excluding weapons; and (6) personnel and  
 1 training needs of the law enforcement agency."

**STANDING COMMITTEE REPORT**  
**Revenue**

**LEGISLATIVE BILL 742.** Placed on General File as amended.  
 Standing Committee amendment to LB 742:

1. On page 2, line 5 strike "assessed" and insert  
 "assessed valued"; in lines 7 and 9 strike "assessment", show  
 as stricken, and insert "valuation"; in line 8 strike "valua-

tion for", show as stricken, and insert "assessment and"; in line 12 strike "assessed" and insert "valued"; and in line 14 strike "assessment" and insert "valuation".

(Signed) Calvin F. Carsten, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Chambers asked unanimous consent to print the following in the Journal. No objections. So ordered.

FROM: SENATOR ERNIE CHAMBERS  
TO: MEMBERS OF THE LEGISLATURE  
RE: ILLEGAL "ADVANCEMENT" OF LB 525 FROM SELECT FILE ON 1/25/80

The attached material—floor debate and excerpt from page 32 of Legislative Rule Book—should convince every Member that a misstep was made in the handling of LB 525. To save the Bill and the integrity of the Legislative process, we should correct the misstep.

Had the President not announced the vote, there would have been no problem. However, once he put it into the record that less than the required number of votes was cast, the problem sprang into existence.

PRESIDENT: All right, the question then is, shall LB 525 be advanced to E & R for engrossment? All those in favor signify by saying aye, opposed nay. LB 525 is advanced by a vote of three to one. Now the Speaker has asked that we waive Select File and go down to General File since the morning is half over. Yes, Senator Chambers, for what purpose do you rise?

SENATOR CHAMBERS: Mr. Chairman, I just want the record to be clear that what you said about advance by three to one was done...stated facetiously, that the necessary majority for advancement did vote.

PRESIDENT: I am not sure that it was said facetiously, Senator Chambers, and I will say it when I mean it facetiously. I will tell you so.

SENATOR CHAMBERS: Then I have made my point for the record and (interruption).

PRESIDENT: I said it passed and that is enough. I said it passed and that is enough. Thank you, Senator Chambers.

SENATOR CHAMBER: Mr. Chairman, I challenge the Chair.

SENATOR CHAMBERS: My child is here. Now, when an official act is placed by the Legislature relative to a bill, it is necessary that a proper majority as laid out by the Constitution placed that act and the Journal and the record are utilized in

determining what the Legislature's action was. So if a bill was advanced at a time when twenty-five votes are required and the Chair states that less than that number of votes were given, the bill did not legally advance, and if you continue to act as it did, the bill is in jeopardy. Now I have made my point. I will withdraw my challenge. Let the bill go.

From P. 32 (Rule 6)

(i) Any bill failing to receive 25 votes to be advanced to E & R Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File.

#### SELECT FILE

Motion to advance to E & R for Engrossing MEM

#### SPEAKER MARVEL PRESIDING

The Chair declared the Call raised.

#### GENERAL FILE

**LEGISLATIVE BILL 481.** Title read. Considered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 309.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Dworak offered the following amendment:

Page 9 line 27 after "fee" put a period and strike "unless the consultant first", and strike on page 10 line 1, 2, 3, 4, and 5.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 465.** Title read. Considered.

Mr. Burrows renewed his pending amendment found in the Journal on page 1255, First Session.

Mr. Burrows moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Burrows requested a roll call vote on his amendment.

Voting in the affirmative, 23:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Beutler    | Fowler   | Labedz | Newell  | Venditte |
| Burrows    | Hoagland | Landis | Powers  | Vickers  |
| Chambers   | Johnson  | Lewis  | Reutzel | Wesely   |
| DeCamp     | Keyes    | Maresh | Sieck   |          |
| Fitzgerald | Koch     | Merz   | Simon   |          |

Voting in the negative, 22:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | George   | Kennedy | Murphy | Wagner |
| Carsten    | Goodrich | Kremer  | Pirsch | Warner |
| Chronister | Hefner   | Lamb    | Rumery |        |
| Clark      | Kahle    | Marsh   | Schmit |        |
| Dworak     | Kelly    | Marvel  | Stoney |        |

Excused and not voting, 4:

|      |        |          |        |
|------|--------|----------|--------|
| Cope | Cullan | Haberman | Nichol |
|------|--------|----------|--------|

The Burrows amendment lost with 23 ayes, 22 nays, and 4 excused and not voting.

Mr. Lamb moved to indefinitely postpone LB 465.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Lamb requested a record vote on his motion.

Voting in the affirmative, 18:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Barrett    | Goodrich | Kremer | Pirsch  | Wagner |
| Chronister | Hefner   | Lamb   | Rumery  | Warner |
| Clark      | Kelly    | Marvel | Schmit  |        |
| George     | Kennedy  | Murphy | Vickers |        |

Voting in the negative, 22:

|          |            |          |         |          |
|----------|------------|----------|---------|----------|
| Beutler  | Fitzgerald | Labeledz | Merz    | Venditte |
| Burrows  | Fowler     | Landis   | Powers  | Wesely   |
| Chambers | Hoagland   | Lewis    | Reutzel |          |
| DeCamp   | Johnson    | Maresh   | Sieck   |          |
| Dworak   | Koch       | Marsh    | Simon   |          |

Present and not voting, 5:

|         |       |       |        |        |
|---------|-------|-------|--------|--------|
| Carsten | Kahle | Keyes | Newell | Stoney |
|---------|-------|-------|--------|--------|

Excused and not voting, 4:

|      |        |          |        |
|------|--------|----------|--------|
| Cope | Cullan | Haberman | Nichol |
|------|--------|----------|--------|

The Lamb motion to indefinitely postpone lost with 18 ayes, 22 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Burrows requested a roll call vote to advance LB 465.

Voting in the affirmative, 21:

|            |          |        |          |        |
|------------|----------|--------|----------|--------|
| Beutler    | Hoagland | Lewis  | Powers   | Wesely |
| Burrows    | Johnson  | Maresh | Reutzel  |        |
| Chambers   | Koch     | Marsh  | Sieck    |        |
| Fitzgerald | Labeledz | Merz   | Simon    |        |
| Fowler     | Landis   | Newell | Venditte |        |

Voting in the negative, 23:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Barrett    | George   | Kennedy | Murphy | Vickers |
| Carsten    | Goodrich | Keyes   | Pirsch | Wagner  |
| Chronister | Hefner   | Kremer  | Rumery | Warner  |
| Clark      | Kahle    | Lamb    | Schmit |         |
| Dworak     | Kelly    | Marvel  | Stoney |         |

Present and not voting, 1:

DeCamp

Excused and not voting, 4:

|      |        |          |        |
|------|--------|----------|--------|
| Cope | Cullan | Haberman | Nichol |
|------|--------|----------|--------|

Failed to advance to E & R for Review with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

**MOTION - Withdraw LB 778**

Mr. Vickers renewed his pending motion found in the Journal on page 473 to withdraw LB 778.

The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

**MOTION - Withdraw LB 430**

Mr. Lewis moved to withdraw LB 430.

The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

**NOTICE OF COMMITTEE HEARINGS  
Public Works**

LB 778      Thursday, February 7, 1980(Cancel)      1:30 p.m.

(Signed)    Maurice A. Kremer, Chairperson

**Nebraska Retirement Systems**

LB 930      Tuesday, February 12, 1980      12:00-1:30 p.m.

LB 941      Tuesday, February 26, 1980      12:00-1:30 p.m.

(Signed)    Steve Fowler, Chairperson

**STANDING COMMITTEE REPORT  
Public Works**

**LEGISLATIVE BILL 648.** Placed on General File.

(Signed)    Maurice A. Kremer, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 280 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2040.)

## ANNOUNCEMENT

Mr. Fowler announced an executive session of the Nebraska Retirement Systems Committee at 9:30 a.m., Monday, February 4, 1980, in Room 1520.

## MOTION - Rule Changes

Mr. Beutler moved the adoption of the following rule changes:

## PROPOSED RULES CHANGE

(1)

IN Revamp of Rule Three, Section 14, add a new subsection (c) to read as follows:

(c) A closed meeting may be held to compile and analyze information, investigate accusations or take testimony on the following matters only:

1. Matters the immediate public knowledge of which would adversely and significantly impact the finances of a government unit.
2. Matters relating to the employment of legislative personnel.
3. Matters which would imperil the public safety if disclosed.
4. Matters which may unjustly injure or unfairly reflect on the reputation and character of involved persons.
5. Matters relating to confidential business data such as the financial affairs or trade secrets of corporations, partnerships, trusts or individual proprietorships.
6. Matters involving the current or future investigation or prosecution of criminal offenses.
7. Matters involving consultation with the committee's counsel which would be deemed privileged in an attorney-client relationship.

(2)

In "Revamp of Rule Three", add a new section 19 to read as follows, and strike the original investigating committee section as shown:

("Revamp" section 3(f))

~~Sec. 22 Investigating Committees. The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.~~

Sec. 19

(a) It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matter within its subject-matter jurisdiction.

(b) A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

(c) A committee of the Legislature conducting an investigation and gathering information, whether pursuant to Legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

1. Issuance of Subpoenas

(i) A committee may by majority vote of all of its members, taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee.

(ii) The committee may also issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas in an investigation must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matter under investigation.

(iv) A person subpoenaed to attend a hearing of an investigating committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

2. Notice to Witnesses

(i) Service of a subpoena requiring the attendance of a person at a hearing of an investigating committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of an investigating committee also shall be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

### 3. Conduct of the Hearing

(i) No investigating committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) All hearings of an investigating committee shall be public unless the committee, by majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to extraordinary circumstances consistent with legislative rule 3, section 14 (c) regarding closed meetings.

(iii) The chairperson of an investigating committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may by majority vote of all its members authorize the questioning of a witness by the committee's counsel or by special counsel.

### 4. Right to Counsel and Submission of Questions

(i) Every witness at a hearing of an investigating committee may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at a hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

### 5. Testimony

(i) An investigating committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at a hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

- (iii) The presiding member at a hearing may direct a witness to answer any relevant question or furnish any relevant book, paper or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute a contempt.
- (iv) A witness at a hearing or his or her counsel, with the consent of a majority of the committee members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter and scope of the committee investigation or inquiry.
- (v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.
- (vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.
- (vii) All information of a defamatory or highly prejudicial nature received by or for the committee other than in an open or closed hearing shall be deemed to be confidential. No such information shall be made public unless authorized by majority vote of all of the members of the committee for legislative purposes, or unless its use is required for judicial purposes.

#### 6. Interested Persons

- (i) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.
- (ii) Upon the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence of incorporation into the record thereof. Upon the consent of a majority of its members an investigating committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the investigating committee's power of subpoena.

(iii) Any person who appears before an investigating committee pursuant to this section shall have all the rights, privileges and responsibilities of a witness provided to all other witnesses.

7. Contempt.

A person shall be in contempt if he or she:

1. Fails or refuses to appear in compliance with a subpoena or, having appeared, failed or refuses to testify under oath or affirmation.

2. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper or other document subpoenaed by or on behalf of an investigating committee, or

3. Commits any other act or offense against any investigating committee which, if committed against the Legislature would constitute a contempt. The chairperson of an investigating committee may apply to the Legislature or, during the interim, to the District Court of any county to compel obedience by proceedings for contempt.

8. Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to R.R.S. 50-105 and 50-106 during the session, or to R.R.S. 50-407 when the legislature is not in session.

(ii) If an investigating committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any person other than the witness concerned or his or her counsel who violates subsections of these rules concerning the publication of testimony taken at a closed hearing, or the publication of confidential information held by the committee, shall be in contempt of the Legislature, or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(c) Limitations of Rules

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

Referred to the Rules Committee.

## RESOLUTION

### LEGISLATIVE RESOLUTION 193.

Introduced by Schmit, 23rd District; George, 16th District.

WHEREAS, the pioneering efforts of the Nebraska Legislature and the state's citizens in developing ways to use corn and grain products have not only aided Nebraska agriculture, but also helped to ease the energy crisis as exemplified by the development of gasohol; and

WHEREAS, the Nebraska Legislature has established and funded research for the use of products derived from corn and has encouraged their development and manufacture; and

WHEREAS, the Archer-Daniels-Midland Company has been a major processor of corn which it uses to produce alcohol, fructose, and other products; and

WHEREAS, the Coca-Cola Bottling Company has announced plans to use such corn-produced fructose in its soft drink products; and

WHEREAS, the free market place endeavors of the Archer-Daniels-Midland Company and the Coca-Cola Bottling Company have lessened the impact of this nation's current grain embargo on the grain market.

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

1. That the Nebraska Legislature acknowledges and commends the Archer-Daniels-Midland Company and the Coca-Cola Bottling Company for their industry and achievement and for their support of Nebraska agriculture through corn and corn product purchases.

2. That the Legislature encourages all industries and businesses in this state to utilize corn, grains, and their related by-products for the purposes of human consumption and industrial uses, and to further engage in research and development of new and innovative uses of grain and its by-products.

3. That the Clerk of the Legislature send a copy of this resolution to the presidents of the Archer-Daniels-Midland Company and the Coca-Cola Bottling Company.

Laid over.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 750, 948, 954, 984 and 985 for the approval of the Nebraska State Legislature.

The Executive Board also reports that legislative bill 905 has been re-referred to the Banking, Commerce and Insurance Committee; and that legislative bill 968 has been re-referred to the Revenue Committee.

| <b>LB</b> | <b>Committee</b>                |
|-----------|---------------------------------|
| 750       | Miscellaneous Subjects          |
| 948       | Public Works                    |
| 954       | Banking, Commerce and Insurance |
| 984       | Public Works                    |
| 985       | Public Works                    |

#### RE-REFERRAL:

|     |                                 |
|-----|---------------------------------|
| 905 | Banking, Commerce and Insurance |
| 968 | Revenue                         |

(Signed) Frank Lewis, Chairperson

### VISITORS

Visitors to the Chamber were 12 eighth grade students and teacher from Benedict; and 15 fourth through sixth grade students and teacher from Montessory School, Omaha.

### ADJOURNMENT

At 12:12 p.m., on a motion by Mr. Reutzel, the Legislature adjourned until 9:00 a.m., Monday, February 4, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTEENTH DAY - FEBRUARY 4, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 4, 1980

Pursuant to adjournment, the Legislature met at 9:20 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

O God, our Loving Father, we pray Thou wouldst give the motivation to each member of this assembly that they be not frustrated or anxious because of issues facing them, but that each to his ability may live to his God-given capacity. Preserve them from faithless fears and foolish anxieties. May they be sensitive to that inner spark of celestial fire called conscience. May no clouds of rationalization or moral evil hide the light of Thy will from their lives. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Haberman and Merz who were excused; and Mrs. Labeledz, Messrs. Burrows, Fowler, George, Hoagland, Johnson, Murphy, Schmit, Sieck, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Sixteenth Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 306.** Replaced on Select File as amended. E & R amendment to LB 306:

1. In the first line of the matter added by the Chambers amendment found on page 470 of the Journal, strike "Provided, No" and insert "Provided, that no"; and in the second line insert "other" after "decendent".

**LEGISLATIVE BILL 598.** Replaced on Select File as amended.  
E & R amendments to LB 598:

1. Renumber the sections added by the Maresh amendments as sections 1 and 2, original section 1 as section 3, the section added by the Wesley amendment as section 4, and original sections 2 and 3 as sections 5 and 6.

2. On page 2, line 20, and in the title, line 2, strike "section" and insert "sections 49-508, 49-508.01, and"; and on page 2, line 21, strike "is" and insert "are".

3. In the title, line 4, strike "statute revision;" and insert "the Legislature; to change distribution of certain publications;" and in line 6 insert "to provide a duty for the Revisor of Statutes;" after the first semicolon and strike "section" and insert "sections".

**LEGISLATIVE BILL 481.** Placed on Select File as amended.  
E & R amendments to LB 481:

1. On page 6, line 7, strike the comma; and in lines 16 and 17 strike "Revised Statutes Supplement, 1978" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. On page 8, line 5, strike "where" and insert "when"; and in line 18 insert "or" after the first comma and insert an underscored comma after "life" and after "health".

3. On page 9, line 1, strike "Revised Statutes Supplement, 1978" and insert "Reissue Revised Statutes of Nebraska, 1943"; and in line 27 strike the comma.

4. In committee amendments, page 1, line 13, strike ", if," and insert "if,".

5. In committee amendments, page 2, line 14, strike "failed" and insert "failure"; and in lines 21 and 22 strike "Revised Statutes Supplement, 1978" and insert "Reissue Revised Statutes of Nebraska, 1943".

6. On page 13, strike lines 3 to 6 and insert:  
"Sec. 33. That original section 44-114, Reissue Revised Statutes of Nebraska, 1943, and also sections 44-2601 to 44-2605, Reissue Revised Statutes of Nebraska, 1943, are repealed."

7. In the title, line 5, insert "to amend section 44-114, Reissue Revised Statutes of Nebraska, 1943; to provide fees;" after the semicolon; and in line 6 strike the comma and strike lines 7 to 9 and insert "to 44-2605, Reissue Revised Statutes of Nebraska, 1943."

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORTS**  
**Public Works**

**LEGISLATIVE BILL 863.** Placed on General File.

**LEGISLATIVE BILL 672.** Placed on General File as amended.  
Standing Committee amendment to LB 672:

1. On page 2, line 14 reinstate "twenty-five" and strike "fifty".

(Signed) Maurice A. Kremer, Chairperson

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 206  
January 29, 1980

Re: LB 525

Dear Senator Sieck:

This is in reply to your inquiry concerning the meaning of "physical disability" as used in section 1, line 6 of LB 525. The term is there used in the definition of "group homes" when one is "receiving therapy, training, or counseling for the purposes of adaptation to living with, or rehabilitation from physical disability. . . ."

Since the term "physical disability" is so broad it usually covers about any type of impairment to the body. For example, in the case of Quirk v. Electric Machinery Manufacturing Co., 306 Minn. 326, 236 N.W.2d 782, the court held that ten percent permanent partial disability of the hands and wrists was "physical impairment" within the meaning of the state's second injury statute. In Witcher v. Capitan Drilling Co., 503 P.2d 652, the court held that the word "disability" as used in the scheduled injury section stating "for disability resulting from an accidental injury to specific body members including the loss or loss of use thereof. . ." means physical impairment.

In Fuchs v. Old Line Life Insurance Co., 174 N.W.2d 273, the court held that "giving 'physical impairment' the ordinary meaning as used in common speech, the term denotes a defect or infirmity limiting or making useless a member or limb of the body."

We are of the opinion that, as used in LB 525, "physical disability" would apply to any type of physical impairment for which the person was receiving therapy, training or counseling for the purpose of adapting to live with such impairment. We are not convinced a court would construe it to include one suffering from drug or alcohol abuse;

it would be safer to include those terms if you want them to be covered under "group homes."

If you have any further questions in this regard, please contact us.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Mel Kammerlohr  
Assistant Attorney General

MK:smb

cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 207  
January 30, 1980

Dear Senator Koch:

This is in response to your letter of January 28, 1980. In that letter you ask two questions which pertain to LB 668 of the Eighty-Sixth Legislature, Second Session (1979). The same are hereinafter discussed.

1. "Is the proposed amendment to section 70-446 [sic] necessary to legally allow a member of a school board to be employed as a substitute teacher?"

Yes. Except part-time county superintendents who by law serve on a board of education, no member of a board of education can legally be employed at the present time as a teacher by the school district which is governed by the board of education on which he or she serves. See, Neb.Rev.Stat. section 79-466 (Reissue 1976).

2. "Would the proposed amendment, if adopted, violate any statutes relating to conflict of interest?"

Section 1 of LB 668 states as follows:

"No member of a board of education shall be employed as a teacher by the school district on which board he or she serves; except that, this section shall not apply to a part-time county superintendent who by law serves on a board of education nor to a member who is employed as a substitute teacher only."

It appears to us that section 1 of LB 668, which is quoted above, could create a host of conflicts of interest if it were to become operative law. Consider the potential conflict of interest when the board of education sets the salary of substitute teachers; if it were necessary for the board of education to investigate an alleged unsatisfactory classroom performance by a board member-substitute teacher; or if it were necessary for the board of education to conduct a

hearing to determine if a student should be suspended or expelled because of conduct which was observed by the board member-substitute teacher. In addition, if a board member-substitute teacher were paid in excess of two thousand dollars for services in any one school year, Neb.Rev.Stat. section 79-442 (Reissue 1976), could be violated. The bottom line, of course, is that it is impossible to cite each and every possible conflict of interest. There are undoubtedly many more.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Harold Mosher  
Assistant Attorney General

HM:smb  
cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 208  
January 31, 1980

Dear Senator Venditte:

You have requested our opinion concerning the constitutionality of Request No. 1304 which would amend section 28-310 of our statutes to provide for enhanced punishment of third degree assault when such act is committed by a person committed to or in the legal custody of the Department of Correctional Services. Request No. 1304 raises the penalty from a Class I misdemeanor to a Class IV felony.

We assume your concern is whether either the state or federal Constitution would allow legislation providing for an enhanced penalty for an act when committed by a particular class of persons. Our opinion is limited to that issue. Section 28-411(2), R.S.Supp. 1976, contained provisions almost identical to those contained in Request No. 1304. That section provided that a misdemeanor penalty be imposed upon any person who "unlawfully strikes or wounds another" except when a person was "confined or in legal custody in the Nebraska Penal and Correctional Complex \* \* \*, or in the State Reformatory for Women." In the case of the latter two classifications of persons, section 28-411 provided for the imposition of a felony penalty. The constitutionality of that section was challenged in State v. Holland, 183 Neb. 485, 161 N.W.2d 862 (1968), and was found not to violate the equal protection provisions of either the state or federal constitution. In so holding the court stated:

“The Legislature with good reason might recognize special needs for discipline and safety in administration of the penal complex and the women’s reformatory. . . . ‘\* \* \* a State is not constrained in the exercise of its police power to ignore experience which marks a class of offenders or a family of offenses for special treatment.’ [Citations omitted.]” 183 Neb. at 488.

Therefore, in our opinion, the provisions of Request No. 1304 do not violate the Equal Protection Clause of either our state or federal Constitution.

Yours truly,  
PAUL L. DOUGLAS  
Attorney General

(Signed) J. Kirk Brown  
Assistant Attorney General

JKB:sjr

cc: Mr. Patrick J. O’Donnell  
Clerk of the Legislature

#### UNANIMOUS CONSENT - Print in Journal

Mr. Fitzgerald asked unanimous consent to print the following amendment to LB 184 in the Journal. No objections. So ordered.

Req. #2060

2 1. Insert the following new sections:

3 “Sec. 10. That section 23-107.01, Reissue

4 Revised Statutes of Nebraska, 1943, as amended by Laws  
5 1979, LB 187, section 93, be amended to read as follows:

6 23-107.01. (1) Except as provided in section 11

7 of this act, any ~~Any~~ county board shall have power to

8 sell or lease real estate owned by the county and not

9 required for county purposes at a fair market value  
10 regardless of the value of the property. The county

11 board of such county shall hold an open and public

12 hearing prior to any such sale or lease at which any

13 interested party may appear and speak for or against the

14 sale or lease, and raise any issue regarding the fair

15 market value of the property as determined by the county

16 board. Public notice of any such public hearing shall be

17 run once each week for two consecutive weeks prior to the

18 hearing date in any newspaper or legal publication

19 distributed generally throughout the county.

20 (2) The county board shall set a date of sale,

21 which shall be within two months of the date of public

22 hearing pursuant to subsection (1) of this section, and

23 proceed to offer such real estate for sale or lease to

24 the highest bidder.

1 (3) The county board shall cause to be printed  
 2 and published once at least ten days prior to the sale or  
 3 lease in a legal newspaper in the county, an  
 4 advertisement for bids on the property to be sold or  
 5 leased. The advertisement shall state the legal  
 6 description and address of the real estate and that the  
 7 real estate shall be sold or leased to the highest  
 8 bidder.

9 (4) If the county board receives no bids or if  
 10 the bids received are substantially lower than the fair  
 11 market value, the county board may negotiate a contract  
 12 for sale or lease of the real estate if such negotiated  
 13 contract is in the best interests of the county.

14 Sec. 11. Any county board may lease or sell  
 15 public property to the state for use as a veterans' home  
 16 at such rent and under such terms and conditions as it  
 17 may deem just and advisable notwithstanding the fact that  
 18 such lease or sale is at less than the fair market value  
 19 of such property."

20 2. Renumber remaining sections accordingly.

21 3. In the E and R amendment on page 3, line 24  
 22 strike "and"; and in line 25 after "1979," insert "and  
 23 section 23-107.01, Reissue Revised Statutes of Nebraska,  
 24 1943, as amended by Laws 1979, LB 187, section 93,"; and  
 25 in line 27 after the semicolon insert "to provide an  
 26 exemption from restrictions on the sale or lease of  
 27 certain property as prescribed;"

## COMMUNICATION

Acknowledged receipt of Resolution from the National Association of State Treasurers regarding the statutory debt limit of the United States. (On file in the Clerk's Office.)

## NOTICE OF COMMITTEE HEARINGS Committee on Committees

The Committee on Committees wishes to report that the hearings scheduled for Wednesday, February 6, 1980, at 12:10 p.m. in Room 1520, the Moses P. Kinkaid Hearing Room, for the appointments of James Nils Ackerman, Ivan Abdouch and Allen Burkhardt, all to the Coordinating Commission for Postsecondary Education, have been canceled. According to state statute, these appointments do not need legislative confirmation.

(Signed) Shirley Marsh, Chairperson

**MOTION - Return LB 442 to Select File**

Mr. Goodrich moved to return LB 442 to Select File for the following specific amendment:

(Final Reading Copy)

- 1 1. On page 3 line 13 strike "1979" and insert  
2 "1980".

The motion prevailed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 442.** The Goodrich specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 572.**

A BILL FOR AN ACT relating to district court funds; to amend sections 24-345, 24-348, and 69-1318, Reissue Revised Statutes of Nebraska, 1943; to provide that certain funds be paid to the State Treasurer; to provide duties; to allow claims; and to repeal the original sections, and also sections 24-346 and 24-347, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |        |         |         |
|------------|------------|--------|---------|---------|
| Barrett    | Dworak     | Keyes  | Marvel  | Sieck   |
| Beutler    | Fitzgerald | Koch   | Newell  | Simon   |
| Carsten    | Goodrich   | Kremer | Nichol  | Stoney  |
| Chambers   | Hefner     | Lamb   | Pirsch  | Vickers |
| Chronister | Johnson    | Landis | Powers  | Wagner  |
| Clark      | Kahle      | Lewis  | Reutzel | Warner  |
| Cullan     | Kelly      | Maresh | Rumery  | Wesely  |
| DeCamp     | Kennedy    | Marsh  | Schmit  |         |

Voting in the negative, 0.

Present and not voting, 1:

Cope

Excused and not voting, 9:

|         |          |          |        |          |
|---------|----------|----------|--------|----------|
| Burrows | George   | Hoagland | Merz   | Venditte |
| Fowler  | Haberman | Labeledz | Murphy |          |

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

**LEGISLATIVE BILL 597.** Mr. Nichol renewed his pending motion found in the Journal on page 487 to return to Select File for a specific amendment.

The motion prevailed with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 597.** The Nichol specific amendment found in the Journal on page 487 was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

#### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 108.

A BILL FOR AN ACT to amend section 48-838, Revised Statutes Supplement, 1979, relating to the Commission of Industrial Relations; to provide provisions relating to collective bargaining units for postsecondary educational institutions; 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, 20:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Carsten    | Fowler   | Keyes  | Marvel  | Simon   |
| Cope       | Goodrich | Kremer | Newell  | Vickers |
| DeCamp     | Johnson  | Lewis  | Reutzel | Warner  |
| Fitzgerald | Kelly    | Marsh  | Schmit  | Wesely  |

Voting in the negative, 19:

|            |        |         |        |        |
|------------|--------|---------|--------|--------|
| Barrett    | Cullan | Kahle   | Landis | Powers |
| Beutler    | Dworak | Kennedy | Maresh | Rumery |
| Chronister | George | Koch    | Nichol | Stoney |
| Clark      | Hefner | Lamb    | Pirsch |        |

Present and not voting, 3:

|          |       |        |
|----------|-------|--------|
| Chambers | Sieck | Wagner |
|----------|-------|--------|

Excused and not voting, 7:

|          |          |        |          |
|----------|----------|--------|----------|
| Burrows  | Hoagland | Merz   | Venditte |
| Haberman | Labedz   | Murphy |          |

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

### **LEGISLATIVE BILL 203.**

A BILL FOR AN ACT to amend section 75-426, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to change requirements for reporting accidents as prescribed; to harmonize a penalty with the criminal code; and to repeal the original section, and also section 74-913, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |         |        |         |
|------------|------------|---------|--------|---------|
| Barrett    | DeCamp     | Johnson | Lamb   | Nichol  |
| Carsten    | Dworak     | Kahle   | Landis | Pirsch  |
| Chambers   | Fitzgerald | Kelly   | Lewis  | Powers  |
| Chronister | Fowler     | Kennedy | Maresh | Reutzel |
| Clark      | George     | Keyes   | Marsh  | Rumery  |
| Cope       | Goodrich   | Koch    | Marvel | Schmit  |
| Cullan     | Hefner     | Kremer  | Newell | Sieck   |

|        |         |        |
|--------|---------|--------|
| Simon  | Vickers | Warner |
| Stoney | Wagner  | Wesely |

Voting in the negative, 1:

Beutler

Excused and not voting, 7:

|          |          |        |          |
|----------|----------|--------|----------|
| Burrows  | Hoagland | Merz   | Venditte |
| Haberman | Labedz   | Murphy |          |

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

#### LEGISLATIVE BILL 409.

A BILL FOR AN ACT to amend section 43-210, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to change provisions relating to certain probation hearings as prescribed; 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, 42:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Dworak     | Kennedy | Marvel  | Simon   |
| Beutler    | Fitzgerald | Keyes   | Newell  | Stoney  |
| Carsten    | Fowler     | Koch    | Nichol  | Vickers |
| Chambers   | George     | Kremer  | Pirsch  | Wagner  |
| Chronister | Goodrich   | Lamb    | Powers  | Warner  |
| Clark      | Hefner     | Landis  | Reutzel | Wesely  |
| Cope       | Johnson    | Lewis   | Rumery  |         |
| Cullan     | Kahle      | Maresh  | Schmit  |         |
| DeCamp     | Kelly      | Marsh   | Sieck   |         |

Voting in the negative, 0.

Excused and not voting, 7:

|          |          |        |          |
|----------|----------|--------|----------|
| Burrows  | Hoagland | Merz   | Venditte |
| Haberman | Labedz   | Murphy |          |

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

**LEGISLATIVE BILL 525.** Mr. Sieck moved to return LB 525 to Select File for the following specific amendment:

Final Reading Copy

1 1. On page 2, line 22 after the period insert:  
 2 "For purposes of this section existing group home  
 3 shall include, in addition to group homes defined in  
 4 section 1 of this act, a home of any size which serves  
 5 other populations, including but not limited to correc-  
 6 tional homes and homes which serve people recupera-  
 7 ting from the effects of drugs or alcohol, mental  
 8 illness, or physical disability."

The motion prevailed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 525.** The Sieck specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

**STANDING COMMITTEE REPORT**  
**Constitutional Revision and Recreation**

**LEGISLATIVE BILL 678.** Indefinitely postponed.

(Signed) Barry L. Reutzell, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Banking, Commerce and Insurance**

**NOTICE - CHANGE OF TIME**

|        |                            |                                    |
|--------|----------------------------|------------------------------------|
| LB 877 | Tuesday, February 12, 1980 | 12:00 noon<br>instead of 1:30 p.m. |
| LB 954 | Monday, February 11, 1980  | 12 noon to 2:00 p.m.               |
| LB 934 | Monday, February 11, 1980  | 2:00 p.m.                          |
| LB 940 | Monday, February 11, 1980  | 2:00 p.m.                          |
| LB 966 | Monday, February 11, 1980  | 2:00 p.m.                          |
| LB 893 | Monday, February 11, 1980  | 2:00 p.m.                          |
| LB 901 | Monday, February 11, 1980  | 2:00 p.m.                          |

|        |                            |                      |
|--------|----------------------------|----------------------|
| LB 916 | Monday, February 11, 1980  | 2:00 p.m.            |
| LB 877 | Tuesday, February 12, 1980 | 12 noon to 2:00 p.m. |
| LB 905 | Tuesday, February 12, 1980 | 2:00 p.m.            |
| LB 891 | Tuesday, February 12, 1980 | 2:00 p.m.            |
| LB 902 | Tuesday, February 12, 1980 | 2:00 p.m.            |
| LB 903 | Tuesday, February 12, 1980 | 2:00 p.m.            |
| LB 904 | Tuesday, February 12, 1980 | 2:00 p.m.            |
| LB 912 | Tuesday, February 12, 1980 | 2:00 p.m.            |

(Signed) John W. DeCamp, Chairperson

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

February 4, 1980

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the legislative body and suggests a record vote.

Bruce Allen  
Advisory Committee to the Dept. of Economic Development  
John Cattle, Sr.  
Advisory Committee to the Dept. of Economic Development  
J. Alan Cramer  
Board of Trustees of Nebraska State Colleges  
Herbert J. Duis - Liquor Control Commission  
Gwen Hershberger - Nebraska Investment Council  
Arthur L. Knox  
Advisory Committee to the Dept. of Economic Development  
Gene P. Spence  
Board of Directors of Omaha Public Power District

VOTE: For: Marsh, Cope, Cullan, Kennedy, Lewis, Reutzel, Simon.  
(7) Against: None. Excused: None. Absent: Burrows, Labeledz, Newell, Nichol, Schmit, Wesely. (6)

(Signed) Shirley Marsh, Chairperson

**MOTION - Return LB 442 to Select File**

Mr. Beutler moved to return LB 442 to Select File for the following specific amendment:

1. On page 3, line 13, strike "1979" and insert "1980"; in line 16, strike "may" and insert "shall"; in line 17, after "period" insert ". The board

may extend the probationary period for a third year, if written notice of intent to extend the probationary period is given to the faculty member.”; strike “and”; in line 18, strike “such” and insert “Such”.

Motion pending.

### GENERAL FILE

**LEGISLATIVE BILL 734.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 735.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 700.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 641.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

### MR. CLARK PRESIDING

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 61.** Title read. Considered.

Mr. Newell renewed his pending amendment found in the Journal on pages 439-440.

### SPEAKER MARVEL PRESIDING

Mr. Koch moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Newell amendment was adopted with 27 ayes, 4 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Advanced to E & R for Review with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Wesely asked unanimous consent to print the following amendment to LB 499 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee amendments on  
2 page 1, line 8 after the comma insert "and"; in line  
3 10 after "Fund" insert a period and strike the  
4 remainder of the section; and in line 17 strike "8"  
5 and insert "6".
- 6 2. In the Standing Committee amendments  
7 strike sections 7, 8, 11 to 15, and 18.
- 8 3. In the Standing Committee amendments  
9 on page 3, line 6 after the period insert "The use  
10 of such proceeds shall be annually reviewed by the  
11 Legislature's Committee on Appropriations."
- 12 4. In the Standing Committee amendments  
13 renumber sections 9, 10, 16, 17, 19, and 20 as  
14 sections 7 to 12 respectively.
- 15 5. Strike Kahle-Hoagland amendments 2  
16 through 5 to the Standing Committee amendments.
- 17 6. Strike the Beutler amendments to the  
18 Standing Committee amendments.

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 209  
January 23, 1980

Dear Senator Beutler:

In your letter of January 16, 1980, you call to our attention Legislative Bill 507 dealing generally with the revitalization of branch railroad lines in Nebraska and seek our opinion as to the constitutionality of several of this act's provisions.

Generally this legislation would create a Branch Rail Revitalization Council composed of industry, government and general public representatives and would carry out the intentions of the act including assisting Regional Councils in financing local branch line revitalization projects in certain specified manners. This legislation

would also create a Branch Rail Line Revitalization Fund in the State Treasury into which any monies appropriated by the Legislature for the purposes of the act would be placed in addition to any other monies received from other sources. Additionally, the act would provide for the formulation of certain Regional Branch Rail Line Councils consisting of counties, cities, villages, combinations of political subdivisions and other persons interested in the revitalization of branch rail lines. These Regional Councils would devise specific local revitalization plans and would be authorized to issue regional bonds for the purpose of financing these plans.

You first ask whether or not the creation of such a "state agency" the purpose of which would be to receive and distribute state funds for the restoration of privately owned property is constitutional. Initially we question your categorization of this Branch Rail Revitalization Council as a "state agency." The only such reference we can find within this legislative bill is in section 13 where the following language is found:

" . . . The council shall be the agency responsible for administering programs and funds for rail line revitalization implemented pursuant to this act. . . ." (Emphasis added.)

We are not certain that the Legislature may, through such a passing reference to the term "agency" create an entity which would be considered a "state agency." It is more likely that what is being created here is not a state agency but rather a public or quasi-public corporation. However, if you are correct in your conclusion that this entity is a state agency, it would be only permitted to issue bonds in an amount less than one hundred thousand dollars which were issued solely for the purpose of meeting, ". . . casual deficits, or failures in the revenue, . . ." or be in violation of the provisions of Article XIII, section 1 of the Constitution of the State of Nebraska.

Assuming that this Branch Rail Revitalization Council is not a state agency but is in reality a public or quasi-public corporation, the question remains whether or not the Legislature might expend funds to effectuate its purposes. We would be of the opinion that the resolution of this question lies in the examination of the issue as to whether or not a public purpose is being advanced by its creation and funding.

The Nebraska Supreme Court in two recent cases has had an occasion to discuss what constitutes public purpose. In State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979), the court stated as follows:

"What is a public purpose is primarily for the Legislature to determine. A public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity,

contentment, and the general welfare of all the inhabitants. No hard and fast rule can be laid down for determining whether a proposed expenditure of public funds is valid as devoted to a public use or purpose. Each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare . . . [citations omitted.] It is the province of the Legislature to determine matters of policy and appropriate the public funds. If there is reason for doubt or argument as to whether the purpose for which the appropriation is made is a public or a private purpose, and reasonable men might differ in regard to it, it is essentially held that the matter is for the Legislature . . . [citations omitted.]” 204 Neb. at 457, 458.

The court in State ex rel. Douglas v. Thone, 204 Neb. 836, N.W.2d (1979), held as follows:

“The principles which must guide this court in the determination of whether the act contemplates a public purpose are these: ‘It is for the Legislature to decide in the first instance what is and what is not a public purpose, but its determination is not conclusive on the courts. However, to justify a court in declaring a tax invalid because it is not for a public purpose, the absence of public purpose must be so clear and palpable as to be immediately perceptible to the reasonable mind.’ Chase v. County of Douglas, . . . [195 Neb. 838, 241 N.W.2d 334].” 204 Neb. at 843.

After setting forth examples where that court had found a valid public purpose and examples where they had not, they specifically held as follows:

“ . . . Competition with private industry does not in and of itself make the expenditure one for a private purpose. The fact that the plants and facilities may be managed by private corporations or individuals under management contracts does not make the purpose private. This is clearly a case in which the court cannot say the legislative determination of public purpose is incorrect.” State ex rel. Douglas v. Thone, 204 Neb. at 845.

It appears to us from an examination of Legislative Bill 507 and an examination of the recent decisions of the Nebraska Supreme Court that this legislation may well satisfy the requirement that it fulfill a valid public purpose, however, we caution you that the court did state that while a legislative declaration of public purpose carries with it certain presumptions of validity, such a declaration is not conclusive on the court. State ex rel. Douglas v. Thone, *supra*.

In this regard we suggest that the avowed stated purpose of this legislation is extremely broad and manifests itself only in general

concepts such as revitalization and the formulation of plans. It may be difficult in light of the most general direction given to both the statewide council and the various regional councils for a court to ascertain the exact purpose of this legislation let alone the validity of that purpose.

You next ask in light of the language of section 20 of Legislative Bill 507 which directs that each Regional Council shall be a, "political subdivision of the state" whether or not this designation is proper given the fact that these Councils will be made up of other political subdivisions and, ". . . any other person which desires to revitalize a branch rail line." (section 20). While it appears somewhat irregular for a political subdivision to consist of entities which are not political in and of themselves, we do not believe that the inclusion within this designated "political subdivision" of persons which are defined in section 8 as ". . . any corporation, partnership, joint venture, unincorporated association or other business entity, or natural person" would necessarily result in any violation of our Nebraska Constitution.

It does appear that as a result of the inclusions within this entity of these nonpolitical entities that designating it a "political subdivision" is probably a misnomer and may very well result in unnecessary confusion and possible litigation. It would appear as though the private entities could either be eliminated from the Regional Council and the resulting political subdivisions combined under the Interlocal Cooperation Act, sections 23-2201, et seq., or section 20 could be amended to delete the political subdivision classification and these Regional Councils could also be designated public or quasi-public corporations.

If these Regional Councils are to remain political subdivisions we do warn you of the provisions of Article XI, section 1 of the Constitution of the State of Nebraska, which provides:

"No city, county, town, precinct, municipality, or other sub-division of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association."  
(Emphasis added.)

We call this provision to your attention because of the provisions of this legislation which would permit Regional Councils to secure guarantees of their obligations incurred and to pledge any collateral they might possess to secure the obligations issued by the Regional Councils. It is conceivable that some railroad, private corporation or association might supply stock as collateral for bonds issued by the Regional Councils or might actually provide stock to generate money to be placed in the Branch Line Revitalization Fund or for the

operation of the Regional Councils. While the potential inclusion within a Regional Council of a railroad, corporation, or association would not in and of itself appear to violate the provisions of Article XI, section 1 of the Nebraska Constitution, great care would have to be exercised as to their financial relationship to the Council itself.

You also ask whether or not the use of state appropriated funds for the administrative costs of such subdivisions, some members of which may be private entities, is unconstitutional. We believe that regardless of the exact legal status of these Regional Councils, the question is basically one of whether or not monies appropriated are for a public purpose. If a public purpose is to be achieved then we feel that no constitutional violation would exist.

Additionally you ask whether or not the issuance of bonds by a political subdivision and the use of tax monies for the purpose of improving privately owned property is constitutional. We believe the answer to this question also lies in the resolution of the question of whether or not this act advances a valid public purpose.

Next you call to our attention the fact that a particular Regional Council might revitalize branch lines which are not physically within their geographical boundaries and ask if this would render such a provision unconstitutional. We do not believe that the fact that the act's effect would exceed the geographical limits of any of the Regional Councils would have any constitutional affect so long as whatever was done was done to advance a general public purpose.

You next ask if the Regional Councils default on any bonds issued, whether or not the state would be ultimately liable to these bondholders. We would be of the opinion that if the state were to be liable this legislation would fail as did the legislation in State ex rel. Douglas v. Thone, supra, as being violative of either Article XIII, section 1, or Article XIII, section 3, or both, of the Constitution of the State of Nebraska. It does appear, however, from the actual language of the legislation both in section 15 and section 22 that there is no intent to bind the state or to make the state guarantors of any of the bonds issued by either the Branch Rail Revitalization Council or the various Regional Councils. We would be of the opinion, however, that to insure the successful review of this legislation by a court stronger language, even than that utilized, perhaps should be inserted to establish legislative intent that the State of Nebraska was under no circumstances to be considered liable as a result of the issuance of any of these bonds.

Finally, we call to your attention the fact that the act provides that from a number of different sources monies are to be placed in the Rail Line Revitalization Fund (section 18). However, in section 19(2) it appears as though the Branch Rail Revitalization Council is being

given authorization to spend monies placed in this fund for certain activities. We would be of the opinion that once monies are placed in this fund which is a part of the State Treasury, they may only be withdrawn through the means of legislative appropriation. Perhaps this fact was known to the drafters of this legislation but it appears as though the expectation was that the Council might draw upon this fund for its own administration and other needs. While the Legislature could, for a public purpose, appropriate monies out of this fund to the Branch Rail Revitalization Council or Regional Councils, these Councils would not be empowered to spend the monies absent such a specific appropriation. You may wish to consider this fact if any amendments are to take place.

If we can be of further assistance to you in this matter, please let us know.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Terry R. Schaaf  
Assistant Attorney General

TRS:smb

cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 210  
February 1, 1980

Dear Senator Dworak:

You ask whether the Legislature can constitutionally limit the use of all public funds utilized to purchase group insurance coverage by prohibiting the purchase of certain types of coverage. You have provided us with a copy of REQ 1416, since introduced at LB 891.

LB 891 in essence provides that no group insurance contract or health maintenance agreement paid for in whole or in part with public funds shall include coverage for abortions as defined in section 28-326. It additionally specifically limits its coverage to group policies and not to prohibiting insurers from offering individual public employees abortion coverage if the cost of such are borne solely by the employee.

Your question, of course, involves an interpretation of Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977). In that case the University challenged a number of acts passed by the Legislature. Those matters considered can be grouped in two general categories. The first is appropriations matters which dealt with the scope of the

governmental power granted by the Constitution to the Board of Regents. The other category of matters dealt with in that case concerned actions to be taken by state employees not subject to the control or authority of the Board of Regents. As an example, certain requirements concerning planning, design, construction and modification of existing or new facilities were to be established and administered by the Department of Administrative Services. Central data processing was to be done through the state agencies as was purchasing. The court held in each instance that such statutes delegated governmental authority over the university to nonuniversity employees and thus violated the proscription of the provision of the Constitution vesting the governmental function within the Board of Regents.

Arguably, the basis upon which the court decided that case was solely the delegation to determine what discretionary action was to be taken to someone other than the Board of Regents. LB 891 does not delegate such authority to anyone. It establishes a general law effective as to all public funds. It would include local subdivisions of government as well as the university and the state. As such, no delegation question would arise under LB 891 and Board of Regents v. Exon would not affect the operation of LB 891.

The Nebraska Supreme Court stated:

“The trial court further found that the provision that the duties and powers of the Board of Regents ‘shall be prescribed by law,’ means that the Legislature may set forth the powers and duties of the Regents. With this finding we agree but this provision must be considered with the other language of the section which requires that the general government of the University be vested in the Board of Regents. Thus, although the Legislature may add to or subtract from the powers and duties of the Regents, the general government of the University must remain vested in the Board of Regents and powers or duties that should remain in the Regents cannot be delegated to other officers or agencies.” 199 Neb. at 148, 149.

The question then is whether or not LB 891 invades the province of the Board of Regents in exercising the general government of the university.

While the court also held that the Legislature was without authority to establish the salaries paid to employees of the University in Board of Regents v. Exon, it would seem to us that the determination of what areas may not be proper for public funding is an underlying policy decision. As long as such underlying policy decisions are adopted in such a manner that they affect the entire class — in this case all governmental entities — such statutes would not offend

Article VII, section 10, vesting governmental power in the Board of Regents. It is thus our view that LB 891 would not violate the constitutional provision heretofore cited.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General  
Patrick T. O'Brien  
Assistant Attorney General

(Signed)

PTO:smb

cc: Patrick O'Donnell  
Clerk of the Legislature

**STANDING COMMITTEE REPORTS**  
**Public Health and Welfare**

**LEGISLATIVE BILL 763.** Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 914.** Placed on General File as amended.  
Standing Committee amendment to LB 914:

1. On page 2, line 2, after "convey" insert ", after June 30, 1981,".

**LEGISLATIVE BILL 113.** Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 650.** Title read. Considered.

Standing Committee amendment found in the Journal on page 424 for the Twelfth Day was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 697.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 698.** 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 696.** Title read. Considered.

Standing committee amendments referred to in the Journal on page 431 for the Thirteenth Day, Req. #2019, were adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Wesely moved to recommit LB 696 to the Judiciary Committee for public hearing.

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

The Wesely motion prevailed with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

LB 696 was returned to Judiciary Committee.

Mr. Dworak asked unanimous consent to be excused at 11:45 a.m. No objections. So ordered.

### **STANDING COMMITTEE REPORT** **Constitutional Revision and Recreation**

**LEGISLATIVE BILL 723.** Placed on General File as amended. Standing Committee amendments to LB 723:

1. On page 4 line 15 strike "(1)" and show as stricken.
2. On page 5 strike lines 11 through 16 and show as stricken.
3. Insert two new sections as follows:  
"Sec. 7. Sections 3 and 8 of this act shall become operative on January 1, 1981. The other sections of this act shall become operative on their effective date."  
Sec. 8. That original section 37-1105, Reissue Revised Statutes of Nebraska, 1943, is repealed."
4. On page 7, line 4 strike "37-1105,".
5. Renumber remaining sections accordingly.

(Signed) Barry L. Reutzel, Chairperson

**MOTION - Suspend Rules**

Mr. Fowler moved to suspend the rules, Rule 3, Sec. 5 to cancel the hearing on LB 953.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

**NOTICE OF COMMITTEE HEARINGS  
Nebraska Retirement Systems**

LB 953 Tuesday, February 5, 1980 (Cancel) 12:00 - 1:30 p.m.

LB 953 Tuesday, February 12, 1980 (Reschedule) 12:00 - 1:30 p.m.

(Signed) Steve Fowler, Chairperson

**MOTION - Return LB 496 to Select File**

Messrs. Schmit and Vickers moved to return LB 496 to Select File for the following specific amendment:

Amend LB 496 as amended by the amendment on page 265 of the Legislative Journal as follows:

On the amendment on page 267 the last line 1 on said page insert after "broker-dealer", "or issuer dealer".

The motion prevailed with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 496.** The Schmit-Vickers pending amendment found in this day's Journal was renewed.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?"

Mr. Koch moved for a Call of the House. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

The motion to close debate lost with 24 ayes, 8 nays, and 17 not voting.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler asked unanimous consent to have the amendment laid over.

Mr. Schmit objected.

Mr. Beutler moved to have the amendment laid over one day.

### **VISITORS**

Visitors to the Chamber were 12 pupils and principal from Faith Christian School, Beaver Crossing; Rusty Mechlen, Lyman; and Geraldine Reuter, Alvo.

### **MOTION - Adjournment**

Mr. Nichol moved to adjourn until 9:00 a.m., Tuesday, February 5, 1980. The motion prevailed with 26 ayes, 0 nays, and 23 not voting, and at 12:07 p.m. the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTEENTH DAY - FEBRUARY 5, 1980**  
**LEGISLATIVE JOURNAL**

**EIGHTEENTH DAY - FEBRUARY 5, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 5, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

Almighty God, with weighty issues before this Legislature, and a host of bills demanding our attention and concern, give to these Senators mental astuteness, emotional rationality, steadfastness of purpose, debate in depth, an openness to information that will be brought forth. With the vast complexities before them, may they strive to see clearly the issues, have knowledge of the total program, and strive to reach those decisions which will be of maximum benefit for the people of our State. Through different points of view, through a variety of personalities, may we finally reach the maximum harmony of understanding and action. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Haberman and Reutzel who were excused; and Messrs. Beutler, Landis, Lewis, Sieck, and Stoney who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Seventeenth Day was approved.

**STANDING COMMITTEE REPORTS  
Public Works**

**LEGISLATIVE BILL 701.** Placed on General File.

**LEGISLATIVE BILL 857.** Placed on General File as amended.  
Standing Committee amendment to LB 857:

1. Strike beginning with "Upon" on page 2, line 19 through line 2 on page 3 and insert "Upon the filing of an application to construct microwave communication facilities under this section, the board shall give notice thereof by mail to any regulated carrier or carriers involved. The regulated carrier or carriers involved shall have ten days to file specific written protests to such application which shall set forth in detail on what points the application is being protested. Upon filing of a protest or protests by the regulated carrier or carriers involved, the Nebraska Power Review Board shall set the matter for hearing, except that if no protests are filed the board may grant the application without hearing.".

(Signed) Maurice A. Kremer, Chairperson

#### Judiciary

**LEGISLATIVE BILL 733.** Placed on General File as amended.  
Standing Committee amendments to LB 733:

- 2 1. On page 3 in lines 21 and 24 strike  
3 "sixty-five" and insert "seventy".  
4 2. Insert the following new sections:  
5 "Sec. 2. That section 25-1603, Revised Statutes  
6 Supplement, 1979, be amended to read as follows:  
7 25-1603. In each of the counties of this state,  
8 wherein a district court is appointed or directed to be  
9 held, the lists of grand and petit jurors shall be made  
10 up and jurors selected for jury duty in the manner  
11 prescribed in sections 25-1625 to 25-1638, and sections  
12 25-1629.01 to 25-1629.04, and 25-1639, and sections 4 to  
13 6 of this act.  
14 Sec. 3. That section 25-1639, Revised Statutes  
15 Supplement, 1979, be amended to read as follows:  
16 25-1639. In any five-year period no person shall  
17 be required to:  
18 (1) ~~Serve or be available for prospective service~~  
19 as a petit juror for more than four ~~consecutive~~ calendar  
20 weeks, except if necessary to complete service in a  
21 particular case;  
22 (2) Serve on more than one grand jury; or  
23 (3) Serve as both a grand and petit juror.  
24 Sec. 4. That section 25-1640, Revised Statutes  
25 Supplement, 1979, be amended to read as follows:  
1 25-1640. Any person who is summoned to serve on  
2 jury duty shall not be subject to discharge from  
3 employment, loss of pay, loss of sick leave, loss of  
4 vacation time, or any other form of penalty, as a result

5 of his or her absence from employment due to such jury  
 6 duty, upon giving reasonable notice to his or her  
 7 employer of such summons. No employer shall subject an  
 8 employee to discharge, loss of pay, loss of sick leave,  
 9 loss of vacation time, or any other form of penalty on  
 10 account of his or her absence from employment by reason  
 11 of jury duty, except that an employer may reduce the pay  
 12 of an employee by an amount equal to any compensation,  
 13 other than expenses, paid by the court for jury duty.

14 Any person violating the provisions of this section shall  
 15 be guilty of a Class IV misdemeanor.

16 Sec. 5. Unless the judge or judges shall order  
 17 that no jury be drawn, at least ten days before the first  
 18 day of any jury term of the district court, or ten days  
 19 before the day the jury is otherwise directed to report,  
 20 three of the judges of the court, if there be three, or  
 21 one of the judges if there be less than three, or a  
 22 county judge or a municipal judge or the sheriff or such  
 23 other elective officer of the county as the judge or  
 24 judges may designate shall appear at the office of the  
 25 jury commissioner, who, in the presence of such judge or  
 26 judges or the sheriff or other officer of the county so  
 27 designated by the judge or judges, shall select by chance  
 1 the names of thirty persons or such number as the judge  
 2 or judges may otherwise direct, for each judge sitting  
 3 with a jury in such court, as petit jurors for such term.  
 4 The person selecting the names may use an electrical or  
 5 mechanical system or device in carrying out his or her  
 6 duties pursuant to this section.

7 Sec. 6. Notwithstanding an order has been  
 8 entered that no jury be called for a term, a judge of the  
 9 district court may thereafter by special order direct  
 10 that a jury be drawn as provided in section 5 of this act  
 11 and called to report at a specified time set out in the  
 12 order.

13 Sec. 7. The jury commissioner shall immediately  
 14 after the selection, referred to in sections 6 and 7 of  
 15 this act, mail a juror qualification form to each  
 16 proposed juror pursuant to section 25-1629.01, Revised  
 17 Statutes Supplement, 1979.

18 Sec. 8. If any section in this act or any part  
 19 of any section shall be declared invalid or  
 20 unconstitutional, such declaration shall not affect the  
 21 validity or constitutionality of the remaining portions  
 22 thereof.”.

23 3. On page 3, line 26 strike “section” and  
 24 insert “sections”, after “25-1601,” insert “25-1603,  
 25 25-1639, and 25-1640,”; and in line 27 strike “is” and  
 26 insert “are”.

1 4. Renumber original section 2 as section 9.

(Signed) William E. Nichol, Chairperson

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Engrossed**

The following resolution and bills were correctly engrossed: LR 30, LB 185, 235, 284, 483, and 535.

(Signed) Don Wesely, Chairperson

**NOTICE OF COMMITTEE HEARING**

**Committee on Committees**

February 5, 1980

The Committee on Committees wishes to report that the hearing scheduled for this Wednesday, February 6, 1980, to confirm the appointment of Tod Voss to the Rural Health Manpower Commission has been canceled due to scheduling conflicts. The new hearing date for this appointee will be scheduled at a later date.

(Signed) Shirley Marsh, Chairperson

**SPEAKER'S ORDER**

The following bills have been scheduled for SPECIAL ORDER:

|        |                             |
|--------|-----------------------------|
| LB 499 | Wednesday, February 6, 1980 |
| LB 491 | Thursday, February 7, 1980  |
| LB 628 | Thursday, February 7, 1980  |
| LB 615 | Monday, February 11, 1980   |

(Signed) Richard D. Marvel, Speaker

**ATTORNEY GENERAL'S OPINION**

Opinion No. 213  
February 4, 1980

Dear Senator DeCamp:

This is in reply to your letter of January 30, 1980, concerning LB 306 as it has been amended as of January 30, 1980.

You ask this office to comment on the constitutionality of this act in general, on the effects of the Chambers amendment, and anything else that this office believes in studying the act might be pertinent for a legislator to know.

With your letter you enclosed a copy of LB 306 as amended. You also enclosed a copy of 40 Neb. L. Rev. 153 (1960). The law review article reviews section 30-624, R.R.S. 1943, which section was repealed in 1974. Section 30-624 was similar to LB 306.

It is the opinion of this office that LB 306 as amended prior to its amendment by Senators Chambers and Beutler was constitutional. The bill was carefully drafted to avoid the constitutional problems set forth in 40 Neb. L. Rev. 153.

This office is also of the opinion that LB 306 as amended, including the amendments by Senators Chambers and Beutler is constitutional.

Prior to amendment by Senators Chambers and Beutler, LB 306 as amended, provided in part as follows:

“Section 1. Upon the death of any joint owner of property, except a multiple-party account, the surviving joint owner shall be personally liable to the personal representative of the decedent for debts, taxes, and expenses of administration, including statutory allowances to the surviving spouse, minor children, and dependent children, if other assets of the estate are insufficient, to the extent of the decedent’s beneficial interest in the property immediately before his or her death...”

After amendment by Senators Chambers and Beutler, LB 306 as amended provided in part as follows:

“Section 1. Upon the death of any joint owner of property, except a multiple-party account, the surviving joint owner shall be personally liable to the personal representative of the decedent for debts contracted for in writing, taxes and expenses of administration, including statutory allowances to the surviving spouse, minor children, and dependent children, if other assets of the estate are insufficient, to the extent of the decedent’s beneficial interest in the property immediately before his or her death; Provided, no creditor shall have any rights after the death of the decedent than such creditor would have had prior to the death of the decedent...”

We take it from your letter that your main concern is the effect on LB 306 as amended if Senator Chamber’s proviso were to be construed totally contradictory or repugnant to the purview or main body of the bill. Even if the proviso added by Senator Chambers amendment could be construed as directly repugnant to the purview or body of LB 306 as amended, this would not render LB 306 as amended unconstitutional.

Our Supreme Court has not ruled on the effect of a proviso which is directly repugnant to the purview or body of an act. Other jurisdictions have ruled on this point and the majority rule is as stated in 73 Am. Jur.2d, Statutes, section 321:

“The fundamental principle of interpretation that effect should be given to all parts of a statute requires that some effect should be given to a proviso when that can be done in accordance with the recognized rules of construction. Similarly, since the office of a proviso is not to repeal the main provisions of the act but to limit their application, no proviso should be so construed as to destroy those provisions. While there is contrary authority, the rule now generally approved is that a proviso which is directly repugnant to the purview or body of the act is inoperative and void for repugnancy.”

Even if Senator Chamber's proviso were to be construed as partially inconsistent, this office is of the opinion that LB 306 as amended would not be unconstitutional. In 82 C.J.S. Statutes, section 381(4), it is stated at page 889:

“...It is generally agreed that, where the inconsistency is only partial, the proviso is valid and prevails to the extent of the inconsistency.”

No other comments are offered.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) John P. Regan  
Assistant Attorney General

JPR/ta

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

### REPORTS

Received annual report from the Nebraska State Board of Landscape Architects. (Report on file in the Clerk's Office.)

Received quarterly report from the Department of Roads, Nebraska State Highway Commission. (Report on file in the Clerk's Office.)

### MOTION - Approve Appointments

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 517 on the following appointments: Bruce Allen, John Cattle, Sr., J. Alan Cramer,

Herbert J. Duis, Gwen Hershberger, Arthur L. Knox, and Gene P. Spence.

Voting in the affirmative, 30:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Cullan   | Johnson  | Maresh | Nichol   |
| Burrows    | DeCamp   | Kahle    | Marsh  | Powers   |
| Carsten    | Dworak   | Kelly    | Marvel | Rumery   |
| Chronister | Fowler   | Keyes    | Merz   | Venditte |
| Clark      | Goodrich | Labeledz | Murphy | Warner   |
| Cope       | Hefner   | Lamb     | Newell | Wesely   |

Voting in the negative, 1:

Chambers

Present and not voting, 11:

|            |         |        |         |
|------------|---------|--------|---------|
| Fitzgerald | Kennedy | Pirsch | Vickers |
| George     | Koch    | Schmit | Wagner  |
| Hoagland   | Kremer  | Simon  |         |

Excused and not voting, 7:

|          |        |         |        |
|----------|--------|---------|--------|
| Beutler  | Landis | Reutzel | Stoney |
| Haberman | Lewis  | Sieck   |        |

The appointments were confirmed with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

#### **MOTION - Place LB 8 on General File**

Mr. Koch withdrew his pending motion found in the Journal on page 380 to place LB 8 on General File, pursuant to Rule 3, sec. 10.

#### **SELECT FILE**

**LEGISLATIVE BILL 496.** The Schmit-Vickers pending specific amendment found in the Journal on page 528 was renewed.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?"

Mr. Koch moved for a Call of the House. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The motion to close debate prevailed with 25 ayes, 12 nays, and 12 not voting.

The Schmit-Vickers specific amendment found in the Journal on page 528 was adopted with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 221.** E & R amendment found in the Journal on page 472 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 526.** E & R amendment found in the Journal on page 479 for the Sixteenth Day was adopted.

Advanced to E & R for Re-Engrossment.

**LEGISLATIVE BILL 306.** E & R amendment found in the Journal on page 505 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 598.** E & R amendments found in the Journal on page 506 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 184.** E & R amendments found in the Journal on page 323 for the Eighth Day were adopted.

Mr. Fitzgerald renewed his pending amendment found in the Journal on page 510, Req. #2060.

The amendment was adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Wesely offered the following amendment:

- 1 1. Insert the following new section:
- 2 "Sec. 10. If the state provides utility service
- 3 to Douglas County in connection with the lease of land
- 4 and buildings located in Douglas County, Nebraska,
- 5 for use as a veterans' home by the state, Douglas
- 6 County shall provide the state with fair and equitable
- 7 compensation for the services provided."
- 8 2. Renumber remaining sections accordingly.

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

Mr. Wesely offered the following amendment:

- 1 1. In the Fitzgerald amendment on page 255
- 2 of the Journal on page 2 line 26 after the underscored
- 3 period insert:
- 4 “A lease agreement entered into pursuant to
- 5 this section shall provide for a one dollar a year
- 6 lease payment. Such lease may be renegotiated annually
- 7 but shall not exceed a one dollar a year lease payment.”

The amendment lost with 6 ayes, 20 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 184A.** Title read. Considered.

Mrs. Labeledz offered the following amendment:

1. on page 2, in line 2, strike “twenty-five thousand” and insert “six hundred sixty thousand twenty-three”.
2. on page 2, in line 2, after “Fund” insert “seven hundred eight thousand dollars from the Institutional Cash Fund for the Nebraska Veterans Homes.”
3. on page 2, in line 4, strike “992” and insert “519”.
4. strike original section 2 and insert the following:

Total expenditures for permanent and temporary salaries and per diem from funds appropriated in this act shall not exceed \$995,900.

5. Insert a new section to read as follows:

“There is hereby appropriated eight hundred thirty-seven thousand five hundred fifty-five dollars from the General Fund and nine hundred eighty-three thousand two hundred sixteen from the Institutional Cash Fund for the Nebraska Veterans Homes for the period July 1, 1981 to June 30, 1982, to the Department of Public Institutions, for Program 519, to aid in carrying out the provisions of Legislative Bill 184, Eighty-sixth Legislature, 1st Session, 1979.”

The amendment was adopted with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

**EXPLANATION OF VOTE**

Had I been present I would have voted "Aye" on advancement of 184 to E & R for Engrossment.

(Signed) Don Wagner

**NOTICE OF COMMITTEE HEARINGS**  
**Urban Affairs**

|        |   |           |
|--------|---|-----------|
| LB 813 | Wednesday, February 13, 1980              | 1:30 p.m. |
| LB 662 | Wednesday, February 13, 1980 (cancel)     | 1:30 p.m. |
| LB 707 | Wednesday, February 27, 1980              | 1:30 p.m. |
| LB 710 | Wednesday, February 27, 1980              | 1:30 p.m. |
| LB 717 | Wednesday, February 27, 1980              | 1:30 p.m. |
| LB 662 | Wednesday, February 27, 1980 (reschedule) | 1:30 p.m. |

(Signed) Walter George, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 194.**

Introduced by Maresh, 32nd District.

WHEREAS, John E. Mekota spent a lifetime dedicated to law and the legal profession; and

WHEREAS, John Mekota demonstrated his concern for law and government by serving as a state senator in the Nebraska Legislature from 1939 to 1946 and as a legal practitioner for fifty-one years; and

WHEREAS, John Mekota was a long-time resident of Crete and involved in that community's affairs, was active in the state bar association, and was dedicated to upgrading the instruction of government, especially at the university level; and

WHEREAS, John E. Mekota passed away at the age of 86 on the first of February, 1980.

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

1. That the members of the Legislature acknowledge John E. Mekota's contributions and years of dedicated service as an attorney, state senator, and Nebraska citizen, and extend their deepest sympathy to his family.

2. That the Clerk of the Legislature send a copy of this resolution to the family of John E. Mekota.

Laid over.

## MRS. MARSH PRESIDING

### UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 698 in the Journal. No objections. So ordered.

- 1 1. On page 2, line 8 after the underscored comma
- 2 insert "in federally insured savings and loan associations,".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 615 in the Journal. No objections. So ordered.

Req. #2068

- 2 1. On page 2, in line 7, reinstate "the" and
- 3 strike "a"; in line 8 strike beginning with "annually"
- 4 through "mile" in line 9 and insert "for state employees
- 5 pursuant to section 84-306.03,"; in line 23, reinstate
- 6 "the" and strike "a"; and in line 24 strike beginning
- 7 with "annually" through "mile" in line 25 and insert "for
- 8 state employees pursuant to section 84-306.03,".
- 9 2. On page 3, in line 26 strike "a" and insert
- 10 "the"; strike line 27 and insert "for state employees
- 11 pursuant to section 84-306.03".
- 12 3. On page 4, line 1 strike the new matter.
- 13 4. On page 7, line 5 reinstate "the" and strike
- 14 "a"; in line 6 strike beginning with "annually" through
- 15 "mile" in line 7 and insert "for state employees pursuant
- 16 to section 84-306.03,".
- 17 5. On page 8, line 26, strike "a" and insert
- 18 "the"; in line 27 strike beginning with "annually"
- 19 through "than" and insert "for state employees pursuant
- 20 to section 84-306.03,".
- 21 6. On page 9, line 1 strike the new matter.
- 22 7. Insert a new section:
- 23 "Sec. 6. That section 84-306.03, Revised
- 24 Statutes Supplement, 1979, be amended to read as follows:
- 1 84-306.03. (1) If a trip or trips, included in
- 2 an expense claim filed under sections 84-306.01 and
- 3 84-306.02, are made by personal automobile or otherwise,
- 4 only one mileage claim shall be allowed for each mile
- 5 actually and necessarily traveled in each calendar month
- 6 by the most direct route, regardless of the fact that one
- 7 or more persons are transported in the same motor
- 8 vehicle. Reimbursement on such claims shall be computed

9 on the following basis: If a trip is made by personal  
 10 automobile at the convenience of the agency involved, the  
 11 reimbursement rate shall be ~~sixteen~~ twenty-one cents per  
 12 mile. If a trip is made by personal automobile primarily  
 13 at the convenience of the state officer or employee, as  
 14 previously agreed upon by the officer or employee and the  
 15 agency involved, the reimbursement rate shall be the  
 16 prevailing rate established by the transportation  
 17 services bureau of the Department of Administrative  
 18 Services. Funds expended for parking may be claimed in  
 19 addition to mileage.

20 (2) The payment of mileage shall be limited to  
 21 the actual cost of travel at the rates established in  
 22 subsection (1) of this section or the cost of commercial  
 23 transportation, whichever is less. Savings of productive  
 24 time shall be taken into consideration when making the  
 25 comparison. No additional rate of mileage shall be  
 26 allowed to state inspectors or others who carry state  
 27 equipment by motor vehicle, regardless of the weight  
 1 thereof."

2 8. On page 9, line 4 strike "and"; and in line 6  
 3 after the second comma insert "and section 84-306.03,  
 4 Revised Statutes Supplement, 1979,".

5 9. Renumber remaining sections accordingly.

### MOTION - Return LB 442 to Select File

Mr. Beutler withdrew his pending motion found in the Journal on page 517 to return LB 442 to Select File for a specific amendment.

Mr. Beutler moved to return LB 442 to Select File for the following specific amendment:

In line 16, strike "may" and insert "shall";

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 442.** The Beutler specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 607.** Title read. Considered.

**SPEAKER MARVEL PRESIDING**

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 599.** Title read. Considered.

Standing Committee amendments found in the Journal on page 432 for the Thirteenth Day were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mrs. Marsh and Mr. Dworak asked unanimous consent to be excused at 11:15 a.m. No objections. So ordered.

**LEGISLATIVE BILL 658.** Title read. Considered.

Standing Committee amendments found in the Journal on page 432 for the Thirteenth Day were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Messrs. Cullan and Lewis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp offered the following amendment:

On Pg 2 strike all of line 4 or 5 and insert "in all counties"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 12 nays, and 22 not voting.

The DeCamp amendment was adopted with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Beutler requested a roll call vote to advance LB 658.

Voting in the affirmative, 28:

|            |          |          |          |         |
|------------|----------|----------|----------|---------|
| Barrett    | Fowler   | Labeledz | Powers   | Vickers |
| Beutler    | Goodrich | Landis   | Rumery   | Wagner  |
| Chronister | Hoagland | Marvel   | Schmit   | Warner  |
| Clark      | Johnson  | Merz     | Simon    | Wesely  |
| DeCamp     | Keyes    | Newell   | Stoney   |         |
| Fitzgerald | Koch     | Pirsch   | Venditte |         |

Voting in the negative, 14:

|         |        |         |        |        |
|---------|--------|---------|--------|--------|
| Burrows | George | Kelly   | Lamb   | Nichol |
| Carsten | Hefner | Kennedy | Maresh | Sieck  |
| Cope    | Kahle  | Kremer  | Murphy |        |

Present and not voting, 1:

Chambers

Excused and not voting, 6:

|        |          |         |
|--------|----------|---------|
| Cullan | Haberman | Marsh   |
| Dworak | Lewis    | Reutzel |

Advanced to E & R for Review with 28 ayes, 14 nays, 1 present and not voting, and 6 excused and not voting.

### **SPEAKER'S ORDER**

Move from Passed Over to General File:

LB 507 - move to follow LB 465

(Signed) Richard D. Marvel, Speaker

### **NOTICE OF COMMITTEE HEARINGS Government, Military and Veterans Affairs**

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 896 | Thursday, February 21, 1980 | 1:30 p.m. |
| LB 909 | Thursday, February 21, 1980 | 1:30 p.m. |
| LB 746 | Friday, February 22, 1980   | 1:30 p.m. |

(Signed) Orval Keyes, Chairperson

### **Agriculture and Environment**

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 837 | Thursday, February 14, 1980 | 1:30 p.m. |
| LB 852 | Thursday, February 14, 1980 | 1:30 p.m. |
| LB 853 | Thursday, February 14, 1980 | 1:30 p.m. |

|        |                             |           |
|--------|-----------------------------|-----------|
| LB 918 | Thursday, February 14, 1980 | 1:30 p.m. |
| LB 956 | Thursday, February 14, 1980 | 1:30 p.m. |
| LB 915 | Thursday, February 21, 1980 | 1:30 p.m. |
| LB 965 | Thursday, February 21, 1980 | 1:30 p.m. |
| LB 973 | Thursday, February 21, 1980 | 1:30 p.m. |

(Signed) Loran Schmit, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendments to LB 850 in the Journal. Due to a mistake these amendments are intended to replace the original bill. No objections. So ordered.

#### Corrected Amendments to LB 850

Req. #2041

2 1. Strike the original sections and insert the  
 3 following new sections:  
 4 "Section 1. That section 81-509, Reissue Revised  
 5 Statutes of Nebraska, 1943, be amended to read as  
 6 follows:  
 7 81-509. (1) The State Fire Marshal, first  
 8 assistant fire marshal, and deputy state fire marshals  
 9 shall each have the power in any county of the State of  
 10 Nebraska to summon and compel the attendance of witnesses  
 11 before them, or either of them, to testify in relation to  
 12 any matter which is by the provisions of sections  
 13 81-501.01 to 81-531 a subject of inquiry and  
 14 investigation, and may require the production of any  
 15 book, paper, or document deemed pertinent thereto by them  
 16 or either of them. Such summons shall be served in the  
 17 same manner and have the same effect as subpoenas from  
 18 district courts. The State Fire Marshal may authorize  
 19 any sworn member of a fire investigation division of a  
 20 paid and organized fire department, in a municipality of  
 21 this state, to exercise all powers provided in this  
 22 section during an investigation of the cause, origin, and  
 23 circumstances of a fire or explosion over which the local  
 24 officer has jurisdiction. Before a summons or subpoena  
 25 is issued by the local fire department officer, it shall  
 1 be approved by the chief investigator of the local fire  
 2 department's fire investigation unit or the chief of the  
 3 local fire department involved, or his or her regularly  
 4 authorized delegate having the power to act on his or her  
 5 behalf, or by the mayor of the municipality in which the  
 6 fire or explosion occurred. Except in the case of local  
 7 fire department investigations, all witnesses shall

8 receive the same compensation as is paid to witnesses in  
9 district courts, which shall be paid out of the fire  
10 marshal fund, upon vouchers signed by the State Fire  
11 Marshal, first assistant fire marshal, or deputy fire  
12 marshal before whom any witnesses shall have attended,  
13 and such officer shall, at the close of the investigation  
14 wherein such witness was subpoenaed, certify to the  
15 attendance and mileage of such witness, which certificate  
16 shall be filed in the office of the State Fire Marshal.  
17 When a subpoena is issued by the local fire department  
18 officer, the witnesses shall receive the same  
19 compensation as is paid to witnesses in district courts.  
20 Such compensation shall be paid by the county in which  
21 the local fire department is located, and the local  
22 officer shall certify to the attendance and mileage of  
23 each witness, which certificate shall be filed with the  
24 county treasurer of such county. All investigations held  
25 by or under the direction of the State Fire Marshal, ~~or~~  
26 his or her subordinates, or any authorized local fire  
27 department officer, may, in his or her discretion, be  
1 private, and persons other than those required to be  
2 present by the provisions of said sections may be  
3 excluded from the place where such investigation is held,  
4 and witnesses may be kept separate and apart from each  
5 other and not allowed to communicate with each other  
6 until they have been examined. (2) The State Fire  
7 Marshal, first assistant state fire marshal, ~~and~~ deputy  
8 state fire marshals, and authorized local fire department  
9 officers, are each authorized and empowered to administer  
10 oaths and affirmations to any persons appearing as  
11 witnesses before them; and false swearing in any manner  
12 or proceeding aforesaid shall be deemed perjury, and  
13 shall be punished as such upon conviction in any court of  
14 competent jurisdiction. (3) Any witness who refuses to  
15 be sworn, or who refuses to testify, or who disobeys any  
16 lawful order of the State Fire Marshal, first assistant  
17 state fire marshal, ~~or~~ deputy state fire marshal, or  
18 authorized local fire department officer, in relation to  
19 any investigation, or who fails or refuses to produce any  
20 paper, book, or document touching any matter under  
21 examination, or who is guilty of any contemptuous  
22 conduct, after being summoned to appear before the State  
23 Fire Marshal, first assistant, ~~or~~ deputy, or an  
24 authorized local fire department officer, to give  
25 testimony in relation to any matter or subject under  
26 examination or investigation as aforesaid, shall be  
27 guilty of contempt, and, upon conviction of such contempt  
1 before any court of competent jurisdiction, shall be  
2 punished as provided by law for contempt of the orders of  
3 a district court; Provided, no person shall be compelled

4 to give testimony which might tend to incriminate him or  
 5 her, or to give testimony which is considered privileged  
 6 by the laws of the State of Nebraska.

7 Sec. 2. The State Fire Marshal may authorize  
 8 any sworn member of a fire investigation division of a  
 9 paid and organized fire department, in a municipality of  
 10 this state, to be classified as a peace officer and to  
 11 exercise the power to make arrests while on duty in the  
 12 course of an investigation as to the cause, origin, and  
 13 circumstances of a fire over which the officer has  
 14 jurisdiction. Such peace officer shall also have the  
 15 power to make searches and seizures and to secure  
 16 warrants in the same manner and with the same effect as  
 17 do law enforcement officers of the municipality in which  
 18 the peace officer has jurisdiction. While acting as a  
 19 peace officer, such local fire department member may  
 20 carry such weapons as are necessary, only if that officer  
 21 has satisfactorily completed a training program offered  
 22 or approved by the Nebraska Law Enforcement Training  
 23 Center, except that such training need not include areas  
 24 of vehicle and traffic law and control, accident  
 25 investigation, or first aid.

26 Sec. 3. That section 81-1401, Revised Statutes  
 Supplement, 1979, be amended to read as follows:

1 81-1401. As used in sections 81-1401 to 81-1414,  
 2 unless the context otherwise requires:

3 (1) Commission shall mean the Nebraska Commission  
 4 on Law Enforcement and Criminal Justice;

5 (2) Council shall mean the Nebraska Police  
 6 Standards Advisory Council;

7 (3) (a) Law enforcement officer shall mean any  
 8 person who is responsible for the prevention or detection  
 9 of crime or the enforcement of the penal, traffic, or  
 10 highway laws of the state or any political subdivision  
 11 thereof for more than one hundred hours per year and is  
 12 authorized by law to make arrests, or any local fire  
 13 department officer authorized by the State Fire Marshal,  
 14 and includes but is not limited to:

15 (i) A full or part-time member of the Nebraska  
 16 State Patrol;

17 (ii) A county sheriff;

18 (iii) A full or part-time employee of a county  
 19 sheriff's office; ~~or~~

20 (iv) A full or part-time employee of a municipal  
 21 or village police agency; ~~but~~ or

22 (v) A full-time employee of an organized and paid  
 23 fire department of a municipality in this state while on  
 24 duty and authorized by the State Fire Marshal to  
 25 investigate the cause, origin, and circumstances of fires  
 26 or explosions; but

1 (b) Law enforcement officer shall not include  
2 employees of the Department of Correctional Services,  
3 probation officers under the Field Probation Service or  
4 appointed under section 43-236, or parole officers  
5 appointed by the Parole Administrator;

6 (4) Director shall mean the director of the  
7 Nebraska Law Enforcement Training Center; and

8 (5) Training center shall mean the Nebraska Law  
9 Enforcement Training Center.

10 Sec. 4. That section 81-1411, Reissue Revised  
11 Statutes of Nebraska, 1943, be amended to read as  
12 follows:

13 81-1411. Upon the request of any sheriff, chief  
14 of police, the State Fire Marshal, or any other person  
15 having an equivalent title who is appointed or employed  
16 by the state or a subdivision thereof to exercise  
17 supervisory authority over law enforcement officers, the  
18 commission may waive any or all of the requirements of  
19 section 81-1410 for admission to the training center upon  
20 a finding that:

21 (1) The shortage of individuals meeting the  
22 requirements of section 81-1410 is such that a failure to  
23 waive such requirements will result in an inability of a  
24 police agency to recruit law enforcement officers;

25 (2) The pay scale and other working conditions or  
26 such police agency are commensurate with the pay scale  
27 and working conditions of police agencies of other  
1 jurisdictions of comparable size and economic  
2 circumstances; and

3 (3) It is in the public interest to waive such  
4 requirements.

5 Sec. 5. That original sections 81-509 and  
6 81-1411, Reissue Revised Statutes of Nebraska, 1943, and  
7 section 81-1401, Revised Statutes Supplement, 1979, are  
8 repealed.”

9 2. In the title strike line 2 and insert:  
10 “FOR AN ACT to amend sections 81-509 and 81-1411, Reissue  
11 Revised Statutes of Nebraska, 1943, and”; in  
12 line 4 after “1979” insert “, relating to the State Fire  
13 Marshal”; and in line 7 strike “section” and insert  
14 “sections”.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 525 and 597.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Warner asked unanimous consent to print the following amendment to LB 261 in the Journal. No objections. So ordered.

Req. #2061

2 1. On page 2, line 4 strike "section 5,;" and in  
3 line 5 after the comma insert "by amending sections 7 and  
4 21 and repealing section 5 thereof,".

5 2. On page 2 strike lines 6 through 25 and  
6 insert:

7 "Sec. 7. No person shall be eligible to the  
8 office of Chief Justice or Judge of the Supreme Court  
9 unless he or she shall be at least thirty years of age,  
10 and a citizen of the United States, and shall have  
11 resided in this state at least three years next preceding  
12 his or her selection. ; nor, in the case of a Judge of  
13 the ~~Supreme Court selected from a Supreme Court judicial~~  
14 ~~district, unless he shall be a resident and elector of~~  
15 ~~the district from which selected.~~

16 Sec. 21. (1) In the case of any vacancy in the  
17 Supreme Court or in any district court or in such other  
18 court or courts made subject to this provision by law,  
19 such vacancy shall be filled by the Governor from a list  
20 of at least (a) six nominees for a vacancy in the Supreme  
21 Court or (b) two nominees for a vacancy in the other  
22 courts subject to this provision of law presented to him  
23 or her by the appropriate judicial nominating commission.  
24 The Governor shall consider the geographic residence of  
25 the judges when making an appointment to the Supreme  
1 Court. If the Governor shall fail to make an appointment  
2 from the list within sixty days from the date it is  
3 presented to him or her, the appointment shall be made by  
4 the Chief Justice or the acting Chief Justice of the  
5 Supreme Court from the same list.

6 (2) In all other cases, any vacancy shall be  
7 filled as provided by law.

8 (3) At the next general election following the  
9 expiration of three years from the date of appointment of  
10 any judge under the provisions of subsection (1) of this  
11 section and every six years thereafter as long as such

12 judge retains office, each Justice or Judge of the  
13 Supreme Court or district court or such other court or  
14 courts as the Legislature shall provide shall have his or  
15 her right to remain in office subject to approval or  
16 rejection by the electorate in such manner as the  
17 Legislature shall provide; Provided, that every judge  
18 holding or elected to an office described in subsection  
19 (1) of this section on the effective date of this  
20 amendment whether by election or appointment, upon  
21 qualification shall be deemed to have been selected and  
22 to have once received the approval of the electorate as  
23 herein provided, and shall be required to submit his or  
24 her right to continue in office to the approval or  
25 rejection of the electorate at the general election next  
26 preceding the expiration of the term of office for which  
such judge was elected or appointed, and every six years  
1 thereafter. In the case of the Chief Justice or any  
2 Judge of the Supreme Court, the electorate of the entire  
3 state shall vote on the question of approval or  
4 rejection. Any Supreme Court Judge holding office on the  
5 effective date of this amendment shall continue to hold  
6 such office for the term last approved by the electorate  
7 of the district he or she represented and shall continue  
8 to hold such office upon approval by the electorate of  
9 the entire state. In the case of any Judge of the  
10 Supreme Court, other than the Chief Justice, and any  
11 judge of the district court or any other court made  
12 subject to subsection (1) of this section, the electorate  
13 of the district from which such judge was selected shall  
14 vote on the question of such approval or rejection.

15 (4) There shall be a judicial nominating  
16 commission for the Chief Justice or any Judge of the  
17 Supreme Court and one for each judicial district of the  
18 ~~Supreme Court and of the~~ district court and one for each  
19 area or district served by any other court made subject  
20 to subsection (1) of this section by law. Each judicial  
21 nominating commission shall consist of nine members, one  
22 of whom shall be a Judge of the Supreme Court who shall  
23 be designated by the Governor and shall act as ~~chairman~~  
24 chairperson, but shall not be entitled to vote. The  
25 members of the bar of the state residing in the area from  
26 which the nominees are to be selected shall designate  
27 four of their number to serve as members of said  
1 commission, and the Governor shall appoint four citizens,  
2 not admitted to practice law before the courts of the  
3 state, from among the residents of the same geographical  
4 area to serve as members of said commission. Not more  
5 than four of such voting members shall be of the same  
6 political party. The terms of office for members of each  
7 judicial nominating commission shall be staggered and

8 shall be fixed by the Legislature. The nominees of any  
 9 such commission cannot include a member of such  
 10 commission or any person who has served as a member of  
 11 such commission within a period of two years immediately  
 12 preceding his or her nomination or for such additional  
 13 period as the Legislature shall provide. The names of  
 14 candidates shall be released to the public prior to a  
 15 public hearing.

16 (5) Members of the nominating commission shall  
 17 vote for the nominee of their choice by roll call. Each  
 18 candidate must receive a majority of the voting members  
 19 of the nominating commission to have his or her name  
 20 submitted to the Governor.”.

21 3. Strike the committee amendments and the E and  
 22 R amendments.

23 4. On page 3, strike lines 5 and 6 and insert  
 24 “Constitutional amendment to eliminate Supreme Court  
 25 judicial districts, to increase the number of nominees  
 26 for Supreme Court appointments, and to provide that the  
 27 Governor consider geographic representation when making  
 1 appointments.”.

## MR. CLARK PRESIDING

### GENERAL FILE

**LEGISLATIVE BILL 383.** Laid over at the request of Mr. Nichol.

## SPEAKER MARVEL PRESIDING

**LEGISLATIVE BILL 687.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 636.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

## STANDING COMMITTEE REPORTS

### Public Health and Welfare

**LEGISLATIVE BILL 685.** Placed on General File.

**LEGISLATIVE BILL 725.** Placed on General File as amended.  
 Standing Committee amendments to LB 725:

1. On page 4, line 26 strike “charges” and insert  
 “changes”.

2. On page 5, line 9, strike "(2)" and insert "(3)".
3. On page 7, line 12, strike "2" and insert "3".
4. On page 8, in line 4 strike "six" and insert "seven"; in line 7, strike "three" and insert "four"; in line 22 strike "and"; in line 24 after the second "facility" insert ", and one member shall be a citizen of the State of Nebraska who is not a provider of health care. The citizen member may be a member of the board of directors or of any standing committee of a health systems agency".

**LEGISLATIVE BILL 816.** Placed on General File as amended. Standing Committee amendments to LB 816:

1. On page 3, in line 5, strike beginning with "Nothing" through "effect" in line 8 and show as stricken; and strike beginning with "on" in line 8 through the period in line 9 and show the old matter as stricken.

(Signed) Samuel K. Cullan, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 688.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

#### ADJOURNMENT

At 12:00 noon, on a motion by Mr. Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, February 6, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**NINETEENTH DAY - FEBRUARY 6, 1980**  
**LEGISLATIVE JOURNAL**

**NINETEENTH DAY - FEBRUARY 6, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 6, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

Our loving Father, we are grateful for the privilege of responsibility. Often pressing decisions cause inward frustrations. We know thou hast put us here on earth not for a picnic, but for a pilgrimage. May we all endeavor to live up to our capacities. While asking for Thy guidance, may we not shun hard thought, deep resolves, and high integrity. While recognizing we have feet of clay and can be shattered by frustrations, never let us lose awareness of our supreme worth, for we have been created in Thy spiritual image, and destined to live as Thy children. Amen.

**PRESIDENT LUEDTKE PRESIDING**

**ROLL CALL**

The roll was called and all members were present except Mrs. Pirsch, Messrs. Fowler, George, Hoagland, Johnson, Lewis, Simon, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Eighteenth Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 734.** Placed on Select File.

**LEGISLATIVE BILL 735.** Placed on Select File.

**LEGISLATIVE BILL 700.** Placed on Select File.

**LEGISLATIVE BILL 641.** Placed on Select File.

**LEGISLATIVE BILL 61.** Placed on Select File as amended.  
E & R amendment to LB 61:

1. In the title, line 2, strike "section" and insert "sections 14-116 and"; and in line 5, strike "provide for" and insert "change".

**LEGISLATIVE BILL 650.** Placed on Select File.

**LEGISLATIVE BILL 697.** Placed on Select File as amended.  
E & R amendment to LB 697:

1. On page 2, line 24, insert an underscored comma after "or".

**LEGISLATIVE BILL 698.** Placed on Select File.

**Correctly Enrolled**

The following bills were correctly enrolled: 203, 409, and 572.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 203, 409, and 572.

**COMMUNICATIONS**

Received copies of contract approval for the Visitor and Control Center, Nebraska Center for Women at York and proposed lease to consolidate Department of Labor and Department of Welfare, filed in compliance with section 81-1108.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1457).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 987.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Labeledz, 5th District; Marsh, 29th District; Kelly, 35th District; Cope, 36th District; Dworak, 22nd District; Hoagland, 6th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend sections 81-8,107, 81-1301 to 81-1307, 81-1311, 81-1312, 81-1313, 81-1315, 81-1316, 81-1322, 81-1323, 81-1325, 81-1326, and 81-1329, Reissue Revised Statutes of Nebraska, 1943, and section 81-1318, Revised Statutes Supplement, 1979, relating to state administrative departments; to change provisions relating to the personnel system as prescribed; to define terms; to provide tables; to change duties; to provide for merger of the State Personnel Board and the Merit System Council; to provide for members; to provide for severability; to provide an operative date; to repeal the original sections, and also sections 81-1308 to 81-1310, 81-1314, 81-1320, 81-1327, and 81-1328, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

### NOTICE OF COMMITTEE HEARINGS

#### Revenue

|        |                              |           |
|--------|------------------------------|-----------|
| LB 608 | Monday, February 11, 1980    | 1:30 p.m. |
| LB 647 | Monday, February 11, 1980    | 1:30 p.m. |
| LB 879 | Monday, February 11, 1980    | 1:30 p.m. |
| LB 89* | Wednesday, February 13, 1980 | 1:30 p.m. |
| LB 897 | Wednesday, February 13, 1980 | 1:30 p.m. |

\*Re-hearing

(Signed) Calvin F. Carsten, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 193.** Read. Considered.

LR 193 was adopted with 26 ayes, 2 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 194.** Read. Considered.

LR 194 was adopted with 30 ayes, 0 nays, and 19 not voting.

**NOTICE OF COMMITTEE HEARINGS**  
**Committee on Committees**

February 6, 1980

The Committee on Committees will meet at 12:10 p.m. on Wednesday, February 13, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, State Capitol, for the purpose of hearing appointments or reappointments as follows:

Mel Beermann - Environmental Control Council

Milan Bish - Highway Commission

Gloria Dinsdale - Nebraska Arts Council

Greg Eden

Coordinating Commission for Postsecondary Education

R. Jerry Hargitt - Nebraska Arts Council

Ronald Kelly

Agricultural Products Industrial Utilization Committee

Harold E. Kirkpatrick - Environmental Control Council

Ed Narjes - Environmental Control Council

(Signed) Shirley Marsh, Chairperson

**Agriculture and Environment**

LB 918 Thursday, February 14, 1980 (Cancel) 1:30 p.m.

LB 918 Thursday, February 21, 1980 (Reset) 1:30 p.m.

(Signed) Lorán Schmit, Chairperson

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 186.**

A BILL FOR AN ACT to amend section 59-1614, Reissue Revised Statutes of Nebraska, 1943, relating to the Consumer Protection Act; to provide that certain acts do not constitute a violation of such act; 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, 43:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Marvel  | Sieck    |
| Beutler    | George     | Keyes    | Merz    | Stoney   |
| Carsten    | Goodrich   | Koch     | Murphy  | Venditte |
| Chronister | Haberman   | Kremer   | Newell  | Vickers  |
| Clark      | Hefner     | Labeledz | Nichol  | Wagner   |
| Cope       | Hoagland   | Lamb     | Pirsch  | Warner   |
| Cullan     | Johnson    | Landis   | Reutzel | Wesely   |
| DeCamp     | Kahle      | Maresh   | Rumery  |          |
| Dworak     | Kelly      | Marsh    | Schmit  |          |

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Burrows Powers

Excused and not voting, 3:

Fowler Lewis Simon

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

### **LEGISLATIVE BILL 413.**

A BILL FOR AN ACT relating to insurance; to provide for continuation of insurance for surviving family members after employee's death as prescribed; and to provide procedures.

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:

|            |            |          |          |         |
|------------|------------|----------|----------|---------|
| Barrett    | Cullan     | Hefner   | Kremer   | Murphy  |
| Beutler    | DeCamp     | Hoagland | Labeledz | Newell  |
| Burrows    | Dworak     | Johnson  | Lamb     | Nichol  |
| Carsten    | Fitzgerald | Kahle    | Landis   | Pirsch  |
| Chambers   | Fowler     | Kelly    | Maresh   | Reutzel |
| Chronister | George     | Kennedy  | Marsh    | Rumery  |
| Clark      | Goodrich   | Keyes    | Marvel   | Sieck   |
| Cope       | Haberman   | Koch     | Merz     | Stoney  |

Venditte      Vickers      Wagner      Warner      Wesely

Voting in the negative, 0.

Present and not voting, 2:

Powers      Schmit

Excused and not voting, 2:

Lewis      Simon

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

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 442 and 526.

**Correctly Engrossed**

The following bills were correctly engrossed: 221, 306, 496, and 598.

(Signed)      Don Wesely, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 195.**

Introduced by Beutler, 28th District.

WHEREAS, the purchase of goods and services for the operation of state and local government is an important and necessary function; and

WHEREAS, there should be cooperation and compatability between the purchasing systems of the State of Nebraska and political subdivisions; and

WHEREAS, the American Bar Association has produced a Model Procurement Code by which states can increase the efficiency of purchasing procedures; and

WHEREAS, the Performance Review and Audit Committee is authorized to review and analyze the performance of state agencies; and

WHEREAS, the ABA Model Procurement Code provides a standard of performance by which the performance of state agencies and political subdivisions can be measured.

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

1. That an interim study be conducted by the Performance Review and Audit Committee regarding the ABA Model Procurement Code.
2. That the study include a description of the present procurement system, an evaluation of the Model Procurement Code, and the advantages and disadvantages of incorporating the Code within the present system.
3. That the committee include a report of its findings within the performance review report of the Department of Administrative Services to be completed before October 1, 1980.

Referred to the Executive Board.

#### UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused at 10:00 a.m. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 499.** Considered.

Mr. Wesely withdrew his pending amendment found in the Journal on page 519.

Messrs. DeCamp and Fitzgerald offered the following amendment:

- 1 1. In the Standing Committee amendments:
- 2 (a) On page 2, line 18 (Section 7) strike
- 3 "administering any" and insert "advising the county
- 4 board in administering the"; and in line 19 strike
- 5 "to carry" and insert "carrying".
- 6 (b) On page 3, line 26 (Section 12) strike
- 7 "to administer" and insert "which shall serve as an
- 8 advisory committee to the county board in administering".
- 9 (c) On page 4, (Section 13) strike beginning
- 10 with "The" in line 22 through the period in line 1,
- 11 page 5.
- 12 (d) On page 5, line 2 (Section 14) strike
- 13 "committee" and insert "county board"; in line 3 after
- 14 "person," insert "firm," and strike "chamber of commerce,".
- 15 2. In the Kahle-Hoagland amendment 5. line 3
- 16 after "budget" insert ", if any," and in lines 3 and 4
- 17 strike "and its staff".

18      3. Renumber remaining sections accordingly.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The DeCamp-Fitzgerald amendment was adopted with 30 ayes, 9 nays, 8 present and not voting, and 2 excused and not voting.

### **SPEAKER MARVEL PRESIDING**

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 28 ayes, 14 nays, 4 present and not voting, and 3 excused and not voting.

### **EXPLANATION OF VOTE**

Had I been present I would have voted the following on these bills: 572-yes; 108-yes; 203-yes; 409-yes.

(Signed)      Rex Haberman

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 987 for the approval of the Nebraska State Legislature.

**LB      Committee**  
987      Appropriations

(Signed)      Frank Lewis, Chairperson  
Executive Board

### **UNANIMOUS CONSENT - Corrected Committee Statement**

Mr. Keyes asked unanimous consent to have a corrected committee statement placed in the bill books on LB 688. No objections. So ordered.

**STANDING COMMITTEE REPORTS**  
**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 766.** Placed on General File.

**LEGISLATIVE BILL 810.** Placed on General File.

**LEGISLATIVE BILL 601.** Placed on General File as amended.

Standing Committee amendments to LB 601:

2 1. Strike original sections 1 and 2.

3 2. Insert new sections as follows:

4 "Section 1. That section 23-2010, Reissue

5 Revised Statutes of Nebraska, 1943, be amended to read as  
6 follows:

7 23-2010. (1) In addition to the ~~method~~ other  
8 ~~methods of removing county officers, prescribed in~~  
9 ~~sections 23-2001 to 23-2009~~, any county officer, except  
10 the county superintendent of public instruction, of any  
11 county in this state may be removed from office at any  
12 time by recall by the electors of such county as  
13 ~~hereinafter provided in subsection (2) of this section.~~  
14 ~~The procedure to accomplish the removal by recall of any~~  
15 ~~incumbent of such office shall be as follows: A petition~~  
16 ~~signed by the electors of any county equal in number to~~  
17 ~~at least twenty five per cent of the total number of~~  
18 ~~votes cast in such county for the office of Governor or~~  
19 ~~President at the last preceding general election,~~  
20 ~~demanding the election of a successor to the person~~  
21 ~~sought to be removed, and naming the candidate proposed~~  
22 ~~for election to succeed him, shall be filed with the~~  
23 ~~county clerk. The petition shall contain a general~~  
24 ~~statement of the grounds upon which the removal is~~  
25 ~~sought, the name of the incumbent whose removal is~~  
1 ~~sought, the name of the candidate proposed to succeed him~~  
2 ~~and the residence address of each signer of such~~  
3 ~~petition. Within fifteen days from the date of the~~  
4 ~~filing of such petition, the county clerk shall compare~~  
5 ~~the petition signatures with the voters' registration to~~  
6 ~~ascertain whether such signatures are valid. The county~~  
7 ~~clerk shall attach to such petition his certificate~~  
8 ~~showing the result of such examination. If the clerk's~~  
9 ~~certificate to such petition shows that it is~~  
10 ~~insufficient because of lack of signatures, it may be~~  
11 ~~supplemented within fifteen days from the date of filing~~  
12 ~~the original petition by the filing of a supplemental~~  
13 ~~petition stating all the facts as in the case of the~~  
14 ~~original petition. The county clerk shall within ten~~  
15 ~~days from the filing of such supplemental petition make a~~  
16 ~~like examination of such supplemental petition~~  
17 ~~signatures, and if the certificate shall show that the~~

18 ~~petition, together with any supplement thereto which may~~  
19 ~~be filed, contains the requisite number of signatures,~~  
20 ~~the clerk shall submit the petition and supplement, if~~  
21 ~~there be a supplement, together with his certificate~~  
22 ~~without delay to the county board.~~

23 (2) A petition demanding that the question of  
24 removing such officer or officers be submitted to the  
25 registered voters shall be filed with the county clerk or  
26 election commissioner of the county. Such petition for  
27 the recall of any or all such officers shall, if such  
1 officer was elected at large, be signed by registered  
2 voters equal in number to at least twenty-five per cent  
3 of the total number of votes cast at the last preceding  
4 regular election for the office of Governor or if such  
5 officer was elected from a district the petition shall be  
6 signed by registered voters of such district equal in  
7 number to at least twenty-five per cent of the total  
8 number of votes cast in such district at the last  
9 preceding general election for the office of Governor.  
10 The signatures to such petitions need not be appended to  
11 any one paper.

12 Sec. 2. Petition papers shall be procured from  
13 only the county clerk or election commissioner who shall  
14 keep a sufficient number of such blank petitions on file  
15 for distribution. Prior to the issuance of such petition  
16 papers an affidavit shall be made by one or more  
17 registered voters and filed with the clerk, stating the  
18 name and office of the officer or officers sought to be  
19 removed. The county clerk or election commissioner, upon  
20 issuing any such petition papers to a registered voter,  
21 shall enter in a record, to be kept in his or her office,  
22 the name of the registered voter to whom issued, the date  
23 of such issuance, the number of papers issued, and shall  
24 certify on such papers the name of the registered voter  
25 to whom issued and the date issued. No petition paper  
26 shall be accepted as part of the petition unless it bears  
27 such certificate of the county clerk or the election  
1 commissioner and unless it is filed as provided in  
2 sections 2 to 11 of this act.

3 Sec. 3. Each signer of a recall petition shall  
4 sign his or her name in ink or indelible pencil and shall  
5 place thereon after his or her name his or her place of  
6 residence by street and number. To each such petition  
7 paper there shall be attached an affidavit of the  
8 circulator thereof, stating the number of signers to such  
9 part of the petition and that each signature appended to  
10 the paper was made in his or her presence and is the  
11 genuine signature of the person whose name it purports to  
12 be, and that such circulator has not received and will  
13 not receive, either directly or indirectly, any

14 compensation for circulating such petition, or for  
15 procuring signatures thereto.

16 Sec. 4. All papers comprising a recall petition  
17 shall be assembled and filed with the county clerk or  
18 election commissioner as one instrument within thirty  
19 days after the filing of the affidavit required in  
20 section 2 of this act. The petition shall bear the  
21 endorsements thereon of the names and addresses of three  
22 persons designated as filing the same.

23 Sec. 5. Within ten days after the filing of the  
24 petition, the county clerk or election commissioner shall  
25 ascertain whether or not the petition is signed by the  
26 requisite number of registered voters, and shall attach  
27 thereto his or her certificate showing the result of such  
1 examination. If the petition be insufficient, he or she  
2 shall forthwith notify the person filing the petition  
3 that the petition may be amended at any time within ten  
4 days after the giving of such notice by the filing of a  
5 supplementary petition upon additional petition papers  
6 issued, signed, and filed as provided for the original  
7 petition. The county clerk or election commissioner  
8 shall, within five days after such amendment, examine the  
9 amended petition, and attach his or her certificate  
10 thereto as in the case of the original petition. If his  
11 or her certificate shall show the amended petition to be  
12 insufficient, or if no amendment was made, he or she  
13 shall file the petition in his or her office without  
14 prejudice to the filing of a new petition for the same  
15 purpose.

16 Sec. 6. If the petition, or amended petition,  
17 shall be found to be sufficient, the county clerk or  
18 election commissioner shall submit the same to the county  
19 board at its next regular meeting and shall notify the  
20 officer or officers whose removal is sought of such  
21 action. If such officer or officers do not resign within  
22 five days after such notice, the county board shall,  
23 within ten days of the receipt of the certificate from  
24 the county clerk or election commissioner, order an  
25 election to be held not less than thirty nor more than  
26 forty-five days thereafter, except that if any other  
27 primary or general election is to be held within ninety  
1 days after the receipt of such certificate, the county  
2 board may provide for the holding of the removal election  
3 on the same date.

4 Sec. 7. The ballots at such recall elections  
5 shall conform to the following requirements: With  
6 respect to each person whose removal is sought, the  
7 question shall be submitted, Shall (name of person) be  
8 removed from the office of (name of office) by recall?  
9 Immediately following each such question there shall be

10 printed on the ballots the two propositions, in the order  
 11 set forth: For the recall of (name of person) and  
 12 Against the recall of (name of person). Immediately to  
 13 the left of the proposition shall be placed a square in  
 14 which the registered voters, by making a cross (X) mark,  
 15 may vote for either of such propositions.

16 Sec. 8. If the officer is deemed removed, such  
 17 removal shall result in a vacancy in the office. Such  
 18 vacancy shall be filled as provided for filling of  
 19 existing vacancies in such office.

20 Sec. 9. Should a majority of the votes cast  
 21 thereon at a recall election be against the removal of  
 22 the officer named on the ballot, such officer shall  
 23 continue in office for the remainder of his or her term,  
 24 subject to recall as before. If a majority of the votes  
 25 cast thereon, at a recall election, shall be for the  
 26 removal of the officer named on the ballot, he or she  
 27 shall, regardless of any technical defects in the recall  
 1 petition, be deemed removed from office.

2 Sec. 10. No recall petition shall be filed  
 3 against a county officer within six months after he or  
 4 she takes his or her office, nor within twelve months  
 5 after a recall election has failed to remove him or her.

6 Sec. 11. Should the county board fail or refuse  
 7 to order a recall election as provided in this act within  
 8 the time required, such election may be ordered by any  
 9 court of general jurisdiction in the county.

10 Sec. 12. That original section 23-2010, Reissue  
 11 Revised Statutes of Nebraska, 1943, and also section  
 12 23-2011, Reissue Revised Statutes of Nebraska, 1943, are  
 13 repealed.”.

14 3. In the title, line 7 after “section” insert  
 15 “, and also section 23-2011, Reissue Revised Statutes of  
 16 Nebraska, 1943”.

(Signed) Orval A. Keyes, Chairperson

### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 1980, at 10:15 a.m., were the following bills: 203, 409, and 572.

(Signed) Hazel Kaltenberger, Enrolling Clerk

### EXPLANATION OF VOTE

Had I been present on Tuesday, February 5, 1980, I would have voted to advance LB 184 and 184A.

(Signed) Barry L. Reutzel

**SELECT FILE**

**LEGISLATIVE BILL 319.** E & R amendments found in the Journal on page 324 for the Eighth Day were adopted.

Mr. Schmit renewed his pending amendment referred to in the Journal on page 461 (Req. #2036).

Mrs. Marsh offered the following amendment to the Schmit amendment:

- 1 1. In the Schmit amendments (Req. 2036),
- 2 page 3, line 8, strike "printed,"
- 3 2. On page 3, lines 20 to 23, reinstate the stricken
- 4 matter and in line 23 after "department" insert ", and such
- 5 other printing requirements as may be determined by the materiel
- 6 division of the Department of Administrative Services pursuant to
- 7 subdivision (3) of section 81-1118."
- 8 3. On page 3, lines 24 to 26, strike the new matter.

The amendment lost with 13 ayes, 13 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Dworak offered the following amendment to the Schmit amendment:

Amend the Schmit Amendment to LB 319 REQ 2036

On p. 9, after line 5, insert the following new section:

- 1 "(7) The director may authorize that a portion of
- 2 the earnings of a person committed to that department be
- 3 retained by that person for personal use."

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Schmit amendment, as amended, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit renewed his pending amendment found in the Journal on page 460 (Req. #2037).

Mr. Schmit offered the following amendment to his amendment:  
Amend Req 2037:

On the amendment on p. 460 the last line 3 on said page, insert after Sec. 11. "The name of any victim of a sexual assault appearing in"

On the amendment on p. 461 in line 4 after the word "Board" strike the following: "with respect to a victim who" and insert the following: "where the victim".

On the amendment on p. 461 in line 6 strike the following: "and who was the victim of a sexual assault".

On the amendment p. 461 in line 7 after the word "public" insert a period and strike the following: "if such records reveal the victim's name or identity."

The amendment was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

The Schmit amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment:

to require that any confined person who is hired out to private businesses, shall be paid the same wage as other employees doing similar work.

The amendment lost with 15 ayes, 12 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 374.** Mr. Chambers renewed his pending motion found in the Journal on page 487 to indefinitely postpone.

### **MRS. MARSH PRESIDING**

Speaker Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Venditte requested a record vote on the Chambers motion to indefinitely postpone.

Voting in the affirmative, 27:

|         |            |        |          |         |
|---------|------------|--------|----------|---------|
| Barrett | Carsten    | DeCamp | Hefner   | Kahle   |
| Beutler | Chambers   | Dworak | Hoagland | Kennedy |
| Burrows | Chronister | George | Johnson  | Koch    |

|        |         |        |         |
|--------|---------|--------|---------|
| Landis | Merz    | Sieck  | Vickers |
| Maresh | Newell  | Simon  | Warner  |
| Marsh  | Reutzel | Stoney | Wesely  |

Voting in the negative, 7:

|          |        |          |        |
|----------|--------|----------|--------|
| Cope     | Kremer | Rumery   | Wagner |
| Haberman | Lamb   | Venditte |        |

Present and not voting, 11:

|            |          |          |        |
|------------|----------|----------|--------|
| Clark      | Goodrich | Labeledz | Pirsch |
| Cullan     | Kelly    | Murphy   | Powers |
| Fitzgerald | Keyes    | Nichol   |        |

Excused and not voting, 4:

|        |       |        |        |
|--------|-------|--------|--------|
| Fowler | Lewis | Marvel | Schmit |
|--------|-------|--------|--------|

The motion to indefinitely postpone prevailed with 27 ayes, 7 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 44.** Mr. Newell asked unanimous consent to add his name to LB 44. No objections. So ordered.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:

- 1 1. On page 3, line 24 strike beginning with
- 2 "equal" through "dollars", show the old matter as stricken,
- 3 and insert "in amount determined annually by the Tax
- 4 Commissioner pursuant to section 2 of this act.".
- 5 2. Insert a new section as follows:
- 6 "Sec. 2. For any tax year commencing on or after
- 7 January 1, 1980, there shall be allowed a food sales tax
- 8 credit of twenty-eight dollars. For each year thereafter the
- 9 Tax Commissioner shall adjust the previous year's credit
- 10 by a percentage equal to the percentage change from July 1
- 11 of the previous year to July 1 of the current year in the
- 12 Food at Home computation of Consumer Prices published by
- 13 the federal government in its Economic Indicators prepared
- 14 for the Joint Economic Committee by the Council of Economic
- 15 Advisers.".
- 16 3. Renumber remaining sections accordingly.

Mr. Murphy offered the following amendment to the Beutler amendment:

Line 9 after the word "adjust" insert "to the nearest dollar".

The amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell offered the following amendment to the Beutler amendment:

In Sect #1 on lines 3 & 4 Strike "Tax Commissioner" and insert "State Board of Equalization";.

In Sect #2 line 10 Strike beginning with the word "percentage" thru to "Food" in line 12 and reinsert new language an amount equal to the Median Average Cost per individual and continue on in line 12 begin with the word food;.

**SPEAKER MARVEL PRESIDING**

The Newell amendment lost with 5 ayes, 18 nays, 22 present and not voting, and 4 excused and not voting.

Beutler amendment pending.

**NOTICE OF COMMITTEE HEARINGS  
Judiciary**

**REHEARING**

LB 696            Wednesday, February 13, 1980            1:30 p.m.

(Signed) William E. Nichol, Chairperson

**Miscellaneous Subjects**

LB 750            Thursday, February 14, 1980            1:30 p.m.

(Signed) Dave Newell, Chairperson

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 214  
February 4, 1980

Dear Senator Labeledz:

You have asked for an opinion pertaining to the constitutionality of LB 627. As you know, LB 627 is a bill which amends the provisions of the Local Option Tax Control Act, sections 77-3401, 77-3402, 77-3403, 77-3404, 77-3405, 77-3406, 77-3409, and 77-3410, 77-3411, R.S.Supp., 1979.

LB 627 in very general terms does certain things which make the imposition of a local taxing subdivision budget lid different than that provided by state law more difficult. It increases from 5-15% the required number of voters signing petitions to initiate an election. (See section 2). It limits the effect of such a budget limitation to a one year period. (See sections 3 and 4). It imposes certain costs on individuals and organizations filing such a petition and it would do away with any existing budget limitations already adopted by the voters. (See section 9). We have generally discussed several of these questions in opinion to Senator Stoney of this date. We would refer you to that opinion for discussion on specific questions.

Generally, the Legislature may adopt laws relating to the conduct of affairs by local political subdivisions. Our court has, on several occasions, characterized local subdivisions as creatures of statutes. See Schultz v. Dixon County, 134 Neb. 549, 279 N.W. 179 (1938) in which the court said:

“True, in Nebraska, a school district is a creature of statute, possessing no power whatever beyond those given by the legislature. . . .” *Supra* at 555.

and Lindburg v. Bennett, 117 Neb. 66, 219 N.W. 851 (1928) in which the court stated that a county is a creature of statute and has only such powers as are conferred by the Legislature. The Local Option Tax Control Act passed by the Legislature was a grant of certain powers to be exercised in specified ways relating to the government and operation of a local political subdivision. The Legislature may continue to regulate those areas. It is our view that the Legislature has the authority to adopt, amend or repeal legislation relating to the operation of local political subdivisions. Absent an effect upon vested rights such power is limited only by constitutional provisions. We find no constitutional deficiencies except those as previously noted in our opinion above referred to with the general purposes of LB 627.

You have also asked what affect LB 627 would have on budget lids adopted by Omaha and Nebraska City school district voters. It would require pure speculation on our part as to what affect LB 627 would have, thus we decline to render an opinion on that portion of your request.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:pes

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 215  
February 5, 1980

Dear Senator Stoney:

You have asked us for an opinion on various aspects of LB 627. LB 627 generally may be described as an amendment of the local option lid law passed as LB 2, now codified as sections 77-3401 to 77-3411, R.S.Supp., 1979. We will answer your questions in the order in which you have asked them.

In your first question you ask whether or not section 2 of LB 627 places a constitutionally impermissible burden on the citizen's right regarding initiative and/or referendum. As you point out in your letter, section 2 of LB 627 amends section 77-3402. As it now appears, section 77-3402 authorizes an election when five percent of the registered voters of a political subdivision sign a petition which calls for a limitation on the budget of the political subdivision funded by ad valorem taxation. LB 627 increases that percentage to fifteen.

As a general proposition, of course, the Legislature has plenary authority except as limited by the Constitutions of the State of Nebraska and of the United States. The Nebraska Constitution reserves to the people the right of initiative and referendum in Article III, Section 2 and Section 3. Generally, an initiative is an action in which the people of the state, upon their own initiative, enact laws. The Constitution spells out the method to be followed in utilizing the power of initiative. A referendum is the power of the people to pass upon laws passed by the Legislature. Once again, the power is specified in the Constitution as are the methods to be followed in utilizing this power. Additional specifications for the power of initiative and referendum are contained within the statutes of the State of Nebraska.

The voters may initiate or refer laws contemporaneously with the Legislature. The Legislature may act even though the initiative or referendum process is occurring. See, Klosterman v. Marsh, 180 Neb. 506, 14 N.W.2d 744 (1966).

However, none of these powers have anything whatsoever to do with LB 627 or section 77-3401, et seq. The power of initiative and referendum is separate and apart from any statutory special election powers that may be created by the Legislature. The Legislature has

seen fit, in the adoption of the Local Option Tax Control Act referred to above, to provide a particular vehicle that relates solely to budgets. Such an amendment is not affected by the provisions of the Constitution dealing with initiative and referendum.

In your second question you ask, "Does section 3 conflict with section 4 of LB 627 in that the year for which such limitations would be applicable cannot be readily determined from a joint reading of those two sections?" Section 3 provides:

"When a budget limitation is approved by the voters at a primary or special election held for such purpose, the budget for the year in which taxes will be levied to fund such budget, shall, except as provided in section 23-929, be limited as provided in the petition."

Section 4, in part, provides:

"The petition calling for a budget limitation election and the election notice shall refer to section 77-3402, state the percentage limitation placed on the budget for the ensuing year, and specify the year for which such limitation is applicable. . . ."

We can find no inconsistencies between the two sections. Section 3 provides that the budget shall be limited as provided in the petition. Section 4 provides that the petition shall specify the year for which such limitation is applicable. Section 4 further provides that the year in which the limitation is effective shall be the ensuing fiscal year.

Giving such terms their normal and natural meaning, we conclude that such elections shall be held at least 120 days prior to the date on which the fiscal year of the affected subdivision begins and shall affect the budget commencing in the fiscal year specified in the petition subsequent to such election. We find no inconsistencies in these provisions.

In your third question you direct our attention to section 8 of LB 627 and ask whether or not the proviso therein requiring the elections to be paid for by the individual or organization filing the petition places an impermissible burden on the exercise of such rights. The Nebraska Constitution, Article III, Section 18, provides in part:

"The Legislature shall not pass local or special laws in any of the following cases, that is to say:

" . . . .

"The opening and conducting of any election or designating the place of voting."

We believe that section 8 of LB 627 would be a local or special law in that it classifies a particular type of election differently from all other elections. Generally a law which operates equally upon an entire class would not fall within the prohibition of Article III, Section 18. Section 8 of LB 627 would operate alike on all elections held for the

specific purpose of limiting the budget of a political subdivision. However, it has classified this particular type of election as different from all others. Section 32-417 provides:

“All ballots cast in election for public officers within this state shall be printed and distributed at public expense, as provided in sections 32-226 and 32-417 to 32-448. The printing of the ballots and cards of instruction for the electors in each county, and the delivery of the same to the election officers, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses. The expense of printing and delivering the ballots and cards of instruction to be used in any city, municipality, metropolitan utilities district, or other political subdivision elections shall be a charge upon the city, municipality, metropolitan utilities district, school district, or other political subdivision in which the elections shall be held.”

We believe that segregating such elections from all other elections is an unreasonable classification. Thus, we believe it is a violation of Article III, Section 18, and unconstitutional.

In your last question you ask whether section 9 of LB 627 is constitutional. Section 9 provides:

“Any limitation placed on a budget pursuant to the Local Option Tax Control Act prior to the effective date of this act shall not apply to any budget for a fiscal year commencing after the effective date of this act.”

As you are aware, under the Local Option Tax Control Act a budget limitation once imposed by a vote of the people remains until there is an affirmative vote to remove such limitation by a majority of all registered voters. We refer you to our Opinion No. 177, December 7, 1979, to Senator Orval Keyes in which this specific question was addressed. Generally, in that opinion we indicated that this area of law was uncertain. We adhere to the views expressed in that opinion and restate in modified form those views.

The Legislature generally has the authority to enact, repeal, amend and otherwise adopt laws for the government of local subdivisions. See Chase v. Douglas County, 195 Neb. 838, 241 N.W.2d 334. We pointed out in that opinion that section 10 of the Local Option Tax Control Act, section 77-3410, provided that any limitation imposed by the vote of the people would continue until there was a vote to remove that limitation. That provision, of course, was an act of the Legislature. The Legislature, by LB 627, would repeal that provision. As we indicated in our letter to Senator Keyes, we believe that such a specific repeal, coupled with an act that would eliminate existing budget limitations, might be sufficient to cure the problems we

pointed out in our opinion to Senator Keyes. It is our further opinion that the specific provision of section 9 of LB 627 accomplishes that result. It is our opinion that section 9 could probably withstand an attack on its constitutionality.

Sincerely,  
 PAUL L. DOUGLAS  
 Attorney General  
 (Signed) Patrick T. O'Brien  
 Assistant Attorney General

PTO:ejg

cc Mr. Patrick J. O'Donnell  
 Clerk of the Legislature

### UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

- 1 1. In the Beutler amendment on page 469 of the
- 2 Journal in line 2 after "writing" insert "after the
- 3 effective date of this act".
- 4 2. In the committee amendment, on page 1 line
- 5 13 before "No" insert "In the case of the refinancing
- 6 of a debt existing on the effective date of this act
- 7 this section shall apply only to the increase in the
- 8 amount of the indebtedness incurred after the effective
- 9 date of this act.".

Mr. Burrows asked unanimous consent to print the following amendment to LB 499 in the Journal. No objections. So ordered.

- 1 1. Insert a new section as follows:
- 2 "Sec. 20. This act shall terminate on July 1,
- 3 1982, unless extended by an act of the Legislature.".
- 4 2. ReNUMBER remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

Reg. #2066

- 2 1. Strike the original sections and all
- 3 amendments thereto.
- 4 2. Insert new sections as follows:
- 5 "Section 1. Sections 1 to 15 of this act shall
- 6 be known and may be cited as the Laetrile Research Act.
- 7 Sec. 2. The Legislature finds that recent
- 8 research has raised questions as to whether the use of

9 laetrile may provide protection from the advancement of  
10 cancer. It is the intent of the Legislature that passage  
11 of this act shall not constitute an endorsement of the  
12 efficacy of laetrile in the treatment of cancer, but  
13 represents only the Legislature's endorsement of a  
14 program which will answer the questions of the relative  
15 merits of laetrile as a tool in the fight against cancer.

16 The Legislature finds that health of the people  
17 is one of its major goals and that there is a need for  
18 further investigation of a therapeutic nature regarding  
19 laetrile's effect on such illnesses. The Legislature  
20 further finds that such investigation should be carefully  
21 regulated. It is for such reasons that the Therapeutic  
22 Research Act is hereby enacted.

23 Sec. 3. For purposes of this act, unless the  
24 context otherwise requires:

1 (1) Committee shall mean the Patient  
2 Qualification Review Committee created by section 5 of  
3 this act;

4 (2) Department shall mean the Department of  
5 Health;

6 (3) Director shall mean the Director of Health;  
7 and

8 (4) Program shall mean the Laetrile Research  
9 Program created by section 4 of this act.

10 Sec. 4. (1) There is hereby created within the  
11 Department of Health the Laetrile Research Program. The  
12 program shall be administered by the director. The  
13 department shall adopt and promulgate rules and  
14 regulations necessary for the proper administration of  
15 this act.

16 (2) Except as provided in subsection (3) of  
17 section 5 of this act, the program shall be limited to  
18 cancer patients who are certified to the committee by a  
19 physician as being involved in a life-threatening  
20 situation and who are not responding to conventional  
21 therapies or for whom these conventional therapies have  
22 proven effective but expose the patient to intolerable  
23 side effects.

24 (3) The director may protect the privacy of  
25 individuals who are participants in the program by  
26 withholding from all persons not directly connected with  
27 the conduct of the program the names and other  
1 identifying characteristics of such participants.  
2 Persons who are given such information shall not be  
3 compelled in any civil, criminal, administrative,  
4 legislative, or other proceeding to identify the  
5 individuals who are participants in the program, except  
6 to the extent necessary to permit the director to  
7 determine whether the program is being conducted in

8 accordance with the provisions of this act.

9 Sec. 5. There is hereby created a committee to  
10 be known as the Patient Qualifications Review Committee.  
11 The director, upon the recommendation of the State Board  
12 of Health, shall appoint such committee to serve at his  
13 or her pleasure. The committee shall consist of three  
14 members including:

15 (1) A physician licensed to practice medicine in  
16 the state and certified by the American Board of Internal  
17 Medicine and also certified in the subspecialty of  
18 medical oncology;

19 (2) A physician licensed to practice medicine in  
20 the state and certified by the American Board of  
21 Psychiatry; and

22 (3) A pharmacist licensed by the state and  
23 certified by the American Board of Pharmacy.

24 Members of the committee shall serve at the  
25 director's pleasure.

26 Sec. 6. (1) The committee shall review the  
27 medical records of all applicants and shall certify those  
1 patients who meet the requirements of subsection (2) of  
2 section 4 of this act for participation in the program.

3 At the time of such certification, the committee shall  
4 also authorize the patient's physician of record to  
5 prescribe laetrile to the certified patient.

6 (2) The committee shall prepare a list of all  
7 certified patients and their physicians authorized to  
8 prescribe laetrile. Such list shall be updated on a  
9 regular basis.

10 (3) Licensed pharmacies may apply for and be  
11 approved to participate in the distribution of laetrile  
12 pursuant to this act. The committee shall approve a  
13 sufficient number of pharmacies for participation in the  
14 program to provide reasonable access for certified  
15 patients.

16 Sec. 7. The production and use of laetrile  
17 should be carefully regulated and while the need to  
18 prevent diversion of laetrile supplies for illegal  
19 purposes is clear such regulation should not prevent  
20 access for health purposes as outlined in this act. The  
21 director is authorized to use the following methods to  
22 acquire laetrile for the program:

23 (1) The director shall authorize the committee to  
24 contract with the Food and Drug Administration for  
25 receipt of laetrile pursuant to regulations promulgated  
26 by the Food and Drug Administration and pursuant to this  
27 act. The distribution of laetrile within the state shall  
1 be carried out pursuant to the rules and regulations of  
2 the Food and Drug Administration and this act;

3 (2) The committee may obtain laetrile for the

5 program from suppliers in other states if such suppliers  
6 are subject to quality and inspection standards which are  
7 at least as stringent as those adopted pursuant to this  
8 act; and

8 (3) The director shall cause laetrile to be  
9 transferred to those pharmacies which require such drugs  
10 for distribution to certified patients, upon the written  
11 prescription of an authorized physician, pursuant to this  
12 act.

13 Sec. 8. The department shall adopt and  
14 promulgate rules and regulations to provide for (1) the  
15 certification as to the identity and quality of laetrile,  
16 (2) the certification as to the distribution of laetrile,  
17 and (3) limitations of the use of laetrile under section  
18 4 of this act.

19 Sec. 9. Any authorized physician licensed to  
20 practice in this state may prescribe or administer  
21 laetrile in the treatment of cancer subject to section 10  
22 of this act.

23 Sec. 10. Any physician, before prescribing or  
24 administering laetrile, shall inform the patient that  
25 such drug has not been approved as a treatment or cure by  
26 the Food and Drug Administration of the United States  
Department of Health, Education and Welfare and the  
1 patient shall sign a statement that he or she has  
2 received and understands the information set out in this  
3 section.

4 Sec. 11. The director, in conjunction with the  
5 committee, shall report his or her findings and  
6 recommendations regarding the effectiveness of the  
7 program to the Governor and the Clerk of the Legislature  
8 on an annual basis.

9 Sec. 12. Laetrile, when used in accordance with  
10 this act, shall, for the purposes of recordkeeping and  
11 prescriptions, be treated in the same manner as Schedule  
12 II controlled substances are treated pursuant to Chapter  
13 28, article 4.

14 Sec. 13. Any person violating the provisions of  
15 sections 1 to 12 of this act shall be guilty of a Class  
16 II misdemeanor.

17 Sec. 14. No patient or other person receiving  
18 laetrile for therapeutic purposes pursuant to this act  
19 shall distribute, deliver, or dispense such laetrile for  
20 any purpose to any person other than his or her  
21 authorized physician. Any person violating the  
22 provisions of this section shall be guilty of a Class IV  
23 felony.

24 Sec. 15. The director shall, within forty-five  
25 days after the effective date of this act, submit a  
26 proposed program for implementing this act to the Food

27 and Drug Administration for its approval. If the Food  
 1 and Drug Administration has not responded to the proposed  
 2 program, either by approving or rejecting it or by  
 3 requiring amendments to it, within ninety days after its  
 4 submission the director shall take any necessary action,  
 5 including the initiation of legal action if appropriate,  
 6 to insure prompt action by the Food and Drug  
 7 Administration.

8 Sec. 16. If any section in this act or any part  
 9 of any section shall be declared invalid or  
 10 unconstitutional, such declaration shall not affect the  
 11 validity or constitutionality of the remaining portions  
 12 thereof.

13 Sec. 17. Sections 1 to 15 of this act shall  
 14 terminate on January 1, 1985, unless reenacted or  
 15 reestablished by the Legislature.”.

16 3. In the title strike lines 2 through 6 and  
 17 amendments thereto, and insert:

18 “A BILL FOR AN ACT to adopt the Laetrile Research Act; to  
 19 provide for penalties; to provide for  
 20 termination of this act; and to provide for  
 21 severability.”.

Mr. Kremer asked unanimous consent to print the following  
 amendment to LB 507 in the Journal. No objections. So ordered.

#### AMENDMENTS TO WHITE COPY REQ. 2771

1 1. On page 1, line 18 after “for” insert  
 2 “the public purpose of”; and on line 22 strike  
 3 “balance” and insert “serve the public purpose by  
 4 balancing”.

5 2. On page 2, line 8 strike “11” and insert  
 6 “12”; in line 12 strike “12” and insert “13”; strike  
 7 beginning with “Railroad” in line 14 through “94-210”  
 8 in line 16 and insert “Department of Transportation  
 9 Act, Public Law 89-670, which act also includes the  
 10 Railroad Revitalization and Regulatory Reform Act of  
 11 1976, Public Law 94-210, and all amendments to the  
 12 Department of Transportation Act”; and in line 25  
 13 strike “final” and insert “current”.

14 3. Insert the following new section:

15 “Sec. 4. Branch line shall mean any rail line  
 16 classified as a branch line by the United States Depart-  
 17 ment of Transportation pursuant to the federal act;  
 18 or any rail line classified as a branch line pursuant  
 19 to this act by the state agency designated by the  
 20 Governor. Branch line revitalization shall mean any  
 21 acts taken to restore, improve, or maintain access to  
 22 transportation services.”.

23 4. On page 3 line 1 strike “13” and insert “14”;

24 in line 7 strike "20" and insert "23"; in line 8 before  
25 "There" insert "(1)"; in line 9 after "Council" insert  
26 ", a body politic and corporate, not a state agency, but  
27 an independent instrumentality exercising essential  
1 public functions"; in lines 12 through 18 renumber  
2 subdivisions "(1)" through "(5)" as subdivisions  
3 "(a)" through "(e)" respectively; and in line 18 after  
4 the period insert a new subsection as follows:

5       "(2) The Governor shall appoint council members  
6 for four-year terms. In appointing the original council  
7 members, the Governor shall (a) appoint the branch  
8 line shipper and one of the three members of the general  
9 public for a one-year term, (b) appoint the railroad  
10 management employee and one of the three members of  
11 the general public for a two-year term, (c) appoint the  
12 Public Service Commissioner and one of the three members  
13 of the general public for a three-year term, and (d)  
14 appoint the state agency representative for a four-year  
15 term. The Governor shall have the authority and duty  
16 to fill vacancies caused by any reason, except that an  
17 appointment to fill a vacancy shall be only for the  
18 remainder of the unexpired term. No person shall be  
19 appointed for more than two consecutive, full four-year  
20 terms. The Governor, with the approval of the Legislature,  
21 may remove any council member for just cause."

22       5. On page 4 in lines 4 and 24 strike "section  
23 19" and insert "sections 21 and 22"; and in line 23  
24 after the period insert "Each bond issued by the council  
25 shall contain on the face thereof a statement that  
26 neither the faith and credit nor the taxing power of  
27 this state is pledged to the payment of the principal  
28 of or the interest on such bond."

1       6. Insert the following new section:

2       "Sec. 17. The state does hereby pledge to and  
3 agree with the holder of any bonds issued under sections  
4 1 to 30 of this act that the state will not limit or  
5 alter the rights vested in the council or regional  
6 councils to fulfill the terms of any agreements made  
7 with the holders thereof or any way impair the rights  
8 or remedies of the holders until the bonds, together  
9 with the interest thereon, with interest on any unpaid  
10 installments of interest, and all costs and expenses  
11 in connection with any action or proceedings by or on  
12 behalf of the holders, are fully met and discharged.  
13 The council or regional councils are authorized to  
14 include this pledge and agreement of the state in any  
15 agreement with the holders of the bonds."

16       7. On page 5 line 12 strike "16" and insert  
17 "18"; and in line 18 after "guarantees" insert "or  
18 insurance".

- 19 8. On page 6, line 13 strike the colon and insert  
 20 "such money as may be appropriated by the Legislature";  
 21 strike beginning with "(a)" in line 14 through "person"  
 22 in line 19; and in line 25 strike "19" and insert "21".
- 23 9. On page 7 in line 4 strike "; and" and  
 24 insert a period; in line 5 strike "(2)" and insert  
 25 "Sec. 22"; and in line 16 strike "and" and insert "or".
- 26 10. On page 8, line 8 strike "political sub-  
 27 division of the state" and insert "body politic and  
 1 corporate, not a state agency, but an independent  
 2 instrumentality exercising essential public functions";  
 3 in line 13 strike "final" and insert "current"; and  
 4 in line 25 strike "section 19" and insert "sections  
 5 21 and 22".
- 6 11. On page 9 line 14 strike "section 19" and  
 7 insert "sections 21 and 22"; and in line 24 after the  
 8 period insert "Each bond issued by a regional council  
 9 shall contain on the face thereof a statement that  
 10 neither the faith and credit nor the taxing power  
 11 of this state is pledged to the payment of the  
 12 principal of or the interest on such bond.".
- 13 12. On page 10 line 4 strike "24" and insert  
 14 "27".
- 15 13. On page 11 line 13 strike "1979" and  
 16 insert "1980".
- 17 14. Renumber original sections 4 through 15  
 18 as sections 5 through 16 respectively, original sections  
 19 16 through 18 as 18 through 20, respectively, and original  
 20 sections 20 through 27 as 23 through 30, respectively.

### VISITORS

Visitors to the Chamber were 10 members of the Small Business Council, Omaha Chamber of Commerce, Omaha.

### ADJOURNMENT

At 12:06 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 1980.

Patrick J. O'Donnell  
 Clerk of the Legislature

**TWENTIETH DAY - FEBRUARY 7, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 7, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

Eternal Father, we ask Thy divine guidance, strength, and sense of purpose be given to the members of this Legislature. Although they have great diversity within themselves and the people they represent, may they not strive to be individualistic comets flashing across the sky, but stars which are united into a constellation which gives a pattern and unity in the midst of diversity. While amplifying their individual convictions, may they ever remember they are part of the team working together to win the game for the benefit of the people of this State. Amen.

**ROLL CALL**

The roll was called and all members were present except Mr. Clark who was excused; and Mrs. Labeledz, Messrs. Beutler, Burrows, Fitzgerald, Kelly, Koch, Lewis, Newell, Schmit, Sieck, Simon, Stoney, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Nineteenth Day was approved.

**COMMUNICATION**

During an executive session of the Miscellaneous Subjects Committee on November 29, 1979, action was taken to elect Senator Harold Sieck as vice-chairman of that committee.

(Signed) Dave Newell, Chairperson

**ATTORNEY GENERAL'S OPINION**

Opinion No. 217  
February 6, 1980

Dear Senator Beutler:

This is in response to your letter of February 5, 1980. In that letter you ask if your amendment to LB 44 of the Eighty-sixth Legislative Session, which is quoted below, deletes the matter we found unconstitutional in our opinion to you on May 4, 1979:

“For any tax year commencing on or after January 1, 1980, there shall be allowed a food sales tax credit of twenty-eight dollars. For each year thereafter the Tax Commissioner shall adjust the previous year's credit by a percentage equal to the percentage change from July 1 of the previous year to July 1 of the current year in the Food at Home computation of Consumer Prices published by the federal government in its Economic Indicators prepared for the Joint Economic Committee by the Council of Economic Advisers.”

In our opinion to you on May 4, 1979, we advised you that a previous proposed amendment to LB 44 was unconstitutional because it reposed an absolute, unregulated and undefined discretion in the State Tax Commissioner. Your proposed amendment, which is quoted above, deletes that matter. Therefore, subject to the limitations stated in our opinion to you on May 4, 1979, we are of the opinion that the proposed amendment quoted above is constitutional.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Harold Mosher  
Assistant Attorney General

HM:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

**MESSAGES FROM THE GOVERNOR**

February 6, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol Building

TWENTIETH DAY - FEBRUARY 7, 1980

581

Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 409 and 572.

These bills were signed by me on February 6, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

February 1, 1980

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the State Electrical Board requiring legislative confirmation:

Wayne Sides, Midwest Electric Membership Corporation,  
Grant 69140, for a term expiring September 13, 1985 and  
succeeding Weston Webb, term expired.  
Lynn E. Moore, Nebraska Public Power, Box 608, York 68467,  
for a term expiring September 13, 1985 and succeeding  
Edward Brandt, term expired.

These appointments are respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

cc: Wayne Sides  
Lynn E. Moore  
Committee on Committees  
State Electrical Board

**STANDING COMMITTEE REPORTS**  
**Appropriations**

**LEGISLATIVE BILL 886.** Placed on General File.

**LEGISLATIVE BILL 959.** Placed on General File.

**LEGISLATIVE BILL 957.** Placed on General File as amended.  
Standing Committee amendments to LB 957:

1. Strike section 1.

2. On page 4, line 20 strike "(4)" and make the sentence commencing with "The" in line 20 a part of subsection (3); in line 22 strike "sixteen cents per mile" and insert "mileage expenses shall be reimbursed as provided in section 84-306.03, Revised Statutes Supplement, 1979"; in line 23 strike "sections 81-589 and" and insert "section"; and in line 24 strike "are" and insert "is".

3. Renumber remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Public Works**

|        |                              |           |
|--------|------------------------------|-----------|
| LB 948 | Wednesday, February 20, 1980 | 1:00 p.m. |
| LB 898 | Thursday, February 21, 1980  | 1:30 p.m. |
| LB 984 | Thursday, February 21, 1980  | 1:30 p.m. |
| LB 985 | Thursday, February 21, 1980  | 1:30 p.m. |
| LB 946 | Friday, February 29, 1980    | 9:00 a.m. |
| LB 960 | Friday, February 29, 1980    | 9:30 a.m. |
| LB 961 | Friday, February 29, 1980    | 9:30 a.m. |

(Signed) Maurice A. Kremer, Chairperson

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

February 7, 1980

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the legislative body and suggests a record vote.

John M. Gradwohl  
Judge, Commission of Industrial Relations  
Doris Royal  
Agricultural Products Industrial Utilization Committee  
Hal Schroeder - Environmental Control Council  
Richard Veach - Environmental Control Council

VOTE: For: Marsh, Burrows, Cope, Kennedy, Nichol, Reutzell, Wesely. (7) Against: None. Not Voting: None. Excused: Simon, Cullan, Labeledz, Lewis, Newell, Schmit. (6) Absent: None.

(Signed) Shirley Marsh, Chairperson

**MOTION - Introduce Bill**

Mr. Maresh moved the introduction of a new bill by the Business and Labor Committee (Req. #1568).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 988.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Powers, 9th District; Kahle, 37th District; Simon, 31st District; Fitzgerald, 14th District; Landis, 46th District; DeCamp, 40th District.

This bill introduced on behalf of: Small Businesses.

A BILL FOR AN ACT to repeal section 50-436, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislative Council; to continue provisions for analysis of certain legislation; and to declare an emergency.

**MOTION - Introduce Bill**

Mr. Goodrich moved the introduction of a new bill by the Public Health and Welfare Committee (Req. #1560).

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

**BILL ON FIRST READING**

The following bill was read for the first by title:

**LEGISLATIVE BILL 989.** By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Clark, 47th District; Goodrich, 20th District; Maresh, 32nd District; Wesely, 26th District.

This bill introduced on behalf of: cystic fibrosis parent's group.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Genetically Handicapped Person's Act; to provide a program for treating cystic fibrosis and other related conditions; to establish standards for providing treatment; to provide reimbursement for the costs of such treatment; to provide an operative date; and to declare an emergency.

### STANDING COMMITTEE REPORTS

#### Education

**LEGISLATIVE BILL 663.** Placed on General File.

**LEGISLATIVE BILL 765.** Placed on General File.

**LEGISLATIVE BILL 657.** Indefinitely postponed.

**LEGISLATIVE BILL 668.** Indefinitely postponed.

(Signed) Jerry D. Koch, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 491.** Title read. Considered.

Mr. Merz asked unanimous consent to be excused until 11:00 a.m. No objections. So ordered.

Mr. Fowler offered the following amendment:

- 1 1. On page 3, line 10 after the period
- 2 insert "Nothing contained in this subsection shall be
- 3 considered by the department as a basis for the denial
- 4 of any pending or future bank charter application.".

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Wesely renewed his pending amendment found in the Journal on page 439.

Mr. Wesely moved for a Call of the House. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 25:

|            |        |        |         |         |
|------------|--------|--------|---------|---------|
| Barrett    | Cullan | Kahle  | Lewis   | Schmit  |
| Beutler    | Dworak | Keyes  | Maresh  | Sieck   |
| Carsten    | Fowler | Kremer | Marsh   | Vickers |
| Chronister | George | Lamb   | Marvel  | Warner  |
| Cope       | Hefner | Landis | Reutzel | Wesely  |

Voting in the negative, 13:

|          |          |        |          |        |
|----------|----------|--------|----------|--------|
| Burrows  | Johnson  | Murphy | Rumery   | Wagner |
| DeCamp   | Kelly    | Nichol | Stoney   |        |
| Goodrich | Labeledz | Powers | Venditte |        |

Present and not voting, 7:

|          |          |        |       |
|----------|----------|--------|-------|
| Chambers | Hoagland | Merz   | Simon |
| Haberman | Kennedy  | Pirsch |       |

Excused and not voting, 4:

|       |            |      |        |
|-------|------------|------|--------|
| Clark | Fitzgerald | Koch | Newell |
|-------|------------|------|--------|

The amendment was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Schmit withdrew his pending amendment found in the Journal on page 414.

Mr. DeCamp moved to indefinitely postpone.

The motion lost with 13 ayes, 23 nays, 9 present and not voting, and 4 excused and not voting.

Failed to advance to E & R for Review with 21 ayes, 16 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 990.** By Schmit, 23rd District.

This bill introduced on behalf of: At the Request of the Governor.

A BILL FOR AN ACT to adopt the Nebraska Lighting and Thermal Efficiency Act; to provide duties for the Nebraska Energy Office; to create a fund; and to provide penalties.

**STANDING COMMITTEE REPORT**  
**Nebraska Retirement Systems**

**LEGISLATIVE BILL 817.** Placed on General File as amended. Standing Committee amendments to LB 817:

1. On page 2, line 24 after "Regents" insert "but not less than the amount contributed by the university on January 1, 1980,".

2. On page 6, line 9 after "board" insert "but not less than the amount contributed by the state on January 1, 1980,".

(Signed) Steve Fowler, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 184A.** Placed on Select File as amended. E & R amendments to LB 184A:

1. In the Labeledz amendment 2, line 1, insert "and" before "seven" and in the last line strike the period.

2. In the Labeledz amendment 5, line 5, insert "dollars" before "from".

**LEGISLATIVE BILL 607.** Placed on Select File as amended. E & R amendment to LB 607:

1. On page 4, line 13, and page 5, line 20, strike the comma and show stricken.

**LEGISLATIVE BILL 599.** Placed on Select File as amended. E & R amendment to LB 599:

1. In the title, line 12, after the first semicolon, insert "to delete a purpose for the issuance of bonds; to clarify provisions; to provide transition for certain property;".

**LEGISLATIVE BILL 658.** Placed on Select File as amended. E & R amendments to LB 658:

1. In lieu of the DeCamp amendment, on page 2, strike beginning with "In" in line 4 through the second comma in line 5, showing old matter stricken, and insert "In all counties".

2. In the title, line 4, strike "change counties which" and insert "provide that all counties".

**LEGISLATIVE BILL 687.** Placed on Select File.

**LEGISLATIVE BILL 636.** Placed on Select File as amended.  
E & R amendments to LB 636:

1. On page 10, line 22, strike "Revised Statutes Supplement, 1978" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. In the title, strike line 10 and insert "Reissue Revised Statutes of Nebraska, 1943.".

**LEGISLATIVE BILL 688.** Placed on Select File as amended.  
E & R amendment to LB 688:

1. On page 2, lines 11, 15 and 16, and 27, page 3, lines 8, 14, and 17, and page 4, line 1, reinstate "motor vehicles" and before "motor" insert "except".

(Signed) Don Wesely, Chairperson

**MOTION - Reconsider Action on LB 108**

Mr. Hoagland moved to reconsider LB 108 on Final Reading.

Motion pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 196.**

Introduced by Hoagland, 6th District; Barrett, 39th District; Beutler, 28th District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Maresch, 32nd District; Marsh, 29th District; Merz, 1st District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Pirsch, 10th District; Powers, 9th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, six American diplomats stationed in Iran avoided being taken hostage in the illegal takeover of the United States Embassy in Tehran, Iran, on November 4, 1979; and

WHEREAS, these six American diplomats, four men and two women, were hidden by officials in the Canadian Embassy in Tehran, Iran, for a period of three months; and

WHEREAS, the Canadian Government and its Embassy planned a detailed and daring escape for the six American diplomats; and

WHEREAS, on January 26, 1980, three Canadian diplomats and the Canadian Ambassador to Iran, Kenneth Taylor, spirited the six Americans out of Iran in a bold escape that necessitated the closing of the Canadian Embassy in Iran; and

WHEREAS, this heroic escape and the harboring of the American diplomats took place at great personal risk to the Canadian officials involved and at great diplomatic risk to the Canadian Government.

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

1. That the State of Nebraska personally thanks and honors the Canadian people for the brave and heroic actions of its diplomats in Iran for harboring and personally leading the escape of six American diplomats from Iran.

2. That copies of this resolution be dispatched to the Prime Minister of Canada, to the Canadian Ambassador to Iran, to the leaders of the Canadian Parliament, and to the territorial governors and legislative bodies of each Canadian province.

Laid over.

### **STANDING COMMITTEE REPORTS** **Miscellaneous Subjects**

**LEGISLATIVE BILL 748.** Placed on General File.

**LEGISLATIVE BILL 690.** Placed on General File.

(Signed) Dave Newell, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 628.** Title read. Considered.

Standing Committee amendment found in the Journal on page 446 for the Fourteenth Day was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**MR. NICHOL PRESIDING**

Mr. Vickers offered the following amendment:

Amend LB 628 by changing the dollar figures for salaries on pages 2 - 3 & 4 from

- 15,000 to 12,000
- 18,000 to 15,000
- 21,000 to 18,000
- 24,500 to 21,500
- 27,500 to 24,500
- 32,000 to 29,000

**SPEAKER MARVEL PRESIDING**

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 14 nays, and 23 not voting.

Messrs. Schmit and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|         |        |         |         |         |
|---------|--------|---------|---------|---------|
| Barrett | Cope   | Kennedy | Nichol  | Stoney  |
| Beutler | Dworak | Kremer  | Pirsch  | Vickers |
| Burrows | Hefner | Lamb    | Reutzel |         |
| Carsten | Kahle  | Murphy  | Sieck   |         |

Voting in the negative, 22:

|          |          |        |          |        |
|----------|----------|--------|----------|--------|
| Chambers | Hoagland | Landis | Merz     | Warner |
| DeCamp   | Johnson  | Lewis  | Powers   | Wesely |
| Fowler   | Kelly    | Maresh | Rumery   |        |
| George   | Keyes    | Marsh  | Venditte |        |
| Goodrich | Labedz   | Marvel | Wagner   |        |

Present and not voting, 3:

|            |        |       |
|------------|--------|-------|
| Chronister | Cullan | Simon |
|------------|--------|-------|

Excused and not voting, 6:

|            |          |        |
|------------|----------|--------|
| Clark      | Haberman | Newell |
| Fitzgerald | Koch     | Schmit |

The Vickers amendment lost with 18 ayes, 22 nays, 3 present and not voting, and 6 excused and not voting.

### ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee hearings scheduled for Tuesday, February 12, 1980, and Wednesday, February 13, 1980, have been rescheduled to meet in the East Senate Chamber instead of Room 1003 - Sarah T. Muir Memorial Hearing Room as previously scheduled.

### STANDING COMMITTEE REPORTS

#### Education

**LEGISLATIVE BILL 773.** Placed on General File as amended. Standing Committee amendments to LB 773:

1. On page 5, line 27, after "Legislature" insert "the chairperson of the Education Committee of the Legislature, and the office of Legislative Fiscal Analyst".

2. On page 7, line 10 after "Governor" insert an underscored comma and strike "and"; in line 11 after "Legislature" insert "the chairperson of the Education Committee of the Legislature, and the office of Legislative Fiscal Analyst,"; and in line 20 after "Governor" insert "the chairperson of the Education Committee of the Legislature, and the office of Legislative Fiscal Analyst".

**LEGISLATIVE BILL 426.** Indefinitely postponed.

(Signed) Jerry Koch, Chairperson

### NOTICE OF COMMITTEE HEARINGS

#### Revenue

|        |                              |           |
|--------|------------------------------|-----------|
| LB 691 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 711 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 787 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 882 | Tuesday, February 19, 1980   | 1:30 p.m. |
| LB 625 | Wednesday, February 20, 1980 | 1:30 p.m. |
| LB 610 | Wednesday, February 20, 1980 | 1:30 p.m. |
| LB 977 | Wednesday, February 20, 1980 | 1:30 p.m. |

|         |                            |           |
|---------|----------------------------|-----------|
| LB 661  | Monday, February 25, 1980  | 1:30 p.m. |
| LB 911  | Monday, February 25, 1980  | 1:30 p.m. |
| LB 968  | Tuesday, February 26, 1980 | 1:30 p.m. |
| LB 983* | Tuesday, February 26, 1980 | 1:30 p.m. |

\*Rehearing

NOTICE OF EXECUTIVE SESSIONS

|                              |           |
|------------------------------|-----------|
| Tuesday, February 12, 1980   | 1:30 p.m. |
| Wednesday, February 27, 1980 | 1:30 p.m. |

(Signed) Calvin F. Carsten, Chairperson

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

**Correctly Engrossed**

The following bill was correctly engrossed: 184.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hefner asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

- 1 1. On page 2, lines 13 and 27; page 3, lines
- 2 13 and 26; and page 4, lines 11 and 26, strike "to"
- 3 and insert "to and, except as provided in section 13
- 4 of this act, such salaries shall".
- 5 2. Insert a new section as follows:
- 6 "Sec. 13. The state shall, for the first fiscal
- 7 year salaries established by sections 1 to 6 of this
- 8 act become operative, pay the difference between the
- 9 minimum salary established by sections 23-1114.02 to
- 10 23-1114.07 and the actual salary sheriffs are receiving
- 11 on the operative date of this section."
- 12 3. On page 13, line 21 after "6" insert "and
- 13 13"; and in line 24 strike "15" and insert "16".
- 14 4. Renumber original sections 13 to 15 as
- 15 sections 14 to 16 respectively.

Mr. Maresh asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

To amend the Hefner amendment by striking the following language:

On line 6, "For the first fiscal."

All of line 7,

and On line 8, "act become operative,"

Mr. Lewis asked unanimous consent to print the following amendment to LB 283 in the Journal. No objections. So ordered.

- 1 1. On page 2, strike beginning with "(1)"
- 2 in line 10 through "1988" in line 13 and insert "July 1,
- 3 1980"; in line 16 strike "regular pay" and insert
- 4 "total compensation"; strike beginning with "increased"
- 5 in line 16 through "retirement" in line 19; in line
- 6 21 strike "the" and insert "current funding of the
- 7 increased"; and in line 22 strike "made as the system
- 8 shall provide" and insert "borne by the employees in
- 9 the pension system".
- 10 2. Insert a new section as follows:
- 11 "Sec. 6. Since an emergency exists, this act
- 12 shall be in full force and take effect, from and after
- 13 its passage and approval, according to law."

### SELECT FILE

**LEGISLATIVE BILL 481.** E & R amendments found in the Journal on page 506 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 734.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 735.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 700.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 61.** E & R amendment found in the Journal on page 553 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 650.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 697.** E & R amendment found in the Journal on page 553 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 44.** Mr. Beutler renewed his pending amendment found in the Journal on page 566, as amended.

Mr. Beutler moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 23:

|            |          |        |          |         |
|------------|----------|--------|----------|---------|
| Barrett    | Fowler   | Landis | Reutzel  | Vickers |
| Beutler    | George   | Maresh | Rumery   | Wagner  |
| Burrows    | Hoagland | Marvel | Sieck    | Wesely  |
| Chambers   | Johnson  | Merz   | Simon    |         |
| Chronister | Koch     | Murphy | Venditte |         |

Voting in the negative, 22:

|         |            |          |        |        |
|---------|------------|----------|--------|--------|
| Carsten | Fitzgerald | Kelly    | Lamb   | Stoney |
| Cope    | Goodrich   | Kennedy  | Marsh  | Warner |
| Cullan  | Haberman   | Keyes    | Nichol |        |
| DeCamp  | Hefner     | Kremer   | Pirsch |        |
| Dworak  | Kahle      | Labeledz | Powers |        |

Present and not voting, 1:

Lewis

Excused and not voting, 3:

|       |        |        |
|-------|--------|--------|
| Clark | Newell | Schmit |
|-------|--------|--------|

The Beutler amendment, as amended, lost with 23 ayes, 22 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Messrs. Nichol and Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:

Strike "\$28.00", inserted by Newell amendment and insert \$32.00.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment:

Voting in the affirmative, 15:

|          |        |          |         |         |
|----------|--------|----------|---------|---------|
| Beutler  | DeCamp | Hoagland | Landis  | Simon   |
| Burrows  | Dworak | Keyes    | Powers  | Vickers |
| Chambers | Fowler | Koch     | Reutzel | Wesely  |

Voting in the negative, 28:

|            |          |         |        |          |
|------------|----------|---------|--------|----------|
| Barrett    | George   | Kennedy | Marvel | Stoney   |
| Carsten    | Goodrich | Kremer  | Merz   | Venditte |
| Chronister | Hefner   | Labedz  | Murphy | Wagner   |
| Cope       | Johnson  | Lamb    | Pirsch | Warner   |
| Cullan     | Kahle    | Maresh  | Rumery |          |
| Fitzgerald | Kelly    | Marsh   | Sieck  |          |

Excused and not voting, 5:

|       |       |        |        |        |
|-------|-------|--------|--------|--------|
| Clark | Lewis | Newell | Nichol | Schmit |
|-------|-------|--------|--------|--------|

Absent and not voting, 1:

Haberman

The Chambers amendment lost with 15 ayes, 28 nays, 5 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Engrossment with 34 ayes, 6 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 641.** Mr. Cullan offered the following amendment:

Add the emergency clause to LB 641.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 698.** Mr. Goodrich renewed his pending amendment found in the Journal on page 540.

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

Advanced to E & R for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 602.** Title read. Considered.

Standing Committee amendments found in the Journal on page 457 for the Fourteenth Day were adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 645.** Title read. Considered.

Standing Committee amendments found in the Journal on page 458 for the Fourteenth Day were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 654.** Title read. Considered.

Standing Committee amendments found in the Journal on page 460 for the Fourteenth Day were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

### UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 483 in the Journal. No objections. So ordered.

- 1 1. In the Marsh amendment on page 449 of the
- 2 Journal on page 1 line 17 after the first underscored
- 3 comma insert "and", and after "probable" insert "place of
- 4 birth including the city or town and"; and strike beginning
- 5 with the second underscored comma in line 17 through
- 6 "citizenship" in line 19.
- 7 2. In the committee amendment (white copy REQ
- 8 2663) on page 9 line 24 after "Nebraska-born" insert
- 9 "or foreign-born"; on page 10 lines 13 and 15 after "his"

10 insert "or her"; in line 26 after "forward" insert "the  
 11 report"; and on page 11 strike beginning with the first  
 12 "the" in line 1 through "Nebraska" in line 2 and show as  
 13 stricken.

Mr. Haberman asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

1 1. In the committee amendments on page 476  
 2 of the Journal, page 1, line 9 after the underscored  
 3 comma insert "and (d) vehicles while used to carry out  
 4 farming and ranching operations,".

### STANDING COMMITTEE REPORT Judiciary

**LEGISLATIVE BILL 749.** Placed on General File.

(Signed) William E. Nichol, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Mr. Johnson asked unanimous consent to print the following amendment to LB 730 in the Journal. No objections. So ordered.

Req. #2079

2 1. Insert a new section as follows:  
 3 "Section 1. That section 24-810, Reissue Revised  
 4 Statutes of Nebraska, 1943, be amended to read as  
 5 follows:  
 6 24-810. (1) In the event of a judicial vacancy,  
 7 the Clerk of the Supreme Court shall contact the ~~chairman~~  
 8 chairperson of the judicial nominating commission  
 9 relating to such vacancy, and shall ascertain from him or  
 10 her a time and place for the first meeting of such  
 11 judicial nominating commission, at which time a public  
 12 hearing will be held. He or she shall thereupon notify  
 13 each commission member in writing of the time and place  
 14 of said meeting and shall also cause appropriate notice  
 15 to be published by various news media of the time and  
 16 place of the public hearing of said judicial nominating  
 17 commission, and of the interest of said commission in  
 18 receiving information relating to qualified candidates  
 19 for said judicial vacancy. At least two days prior to  
 20 the public hearing, the ~~chairman~~ chairperson shall  
 21 release to the public the names of lawyers who have  
 22 signified in writing their willingness to serve as a  
 23 judge if nominated and appointed to such judgeship, and  
 24 immediately prior to the public hearing the ~~chairman~~  
 25 chairperson shall release the names of any additional

1 lawyers who have so signified. Any member of the public  
 2 shall be entitled to attend the public hearing to  
 3 express, either orally or in writing, his or her views  
 4 concerning candidates for the judicial vacancy. After  
 5 the public hearing the nominating commission shall hold  
 6 such additional private or confidential meetings as it  
 7 determines to be necessary. Additional information may  
 8 be submitted in writing to the judicial nominating  
 9 commission, at any time prior to its selection of  
 10 qualified candidates to fill said vacancy. The judicial  
 11 nominating commission shall make such independent  
 12 investigation and inquiry as it considers necessary or  
 13 expedient to determine the qualifications of candidates  
 14 for the judicial vacancy and shall take such action as it  
 15 deems necessary or expedient to encourage qualified  
 16 candidates to accept judicial office or nomination for  
 17 said judicial office.

18 (2) The commission may, before or after the  
 19 hearing provided for in subsection (1) of this section,  
 20 institute a search for additional candidates. If  
 21 additional candidates are obtained the commission shall  
 22 hold further public hearings in the same manner as  
 23 provided in subsection (1) of this section.

24 (3) The names of candidates shall be submitted to  
 25 the Governor within sixty days after a judicial vacancy  
 26 occurred if one public hearing is held and within ninety  
 27 days if more than one public hearing is held.

1 (4) The first public hearing provided for in this  
 2 section shall be held within forty-five days after the  
 3 vacancy occurs.”.

4 2. On page 3 strike beginning with “A” in line 8  
 5 through the underscored period in line 16; in line 24  
 6 reinstate the stricken matter; in line 25 reinstate the  
 7 stricken “confidential” and after such reinstated  
 8 “confidential” insert an underscored period, and after  
 9 the stricken “and” insert “Additionally, all such  
 10 communications including those at the public hearing  
 11 shall be”.

12 3. On page 5, line 2 after the underscored  
 13 semicolon insert “and”; strike lines 3 through 5; in line  
 14 6 strike “(4)” and insert “(3)”; and in line 11 after  
 15 “sections” insert “24-810,”.

16 4. Renumber original sections 1 to 6 as sections  
 17 2 to 7 respectively.

### EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 44.

(Signed) Rex Haberman

**UNANIMOUS CONSENT - Member Excused**

Mr. Koch asked unanimous consent to be excused February 8 through February 15. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Dr. Giuseppe Marra, Journalist and Emilio Catalano, Interpreter, Rome, Italy; Elaine Hawco, Lincoln; 25 members of the League of Women Voters, Omaha and James Connor, North Platte.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Mr. Reutzel, the Legislature adjourned until 9:00 a.m., Friday, February 8, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIRST DAY - FEBRUARY 8, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 8, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

O God of us all, may the members of this legislative body keep ever before them the high responsibility which is theirs. They have an unprecedented challenge; may they make appropriate responses and continually to develop into statesmen. May their debates ever be upon issues, rather than upon human personalities. Give this body the vision to have courage for greatness. May they respond to their challenges, living neither in their vacuum of futility or the gold-fish bowl of exhibitionism. Guide them to live as responsible, elected officials, with courage, integrity, vision, cool minds and compassionate hearts. Amen.

**PRESIDENT LUEDTKE PRESIDING****ROLL CALL**

The roll was called and all members were present except Mrs. Pirsch, Messrs. Clark, and Koch who were excused; and Messrs. Beutler, Cullan, Fitzgerald, Fowler, George, Newell, Schmit, Simon, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twentieth Day was approved.

## LEGISLATIVE JOURNAL

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review****Correctly Enrolled**

The following bills were correctly enrolled: 186 and 413.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolutions and bills: LR 193, LR 194, LB 186, and LB 413.

**STANDING COMMITTEE REPORTS**  
**Administrative Rules and Regulations**

**LEGISLATIVE BILL 712.** Placed on General File as amended.  
Standing Committee amendments to LB 712:

1. Insert a new section as follows:

“Sec. 2. Subdivisions (4) and (5) of section 84-906.03 shall terminate on July 1, 1983, and such subdivisions shall be removed from the section by the Revisor of Statutes, unless reenacted or reestablished by the Legislature.”.

2. Renumber original section 2 as section 3.

**LEGISLATIVE BILL 846.** Placed on General File.

(Signed) Ralph D. Kelly, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 4, 1980

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

In a letter to you, dated October 3, 1979, and found on page 57 of the Legislative Journal for First Day-January 9, 1980, confirmation of the Legislature was requested on the appointments of Allen Burkhardt, James Nils Ackerman, and Ivan Abdouch to the Coordinating Commission for Postsecondary Education.

Since these members are representatives of post secondary education, confirmation by the Legislature is not, after all, required. In accordance with Section 85-902 (2)(b) of the Nebraska Revised Statutes these gentlemen were appointed with the advice of the technical college area boards, the governing board of the independent colleges, and proprietary schools.

Any inconvenience caused by this clerical error is regretted.

Sincerely,  
 (Signed) CHARLES THONE  
 Governor

CT:mh

**MOTION - Approve Appointments**

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 582 on the following appointments: John M. Gradwohl, Doris Royal, Hal Schroeder, and Richard Veach.

Voting in the affirmative, 25:

|            |         |        |         |         |
|------------|---------|--------|---------|---------|
| Barrett    | Cope    | Keyes  | Merz    | Sieck   |
| Beutler    | DeCamp  | Landis | Murphy  | Stoney  |
| Burrows    | Hefner  | Lewis  | Nichol  | Vickers |
| Carsten    | Kelly   | Marsh  | Reutzel | Wagner  |
| Chronister | Kennedy | Marvel | Rumery  | Wesely  |

Voting in the negative, 0.

Not voting, 24:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Chambers   | Fowler   | Johnson  | Lamb   | Schmit   |
| Clark      | George   | Kahle    | Maresh | Simon    |
| Cullan     | Goodrich | Koch     | Newell | Venditte |
| Dworak     | Haberman | Kremer   | Pirsch | Warner   |
| Fitzgerald | Hoagland | Labeledz | Powers |          |

The appointments were confirmed with 25 ayes, 0 nays, and 24 not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 747.** Title read. Considered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 19 ayes, 7 nays, and 23 not voting.

Mr. Goodrich requested a roll call vote to advance LB 747.

Voting in the affirmative, 27:

|            |            |          |         |        |
|------------|------------|----------|---------|--------|
| Beutler    | Fitzgerald | Kelly    | Marvel  | Wagner |
| Burrows    | Fowler     | Kennedy  | Newell  | Warner |
| Carsten    | George     | Keyes    | Powers  | Wesely |
| Chronister | Goodrich   | Labeledz | Reutzel |        |
| Cope       | Hoagland   | Landis   | Sieck   |        |
| Dworak     | Johnson    | Marsh    | Simon   |        |

Voting in the negative, 12:

|         |        |        |         |
|---------|--------|--------|---------|
| Barrett | Kremer | Maresh | Rumery  |
| Hefner  | Lamb   | Merz   | Stoney  |
| Kahle   | Lewis  | Murphy | Vickers |

Present and not voting, 3:

|          |        |          |
|----------|--------|----------|
| Chambers | DeCamp | Haberman |
|----------|--------|----------|

Excused and not voting, 7:

|        |        |        |          |
|--------|--------|--------|----------|
| Clark  | Koch   | Pirsch | Venditte |
| Cullan | Nichol | Schmit |          |

Advanced to E & R for Review with 27 ayes, 12 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

**LEGISLATIVE BILL 629.** Title read. Considered.

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

**LEGISLATIVE BILL 648.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, 5 excused and not voting.

**LEGISLATIVE BILL 863.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 701.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

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

**LEGISLATIVE BILL 499.** Placed on Select File as amended.  
E & R amendments to LB 499:

1. Renumber sections 9 to 20 added by the committee amendments as sections 8 to 19.

2. In committee amendments, page 3, strike the commas in lines 16, 17, and 19; in line 20 strike "provided" and insert "if"; in line 22 strike "12" and insert "11"; and in line 25 strike the commas.

3. In line 3 of the Kahle-Hoagland amendment 3, strike "10" and insert "9 of this act".

4. In committee amendments, page 4, line 16, insert "two of" after "that"; and strike beginning with "from" in line 16 through "list" in line 17.

5. In the title, line 4, insert "to permit counties to impose a sales tax on lodging;" after the second semicolon; and in line 5, strike "tax" and insert "taxes".

(Signed) Don Wesely, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 989 and 990 for the approval of the Nebraska State Legislature.

**LB**      **Committee**  
989      Public Health and Welfare  
990      Public Health and Welfare

(Signed) Frank Lewis, Chairperson  
Executive Board

### RESOLUTION

#### LEGISLATIVE RESOLUTION 197.

Introduced by Schmit, 23rd District; Maresh, 32nd District; Wesely, 26th District; Marvel, 33rd District; Goodrich, 20th District; DeCamp, 40th District.

WHEREAS, the Legislature in its concern for the geographic maldistribution of health care services in Nebraska found it essential to develop additional health manpower through the establishment of a physician's assistant education program and the enactment of a law authorizing physician's assistant practice; and

WHEREAS, 1980 marks the fifth anniversary of the graduation of the first class from the University of Nebraska Physician's Assistant Education Program; and

WHEREAS, in the past five years physician's assistants have demonstrated the ability to provide high quality direct patient medical care while working under the supervision of physicians; and

WHEREAS, physician's assistants have improved the quality of rural health care in Nebraska by their tendency to generally locate in sparsely populated and underserved areas.

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

1. That the Legislature hereby recognizes and commends the contributions made by physician's assistants and by the University of Nebraska Physician's Assistant Education Program to the health care of Nebraska citizens.

2. That the Legislature hereby declares April 18, 1980 as Physician's Assistants Day in Nebraska in recognition of their contribution.

3. That the Legislature requests the Governor to issue a proclamation designating April 18, 1980 as Physician's Assistants Day and to call upon the citizens of this state to observe such a day.

Laid over.

#### UNANIMOUS CONSENT - Print in Journal

Mr. George asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

Req. #2089

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

4 “Section 1. (1) After April 15, 1982, any person  
5 who purchases a used or new rubber tire equipped with  
6 studs or spikes or a set of studs or spikes for  
7 installation in tires for use on any vehicle, except as  
8 provided in section 39-6,131, shall pay a service use fee  
9 of twenty dollars for each such tire or set of studs or  
10 spikes purchased per tire, and shall display the sticker  
11 provided pursuant to sections 1 and 2 of this act. The  
12 fee shall be paid to the supplier or seller of such tires  
13 or spikes or studs, who shall remit such fees to the  
14 Department of Motor Vehicles.

15 (2) The Department of Motor Vehicles shall adopt  
16 rules and regulations to provide for the administration  
17 of sections 1 and 2 of this act. The department shall  
18 provide forms and stickers to sellers or suppliers of  
19 such tires or sets of studs and spikes. The forms shall  
20 be used to collect information on the purchaser,  
21 including his or her name and address, and shall be  
22 remitted bi-monthly to the department along with the  
23 service use charges collected. The sticker shall be  
24 given to the purchaser by the seller or supplier at the  
25 time the service use fee is paid, and such sticker shall  
1 contain the number of tires with studs or spikes on the  
2 vehicle and shall be displayed in the vehicle's rear  
3 window as to be readily visible to a law enforcement  
4 officer. The department shall issue renewal stickers to  
5 such tire users pursuant to section 2 of this act.

6 Sec. 2. The sticker received by the purchaser  
7 pursuant to section 1 of this act shall be valid for one  
8 year from the date of sale of the spiked or studded tires  
9 or the set of studs or spikes. The user shall submit a  
10 renewal fee of twenty dollars per tire to the Department  
11 of Motor Vehicles in order to continue to use such tires  
12 for the following year. The department upon receipt of  
13 the fee shall send a renewal sticker valid for one year  
14 from its issuance to the user of such tire or tires. The  
15 sticker may be renewed on an annual basis.

16 Sec. 4. Any person who (1) uses studded or  
17 spiked tires without paying the twenty dollar fee, (2)  
18 fails to display the sticker as prescribed, (3) fails to  
19 renew such sticker, or (4) sells such tires or sets of  
20 studs or spikes without collecting the fee or completing  
21 the forms provided by the department, shall be guilty of  
22 a Class IV misdemeanor.”.

23 2. On page 2, reinstate the stricken matter in  
24 line 26 and insert “tires purchased for which the twenty  
25 dollar fee has been paid and sticker issued pursuant to

26 sections 1 and 2 of this act, (2)".

1 3. On page 3, line 10 strike the new matter and  
2 reinstate the stricken matter; and in line 20, strike "3  
3 and 5" and insert "1 to 4 and 6".

4 4. Renumber original sections 4 and 5 as  
5 sections 5 and 6, respectively.

### ATTORNEY GENERAL'S OPINION

Opinion No. 218

February 6, 1980

Dear Senator Hoagland:

You have requested this office to review the provisions of LB 261, as amended and passed to Select File, and to consider whether it accomplishes the intended objective without creating unanticipated problems.

LB 261 would submit to the electors an amendment to Article V, section 5, of the Nebraska Constitution regarding the nature and formation of Supreme Court judicial districts. Pursuant to said amendment, the judicial districts would correspond identically to the congressional districts of the state and an equal number of judges of the Supreme Court would be selected from each district. The term of office of any judge currently serving on the court would not be altered; such a judge would continue to serve from the district from which he was selected. Present constitutional language regarding the effect of redistricting would be retained. Said language provides that whenever the Supreme Court is redistricted, judges then serving continue in office and the law effecting the redistricting shall specify as necessary which newly established district such a judge represents for the remainder of his term.

As mentioned in your correspondence, tying judicial districts directly to congressional districts and mandating the selection of an equal number of judges from each district, may pose problems upon a change in the number of congressional districts. Pursuant to 2 U.S.C.A. § 2a, reapportionment of Representatives may occur after each decennial census of the population. If the number of Representatives to which Nebraska is entitled would increase to four or five, it would be impossible to comply with the mandate of selecting an equal number of judges from each district.

Similarly, problems might arise upon a change in the structure of the Supreme Court. A change in the number of judges on the court might render it impossible to comply with the mandate of selecting an equal number of judges from each judicial district. For example, if the

number of judges on the court were to be increased to nine, since the Chief Justice is not selected from a judicial district, it would not be possible to comply with the mandate of selecting an equal number of eight judges from three districts.

The proposed constitutional amendment is presently feasible. However, its continued viability is contingent upon the constancy of the congressional districts as well as the structure of the Supreme Court. A change in either may necessitate further revision of this constitutional provision. In the event of the above described contingencies, changes necessitated thereby might be less troublesome if the constitutional amendment at issue would be of a more general nature, authorizing implementing legislation which could describe more particularly an interrelationship between congressional districts and Supreme Court judicial districts.

If we can be of any further assistance, please advise.

Yours truly,  
PAUL L. DOUGLAS  
Attorney General  
Lynne Rae Fritz  
Assistant Attorney General

(Signed)

LR/cmb  
cc: Patrick O'Donnell  
Clerk of the Legislature

**SPEAKER MARVEL PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 685.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 816.** Title read. Considered.

Standing Committee amendment found in the Journal on page 551 for the Eighteenth Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 766.** Title read. Considered.

Messrs. Kennedy and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Keyes moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Advanced to E & R for Review with 26 ayes, 5 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

**LEGISLATIVE BILL 810.** Title read. Considered.

Mr. Hefner offered the following amendment:  
Add the Emergency Clause to LB 810.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

### STANDING COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 913.** Placed on General File as amended.  
Standing Committee amendment to LB 913:

1. On page 2 line 9 after "owner" insert "by educational, religious, charitable, or cemetery organizations".
2. On page 3 reinstate the stricken matter in lines 3 through 5.

(Signed) Calvin F. Carsten, Chairperson

#### Public Health and Welfare

**LEGISLATIVE BILL 932.** Placed on General File.  
**LEGISLATIVE BILL 951.** Placed on General File.

**LEGISLATIVE BILL 958.** Placed on General File as amended.  
Standing Committee amendment to LB 958:

1. On page 5, line 18 reinstate "Governor" and strike "Department of Health".
2. On page 6, lines 5, 20, and 24, reinstate "Governor" and strike "department".

**LEGISLATIVE BILL 728.** Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 701A.** By Kremer, 34th District.  
This bill introduced on behalf of: LB 701.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 701, Eighty-sixth Legislature, Second Session, 1980.

**GENERAL FILE**

**LEGISLATIVE BILL 621.** Title read. Considered.

Standing Committee amendments found in the Journal on page 472 for the Fifteenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Kelly asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 635.** Title read. Considered.

Standing Committee amendments found in the Journal on page 477 for the Fifteenth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 986.** Laid over.

**LEGISLATIVE BILL 703.** Title read. Considered.

Standing Committee amendment found in the Journal on page 487 for the Sixteenth Day was considered.

Mr. George moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Standing Committee amendment was adopted with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

### STANDING COMMITTEE REPORTS Nebraska Retirement Systems

**LEGISLATIVE BILL 230.** Placed on General File.

(Signed) Steve Fowler, Chairperson

#### Business and Labor

**LEGISLATIVE BILL 798.** Placed on General File as amended.  
Standing Committee amendment to LB 798:

2 1. Strike original section 1 and insert the  
3 following:

4 "Section 1. That section 48-665, Reissue Revised  
5 Statutes of Nebraska, 1943, be amended to read as  
6 follows:

7 48-665. Any person who, ~~by reason of his fraud,~~  
8 has received any sum as benefits under sections 48-601 to  
9 48-669 to which he or she was not entitled shall, ~~in the~~  
10 ~~discretion of the commissioner,~~ be liable to repay such  
11 sum to the commissioner for the fund. ~~or, if the~~  
12 ~~existence of such fraud has been found by a court of~~  
13 ~~competent jurisdiction or in a redetermination proceeding~~  
14 ~~pursuant to section 48-631, to have such sum deducted~~  
15 ~~from any future benefits payable to him under said~~  
16 ~~sections. If any person, other than by reason of his~~  
17 ~~fraud, has received any sum as benefits under said~~  
18 ~~sections to which under a redetermination or decision~~  
19 ~~pursuant to sections 48-630 to 48-640 he has been found~~  
20 ~~not entitled, he shall be liable to repay such sum or, in~~  
21 ~~the discretion of the commissioner, be liable to have~~  
22 ~~such sum deducted from~~ Any such erroneous benefit  
23 payments shall be collectible: (1) Without interest by  
24 civil action in the name of the commissioner, or (2) by  
25 offset against any future benefits payable to him the  
1 claimant with respect to the benefit year current at the  
2 time of such receipt, or any benefit year which may  
3 commence within one year after the end of such current  
4 benefit year; Provided, that no such recoupment ~~from~~ by  
5 the withholding of future benefits shall be had if such

6 sum was received by such person without fault on his or  
 7 her part and such recoupment would defeat the purpose of  
 8 sections 48-601 to 48-669 or would be against equity and  
 9 good conscience. ~~In any case in which under this section~~  
 10 ~~claimant is liable to repay to the commissioner any sum~~  
 11 ~~for the fund, such sum shall be collectible without~~  
 12 ~~interest by civil action in the name of the commissioner.~~  
 13 Sec. 3. Since an emergency exists, this act  
 14 shall be in full force and take effect, from and after  
 15 its passage and approval, according to law.”.

**LEGISLATIVE BILL 719.** Indefinitely postponed.

**LEGISLATIVE BILL 811.** Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 742.** Title read. Considered.

Standing Committee amendment found in the Journal on page 492 for the Sixteenth Day was considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendment:

Req. #2096

- 2 1. Insert the following new section:
- 3 “Section 1. That section 77-112, Reissue Revised
- 4 Statutes of Nebraska, 1943, be amended to read as
- 5 follows:
- 6 77-112. Actual value of property for taxation
- 7 shall mean and include the fair market value of property.
- 8 Fair market value shall mean the price at which the
- 9 property would change hands between a willing buyer and a
- 10 willing seller, neither being under any compulsion to buy
- 11 or to sell and both having reasonable knowledge of
- 12 relevant facts. for taxation that is ascertained by
- 13 using the following formula where applicable: (1)
- 14 Earning capacity of the property; (2) relative location;
- 15 (3) desirability and functional use; (4) reproduction
- 16 cost less depreciation; (5) comparison with other
- 17 properties of known or recognized value; (6) market value
- 18 in the ordinary course of trade; and (7) existing zoning
- 19 of the property.”.
- 20 2. On page 2, line 18 strike “section” and
- 21 insert “sections 77-112 and”; and in line 19 strike “is”
- 22 and insert “are”.

23 3. Renumber original sections 1 and 2 as  
24 sections 2 and 3 respectively.

Amendment pending.

**MR. NICHOL PRESIDING**

Laid over at the request of Mr. Keyes.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 914.** Title read. Considered.

Standing Committee amendment found in the Journal on page 526 for the Seventeenth Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 723.** Title read. Considered.

Standing Committee amendments found in the Journal on page 527 for the Seventeenth Day were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 857.** Title read. Considered.

Standing Committee amendment found in the Journal on page 531 for the Eighteenth Day was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 733.** Title read. Considered.

Standing Committee amendments found in the Journal on page 531 for the Eighteenth Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 291.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch offered the following amendment:

Amend LB 733 on page 3 in lines 21 and 24 reinsert 65 and strike 70.

Mr. Koch moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Dworak requested a roll call vote on the Koch amendment.

Voting in the affirmative, 22:

|            |            |          |        |        |
|------------|------------|----------|--------|--------|
| Barrett    | Fitzgerald | Keyes    | Marvel | Wagner |
| Carsten    | George     | Koch     | Merz   | Warner |
| Chambers   | Hefner     | Kremer   | Nichol |        |
| Chronister | Hoagland   | Labeledz | Rumery |        |
| Cope       | Johnson    | Landis   | Sieck  |        |

Voting in the negative, 18:

|         |         |        |          |         |
|---------|---------|--------|----------|---------|
| Beutler | Kahle   | Maresh | Powers   | Vickers |
| Burrows | Kennedy | Marsh  | Reutzel  | Wesely  |
| Dworak  | Lamb    | Murphy | Stoney   |         |
| Fowler  | Lewis   | Newell | Venditte |         |

Present and not voting, 3:

|        |       |       |
|--------|-------|-------|
| DeCamp | Kelly | Simon |
|--------|-------|-------|

Excused and not voting, 5:

|       |        |          |        |        |
|-------|--------|----------|--------|--------|
| Clark | Cullan | Haberman | Pirsch | Schmit |
|-------|--------|----------|--------|--------|

Absent and not voting, 1:

Goodrich

Laid over.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 44, 61, 641, 650, 697, 700, 734, and 735.

(Signed) Don Wesely, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 496A.** By Warner, 25th District.  
This bill introduced on behalf of: LB 496.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 496, Eighty-sixth Legislature, First Session, 1979.

**REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 7, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Belt, Bradley - Lincoln, Association of Students of the University of Nebraska (ASUN)  
Crosby, Guenzel, Davis, Kessner & Kuester:  
Crosby, Robert B. - Lincoln, Ideal Basic Industries Inc. (PCA)  
Dunn, Donald L. - Lincoln, Ideal Basic Industries Inc. (PCA)  
Dougherty, Oren, E. - Englewood, CO, Eli Lilly and Company  
Joeckel, Mary Katherine - Lincoln, Lombardi, Richard A.  
Johnson, James D. - Kearney, Committee for the Oldwest Regional College of Veterinary Medicine  
Lilley, Roy W. - Alliance, Nebraska Stock Growers Association  
Ninegar, Louis C. - Kearney (Withdrawn 2/7/80), Board of Trustees, State Colleges  
Perry, Edwin C. - Lincoln, Mid-American Lumbermen's Association  
Tews and Radcliffe:  
Radcliffe, Walter H. - Lincoln, Nebraska Correctional Officers Union  
Ryan, James E. - Lincoln, Thoroughbred Racing Association of Nebraska

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 219

February 7, 1980

Dear Senator Murphy:

You ask our opinion as to the constitutionality of legislation supposedly implementing Article VIII, section 12 of the Nebraska Constitution, dealing with the acquiring and redeveloping by a city or village of substandard or blighted property. Part of the legislation you inquire about is found in LB 158, passed by the Legislature last year, and part is found in LB 986, which is now pending.

With respect to the provisions in LB 158, we must call your attention to the letter of this office to the Clerk of the Legislature, dated December 28, 1972, and found in Volume 1, page 36 of the 1973 Legislative Journal. We enclose a copy of that letter herein. In that letter we said that we could not give an opinion to a senator on the constitutionality of or interpretation of a bill which has already become law. This policy precludes our commenting on the provisions of LB 158, which provisions are now found in sections 18-2101.01 through 18-2153, R.S.Supp., 1979.

LB 986 would amend the third sentence of section 18-2101.01, R.S.Supp., 1979 to read as follows, with the amendatory language underlined:

“ . . . Any such city or village is also granted power and authority to do all community development activities, and to do all things necessary to cooperate with the federal government in all matters relating to community development program activities as a grantee, or as an agent or otherwise, under the provisions of the federal Housing and Community Development Act of 1974, Public Law 93-383, 93rd Congress or any such subsequent or similar legislation. . . .”

The question immediately arises as to whether this constitutes delegation of legislative authority to Congress, since it may be construed to grant to Congress the authority to enlarge or alter the powers of cities and villages by federal legislation. It is clear that the Legislature may adopt by reference the provisions of a federal act in force at the time of the passage of the state act. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 1 (1935) makes it clear that to make the provisions of a state statute dependent upon federal legislation to be passed in the future constitutes an unlawful delegation of legislative power to Congress.

While it is, perhaps, not perfectly clear that the amendatory language was intended to alter the powers of cities and villages upon

the amendment of federal laws, it is at least susceptible of that interpretation, and for that reason is, in our opinion, highly suspect.

Section 2 of the bill would amend section 18-2103 (12) (b), R.S.Supp., 1979 to add to the improvements authorized for a redevelopment project the following: public spaces, parking facilities, pedestrian shopping malls or plazas, sidewalks or moving sidewalks, convention and civic centers, bus stop shelters, lighting, benches or other similar furniture, trash receptacles, shelters, skywalks and pedestrian and vehicular overpasses and underpasses, and other useful and necessary public improvements.

As a constitutional matter, the only question is whether these would be public purposes. We believe they are. We are not sure precisely what is intended by shopping malls and plazas or convention and civic centers, but we assume that they would be public facilities, and would not involve the municipalities' getting into private commercial activities. So far as parking facilities are concerned, the Nebraska Supreme Court has held that the operation of parking facilities is a public purpose. See Omaha Parking Authority v. City of Omaha, 163 Neb. 97, 77 N.W.2d 862 (1956).

Section 3 of the bill would amend section 18-2107, R.S.Supp., 1979 to authorize a community development authority to establish a revolving loan fund. However, we find no other reference in the bill to this fund, and we have no way of knowing to what use the fund is to be put. If it were to be used to make loans to private individuals, such use might constitute lending the credit of the state in aid of individuals, associations, or corporations, in violation of Article XIII, section 3 of the Nebraska Constitution. Not knowing, however, what use the fund is to be put to, we cannot comment further. The mere establishing of a fund would not appear to involve a constitutional question.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Ralph H. Gillan  
Assistant Attorney General

RHG:pes

Enclosure

cc: Patrick O'Donnell  
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kahle asked unanimous consent to print the following amendments to LB 628 in the Journal. No objections. So ordered.

(1)

- 1 1. Strike original sections 1 through 6.
- 2 2. On page 8, line 10 after the semicolon
- 3 insert "except as provided in sections 3 to 6 of this
- 4 act."; in line 11 strike the new matter and reinstate
- 5 the stricken matter; in line 12 strike "9 to 12" and
- 6 insert "3 to 6" and in line 25 strike "12" and insert
- 7 "6".
- 8 3. On page 10, line 16 strike "9" and insert
- 9 "3".
- 10 4. On page 13, strike beginning with "Sections"
- 11 in line 21 through "15" in line 24 and insert "Sections
- 12 5, 6, and 9".
- 13 5. On page 14, line 1 strike "sections" and
- 14 insert "section"; in lines 1 and 2 strike "23-1114.02
- 15 to 23-1114.07 and"; in line 3 strike "are" and insert
- 16 "is"; and in line 4 strike "9 and 10" and insert "3
- 17 and 4".
- 18 6. Renumber original sections 7 through 15
- 19 as sections 1 through 9.

(2)

- 1 1. Strike original sections 1 through 6.
- 2 2. On page 8, line 10 after the semicolon
- 3 insert "except as provided in sections 3 and 4 of this
- 4 act."; in line 11 strike the new matter and reinstate
- 5 the stricken matter; in line 12 strike "9 to 12" and
- 6 insert "3 and 4"; and in lines 23 through 25 strike
- 7 the new matter.
- 8 3. Strike original sections 11 to 15.
- 9 4. On page 10, line 16 strike "9" and insert
- 10 "3".
- 11 5. Insert a new section as follows:
- 12 "Sec. 5. That original section 33-1117, Reissue
- 13 Revised Statutes of Nebraska, 1943, is repealed."
- 14 6. Renumber original sections 7 to 10 as sections
- 15 1 to 4 respectively.

Mr. Johnson asked unanimous consent to print the following amendment to LB 892 in the Journal. No objections. So ordered.

Req. #2091

- 2 1. Insert a new section as follows:
- 3 "Sec. 2. That section 24-525, Reissue Revised
- 4 Statutes of Nebraska, 1943, be amended to read as
- 5 follows:

- 6 24-525. All matters in the Small Claims Court  
 7 shall be tried to the court without a jury. If the  
 8 defendant in any action desires trial to a jury, ~~to~~  
 9 ~~transfer the case to the regular docket, he or she shall~~  
 10 give notice to the court prior to the time set for the  
 11 hearing, and the case shall be transferred to the regular  
 12 docket of the county or municipal court and shall  
 13 thereafter be subject to all provisions of law and rules  
 14 of court applicable to proceedings in the county or  
 15 municipal court. ~~The party causing the transfer of a~~  
 16 ~~case from the Small Claims Court to the regular docket~~  
 17 ~~shall pay a fee of eight dollars at the time he files his~~  
 18 ~~setoff, counterclaim, or request for such transfer.”.~~  
 19 2. On page 4, line 2 after “original” insert  
 20 “section 24-525, Reissue Revised Statutes of Nebraska,  
 21 1943, and”; and in line 3 strike “is” and insert “are”.  
 22 3. Renumber original section 2 as section 3.

## STANDING COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 681.** Placed on General File.

**LEGISLATIVE BILL 730.** Placed on General File.

(Signed) William E. Nichol, Chairperson

### Revenue

**LEGISLATIVE BILL 616.** Placed on General File as amended.  
 Standing Committee amendment to LB 616:

1. On page 2 line 22 after “sold” insert “, destroyed,”.

(Signed) Calvin F. Carsten, Chairperson

## UNANIMOUS CONSENT - Member Excused

Mr. Johnson asked unanimous consent to be excused Monday, February 11, 1980 and Tuesday, February 12, 1980. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Ole Christian Lagesen, Deputy Managing Editor, Norwegian Broadcasting Corporation from Oslo, Norway, and Esther Bronson, Lincoln; 15 students and teacher from Ryan High School, Omaha; Marlene Napier from North Platte; Ruth Meisner from Gering; and Donna Butcher from Morrill.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Monday, February 11, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**TWENTY-SECOND DAY - FEBRUARY 11, 1980**  
**LEGISLATIVE JOURNAL**

**TWENTY-SECOND DAY - FEBRUARY 11, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 11, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

We are grateful for the lives of men and women who serve the needs of their times. The life of Abraham Lincoln speaks to us of the possibilities of our own lives. As we celebrate his birthday we would ask of Thee to help us to acquire his spirit of compassion, patience, and courage. Help us also to respond to the cries for help and guidance in our own times; this day is such a time; give us then a right spirit for the cries of this day. As Lincoln died to make men free, may we in our time enact those laws which shall further free the hearts and minds and lives of all in our day. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Johnson and Koch who were excused; and Mrs. Pirsch, Messrs. Chambers, Cullan, Haberman, Newell, Simon, and Wesely who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 613, line 25, insert:

The Koch amendment lost with 22 ayes, 18 nays, 3 present and not voting, 5 excused and not voting, and 1 absent and not voting.

The Journal for the Twenty-First Day was approved as corrected.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 602.** Placed on Select File.

**LEGISLATIVE BILL 645.** Placed on Select File as amended.  
E & R amendment to LB 645:

1. In the title, line 6, strike "and"; and in line 7,  
insert "; and to declare an emergency" after "section".

**LEGISLATIVE BILL 654.** Placed on Select File as amended.  
E & R amendment to LB 654:

1. In the title, line 5, strike "and"; and in line 6,  
insert "; and to declare an emergency" after "section".

**Correctly Engrossed**

The following bills were correctly engrossed: 319, 481, and 698.

(Signed) Don Wesely, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 11, 1980, at 8:45 a.m., were  
the following bills: 186 and 413.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**MESSAGE FROM THE GOVERNOR**

February 8, 1980

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

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 203.

This bill was signed by me on February 7, 1980 and delivered to the  
Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

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

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 319:

Line 6 has been amended to read "inmates of correctional facilities; to provide that certain information not be made public; to".

(Signed) Emory P. Burnett, E & R Attorney

**REPORT**

Received copy of proposed lease from the Department of Education/Division of Rehabilitation Services regarding additional space. (On file in the Clerk's Office.)

**SELECT FILE**

**LEGISLATIVE BILL 184A.** E & R amendments found in the Journal on page 586 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 607.** E & R amendment found in the Journal on page 586 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 599.** E & R amendment found in the Journal on page 586 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 658.** E & R amendments found in the Journal on page 586 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 687.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 636.** E & R amendments found in the Journal on page 587 for the Twentieth Day were adopted.

Mr. Hoagland requested a machine vote to advance LB 636.

Advanced to E & R for Engrossment with 27 ayes, 2 nays, 12 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 688.** E & R amendment found in the Journal on page 587 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

**STANDING COMMITTEE REPORTS**  
**Agriculture and Environment**

**LEGISLATIVE BILL 759.** Placed on General File.

**LEGISLATIVE BILL 631.** Placed on General File.

**LEGISLATIVE BILL 797.** Placed on General File.

(Signed) Loran Schmit, Chairperson

**Public Works**

**LEGISLATIVE BILL 739.** Placed on General File as amended.  
Standing Committee amendments to LB 739:

- 1 1. On page 6, line 19 strike "3" and insert
- 2 "4"; strike lines 21 and 22 and insert the following:
- 3 "Sec. 4. That original section 2-3213, Reissue
- 4 Revised Statutes of Nebraska, 1943, ~~and also sections~~
- 5 ~~46-614 to 46-625, 46-627, 46-628, and 46-631 to 46-634,~~
- 6 ~~Reissue Revised Statutes of Nebraska, 1943, section~~
- 7 ~~46-629, Revised Statutes Supplement, 1976, and sections~~
- 8 ~~46-626 and 46-630, Revised Statutes Supplement, 1977,~~
- 9 ~~are is repealed."~~
- 10 2. Insert two new sections as follows:
- 11 "Sec. 4. Section 5 of this act shall become
- 12 operative on January 1, 1987. The other sections of
- 13 this act shall become operative on their effective date.
- 14 Sec. 5. That sections 46-614 to 46-634, Reissue
- 15 Revised Statutes of Nebraska, 1943, are repealed."
- 16 3. On page 6, line 26 strike "3," and insert
- 17 "4, and also Laws 1978, LB 411, section 3,".
- 18 4. Renumber original section 4 as section 6.

**LEGISLATIVE BILL 27.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

**UNANIMOUS CONSENT - Members Excused**

Messrs. DeCamp and Lewis asked unanimous consent to be excused for a short time. No objections. So ordered.

**RESOLUTION ON FINAL READING**

The following Resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 30.**

WHEREAS, the 95th Congress of the United States of America at its second session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

**“JOINT RESOLUTION**

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

**ARTICLE**

Section 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, The District constituting the seat of government of the United States shall be treated as though it were a State.

Section 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

Section 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

Section 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislature of three-fourths of the several States within seven years from the date of its submission.”

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That such proposed amendment to the Constitution of the United States be rejected.

2. That the Clerk of the Legislature send copies of this resolution to the Administrator of the General Services Administration, the

President of the United States Senate, and the Speaker of the United States House of Representatives.

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, 31:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Keyes    | Murphy  | Venditte |
| Burrows    | Goodrich | Kremer   | Nichol  | Vickers  |
| Carsten    | Haberman | Labeledz | Pirsch  | Wagner   |
| Chronister | Hefner   | Lamb     | Reutzel |          |
| Clark      | Kahle    | Maresh   | Rumery  |          |
| Cope       | Kelly    | Marvel   | Sieck   |          |
| Dworak     | Kennedy  | Merz     | Stoney  |          |

Voting in the negative, 9:

|            |          |        |        |        |
|------------|----------|--------|--------|--------|
| Beutler    | Fowler   | Landis | Newell | Wesely |
| Fitzgerald | Hoagland | Marsh  | Powers |        |

Present and not voting, 2:

|        |        |
|--------|--------|
| Schmit | Warner |
|--------|--------|

Excused and not voting, 7:

|          |         |       |       |
|----------|---------|-------|-------|
| Chambers | DeCamp  | Koch  | Simon |
| Cullan   | Johnson | Lewis |       |

Having received a constitutional majority voting in the affirmative, the resolution was declared passed.

Mr. Murphy asked unanimous consent to be excused for a short time. No objections. So ordered.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 185.

A BILL FOR AN ACT relating to crimes and punishments; to make it unlawful to use false or misleading advertisements; and to provide a penalty.

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:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Keyes    | Newell  | Venditte |
| Beutler    | George   | Kremer   | Nichol  | Vickers  |
| Burrows    | Goodrich | Labeledz | Pirsch  | Wagner   |
| Carsten    | Haberman | Lamb     | Powers  | Warner   |
| Chronister | Hefner   | Landis   | Reutzel | Wesely   |
| Clark      | Hoagland | Maresh   | Rumery  |          |
| Cope       | Kahle    | Marsh    | Schmit  |          |
| Dworak     | Kelly    | Marvel   | Sieck   |          |
| Fitzgerald | Kennedy  | Merz     | Stoney  |          |

Voting in the negative, 0.

Excused and not voting, 8:

|          |         |       |        |
|----------|---------|-------|--------|
| Chambers | DeCamp  | Koch  | Murphy |
| Cullan   | Johnson | Lewis | Simon  |

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

**LEGISLATIVE BILL 235.** With Emergency.

A BILL FOR AN ACT relating to real property; to provide for validation of certain instruments not duly approved purporting to subdivide real estate as prescribed; 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:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Fitzgerald | Kennedy | Newell  | Venditte |
| Beutler    | Fowler     | Keyes   | Nichol  | Vickers  |
| Burrows    | George     | Kremer  | Pirsch  | Wagner   |
| Carsten    | Goodrich   | Lamb    | Powers  | Warner   |
| Chronister | Haberman   | Landis  | Reutzel | Wesely   |
| Clark      | Hefner     | Maresh  | Rumery  |          |
| Cope       | Hoagland   | Marsh   | Schmit  |          |
| DeCamp     | Kahle      | Marvel  | Sieck   |          |
| Dworak     | Kelly      | Merz    | Stoney  |          |

Voting in the negative, 0.

Present and not voting, 1:

Labeledz

Excused and not voting, 7:

|          |         |        |       |
|----------|---------|--------|-------|
| Chambers | Johnson | Lewis  | Simon |
| Cullan   | Koch    | Murphy |       |

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 284.**

A BILL FOR AN ACT to amend sections 39-6,177, 39-6,178, and 39-6,180, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,179, Revised Statutes Supplement, 1979, relating to rules of the road; to provide certain exceptions for rubber tired cranes as prescribed; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Merz    | Sieck    |
| Beutler    | Fowler     | Keyes    | Murphy  | Simon    |
| Burrows    | George     | Kremer   | Newell  | Stoney   |
| Carsten    | Goodrich   | Labeledz | Nichol  | Venditte |
| Chronister | Haberman   | Lamb     | Pirsch  | Vickers  |
| Clark      | Hefner     | Landis   | Powers  | Wagner   |
| Cope       | Hoagland   | Maresh   | Reutzel | Warner   |
| DeCamp     | Kahle      | Marsh    | Rumery  | Wesely   |
| Dworak     | Kelly      | Marvel   | Schmit  |          |

Voting in the negative, 0.

Excused and not voting, 5:

|          |        |         |      |       |
|----------|--------|---------|------|-------|
| Chambers | Cullan | Johnson | Koch | Lewis |
|----------|--------|---------|------|-------|

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

**LEGISLATIVE BILL 483.** Mrs. Marsh moved to return LB 483 to Select File for the specific amendment found in the Journal on page 595.

The motion prevailed with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 483.** The Marsh specific amendment found in the Journal on page 595 was adopted with 29 ayes, 4 nays, 11 present and not voting, and 5 excused and not voting.

Mrs. Marsh requested a roll call vote to advance LB 483.

Voting in the affirmative, 25:

|            |        |        |          |         |
|------------|--------|--------|----------|---------|
| Beutler    | George | Lamb   | Newell   | Simon   |
| Carsten    | Hefner | Landis | Nichol   | Vickers |
| DeCamp     | Kelly  | Marsh  | Pirsch   | Wagner  |
| Fitzgerald | Keyes  | Marvel | Reutzell | Warner  |
| Fowler     | Kremer | Merz   | Sieck    | Wesely  |

Voting in the negative, 18:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Dworak   | Kahle    | Murphy | Stoney   |
| Chronister | Goodrich | Kennedy  | Powers | Venditte |
| Clark      | Haberman | Labeledz | Rumery |          |
| Cope       | Hoagland | Maresh   | Schmit |          |

Present and not voting, 1:

Burrows

Excused and not voting, 5:

|          |        |         |      |       |
|----------|--------|---------|------|-------|
| Chambers | Cullan | Johnson | Koch | Lewis |
|----------|--------|---------|------|-------|

Advanced to E & R for Re-Engrossment with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

**UNANIMOUS CONSENT - Member Excused**

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 525.**

A BILL FOR AN ACT relating to zoning; to provide for community living arrangements as prescribed.

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, 27:

|          |          |        |         |        |
|----------|----------|--------|---------|--------|
| Beutler  | Hefner   | Maresh | Reutzel | Wagner |
| Burrows  | Hoagland | Marsh  | Rumery  | Warner |
| Chambers | Kelly    | Merz   | Schmit  | Wesely |
| DeCamp   | Keyes    | Newell | Sieck   |        |
| Fowler   | Kremer   | Pirsch | Stoney  |        |
| George   | Landis   | Powers | Vickers |        |

Voting in the negative, 15:

|         |            |          |          |          |
|---------|------------|----------|----------|----------|
| Barrett | Cope       | Goodrich | Labeledz | Nichol   |
| Carsten | Dworak     | Kahle    | Lamb     | Simon    |
| Clark   | Fitzgerald | Kennedy  | Marvel   | Venditte |

Present and not voting, 2:

Chronister Murphy

Excused and not voting, 5:

|        |          |         |      |       |
|--------|----------|---------|------|-------|
| Cullan | Haberman | Johnson | Koch | Lewis |
|--------|----------|---------|------|-------|

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

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 535.**

A BILL FOR AN ACT to amend sections 49-1409, 49-1410, 49-1413, 49-1427, 49-1445, 49-1446, 49-1449, 49-1451, 49-1454, 49-1459 to 49-1464, 49-1466, 49-1469, 49-1472, 49-1479, 49-1496, 49-14,121, and 49-14,129, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Political Accountability and Disclosure Commission; to define and redefine terms; to change and clarify provisions relating to committees and filings; to delete a salary limitation; to prohibit certain acts; to provide penalties; 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, 11:

|            |          |         |        |
|------------|----------|---------|--------|
| Beutler    | Hoagland | Merz    | Warner |
| Burrows    | Landis   | Reutzel | Wesely |
| Fitzgerald | Marsh    | Simon   |        |

Voting in the negative, 29:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Dworak   | Kelly    | Maresh | Rumery   |
| Carsten    | George   | Kennedy  | Marvel | Schmit   |
| Chambers   | Goodrich | Keyes    | Newell | Stoney   |
| Chronister | Haberman | Kremer   | Nichol | Venditte |
| Cope       | Hefner   | Labeledz | Pirsch | Vickers  |
| DeCamp     | Kahle    | Lamb     | Powers |          |

Present and not voting, 5:

|       |        |        |       |        |
|-------|--------|--------|-------|--------|
| Clark | Fowler | Murphy | Sieck | Wagner |
|-------|--------|--------|-------|--------|

Excused and not voting, 4:

|        |         |      |       |
|--------|---------|------|-------|
| Cullan | Johnson | Koch | Lewis |
|--------|---------|------|-------|

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 597.**

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1001 to 25-1004, 25-1009 to 25-1011, 25-1016, 25-1024, 25-1025, 25-1029, 25-1030, 25-1041, 25-1050, and 25-1056, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to attachments as prescribed; to change provisions relating to garnishments in aid of execution; to repeal the original sections, and also sections 25-1012, 25-1038, and 25-1053, Reissue Revised Statutes of Nebraska, 1943, and section 25-1013, Revised Statutes Supplement, 1978.

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:

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Barrett    | Dworak     | Keyes  | Newell  | Venditte |
| Beutler    | Fitzgerald | Kremer | Nichol  | Vickers  |
| Burrows    | Fowler     | Labedz | Pirsch  | Wagner   |
| Carsten    | George     | Lamb   | Reutzel | Warner   |
| Chambers   | Goodrich   | Landis | Rumery  | Wesely   |
| Chronister | Haberman   | Maresh | Schmit  |          |
| Clark      | Hefner     | Marsh  | Sieck   |          |
| Cope       | Hoagland   | Marvel | Simon   |          |
| DeCamp     | Kelly      | Murphy | Stoney  |          |

Voting in the negative, 1:

Merz

Present and not voting, 3:

Kahle          Kennedy          Powers

Excused and not voting, 4

Cullan          Johnson          Koch          Lewis

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

**MOTION - Reconsider Action on LB 535**

Mr. DeCamp moved to reconsider action on LB 535 on Final Reading.

Motion pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Vickers asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

Amend LB 628 on pages 2-3 & 4 by changing the dollar amounts as follows:

- 15,000 to 13,500
- 18,000 to 16,500
- 21,000 to 19,500
- 24,500 to 23,000
- 27,500 to 26,000
- 32,000 to 30,500

**STANDING COMMITTEE REPORTS**

**Judiciary**

**LEGISLATIVE BILL 680.** Placed on General File as amended.  
Standing Committee amendment to LB 680:

1. On page 2, line 23 strike "necessity" and insert "public purpose".

**LEGISLATIVE BILL 892.** Placed on General File as amended.  
Standing Committee amendment to LB 892:

1. On page 3 strike lines 25 and 26 and insert:  
"(7) Judgments rendered against a defendant in his or her absence may not be set aside but may only be appealed as governed by".

(Signed) William E. Nichol, Chairperson

**EXPLANATION OF VOTE**

Under the provision of Article 5 of the United States Constitution, amendments to the Constitution do not become effective until and unless they are ratified by the Legislature of three-fourths of the several States. While I do not support the proposed amendment contained in Legislative Resolution 30 I see no need or purpose served by the adoption of the resolution as presented and therefore did not vote.

(Signed) Jerome Warner

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kelly asked unanimous consent to print the following amendment to LB 863 in the Journal. No objections. So ordered.

- 1 1. On page 2 line 5 strike "Power", show as  
2 stricken, and insert "Powerless".
- 3 2. Insert the following new section:  
4 "Sec. 2. After the effective date of this act,  
5 whenever the name Nebraska Power Review Board appears  
6 in the statutes it shall be taken to mean the Nebraska  
7 Powerless Review Board. The Revisor of Statutes shall  
8 make the changes in the statutes necessary to reflect  
9 such name change.".
- 10 3. Renumber remaining sections accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 615.** Title read. Considered.

Standing Committee amendments found in the Journal on page 429 for the Twelfth Day were considered.

Messrs. DeCamp and Wagner offered the following amendment to the Standing Committee amendments:

- 2 1. Strike committee amendment 1.
- 3 2. On page 2, in line 7, reinstate "the" and  
4 strike "a"; in line 8 strike beginning with "annually"  
5 through "mile" in line 9 and insert "for state employees  
6 pursuant to section 84-306.03,"; in line 23, reinstate  
7 "the" and strike "a"; and in line 24 strike beginning  
8 with "annually" through "mile" in line 25 and insert "for  
9 state employees pursuant to section 84-306.03,".
- 10 3. Insert a new section:  
11 "Sec. 6. That section 84-306.03, Revised  
12 Statutes Supplement, 1979, be amended to read as follows:  
13 84-306.03. (1) If a trip or trips, included in  
14 an expense claim filed under sections 84-306.01 and  
15 84-306.02, are made by personal automobile or otherwise,  
16 only one mileage claim shall be allowed for each mile  
17 actually and necessarily traveled in each calendar month  
18 by the most direct route, regardless of the fact that one  
19 or more persons are transported in the same motor  
20 vehicle. Reimbursement on such claims shall be computed  
21 on the following basis: If a trip is made by personal  
22 automobile at the convenience of the agency involved, the  
23 reimbursement rate shall be ~~sixteen~~ twenty-one cents per  
24 mile. If a trip is made by personal automobile primarily

25 at the convenience of the state officer or employee,  
 1 previously agreed upon by the officer or employee and the  
 2 agency involved, the reimbursement rate shall be the  
 3 prevailing rate established by the transportation  
 4 services bureau of the Department of Administrative  
 5 Services. Funds expended for parking may be claimed in  
 6 addition to mileage.

7 (2) The payment of mileage shall be limited to  
 8 the actual cost of travel at the rates established in  
 9 subsection (1) of this section or the cost of commercial  
 10 transportation, whichever is less. Savings of productive  
 11 time shall be taken into consideration when making the  
 12 comparison. No additional rate of mileage shall be  
 13 allowed to state inspectors or others who carry state  
 14 equipment by motor vehicle, regardless of the weight  
 15 thereof.”.

16 4. On page 9, line 4 strike “and”; and in line 6  
 17 after the second comma insert “and section 84-306.03,  
 18 Revised Statutes Supplement, 1979,”.

19 5. Renumber remaining sections accordingly.

Mr. Wagner moved the previous question. The question is “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The DeCamp-Wagner amendment was adopted with 21 ayes, 3 nays, 22 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment to the Standing Committee amendments:

In line 23 on page 1 of the DeCamp amendment, strike “~~twenty one~~” and insert “eighteen and one-half”.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

Mr. DeCamp requested a roll call vote on the Warner amendment to the Standing Committee amendments.

Voting in the affirmative, 17:

|         |         |        |        |        |
|---------|---------|--------|--------|--------|
| Carsten | George  | Landis | Murphy | Wesely |
| Clark   | Kennedy | Maresh | Rumery |        |
| Cope    | Kremer  | Marsh  | Stoney |        |
| Dworak  | Lamb    | Marvel | Warner |        |

Voting in the negative, 26:

|            |          |        |          |         |
|------------|----------|--------|----------|---------|
| Barrett    | Fowler   | Keyes  | Powers   | Vickers |
| Beutler    | Goodrich | Lewis  | Reutzel  | Wagner  |
| Burrows    | Haberman | Merz   | Schmit   |         |
| Chronister | Hefner   | Newell | Sieck    |         |
| DeCamp     | Hoagland | Nichol | Simon    |         |
| Fitzgerald | Kahle    | Pirsch | Venditte |         |

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Cullan Johnson Koch

Absent and not voting, 2:

Kelly Labeledz

The Warner amendment lost with 17 ayes, 26 nays, 1 present and not voting, 3 excused and not voting, and 2 absent and not voting.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 499A.** By DeCamp, 40th District.  
This bill introduced on behalf of: LB 499.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 499, Eighty-sixth Legislature, First Session, 1979.

### **UNANIMOUS CONSENT - Print in Journal**

Mr. Wesely asked unanimous consent to print the following amendment to LB 499 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee amendments on
- 2 page 1, line 8 after the comma insert "and"; in line
- 3 10 after "Fund" insert a period and strike the
- 4 remainder of the section; and in line 17 strike "8"
- 5 and insert "6".

- 6 2. In the Standing Committee amendments  
 7 strike sections 7, 8, 11 to 15, and 18.  
 8 3. In the Standing Committee amendments  
 9 on page 3, line 6 after the period insert "The use  
 10 of such proceeds shall be annually reviewed by the  
 11 Legislature's Committee on Appropriations."  
 12 4. In the Standing Committee amendments  
 13 renumber sections 9, 10, 16, 17, 19, and 20 as  
 14 sections 7 to 12 respectively.  
 15 5. Strike Kahle-Hoagland amendments 2  
 16 through 5 to the Standing Committee amendments.  
 17 6. Strike the Beutler amendments to the  
 18 Standing Committee amendments.  
 19 7. Strike the DeCamp amendments to the Standing  
 20 Committee amendments and the Kahle-Hoagland  
 amendments.

Mr. Newell asked unanimous consent to print the following amendment to LB 485 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2093.)

### NOTICE OF COMMITTEE HEARINGS Public Health and Welfare

|        |                            |           |
|--------|----------------------------|-----------|
| LB 989 | Tuesday, February 26, 1980 | 2:00 p.m. |
| LB 990 | Tuesday, February 26, 1980 | 2:00 p.m. |

(Signed) Samuel K. Cullan, Chairperson

### STANDING COMMITTEE REPORTS Agriculture and Environment

**LEGISLATIVE BILL 833.** Placed on General File as amended. Standing Committee amendments to LB 833:

1. On page 2, line 4 strike "Every" and insert "(1) Except as provided in subsection (2) of this section, every Every"; in line 14 before "two" insert "not to exceed"; in line 16 after the period insert "The tax shall be set in the manner prescribed in subsection (3) of this section."; and in line 17 strike "each working day" and show as stricken.

2. After line 25 insert two new subsections as follows:

"(2) In lieu of the quarterly statements required under subsection (1) of this section, potato shippers whose annual volume of potatoes sold or shipped does not exceed one million, eight hundred thousand pounds may file an annual statement on

or before the last day of January each year, setting forth the number of pounds of potatoes grown in Nebraska which were sold or shipped during the preceding year.

(3) The department shall, upon the recommendation of the committee, have the power to set the excise tax prescribed in subsection (1) of this section. The tax shall be one cent per hundred pounds from the effective date of this act until adjusted by the department. Adjusted rates shall be effective for periods of not less than one year. The applicable rate of the excise tax shall be prescribed in rules and regulations adopted by the department in the manner prescribed by law."

(Signed) Loran Schmit, Chairperson

### Constitutional Revision and Recreation

**LEGISLATIVE BILL 82.** Placed on General File as amended.  
Standing Committee amendments to LB 82:

2 1. Strike original section 1 and insert the  
3 following new section:

4 "Section 1. That at the general election in  
5 November, 1980, there shall be submitted to the electors  
6 of the State of Nebraska for approval the following  
7 amendment to Article V, sections 28, 29, and 30, of the  
8 Constitution of Nebraska, which is hereby proposed by the  
9 Legislature:

10 "Sec. 28. The Legislature shall provide for a  
11 Commission on Judicial Qualifications consisting of: (1)  
12 ~~Two Judges of the Supreme Court, two judges of the~~  
13 ~~various district courts, one judge of a municipal court,~~  
14 ~~one judge of the Nebraska Workmen's Compensation Court,~~  
15 ~~and one judge of the county courts~~ Three judges,  
16 including one district court judge, one county court  
17 judge, and one judge of any other court inferior to the  
18 Supreme Court as now exists or may hereafter be created  
19 by law, all of whom shall be appointed by the Chief  
20 Justice of the Supreme Court; (2) ~~two~~ three members of  
21 the Nebraska State Bar Association who shall have  
22 practiced law in this state for at least ten years and  
23 who shall be appointed by the Executive Council of the  
24 Nebraska State Bar Association; and (3) ~~two~~ three  
25 citizens, ~~neither~~ none of whom shall be a Justice or  
1 Judge of the Supreme Court or judge of any court, active  
2 or retired, nor a member of the Nebraska State Bar  
3 Association, and who shall be appointed by the Governor;  
4 and (4) the Chief Justice of the Supreme Court, who shall  
5 serve as its chairperson.

6 ~~Sec. 29. The Commission on Judicial~~  
7 ~~Qualifications shall select one of its members to serve~~  
8 ~~as its chairman.~~ The commission shall act by a vote of

9 the majority of its members and no action of the  
 10 commission shall be valid unless concurred in by the  
 11 majority of its members.

12 Sec. 30. (1) A Justice or Judge of the Supreme  
 13 Court or judge of any court of this state may be  
 14 reprimanded, disciplined, censured, suspended without pay  
 15 for a definite period of time, not to exceed six months,  
 16 or removed from office for (a) willful misconduct in  
 17 office, (b) willful disregard of or failure to perform  
 18 his or her duties, (c) habitual intemperance, (d)  
 19 conviction of a crime involving moral turpitude, ~~or~~ (e)  
 20 disbarment as a member of the legal profession licensed  
 21 to practice law in the State of Nebraska, or (f) conduct  
 22 prejudicial to the administration of justice that brings  
 23 the judicial office into disrepute, or he or she may be  
 24 retired for physical or mental disability seriously  
 25 interfering with the performance of his or her duties if  
 26 such disability is determined to be permanent or  
 27 reasonably likely to become permanent. Any citizen of  
 1 the State of Nebraska may request the Commission on  
 2 Judicial Qualifications to consider the qualifications of  
 3 any Justice or Judge of the Supreme Court or other judge,  
 4 and in such event, the commission shall make such  
 5 investigation as the commission deems necessary and ~~in~~  
 6 ~~its discretion may~~ shall, upon a finding of probable  
 7 cause, privately reprimand such Justice or Judge of the  
 8 Supreme Court or other judge or order a formal open  
 9 hearing to be held before it concerning the reprimand,  
 10 discipline, censure, suspension, removal, or retirement  
 11 of such Justice or Judge of the Supreme Court or other  
 12 judge. In the alternative or in addition, the commission  
 13 may request the Supreme Court to appoint one or more  
 14 special masters who shall be judges of courts of record  
 15 to ~~hear and~~ hold a formal open hearing to take evidence  
 16 in any such matter, and to report to the commission. If,  
 17 after formal open hearing, or after considering the  
 18 record and report of the masters, the commission finds  
 19 ~~good cause therefor~~ that the charges are established by  
 20 clear and convincing evidence, it shall recommend to the  
 21 Supreme Court that the Justice or Judge of the Supreme  
 22 Court or other judge involved shall be reprimanded,  
 23 disciplined, censured, suspended without pay for a  
 24 definite period of time not to exceed six months,  
 25 removed, or retired as the case may be.

26 (2) The Supreme Court shall review the record of  
 27 the proceedings and in its discretion may permit the  
 1 introduction of additional evidence. The Supreme Court  
 2 shall make such determination as it finds just and  
 3 proper, and may order the reprimand, discipline, censure,  
 4 suspension, removal, or retirement of such Justice or

5 Judge of the Supreme Court or other judge, or may wholly  
 6 reject the recommendation. Upon an order for retirement,  
 7 the Justice or Judge of the Supreme Court or other judge  
 8 shall thereby be retired with the same rights and  
 9 privileges as if he or she had retired pursuant to  
 10 statute. Upon an order for removal, the Justice or Judge  
 11 of the Supreme Court or other judge shall be removed from  
 12 office, and his or her salary shall cease from the date  
 13 of such order, and he or she shall be ineligible for  
 14 judicial office. Upon an order for suspension, the  
 15 Justice or Judge of the Supreme Court or other judge  
 16 shall draw no salary and shall perform no judicial  
 17 functions during the period of suspension. Suspension  
 18 shall not create a vacancy in the office of Justice or  
 19 Judge of the Supreme Court or other judge.

20 (3) Upon order of the Supreme Court, a Justice of  
 21 Judge of the Supreme Court or other judge shall be  
 22 disqualified from acting as a Justice or Judge of the  
 23 Supreme Court or other judge, without loss of salary,  
 24 while there is pending (a) an indictment or information  
 25 charging him or her in the United States with a crime  
 26 punishable as a felony under Nebraska or federal law or  
 27 (b) a recommendation to the Supreme Court by the  
 1 Commission on Judicial Qualifications for his or her  
 2 removal or retirement.

3 (4) In addition to the procedure set forth in  
 4 subsections (1) and (2) of this section, on  
 5 recommendation of the Commission on Judicial  
 6 Qualifications or on its own motion, the Supreme Court  
 7 may suspend a Justice or Judge of the Supreme Court or  
 8 other judge from office without salary when in any court  
 9 in the United States such justice or judge pleads guilty  
 10 or no contest to or is found guilty of a crime punishable  
 11 as a felony under Nebraska or federal law or of any other  
 12 crime that involves moral turpitude. If his or her  
 13 conviction is reversed, suspension shall terminate and he  
 14 or she shall be paid his or her salary for the period of  
 15 suspension. If he or she is suspended and his or her  
 16 conviction becomes final the Supreme Court shall remove  
 17 him or her from office.

18 (3) (5) All papers filed with and proceedings  
 19 before the commission or masters appointed by the Supreme  
 20 Court pursuant to this section prior to any formal open  
 21 hearing shall be confidential, and the The filing of  
 22 papers with and the testimony given before the commission  
 23 or masters or the Supreme Court shall be deemed a  
 24 privileged communication. The Supreme Court shall by  
 25 rule provide for procedure under this section before the  
 26 commission, the masters, and the Supreme Court.

1 (4) (6) No Justice or judge who is a member of

2 ~~the commission or of the Supreme Court Judge of the~~  
 3 ~~Supreme Court or other judge~~ shall participate, as a  
 4 member of ~~such~~ the commission, or as a master, or as a  
 5 member of the Supreme Court, in any proceedings involving  
 6 his ~~or her own reprimand, discipline, censure,~~  
 7 ~~suspension, removal, or retirement.’’~~  
 8 2. On page 5, line 27 after “amendment” insert  
 9 “to change membership of the Commission on Judicial  
 10 Qualifications and”.

(Signed) Barry L. Reutzell, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 701A.** Title read. Considered.

#### MR. CLARK PRESIDING

Advanced to E & R for Review with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 496A.** Title read. Considered.

#### SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 507.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1167 for the Fifty-Sixth Day, First Session, (Req. #2771) were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Kremer renewed his pending amendment found in the Journal on page 576.

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

Laid over.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 988, for the approval of the Nebraska State Legislature.

**LB**      **Committee**  
988      Appropriations

(Signed)    Frank Lewis, Chairperson  
                 Executive Board

**VISITORS**

Visitors to the Chamber were 20 students and teacher from Chadron State College, Chadron; and Roland Langemeier of Schuyler.

**ADJOURNMENT**

At 12:10 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Tuesday, February 12, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**TWENTY-THIRD DAY - FEBRUARY 12, 1980**  
**LEGISLATIVE JOURNAL**

**TWENTY-THIRD DAY - FEBRUARY 12, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 12, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

Eternal God, our Father, we are grateful for leaders of the past who stand out as peaks among the foothills. May we not by mere repetition lose the message that "we hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness."

As it becomes evident that freedoms and ideals are never won once and for all, but must require continual vigilance, may this body dedicate itself to the goals which have made our nation great, and apply them in present decisions. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Johnson and Koch who were excused; and Messrs. DeCamp, Fitzgerald, Fowler, Newell, and Powers who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twenty-Second Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 747.** Placed on Select File.  
**LEGISLATIVE BILL 629.** Placed on Select File.  
**LEGISLATIVE BILL 648.** Placed on Select File.

**LEGISLATIVE BILL 863.** Placed on Select File.

**LEGISLATIVE BILL 701.** Placed on Select File.

**LEGISLATIVE BILL 685.** Placed on Select File as amended.  
E & R amendments to LB 685:

1. Insert a new section to read:

"Sec. 2. The Revisor of Statutes shall incorporate the amendments made in section 1 of this act into section 23-343.01 as amended by Laws 1979, LB 187, section 103."

2. Renumber original section 2 as section 3.

3. In the title, line 5, insert "to provide a duty for the Revisor of Statutes;" after the semicolon.

**LEGISLATIVE BILL 816.** Placed on Select File.

**LEGISLATIVE BILL 766.** Placed on Select File.

**LEGISLATIVE BILL 810.** Placed on Select File as amended.  
E & R amendments to LB 810:

1. Because of the Hefner amendment, insert a new section as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In the title, line 6, strike "and"; and in line 7 after "section" insert "; and to declare an emergency".

**LEGISLATIVE BILL 621.** Placed on Select File.

**LEGISLATIVE BILL 635.** Placed on Select File as amended.  
E & R amendment to LB 635:

1. In the Standing Committee amendments, page 1, line 15, strike "attorneys" and insert "attorney".

**LEGISLATIVE BILL 703.** Placed on Select File as amended.  
E & R amendment to LB 703:

1. In the title, line 5, insert "and other limitations" after "limitation".

**LEGISLATIVE BILL 914.** Placed on Select File.

**LEGISLATIVE BILL 723.** Placed on Select File as amended.  
E & R amendment to LB 723:

1. In the title, at the end of line 9, insert "to provide operative dates;"

**LEGISLATIVE BILL 857.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 11, 1980

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

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 186.

This bill was signed by me on February 11, 1980 and delivered to the Secretary of State.

Sincerely  
(Signed) CHARLES THONE  
Governor

CT:mh

**RESOLUTION**

**LEGISLATIVE RESOLUTION 196.** Read. Considered.

LR 196 was adopted with 35 ayes, 0 nays, and 14 not voting.

**STANDING COMMITTEE REPORT**  
**Public Works**

**LEGISLATIVE BILL 842.** Placed on General File as amended.  
Standing Committee amendment to LB 842:

1. On page 3, strike beginning with the underscored comma in line 7 through "welfare" in line 9.

(Signed) Maurice A. Kremer, Chairperson

**MOTION - Return LB 221 to Select File**

Mr. Wesely moved to return LB 221 to Select File for the following specific amendment:

- 1 1. On page 8 line 25 after "act" insert "or who
- 2 has been required to register for the draft".
- 3 2. On page 11 strike beginning with "persons"
- 4 in line 12 through "age" in line 13, show the old matter
- 5 as stricken and insert "a minor"; strike beginning with
- 6 "person" in line 17 through "age" in line 18, show the old

- 7 matter as stricken, and insert "minor"; and strike beginning  
 8 with "person" in line 19 through "years" in line 20, show  
 9 the old matter as stricken, and insert "minor".  
 10 3. On page 13 line 13, strike "OVER 49 21 AND"  
 11 and show the old matter as stricken.  
 12 4. In the DeCamp amendment on page 122 of the  
 13 Journal strike amendments 2 and 3.  
 14 5. Insert the following new section:  
 15 "Sec. 4. A draft card shall be sufficient  
 16 documentary evidence to establish that the person whose  
 17 name appears on the card has registered for the draft and  
 18 is entitled to purchase, possess, use, or consume alcoholic  
 19 liquors.".  
 20 6. Renumber remaining sections accordingly.

Mr. Wesely withdrew his motion.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 221.

A BILL FOR AN ACT to amend sections 53-102, 53-103, 53-180.02, and 53-180.04, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to redefine minor; to permit certain employment; 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, 31:

|            |          |        |          |         |
|------------|----------|--------|----------|---------|
| Barrett    | Haberman | Lamb   | Pirsch   | Vickers |
| Burrows    | Hefner   | Landis | Powers   | Wagner  |
| Carsten    | Kahle    | Maresh | Reutzel  | Warner  |
| Chronister | Kelly    | Marvel | Rumery   |         |
| Clark      | Kennedy  | Merz   | Sieck    |         |
| Cope       | Kremer   | Murphy | Stoney   |         |
| George     | Labedz   | Nichol | Venditte |         |

Voting in the negative, 13:

|         |          |       |        |        |
|---------|----------|-------|--------|--------|
| Beutler | Fowler   | Keyes | Newell | Wesely |
| Cullan  | Goodrich | Lewis | Schmit |        |
| Dworak  | Hoagland | Marsh | Simon  |        |

Present and not voting, 1:

Chambers

Excused and not voting, 4:

DeCamp      Fitzgerald      Johnson      Koch

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

**LEGISLATIVE BILL 306.** Mr. Hoagland withdrew his pending amendment found in the Journal on page 572.

**MR. CLARK PRESIDING**

Mrs. Marsh moved to return LB 306 to Select File for the following specific amendment:

Strike the enacting clause.

**SPEAKER MARVEL PRESIDING**

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

**MR. LEWIS PRESIDING**

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Vickers asked unanimous consent to be excused for a short time. No objections. So ordered.

The Marsh motion to return LB 306 to Select File lost with 18 ayes, 22 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Beutler moved to return LB 306 to Select File for the following specific amendment:

1. On page 2, line 10, strike beginning with "provided" through "decedents." in line 13, and insert: "provided, a surviving joint owner shall have all the same defenses in any action to collect the debt as the decedent debtor would have had, and further provided, that any amount recovered under this act against a surviving joint owner may not be greater than the amount which the creditor could have recovered against the decedent debtor had he or she survived."

2. Strike section 2 and insert:

Section 2. "Section 1 shall not in any manner result in, or be construed to impose, a lien upon any interest in real or personal property; except that the entry of a judgment against a surviving joint owner as the result of the personal liability created by Section 1 shall have the same effect as any other judgment lien in the State of Nebraska."

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Chambers appealed the decision of the Chair on closing debate, pursuant to Rule 7, Sec. 4. The question is, "Shall the Chair be overruled?" The motion lost with 11 ayes, 20 nays, and 18 not voting.

The Chair was sustained.

The Beutler motion to return LB 306 to Select File for his specific amendment prevailed with 25 ayes, 13 nays, 5 present and not voting, and 6 excused and not voting.

The Chair stated the Beutler amendment would be taken up when we reach Select File.

Mr. Landis appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 8 ayes, 14 nays, and 27 not voting.

The Chair was sustained.

Mr. Chambers moved to adjourn.

### **SPEAKER MARVEL PRESIDING**

The motion lost with 8 ayes, 27 nays, and 14 not voting.

Mr. Fowler asked unanimous consent to be excused until 11:15 a.m. No objections. So ordered.

### **LEGISLATIVE BILL 442. With Emergency.**

A BILL FOR AN ACT relating to technical community college teachers; to provide a probationary period; to amend section 79-1254.02, Revised Statutes Supplement, 1978; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

|            |          |         |         |          |
|------------|----------|---------|---------|----------|
| Barrett    | DeCamp   | Kennedy | Merz    | Sieck    |
| Beutler    | Dworak   | Keyes   | Murphy  | Simon    |
| Burrows    | George   | Kremer  | Newell  | Stoney   |
| Carsten    | Goodrich | Lamb    | Nichol  | Venditte |
| Chambers   | Haberman | Landis  | Pirsch  | Vickers  |
| Chronister | Hefner   | Lewis   | Powers  | Warner   |
| Clark      | Hoagland | Maresh  | Reutzel | Wesely   |
| Cope       | Kahle    | Marsh   | Rumery  |          |
| Cullan     | Kelly    | Marvel  | Schmit  |          |

Voting in the negative, 0.

Present and not voting, 1:

Labeledz

Excused and not voting, 5:

|            |        |         |      |        |
|------------|--------|---------|------|--------|
| Fitzgerald | Fowler | Johnson | Koch | Wagner |
|------------|--------|---------|------|--------|

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 526.**

A BILL FOR AN ACT relating to tuition and fees at state educational institutions; to provide for reimbursement of certain tuition credits.

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, 31:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | DeCamp   | Kahle    | Maresh  | Rumery   |
| Carsten    | Dworak   | Kennedy  | Merz    | Sieck    |
| Chambers   | George   | Labeledz | Murphy  | Simon    |
| Chronister | Goodrich | Lamb     | Newell  | Stoney   |
| Cope       | Hefner   | Landis   | Powers  | Venditte |
| Cullan     | Hoagland | Lewis    | Reutzel | Warner   |

Wesely

Voting in the negative, 0.

Present and not voting, 13:

|         |          |        |        |         |
|---------|----------|--------|--------|---------|
| Beutler | Haberman | Kremer | Nichol | Vickers |
| Burrows | Kelly    | Marsh  | Pirsch |         |
| Clark   | Keyes    | Marvel | Schmit |         |

Excused and not voting, 5:

|            |        |         |      |        |
|------------|--------|---------|------|--------|
| Fitzgerald | Fowler | Johnson | Koch | Wagner |
|------------|--------|---------|------|--------|

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

**LEGISLATIVE BILL 598.** With Emergency.

A BILL FOR AN ACT to amend sections 49-508, 49-508.01, and 49-707, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislature; to change distribution of certain publications; to provide that the Revisor of Statutes shall cause the statutes to be copyrighted; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | DeCamp   | Keyes    | Murphy  | Stoney   |
| Beutler    | Dworak   | Kremer   | Newell  | Venditte |
| Burrows    | George   | Labeledz | Nichol  | Vickers  |
| Carsten    | Goodrich | Lamb     | Pirsch  | Wagner   |
| Chambers   | Haberman | Landis   | Reutzel | Warner   |
| Chronister | Hefner   | Lewis    | Rumery  | Wesely   |
| Clark      | Hoagland | Maresh   | Schmit  |          |
| Cope       | Kahle    | Marsh    | Sieck   |          |
| Cullan     | Kennedy  | Merz     | Simon   |          |

Voting in the negative, 0.

Present and not voting, 3:

Kelly            Marvel            Powers

Excused and not voting, 4:

Fitzgerald    Fowler            Johnson           Koch

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

**UNANIMOUS CONSENT - Member Excused**

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

**SPEAKER'S ORDER**

The following bills have been scheduled for SPECIAL ORDER:

LB 619            Wednesday, February 13, 1980

LB 628            Wednesday, February 13, 1980

LB 228            Tuesday, February 19, 1980

LB 612            Thursday, February 21, 1980

LB 486            Tuesday, February 26, 1980

(Signed)    Richard D. Marvel, Speaker

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 701A.** Placed on Select File.

**LEGISLATIVE BILL 496A.** Placed on Select File.

(Signed)    Don Wesely, Chairperson

**STANDING COMMITTEE REPORTS**

**Revenue**

**LEGISLATIVE BILL 689.** Placed on General File as amended.

Standing Committee amendments to LB 689:

2            1. Strike original section 1 and insert the

3 following new sections:

4            "Section 1. That section 77-1318, Reissue

5 Revised Statutes of Nebraska, 1943, be amended to read as

6 follows:

7 77-1318. All taxes charged under the provisions  
8 of section 77-1317 shall be exempt from any back interest  
9 or penalty, and shall be collected in the same manner as  
10 other taxes levied upon real estate, except for taxes  
11 charged on improvements to real property made after  
12 September 1, 1980. Interest at the rate provided in  
13 section 77-207, Revised Statutes Supplement, 1979, and  
14 the following penalties for late reporting or failure to  
15 report such improvements shall be collected in the same  
16 manner as other taxes levied upon real property. The  
17 penalty for late reporting or failure to report  
18 improvements made to real property after September 1,  
19 1980, shall be as follows: (1) A penalty of twelve per  
20 cent of the tax due on the improvements for each taxing  
21 period for improvements voluntarily filed or reported;  
22 and (2) a penalty of twenty per cent of the tax due on  
23 improvements not voluntarily reported for taxation  
24 purposes. No penalty shall be charged in excess of one  
25 thousand dollars per year. For purposes of this section  
1 improvement shall mean any new structure or addition to  
2 an existing structure.

3 Sec. 2. That section 77-1718, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 77-1718. On or before October 1 of each year,  
7 the county treasurer must issue and deliver to the  
8 sheriff of ~~his~~ the county, distress warrants against all  
9 persons having delinquent personal tax for that year (1)  
10 unless such a person shall have paid such delinquent  
11 personal taxes in full, on or before July 1, with  
12 interest at the rate of ~~nine~~ eleven per cent per annum or  
13 (2) unless such person shall, on or before July 1, file  
14 with the treasurer an affidavit that he or she is unable  
15 by reason of poverty to pay any such tax, in which case a  
16 distress warrant shall not be issued until ordered by the  
17 county board. At least thirty days prior to the issuance  
18 of a distress warrant, the county treasurer shall mail a  
19 notice to the delinquent taxpayer that, unless payment of  
20 the delinquent tax is made within thirty days, distress  
21 warrant will be issued. Each such distress warrant shall  
22 include all delinquent personal taxes of the person  
23 against whom issued. When distress warrants have been  
24 issued and turned over to the sheriff, the county  
25 treasurer shall report and certify to the county board  
26 the total number of distress warrants issued and the  
27 total amount of money involved. A copy of this report  
1 shall be filed with the Tax Commissioner."

2 2. On page 3, line 3 strike "section" and insert  
3 "sections" and after "77-1318" insert "and 77-1718"; and  
4 in line 4 strike "is" and insert "are".

- 5 3. Renumber original section 2 as section 3.

(Signed) Calvin F. Carsten, Chairperson

**Education**

**LEGISLATIVE BILL 764.** Placed on General File.

**LEGISLATIVE BILL 819.** Placed on General File.

(Signed) Jerry D. Koch, Chairperson

**Constitutional Revision and Recreation**

**LEGISLATIVE BILL 637.** Placed on General File as amended.  
Standing Committee amendments to LB 637:

1. On page 2 line 1 strike "general" and insert "primary"; and in line 2 strike "November" and insert "May".

2. On page 3 line 3 strike "political subdivision" and insert "municipality or county"; in line 4 after "construction" insert "and operation" and after "plants" insert "and facilities"; in line 5 after "production" insert ", storage, and distribution"; and strike beginning with "gasohol" in line 5 through "Nebraska" in line 7 and insert "agricultural ethyl alcohol".

3. On page 4 lines 12 and 13 strike "political subdivision" and insert "municipality or county"; in line 14 strike "of gasohol plants" and insert "and operation of agricultural ethyl alcohol plants and facilities".

(Signed) Barry L. Reutzell, Chairperson

**UNANIMOUS CONSENT - Member Excused**

Mr. Venditte asked unanimous consent to be excused Wednesday and Thursday, February 13 and February 14, 1980. No objections. So ordered.

**MR. CLARK PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 261.** Mr. Warner renewed his pending amendment found in the Journal on page 548 (Req. #2061).

**SPEAKER MARVEL PRESIDING**

Mr. Warner moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Warner amendment lost with 17 ayes, 20 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

**LEGISLATIVE BILL 602.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 654.** E & R amendment found in the Journal on page 621 for the Twenty-Second Day was adopted.

Mr. Nichol offered the following amendment:

1. Added a new Section 2 to read as follows:  
"Sec. 2. That Section 16-620, Reissued Revised Statutes of Nebraska, 1943, be amended to read as follows:  
16-620. Streets; improvements; objections of property powers; effect. If the owners of the record title representing more than fifty per cent of the front footage of the property abutting or adjoining ~~one~~ any continuous or extended ~~thoroughfare or more~~ street, cul de sac, or alley of the district, or portion thereof which is closed at one end, and who were such owners at the time the ordinance creating the district was published, shall file with the city clerk, within twenty days from the first publication of said notice, written objections to the improvement of a district, said work shall not be done in said district under said ordinance, but said ordinance shall be repealed. If objections are not filed against any district in the time and manner aforesaid, the mayor and council shall forthwith proceed to construct such improvement.
2. Renumber section 2 as section 3, and amend it to read as follows:  
"Sec. 3. That original sections 16-618 and 16-620, Reissue Revised Statutes of Nebraska, 1943, are repealed."

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

Advanced to E & R for Engrossment.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hefner asked unanimous consent to print the following amendment to LB 810 in the Journal. No objections. So ordered.

- 1 1. On page 2, line 24 strike "A copy of the"
- 2 and insert "The"; and strike line 25 and insert "kept
- 3 on file with the local fire department for a period
- 4 of one year."

**RESOLUTION**

**LEGISLATIVE RESOLUTION 198.**

Introduced by DeCamp, 40th District.

WHEREAS, the continuation of railroad service in Nebraska is essential to maintaining this state's most valuable industry, its agriculture, and a shutdown of a single railroad line will result in loss of income and sources of energy to this state and its citizens; and

WHEREAS, the Interstate Commerce Commission has ordered the Rock Island Line to continue service through March 2, after which date the line will be shut down, leaving Nebraska farmers, shippers, and coal plants along the line without economical alternatives to transport their products, unless other arrangements for the line's purchase or maintenance can be made; and

WHEREAS, railroads in similar financial conditions to the Rock Island Line have been or are being successfully operated through federal and state assistance or private investment; and

WHEREAS, Governor Thone has urged a study to be conducted on the possible investment in the Nebraska Rock Island Line by three private railroad companies and the Governor has further stated to the presidents of these railroads that Nebraska is prepared to assist them in their investments.

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

1. That the Legislature requests the Department of Economic Development to conduct a study which will determine the costs and impact to the state if the state acquires, supervises, invests, or makes some other commitment, in the Rock Island Line which runs through Nebraska, in order to provide continued service on that line.

2. That the department's study be conducted with as much accuracy as possible and include, but not be limited to, the following areas:

(a) A compilation of the costs involved for the state if it acquires or maintains the Rock Island Line, or takes any other alternative action.

(b) The types and amounts of possible benefits available to the state as a result of such commitment by the state.

(c) The liabilities and any other obligations the state would acquire or be responsible for, by such action.

(d) The necessary length of the state's commitment or involvement in the Rock Island Line and the possibility of the state transferring control to private companies in the future.

(e) The possible alternatives and costs involved for the state in providing technical assistance and other aid to private companies investing in the line.

3. That the Department of Economic Development complete its study within ten days from the passage of this resolution, and immediately thereafter report its findings and recommendations to this Legislature.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 612A.** By Simon, 31st District.

This bill introduced on behalf of: LB 612.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 612, Eighty-sixth Legislature, Second Session, 1980.

### **GENERAL FILE**

**LEGISLATIVE BILL 507.** Considered.

Advanced to E & R for Review with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 690A.** By Executive Board: Lewis, 45th District, Chairman.

This bill introduced on behalf of: LB 690.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, Eighty-sixth Legislature, Second Session, 1980.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 483.

**Correctly Engrossed**

The following bills were correctly engrossed: 184A, 599, 607, 636, 658, 687, and 688.

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORTS**  
**Business and Labor**

**LEGISLATIVE BILL 800.** Placed on General File as amended.  
Standing Committee amendments to LB 800:

1. On page 8 in lines 10 and 13 strike "ten" and insert "twenty-five".
2. On page 18, line 24 strike "(i)" and strike "or nonservice"; and strike beginning with the underscored comma in line 24 through the underscored comma in line 26.

**LEGISLATIVE BILL 623.** Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

**VISITORS**

Visitors to the Chamber were 40 members and teacher of CETA, Omaha District; Mrs. Ray Powers, Mary Powers, and Ray Powers III of Omaha.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Mr. Reutzel, the Legislature adjourned until 9:00 a.m., Wednesday, February 13, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FOURTH DAY - FEBRUARY 13, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 13, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

O Lord our God, as we seek Thy guidance this day, we do not ask to see the distant scene, knowing that we can take only one step at a time. Make that first step plain to us, that we may see where our duty lies, but give us a push, that we may start in the right direction. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Koch and Venditte who were excused; and Messrs. Fowler, Hoagland, and Lewis who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twenty-Third Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 261, 602, and 654.

**Correctly Enrolled**

The following resolution and bills were correctly enrolled: LR 30, LB 185, 235, 284, 525, 597, 221, 442, 526, and 598.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LB 185, 235, 284, 525, 597, 221, 442, 526, 598, LR 30, and LR 196.

**MOTION - Return LB 44 to Select File**

Mr. Beutler moved to return LB 44 to Select File for the following specific amendment:

1. On page 3, line 24 strike beginning with "equal" through "dollars", show the old matter as stricken, and insert ", in amount determined annually by the Tax Commissioner pursuant to section 2 of this act.".

2. Insert a new section as follows:

"Sec. 2. For the tax year commencing on or after January 1, 1980, there shall be allowed a food sales tax credit of twenty-eight dollars. For each year thereafter the Tax Commissioner shall adjust the previous year's credit by a percentage equal to the percentage change from July 1 of the previous year to July 1 of the current year in the Food at Home computation of Consumer Prices published by the federal government in its Economic Indicators prepared for the Joint Economic Committee by the Council of Economic Advisers. If the Tax Commissioner determines that the computation of the Food at Home category of Consumer Prices has been altered since the effective date of this act, the Commissioner shall set the food sales tax credit for all tax years following the change at the amount set for the last tax year prior to the change in the method of computation."

3. Renumber remaining sections accordingly.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Beutler motion lost with 19 ayes, 26 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Chambers asked unanimous consent to pass over LB 44 on Final Reading.

Mr. Clark objected.

Mr. Chambers moved to pass over LB 44 on Final Reading.

The motion lost with 13 ayes, 24 nays, 9 present and not voting, and 3 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 44.**

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1978, relating to revenue and taxation; to increase the food sales tax credit; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 42:

|          |         |          |          |            |
|----------|---------|----------|----------|------------|
| Barrett  | Beutler | Burrows  | Carsten  | Chronister |
| Clark    | Cope    | DeCamp   | Dworak   | Fitzgerald |
| Fowler   | George  | Goodrich | Haberman | Hefner     |
| Hoagland | Johnson | Kahle    | Kelly    | Kennedy    |
| Keys     | Kremer  | Labeledz | Lamb     | Landis     |
| Maresh   | Marsh   | Marvel   | Murphy   | Newell     |
| Nichol   | Pirsch  | Powers   | Reutzel  | Rumery     |
| Schmit   | Sieck   | Simon    | Vickers  | Wagner     |
| Warner   | Wesely  |          |          |            |

Voting in the negative, 4:

|          |        |      |        |
|----------|--------|------|--------|
| Chambers | Cullan | Merz | Stoney |
|----------|--------|------|--------|

Excused and not voting, 3:

|      |       |          |
|------|-------|----------|
| Koch | Lewis | Venditte |
|------|-------|----------|

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

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 61.** With Emergency.

A BILL FOR AN ACT to amend sections 14-116 and 15-901, Reissue Revised Statutes of Nebraska, 1943, and section 23-174.03, Revised Statutes Supplement, 1978, relating to real estate; to change an exception from subdivision regulations as prescribed; to redefine terms; 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, 36:

|         |          |          |            |          |
|---------|----------|----------|------------|----------|
| Barrett | Beutler  | Chambers | Chronister | Clark    |
| Cope    | Cullan   | Dworak   | Fitzgerald | Fowler   |
| George  | Goodrich | Haberman | Hefner     | Hoagland |
| Johnson | Kelly    | Kremer   | Labeledz   | Landis   |
| Marsh   | Marvel   | Merz     | Newell     | Nichol   |
| Pirsch  | Powers   | Reutzel  | Rumery     | Sieck    |
| Simon   | Stoney   | Vickers  | Wagner     | Warner   |
| Wesely  |          |          |            |          |

Voting in the negative, 9:

|         |         |        |        |         |
|---------|---------|--------|--------|---------|
| Burrows | Carsten | DeCamp | Kahle  | Kennedy |
| Keyes   | Lamb    | Maresh | Schmit |         |

Present and not voting, 1:

Murphy

Excused and not voting, 3:

|      |       |          |
|------|-------|----------|
| Koch | Lewis | Venditte |
|------|-------|----------|

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

#### **SPEAKER MARVEL PRESIDING**

#### **LEGISLATIVE BILL 641. With Emergency.**

A BILL FOR AN ACT to amend sections 71-5602, 71-5603, 71-5605, 71-5606, 71-5608, and 71-5612, Revised Statutes Supplement, 1978, relating to rural health manpower; to define terms; to provide for staff support as prescribed; to provide for the selection of a director; to change the termination date of the commission and the referral service; 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:

|            |          |         |          |            |
|------------|----------|---------|----------|------------|
| Barrett    | Beutler  | Burrows | Carsten  | Chronister |
| Clark      | Cope     | Cullan  | DeCamp   | Dworak     |
| Fitzgerald | Fowler   | George  | Goodrich | Haberman   |
| Hefner     | Hoagland | Johnson | Kahle    | Kelly      |
| Kennedy    | Keyes    | Kremer  | Labedz   | Lamb       |
| Landis     | Maresh   | Marsh   | Marvel   | Merz       |
| Murphy     | Newell   | Nichol  | Pirsch   | Powers     |
| Reutzel    | Rumery   | Schmit  | Sieck    | Simon      |
| Stoney     | Vickers  | Wagner  | Warner   | Wesely     |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Koch                  Lewis                  Venditte

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 650.**

A BILL FOR AN ACT to amend section 76-902, Revised Statutes Supplement, 1978, relating to the Documentary Stamp Act; to provide for an exception to the tax as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Beutler    | Burrows  | Carsten | Chambers |
| Chronister | Clark      | Cope     | Cullan  | DeCamp   |
| Dworak     | Fitzgerald | Fowler   | George  | Goodrich |
| Haberman   | Hefner     | Hoagland | Johnson | Kahle    |
| Kelly      | Kennedy    | Keyes    | Kremer  | Labedz   |
| Lamb       | Landis     | Maresh   | Marsh   | Marvel   |
| Merz       | Murphy     | Newell   | Nichol  | Pirsch   |
| Powers     | Reutzel    | Rumery   | Schmit  | Sieck    |
| Simon      | Stoney     | Vickers  | Wagner  | Warner   |
| Wesely     |            |          |         |          |

Voting in the negative, 0.

Excused and not voting, 3:

Koch            Lewis            Venditte

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

**LEGISLATIVE BILL 697.**

A BILL FOR AN ACT to amend section 29-751, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change provisions relating to extradition as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Beutler    | Burrows  | Carsten | Chambers |
| Chronister | Clark      | Cope     | Cullan  | DeCamp   |
| Dworak     | Fitzgerald | Fowler   | George  | Goodrich |
| Haberman   | Hefner     | Hoagland | Johnson | Kahle    |
| Kelly      | Kennedy    | Keyes    | Kremer  | Labeledz |
| Lamb       | Landis     | Maresh   | Marsh   | Marvel   |
| Merz       | Murphy     | Newell   | Nichol  | Pirsch   |
| Powers     | Reutzel    | Rumery   | Schmit  | Sieck    |
| Simon      | Stoney     | Vickers  | Wagner  | Warner   |
| Wesely     |            |          |         |          |

Voting in the negative, 0.

Excused and not voting, 3:

Koch            Lewis            Venditte

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

Mr. Kelly asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 700.**

A BILL FOR AN ACT to amend section 83-945, Revised Statutes Supplement, 1978, relating to the Jail Standards Board; to provide additional qualification requirements; to provide for staggered terms; 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, 43:

|            |            |         |          |          |
|------------|------------|---------|----------|----------|
| Barrett    | Beutler    | Burrows | Carsten  | Chambers |
| Chronister | Clark      | Cope    | Cullan   | DeCamp   |
| Dworak     | Fitzgerald | George  | Goodrich | Haberman |
| Hefner     | Hoagland   | Johnson | Kennedy  | Keyes    |
| Kremer     | Labedz     | Lamb    | Landis   | Maresh   |
| Marsh      | Marvel     | Merz    | Murphy   | Newell   |
| Nichol     | Pirsch     | Powers  | Reutzel  | Rumery   |
| Schmit     | Sieck      | Simon   | Stoney   | Vickers  |
| Wagner     | Warner     | Wesely  |          |          |

Voting in the negative, 0.

Present and not voting, 2:

Fowler      Kahle

Excused and not voting, 4:

Kelly      Koch      Lewis      Venditte

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

**LEGISLATIVE BILL 734.**

A BILL FOR AN ACT to amend section 79-450, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the use of facsimile signatures of school board members; 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, 44:

|            |          |          |          |          |
|------------|----------|----------|----------|----------|
| Barrett    | Beutler  | Burrows  | Carsten  | Chambers |
| Chronister | Clark    | Cope     | Cullan   | DeCamp   |
| Fitzgerald | Fowler   | George   | Goodrich | Haberman |
| Hefner     | Hoagland | Johnson  | Kahle    | Kennedy  |
| Keyes      | Kremer   | Labeledz | Lamb     | Landis   |
| Maresh     | Marsh    | Marvel   | Merz     | Murphy   |
| Newell     | Nichol   | Pirsch   | Powers   | Reutzel  |
| Rumery     | Schmit   | Sieck    | Simon    | Stoney   |
| Vickers    | Wagner   | Warner   | Wesely   |          |

Voting in the negative, 1:

Dworak

Excused and not voting, 4:

|       |      |       |          |
|-------|------|-------|----------|
| Kelly | Koch | Lewis | Venditte |
|-------|------|-------|----------|

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

Mr. DeCamp asked unanimous consent to be excused for a short time. No objections. So ordered.

### LEGISLATIVE BILL 735.

A BILL FOR AN ACT to amend section 79-439, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change meeting requirements as prescribed; 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, 44:

|            |          |          |          |          |
|------------|----------|----------|----------|----------|
| Barrett    | Beutler  | Burrows  | Carsten  | Chambers |
| Chronister | Clark    | Cope     | Cullan   | Dworak   |
| Fitzgerald | Fowler   | George   | Goodrich | Haberman |
| Hefner     | Hoagland | Johnson  | Kahle    | Kennedy  |
| Keyes      | Kremer   | Labeledz | Lamb     | Landis   |
| Maresh     | Marsh    | Marvel   | Merz     | Murphy   |
| Newell     | Nichol   | Pirsch   | Powers   | Reutzel  |
| Rumery     | Schmit   | Sieck    | Simon    | Stoney   |
| Vickers    | Wagner   | Warner   | Wesely   |          |

Voting in the negative, 0.

Excused and not voting, 5:

DeCamp      Kelly      Koch      Lewis      Venditte

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

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS  
COMMITTEE ON COMMITTEES**

The Committee on Committees will hold a special hearing at 12:10 p.m., on Friday, February 22, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing the appointment of Paul Mohr to the Highway Commission.

The Committee on Committees will meet at 12:10 p.m., on Wednesday, February 20, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing appointments or reappointments as follows:

LaVon Crosby - Nebraska Arts Council

William M. Fenton

Manufactured Housing Advisory Board

John Greenholtz - Chairman, Parole Board

Robert Krohn

Advisory Committee to the Dept. of Economic Development

W. Ralph Michener - Director, Dept. of Institutions

Charles Thomsen

Manufactured Housing Advisory Board

Dr. Gail Walling - Nebraska Arts Council

(Signed) Shirley Marsh, Chairperson

**Appropriations**

LB 987      Thursday, February 21, 1980

1:30 p.m.

LB 988      Thursday, February 21, 1980

1:30 p.m.

(Signed) Jerome Warner, Chairperson

**UNANIMOUS CONSENT – Print in Journal**

Mr. Nichol asked unanimous consent to print the following amendment to LB 621 in the Journal. No objections. So ordered.

- 1 1. On page 81 strike beginning with “If”
- 2 in line 8 through “whenever” in line 19; in line 19
- 3 reinstate “Whenever” and strike “not” and insert
- 4 “not no”; and strike beginning with the underscored
- 5 comma in line 22 through the underscored comma in
- 6 line 24.
- 7 2. On page 82 strike the new matter in
- 8 lines 9 through 11.

**GENERAL FILE**

**LEGISLATIVE BILL 628.** Considered.

Mr. Hefner renewed his pending amendment found in the Journal on page 591.

Mr. Maresh renewed his pending amendment to the Hefner amendment found in the Journal on page 592.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Maresh requested a roll call vote on his amendment.

Voting in the affirmative, 15:

|         |        |         |        |          |
|---------|--------|---------|--------|----------|
| Carsten | Clark  | Cope    | Dworak | Goodrich |
| Hefner  | Kahle  | Kennedy | Kremer | Lamb     |
| Maresh  | Murphy | Nichol  | Sieck  | Stoney   |

Voting in the negative, 26:

|         |          |          |          |         |
|---------|----------|----------|----------|---------|
| Barrett | Beutler  | Burrows  | Chambers | DeCamp  |
| Fowler  | George   | Haberman | Hoagland | Johnson |
| Keys    | Labeledz | Landis   | Marsh    | Marvel  |
| Merz    | Newell   | Pirsch   | Powers   | Reutzel |
| Rumery  | Simon    | Vickers  | Wagner   | Warner  |
| Wesely  |          |          |          |         |

Present and not voting, 1:

Chronister

Excused and not voting, 6:

|          |       |      |       |        |
|----------|-------|------|-------|--------|
| Cullan   | Kelly | Koch | Lewis | Schmit |
| Venditte |       |      |       |        |

Absent and not voting, 1:

Fitzgerald

The Maresh amendment lost with 15 ayes, 26 nays, 1 present and not voting, 6 excused and not voting, and 1 absent and not voting.

The Hefner amendment lost with 15 ayes, 25 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Kahle renewed his pending amendments (1) and (2) found in the Journal on page 617.

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

Mr. Kahle moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Kahle requested a roll call vote on his amendment (1).

Voting in the affirmative, 19:

|          |        |        |         |            |
|----------|--------|--------|---------|------------|
| Carsten  | Clark  | Cope   | Dworak  | Fitzgerald |
| Haberman | Hefner | Kahle  | Kennedy | Kremer     |
| Lamb     | Maresh | Merz   | Murphy  | Nichol     |
| Rumery   | Sieck  | Stoney | Warner  |            |

Voting in the negative, 15:

|          |         |          |          |        |
|----------|---------|----------|----------|--------|
| Beutler  | Burrows | Chambers | Fowler   | George |
| Hoagland | Johnson | Keyes    | Labeledz | Landis |
| Marsh    | Powers  | Simon    | Vickers  | Wesely |

Present and not voting, 9:

|         |            |         |          |        |
|---------|------------|---------|----------|--------|
| Barrett | Chronister | DeCamp  | Goodrich | Marvel |
| Newell  | Pirsch     | Reutzel | Wagner   |        |

Excused and not voting, 6:

|          |       |      |       |        |
|----------|-------|------|-------|--------|
| Cullan   | Kelly | Koch | Lewis | Schmit |
| Venditte |       |      |       |        |

The Kahle amendment (1) lost with 19 ayes, 15 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Kahle withdrew his pending amendment (2) found in the Journal on page 617.

Mr. Vickers renewed his pending amendment found in the Journal on page 632.

Mr. Chambers 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 Vickers amendment was adopted with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

### ATTORNEY GENERAL'S OPINION

Opinion No. 220  
February 7, 1980

Dear Senator Lewis:

This is in reply to your letter of January 29, 1980. In that letter you note that LB 652 of the Eighty-sixth Legislature (1979) "would raise the allowable mileage reimbursement for state employees for the use of their personal vehicles for state business from sixteen cents to twenty-one cents per mile. On reviewing the matter further" you note that "it would appear that a longer term solution to such reimbursement could be had by tying the reimbursement rate to some other mechanism." You then solicit our review of the following proposed amendment:

“If a trip is made by personal automobile at the convenience of the agency involved, the reimbursement rate shall be equal to the maximum amount allowed by the United States Internal Revenue Service as a standard mileage deduction for federal income tax purposes.”

Traditionally, the United States Internal Revenue Service has allowed a standard mileage deduction for federal income tax purposes. Thus any review of the above quoted proposed amendment must take into account at least two legal concepts. First, the Legislature may enact a statute in which it adopts by reference an existing law or regulation of another jurisdiction, including the United States. Hamilton v. Foster, 155 Neb. 89, 50 N.W.2d 542 (1951); Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960); Pelzer v. City of Bellevue, 198 Neb. 19, 251 N.W.2d 662 (1977); Shepoka v. Knopik, 201 Neb. 780, 272 N.W.2d 364 (1978). Second, the Legislature, except as expressly authorized by the Constitution of Nebraska, may not lawfully enact a statute in which it adopts (1) administrative rules of a federal agency to be promulgated in the future or (2) an act of Congress of the United States to be passed in the future. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935). Hence if the above quoted proposed amendment were to become operative law, it would have to be construed to freeze the rate at which state employees are reimbursed to the standard mileage deduction that is allowed by the United States Internal Revenue Service at the time the above quoted proposed amendment is approved by the Legislature. Consequently, said proposed amendment would not, in our opinion, provide any more flexibility than if the Legislature itself specified a specific rate of reimbursement. There are, of course, other alternatives.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Harold Mosher  
Assistant Attorney General

HM:pes  
cc: Patrick J. O'Donnell  
Clerk of the Legislature

**UNANIMOUS CONSENT - Corrected Committee Statement**

Mr. Nichol asked unanimous consent to place a corrected committee statement in the bill books on LB 618. No objections. So ordered.

**RESOLUTION****LEGISLATIVE RESOLUTION 199.**

Introduced by Merz, 1st District.

WHEREAS, many of the public and private schools in Nebraska have augmented their educational and athletic programs by implementing and supporting a girl's basketball team; and

WHEREAS, the development of athletic skills in young women, as well as men, is a laudable goal which should be encouraged; and

WHEREAS, Paula Sue Blecha of Humboldt has established a new career scoring record for Nebraska girl's basketball; and

WHEREAS, Paula Sue Blecha is an honors student at Humboldt Public High School and involved in a variety of other school activities.

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

1. That the Legislature commends Paula Sue Blecha of Humboldt for her outstanding achievements on the basketball court, in the classroom, and in her community.

2. That the Clerk of the Legislature send a copy of this resolution to Paula Sue Blecha and to the principal of Humboldt Public High School.

Laid over.

**MOTION - Withdraw LB 744**

Mr. Newell moved to withdraw LB 744.

Motion pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Fowler asked unanimous consent to print the following amendment to LB 228 in the Journal. No objections. So ordered.

(Amendments to committee amendments)

- 1        1. On page 1, line 3, strike "January" and
- 2 insert "September"; and in line 9, strike "1979" and
- 3 insert "1980".
- 4        2. Strike section 5 and renumber section 6
- 5 as section 5.
- 6        3. On page 2, at the end of line 25, insert
- 7 "The beneficiary will continue to receive the supplemental
- 8 benefit until the expiration of the annuity option selected
- 9 by the member."; and after line 25 insert:

10 “Sec. 6. If a retiree eligible for the  
 11 supplemental benefit under section 3 of this act dies  
 12 subsequent to the effective date of this act, the  
 13 beneficiary shall be entitled to the supplemental  
 14 benefit until the expiration of the annuity option  
 15 selected by the retired member.”.

Mr. Fowler asked unanimous consent to print the following amendment to LB 228A in the Journal. No objections. So ordered.

1. On page 2, strike “one” in line 1 and  
 2 all of line 2 and insert “two hundred ninety-seven  
 3 thousand five hundred dollars from”.

**UNANIMOUS CONSENT - Member Excused**

Mr. Fowler asked unanimous consent to be excused at 11:00 a.m. today and all day Thursday, February 14, 1980. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 619.** Title read. Considered.

Standing Committee amendments found in the Journal on page 476 for the Fifteenth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Haberman renewed his pending amendment found in the Journal on page 287.

Mr. Haberman moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Haberman requested a roll call vote on his amendment:

Voting in the affirmative, 18:

|            |          |            |       |         |
|------------|----------|------------|-------|---------|
| Barrett    | Carsten  | Chronister | Clark | Cope    |
| Fitzgerald | Haberman | Hefner     | Kahle | Kennedy |
| Kremer     | Maresh   | Marvel     | Merz  | Nichol  |
| Pirsch     | Reutzel  | Vickers    |       |         |

Voting in the negative, 20:

|          |         |          |        |        |
|----------|---------|----------|--------|--------|
| Beutler  | Burrows | Chambers | Dworak | George |
| Hoagland | Johnson | Keyes    | Labedz | Lamb   |
| Landis   | Marsh   | Newell   | Powers | Rumery |
| Sieck    | Simon   | Stoney   | Warner | Wesely |

Present and not voting, 2:

DeCamp      Murphy

Excused and not voting, 7:

|        |          |       |      |       |
|--------|----------|-------|------|-------|
| Cullan | Fowler   | Kelly | Koch | Lewis |
| Schmit | Venditte |       |      |       |

Absent and not voting, 2:

Goodrich      Wagner

The Haberman amendment lost with 18 ayes, 20 nays, 2 present and not voting, 7 excused and not voting, and 2 absent and not voting.

Mr. Kremer asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Murphy asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman renewed his pending amendment found in the Journal on page 596.

Mr. Haberman moved for a Call of the House. The motion prevailed with 9 ayes, 5 nays, and 35 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 21:

|            |          |            |        |         |
|------------|----------|------------|--------|---------|
| Barrett    | Carsten  | Chronister | Clark  | Cope    |
| Fitzgerald | Goodrich | Haberman   | Hefner | Kahle   |
| Kennedy    | Labedz   | Maresh     | Merz   | Murphy  |
| Nichol     | Pirsch   | Reutzel    | Rumery | Vickers |
| Wagner     |          |            |        |         |

Voting in the negative, 19:

|          |         |          |        |        |
|----------|---------|----------|--------|--------|
| Beutler  | Burrows | Chambers | Dworak | George |
| Hoagland | Johnson | Keyes    | Lamb   | Landis |
| Marsh    | Marvel  | Newell   | Powers | Sieck  |
| Simon    | Stoney  | Warner   | Wesely |        |

Excused and not voting, 8:

|        |        |          |      |        |
|--------|--------|----------|------|--------|
| Cullan | Fowler | Kelly    | Koch | Kremer |
| Lewis  | Schmit | Venditte |      |        |

Absent and not voting, 1:

DeCamp

The Haberman amendment lost with 21 ayes, 19 nays, 8 excused and not voting, and 1 absent and not voting.

Mr. George renewed his pending amendment found in the Journal on page 605.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

**MR. CLARK PRESIDING**

Mr. George moved for a Call of the House. The motion prevailed with 11 ayes, 8 nays, and 30 not voting.

Mr. George requested a roll call vote on his amendment.

Voting in the affirmative, 12:

|         |         |      |        |          |
|---------|---------|------|--------|----------|
| Burrows | Carsten | Cope | George | Haberman |
| Hefner  | Kennedy | Lamb | Landis | Merz     |
| Nichol  | Pirsch  |      |        |          |

Voting in the negative, 25:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Barrett    | Beutler  | Chambers | Clark  | Dworak |
| Fitzgerald | Hoagland | Johnson  | Kelly  | Keyes  |
| Labeledz   | Maresh   | Marsh    | Marvel | Newell |
| Powers     | Reutzel  | Rumery   | Sieck  | Simon  |
| Stoney     | Vickers  | Wagner   | Warner | Wesely |

Present and not voting, 3:

Chronister      DeCamp      Kahle

Excused and not voting, 8:

Cullan              Fowler              Koch              Kremer              Lewis  
Murphy              Schmit              Venditte

Absent and not voting, 1:

Goodrich

The George amendment lost with 12 ayes, 25 nays, 3 present and not voting, 8 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. Maresh asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

Amend the committee amendments line 9 after mail add (d) vehicles registered by persons over 65 years of age.

Mr. Beutler asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

1. On page 2, line 4, after "39-6,131" insert "and vehicles which display license plates carrying the wheelchair symbol as provided in section 60-311.14."; in line 5, strike "such"; in line 6, after "vehicles" insert "other than those specified in this section".

2. On page 3, line 8, after "machinery" insert: "or vehicles which display license plates carrying the wheelchair symbol".

#### **SELECT FILE**

**LEGISLATIVE BILL 629.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 648.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 701.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 685.** E & R amendments found in the Journal on page 643 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 816.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 766.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 621.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 635.** E & R amendment found in the Journal on page 643 for the Twenty-Third Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 703.** E & R amendment found in the Journal on page 643 for the Twenty-Third Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 914.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 723.** E & R amendment found in the Journal on 643 for the Twenty-Third Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 857.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 701A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 496A.** Advanced to E & R for Engrossment.

#### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 1980 at 10:50 a.m. were the following bills: 598, 526, 442, 221, 597, 525, 284, 235, and 185.

(Signed) Hazel Kaltenberger, Enrolling Clerk

#### GENERAL FILE

**LEGISLATIVE BILL 742.** Title read. Considered.

Standing Committee amendment found in the Journal on page 492 for the Sixteenth Day was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Reutzell asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 725.** Title read. Considered.

Standing Committee amendments found in the Journal on page 550 for the Eighteenth Day were considered.

Mr. Hoagland offered the following amendment to the Standing Committee amendments:

- 1) Strike all sections of LB 725, sections 1-9
- 2) Insert as amendment to 71-5871 before last sentence of the section 71-5871. The Department of Public Welfare shall be directed to reimburse for depreciation those health care facilities participating in the Medical Assistance Plan under the following manner: Depreciation attributable to any asset will be allowed only once. If an asset has been fully depreciated under the Medical Assistance Plan it cannot be depreciated again. In the event of a change in ownership, only the useful life unclaimed by previous owners will be recognized.

Amendment pending.

**VISITORS**

Visitors to the Chamber were 13 seniors and teacher from Gresham High School, Gresham; Mr. Robert Fulton, Coordinator of Social Services Programs at Methodist Hospital in Omaha; and fourth grade students and teachers from May Morley School, Lincoln.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Mr. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIFTH DAY – FEBRUARY 14, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 14, 1980

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Almighty God, deliver us from the foolishness of impatience. Let us not be in such a hurry as to run on without Thee. We know that it takes a lifetime to make a tree; we know that fruit does not ripen in an afternoon, and Thou Thyself didst take a week to make the universe. May we remember that it takes time to build the State that can truly be called God's own country. It takes time to find out what weshould do; what is right and what is best. So slow us down for a minute, O Lord, that we may take time to think, time to pray, and time to find out what Thy will is for our lives and our State. Then give us the common sense and the firm courage to do it, for the good of our people and the glory of Thy name. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Fowler, Koch, and Venditte who were excused; and Mrs. Pirsch, Messrs. George, and Sieck who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twenty-Fourth Day was approved.

**MESSAGE FROM THE GOVERNOR**

February 13, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol Building

Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 221.

This bill was signed by me on February 13, 1980 and delivered to the Secretary of State.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

### ATTORNEY GENERAL'S OPINIONS

Opinion No. 221  
February 5, 1980

Dear Senator Venditte:

This is in reply to your inquiry as to the constitutionality of LB 803 and LB 895 concerning the defense of insanity and jury challenges.

LB 803 would amend section 29-2203, R.S.Supp., 1978, which is the statute providing the procedure for the plea of not guilty by reason of insanity. This amendment places the burden upon the defendant to prove the defense of insanity or mental derangement by a preponderance of the evidence.

In 1952, the United States Supreme Court, in the case of Leland v. Oregon, 343 U.S. 790, 96 L.Ed. 1302, 72 S.Ct. 1002 (1952), upheld the constitutionality of an Oregon statute which required the defense of insanity to be proved by the defendant beyond a reasonable doubt.

The court noted that such a statute did not offend the due process clause of the Fourteenth Amendment to the United States Constitution even though, among the twenty states then placing the burden of proving his insanity on the defendant, Oregon was the only state requiring him to do so beyond a reasonable doubt.

In 1970, the United States Supreme Court declared in the case of In Re Winship, 397 U.S. 358, 25 L.Ed.2d 368, 90 S.Ct. 1068 (1970), that the due process clause:

“. . . protects an accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.”

In 1977, in its most recent examination of this question, the Supreme Court, in the case of Patterson v. New York, 432 U.S. 197, 53 L.Ed.2d 281, 97 S.Ct. 2319, reconsidered its holding in Leland v. Oregon, supra, in the light of the requirement of In Re Winship, mentioned above, and reaffirmed the holding in Leland v. Oregon. In the New York case it was considering a statute which provided a defense of "extreme emotional disturbance" which placed the burden upon the defendant of proving his affirmative defense by a preponderance of the evidence.

The court noted that it had also confirmed the constitutionality of the holding in Leland v. Oregon, supra after the In Re Winship decision, discussed above, when the court dismissed, as not raising a substantial federal question, a case in which the appellant specifically challenged the continuing validity of Leland v. Oregon, after the Winship case. This occurred in Rivera v. Delaware, 429 U.S. 877 (1976).

In the Patterson case, the United States Supreme Court emphasized, as it had in Leland v. Oregon, that the burden remained upon the state to prove beyond a reasonable doubt every fact necessary to constitute the crime with which he was charged, but that this did not require the state to prove beyond a reasonable doubt every fact, the existence or nonexistence of which, it was willing to recognize as an affirmative defense or a mitigating circumstance.

LB 895 would also amend section 29-2203 by making insanity an affirmative defense with the defendant having the burden of establishing it by a preponderance of the evidence, but cases in which deliberate and premeditated malice are explicit elements of the crime are excepted. The only crime in which these two elements are explicitly required is first degree murder as defined in section 28-303, R.S.Supp., 1978 of the new criminal code.

The Supreme Court of Nebraska has consistently held that the burden of proving every fact necessary to constitute the crime, including the elements of deliberation, premeditation and malice, must be proved by the state beyond a reasonable doubt. Nebraska Jury Instructions 14.06, p. 298 and cases there cited. We do not foresee that the Supreme Court of Nebraska would change its requirements that the burden of proof is on the state to prove beyond a reasonable doubt every fact necessary to constitute the crime charged should the Legislature adopt either of the above proposals placing the burden of proof upon the defendant to prove the affirmative defense of insanity by a preponderance of the evidence.

It is therefore our opinion that there is no constitutional problem with the insanity provision of either of said bills. LB 895 also provides that:

" . . . When deliberate and premeditated malice are elements of an alleged offense, the state continues to have the burden of proof when subsequent lesser-included offenses are considered."

We do not know if this is intended to mean that the state still has the burden of proof of sanity when lesser-included offenses are considered, whether it means that the state has the burden of proof generally, or whether it is implying that the state does not have the burden of proof when deliberate and premeditated malice are elements of an alleged offense. This should be clarified because any interpretation which would remove the burden from the state of proving every element of the crime beyond a reasonable doubt as to any offense, whether lesser-included or not, as opposed to shifting the burden of proof as to an affirmative defense, as discussed above, would clearly be unconstitutional.

LB 895 would also increase the number of peremptory challenges of jurors from ten to twelve in all cases punishable with death or life imprisonment; we see no problem with the constitutionality of this change.

If you have any further questions in regard to the above, please contact us.

Respectfully submitted,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Mel Kammerlohr  
Assistant Attorney General

MK:pjs  
cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 222  
February 7, 1980

Dear Senators Cullan and Wesely:

LB 382 has been introduced as a bill to authorize the sale, prescription and administration of Laetrile for the treatment of malignancy, disease, illness, or physical condition on the request of the patient. You have asked whether the Food and Drug Administration has authority to forbid the transportation of Laetrile in interstate commerce because, according to the Court in United States v. Rutherford, \_\_\_ U.S. \_\_\_, 61 L.Ed.2d 68 (1979), Laetrile has not met the standards of the Federal Food, Drug, and Cosmetic Act (the Act). We have concluded that it does as discussed below.

You have also asked whether materials needed to manufacture Laetrile may be legally imported into the State of Nebraska. We have concluded that they may not as discussed below.

You have also asked whether LB 382, if passed, would be "special legislation" proscribed by Article III, section 18 of the Nebraska

Constitution. We have concluded that it probably would not be because it appears to operate in the same manner upon all persons in like circumstances. See Bauer v. Game, Forestation & Parks Commission, 138 Neb. 436, 293 N.W. 282 (1940).

The Act defines a "drug" to include articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or articles intended for use as a component of such articles. 21 U.S.C. section 321(g)(B) and (D). The intended use of a product is determined from its label, accompanying labeling, promotional claims, advertising, and any other relevant source. See Hanson v. United States, 417 F.Supp. 30 (D.Minn. 1976), affm'd., 540 F.2d 947 (8th Cir. 1976). In that case the tablets and vials of Laetrile at issue were held to be "drugs" within the meaning of the Act. In Millet, Pit and Seed Co., Inc. v. United States, 436 F.Supp. 84 (E.D.Tenn. 1977), apricot pits sold with no claim that they were for use in diagnosis, cure, mitigation, treatment or prevention of disease were found not to be a "drug" under the Act. In United States v. Articles of Food and Drug, 444 F.Supp. 266 (E.D.Wis. 1978), the defendants had produced crude amygdalin (Laetrile) in various forms at its plant in Wisconsin from raw materials shipped in interstate commerce. They then sold, shipped, and held for sale after shipment in interstate commerce amygdalin in various forms, including ground defatted apricot kernels, powdered, tableted, and injectables, and the components thereof. The amygdalin produced and sold by defendants was intended for use in the cure, mitigation, palliation, treatment and prevention of various forms of human cancer. The court concluded that the amygdalin was a "drug" within the meaning of the Act.

The Act defines a "new drug" to include any drug not generally recognized among experts as "safe and effective for use." 21 U.S.C. section 321(p)(1). The Court in United States v. Rutherford, \_\_\_\_\_ U.S. \_\_\_\_\_ (1979), recognized that the Commissioner of the Food and Drug Administration had determined that Laetrile was a new drug which was not exempt from premarketing approval under either the 1938 or 1962 grandfather provisions and that the district court had approved these findings except with regard to the 1962 exemption. It noted that on appeal, the circuit court had held that the safety and effectiveness terms used in the statute had no reasonable application to terminally ill cancer patients. The Supreme Court disagreed. It held that there was no exception for drugs to be used for such patients.

The Act provides that "[n]o person shall introduce or deliver for introduction into interstate commerce any new drug" unless an application under 21 U.S.C. section 355 has been approved except for certain investigational use by qualified experts.

The Act defines "interstate commerce" to include commerce between any state and any place outside of that state. 21 U.S.C. section 321(b). In United States v. Sullivan, 332 U.S. 689 (1948), the Court found that the purpose of the Act was "to safeguard the consumer by applying the Act to

articles from the moment of their introduction into interstate commerce all the way to the moment of their delivery to the ultimate consumer." It held that Congress had constitutional power under the commerce clause "to regulate the branding of articles that have completed an interstate shipment and are being held for future sales in purely local or intrastate commerce." It found that a pharmacist had violated the act by repackaging, without labeling required by the Act, a drug he had purchased from a wholesaler in his state seven months after that wholesaler had received it in interstate commerce.

In United States v. A Quantity of Candy Containing Trinkets, 95 F.Supp. 490 (E.D.Va. 1951), a vending machine in Norfolk, Virginia, contained candy and gum shipped from Chicago and trinkets shipped from Dallas. The court held the mixture dispensed by the machine was within the interstate commerce sweep of the Act as "held for sale (whether or not the first sale) after shipment in interstate commerce."

United States v. Sanders, 196 F.2d 895 (10th Cir. 1952), was a proceeding to show cause why defendant should not be prosecuted for criminal contempt for violation of an injunction restraining him from directly or indirectly introducing or delivering or causing to be introduced or delivered a drug which was misbranded within the meaning of the Act. Defendant claimed he was not violating the injunction because he had stopped using runners or drummers who went into other states to solicit orders for the drug. Instead he made all his sales from his place of business in the State of Oklahoma. The court held he was guilty of violation of the Act because he knowingly and regularly sold misbranded drugs and delivered them, knowing that they were purchased for transportation in interstate commerce, and he solicited customers to return for future purchases and deliveries. Although he was not engaged in interstate commerce with respect to the drug, he was engaged in delivering such a drug for introduction into interstate commerce. This was a violation of the injunction.

In Gadler v. United States, 425 F.Supp. 244 (D.Minn. 1977), Gadler had been diagnosed as having a form of cancer. He wanted to go to Mexico and bring some Laetrile back for his own use. He sought a preliminary injunction to restrain the defendants from barring his importation of Laetrile solely for his personal use. The court denied the injunction. It was convinced his proposed action would be a violation of the Act which applied to "person," a term covering an individual as well as a manufacturer or distributor.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Marilyn B. Hutchinson  
Assistant Attorney General

MBH:smb

cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 223  
February 8, 1980

Dear Senator Johnson:

You have submitted to us a proposed amendment to LB 716, and have asked our opinion as to its constitutionality. In our opinion it would be difficult to defend the proposal from attack on the grounds that it violates the uniformity of taxation provision of Article VIII, Section 1, and is not authorized by the provisions of Article VIII, Section 2 of the Nebraska Constitution.

The proposed amendment would amend section 77-3506, R.S.Supp., 1979, by providing that the portion of the actual value of a homestead which would result in an ad valorem tax on such homestead in an amount which exceeds one and one half percent of the actual value of such homestead should be exempt from taxation.

The ramifications of this seemingly simple amendment are very complex, but we do not believe it is necessary to explore all of the possible difficulties of its application, because it seems clear that the exemption does not come within the language of the exemption authorized by Article VIII, Section 2 of the Constitution. The provision in question reads:

". . .The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation." (Emphasis supplied.)

There is obviously no "classification of owners" involved in the proposed exemption. The classification is, rather, by location. If the residence is located in an area where the total taxes would exceed one and one half percent of its actual value, a portion of its value would be exempt. The extent of the exemption would depend upon the mill levy, the higher the levy, the greater the exemption. If the total mill levy in the area did not exceed the limitation, there would be no exemption.

Exemptions are not favored by the law. In OEA Senior Citizens, Inc. v. County of Douglas, 186 Neb. 593, 185 N.W.2d 464 (1971), the court said that statutes exempting property from taxation should be strictly construed, and one contending that his property is exempt must clearly show that he is within the exemption provided by statute. We believe the court would carry that logic one step further, and require that one claiming that an exemption was authorized by the Constitution must show that the Constitution clearly authorizes it.

As we have said, we do not believe the provision classifies the homesteads to receive the exemption by class of owners, and so is not specifically authorized by Article VIII, Section 2. It is therefore forbidden by the other provision of that section that no property shall be exempt from taxation except as provided in the Constitution. Not being

specifically authorized by the Constitution the exemption would provide for nonuniform taxation, in violation of Article VIII, Section 1.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Ralph H. Gillan  
Assistant Attorney General

RHG:pjs

cc: Patrick O'Donnell  
Clerk of the Legislature

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 507.** Placed on Select File as amended.  
E & R amendments to LB 507:

1. In Req. 2771, page 8, line 10, strike "16" and insert "18".

2. In the title, line 3, strike "1979" and insert "1980"; in line 5 strike "and"; and in line 6, insert "; and to provide severability" after "bonds".

(Signed) Don Wesely, Chairperson

### Correctly Enrolled

The following bills were correctly enrolled: 44, 61, 641, 650, 697, 700, 734, and 735.

(Signed) Don Wesely, Chairperson

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 44, 61, 641, 650, 697, 700, 734, and 735.

### STANDING COMMITTEE REPORTS Judiciary

**LEGISLATIVE BILL 822.** Placed on General File as amended.  
Standing Committee amendments to LB 822:

- 1 1. On page 2 line 11 after "officer" insert
- 2 ", certified pursuant to the provisions of this act.".
- 3 2. Insert the following new section:

- 4    “Sec. 2. Within one year of the effective date  
5    of this act, the Department of Motor Vehicles shall  
6    establish minimum training standards for all operators  
7    of radio microwave and other electronic speed-measuring  
8    devices. Such training standards shall include a minimum  
9    of twenty hours classroom training and twenty hours of  
10   on-the-road training. The department is authorized to  
11   approve satisfactory techniques and modes of operation,  
12   to ascertain the qualifications and competence of in-  
13   dividuals who operate such devices, and to issue certifi-  
14   icates of competency to such operators.”.  
15    3. Renumber original section 2 as section 3.

(Signed) William E. Nichol, Chairperson

**Public Health and Welfare**

**LEGISLATIVE BILL 684.** Placed on General File as amended.  
Standing Committee amendments to LB 684:

- 1    1. On page 5 line 24 after “Drugs” insert  
2    “and the Division on Alcoholism”.  
3    2. On page 13 strike beginning with “Administer”  
4    in line 7 through line 11, show the old matter as  
5    stricken, and insert “Serve as the primary state alcoholism  
6    and drug abuse agency.”  
7    3. On page 16 in lines 23 and 24 strike “and  
8    drug abuse”.  
9    4. On page 17 strike beginning with “The”  
10   in line 7 through the period in line 20, show the old  
11   matter as stricken, and insert “Each regional governing  
12   board shall provide one dollar for every three dollars  
13   provided by the state General Fund. Of the amount  
14   provided by each regional governing board, not less  
15   than forty per cent shall be provided by local and  
16   county taxes and the remainder shall come from other  
17   nonfederal sources.”.

(Signed) Samuel K. Cullan, Chairperson

**LEGISLATIVE BILL 847.** Placed on General File as amended.  
Standing Committee amendments to LB 847:

- 2    1. On page 4, lines 1 and 2 strike “director”,  
3    show as stricken, and insert “secretary”.  
4    2. On page 6, line 19 strike “department” and  
5    reinstate “board”.

- 6 3. On page 7, line 24 after “applicants” insert  
7 an underscored semicolon; and strike beginning with the  
8 underscored period in line 24 through line 27 and show  
9 the old matter as stricken.
- 10 4. On page 8 strike lines 1 through 8 and show  
11 as stricken; in line 9 strike “(12)”, and insert “~~(12)~~  
12 (9)”; in line 11 strike “(13)” and insert “~~(13)~~ (10)”; in  
13 line 13 strike “(14)” and insert “~~(14)~~ (11)”; in line 17  
14 after the semicolon insert “and”; in line 18 strike  
15 “(15)” and insert “~~(15)~~ (12)”; in line 25 after “so”  
16 insert an underscored period; and strike beginning with  
17 the semicolon in line 25 through line 27 and show the old  
18 matter as stricken.
- 19 5. On page 9, strike line 1 and show as  
20 stricken; in line 3 strike “director” and insert  
21 “director secretary”; and in line 27 strike “department”  
22 and reinstate “board”.
- 23 6. On page 10, line 16 after “department” insert  
24 “, upon the recommendation of the board,”.
- 1 7. On page 11, line 1 after “department” insert  
2 “, upon the recommendation of the board,”; in line 22  
3 strike “department”, reinstate “board”, and after the  
4 reinstated “board” insert “, with the approval of the  
5 department,”; and in line 24 reinstate “board” and after  
6 the reinstated “board” insert “, with the approval of  
7 the”.
- 8 8. On page 13, line 18 reinstate “board” and  
9 after the reinstated “board” insert “and approved by  
10 the”; and in line 25 reinstate the stricken matter and  
11 after the reinstated “Nursing” insert “, with the  
12 approval of the”.
- 13 9. On page 14 in lines 18 and 19 strike the new  
14 matter; in line 19 after “board” insert “, with the  
15 approval of the department”; in lines 25 and 26 strike  
16 the new matter; and in line 26 after “board” insert “, with the approval of the department”.
- 18 10. On page 15, lines 15 and 16 strike the new  
19 matter and reinstate the stricken matter and in line 16  
20 after the reinstated “offense” insert “, professionally  
21 related,”.
- 22 11. On page 18, in lines 11 and 18 strike the  
23 new matter and reinstate the stricken matter.
- 24 12. On page 21, in lines 23 through 26 strike  
25 the new matter and reinstate the stricken matter.
- 26 13. On page 22, line 27 reinstate “board” and  
27 after the reinstated “board” insert “with the approval of

- 1 the”.
- 2 14. Insert the following new section:
- 3 “Sec. 24. The Department of Health shall:
- 4 (1) Conduct hearings upon charges of suspension
- 5 or revocation of a license;
- 6 (2) Have power to issue subpoenas and compel the
- 7 attendance of witnesses and administer oaths to persons
- 8 giving testimony at hearings;
- 9 (3) Cause the prosecution of all persons
- 10 violating the provisions of sections 71-1,132.04 to
- 11 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to
- 12 71-1,132.37, and 71-1,132.41 and have power to incur the
- 13 necessary expense therefor; and
- 14 (4) Establish fees at a level sufficient to
- 15 provide for all expenses and salaries of the board
- 16 pursuant to section 71-1,132.49.”.
- 17 15. Renumber original section 24 as section 25.

(Signed) Samuel K. Cullan, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 199.** Read. Considered.

LR 199 was adopted with 31 ayes, 0 nays, and 18 not voting.

### MOTION - Withdraw LB 744

Mr. Newell renewed his pending motion found in the Journal on page 670 to withdraw LB 744.

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

### MOTION - Reconsider Action on LB 108

Mr. Hoagland renewed his pending motion found in the Journal on page 587 to reconsider action on Final Reading of LB 108.

Mr. Newell moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Hoagland requested a roll call vote on his motion.

Voting in the affirmative, 26:

|          |          |         |          |            |
|----------|----------|---------|----------|------------|
| Barrett  | Burrows  | Carsten | DeCamp   | Fitzgerald |
| Goodrich | Haberman | Hefner  | Hoagland | Johnson    |
| Kelly    | Keyes    | Lewis   | Maresh   | Marsh      |
| Marvel   | Merz     | Newell  | Reutzel  | Rumery     |
| Schmit   | Sieck    | Simon   | Vickers  | Warner     |
| Wesely   |          |         |          |            |

Voting in the negative, 15:

|         |          |            |         |        |
|---------|----------|------------|---------|--------|
| Beutler | Chambers | Chronister | Clark   | Cope   |
| Cullan  | Dworak   | Kahle      | Kennedy | Kremer |
| Lamb    | Landis   | Murphy     | Powers  | Stoney |

Present and not voting, 3:

|        |        |        |
|--------|--------|--------|
| Labedz | Nichol | Wagner |
|--------|--------|--------|

Excused and not voting, 5:

|        |        |      |        |          |
|--------|--------|------|--------|----------|
| Fowler | George | Koch | Pirsch | Venditte |
|--------|--------|------|--------|----------|

The Hoagland motion to reconsider action on LB 108 lost with 26 ayes, 15 nays, 3 present and not voting, and 5 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 499A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 886.** 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 959.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 663.** Title read. Considered.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 765.** Title read. Considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 748.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 690.** Title read. Considered.

Mr. Chambers offered the following amendment:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Advanced to E & R for Review with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 690A.** 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.

**LEGISLATIVE BILL 749.** Title read. Considered.

**MR. CLARK PRESIDING**

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?"

Mr. Kelly moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

The motion to close debate prevailed with 25 ayes, 0 nays, and 24 not voting.

### **SPEAKER MARVEL PRESIDING**

Advanced to E & R for Review with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 765A.** By Lamb, 43rd District.  
This bill introduced on behalf of: LB 765.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 765, Eighty-sixth Legislature, Second Session, 1980.

### **REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 13, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Campbell, James R. - Omaha, U. S. National Bank of Omaha  
Crosby, Guenzel, Davis, Kessner & Kuester:  
Crosby, Robert B. - Lincoln, Amax Chemical Corporation; Kalium, PPG Canada; Shell Oil Company  
Dalton, Matthew R. - Lincoln, Shell Oil Company  
Davis, Donn E. - Lincoln, Amax Chemical Corporation; Ideal Basic Industries Inc. (PCA); Kalium, PPG Canada  
Dunn, Donald L. - Lincoln, Amax Chemical Corporation; Kalium, PPG Canada  
Crowl, Ralph E. - Omaha, Pro-Construction Association  
Dickinson, James A. - Omaha, (Withdrawn 2/10/80), Nebraska Livestock Feeders Association  
Epke, Walter H. - York (Withdrawn (1/1/80), Tom Ryan, Recreational Vehicle Industry Assoc.; Northeast Nebraska Irrigators Association  
Fischer, Ralph J. - Beatrice, General Agricultural Services, Ltd.  
Fischer, Thomas B. - Lincoln (Withdrawn 5/31/79), First National Bank & Trust Company of Lincoln

Huff, Charles - Lincoln (Withdrawn 5/31/79), Nebraska Lodging Association; Nebraska State Association of Life Underwriters  
 Kelley, Michael A. - Omaha, Mutual Protective Insurance Company  
 Kucera, Jay - Lincoln (Withdrawn 10/30/79), Safety Council of Nebraska  
 Kunz, David N. - Hastings, Nebraska Lodging Association; Nebraska State Association of Life Underwriters  
 Lombardi, Richard - Lincoln, Lombardi, McCullough & Associates  
 McCullough, Rose - Lincoln, Lombardi, McCullough & Associates  
 Noren and Burns:  
     Charles F. Noren - Lincoln, OUR Homes  
 Kochdopole, R. A. - Omaha, Archbishop Bergan Mercy Hospital; Shared Management, Planning & Development Services  
 Waid, Brian J. - Beatrice (Withdrawn 5/31/79), Legal Services of Southeast Nebraska  
 Whelan, Gerald T. - Hastings, Scientific Games  
 Wylie, William M. - Elgin, Association for Better Financial Services in Nebraska; Tom Ryan, Recreational Vehicle Industry Assoc.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Sieck asked unanimous consent to print the following amendments to LB 689 in the Journal. No objections. So ordered.

- 1 1. On page 2 strike beginning with "Improvements"
- 2 in line 17 through "for" in line 27 and insert: "A
- 3 penalty of twelve per cent of the tax due on the improve-
- 4 ments for each taxing period, for improvements voluntarily
- 5 filed or reported after the final date for assessment
- 6 has passed or for improvements not voluntarily filed or
- 7 reported when the taxpayer proves the absence of notice
- 8 or knowledge of his or her obligation to report such
- 9 improvements; and (2) a penalty of twenty per cent of
- 10 the tax due on improvements for each taxing period,
- 11 for improvements not voluntarily reported for taxation
- 12 purposes when the taxpayer had notice or knowledge of
- 13 his or her obligation to report such improvements."
- 14 2. On page 3, line 1 strike "each taxing
- 15 period."; and in line 2 after the underscored period
- 16 insert "For purposes of subdivisions (1) and (2) of
- 17 this section notice and knowledge shall mean notice or
- 18 knowledge as defined in section 1-201, Uniform Commercial
- 19 Code."

Mr. Schmit asked unanimous consent to print the following amendment to LB 680 in the Journal. No objections. So ordered.

## Amendment to Committee Amendment

1. Add a new section to read as follows: “Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”

2. Renumber original section.

3. Amend page 2, line 26 to insert the following new language “provided further that if the condemnor did not negotiate in good faith with the property owner or if there was no public purpose for the taking of the property involved, said condemnor may not institute proceedings pursuant to section 76-104 for a period of two years after the rendition of final judgement against the same condemnee or the same property.”

## MOTION - Rule Change

Mr. Lewis offered the following rule change:

1 1. Amend Rule 3 section 18 as follows:

2 “Sec. 18. (a)The chairman of Enrollment and

3 Review shall be in order at any time in reporting bills

4 which have been engrossed for Final Reading and passage.

5 In the absence of the Chairman, the vice chairman of the

6 Judiciary Committee shall assume the duties of the chairman

7 of the Enrollment and Review Committee.

8 (b) The bill drafting service shall have super-

9 vision of and provide legal services for Enrollment and

10 Review Committee.

11 (c) The chairman of Enrollment and Review shall

12 have authority, without being required to include the same

13 specifically in his reports and recommendations to the

14 Legislature, in accord with accepted usage:

15 i To correct the spelling of words, to correct

16 erroneous division and hyphenation of words, to capitalize

17 or decapitalize words, and to change numbers from words to

18 figures or from figures to words, in new and independent

19 acts, in the new matter of amendatory acts, in standing

20 committee reports, and in General File, Select File,

21 and specific amendments.

22 ii To underscore or remove underscoring, as the

23 case requires, in standing committee reports and in General

24 File, Select File, and specific amendments.

25 iii When an amendment to add the emergency clause,

26 the severability clause, or provide an operative date is

27 adopted on Select File which does not spell out the standard

1 clause or section and make the necessary change in the title,

2 the chairman of Enrollment and Review shall also have the

3 authority to add to the engrossed bill the standard clause

4 or section, assigning to it the appropriate section number,

- 5 and make the necessary change in the title as a matter of  
 6 course without including such action in his reports and  
 7 recommendations to the Legislature or making any special  
 8 record thereof.
- 9 iv Renumber sections.
- 10 v When an amendatory section is added or deleted,  
 11 add or remove the section number from the repeal section and  
 12 the title and supply a repeal section when one was not pre-  
 13 viously in the bill. Make other changes to the title to  
 14 correspond with amendments to the bill, but such other  
 15 changes shall be reported to the Clerk of the Legislature  
 16 and a statement as to what changes were made shall be  
 17 printed in the Journal.
- 18 vi When an earlier amendment, which required  
 19 Enrollment and Review amendments (i.e. renumbering sections,  
 20 conforming internal references, and amendments to the repeal  
 21 section and the title) is stricken, such action shall amount  
 22 to a striking of the Enrollment and Review amendments with-  
 23 out the necessity of replacing the bill.
- 24 vii Correct references to the volume in which  
 25 sections are found.
- 26 viii Remove excess punctuation and change terminal  
 27 punctuation when the sole purpose is to conform to the  
 1 established statutory system of punctuation.
- 2 ix When the intention is obvious, correct the  
 3 name of any state agency or officer.
- 4 x Correct obvious errors in previous Enrollment  
 5 and Review amendments.
- 6 xi Remove a section from the bill and make all  
 7 related changes once amendatory matter has been removed.
- 8 xii Make the necessary changes to correlate a  
 9 section with a piece of legislation enacted in the same  
 10 session of the Legislature.”.

Referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**  
**Judiciary**

**LEGISLATIVE BILL 600.** Placed on General File.

**LEGISLATIVE BILL 605.** Placed on General File as amended.  
 Standing Committee amendments to LB 605:

- 2 1. Strike the original sections 1 to 3 and  
 3 insert the following new sections:  
 4 “Section 1. A person engages in disorderly

5 conduct if such person intentionally creates an  
6 unreasonable risk of injury to the person or property of  
7 others by any act.

8 Sec. 2. When three or more persons are  
9 participating in a course of disorderly conduct a peace  
10 officer may order the participants and others in the  
11 immediate vicinity to disperse. Any person who refuses  
12 or knowingly fails to obey such order shall be guilty of  
13 a Class III misdemeanor.

14 Sec. 3. It is an affirmative defense to  
15 prosecution under this act if the peace officer issuing  
16 an order to disperse under section 2 of this act was out  
17 of uniform and did not identify himself or herself as a  
18 peace officer by showing his or her credentials to the  
19 persons ordered to disperse.

20 Sec. 4. Since an emergency exists, this act  
21 shall be in full force and take effect, from and after  
22 its passage and approval, according to law.”.

23 2. In the title, strike lines 2 to 5 and insert  
24 the following:

25 “FOR AN ACT relating to crimes and punishments; to  
1 provide an offense of failure to obey a peace  
2 officer as prescribed; to provide for  
3 enforcement; to provide penalties; and to  
4 declare an emergency.”.

(Signed) William E. Nichol, Chairperson

#### Public Health and Welfare

**LEGISLATIVE BILL 94.** Placed on General File as amended.  
Standing Committee amendments to LB 94:

2 1. Insert two new sections as follows:  
3 “Sec. 23. A written statement, signed by the  
4 funeral director or legal representative, of all  
5 principal services and furnishings to be supplied by the  
6 funeral director for the preparation and burial or  
7 cremation of the deceased, together with the actual cost  
8 of the services including the total actual costs, shall  
9 be given to the next of kin or other person responsible  
10 for the making of the funeral arrangements prior to the  
11 burial or disposition of the deceased. For purposes of  
12 this section principal services shall include, but not be  
13 limited to, the casket, outer receptacle, facilities and  
14 equipment, professional services, nonlocal  
15 transportation, clothing, an itemization of all cash  
16 advances, and sales tax. A copy of such statement,

17 signed by the person to whom it was tendered, shall be  
 18 retained in the records of the funeral director for a  
 19 period of at least two years.

20 Sec. 24. That section 59-1617, Reissue Revised  
 21 Statutes of Nebraska, 1943, be amended to read as  
 22 follows:

23 59-1617. Nothing in sections 59-1601 to 59-1622  
 24 shall apply to actions or transactions otherwise  
 25 permitted, prohibited, or regulated under laws  
 1 administered by the Director of Insurance, the Public  
 2 Service Commission, the federal power commission, or any  
 3 other regulatory body or officer acting under statutory  
 4 authority of this state or the United States, nor shall  
 5 the provisions of sections 59-1601 to 59-1622 extend to  
 6 or apply to any actions or transactions on the part of  
 7 any public power and irrigation district, public power  
 8 district, electric membership association, and  
 9 cooperatives or municipalities engaged in furnishing  
 10 electrical service to customers at retail or wholesale if  
 11 such actions or transactions are otherwise permitted by  
 12 law; Provided, that actions and transactions prohibited  
 13 or regulated under the laws administered by the Director  
 14 of Insurance shall be subject to the provisions of  
 15 section 59-1602 and all statutes which provide for the  
 16 implementation and enforcement of section 59-1602 and  
 17 that actions and transactions prohibited or regulated  
 18 under the laws administered by the Board of Examiners in  
 19 Embalming and Funeral Directing of the Bureau of  
 20 Examining Boards, Department of Health shall be subject  
 21 to the provisions of Chapter 59, article 16.

22 No penalty or remedy shall result from a  
 23 violation of sections 59-1601 to 59-1622 except as  
 24 expressly provided therein.”.

25 2. On page 25, line 11 after “33-150,” insert  
 26 “59-1617.”.

**LEGISLATIVE BILL 686.** Placed on General File as amended.  
 Standing Committee amendments to LB 686:

- 1 1. On page 9 line 19 strike “(nonrefundable)”
- 2 and insert “and examination fee” and strike “\$50.00”
- 3 and insert “\$75.00”; strike line 20; in line 21 strike
- 4 “(e)” and insert “(b)”;
- 5 in line 22 strike “(d)” and
- 6 insert “(c)”;
- 7 and in line 24 strike “(e)” and insert
- 8 “(d)”.
- 9 2. On page 10 line 1 strike “(f)” and insert
- 10 “(e)”;
- 11 and in line 2 strike “(g)” and insert “(f)”.

- 9 3. On page 13 line 19 strike “ninety” and  
 10 insert “one hundred eighty”; in line 20 after “may”  
 11 insert “not”, and strike “no more than once”.  
 12 4. Insert the following new section:  
 13 “Sec. 10. Whenever the Department of Health  
 14 conducts an investigation or hearing regarding loss of  
 15 Medicaid or Medicare certification of a nursing home  
 16 or suspension or revocation of the license of a nursing  
 17 home, the board may hold a hearing to determine whether  
 18 there is cause to suspend, revoke, or deny the license  
 19 of a nursing home administrator.”  
 20 5. Renumber original section 10 as section 11.

**LEGISLATIVE BILL 789**, Placed on General File as amended.  
 Standing Committee amendment to LB 789:

1. On page 3, line 3 after “child” insert “and one  
eligible caretaker relative”.

(Signed) Samuel K. Cullan, Chairperson

## RESOLUTION

### LEGISLATIVE RESOLUTION 200.

Introduced by Cullan, 49th District.

WHEREAS, the Nebraska Hall of Fame Commission was established by action of the Nebraska State Legislature, and the commission, utilizing the criteria established by the Legislature, has selected Mari Sandoz as a member of the Hall of Fame; and

WHEREAS, Mari Sandoz made not only significant contributions to the history of Nebraska, but the entire Great Plains region, was recognized nationally as an authority on Plains Indians and the trans-Missouri West, and concerned herself with human justice, treatment of minority cultures, conservation, agriculture, education, and excellence in all endeavors; and

WHEREAS, she continuously gave support to aspiring young writers and artists, brought honor and recognition to herself, the State of Nebraska, and all of its citizens, and her research and writing retains its recognition and importance in foreign countries as well as the United States and continues to transcend both her time and geographical region; and

WHEREAS, Mari Sandoz was one of our native Nebraskans who grew up among us, recorded our history, and returned to us.

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

1. That this Legislature accept the bust of Mari Sandoz and have it placed in the Hall of Fame in the State Capitol in honor of one of our prominent and outstanding Nebraskans.

2. That the ceremony for the dedication and installation of the Mari Sandoz Bust be held on May 4, 1980, at 2:00 P.M. in the Hall of Fame in the State Capitol.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 846.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 932.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 951.** 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.

**LEGISLATIVE BILL 681.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 759.** Title read. Considered.

Messrs. Carsten, Hefner, and Merz asked unanimous consent to add their names to LB 759. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 631.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 797.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Rumery asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

**LEGISLATIVE BILL 764.** 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.

**LEGISLATIVE BILL 819.** 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.

**LEGISLATIVE BILL 601.** Title read. Considered.

Standing Committee amendments found in the Journal on page 560 for the Nineteenth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Dworak asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 957.** Title read. Considered.

Standing Committee amendments found in the Journal on page 582 for the Twentieth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 817.** Title read. Considered.

Standing Committee amendments found in the Journal on page 586 for the Twentieth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 712.** Title read. Considered.

Standing Committee amendments found in the Journal on page 600 for the Twenty-First Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

**MR. CLARK PRESIDING**

Advanced to E & R for Review with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 913.** Title read. Considered.

Standing Committee amendments found in the Journal on page 608 for the Twenty-First Day were adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 958.** Title read. Considered.

Standing Committee amendments found in the Journal on page 608 for the Twenty-First Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**PRESENTED TO THE GOVERNOR**

Presented to Governor on February 14, 1980 at 11:28 a.m. were the following bills: 44, 61, 641, 650, 697, 700, 734, 735, and LR 30.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Mr. Haberman asked unanimous consent to print the following amendment to LB 605 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee amendments, on page
- 2 1, line 7 after "act" insert "that serves no lawful purpose
- 3 for the person committing the act".

Mr. Hoagland asked unanimous consent to print the following amendments to LB 725 in the Journal. No objections. So ordered.

- (1)
- 2 1. In the Standing Committee amendments strike
- 3 amendments 1 through 4 and insert:
- 4 "1. Strike original sections 1 to 9 and insert
- 5 the following new sections:

6           ‘Section 1. That section 71-5871, Revised  
 7 Statutes Supplement, 1979, be amended to read as follows:  
 8           71-5871. After ~~September 1, 1979~~ the effective  
 9 date of this act, any person who sells, for a profit, a  
 10 health care facility for which Medicaid reimbursement has  
 11 been received shall reimburse the Department of Public  
 12 Welfare ~~for either (1) the amount of depreciation allowed~~  
 13 ~~and paid by the Department of Public Welfare for previous~~  
 14 ~~years prior to the time of sale of the property or (2)~~  
 15 ~~the product of the ratio of depreciation paid in past~~  
 16 ~~years to the total depreciation accumulated by the~~  
 17 ~~facility times the difference in the sales price of the~~  
 18 ~~real depreciable property over the book value of the~~  
 19 ~~assets sold, whichever is less. The determination of the~~  
 20 ~~amount to be recaptured shall be made within one hundred~~  
 21 ~~twenty days of the effective date of the transfer or~~  
 22 ~~within thirty days of the date of receipt of the final~~  
 23 ~~cost report of the seller. The Department of Public~~  
 24 ~~Welfare shall adopt and promulgate rules and regulations~~  
 25 ~~to determine the computation of such reimbursement. For~~  
 1 the purposes of this section, real depreciable property  
 2 shall mean structures, buildings, and nonmovable and  
 3 movable equipment used and useful in providing health  
 4 care, and excludes land, intangibles, and personal  
 5 property.

6           Sec. 2. That original section 71-5871, Revised  
 7 Statutes Supplement, 1979, is repealed.’”.

(2)

2           1. In the Standing Committee Amendments strike  
 3 amendments 1 through 4 and insert:  
 4           “1. Strike original sections 1 to 9 and insert  
 5 the following new sections:  
 6           ‘Section 1. That section 71-5871, Revised  
 7 Statutes Supplement, 1979, be amended to read as follows:  
 8           71-5871. After ~~September 1, 1979~~, any person who  
 9 ~~sells, for a profit, a health care facility for which~~  
 10 ~~Medicaid reimbursement has been received shall reimburse~~  
 11 ~~the Department of Public Welfare for either (1) the~~  
 12 ~~amount of depreciation allowed and paid by the Department~~  
 13 ~~of Public Welfare for previous years to the time of sale~~  
 14 ~~of the property or (2) the product of the ratio of~~  
 15 ~~depreciation paid in past years to the total depreciation~~  
 16 ~~accumulated by the facility times the difference in the~~  
 17 ~~sales price of the property over the book value of the~~  
 18 ~~assets sold, whichever is less. The determination of the~~  
 19 ~~amount to be recaptured shall be made within one hundred~~

20 twenty days of the effective date of the transfer or  
 21 within thirty days of the date of receipt of the final  
 22 cost report of the seller. After the effective date of  
 23 this act, the Department of Public Welfare shall  
 24 reimburse for depreciation those health care facilities  
 25 participating in the Medical Assistance Plan. For the  
 1 purpose of this section, depreciation attributable to any  
 2 asset shall be allowed only once. If any asset has been  
 3 fully depreciated under the Medical Assistance Plan it  
 4 cannot be depreciated again. In the event of a change in  
 5 ownership, only the useful life unclaimed by previous  
 6 owners will be recognized. The Department of Public  
 7 Welfare shall adopt and promulgate rules and regulations  
 8 to determine the computation of such reimbursement.  
 9 Sec. 2. That original section 71-5871, Revised  
 10 Statutes Supplement, 1979, is repealed.' ”.

(3)

1 1. In the Standing Committee amendments strike  
 2 amendments 1 through 4 and insert:  
 3 “1. Strike original sections 1 to 9 and insert  
 4 the following new sections:  
 5 ‘Section 1. It is the intent of the Legislature  
 6 that the Department of Public Welfare provide standards  
 7 for the recapture of depreciation paid through Medicaid  
 8 reimbursement by the Department of Public Welfare when  
 9 any person sells, for a profit, a health care facility  
 10 for which Medicaid reimbursement has been received.  
 11 Sec. 2. That section 71-5871, Revised Statutes  
 12 Supplement, 1979, is repealed.’ ”.

Mr. Johnson asked unanimous consent to print the following amendment to LB 798 in the Journal. No objections. So ordered.

1 1. In the Standing Committee amendments,  
 2 page 1, line 7 strike “Any” show as stricken, and insert  
 3 “(1) Except as provided in subsection (2) of this  
 4 section, any”.  
 5 2. On page 2 of the committee amendments in  
 6 line 4 strike beginning with “recoupment” through  
 7 “benefits” in line 5, show old matter as stricken, and  
 8 insert “repayments”; in line 7 strike “recoupment”  
 9 show as stricken, and insert “repayment”; and after  
 10 line 12 insert the following new subsection:  
 11 “(2) Any person who has received any sum as  
 12 benefits under sections 48-601 to 48-669 to which he  
 13 or she was not entitled shall not be required to repay

14 such sum to the commissioner nor shall recoupment from  
 15 future benefits be made if such sum was received with-  
 16 out fault on such person's part, and repayment or re-  
 17 coupment would defeat the purpose of sections 48-601  
 18 to 48-669 or would be against equity and good conscience."

### STANDING COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 8.** Indefinitely postponed.  
**LEGISLATIVE BILL 617.** Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

#### Judiciary

**LEGISLATIVE BILL 790.** Placed on General File.  
**LEGISLATIVE BILL 981.** Placed on General File.

**LEGISLATIVE BILL 622.** Placed on General File as amended,  
 Standing Committee amendments to LB 622:

- 2 1. On page 3, line 2 strike "equally" and insert
- 3 "equitably".
- 4 2. On page 5, line 1 strike beginning with "the"
- 5 through line 3 and insert "as part of the marital estate,
- 6 for purposes of the division of property at the time of
- 7 dissolution, any pension plans, retirement plans,
- 8 annuities, and other deferred compensation benefits owned
- 9 by either party, whether vested or not vested."
- 10 3. Insert the following new section:
- 11 "Sec. 3. That section 42-371, Reissue Revised
- 12 Statutes of Nebraska, 1943, be amended to read as
- 13 follows:
- 14 42-371. (1) All judgments and orders for payment
- 15 of money under sections 42-347 to 42-379 shall be liens
- 16 upon property as in other actions and may be enforced or
- 17 collected by execution and the means authorized for
- 18 collection of money judgments. The judgment creditor may
- 19 execute a partial or total release of the judgment,
- 20 generally or on specific property. Release of judgments
- 21 for child support must be approved by the court which
- 22 rendered the judgment. The judgment debtor may petition
- 23 the court which rendered the original judgment for an
- 24 order releasing the lien as to specific property. The
- 25 court shall grant such order upon good cause shown that
- 1 sufficient property or property interests remain
- 2 indicating the judgment debtor's ability to pay support,
- 3 the relief prayed for in the petition upon a showing by

4 ~~the judgment debtor that sufficient property shall remain~~  
 5 ~~subject to the lien to cover all child support due and~~  
 6 ~~that which may become due.~~

7 (2) Child support judgments shall cease to be  
 8 liens on property ten years from the date (a) the  
 9 youngest child becomes of age or dies, or (b) the most  
 10 recent execution was issued to collect the judgment,  
 11 whichever is later, and such lien shall not be  
 12 reinstated.

13 (3) Alimony and property settlement award  
 14 judgments shall cease to be a lien on property ten years  
 15 from the date (a) the judgment was entered, (b) the most  
 16 recent payment was made, or (c) the most recent execution  
 17 was issued to collect the judgment, whichever is latest,  
 18 and such lien shall not be reinstated.

19 (4) Whenever a judgment creditor under sections  
 20 42-347 to 42-379 refuses to execute a release of the  
 21 judgment as provided in this section, the person desiring  
 22 such release may file an application for the relief  
 23 desired. A copy of the application and a notice of  
 24 hearing shall be served on the judgment creditor either  
 25 personally or by registered or certified mail no less  
 26 than ten days before the date of hearing. If the court  
 27 finds that the release is not requested for the purpose  
 1 of avoiding payment and that the release will not unduly  
 2 reduce the security, the court may release property from  
 3 the judgment lien. As a condition for such release, the  
 4 court may require the posting of a bond with the clerk in  
 5 an amount fixed by the court, guaranteeing payment of the  
 6 judgment.

7 (5) The court may in any case, if it finds it  
 8 necessary, order a person required to make payments under  
 9 sections 42-347 to 42-379 to post sufficient security  
 10 with the clerk to insure payment. Upon failure to comply  
 11 with the order the court may also appoint a receiver to  
 12 take charge of the debtor's property to insure payment.”.

13 4. On page 5, line 4 strike “and” and insert a  
 14 comma; and in line 5 after the first comma insert “and  
 15 42-371.”.

16 5. Renumber original section 3 as section 4.

**LEGISLATIVE BILL 731.** Placed on General File as amended.  
 Standing Committee amendment to LB 731:

1. On page 6, line 8 after “shall” insert “immediately”  
 and strike “an” and insert “and sign the”; in line 11 strike beginning  
 with “and” through “warrant” and insert “. The magistrate or judge  
 shall also enter on the face of the original warrant the exact time  
 when the warrant was ordered to be issued”.

**LEGISLATIVE BILL 972.** Placed on General File as amended.  
Standing Committee amendment to LB 972:

1. On page 3 line 8 strike "after the effective date of this act".

(Signed) William E. Nichol, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 496A, 621, 629, 635, 648, 685, 701, 701A, 703, 723, 766, 816, 857, and 914.

(Signed) Don Wesely, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 958A.** By Appropriations Committee: Warner, 25th District, Chairman.

This bill introduced on behalf of: LB 958.

A **BILL FOR AN ACT** to appropriate funds to aid in carrying out the provisions of Legislative Bill 958, Eighty sixth Legislature, Second Session, 1980.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, February 19, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SIXTH DAY - FEBRUARY 19, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 19, 1980

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Our Father in Heaven, we thank Thee for a long weekend we have recently enjoyed, and for the rest that it has afforded us from the usual round of responsibilities. We know that Thou art lovingly concerned about the way we live and how we wear ourselves out, taking less care of ourselves than we do of our cars. Bless Thy servants, the Senators, with good health and good sense to preserve it. Bless the members of their families. May they commit them all to Thy care, that no anxiety shall keep any one from doing his best-work. We feel that we have to do so many things that we would rather not do, even as we plea that we have no time to do some things we know very well we should do. Help us to make wise choices and proper use of our time. We wait upon Thee for the continual answer to our prayers. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Labeledz who was excused; and Mrs. Pirsch, Messrs. George, Haberman, Johnson, Lewis, Newell, Powers, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 691, line 17, after "Elgin" insert: "(Withdrawn 2/1/80)".  
The Journal for the Twenty-Fifth Day was approved as corrected.

## ATTORNEY GENERAL'S OPINION

Opinion No. 225  
February 13, 1980

Dear Senator DeCamp:

This is in reply to your letter of January 30, 1980, concerning L.B. 306, as it has been amended as of January 30, 1980. It supplements our letter to you dated February 4, 1980.

In your letter you asked this office to supplement its opinion set forth in its letter to you dated February 4, 1980. Specifically, you ask whether the provisions of L.B. 306 as amended grant a different right to creditors after the death of the decedent for the allowance of claims for "debts contracted for in writing, taxes, and expenses of administration, including statutory allowances to the surviving spouse, minor children and dependent children" than the creditors would have had prior to the death of the decedent.

It is the opinion of this office that L.B. 306 as amended does grant a different right to creditors or claimants after the death of the decedent than such creditors or claimants would have had prior to the death of the decedent.

We know of no court decision or statutory provision which makes one joint owner of property personally liable for the sole or personal debts or obligations of another joint owner of property while the joint ownership exists. Nor are we aware of any court decision or statutory provision which makes one joint owner of property personally liable for the sole or personal debts or obligations of another joint owner of property upon or after termination of the joint ownership of property either by conveyance of his individual interest to a third party by one of the joint owners or by conveyance of his individual interest by one joint owner to the other joint owner.

In the case of a conveyance by one joint owner to the other joint owner, the grantee may become personally liable after conveyance to a purchaser in good faith if the conveyance of his individual interest by one joint owner to the other joint owner was with intent to defraud creditors. However, it is not the purpose of L.B. 306 as amended to deal with fraudulent conveyances by the deceased. Section 30-2471 R.R.S. 1943 covers fraudulent conveyances by the deceased.

It is the opinion of this office that L.B. 306 as amended confers a right upon creditors or claimants for claims set forth in L.B. 306 as amended which said creditors or claimants did not have prior to the death of the decedent. That right is to have the joint survivor held personally liable to the personal representative, if other assets of the estate are insufficient to the extent of the decedent's beneficial interest in the property immediately before his or her death.

You also ask in your letter if a different right to creditors is conferred by L.B. 306 as amended, does the Chambers' amendment make the bill in effect, contradictory.

In the broadest construction of the Chambers' amendment, there can be no doubt that Senator Chambers' proviso is totally contradictory and repugnant to the purview or main body of the act because a new right is conferred in the main body of the act and all who have the type of claim set forth in the main body of the act could be construed as being creditors. If our court were to so construe the bill, the proviso would be void and inoperative for repugnancy. This, of course, means the bill would be enforced as written prior to Senator Chambers' amendment.

It is the opinion of this office, however, that the bill would not be so construed. With respect to provisos, our Supreme Court in Kinney Loan & Finance Co. v. Sumner, 159 Neb. 57, 65 N.W.2d 240 (1954), states at page 67:

“The fundamental rule of statutory construction is to ascertain and, if possible, give effect to the intention or purpose of the legislature as expressed in the statute.’ 82 C.J.S., Statutes, §321, p. 560. The same rule applies to a proviso. In that regard, as stated in §381, p. 885: ‘A proviso should be construed together with the enacting clause or body of the act, with a view to giving effect to each and to carrying out the intention of the legislature as manifested in the entire act and acts in pari materia. A strict but reasonable construction is to be given to the proviso so as to take out of the enacting clause only those cases which are fairly within the terms of the proviso.’  
...”

With the foregoing in mind, a strict but reasonable construction to be given to the proviso so as to take out of the main body of L.B. 306 as amended, only those cases which are fairly within the terms of Senator Chambers' proviso, in our opinion, would be to exclude only “debts contracted for in writing”.

What is meant by “creditors” as used in Senator Chambers' proviso is the key to the construction to be given to the proviso. If “creditors” is intended to apply to “debts, taxes, expenses of administration, including statutory allowances, to the surviving spouse, minor children, and dependent children”, then the proviso would be void and inoperative for repugnancy. This construction, however, would give no meaning to the proviso.

Since the construction of a proviso is to be strict but reasonable, it is necessary to know what constitutes a strict but reasonable meaning of the word “creditors”. The following citations aid in determining such a meaning.

In construing who are creditors to be notified by a bank receiver by statute requiring such notice, our Supreme Court in State, ex rel. Spillman v. Ord State Bank, 117 Neb. 189, 220 N.W. 65 (1928), at page 193 stated:

“...but we think that the county was not a creditor, within the meaning of the statute, to whom notice was required to be mailed, for two reasons:

(1) The term ‘creditor’ is defined by Webster as ‘one who gives credit in business matters; hence, one to whom money is due;’ and in ordinary acceptance has reference to financial or business transactions. It is in this sense that the term is used in the statute.”

Our Supreme Court in Richards v. County Commissioners, Clay County, 40 Neb. 45, 58 N.W. 594 (1894), 42 Am.St. Rep. 650, stated at page 48:

“We think it is well settled, therefore, that a tax is not a debt capable of enforcement generally by civil action; ...”

In Logrbrink v. Eugene State Bank, 240 Mo. App. 517, 209 S.W.2d 265 (1948), the court stated at page 270:

“... ‘A creditor in its strict legal sense, is one who voluntarily gives credit to another for money and for other property, but, in its more general and extensive sense, is one who has a right by law to demand and recover of another a sum of money on any account whatever...’ ”

In Collins v. Ruffner, 185 Tenn. 290, 206 S.W.2d 298 (1947), the court stated at page 300:

“And in Williams v. Conrod, 30 Tenn. 412, at page 418, in construing the statute regulating the administration of estates, the court said: ‘ \*\*\* In the construction of this statute (Acts 1715, Chapter 48) it was settled at an early day, and the decision has been followed, that all persons are ‘creditors’ who have demands originating from contracts or agreements.’ ”

In an Indiana case, State, ex rel. Gentry v. O’Byrne, 221 Ind. 282, 46 N.E.2d 687, 689 (1943), construing a statute providing for granting of letters of administration to a creditor the court stated:

“...A creditor, within the meaning of the statute, is one to whom the decedent was indebted. Hillebrand v. Kinney, 172 Ind. 447, 87 N.E. 832, (1909), 19 Am. Cas. 788...”

In Boston v. Turner, 201 Mass. 190, 87 N.E. 634 (1909), the court stated at page 635:

“\*\*\* ‘Creditor’ is ordinarily used as the antonym of ‘Debtor’ and involves a debt and a credit. It commonly signifies one who holds some contractual obligation against another. \*\*\* A tax, however, has uniformly been held in this commonwealth not to be a debt.”

In the case of In re Brezin, D.C.N.J., 297 F. 300, the court stated at page 305:

“The government’s claim against bankrupt’s estate for ‘taxes’ is not to be classed with a creditor’s claim for the payment of an ordinary debt, for ‘taxes are not debts, but imposts levied for support of the government.’ (Citations omitted).”

It should be clear from the above authorities that a strict and reasonable construction of the word “creditor” in L.B. 306 as amended could only be applied to claims for “debts contracted for in writing” and is inconsistent therewith. In our letter of February 4, 1980, we stated that the rule governing such inconsistency is found in 82 C.J.S. Statutes, §381(4) at page 889:

“...It is generally agreed that, where the inconsistency is only partial, the proviso is valid and prevails to the extent of the inconsistency.”

It follows then, that Senator Chambers’ proviso would exclude “debts contracted for in writing”. The other classes of claims would remain unaffected by the proviso.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) John P. Regan  
Assistant Attorney General

JPR/ta

cc: Mr. Patrick J. O’Donnell  
Clerk of the Legislature

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 628.** Placed on Select File as amended.  
E & R amendments to LB 628:

1. On page 5, line 23, strike “his or her” and insert “their”.
2. On page 6, line 1, strike “upon” and insert “in”.
3. On page 9, line 16, insert “meals,” after “all”.
4. On page 10, line 20, insert “meals,” after “such”.
5. On page 12, insert “meals,” after “such” in line 24.
6. On page 13, line 26, strike “bill” and insert “act”.

**LEGISLATIVE BILL 742.** Placed on Select File as amended.  
E & R amendment to LB 742:

1. In the title, line 4, strike “assessment of property” and insert “taxation”.

**LEGISLATIVE BILL 499A.** Placed on Select File.

**LEGISLATIVE BILL 886.** Placed on Select File as amended.  
E & R amendment to LB 886:

1. On page 2, line 10, strike “Legislature” and insert “Legislature Legislative Council”.

**LEGISLATIVE BILL 959.** Placed on Select File as amended.  
E & R amendments to LB 959:

1. On page 4, line 10, strike the comma.
2. On page 5, line 16, strike “and”.

**LEGISLATIVE BILL 663.** Placed on Select File.

**LEGISLATIVE BILL 765.** Placed on Select File.

**LEGISLATIVE BILL 748.** Placed on Select File as amended.  
E & R amendment to LB 748:

1. In the title, lines 3 and 4, strike “charitable and fraternal societies” and insert “corporations”.

**LEGISLATIVE BILL 690.** Placed on Select File as amended.  
E & R amendments to LB 690:

1. Insert the section added by the Chambers amendment as section 3.
2. In the title, line 3, strike “and” and after “expenses” insert “; and to declare an emergency”.

**LEGISLATIVE BILL 690A.** Placed on Select File.

**LEGISLATIVE BILL 749.** Placed on Select File as amended.  
E & R amendment to LB 749:

1. On page 2, line 7, strike the comma.

**LEGISLATIVE BILL 846.** Placed on Select File.

**LEGISLATIVE BILL 932.** Placed on Select File.

**LEGISLATIVE BILL 951.** Placed on Select File.

**LEGISLATIVE BILL 681.** Placed on Select File.

**LEGISLATIVE BILL 759.** Placed on Select File as amended.  
E & R amendment to LB 759:

1. In the title, line 2, insert “direct the Governor to” after “to”.

**LEGISLATIVE BILL 631.** Placed on Select File.

**LEGISLATIVE BILL 797.** Placed on Select File as amended.  
E & R amendment to LB 797:

1. On page 10, line 13, strike "as".

**LEGISLATIVE BILL 764.** Placed on Select File.

**LEGISLATIVE BILL 819.** Placed on Select File.

**LEGISLATIVE BILL 601.** Placed on Select File as amended.  
E & R amendments to LB 601:

1. In committee amendments, page 3, line 2, insert "of such county" after "voters"; in line 3 insert "in such county" after "cast"; and in line 23 strike the first comma and insert "and".

2. On page 5, line 26, strike "other"; and in line 27 insert "in the county or district" after "held".

3. In the title, line 4, strike "change" and insert "provide an additional"; and strike beginning with "to" in line 5 through the semicolon in line 6.

**LEGISLATIVE BILL 957.** Placed on Select File as amended.  
E & R amendments to LB 957:

1. In committee amendment 2, lines 4 and 5, strike ", Revised Statutes Supplement, 1979".

2. In the title, line 2, strike "sections 81-589 and" and insert "section"; and in line 6 strike "sections" and insert "section".

**LEGISLATIVE BILL 817.** Placed on Select File.

**LEGISLATIVE BILL 712.** Placed on Select File as amended.  
E & R amendments to LB 712:

1. On page 3, line 10, strike "its" and insert "their".

2. In the title, insert "to provide for termination;" at the end of line 6.

**LEGISLATIVE BILL 913.** Placed on Select File as amended.  
E & R amendment to LB 913:

1. In the title, line 4, strike "eliminate the" and insert "limit an" and insert "; and" at the end of the line and strike line 5.

**LEGISLATIVE BILL 958.** Placed on Select File as amended.  
E & R amendments to LB 958:

1. All amendatory matter having been removed therefrom

by committee amendment 2, strike section 4 and renumber original sections 5 to 26 as sections 4 to 25.

2. On page 21, line 7, and in the title, line 3, strike "71-3805 to" and insert "71-3806,".

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORT**  
**Business and Labor**

**LEGISLATIVE BILL 761.** Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

**MESSAGES FROM THE GOVERNOR**

February 15, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 235 and 598, and Reengrossed Legislative Bills 442, 525 and 597.

These bills were signed by me on February 14, 1980, and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

February 14, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 413.

This bill was signed by me on February 14, 1980, and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 199.

### **REPORT**

Received copy of request for Architect and Engineer Contract Approval for the Vocational Training Building at the Medium-Minimum Security Facility, Lincoln, Nebraska. (On file in the Clerk's Office.)

### **MOTION - Suspend Rules**

Mr. Keyes moved to suspend the rules, Rule 3, Section 5, and Rule 5, Section 11, so as to allow for the cancellation of hearing and withdrawal of LB 948.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

### **MOTION - Withdraw LB 948**

Mr. Keyes moved to withdraw LB 948 and cancel the hearing.

The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

### **MOTION - Reconsider Action on LB 535**

Mr. DeCamp renewed his pending motion found in the Journal on page 631 to reconsider action on the final passage of LB 535.

The motion prevailed with 31 ayes, 6 nays, and 12 not voting.

**STANDING COMMITTEE REPORT**  
**Agriculture and Environment**

**LEGISLATIVE BILL 738.** Placed on General File as amended.  
Standing Committee amendments to LB 738:

1. On page 4 line 1 strike "persons recommended by the".
2. On page 9 line 2 strike "the growers" and insert "those".
3. On page 10 strike beginning with "All" in line 8 through line 12.
4. On page 11 in lines 3 and 4 strike "Auditor of Public Accounts" and insert "commission"; and strike beginning with "The" in line 19 through line 24.

5. Strike original section 27 and insert the following new section:

"Sec. 27. A grower who has sold dry beans and has had an assessment deducted from the sale price may, by written application to the department, secure a refund of the amount deducted. The refund shall be payable by the department upon application within sixty days after receipt of the refund request. Each application for refund by a grower shall have attached thereto proof of the assessment deducted."

6. On page 12 strike line 20; in line 21 strike "(4)" and insert "(3)"; and in line 26 strike "(5)" and insert "(4)".

7. On page 13 line 9 strike "forwarded" and insert "collected"; in lines 9 and 10 strike "to the commission"; and in line 25 after the period insert "The unexpended balance on June 30, 1980, is hereby reappropriated."

(Signed) Loran Schmit, Chairperson

**MOTION - Return LB 319 to Select File**

Mr. Warner moved to return LB 319 to Select File for the following specific amendment:

(Final Reading Copy)

- 1 1. On page 7 in lines 5 through 8 reinstate
- 2 the stricken matter and in line 8 after reinstated
- 3 "department" insert "and such other printing require-
- 4 ments as may be determined by the materiel division
- 5 of the Department of Administrative Services pursuant
- 6 to subdivision (3) of section 81-1118, Reissue Revised
- 7 Statutes of Nebraska, 1943".

The motion prevailed with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 319.** The Warner specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 319 to Select File**

Mr. Keyes moved to return LB 319 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Keyes motion lost with 4 ayes, 27 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Chambers moved to return LB 319 to Select File for the following specific amendment:

to require that any confined person who is hired out to private businesses, shall be paid the same wages as other employees doing similar work at the same business locus.

Mr. Chambers moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 18:

|          |          |        |        |         |
|----------|----------|--------|--------|---------|
| Beutler  | Fowler   | Landis | Newell | Vickers |
| Burrows  | Hoagland | Lewis  | Nichol | Wesely  |
| Chambers | Keyes    | Marsh  | Powers |         |
| Cullan   | Koch     | Merz   | Stoney |         |

Voting in the negative, 28:

|            |            |          |         |        |
|------------|------------|----------|---------|--------|
| Barrett    | Cope       | George   | Johnson | Lamb   |
| Carsten    | DeCamp     | Goodrich | Kahle   | Maresh |
| Chronister | Dworak     | Haberman | Kennedy | Marvel |
| Clark      | Fitzgerald | Hefner   | Kremer  | Murphy |

|         |        |       |        |
|---------|--------|-------|--------|
| Pirsch  | Rumery | Sieck | Wagner |
| Reutzel | Schmit | Simon | Warner |

Present and not voting, 1:

Kelly

Excused and not voting, 2:

Labeledz      Venditte

The Chambers motion lost with 18 ayes, 28 nays, 1 present and not voting, and 2 excused and not voting.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 481.

A BILL FOR AN ACT relating to insurance; to provide for licensing of insurance consultants; to define terms; to provide duties; to provide for license revocation or suspension; to amend section 44-114, Reissue Revised Statutes of Nebraska, 1943; to provide fees; to provide severability; and to repeal the original section, and also sections 44-2601 to 44-2605, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |        |         |        |
|------------|------------|--------|---------|--------|
| Barrett    | DeCamp     | Kahle  | Murphy  | Simon  |
| Beutler    | Dworak     | Keyes  | Newell  | Stoney |
| Burrows    | Fitzgerald | Koch   | Nichol  | Wagner |
| Carsten    | Fowler     | Kremer | Pirsch  | Warner |
| Chambers   | Goodrich   | Lamb   | Powers  | Wesely |
| Chronister | Haberman   | Landis | Reutzel |        |
| Clark      | Hefner     | Lewis  | Rumery  |        |
| Cope       | Hoagland   | Marsh  | Schmit  |        |
| Cullan     | Johnson    | Marvel | Sieck   |        |

Voting in the negative, 6:

George            Kennedy        Merz  
Kelly             Maresh        Vickers

Excused and not voting, 2:

Labeledz        Venditte

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

**LEGISLATIVE BILL 698.** With Emergency.

A BILL FOR AN ACT to amend section 83-915, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to authorize investment of certain funds as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Dworak     | Kelly   | Marvel  | Sieck   |
| Beutler    | Fitzgerald | Kennedy | Merz    | Simon   |
| Burrows    | Fowler     | Keyes   | Murphy  | Stoney  |
| Carsten    | George     | Koch    | Newell  | Vickers |
| Chambers   | Goodrich   | Kremer  | Nichol  | Wagner  |
| Chronister | Haberman   | Lamb    | Pirsch  | Warner  |
| Clark      | Hefner     | Landis  | Powers  | Wesely  |
| Cope       | Hoagland   | Lewis   | Reutzel |         |
| Cullan     | Johnson    | Maresh  | Rumery  |         |
| DeCamp     | Kahle      | Marsh   | Schmit  |         |

Voting in the negative, 0.

Excused and not voting, 2:

Labeledz        Venditte

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

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 618A.** By Cullan, 49th District.

This bill introduced on behalf of: LB 618.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 618, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 672A.** By Marvel, 33rd District.

This bill introduced on behalf of: LB 672.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 672, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**LEGISLATIVE BILL 819A.** By Fowler, 27th District.

This bill introduced on behalf of: LB 819.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 819, Eighty-sixth Legislature, Second Session, 1980.

**RESOLUTION****LEGISLATIVE RESOLUTION 201.**

Introduced by DeCamp, 40th District.

WHEREAS, William J. Froelich, spent a lifetime dedicated to public service in the legal profession and

WHEREAS, he demonstrated his concern for law and government by serving as an Assistant U.S. District Attorney and by prosecuting notorious Chicago gangsters in the 1930's, and was a legal practitioner for 53 years and

WHEREAS, he was a long time resident of O'Neill, Holt County, Nebraska and involved in that community's affairs, was active in the First National Bank of O'Neill, and was dedicated to helping the community prosper and

WHEREAS, he passed away at the age of 78 on the 5th day of February, 1980.

NOW THEREFORE, BE IT RESOLVED, that the members of the 86th Legislature of Nebraska Second Session, as follows:

1. That the members of the Legislature acknowledge William J. Froelich's contribution and services as an attorney, a former Assistant U.S. District Attorney, and Nebraska citizen and extend their deepest sympathy to his family.

2. That the Clerk of the Legislature send a copy of this Resolution to the family of William J. Froelich, being his widow, Irma Froelich, his sons, William J. Froelich, Jr., James F. Froelich and Charles Froelich, and his daughters, Mrs. Nancy Berigan and Mrs. Mary Vetter.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 1980.

Laid over.

## **SPEAKER MARVEL PRESIDING**

### **ANNOUNCEMENT**

Mr. Warner announced the Appropriations Committee will hold executive sessions February 19, 20, 21, 22, 25, 26, 27, and 28, at 1:30 p.m. in Room 1003.

### **UNANIMOUS CONSENT - Print in Journal**

Mrs. Marsh asked unanimous consent to print the following amendment to LB 736 in the Journal. No objections. So ordered.

- 1 1. On page 2 line 1 strike "9" and insert "11".
- 2 2. Insert the following new section:
- 3 "Sec. 10. No person shall be deemed to be
- 4 abused or neglected as defined in section 1 of this act
- 5 for the sole reason that he or she relies upon, or
- 6 is being provided treatment by, spiritual means through
- 7 prayer alone, for healing in lieu of medical treatment,
- 8 in accordance with the tenets and practices of a
- 9 recognized church or religious denomination.".
- 10 3. On page 7 line 22 strike "10" and insert "11".
- 11 4. On page 8 after line 16 insert the following:
- 12 "A person does not commit an offense under this
- 13 section for the sole reason he or she provides a person
- 14 with treatment by spiritual means through prayer alone,
- 15 in accordance with the tenets and practices of a recog-
- 16 nized church or religious denomination, in lieu of
- 17 medical treatment.".
- 18 5. Renumber original sections 11 to 18 as
- 19 sections 12 to 19 respectively.

Mr. Burrows asked unanimous consent to print the following amendment to LB 913 in the Journal. No objections. So ordered.

- 1 1. On page 2 line 8 after "societies" insert
- 2 ", except passenger cars, as defined in section 39-602"; and
- 3 in line 12 after "user" insert ", except passenger cars, as
- 4 defined in section 39-602".
- 5 2. In the Standing Committee amendment on page 1,
- 6 line 1 strike "owner" and insert "owned".

Mr. Schmit asked unanimous consent to print the following amendment to LB 631 in the Journal. No objections. So ordered.

Req. #2106

- 2 1. Insert two new sections as follows:
- 3 "Section 1. That section 54-753.01, Reissue
- 4 Revised Statutes of Nebraska, 1943, be amended to read as
- 5 follows:
- 6 54-753.01 (1) Except as provided in subsection
- 7 (2) of this section, it shall be unlawful for any person
- 8 to feed garbage to animals.
- 9 (2) A person may feed garbage to his or her own
- 10 animals so long as the garbage is obtained from the
- 11 person's own household, and the animals so fed, if
- 12 consumed, are consumed by no one other than the members
- 13 of that household.
- 14 (3) As used in ~~sections 54-753.02 to 54-753.04~~
- 15 this section, garbage shall mean all waste material
- 16 derived in whole or in part from fruits, vegetables,
- 17 meats, or other plant or animal material, including
- 18 poultry material, and any other refuse of any character
- 19 whatsoever that has been associated with any such
- 20 material, resulting from the handling, preparation,
- 21 cooking, or consumption of food, except that such term
- 22 shall not include material exempted by the Department of
- 23 Agriculture in rules and regulations adopted pursuant to
- 24 subsection (4) of this section. ~~refuse matter, animal or~~
- 25 ~~vegetable, and shall include all waste material,~~
- 1 ~~by products of a kitchen, restaurant, or slaughterhouse,~~
- 2 ~~every refuse accumulation of animal, fruit, or vegetable~~
- 3 ~~matter, liquid or otherwise.~~
- 4 (4) When deemed to be in the best interest of the
- 5 livestock industry of the state, and not detrimental to
- 6 the public health, safety, or general welfare, the
- 7 department may adopt reasonable rules and regulations
- 8 exempting specified materials from being deemed to be
- 9 garbage under this section. Only materials of a nonmeat
- 10 nature which are by-products of commercial food
- 11 processing operations may be so exempted.
- 12 Sec. 2. That section 54-753.04, Reissue Revised

- 13 Statutes of Nebraska, 1943, be amended to read as  
 14 follows:  
 15 54-753.04. Any person, ~~firm, partnership, or~~  
 16 ~~corporation~~ violating the provisions of section ~~54-753.02~~  
 17 ~~or 54-753.03~~ 54-753.01 or any rule or regulation made  
 18 pursuant thereto shall be guilty of a Class IV  
 19 misdemeanor. Each day the provisions of section  
 20 ~~54-753.02~~ 54-753.01 or any rule or regulation made  
 21 pursuant thereto is violated shall be a separate  
 22 offense.”.  
 23 2. On page 4, line 19 after “sections” insert  
 24 “54-753.01, 54-753.04,”; and in line 21 after “54-725,”  
 25 insert “54-753.02, 54-753.03, 54-753.06 to 54-753.10,”.  
 26 3. Renumber original sections 1 to 4 as sections  
 27 3 to 6 respectively.

### GENERAL FILE

**LEGISLATIVE BILL 228.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1355 for the Sixty-Second Day, First Session, were adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

Mr. Fowler renewed his pending amendment found in the Journal on page 670.

The amendment was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

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

**LEGISLATIVE BILL 228A.** Title read. Considered.

Mr. Fowler renewed his pending amendment found in the Journal on page 671.

The amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

**STANDING COMMITTEE REPORTS**  
**Miscellaneous Subjects**

**LEGISLATIVE BILL 823.** Placed on General File as amended.  
Standing Committee amendments to LB 823:

1. Strike original section 81 and insert the following section:

“Sec. 81. After receipt of an application for a registration card, the licensing authority shall conduct an investigation to determine whether the facts set forth in the application are true and shall cause the applicant’s fingerprints to be compared with the fingerprints filed with the Nebraska State Patrol. The licensing authority or the agency shall, within five days, forward a copy of the fingerprint card of the applicant to the Federal Bureau of Investigation and request a search of the fingerprint files of the Federal Bureau of Investigation for any record of convictions of such applicant.”.

2. Strike original section 122 and insert the following new section:

“Sec. 122. Sworn peace officers as defined in section 25 of this act shall be exempt from sections 74 to 107 and 114 to 117 of this act.”.

**LEGISLATIVE BILL 849.** Placed on General File as amended.  
Standing Committee amendments to LB 849:

2 1. Insert a new section as follows:

3 “Section 1. That section 81-195, Revised  
4 Statutes Supplement, 1978, be amended to read as follows:  
5 81-195. The following agencies, boards, or  
6 commissions shall terminate on July 1, 1980:

7 (1) Nebraska Brand Committee, created by section  
8 54-135;

9 (2) Commission on Fire Fighting Personnel  
10 Standards and Education, created by section 35-701;

11 (3) Nebraska Oil and Gas Conservation Commission,  
12 created by section 57-904;

13 (4) Nebraska Motor Vehicle Industry Licensing  
14 Board, created by section 60-1402;

15 (5) State Racing Commission, created by section  
16 2-1201; and

17 ~~(6) State Athletic Commissioner, created by~~  
18 ~~section 81-8,128; and~~

19 ~~(7) (6) Department of Revenue, created by section~~  
20 ~~77-340.”.~~

21 2. On page 3, line 6 after “all” insert  
22 “professional”, after “wrestling” strike the comma, show  
23 as stricken, and insert “and boxing, amateur”; strike  
24 line 11, show as stricken, and insert “No professional  
25 boxers or wrestlers, or amateur boxers who have attained  
1 the age of sixteen, shall participate in a match or

- 2 exhibition"; and in line 14 strike "shall take place or  
3 be conducted", and show as stricken.
- 4 3. On page 6, line 13 strike "events" and  
5 insert "boxing".
- 6 4. On page 7, line 2 strike "played" and insert  
7 "conducted"; in line 7 strike "Boxing", show as stricken,  
8 and insert "Professional boxing"; in line 13 strike  
9 "six", show as stricken, and insert "eight", after "No"  
10 insert "boxing"; and in line 16 after "physician" insert  
11 "or an appropriately assigned and supervised physician's  
12 assistant".
- 13 5. On page 8, line 10 strike "wrestling", show  
14 as stricken; and in line 11, strike "or" and show as  
15 stricken.
- 16 6. On page 10, line 10 after the period insert  
17 "Such rules and regulations shall include, but not be  
18 limited to, the establishment of written criteria for the  
19 granting and revoking of licenses, and the qualification  
20 requirements for those to be licensed as referees,  
21 physicians, managers, matchmakers, and professional  
22 boxing judges."; in line 13 after the third comma insert  
23 "or within one week,"; in line 14 after "amateur" insert  
24 "or professional"; and in line 15 after "athlete" insert  
25 "or any official".
- 26 7. On page 13, line 7 strike "fees" and insert  
27 "fee"; in line 15 strike "amateur" and insert  
1 "professional"; and in line 25 strike "advise" and insert  
2 "advice".
- 3 8. Insert the following new section:  
4 "Sec. 21. Since an emergency exists, this act  
5 shall be in full force and take effect, from and after  
6 its passage and approval, according to law."  
7 9. On page 4, line 4; page 5, line 6; page 8,  
8 line 27; page 9, lines 7 and 10; page 10, lines 3 and 9;  
9 page 12, line 25; and page 14, line 13 before "this"  
10 insert "sections 17 to 19 of".  
11 10. On page 14, line 20 strike "section" and  
12 insert "sections 81-195 and".  
13 11. Renumber original sections 1 to 19 as  
14 sections 2 to 20 respectively.

(Signed) Dave Newell, Chairperson

**Urban Affairs**

**LEGISLATIVE BILL 655.** Placed on General File.

**LEGISLATIVE BILL 660.** Placed on General File as amended.  
Standing Committee amendment to LB 660:

1. Strike the original sections and insert the following:

“Section 1. That section 16-612, Reissue Revised Statutes of Nebraska, 1943, is repealed.”.

(Signed) Walter George, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 615.** Considered.

Standing Committee amendments found in the Journal on page 429 for the Twelfth Day were considered.

Mr. Lewis offered the following amendment to the Standing Committee amendments:

- 1 1. Insert a new section to read:
- 2 “Sec. 7. No employee of the state or of any
- 3 political subdivision of the state shall utilize a
- 4 private automobile for travel on official business unless
- 5 no suitable vehicle owned by the state or subdivision
- 6 is available for such purpose. Any voucher or claim sub-
- 7 mitted for mileage reimbursement shall contain a statement
- 8 showing that no suitable public vehicle was available for
- 9 the travel.”.
- 10 2. Renumber original section 6 as section 8.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Standing Committees amendments, as amended, were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 540, Req. #2068.

Advanced to E & R for Review with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 619.** Title read. Considered.

### MR. NICHOL PRESIDING

Mr. Maresh withdrew his pending amendment found in the Journal on page 674.

Mr. Beutler withdrew his pending amendment found in the Journal on page 674.

**MR. CLARK PRESIDING**

Messrs. Reutzel and Fitzgerald moved to indefinitely postpone LB 619.

**SPEAKER MARVEL PRESIDING**

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

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. Fitzgerald requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 17:

|            |          |         |         |         |
|------------|----------|---------|---------|---------|
| Carsten    | George   | Kennedy | Marvel  | Vickers |
| Clark      | Goodrich | Keyes   | Merz    |         |
| Cullan     | Hefner   | Lewis   | Nichol  |         |
| Fitzgerald | Kahle    | Maresh  | Reutzel |         |

Voting in the negative, 27:

|            |          |        |        |        |
|------------|----------|--------|--------|--------|
| Beutler    | Dworak   | Kremer | Pirsch | Wagner |
| Burrows    | Fowler   | Lamb   | Powers | Warner |
| Chambers   | Hoagland | Landis | Rumery | Wesely |
| Chronister | Johnson  | Marsh  | Sieck  |        |
| Cope       | Kelly    | Murphy | Simon  |        |
| DeCamp     | Koch     | Newell | Stoney |        |

Present and not voting, 1:

Barrett

Excused and not voting, 3:

Haberman Labeledz Venditte

Absent and not voting, 1:

Schmit

The motion to indefinitely postpone lost with 17 ayes, 27 nays, 1 present and not voting, 3 excused and not voting, and 1 absent and not voting.

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

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 319.

(Signed) Don Wesely, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 19, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 44, 185, 284, 697, 650, 700, and 735, and Reengrossed Legislative Bill 526.

These bills were signed by me on February 19, 1980, and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kelly asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following:
- 3 "Section 1. That section 71-5871, Revised

- 4 Statutes Supplement, 1979, is repealed.”.  
 5 2. In the title strike lines 2 through 13  
 6 and insert:  
 7 “FOR AN ACT to repeal section 71-5871, Revised Statutes  
 8 Supplement, 1979, relating to the Nebraska  
 9 Health Care Certificate of Need Act; to  
 10 eliminate certain reimbursement to the  
 11 Department of Public Welfare.”.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

- 1 1. Insert a new section as follows:  
 2 “Sec. 9. After the effective date of this act,  
 3 no person shall be employed as a lobbyist for compensation  
 4 if such person has been a member of the Legislature  
 5 within the immediately preceding two-year period. Any  
 6 person violating the provisions of this section shall  
 7 be guilty of a Class III misdemeanor.”.
- 8 2. This provision shall not apply to any person  
 9 employed as a lobbyist as of the effective date of this act.  
 10 3. Renumber remaining sections accordingly.

### STANDING COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 613.** Placed on General File as amended.  
 Standing Committee amendments to LB 613:

1. Strike original sections 1 and 3.
2. On page 2, line 12 strike “3” and insert “2”.
3. Insert two new sections as follows:  
 “Sec. 2. The provisions of sections 77-3412 to 77-3431, Revised Statutes Supplement, 1979, shall not apply to: (1) A transit authority created under Chapter 14, article 18, or (2) any political subdivision which has a combined receipts budget base under twenty-five thousand dollars.  
 Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.
4. Renumber original sections 2 and 4 as sections 1 and 3 respectively.

**LEGISLATIVE BILL 666.** Placed on General File as amended.  
 Standing Committee amendments to LB 666:

- 1 1. On page 5 strike beginning with “any” in  
 2 line 2 through the comma in line 3, and show as stricken;  
 3 and in line 4 strike the new matter.
- 4 2. On page 6 strike beginning with “by” in  
 5 line 2 through “subdivision” in line 4, and show as stricken;

6 in line 8 insert an underscored semicolon after “contracts”;  
 7 and strike beginning with the period in line 8 through the  
 8 semicolon in line 12, and show as stricken.

9 3. On page 7, line 4 after “district” insert  
 10 “, or by any educational institution established under  
 11 Chapter 79 or 85”; strike beginning with “Any” in line 4  
 12 through the period in line 13, and show as stricken; in  
 13 line 16 insert an underscored semicolon after “made”; and  
 14 strike beginning with the period in line 16 through the  
 15 semicolon in line 23, and show as stricken.

**LEGISLATIVE BILL 834.** Placed on General File as amended.  
 Standing Committee amendments to LB 834:

Req. #2113

2 1. On page 20, lines 18 and 19 strike “Tax  
 3 Commissioner”, show as stricken, and insert “Department  
 4 of Revenue”.

5 2. On page 22, line 16; and page 23, lines 13,  
 6 14, 18, and 19, strike the new matter and reinstate the  
 7 stricken matter.

8 3. Strike beginning with the semicolon on page  
 9 25, line 16 through “if” on page 26, line 4, show old  
 10 matter as stricken and insert “, except that the county  
 11 assessor, in his or her discretion, with the approval of  
 12 the county board of equalization, may waive all or part  
 13 of the penalty provided by this section. If”.

14 4. On page 26, line 5 strike “such” and insert  
 15 “such a”; in line 6 strike the new matter and insert  
 16 “county board of equalization”; in line 10 strike  
 17 “department” and insert “county board of equalization”;  
 18 in line 11 strike “Tax Commissioner”, show as stricken,  
 19 and insert “county board of equalization”; and in line 14  
 20 strike the new matter and insert “county board of  
 21 equalization’s”.

22 5. On page 28, line 3 strike “48” and insert  
 23 “47”.

24 6. Strike original section 45.

1 7. On page 31, line 18 strike “48” and insert  
 2 “47”.

3 8. On page 32, line 14 before “The” insert  
 4 “(1)”; and after line 17 insert:

5 “(2) The pertinent provisions of sections 77-2708  
 6 to 77-2713, 77-27,125 to 77-27,131, and 77-27,133 to  
 7 77-27,135, shall be applicable to the administration and  
 8 collection of the tax imposed by section 2-1208.01,  
 9 except that the information obtained by the Department of  
 10 Revenue in its audit and enforcement activities shall  
 11 continue to be public records as defined in section  
 12 84-712.01, Revised Statutes Supplement, 1979.”.

13 9. Insert a new section as follows:

14 "Sec. 56. That section 66-310, Reissue Revised  
 15 Statutes of Nebraska, 1943, be amended to read as  
 16 follows:

17 66-310. No person, firm, or corporation shall  
 18 manufacture, have possession with intent to sell, offer,  
 19 and expose for sale, sell, or deliver any gasoline as a  
 20 motor vehicle fuel which does not conform to the American  
 21 Society of Testing Materials Specifications D439 as  
 22 adopted. The Director of Agriculture shall have the  
 23 authority to adopt a change in the technical  
 24 specifications as set forth by the American Society of  
 25 Testing Materials and to adopt any interim or emergency  
 26 change in specifications set forth by the American  
 27 Society of Testing Materials if such standard adopted by  
 1 the director shall only be in effect for a specific  
 2 period of time, set out in the duly adopted rules of the  
 3 department. the following requirements: It shall be  
 4 free from water and impurities; and one hundred cubic  
 5 centimeters of a sample shall be distilled in the manner  
 6 recommended by the American Society of Testing Materials  
 7 (A.S.T.M.), and must conform to the following Nebraska  
 8 Specifications for Motor Vehicle Fuels as follows: (1)  
 9 Ten per cent of the sample must be distilled and  
 10 recovered at a temperature below 167 degrees Fahrenheit;  
 11 (2) fifty per cent must be distilled and recovered below  
 12 234 degrees Fahrenheit; (3) ninety per cent must be  
 13 distilled and recovered below 392 degrees Fahrenheit; and  
 14 (4) the end or dry point of distillation must not be  
 15 higher than 437 degrees Fahrenheit."

16 10. On page 41, line 19 strike "and" and show as  
 17 stricken; and strike beginning with "upon" in line 20  
 18 through the comma in line 24, show the old matter as  
 19 stricken, and insert "in his or her discretion, with the  
 20 approval of the county board of equalization, may waive  
 21 all or part of the penalty, except that".

22 11. On page 42, line 2, strike "or"; in lines 8,  
 23 13, 14, 21, and 22 strike "Tax Commissioner", show as  
 24 stricken, and insert "county board of equalization";  
 25 strike beginning with "at" in line 15 through the comma  
 26 in line 17 and show as stricken; in line 19 strike ",  
 27 the" and show as stricken; in line 20 strike "county  
 1 board of equalization," and show the old matter as  
 2 stricken; and in line 24 strike "Tax Commissioner's",  
 3 show as stricken and insert "county board of  
 4 equalization's".

5 12. On page 48, line 19 after "66-309," insert  
 6 "66-310,"; and in line 22 strike "77-347" and insert  
 7 "77-346".

8 13. On page 49, line 2 after "77-343," insert  
 9 "77-347,".

10 14. Renumber original sections 46 to 56 as  
11 sections 45 to 55 respectively.

(Signed) Calvin F. Carsten, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 793.** Placed on General File.

**LEGISLATIVE BILL 801.** Placed on General File.

**LEGISLATIVE BILL 814.** Placed on General File.

**LEGISLATIVE BILL 891.** Placed on General File.

**LEGISLATIVE BILL 902.** Placed on General File.

**LEGISLATIVE BILL 280.** Placed on General File as amended.

Standing Committee amendments to LB 280:

2 1. Strike the original sections and insert the  
3 following new sections:  
4 "Section 1. That section 1-107, Revised Statutes  
5 Supplement, 1979, be amended to read as follows:  
6 1-107. There is hereby created the Nebraska  
7 State Board of Public Accountancy. The board shall  
8 consist of eight members appointed by the Governor, ~~and one such member shall be appointed to serve as~~  
9 ~~secretary of the board and have charge of all the records~~  
10 ~~of the board.~~ Until September 20, 1985, two of the  
11 members shall be persons who have registered and  
12 qualified as public accountants under the provisions of  
13 sections 1-128 to 1-130. One member of the board shall  
14 be a lay person. The other members shall be persons who  
15 hold certified public accountant certificates issued  
16 under the laws of this state, and who are in active  
17 practice as certified public accountants. All members  
18 shall be citizens of the United States and residents of  
19 Nebraska. At least one certified public accountant  
20 member shall reside in each Congressional district.  
21 ~~Members serving on August 27, 1971 shall continue in~~  
22 ~~office until the expiration of the term for which they~~  
23 ~~were appointed. On August 27, 1971, the Governor shall~~  
24 ~~appoint three additional members for terms of one, three,~~  
25 ~~and four years. Their successors shall be appointed for~~  
1 ~~terms of four years. On September 20, 1980, and each~~  
2 ~~year thereafter, the Governor shall appoint two members~~  
3 ~~to the board to serve for terms of four years each. Of~~  
4 ~~the three members whose terms would expire in 1980, one~~  
5 ~~member shall be designated to serve until 1981, and one~~  
6 ~~of the three members whose term would expire in 1983~~  
7 ~~shall be designated to serve only until 1982. Vacancies~~  
8 ~~occurring during a term shall be filled by appointment~~  
9 ~~for the unexpired term. Upon the expiration of his or~~

11 her term of office a member shall continue to serve until  
 12 his or her successor shall have been appointed and shall  
 13 have qualified. The Governor shall remove from the board  
 14 any member whose permit to practice has become void, or  
 15 has been revoked or suspended, and may, after hearing,  
 16 remove any member of the board for neglect of duty or  
 17 other just cause. No person who has served a complete  
 18 term of four years shall be eligible for reappointment.  
 19 Appointment to fill an unexpired term shall not be  
 20 considered as a complete term.

21 Sec. 2. That section 1-108, Reissue Revised  
 22 Statutes of Nebraska, 1943, be amended to read as  
 23 follows:

24 1-108. The board shall elect annually a ~~chairman~~  
 25 chairperson and secretary from its members. The  
 26 secretary shall receive and account for all fees and  
 27 other money received by the board under the provisions of  
 1 sections 1-106 to 1-169. The board may adopt and amend  
 2 from time to time, rules and regulations for the orderly  
 3 conduct of its affairs and the administration of the  
 4 provisions of sections 1-106 to 1-169. A majority of the  
 5 members of the board shall constitute a quorum for the  
 6 transaction of business. The board shall adopt a seal.  
 7 The board shall keep records of its proceedings, and in  
 8 any proceedings in court, civil or criminal, arising out  
 9 of or founded upon any provision of sections 1-106 to  
 10 1-169, copies of such records certified as correct under  
 11 the seal of the board shall be admissible in evidence as  
 12 tending to prove the content of said records.

13 Sec. 3. That section 1-109, Reissue Revised  
 14 Statutes of Nebraska, 1943, be amended to read as  
 15 follows:

16 1-109. The board shall have printed and  
 17 published for public distribution, in ~~July~~ December of  
 18 each year, an annual register which shall contain the  
 19 names, arranged alphabetically by classifications, of all  
 20 practitioners holding permits to practice under the  
 21 provisions of sections 1-106 to 1-169; the names of the  
 22 members of the board; and such other matters as may be  
 23 deemed proper by the board. Copies of registers shall be  
 24 mailed to each permitholder. The board may employ such  
 25 personnel and arrange for such assistance as it may  
 26 require for the performance of its duties.

1 Sec. 4. That section 1-110, Reissue Revised  
 2 Statutes of Nebraska, 1943, be amended to read as  
 3 follows:

4 1-110. Each member of the board, ~~other than the~~  
 5 ~~Auditor of Public Accounts~~, shall be paid fifty dollars  
 6 for each day or portion thereof spent in the discharge of  
 7 his or her official duties and shall be reimbursed for

8 his or her actual and necessary expenses incurred in the  
9 discharge of his or her official duties. ~~The Auditor of~~  
10 ~~Public Accounts, for the discharge of his official duties~~  
11 ~~as a member of and as secretary of the board, shall be~~  
12 ~~reimbursed for his actual and necessary expenses incurred~~  
13 ~~in the discharge of his official duties.~~ Such  
14 compensation and expenses shall be paid from the Public  
15 Accountants Fund.

16 Sec. 5. That section 1-135, Revised Statutes  
17 Supplement, 1979, be amended to read as follows:

18 1-135. Each office established or maintained in  
19 this state for the practice of public accounting in this  
20 state by a certified public accountant, or partnership of  
21 certified public accountants, or by a public accountant  
22 or a partnership of public accountants, or by one  
23 registered under the provisions of section 1-125, or a  
24 corporation, shall be registered annually under the  
25 provisions of sections 1-106 to 1-169 with the board, but  
26 no fee shall be charged for registration of the first  
27 office. An annual fee of fifty dollars shall be charged  
1 for the registration of the second and each additional  
2 office registered by such accountant or accountants.  
3 Each such office shall be under the direct supervision of  
4 a resident manager who may be either a principal or a  
5 staff employee holding a permit under the provisions of  
6 section 1-136, which is in full force and effect;  
7 Provided, that the title or designation certified public  
8 accountant or the abbreviation C.P.A. shall not be used  
9 in connection with such office unless such manager is the  
10 holder of a certificate as a certified public accountant  
11 under the provisions of sections 1-114 to 1-124 and a  
12 permit issued under the provisions of section 1-136, both  
13 of which are in full force and effect. Such manager may  
14 shall serve in such capacity at one office only and each  
15 office must be served by at least one full-time C.P.A.  
16 The board shall by regulation prescribe the procedure to  
17 be followed in effecting such registrations and shall  
18 prescribe staffing requirements for all offices.

19 Sec. 6. That section 1-148, Reissue Revised  
20 Statutes of Nebraska, 1943, be amended to read as  
21 follows:

22 1-148. The decision of the board shall be by  
23 majority vote thereof. The board may impose a fine, not  
24 to exceed one thousand dollars for each offense, for  
25 violations of any of the provisions of Chapter 1, Reissue  
26 Revised Statutes of Nebraska, 1943, and amendments  
27 thereto. Such fine shall be in addition to any other  
1 penalty that may be imposed.

2 Sec. 7. That section 1-160, Reissue Revised  
3 Statutes of Nebraska, 1943, be amended to read as

4 follows:

5 1-160. No person, partnership, or corporation,  
 6 not holding a live permit issued under the provisions of  
 7 section 1-136, shall hold himself, herself, or itself out  
 8 to the public as an accountant or auditor by use of  
 9 either or both of such words on any sign, card,  
 10 letterhead, or in any advertisement, public notice, or  
 11 directory; ~~without indicating thereon or therein that~~  
 12 ~~such person, partnership, or corporation does not hold~~  
 13 ~~such a permit~~; Provided, that this section shall not  
 14 prohibit any officer, employee, partner, or principal of  
 15 any organization from describing himself or herself by  
 16 the position, title, or office he or she holds in such  
 17 organization nor any act of any public official or public  
 18 employee in the performance of his or her duties as such.

19 Sec. 8. That original sections 1-108 to 1-110,  
 20 1-148, and 1-160, Reissue Revised Statutes of Nebraska,  
 21 1943, and sections 1-107 and 1-135, Revised Statutes  
 22 Supplement, 1979, are repealed.

23 Sec. 9. Since an emergency exists, this act  
 24 shall be in full force and take effect, from and after  
 25 its passage and approval, according to law.”.

26 2. In the title strike lines 2 through 7 and  
 27 insert:

1 “FOR AN ACT to amend sections 1-108 to 1-110, 1-148, and  
 2 1-160, Reissue Revised Statutes of Nebraska,  
 3 1943, and sections 1-107 and 1-135, Revised  
 4 Statutes Supplement, 1979, relating to  
 5 accountants; to change the appointment date  
 6 and number of members annually appointed to  
 7 the Nebraska State Board of Public  
 8 Accountancy; to provide for the election of a  
 9 secretary to the board; to change the month of  
 10 publication of the annual register of the  
 11 board; to delete references to the Auditor of  
 12 Public Accounts; to provide minimum staffing  
 13 requirements for all public accounting  
 14 offices; to authorize the board to levy fines  
 15 for accounting violations; to change  
 16 provisions relating to advertising as  
 17 prescribed; to repeal the original sections;  
 18 and to declare an emergency.”.

**LEGISLATIVE BILL 346.** Placed on General File as amended.  
 Standing Committee amendments to LB 346:

2 1. Strike the original sections and all  
 3 amendments thereto and insert the following:  
 4 “Section 1. That section 9-401, Uniform  
 5 Commercial Code, be amended to read as follows:  
 6 9-401. Place of filing; erroneous filing; removal of

7 collateral.

8 (1) The proper place to file in order to  
9 perfect a security interest is as follows:

10 (a) When the collateral is unharvested crops,  
11 then in the office of the county clerk in the  
12 county where the land, on which the crops are  
13 growing or are to be planted and grown, is  
14 located, and in the office of the Public  
15 Service Commission, where a duplicate copy  
16 shall be filed and indexed as a crop lien.  
17 There shall be no filing fee or charge for  
18 the filing of a duplicate. It is the  
19 legislative intent that on and after  
20 September 2, 1977, duplicate copies of  
21 pre September 2, 1977, filings in the office  
22 of the county clerk will not be required to  
23 be filed in the office of the Public Service  
24 Commission to continue the perfection of a  
25 security interest properly perfected prior to  
1 that time and that all rights of the secured  
2 party by virtue of such pre September 2,  
3 1977, filings shall remain unchanged without  
4 additional filings. When financing statement  
5 amendments or continuation statements are  
6 filed after September 2, 1977, duplicate  
7 copies of the original office of the county  
8 clerk filings of financing statements  
9 referred to therein shall be filed in the  
10 office of the Public Service Commission.

11 (b) When the collateral is goods which at the  
12 time the security interest attaches are or  
13 are to become fixtures, then in the office of  
14 the register of deeds where a mortgage on the  
15 real estate concerned would be filed or  
16 recorded, and the fee for recording or  
17 releasing such instrument of record shall be  
18 the same as for a real estate mortgage.

19 (c) When the collateral is any other type of  
20 tangible or intangible personal property, the  
21 following rules apply: When the debtor is a  
22 resident of this state, then in the office of  
23 the county clerk in the county of the  
24 debtor's residence. When debtor is a  
25 nonresident and the collateral is located  
26 within the state, then in the office of the  
27 county clerk in the county where the  
1 collateral is located at the time of the  
2 execution of the security instrument;  
3 Provided, that if the debtor intends to  
4 immediately move and keep the collateral in

5 another county, then in the office of the  
6 county clerk of the county in which the  
7 collateral is to be kept. If the debtor is a  
8 nonresident and the collateral is not located  
9 in this state at the time of the execution of  
10 the security instrument but the debtor  
11 intends to immediately bring it into and keep  
12 it in this state, then in the office of the  
13 county clerk in the county where the  
14 collateral is to be kept. If the debtor is a  
15 nonresident and part of the collateral is to  
16 be kept in different counties, then in the  
17 office of the county clerk in each county  
18 where any part of the collateral is kept;  
19 Provided, if it is only filed in one county  
20 it shall be sufficient to protect the lien on  
21 the collateral kept in the county where it is  
22 filed. If the debtor shall be a Nebraska  
23 corporation, a foreign corporation qualified  
24 to do business in Nebraska or a foreign  
25 corporation domesticated under Nebraska law,  
26 then it shall be deemed a resident, and its  
27 residence for purpose of filing shall be the  
1 county where the office of its last appointed  
2 resident agent is located. If the debtor is  
3 a partnership or other unincorporated entity  
4 maintaining a place of business in this  
5 state, then the debtor shall be deemed a  
6 resident, and its residence for purpose of  
7 filing shall be its principal place of  
8 business in this state, and any designation  
9 of such place of business in the security  
10 instrument shall be controlling. If the  
11 debtor consists of two or more persons,  
12 unincorporated entities, partnerships or  
13 corporations having a common interest in the  
14 security, and if any of them are residents as  
15 herein defined, then the debtor shall be  
16 deemed a resident, and its residence for  
17 purpose of filing shall be the residence of  
18 any one of them as herein defined.

19 (1) The proper place to file in order to  
20 perfect a security interest is as follows:  
21 (a) When the collateral is equipment used in  
22 farming operations, or farm products, or  
23 accounts or general intangibles arising from  
24 or relating to the sale of farm products by a  
25 farmer, or consumer goods, then in the office  
26 of the county clerk in the county of the  
27 debtor's residence or if the debtor is not a

1 resident of this state then in the office of  
 2 the county clerk in the county where the  
 3 goods are kept, and in addition when the  
 4 collateral is crops growing or to be grown,  
 5 in the office of the Secretary of State.

6 (b) When the collateral is timber to be cut or is  
 7 minerals or the like (including oil and gas)  
 8 or accounts subject to subsection (5) of  
 9 section 9-103, or when the financing  
 10 statement is filed as a fixture filing  
 11 (section 9-313) and the collateral is goods  
 12 which are or are to become fixtures, then in  
 13 the office where a mortgage on the real  
 14 estate would be filed or recorded.

15 (c) In all other cases, in the office of the  
 16 Secretary of State.

17 (2) A filing which is made in good faith in an  
 18 improper place or not in all of the places required by  
 19 this section is nevertheless effective with regard to any  
 20 collateral as to which the filing complied with the  
 21 requirements of this article and is also effective with  
 22 regard to collateral covered by the financing statement  
 23 against any person who has knowledge of the contents of  
 24 such financing statement.

25 (3) A filing which is made in the proper place in  
 26 this state continues effective even though the debtor's  
 27 residence or place of business or the location of the  
 1 collateral or its use, whichever controlled the original  
 2 filing, is thereafter changed.

3 ~~(4) If collateral is brought into this state from~~  
 4 ~~another jurisdiction, the~~ The rules stated in section  
 5 9-103 determine whether filing is necessary in this  
 6 state.

7 (5) Notwithstanding the preceding subsections,  
 8 and subject to subsection (3) of section 9-302, the  
 9 proper place to file in order to perfect a security  
 10 interest in collateral, including fixtures, of a  
 11 transmitting utility is the office of the Secretary of  
 12 State. This filing constitutes a fixture filing (section  
 13 9-313) as to the collateral described therein which is or  
 14 is to become fixtures.

15 (6) For the purposes of this section, the  
 16 residence of an organization is its place of business if  
 17 it has one or its chief executive office if it has more  
 18 than one place of business.

19 Sec. 2. Notwithstanding any other provision in  
 20 the Uniform Commercial Code for filing and recording, a  
 21 filing officer may record the information provided by the  
 22 filing on computer facilities and allow public access to  
 23 such information.

24 Sec. 3. Telephone inquiries regarding  
 25 information provided by the filing shall be allowed. The  
 26 filing officer, his or her employees, or agents, are  
 27 exempted from all personal liability as a result of any  
 1 error or omission in providing information in response to  
 2 telephone inquiries, except in cases of willful  
 3 misconduct or negligence.

4 Sec. 4. A filing which is made in the proper  
 5 place in this state prior to September 1, 1981, continues  
 6 to be effective even though under this act the place of  
 7 filing has been changed. The effectiveness of any  
 8 financing statement or continuation statement filed prior  
 9 to September 1, 1981, may be continued by a continuation  
 10 statement as permitted by the Uniform Commercial Code,  
 11 except that if this act requires a filing in an office  
 12 where there was no previous financing statement, a new  
 13 financing statement shall be filed in that office. Such  
 14 new financing statement may be filed within six months  
 15 before the perfection of the security interest would  
 16 otherwise lapse. Any such financing statement may be  
 17 signed by either the debtor or the secured party. It  
 18 must identify the original financing statement and any  
 19 amendment or continuation thereof, state the office where  
 20 and the date when each filing was made, and the filing  
 21 number thereof.

22 Sec. 5. This act shall become operative on  
 23 September 1, 1981.

24 Sec. 6. That original section 9-401, Uniform  
 25 Commercial Code, is repealed."

**LEGISLATIVE BILL 440.** Placed on General File as amended.  
 (Standing Committee amendments printed separate from the Journal  
 and on file in the Clerk's Office - Req. #2128.)

**LEGISLATIVE BILL 893.** Placed on General File as amended.  
 Standing Committee amendment to LB 893:

1. On page 2 line 16 after the underscored comma  
 insert "associate real estate broker, real estate salesperson,"

**LEGISLATIVE BILL 714.** Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

#### VISITORS

Visitors to the Chamber were Gary Keim; and Mike Dulaney, Gering  
 High School.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Mr. Powers, the Legislature adjourned until 9:00 a.m., Wednesday, February 20, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SEVENTH DAY - FEBRUARY 20, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 20, 1980

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Eternal God, some of us have gathered in these Senate chambers with joy and expectancy. Things are going our way. Others of us have gathered here discouraged. We not only face major problems; we are nagged by the insect swarm of life's little irritations and worries. Give us the assurance that no matter what we face today, we are surrounded by Thy love and upheld by Thy strength. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Haberman, Lewis, Powers, Simon, and Schmit who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twenty-Sixth Day was approved.

**ANNOUNCEMENT**

Mr. Hefner announced that former Senator Jules Burbach is doing well after surgery.

## LEGISLATIVE JOURNAL

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review****Correctly Enrolled**

The following bills were correctly enrolled: 481 and 698.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 481 and 698.

**MESSAGE FROM THE GOVERNOR**

February 19, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 641 and 734.

These bills were signed by me on February 19, 1980 and delivered to the Secretary of State.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

**STANDING COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 646.** Placed on General File as amended.  
Standing Committee amendment to LB 646:

Req. #2065

- 2 1. On page 2, strike beginning with "at" in line
- 3 17 through "organizations" in line 21 and insert "group
- 4 and individual subscribers should have information
- 5 concerning the scope of alcoholism benefits being offered
- 6 and access to coverage for treatment of the disease on
- 7 such terms and conditions as may be agreed upon between
- 8 the subscriber and the insurer, hospital service
- 9 corporation, or health maintenance organization"; in line

10 22 strike "14" and insert "12"; and in line 24 strike  
11 "11" and insert "10".

12 2. Strike sections 9, 10, 12, and 13.

13 3. Insert two new sections as follows:

14 "Sec. 10. Basic coverage for treatment of  
15 alcoholism shall mean coverage for primary and outpatient  
16 treatment consisting of not less than (1) thirty days of  
17 inpatient coverage for the primary treatment of  
18 alcoholism in any three hundred and sixty-five day  
19 benefit period with at least two such inpatient treatment  
20 periods available, and (2) sixty outpatient treatment  
21 visits, when such inpatient or outpatient treatment is  
22 rendered in or through a hospital providing treatment for  
23 alcoholism, an alcoholic treatment center, or a program  
24 which is either certified or accredited to render such  
25 treatment.

1 Sec. 11. After January 1, 1981, all policies or  
2 contracts of sickness and accident insurance and group  
3 sickness and accident insurance, all contracts and  
4 subscription agreements issued by a hospital service  
5 corporation as authorized in Chapter 21, article 15, and  
6 all contracts or certificates issued by a health  
7 maintenance organization, which do not provide at least  
8 basic coverage for the treatment of alcoholism, shall be  
9 subject to the following:

10 (1) All written sales and advertising literature,  
11 descriptive brochures, and the exclusion sections of the  
12 policy, contract, or certificate shall contain the  
13 following language: This agreement does not provide  
14 basic coverage for the treatment of alcoholism. Coverage  
15 for treatment of alcoholism is available if you  
16 specifically request it and then only upon such terms and  
17 conditions as you and the company agree;

18 (2) The written sales and advertising literature  
19 and descriptive brochures describing coverage and the  
20 policy contract or subscription agreement itself shall  
21 not, in describing the plan, contract, coverage, or  
22 benefits, use the words comprehensive;

23 (3) The definition of a facility, program, or  
24 agency in or through which covered alcoholism services  
25 may be rendered contained in any optional coverage shall  
26 not be more restrictive than the definitions contained in  
27 sections 3 to 7 of this act if the effect of such

1 definitions would be to limit, deny, or withhold benefits  
2 which would be available if the definitions used in this  
3 act were applied; and

4 (4) The policy, contract, or subscription  
5 agreement shall provide benefits to any person covered  
6 thereunder for the treatment of alcoholism under such  
7 terms and conditions as may be agreed upon between the

8 subscriber and the insurer, hospital service corporation,  
9 or health maintenance organization.”.

10 4. On page 6, line 2 strike “insurance”; in  
11 lines 4 and 5 strike “coverages specified in section 13  
12 of this act, as are” and insert “basic coverage for  
13 treatment of alcoholism as is”.

14 5. Renumber original sections 11 and 14 as  
15 sections 9 and 12 respectively.

16 6. In the title, line 2 strike “require” and  
17 insert “encourage”; and in line 4 strike “benefits as  
18 prescribed” and insert “information to subscribers”.

**LEGISLATIVE BILL 903.** Placed on General File as amended.  
Standing Committee amendment to LB 903:

1. On page 4 line 7 strike “fifteen”, show as stricken,  
and insert “twenty”.

**LEGISLATIVE BILL 905.** Placed on General File as amended.  
Standing Committee amendment to LB 905:

1 1. On page 2 line 13 after the underscored  
2 comma insert “individually sponsored retirement plans,”;  
3 in line 15 strike “(1)” and show as stricken; and  
4 strike beginning with “and” in line 16 through “1974,”  
5 in line 19.

**LEGISLATIVE BILL 940.** Placed on General File as amended.  
Standing Committee amendment to LB 940:

1. On page 2 line 5 after “than” insert “(1);  
in line 11 strike “nor more than”, show as stricken, and  
insert “or (2)”; and strike the new matter in lines 14  
through 19.

**LEGISLATIVE BILL 954.** Placed on General File as amended.  
Standing Committee amendment to LB 954:

Req. #2119

2 1. On page 9, line 18 after “members” insert  
3 “who shall be appointed by the Governor”.

4 2. On page 10, line 12 after “members” insert  
5 “or a majority of the members present, whichever is  
6 greater,”.

7 3. On page 18 after line 2 insert a new  
8 paragraph as follows:

9 “If any utility, because of restrictions placed  
10 upon it by debt instruments or other contracts to which  
11 it is a party, is prevented from borrowing from the  
12 council, such utility may act as agent for  
13 any lending institution to originate, process, and  
14 administer energy conservation loans under sections 2 to  
15 52 of this act.”; in line 4 after “council” insert “or

16 acting as an agent pursuant to section 18 of this act”;  
 17 in line 10 after “loans” insert “or acting as an agent”;  
 18 and in line 14 after “from” insert “or through”.

19 4. On page 19, line 8 strike “shall” and insert  
 20 “may”; in line 9 after “payable” insert “at the  
 21 discretion of the lender”; and in line 10 strike “a  
 22 utility”.

23 5. On page 20 strike beginning with “Such” in  
 24 line 2 through the underscored period in line 3, and  
 25 insert “No lien under this section shall arise until the  
 1 actual date of filing.”.

2 6. On page 21, line 8 strike “institutions” and  
 3 insert “institution”.

4 7. On page 24, line 27 strike “but” and insert  
 5 “except that no single issue of bonds shall exceed the  
 6 sum of fifty million dollars and”.

7 8. On page 39, lines 2 and 15 strike “63” and  
 8 insert “62”; in lines 14 and 24 strike “under a plan  
 9 adopted”; in line 24 after “to” insert “sections 53  
 10 to 62 of”.

11 9. Strike original section 63.

12 10. On page 36, line 27; page 37, line 19; page  
 13 38, line 24; and page 40, lines 3 and 8 strike “63” and  
 14 insert “62”.

15 11. On page 41, line 1 strike “under a plan  
 16 adopted”; in lines 2, 7, 9, 14, and 20 strike “63” and  
 17 insert “62”; and in line 27 strike “64 to 72” and insert  
 18 “63 to 71”.

19 12. On page 42, line 8, strike “64 to 72” and  
 20 insert “63 to 71”; and in line 17 strike “and  
 21 management”.

22 13. On page 43, lines 3, 7, 21, and 22 strike  
 23 “64 to 72” and insert “63 to 71”; and in line 26 strike  
 24 “65 to 73” and insert “63 to 71”.

25 14. On page 44, line 21 after “will” insert  
 26 “reasonably”.

1 15. On page 45, lines 10, 12, and 15; page 46,  
 2 line 2, and page 47, line 11 strike “64 to 72” and insert  
 3 “63 to 71”.

4 16. On page 46 strike beginning with “an” in  
 5 line 3 through the period in line 15 and insert “a  
 6 program of collection, compilation, and analysis of  
 7 energy statistics and information. Existing information  
 8 reporting requests, maintained at the state and federal  
 9 levels, shall be utilized whenever possible in any data  
 10 collection required under the provisions of this act. A  
 11 central state repository of energy data shall be  
 12 developed and coordinated with other governmental data  
 13 collection and record-keeping programs. The director  
 14 shall, on at least a quarterly basis, with monthly

15 compilations, submit to the Governor and the Clerk of the  
 16 Legislature a report identifying state energy consumption  
 17 by fuel type and by use to the extent that such  
 18 information is available. Nothing in this section shall  
 19 be construed as permitting or authorizing the revealing  
 20 of confidential information. For purposes of this  
 21 section confidential information shall mean any process,  
 22 formula, pattern, decision, or compilation of information  
 23 which is used, directly or indirectly, in the business of  
 24 the producer, refiner, distributor, transporter, or  
 25 vendor, and which gives such producer, refiner,  
 26 distributor, transporter, or vendor an advantage or an  
 27 opportunity to obtain an advantage over competitors who  
 1 do not know or use it.”.

2 17. On page 47, lines 12, 16, and 24 strike “73  
 3 to 88” and insert “72 to 87”.

4 18. On page 49, line 3 strike “76” and insert  
 5 “75”; in line 5 strike “73 to 88” and insert “72 to 87”;  
 6 and in line 22 strike “one year” and insert “two years”.

7 19. On page 50, line 4 strike “only”; and in  
 8 line 7 strike “78” and insert “77”.

9 20. On page 51, line 25 strike “77” and insert  
 10 “76”.

11 21. On page 52, line 4, strike “77” and insert  
 12 “76”; in line 19 strike “building” and insert “new  
 13 building, renovation, or addition”; in line 21 strike “73  
 14 to 88” and insert “72 to 87”; and strike beginning with  
 15 “Any” in line 25 through line 27.

16 22. On page 53, line 1 strike “the energy  
 17 efficiency standards” and insert “Any county, city, or  
 18 village found by a court of competent jurisdiction to  
 19 have issued a building permit in violation of the energy  
 20 efficiency standards without having made a reasonable  
 21 effort to comply with the standards”; and in line 27  
 22 strike “73 to 88” and insert “72 to 87”.

23 23. On page 54, line 16 strike “73 to 88” and  
 24 insert “72 to 87”.

25 24. On page 55, lines 1, 7, 10, 20, and 22  
 26 strike “73 to 88” and insert “72 to 87”; in line 12  
 27 strike “city” and insert “county, city, or village”; in  
 1 lines 17 and 18 strike “city” and insert “county, city,”;  
 2 and in lines 18 and 19 strike “or the county in which it  
 3 is located”.

4 25. On page 56, lines 3, 20, and 25; and page  
 5 57, line 1, strike “73 to 88” and insert “72 to 87”.

6 26. On page 57, lines 3 and 17 strike “89 to 94”  
 7 and insert “88 to 93”.

8 27. On page 58, line 13 after “resolution”  
 9 insert an underscored period, and strike “by a”; strike  
 10 line 14; and in line 26 strike “91” and insert “90”.

11 28. On page 59, lines 21 and 26 strike "89 to  
 12 94" and insert "88 to 93".

13 29. On page 60, line 5 strike "96 to 102" and  
 14 insert "95 to 101"; and in line 17 strike "95 to 102" and  
 15 insert "94 to 101".

16 30. On page 61, lines 15 and 17 strike "95 to  
 17 102" and insert "94 to 101".

18 31. On page 62, lines 11 and 16 strike "95 to  
 19 102" and insert "94 to 101"; and in line 24 strike "104"  
 20 and insert "103".

21 32. Insert three new sections as follows:

22 "Sec. 105. Notwithstanding any law, ordinance,  
 23 resolution, or regulation of a political subdivision to  
 24 the contrary, any public utility created pursuant to  
 25 Chapter 18, article 4 may receive funds and extend loans  
 26 pursuant to sections 2 to 52 of this act.

1 Sec. 106. That section 70-625, Reissue Revised  
 2 Statutes of Nebraska, 1943, be amended to read as  
 3 follows:

4 70-625. Subject to the limitations of the  
 5 petition for its creation and all amendments thereto, a  
 6 public power district shall have all the usual powers of  
 7 a corporation for public purposes and may purchase, hold,  
 8 sell, and lease personal property and real estate  
 9 reasonably necessary for the conduct of its business,  
 10 except that such district shall not sell household  
 11 appliances at retail if the retail price of any such  
 12 appliance exceeds fifty dollars; Provided, that newly  
 13 developed electrical appliances may be merchandised and  
 14 sold during the period of time in which any such  
 15 appliances are being introduced to the public; and  
 16 provided further, that new models of existing appliances  
 17 shall not be deemed to be newly developed appliances. An  
 18 electrical appliance shall be considered to be in such  
 19 introductory period of time until the particular type of  
 20 appliance is used by twenty-five per cent of all the  
 21 electrical customers served by such district, but such  
 22 period shall in no event exceed five years from the date  
 23 of introduction by the manufacturer of the new appliance  
 24 to the local market. Notwithstanding any law, ordinance,  
 25 resolution, or regulation of any political subdivision to  
 26 the contrary, each public power district may receive  
 27 funds and extend loans pursuant to sections 2 to 52 of  
 1 this act.

2 Sec. 107. That section 70-704, Reissue Revised  
 3 Statutes of Nebraska, 1943, be amended to read as  
 4 follows:

5 70-704. Each corporation shall have power (1) to  
 6 sue and be sued, complain and defend, in its corporate  
 7 name; (2) to have perpetual succession unless a limited

8 period of duration is stated in its articles of  
9 incorporation; (3) to adopt a corporate seal, which may  
10 be altered at pleasure and to use it, or a facsimile  
11 thereof, as required by law; (4) to generate,  
12 manufacture, purchase, acquire, and accumulate electric  
13 energy, and to transmit, distribute, sell, furnish, and  
14 dispose of such electric energy; (5) to acquire, own,  
15 hold, use, exercise and, to the extent permitted by law,  
16 to sell, mortgage, pledge, hypothecate, and in any manner  
17 dispose of franchises, rights, privileges, licenses,  
18 rights-of-way, and easements necessary, useful, or  
19 appropriate; (6) to purchase, receive, lease as lessee,  
20 or in any other manner acquire, own, hold, maintain,  
21 sell, exchange, and use any and all real and personal  
22 property or any interest therein for the purposes  
23 expressed herein; (7) to borrow money and otherwise  
24 contract indebtedness, to issue its obligations therefor,  
25 and to secure the payment thereof by mortgage, pledge, or  
26 deed of trust of all or any of its property, assets,  
27 franchises, revenues, or income; (8) to sell and convey,  
1 mortgage, pledge, lease as lessor, and otherwise dispose  
2 of, all or any part of its property and assets; (9) to  
3 have the same powers now exercised by law by public light  
4 and power districts or private corporations to use any of  
5 the streets, highways, or public lands of the state or  
6 its political subdivisions in the manner provided by law;  
7 (10) to have and exercise the power of eminent domain for  
8 the purposes expressed in section 70-703 in the manner  
9 set forth in sections 76-704 to 76-724, and to have the  
10 powers and be subject to the restrictions of electric  
11 light and power corporations and districts as regards the  
12 use and occupation of public highways, and the manner or  
13 method of construction and physical operation of plants,  
14 systems, and transmission lines; (11) to accept gifts or  
15 grants of money, services, or property, real or personal;  
16 (12) to make any and all contracts necessary or  
17 convenient for the exercise of the powers granted herein;  
18 (13) to fix, regulate, and collect rates, fees, rents, or  
19 other charges, for electric energy furnished by the  
20 corporation; (14) to elect or appoint officers, agents,  
21 and employees of the corporation, and to define their  
22 duties and fix their compensation; (15) to make and alter  
23 by-laws not inconsistent with the articles of  
24 incorporation or with the laws of this state for the  
25 administration and regulation of the affairs of the  
26 corporation; and (16) to do and perform, either for  
27 itself or its members, or for any other corporation  
1 organized under sections 70-701 to 70-738, or for the  
2 members thereof, any and all acts and things, and to have  
3 and exercise any and all powers as may be necessary,

- 4 convenient, or appropriate to effectuate the purpose for  
5 which the corporation is organized. Notwithstanding any  
6 law, ordinance, resolution, or regulation of any  
7 political subdivision to the contrary, each corporation  
8 may receive funds and extend loans pursuant to sections 2  
9 to 52 of this act.”.
- 10 33. On page 65, line 1 strike “section” and  
11 insert “sections 70-625, 70-704, and”.
- 12 34. Renumber original sections 64 to 105 as  
13 sections 63 to 104 respectively; and renumber original  
14 sections 106 to 108 as sections 108 to 110 respectively.

**LEGISLATIVE BILL 966.** Placed on General File as amended.  
Standing Committee amendment to LB 966:

1. On page 3 line 11 after the comma insert “credit unions,”; and in line 27 after the second comma insert “credit unions.”.

**LEGISLATIVE BILL 904.** Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

**Agriculture and Environment**

**LEGISLATIVE BILL 876.** Placed on General File.

(Signed) Loran Schmit, Chairperson

**COMMUNICATION**

Received note of appreciation from the Dana X. Bible family for the Resolution passed by the Legislature.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 201.** Read. Considered.

LR 201 was adopted with 27 ayes, 0 nays, and 22 not voting.

**STANDING COMMITTEE REPORT**  
**Miscellaneous Subjects**

Req. #2137

**LEGISLATIVE BILL 939.** Placed on General File as amended.  
Standing Committee amendments to LB 939:

- 2 1. On page 4, strike beginning with “for” in  
3 line 2 through “thirty” in line 10, show old matter as  
4 stricken and insert “the sum of thirty”; in lines 12 and  
5 13 strike the new matter; and in line 14 strike

6 "fifteen", show as stricken, and insert "thirty".

7 2. On page 5, line 1 after "races" insert "the  
8 licensee shall pay to the commission the sum of four  
9 hundred dollars for each racing meeting, if the race  
10 track within which such races are conducted, is located  
11 in a county of two hundred thousand population or more,".

12 3. On page 6, in lines 3 through 5 strike the  
13 new matter.

14 4. Insert three new sections as follows:

15 "Sec. 8. There is hereby created the Racing  
16 Commission's Cash Fund, from which shall be appropriated  
17 such amounts as are available therefrom and as shall be  
18 considered incident to the administration of the State  
19 Racing Commission's Office. The fund shall contain all  
20 license fees and gross receipt taxes collected by the  
21 commission as provided under section 2-1208 and this act,  
22 but shall not include taxes collected pursuant to section  
23 2-1208.01, Reissue Revised Statutes of Nebraska, 1943,  
24 and such fee and taxes collected shall be paid into the  
25 State Treasurer who shall credit the money to the State  
1 Racing Commission Cash Fund. Any money in the fund  
2 available for investment shall be invested by the state  
3 investment officer pursuant to sections 72-1234 to  
4 72-1259.

5 Sec. 9. That section 81-195, Revised Statutes  
6 Supplement, 1978, be amended to read as follows:  
7 81-195. The following agencies, boards, or  
8 commissions shall terminate on July 1, 1980:

9 (1) Nebraska Brand Committee, created by section  
10 54-135;

11 (2) Commission on Fire Fighting Personnel  
12 Standards and Education, created by section 35-701;

13 (3) Nebraska Oil and Gas Conservation Commission,  
14 created by section 57-904;

15 (4) Nebraska Motor Vehicle Industry Licensing  
16 Board, created by section 60-1402;

17 ~~(5) State Racing Commission, created by section~~  
18 ~~2-1201;~~

19 ~~(6)~~ (5) State Athletic Commissioner, created by  
20 section 81-8,128; and

21 ~~(7)~~ (6) Department of Revenue, created by section  
22 77-340.

23 Sec. 11. Since an emergency exists, this act  
24 shall be in full force and take effect, from and after  
25 its passage and approval, according to law."

26 5. On page 8, line 8 after the second comma  
27 insert "and section 81-195, Revised Statutes Supplement,  
1 1978,".

2 6. Renumber original section 8 as section 10.

(Signed) Dave Newell, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kremer asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

- 1 1. In the White Copy Request 2771:
- 2 (a) On page 1, line 9 strike the first "the"
- 3 and insert "certain";
- 4 (b) On page 2, after line 5 insert the following
- 5 new subsection:
- 6 "(3) The Legislature hereby declares that re-
- 7 vitalization of the branch rail lines of Nebraska through
- 8 the encouragement of private investments and the use of
- 9 federal and state funds by governmental bodies is a public
- 10 purpose and use for which public money provided by the sale
- 11 of bonds and appropriations of the Legislature may be
- 12 borrowed, expended, advanced, loaned, or granted. Such
- 13 activity is a proper governmental function and can best be
- 14 accomplished by the creation of governmental bodies vested
- 15 with the powers and duties specified in this act. The
- 16 necessity for the provisions of this act to protect the
- 17 health, safety, and general welfare of all the people of
- 18 this state is hereby declared as a matter of legislative
- 19 determination.";
- 20 (c) On page 6, line 26, strike "(1)";
- 21 (d) On page 9, line 27 after "any" insert
- 22 "local tax";
- 23 (e) On page 10, line 7 after "expend" insert
- 24 "local tax"; in line 12 after "expenditure" insert "of local
- 25 tax funds"; in line 15 after "such" insert "local"; and in
- 26 line 27 after "such" insert "local"; and
- 27 (f) On page 11, line 1 after "of" insert "local tax".
- 1 2. On page 576 of the Journal in the Kremer
- 2 amendments, page 1, line 12 after "Act" insert " , or any
- 3 federal act providing for the assistance of local branch
- 4 lines".

**UNANIMOUS CONSENT - Change of Order**

Mr. Newell asked unanimous consent to take up LB 483 after LB 658 on Final Reading this morning. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 599.**

A BILL FOR AN ACT to amend sections 10-407, 10-409, 10-801, 14-365.07, 18-1401, and 31-709, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 20, 21, 25, 30, 75, and 139, respectively, Laws 1979, LB 187, relating to taxation; to adjust certain rates; to amend sections 17-938, 19-2504, 31-727.03, 46-673, 77-605, 77-660, 77-1250, 77-1605, 79-2210, and 79-2650, Revised Statutes Supplement, 1979; to harmonize provisions with changes made in Laws 1979, LB 187; to delete a purpose for the issuance of bonds; to clarify provisions; to provide transition for certain property; to provide an operative date; and to repeal the original sections, and also sections 23-362, 23-362.03, and 77-1604, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, sections 118, 119, and 214, respectively.

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

Voting in the affirmative, 47:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marvel  | Sieck    |
| Beutler    | Fitzgerald | Kennedy  | Merz    | Stoney   |
| Burrows    | Fowler     | Keyes    | Murphy  | Venditte |
| Carsten    | George     | Koch     | Newell  | Vickers  |
| Chambers   | Goodrich   | Kremer   | Nichol  | Wagner   |
| Chronister | Haberman   | Labeledz | Pirsch  | Warner   |
| Clark      | Hefner     | Lamb     | Powers  | Wesely   |
| Cope       | Hoagland   | Landis   | Reutzel |          |
| Cullan     | Johnson    | Maresh   | Rumery  |          |
| DeCamp     | Kahle      | Marsh    | Schmit  |          |

Voting in the negative, 0.

Excused and not voting, 2:

Lewis            Simon

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

**LEGISLATIVE BILL 607.**

A BILL FOR AN ACT to amend sections 39-1722 to 39-1726, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to

eliminate certain provisions relating to the relocation of county roads; 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, 45:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Johnson  | Landis  | Rumery   |
| Beutler    | Dworak     | Kahle    | Maresh  | Schmit   |
| Burrows    | Fitzgerald | Kelly    | Marsh   | Sieck    |
| Carsten    | Fowler     | Kennedy  | Merz    | Stoney   |
| Chambers   | George     | Keyes    | Murphy  | Venditte |
| Chronister | Goodrich   | Koch     | Newell  | Vickers  |
| Clark      | Haberman   | Kremer   | Nichol  | Wagner   |
| Cope       | Hefner     | Labeledz | Powers  | Warner   |
| Cullan     | Hoagland   | Lamb     | Reutzel | Wesely   |

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Marvel

Excused and not voting, 2:

Lewis            Simon

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

#### **LEGISLATIVE BILL 636.**

A BILL FOR AN ACT relating to implements of husbandry; to amend section 77-202.25, Reissue Revised Statutes of Nebraska, 1943, and section 60-301, Revised Statutes Supplement, 1979; to provide an exemption from motor vehicle registration for specified property; to provide a tax exemption for specified property; and to repeal the original sections, and also section 60-333, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Dworak   | Kennedy  | Marsh  | Stoney   |
| Beutler    | Fowler   | Keyes    | Merz   | Venditte |
| Burrows    | George   | Koch     | Nichol | Vickers  |
| Carsten    | Goodrich | Kremer   | Pirsch | Wagner   |
| Chronister | Haberman | Labeledz | Powers | Warner   |
| Cope       | Hefner   | Lamb     | Rumery | Wesely   |
| Cullan     | Kahle    | Landis   | Schmit |          |
| DeCamp     | Kelly    | Maresh   | Sieck  |          |

Voting in the negative, 9:

|          |            |         |         |       |
|----------|------------|---------|---------|-------|
| Chambers | Fitzgerald | Johnson | Newell  | Simon |
| Clark    | Hoagland   | Marvel  | Reutzel |       |

Present and not voting, 1:

Murphy

Excused and not voting, 1:

Lewis

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

**LEGISLATIVE BILL 658.** With Emergency.

A BILL FOR AN ACT to amend section 77-1502.01, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide that all counties may appoint referees as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 36:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Johnson  | Landis  | Rumery   |
| Beutler    | Dworak     | Kelly    | Marsh   | Schmit   |
| Carsten    | Fitzgerald | Keyes    | Merz    | Simon    |
| Chambers   | Fowler     | Koch     | Newell  | Stoney   |
| Chronister | George     | Kremer   | Pirsch  | Venditte |
| Clark      | Goodrich   | Labeledz | Powers  | Wagner   |
| Cullan     | Hoagland   | Lamb     | Reutzel | Warner   |

Wesely

Voting in the negative, 11:

|         |         |        |         |
|---------|---------|--------|---------|
| Burrows | Kahle   | Marvel | Sieck   |
| Cope    | Kennedy | Murphy | Vickers |
| Hefner  | Maresh  | Nichol |         |

Present and not voting, 1:

Haberman

Excused and not voting, 1:

Lewis

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 483.**

A BILL FOR AN ACT relating to adoption; to define terms; to provide procedures for identification of relatives; to provide duties; to amend sections 43-113, 71-626, 71-626.01, and 71-626.02, Reissue Revised Statutes of Nebraska, 1943; to prohibit private placements of children except as prescribed; 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, 27:

|            |        |        |         |        |
|------------|--------|--------|---------|--------|
| Beutler    | George | Lamb   | Nichol  | Simon  |
| Chambers   | Hefner | Landis | Pirsch  | Wagner |
| Chronister | Kelly  | Marsh  | Powers  | Wesely |
| DeCamp     | Keyes  | Marvel | Reutzel |        |
| Fitzgerald | Koch   | Merz   | Rumery  |        |
| Fowler     | Kremer | Newell | Sieck   |        |

Voting in the negative, 21:

|         |        |          |          |          |
|---------|--------|----------|----------|----------|
| Barrett | Clark  | Dworak   | Hoagland | Kennedy  |
| Burrows | Cope   | Goodrich | Johnson  | Labeledz |
| Carsten | Cullan | Haberman | Kahle    | Maresh   |

|        |          |         |
|--------|----------|---------|
| Murphy | Stoney   | Vickers |
| Schmit | Venditte | Warner  |

Excused and not voting, 1:

Lewis

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

### **LEGISLATIVE BILL 687.**

A BILL FOR AN ACT to amend section 2-1579, Revised Statutes Supplement, 1979, relating to the Nebraska Water Conservation Act of 1977; to change certain requirements for eligible projects as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Murphy  | Stoney   |
| Beutler    | Fowler     | Keyes    | Newell  | Venditte |
| Carsten    | George     | Koch     | Nichol  | Vickers  |
| Chambers   | Goodrich   | Kremer   | Pirsch  | Wagner   |
| Chronister | Haberman   | Labeledz | Powers  | Warner   |
| Clark      | Hefner     | Lamb     | Reutzel | Wesely   |
| Cope       | Hoagland   | Landis   | Rumery  |          |
| Cullan     | Johnson    | Maresh   | Schmit  |          |
| DeCamp     | Kahle      | Marsh    | Sieck   |          |
| Dworak     | Kelly      | Merz     | Simon   |          |

Voting in the negative, 0.

Present and not voting, 2:

Burrows      Marvel

Excused and not voting, 1:

Lewis

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

**LEGISLATIVE BILL 688.**

A BILL FOR AN ACT to amend sections 77-202.01 and 77-202.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-202.03, Revised Statutes Supplement, 1979, relating to revenue and taxation; to change provisions relating to tax exemptions for motor vehicles as prescribed; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kahle    | Maresh  | Sieck    |
| Beutler    | Fitzgerald | Kelly    | Marsh   | Simon    |
| Burrows    | Fowler     | Kennedy  | Merz    | Stoney   |
| Carsten    | George     | Keyes    | Newell  | Venditte |
| Chronister | Goodrich   | Koch     | Nichol  | Vickers  |
| Clark      | Haberman   | Kremer   | Pirsch  | Wagner   |
| Cope       | Hefner     | Labeledz | Reutzel | Warner   |
| Cullan     | Hoagland   | Lamb     | Rumery  | Wesely   |
| DeCamp     | Johnson    | Landis   | Schmit  |          |

Voting in the negative, 1:

Marvel

Present and not voting, 3:

Chambers    Murphy    Powers

Excused and not voting, 1:

Lewis

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

**LEGISLATIVE BILL 261.** Mr. Murphy moved to return LB 261 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Murphy withdrew his motion.

**LEGISLATIVE BILL 261.**

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 5, of the Constitution of Nebraska, relating to the judiciary; to change the number and formation of Supreme Court judicial districts; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the People of the State of Nebraska,

Section 1. That at the general election in November, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article V, section 5, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

“Sec. 5. The Legislature shall divide the state into contiguous and compact districts of approximately equal population, which shall be numbered and which shall be known as the Supreme Court judicial districts. Such districts shall correspond in location and numbers with the congressional districts of the state. An equal number of judges of the Supreme Court shall be selected from each of the districts, except that any judge serving on the effective date of this amendment may continue to serve from the district from which he was originally selected until his position becomes vacant because of retirement, resignation, death, or removal from office whether by rejection by the voters or otherwise. Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established districts which they shall represent for the balance of their terms.”

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“Constitutional amendment to change the number and formation of Supreme Court judicial districts.

For

Against”

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 30:

|          |            |          |         |          |
|----------|------------|----------|---------|----------|
| Barrett  | Fitzgerald | Keyes    | Newell  | Simon    |
| Beutler  | Fowler     | Koch     | Pirsch  | Stoney   |
| Burrows  | Goodrich   | Labeledz | Powers  | Venditte |
| Chambers | Haberman   | Landis   | Reutzel | Vickers  |
| Cullan   | Hoagland   | Marsh    | Rumery  | Wagner   |
| DeCamp   | Johnson    | Merz     | Sieck   | Wesely   |

Voting in the negative, 17:

|            |        |         |        |        |
|------------|--------|---------|--------|--------|
| Carsten    | Dworak | Kelly   | Maresh | Warner |
| Chronister | George | Kennedy | Marvel |        |
| Clark      | Hefner | Kremer  | Murphy |        |
| Cope       | Kahle  | Lamb    | Schmit |        |

Present and not voting, 1:

Nichol

Excused and not voting, 1:

Lewis

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

**LEGISLATIVE BILL 602.** With Emergency.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of property to the city of Lincoln; to convey an easement to the city of York; and to declare an emergency.

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

Voting in the affirmative, 47:

|         |            |            |          |          |
|---------|------------|------------|----------|----------|
| Barrett | Chambers   | Cullan     | Fowler   | Hefner   |
| Beutler | Chronister | DeCamp     | George   | Hoagland |
| Burrows | Clark      | Dworak     | Goodrich | Johnson  |
| Carsten | Cope       | Fitzgerald | Haberman | Kahle    |

|          |        |         |          |        |
|----------|--------|---------|----------|--------|
| Kelly    | Lamb   | Murphy  | Rumery   | Wagner |
| Kennedy  | Landis | Newell  | Sieck    | Warner |
| Keyes    | Maresh | Nichol  | Simon    | Wesely |
| Koch     | Marsh  | Pirsch  | Stoney   |        |
| Kremer   | Marvel | Powers  | Venditte |        |
| Labeledz | Merz   | Reutzel | Vickers  |        |

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Lewis

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 654.** With Emergency.

A BILL FOR AN ACT to amend sections 16-618 and 16-620, Reissue Revised Statutes of Nebraska, 1943, relating to street improvement districts; to provide for certain streets to be included in the district; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Keyes    | Merz    | Stoney   |
| Beutler    | Fowler     | Koch     | Murphy  | Venditte |
| Burrows    | George     | Kremer   | Newell  | Vickers  |
| Carsten    | Haberman   | Labeledz | Nichol  | Wagner   |
| Chronister | Hefner     | Lamb     | Powers  | Warner   |
| Clark      | Hoagland   | Landis   | Reutzel | Wesely   |
| Cope       | Johnson    | Maresh   | Rumery  |          |
| Cullan     | Kelly      | Marsh    | Sieck   |          |
| Dworak     | Kennedy    | Marvel   | Simon   |          |

Voting in the negative, 1:

Pirsch

Present and not voting, 5:

Chambers DeCamp Goodrich Kahle Schmit

Excused and not voting, 1:

Lewis

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

### **SPEAKER'S ORDER**

The following bill has been scheduled for SPECIAL ORDER:

LB 94 Thursday, February 21, 1980

Move from Passed Over to General File:

LB 486 - move to follow LB 465

LB 986 - move to follow LB 618

(Signed) Richard D. Marvel, Speaker

### **EXPLANATIONS OF VOTES**

Had my vote been recorded, I would have voted yes on LB 658.

(Signed) Rex Haberman

If I had been present, I would have voted on the following:

February 11, 1980 - 22nd Legislative Day

LR 30 - Nay, LB 185 - Aye, LB 235E - Aye, LB 284 - Aye, LB 483 - Aye, LB 525 - Aye, LB 535 - Aye, LB 597 - Aye

February 12, 1980 - 23rd Legislative Day

LB 221 - Nay, LB 306 - Nay, LB 442 - Aye, LB 526 - Aye, LB 598 - Aye

February 13, 1980 - 24th Legislative Day

LB 44 - Aye, LB 61 - Aye, LB 641 - Aye, LB 650 - Aye, LB 697 - Aye, LB 700 - Aye, LB 734 - Aye, LB 735 - Aye

(Signed) Jerry Koch

**STANDING COMMITTEE REPORT**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 877.** Placed on General File as amended.  
 Standing Committee amendment to LB 877:

Req. #2123

- 2 1. On page 3, line 1 strike “a” and insert “an  
 3 individual”.
- 4 2. On page 4 strike lines 3 through 6 and insert  
 5 ““(10) Limited indemnity policy shall mean any  
 6 individual accident and sickness policy, other than a  
 7 Medicare supplement policy, which is issued to persons  
 8 eligible for Medicare by reason of age and which is  
 9 primarily designed to provide (a) hospital confinement  
 10 indemnity coverage, (b) specified disease coverage, or  
 11 (c) coverage for confinement in institutions or  
 12 facilities defined in subdivision (5), (6), (7), (8), or  
 13 (9) of section 71-2017.01, Reissue Revised Statutes of  
 14 Nebraska, 1943.”; in line 7 strike ““(1)””; after line 11  
 15 insert “Medicare supplement policies and individual  
 16 limited indemnity”; and in line 13 after the period begin  
 17 a new paragraph and insert ““(1)””.
- 18 3. On page 5 strike beginning with “The” in line  
 19 11 through “that” in line 12 and insert “Such standards  
 20 shall”; in lines 18 and 21 strike “Coverage” and insert  
 21 “Such coverage”; and in line 19 strike “different” and  
 22 insert “less favorable”.
- 23 4. On page 6, line 17 after “by” insert “Part  
 24 A”; in line 21 after “daily” insert “hospital”; and in  
 25 line 25 strike “eighty” and insert “ninety”.
- 1 5. On page 7, line 10 after “year” insert  
 2 “out-of-pocket”.
- 3 6. On page 8, line 10 strike “of” and insert  
 4 “or”.
- 5 7. On page 9, line 19 after “Medicare” insert  
 6 “by reason of age”.
- 7 8. On page 10, line 4 strike “limited indemnity  
 8 policies” and insert “policies described in subdivision  
 9 (10) (c) of section 2 of this act”.
- 10 9. Strike original sections 7 and 8.
- 11 10. Insert two new sections as follows:  
 12 “Sec. 7. The department shall adopt and  
 13 promulgate rules and regulations to establish standards  
 14 for the contents and format of a form that shall (1)  
 15 contain a question or a reference to a question in the  
 16 application to elicit information from and provide  
 17 disclosure to the applicant as to whether the Medicare  
 18 supplement insurance or limited indemnity insurance to be  
 19 issued is in addition to any Medicare supplement  
 20 insurance or limited indemnity insurance presently in

21 force and (2) give notice and disclosure to an applicant  
22 regarding the replacement of Medicare supplement  
23 insurance or limited indemnity insurance. Such form  
24 shall be dated and duly signed by the insurer or its  
25 agent and the applicant at the time application is made.

26 Sec. 8. A copy of the form required by section  
27 7 of this act shall be retained at the general office of  
1 the insurer for the period during which files are  
2 required to be retained for examination purposes. With  
3 respect to direct response insurance policies, such  
4 information and disclosure form must be provided no later  
5 than the time for policy delivery.”.

6 11. On page 11, line 14 strike “Every” and  
7 insert “Notwithstanding the ten day policy return  
8 limitation provided in section 44-710.14, Reissue Revised  
9 Statutes of Nebraska, 1943, every”; and in line 15 after  
10 “to” insert “sections 1 to 11 of”.

11 12. On page 12, lines 2 and 4 before “this”  
12 insert “sections 1 to 11 of”.

(Signed) John W. DeCamp, Chairperson

#### SELECT FILE

**LEGISLATIVE BILL 499.** E & R amendments found in the Journal on page 603 for the Twenty-First Day were adopted.

Mr. Burrows renewed his pending amendment found in the Journal on page 572.

Mr. DeCamp offered the following amendment to the Burrows amendment:

Strike “1982” and insert “1984”

The DeCamp amendment was adopted with 25 ayes, 2 nays, 21 present and not voting, and 1 excused and not voting.

The Burrows amendment, as amended, was adopted with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

Mr. Wesely offered the following amendment:

Strike all amendments previously adopted to LB 499.

The amendment lost with 10 ayes, 12 nays, 26 present and not voting, and 1 excused and not voting.

Mr. Wesely renewed his pending amendment found in the Journal on page 635.

Mr. Cullan 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 Wesely amendment lost with 12 ayes, 18 nays, and 19 present and not voting.

Advanced to E & R for Engrossment with 25 ayes, 12 nays, and 12 present and not voting.

**LEGISLATIVE BILL 499A.** Advanced E & R for Engrossment with 26 ayes, 9 nays, and 14 present and not voting.

**LEGISLATIVE BILL 645.** E & R amendment found in the Journal on page 621 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

#### **MR. CLARK PRESIDING**

**LEGISLATIVE BILL 747.** Mr. Warner offered the following amendment:

Req. #2072

- 2 1. Insert a new section as follows:
- 3 "Sec. 5. That section 84-1223, Revised Statutes
- 4 Supplement, 1979, be amended to read as follows:
- 5 84-1223. On May 19, 1979, all micrographic
- 6 production, processing, and viewing equipment currently
- 7 owned or subsequently acquired under the provisions of
- 8 section 84-1222 by any state executive, judicial, or
- 9 legislative agency, except the University of Nebraska or
- 10 the state colleges, shall become the property of the
- 11 State Records Administrator, regardless of the fund
- 12 source from which the equipment was originally purchased.
- 13 Appropriate credit, against future charges, shall be
- 14 given to all agencies for the fair market value of all
- 15 equipment accepted which had been purchased with federal
- 16 funds or trust funds. Equipment purchased with funds
- 17 from the Highway Cash Fund shall not be deemed to have
- 18 been purchased with federal funds or trust funds."
- 19 2. On page 7, line 15 after "84-1202" insert a
- 20 comma, strike "and", and after "84-1213," insert "and
- 21 84-1223,".
- 22 3. Renumber remaining sections accordingly.

The amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to E & R for Engrossment.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 810.** E & R amendments found in the Journal on page 643 for the Twenty-Third Day were adopted.

Mr. Murphy offered the following amendment:

To strike the sentence on Lines 24 and 25 starting with "A copy"

The amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Mr. Hefner withdrew his pending amendment found in the Journal on page 654.

Advanced to E & R for Engrossment.

**NOTICE OF COMMITTEE HEARING**  
**Committee on Committees**

February 20, 1980

The Committee on Committees will meet at 12:10 p.m., Wednesday, February 27, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing appointments or reappointments by Governor Charles Thone as follows:

John B. Cassel  
Board of Educational Lands and Funds  
Irwin S. Chesen  
Department of Economic Development  
Roger Cross  
Motor Vehicle Licensing Board  
Harold E. Dwyer  
Manufactured Housing Advisory Board  
Earl C. Hultman - Game and Parks Commission  
Wayne Schreurs - Board of Parole  
Jerry Sellentin - State Personnel Board  
Dr. J. R. Swanson - State Board of Health

(Signed) Shirley Marsh, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 507A.** By Kremer, 34th District.  
This bill introduced on behalf of: LB 507.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, Eighty-sixth Legislature, First Session, 1979.

**STANDING COMMITTEE REPORTS**  
**Miscellaneous Subjects**

**LEGISLATIVE BILL 848.** Placed on General File as amended.  
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2140.)

(Signed) Dave Newell, Chairperson

**Nebraska Retirement Systems**

**LEGISLATIVE BILL 818.** Placed on General File.

(Signed) Steve Fowler, Chairperson

**Public Works**

**LEGISLATIVE BILL 604.** Placed on General File.

**LEGISLATIVE BILL 693.** Placed on General File.

**LEGISLATIVE BILL 743.** Placed on General File.

**LEGISLATIVE BILL 802.** Placed on General File.

**LEGISLATIVE BILL 884.** Placed on General File.

**LEGISLATIVE BILL 757.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 306.** Mr. Beutler renewed his pending specific amendment found in the Journal on page 646.

The amendment was adopted with 25 ayes, 10 nays, and 14 present and not voting.

Mr. Kremer asked unanimous consent to be excused the rest of the morning. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 14 nays, and 21 not voting.

Messrs. Cullan and Lewis asked unanimous consent to be excused until they return. No objections. So ordered.

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

Mr. Beutler moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Beutler requested a roll call vote to advance LB 306.

Voting in the affirmative, 21:

|            |            |         |         |        |
|------------|------------|---------|---------|--------|
| Beutler    | Fitzgerald | Kennedy | Nichol  | Warner |
| Carsten    | George     | Lamb    | Reutzel |        |
| Chronister | Hefner     | Landis  | Rumery  |        |
| Clark      | Kahle      | Maresh  | Sieck   |        |
| Cope       | Kelly      | Murphy  | Wagner  |        |

Voting in the negative, 19:

|          |          |          |        |          |
|----------|----------|----------|--------|----------|
| Burrows  | Fowler   | Keyes    | Marvel | Simon    |
| Chambers | Haberman | Koch     | Pirsch | Stoney   |
| DeCamp   | Hoagland | Labeledz | Powers | Venditte |
| Dworak   | Johnson  | Marsh    | Schmit |          |

Present and not voting, 6:

|          |        |         |
|----------|--------|---------|
| Barrett  | Merz   | Vickers |
| Goodrich | Newell | Wesely  |

Excused and not voting, 3:

|        |        |       |
|--------|--------|-------|
| Cullan | Kremer | Lewis |
|--------|--------|-------|

Failed to advance to E & R for Re-Engrossment with 21 ayes, 19 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

**LEGISLATIVE BILL 886.** E & R amendment found in the Journal on page 710 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 663.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 748.** E & R amendment found in the Journal on page 710 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 846.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 932.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 951.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 681.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 797.** E & R amendment found in the Journal on page 711 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 764.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 819.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 957.** E & R amendments found in the Journal on page 711 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 817.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 712.** E & R amendments found in the Journal on page 711 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 958.** E & R amendments found in the Journal on page 711 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 759.** Mr. George asked unanimous consent to add his name to LB 759. No objections. So ordered.

TWENTY-SEVENTH DAY - FEBRUARY 20, 1980 767

E & R amendment found in the Journal on page 710 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

**STANDING COMMITTEE REPORTS**  
**Education**

**LEGISLATIVE BILL 771.** Placed on General File.

**LEGISLATIVE BILL 772.** Placed on General File.

**LEGISLATIVE BILL 758.** Indefinitely postponed.

(Signed) Jerry Koch, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 615A.** By DeCamp, 40th District; Wagner, 41st District; Lewis, 45th District.

This bill introduced on behalf of: LB 615.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 615, Eighty-Sixth Legislature, Second Session, 1980; and to provide severability.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 20, 1980, at 11:13 a.m., were the following bills: 698, and 481.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Messrs. Hoagland, Johnson, Wesely, and Simon asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

We move to pass over LB 725 until such time as the proponents of the bill prepare and make public a detailed memorandum justifying the need to repeal the recapture provisions of existing state law.

Motion pending.

Mr. Vickers asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

After Line 10, Sec. 17 (9) insert the following:

An agreement between the regional council and the railroad owner of the branch line concerning the amount of car traffic which should be provided to that branch line.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

1. Add a new section to LB 507 to read:

Sec. . That section 74-1320, R.S. Supp., 1979, be amended to read as follows:

74-1320. Commencing on July 1, ~~1980~~ 1981, there is hereby levied an excise tax on all freight transported by railroad in the State of Nebraska. Such tax shall be levied at the rate of three thousandths of one cent for each mile each ton of freight is transported within the state. The Department of Revenue shall, on a quarterly basis, collect the tax due pursuant to this section from each railroad transporting freight within the state. The Public Service Commission shall provide the Department of Revenue with all information requested in order to carry out this section. Each railroad shall, on a quarterly basis, submit a report of its total tonnage per mile shipments within the state for the quarter ending three months previous and shall, with such report, pay the tax due.

2. Amend the title to conform.

3. Repeal original section 74-1320.

### VISITORS

Visitors to the Chamber were a group of county board officials from all parts of Nebraska; 19 juniors, seniors, and teacher from Tekamah-Herman High School, Tekamah; Saline County Commissioners John Bartels of Western and Joe Kovarik of Crete; Mrs. Judy Zabel of Western; Erna Epp of Fairbury; C. A. Thomas, Chairman of Scotts Bluff County Commissioners; and 28 seniors and teacher from Humboldt High School, Humboldt.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Thursday, February 21, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**TWENTY-EIGHTH DAY - FEBRUARY 21, 1980**

**LEGISLATIVE JOURNAL**

**TWENTY-EIGHTH DAY - FEBRUARY 21, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 21, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Eternal God, our loving Father, may we become more aware of the immediate concerns of our state - the minute problems confronting the various districts and the pleadings of our constituents. But keep ever before this significant body the eternal and all-encompassing goals upon which smaller issues must be measured: to love mercy; to right wrongs; to live for justice, and to serve Thee, our God, and our fellow man as we would serve ourselves.

We pray in our Lord's name. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Beutler, Fowler, George, Haberman, Schmit, and Sieck who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twenty-Seventh Day was approved.

**MESSAGE FROM THE GOVERNOR**

February 20, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Re: LR 30

Dear Mr. O'Donnell:

Prior to 1974 every Resolution passed by the Legislature was, by law, presented to the Governor. The Nebraska Constitution was amended in 1974, changing Article IV, Section 15 so that now only "every bill passed by the Legislature shall be presented to the Governor."

I am not unmindful of Section 2 of your Rules and Regulations, but I do not have constitutional authority to sign Resolutions.

For that reason I am returning this Resolution and will return without action all future Resolutions presented to me. The absence of signature should not be interpreted as either approval or disapproval of the Resolution.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

**ATTORNEY GENERAL'S OPINION**

Opinion No. 226  
February 19, 1980

Dear Senator Kelly:

In your letter of February 12, 1980, you ask on behalf of the Administrative Rules and Regulations Review Committee whether or not the Nebraska Mortgage Finance Fund is an agency as that term is defined in section 84-901(1), R.S.Supp., 1978, and if the rules the fund is authorized to adopt pursuant to section 76-1626, R.S.Supp., 1978, are rules as that term is defined in section 84-901(2), R.S.Supp., 1978.

You further inquire whether, if the Mortgage Finance Fund is such an "agency" and if its rules fall within the above cited statutory definition, these rules are subject to your Committee's scrutiny and approval.

Section 84-901, provides in subsections (1) and (2) as follows:

"(1) Agency shall mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules, except the Adjutant General's office as provided in Chapter 55, the courts, including the Nebraska Workmen's Compensation Court, the Court of Industrial Relations, and the Legislature;

“(2) Rule shall mean any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure but not including regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public, and not including permits, certificates of public convenience and necessity, franchises, rate orders, and rate tariffs, and any rules of interpretation thereof, and for the purpose of this act every rule which shall prescribe a penalty shall be presumed to have general applicability or to affect private rights and interests; . . .”

We believe the critical question is whether or not the Nebraska Mortgage Finance Fund is an “. . . other administrative office or unit of state government. . . .” You will note at the outset that the definition concerns only entities of “the state” government and does not encompass all political entities or political subdivisions existing within the state.

Turning first to the act itself, section 76-1607, R.S.Supp., 1978, provides for the creation of a “. . . a body politic and corporate, not a state agency, but an independent instrumentality exercising essential public functions, . . .” (Emphasis added.)

As you are aware, this fund was the subject of considerable constitutional scrutiny and analysis by the Nebraska Supreme Court in the case of State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, \_\_\_ N.W.2d \_\_\_ (1979). This office, among other contentions, argued that this fund was unconstitutional in that it was violative of Article XIII, section 3, of the Constitution of the State of Nebraska, which provides as is relevant:

“The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . .”

In response to this argument the Nebraska Supreme Court stated:

“The Act does not, however, violate Article XIII, section 3, because the credit of the state is not in any manner being given or loaned in aid of any individual. Only the fund is involved. . . . The Act could not be clearer that the credit of the state is not being given or loaned in any manner.”

We would be of the opinion that the Nebraska Supreme Court could not have reached such a conclusion if in fact this entity was an “administrative office or unit of the state government . . .” (84-901(1), R.S.Supp., 1978).

This office further took the position that the creation of this act permitted the state to incur indebtedness in excess of \$100,000 in violation of Article XIII, section 1, of the Constitution of the State of Nebraska. In rejecting this argument the court specifically held:

“ . . . we do not believe the state is in any manner incurring a debt within the meaning of Article XIII, section 1. The bonds are repaid out of the revenue derived by the fund. No state appropriation, revenue, or a tax is used to repay the bonds. . . . There are no state funds involved in the repayment of any debt contemplated by the Act, . . . ”

We would be similarly of the position that the court could not have reached this conclusion if in fact this entity was a part of state government. Once again, here we believe that the distinction between being part of “state government” and being part of the overall government of the state must be made. Cities and villages and other manners of political entities are part of the overall government of the state. This does not mean that they are part of state government.

The Nebraska Supreme Court did have occasion to refer to the delegation of the rule-making authority to the fund in State ex rel. Douglas v. Nebraska Mortgage Finance Fund, *supra*, at 204 Neb. 465. It appears from the court’s discussion there that they felt the Legislature had granted the fund broad authority and discretion in enacting rules and regulations and while they do not reach the question of whether or not these rules and regulations are subject to legislative scrutiny, it would appear as though the argument that their rules are within the purview of section 84-901, R.S.Supp., 1978, would greatly increase the fund’s susceptibility to the constitutional challenges raised above.

Therefore, while it is difficult to say with certainty what the exact relationship between the fund and state government is, we would be of the opinion that whatever that relationship is this entity is not an “administrative Office or unit of the state government . . . ” even though it very well may be a public or quasi-public corporation existing generally within the government of the State of Nebraska.

In light of this conclusion, we do not believe that it is necessary to determine whether or not its rules fall within the definition of section 84-901(2), R.S.Supp., 1978, inasmuch as the rules referred to there only concern rules adopted by agencies falling within the preceding subdivision of section 84-901. Also in light of this conclusion, our answer must be with regard to your third question that the Legislature’s Rules and Regulations Review Committee would not have the power to scrutinize and approve the rules adopted by the Nebraska Mortgage Finance Fund.

If as you seem to suggest in your letter the Committee has some question about whether or not the fund is conducting its activities in conformance with original legislative intent, it may be that you or other members of the Legislature may well wish to introduce legislation to more clearly define your objectives or to direct the fund to conduct its business in a particular manner. In the absence of such specific direction, however, we do not believe that you might accomplish this purpose through the review and approval of this fund's rules and regulations.

Sincerely,  
 PAUL L. DOUGLAS  
 Attorney General  
 Terry R. Schaaf  
 Assistant Attorney General

(Signed)

TRS/cmb  
 cc: Patrick J. O'Donnell  
 Clerk of the Legislature

#### REPORT

Received copy of proposed lease renewal from the Department of Roads on property located at 4426 South 108th, Omaha, Nebraska. (On file in the Clerk's Office.)

#### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 228.** Placed on Select File as amended. E & R amendments to LB 228:

1. In committee amendments, page 1, line 20, strike "sections 1, 4, 5, and 6 of".

2. In committee amendments, page 2, line 10, strike the comma.

**LEGISLATIVE BILL 228A.** Placed on Select File as amended. E & R amendment to LB 228A:

1. On page 2, line 3, strike "1979" and insert "1980"; and in line 4 strike "1980" and insert "1981".

#### Correctly Enrolled

The following bills were correctly enrolled: 599, 607, 636, 658, 483, 687, 688, 261, 602, and 654.

TWENTY-EIGHTH DAY - FEBRUARY 21, 1980 775

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 201 and LB 599, 607, 636, 658, 483, 687, 688, 261, 602, and 654.

**MESSAGE FROM THE GOVERNOR**

February 21, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 61.

This bill was signed by me on February 20, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 789A.** By Chambers, 11th District; Goodrich, 20th District.

This bill introduced on behalf of: LB 789.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 789, Eighty-sixth Legislature, Second Session, 1980.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LR 179 in the Journal. No objections. So ordered.

- 1 1. On page 116 of the Journal, in Section 1
- 2 strike beginning with "chairman" in line 4 through line
- 3 7 and insert "following eleven members of the Nebraska

4 Legislature: Chris Beutler, John DeCamp, Steve Fowler,  
5 Rex Haberman, Peter Hoagland, Maurice Kremer, Howard  
6 Lamb, Loran Schmit, Harold Sieck, Tom Vickers, and Don  
7 Wagner.”.

8 2. On page 117 of the Journal strike beginning  
9 with “Legislature’s” in line 1 through the period in  
10 line 9; in line 9 strike “after being appointed by”;  
11 and in line 10, strike “the Executive Board”; and after  
12 line 20 insert the following new paragraph:

13 “The authority of the Commission created by this  
14 resolution shall be supplementary to all other existing  
15 legislative committees or studies dealing with water  
16 problems and issues and it is not the intent of this  
17 resolution to alter, replace, or supplant any other  
18 committee or study dealing with water problems and issues.”.

19 3. On page 120 of the Journal in line 20 strike  
20 “appointments of”, strike “to” and insert “of”; in line  
21 22 strike “an appointment” and insert “membership”.

22 4. On page 120 of the Journal after line 3  
23 of Section 5, insert the following new section:

24 “Sec. 6. Special Session. The eleven members  
25 of the Water Policy Decision Commission shall on or  
26 before July 15, 1980, review the present conflict  
27 among water use and water users and evaluate whether  
1 the water of the state is being efficiently and eco-  
2 nomically appropriated and as a result of such review  
3 determine whether a special legislative session should  
4 be called to consider water and water-related issues,  
5 and when the special session should convene. The eleven  
6 members shall on or before July 18, 1980, vote whether  
7 to instigate the procedure for calling a special session  
8 of the Legislature. If a majority of the members vote  
9 in favor of requesting a special session, the commission  
10 shall file with the Secretary of State on or before  
11 July 21, 1980, a positive statement in writing requesting  
12 that a special session be held for the sole purpose  
13 of dealing with water and water-related issues. The  
14 procedure provided in section 50-125, Reissue Revised  
15 Statutes of Nebraska, 1943, shall be followed.”.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 629.

A BILL FOR AN ACT to amend section 16-104, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to

change the minimum number of wards required in such cities; 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, 37:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Goodrich | Koch     | Marvel  | Venditte |
| Burrows    | Hefner   | Kremer   | Merz    | Vickers  |
| Chronister | Hoagland | Labeledz | Murphy  | Wagner   |
| Cope       | Johnson  | Lamb     | Pirsch  | Warner   |
| Cullan     | Kahle    | Landis   | Reutzel | Wesely   |
| DeCamp     | Kelly    | Lewis    | Rumery  |          |
| Dworak     | Kennedy  | Maresh   | Simon   |          |
| Fitzgerald | Keyes    | Marsh    | Stoney  |          |

Voting in the negative, 1:

Newell

Present and not voting, 5:

|         |          |       |        |        |
|---------|----------|-------|--------|--------|
| Carsten | Chambers | Clark | Nichol | Powers |
|---------|----------|-------|--------|--------|

Excused and not voting, 6:

|         |          |        |
|---------|----------|--------|
| Beutler | George   | Schmit |
| Fowler  | Haberman | Sieck  |

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

#### **LEGISLATIVE BILL 635.**

A BILL FOR AN ACT to amend section 29-1408, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change provisions relating to county attorneys as prescribed; 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, 43:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Keyes    | Marvel  | Simon    |
| Burrows    | Fitzgerald | Koch     | Merz    | Stoney   |
| Carsten    | Goodrich   | Kremer   | Murphy  | Venditte |
| Chambers   | Hefner     | Labeledz | Newell  | Vickers  |
| Chronister | Hoagland   | Lamb     | Nichol  | Wagner   |
| Clark      | Johnson    | Landis   | Pirsch  | Warner   |
| Cope       | Kahle      | Lewis    | Powers  | Wesely   |
| Cullan     | Kelly      | Maresh   | Reutzel |          |
| DeCamp     | Kennedy    | Marsh    | Rumery  |          |

Voting in the negative, 0.

Excused and not voting, 6:

|         |          |        |
|---------|----------|--------|
| Beutler | George   | Schmit |
| Fowler  | Haberman | Sieck  |

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

#### **LEGISLATIVE BILL 648.**

A BILL FOR AN ACT to amend section 46-229.03, Reissue Revised Statutes of Nebraska, 1943, relating to water rights; to provide for notice by certified mail as prescribed; 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, 43:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kennedy  | Marvel  | Simon    |
| Burrows    | Fitzgerald | Keyes    | Merz    | Stoney   |
| Carsten    | Fowler     | Koch     | Murphy  | Venditte |
| Chambers   | Goodrich   | Kremer   | Newell  | Vickers  |
| Chronister | Hefner     | Labeledz | Nichol  | Wagner   |
| Clark      | Hoagland   | Lamb     | Pirsch  | Warner   |
| Cope       | Johnson    | Landis   | Powers  | Wesely   |
| Cullan     | Kahle      | Maresh   | Reutzel |          |
| DeCamp     | Kelly      | Marsh    | Rumery  |          |

Voting in the negative, 0.

Present and not voting, 1:

Lewis

Excused and not voting, 5:

Beutler      George      Haberman      Schmit      Sieck

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

**LEGISLATIVE BILL 685.**

A BILL FOR AN ACT to amend section 23-343.01, Reissue Revised Statutes of Nebraska, 1943, relating to county hospitals; to eliminate a restriction on the county hospital board membership; to provide a duty for the Revisor of Statutes; 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, 42:

|            |            |          |          |          |
|------------|------------|----------|----------|----------|
| Barrett    | Fitzgerald | Keyes    | Merz     | Stoney   |
| Burrows    | Fowler     | Koch     | Murphy   | Venditte |
| Carsten    | Goodrich   | Kremer   | Newell   | Vickers  |
| Chronister | Hefner     | Labeledz | Nichol   | Wagner   |
| Clark      | Hoagland   | Lamb     | Pirsch   | Warner   |
| Cope       | Johnson    | Landis   | Powers   | Wesely   |
| Cullan     | Kahle      | Maresh   | Reutzler |          |
| DeCamp     | Kelly      | Marsh    | Rumery   |          |
| Dworak     | Kennedy    | Marvel   | Simon    |          |

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Lewis

Excused and not voting, 5:

Beutler      George      Haberman      Schmit      Sieck

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

**MOTION - Suspend Rules**

Mr. Newell moved to suspend the Rules, Rule 3, Section 5, and Rule 5, Section 11, so as to allow for the cancellation of hearing and withdrawal of LB 850.

The motion prevailed with 37 ayes, 3 nays, and 9 not voting.

**MOTION - Withdraw LB 850**

Mr. Newell moved to withdraw LB 850 and cancel the hearing.

The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

**NOTICE OF COMMITTEE HEARING**  
**Committee on Committees**

February 21, 1980

The Committee on Committees wishes to report that the hearing scheduled for Robert Krohn, Member, Advisory Committee to the Department of Economic Development, for Wednesday, February 20, 1980, was cancelled. A new hearing date for Mr. Krohn will be scheduled at a later time.

The confirmation hearing held on February 20, 1980, for John Greenholtz, Chairman for the Parole Board, will continue on Wednesday, March 19, 1980, at 12:10 p.m. in Room 1520, the Moses P. Kinkaid Hearing Room.

(Signed) Shirley Marsh, Chairperson

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

February 21, 1980

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the legislative body and suggests a record vote.

Mel Beermann - Environmental Control Council

Milan Bish - Highway Commission

Gloria Dinsdale - Nebraska Arts Council

Greg Eden

Coordinating Commission for Postsecondary Education

R. Jerry Hargitt - Nebraska Arts Council

Ronald Kelly

Agricultural Products Industrial Utilization Committee

Harold E. Kirkpatrick - Environmental Control Council

Ed Narjes - Environmental Control Council

VOTE: For: Marsh, Burrows, Cope, Kennedy, Labedz, Nichol, Wesely (7). Against: Newell (1). Not Voting: Reutzel (1). Absent: Lewis, Schmit (2). Excused: Simon, Cullan (2).

(Signed) Shirley Marsh, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 612.** Title read. Considered.

Mr. Chambers moved to indefinitely postpone LB 612.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 7 nays, and 22 not voting.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Simon requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 24:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Barrett  | DeCamp   | Kennedy | Marsh  | Stoney  |
| Carsten  | Goodrich | Keyes   | Marvel | Vickers |
| Chambers | Hefner   | Kremer  | Nichol | Wagner  |
| Clark    | Kahle    | Lamb    | Pirsch | Warner  |
| Cope     | Kelly    | Maresh  | Rumery |         |

Voting in the negative, 18:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Dworak     | Haberman | Labeledz | Newell  | Simon    |
| Fitzgerald | Hoagland | Landis   | Powers  | Venditte |
| Fowler     | Johnson  | Lewis    | Reutzel |          |
| George     | Koch     | Merz     | Schmit  |          |

Present and not voting, 5:

|         |            |        |        |        |
|---------|------------|--------|--------|--------|
| Burrows | Chronister | Cullan | Murphy | Wesely |
|---------|------------|--------|--------|--------|

Excused and not voting, 2:

|         |       |
|---------|-------|
| Beutler | Sieck |
|---------|-------|

The motion to indefinitely postpone prevailed with 24 ayes, 18 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 790A.** By DeCamp, 40th District.  
This bill introduced on behalf of: LB 790.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 790, Eighty-sixth Legislature, Second Session, 1980.

### **NOTICE OF COMMITTEE HEARING** **Rules**

Monday, February 25, 1980

12:00 p.m.

Proposed rule changes by Senator Warner

Rule 6, Section 3(b) (Journal p. 406)

Rule 6, Section 3(h) (Journal p. 406)

Rule 7, Section 3(b) (Journal p. 407)

Proposed rule changes by Senator Beutler

Rule 3, Revamp, Section 14(c) (Journal p. 498)

Rule 3, Revamp, Section 19 (Journal p. 498)

Proposed rule change by Senator Lewis

Rule 3, Section 18 (Journal p. 692)

(Signed) Steve Fowler, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 94.** Title read. Considered.

Mr. Chambers withdrew his pending amendments found in the Journal on page 1024, First Session and Req. #2757 printed separate and pending from the First Session.

Standing Committee amendments found in the Journal on page 694 for the Twenty-Fifth Day were adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**EXPLANATION OF VOTE**

Had I been present, I would have voted Yes on 629, 635, 648, and 685.

(Signed) Rex Haberman

**MOTION - Reconsider Action on LB 612**

Mr. DeCamp moved to reconsider action on the motion to indefinitely postpone LB 612.

Motion pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 773A.** By Koch, 12th District; George, 16th District.

This bill introduced on behalf of: LB 773.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 773, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 712A.** By Administrative Rules and Regulations Review Committee: Kelly, 35th District, Chairman.

This bill introduced on behalf of: LB 712.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 712, Eighty-sixth Legislature, Second Session, 1980.

## STANDING COMMITTEE REPORTS

## Education

**LEGISLATIVE BILL 770.** Placed on General File.

**LEGISLATIVE BILL 784.** Placed on General File.

**LEGISLATIVE BILL 839.** Placed on General File.

**LEGISLATIVE BILL 724.** Placed on General File as amended.

Standing Committee amendments to LB 724:

1. On page 3 line 10 strike "fighting" and insert "department".

2. Strike original sections 2 and 3 and insert the following new sections:

"Sec. 2. The State Board of Vocational Education shall establish a statewide training program for fire department personnel and others involved in fire safety training for the purpose of developing and maintaining fire department skills and safety operations. The board in establishing a training program may (1) conduct courses, (2) set fees for manuals and training courses, (3) certify fire department personnel, (4) give technical assistance to fire departments and rescue squads, (5) respond to emergencies, and (6) conduct controlled educational burnings. Nothing in this section shall require mandatory participation by fire departments, individuals, or others interested in fire safety training.

Sec. 3. Money collected under the terms of section 2 of this act shall be deposited in the Department of Education's Cash Fund, which fund is hereby created, and expended in administering the training program established pursuant to this act. No program established pursuant to this act shall be funded by any General Fund Appropriation.

Sec. 7. If any section in this act or any part shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof."

3. On page 4 line 10 strike "and assist".

4. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 769.** Placed on General File as amended.

Standing Committee amendment to LB 769:

1. On page 3 line 19 after the underscored period insert "The term shall include children who are autistic.".

**LEGISLATIVE BILL 774.** Placed on General File as amended.

Standing Committee amendment to LB 774:

1. On page 3 strike lines 8 through 10 and insert:

“(8) Institutions or organizations which offer education or instruction and which are licensed and regulated solely by an agency of the federal government with respect to curriculum and qualifications of instructional staff.”.

**LEGISLATIVE BILL 871.** Indefinitely postponed.

(Signed) Jerry Koch, Chairperson

**SPEAKER MARVEL PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 619.** Title read. Considered.

Mr. Newell offered the following amendments:

Req. #2152

2 1. Strike the original sections and amendments  
3 thereto, and insert the following new sections:  
4 “Section 1. After August 31, 1980, no person  
5 shall sell or supply any (1) rubber tire equipped with  
6 studs or spikes for use on any vehicle except as provided  
7 in section 39-6,131 and section 5 of this act, or (2)  
8 studs or spikes for installation in the tires of such  
9 vehicles.

10 Sec. 2. After August 31, 1980, each person who  
11 sells new or used tires shall display, in the area where  
12 such tires are sold, a sign measuring not less than  
13 fourteen inches square which shall contain a notice in  
14 letters measuring at least one half inch in height. Such  
15 notice shall read as follows: Notice: The use of tires  
16 containing studs or spikes is prohibited in this state  
17 after April 15, 1982.

18 Sec. 3. That section 39-6,131, Reissue Revised  
19 Statutes of Nebraska, 1943, be amended to read as  
20 follows:

21 39-6,131. Every solid rubber tire on a vehicle  
22 moved on any highway shall have rubber on its entire  
23 traction surface at least one inch thick above the edge  
24 of the flange of the entire periphery. No tire on a  
25 vehicle moved on a highway shall have on its periphery  
1 any clock, stud, flange, cleat, or spike or any other  
2 protuberance of any material other than rubber which  
3 projects beyond the tread of the traction surface of the  
4 tire, except that (1) this prohibition shall not apply to  
5 pneumatic tires with metal or metal type studs not  
6 exceeding five sixteenths of an inch in diameter  
7 inclusive of the stud casing with an average protrusion  
8 beyond the tread surface of not more than seven

9 ~~sixty fourths of an inch between October 1 and April 15;~~  
10 ~~Provided, that school buses, mail carrier vehicles and~~  
11 ~~emergency vehicles shall be permitted to use metal or~~  
12 ~~metal type studs between April 15 and October 1, (a)~~  
13 ~~vehicles used for the public's safety, which shall~~  
14 ~~include, but not be limited to, law enforcement, fire,~~  
15 ~~and other emergency vehicles, (b) vehicles driven by~~  
16 ~~emergency medical personnel when necessary to their~~  
17 ~~duties, (c) rural mail carrier vehicles used to deliver~~  
18 ~~mail, and (d) vehicles which display license plates~~  
19 ~~carrying the wheelchair symbol as provided in section~~  
20 ~~60-311.14, Revised Statutes Supplement, 1979, (2) it~~  
21 ~~shall be permissible to use farm machinery with tires~~  
22 ~~having protuberances which will not injure the highway,~~  
23 ~~and (3) it shall be permissible to use tire chains of~~  
24 ~~reasonable proportions upon any vehicle when required for~~  
25 ~~safety because of snow, ice, or other condition tending~~  
26 ~~to cause a vehicle to slide or skid. The exception~~  
27 ~~provided in subdivision (1) of this section shall only be~~  
1 ~~applicable for such vehicles if the requirements of~~  
2 ~~section 4 of this act have been met. The Department of~~  
3 ~~Roads and local authorities in their respective~~  
4 ~~jurisdictions may, in their discretion, issue special~~  
5 ~~permits authorizing the operation upon a highway of~~  
6 ~~traction engines or tractors having movable tracks with~~  
7 ~~transverse corrugations upon the periphery of such~~  
8 ~~movable tracks or farm tractors or other farm machinery.~~  
9 Sec. 4. (1) The Department of Roads,  
10 Maintenance Division, Carrier Enforcement and Permit  
11 Section shall provide permits and stickers only for those  
12 persons using or purchasing studded or spiked tires or  
13 sets of studs or spikes for vehicles which are excepted  
14 from the prohibition on studded or spiked tires, as  
15 provided in subdivision (1) of section 39-6,131. Any  
16 person using or purchasing a studded or spiked tire or a  
17 set of studs or spikes after the operative date of this  
18 section shall apply for a permit and sticker prior to the  
19 use of such tires. The application for a permit and  
20 sticker shall be made on forms prescribed by the  
21 department and accompanied by a ten dollar fee for each  
22 vehicle which has one or more studded or spiked tires.  
23 The application shall be sent to and the permit and  
24 sticker issued by the Department of Roads, Maintenance  
25 Division, Carrier Enforcement and Permit Section, or one  
26 of the Department of Road's field officers in the state.  
27 The sticker shall contain the license plate number of the  
1 vehicle and the date of the permit's issuance, and shall  
2 be displayed in the vehicle's rear window so as to be  
3 readily visible to a law enforcement officer.  
4 (2) The permit and sticker shall be valid for one

5 year from the date of issuance, and renewal stickers and  
 6 permits shall be applied for and issued in the same  
 7 manner as the original sticker and permit.

8 Sec. 5. (1) The Department of Roads,  
 9 Maintenance Division, Carrier Enforcement and Permit  
 10 Section shall issue permits to sellers or suppliers of  
 11 studded or spiked tires throughout the state who apply  
 12 with the department or one of its field offices to be  
 13 authorized dealers of such tires. The department shall  
 14 issue permits to those dealers meeting standards set and  
 15 published by the department. Only authorized dealers  
 16 shall be permitted to sell studded or spiked tires or  
 17 sets of studs or spikes in this state. The authorized  
 18 dealers shall sell or supply studded or spiked tires only  
 19 to those persons who own or use vehicles which qualify  
 20 under subdivisions (1) of section 39-6,131. The  
 21 Department of Roads, Maintenance Division, Carrier  
 22 Enforcement and Permit Section shall provide each  
 23 authorized dealer with a permit indicating it is an  
 24 authorized dealer, and the permit shall be prominently  
 25 displayed in the place of business. There shall be no  
 26 fee for such dealer permits.

1 (2) The authorized dealer permit shall be valid  
 2 for one year from the date of its issuance, and may be  
 3 renewed in the similar manner as an original permit.

4 Sec. 6. The Department of Roads shall adopt and  
 5 promulgate rules and regulations to provide for  
 6 administering sections 3 to 5 of this act. The  
 7 Department of Roads shall require that emergency medical  
 8 personnel upon request substantiate the need to use  
 9 studded or other prohibited tires pursuant to subdivision  
 10 (1) of section 3 of this act.

11 Sec. 7. The Department of Roads shall between  
 12 April 16, 1985, and December 31, 1985, file with the  
 13 Clerk of the Legislature a detailed report regarding the  
 14 effects of prohibiting the use of certain tires pursuant  
 15 to this act on the public safety and the conditions of  
 16 the roads.

17 Sec. 8. (1) Any person violating sections 1, 2,  
 18 and 5 of this act shall be guilty of a Class V  
 19 misdemeanor.

20 (2) Any person violating sections 3 and 4 of this  
 21 act shall be guilty of a traffic infraction and be fined  
 22 not more than thirty dollars for each violation, but no  
 23 court costs shall be assessed against such person if such  
 24 fine is paid within fifteen days.

25 Sec. 9. Sections 3 to 5, 8, and 10 of this act  
 26 shall become operative April 16, 1982, and the remaining  
 27 sections shall become operative on their effective date.

1 Sec. 10. That original section 39-6,131,

2 Reissue Revised Statutes of Nebraska, 1943, is  
3 repealed.”.

The amendment was adopted with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

Mr. George asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 10 ayes, 5 nays, and 34 not voting.

Advanced to E & R for Review with 27 ayes, 15 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 618.** Title read. Considered.

Standing Committee amendments found in the Journal on page 477 for the Fifteenth Day were adopted with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

Mr. Maresh moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 618A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays, 20 present and not voting, and 1 excused and not voting.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 621 in the Journal. No objections. So ordered.

ON PAGE 33 - Section 11 (1) . . .

Line 11 - Add a new (d) For the purposes of this section the debtor has no rights

- i. in crops until they are planted or otherwise become growing crops, and in the young livestock until they are conceived;
- ii. in fish until caught, in oil, gas or minerals until they are extracted, in timber until it is cut;
- iii. in contract right until the contract has been made;
- iv. in an account until it comes into existence.

Then proceed with:

- (2) A security interest attaches when . . .

### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 21, 1980, at 11:37 a.m., were the following bills: 654, 602, 261, 688, 687, 483, 658, 636, 607, and 599.

(Signed) Hazel Kaltenberger, Enrolling Clerk

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: 499, 499A, and 645.

(Signed) Don Wesely, Chairperson

### EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 94.

(Signed) Nelson Merz

### STANDING COMMITTEE REPORTS

#### Banking, Commerce and Insurance

**LEGISLATIVE BILL 276.** Placed on General File as amended. .  
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2153.)

**LEGISLATIVE BILL 279.** Placed on General File as amended.  
Standing Committee amendments to LB 279:

Req. #2144

- 2 1. Strike the original sections and insert the
- 3 following:
- 4 "Section 1. That section 39-1349, Reissue
- 5 Revised Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 39-1349. The department may let contracts for

8 the construction, reconstruction, improvement,  
9 maintenance, or repair of roads, and bridges and their  
10 appurtenances to the lowest responsible bidders who have  
11 been qualified by the department; or may reject any or  
12 all bids and cause the work to be done as may be directed  
13 by the department; Provided, all work which involves the  
14 use of federal and state funds shall be done through  
15 contract let by the department as provided for in section  
16 39-1348. If the contractor has furnished the department  
17 all required records and reports, the department shall  
18 pay to the contractor interest at the rate of ~~eight~~  
19 twelve per cent per annum on the amount retained and on  
20 the final payment due the contractor beginning sixty days  
21 after the work under the contract has been completed, as  
22 evidenced by the completion date established in the  
23 department's letter of tentative acceptance, or in the  
24 case where tentative acceptance has not been issued, then  
25 beginning sixty days after completion of the work, and  
1 running until the date when payment is tendered to the  
2 contractor. When the department is required by the  
3 provisions of the acts of Congress and the rules and  
4 regulations made by an agent of the United States in  
5 pursuance of such acts, to predetermine minimum wages to  
6 be paid laborers and mechanics employed on highway  
7 construction, the Director-State Engineer shall cause  
8 minimum rates of wages for such laborers and mechanics to  
9 be predetermined and set forth in contracts for such  
10 construction, which minimum rates shall be the scale of  
11 wages which the Director-State Engineer finds are paid  
12 and maintained by at least fifty per cent of the  
13 contractors in performing highway work contracted with  
14 the department, unless the Director-State Engineer shall  
15 further find that such scale of wages so determined would  
16 unnecessarily increase the cost of such highway work to  
17 the state, in which event he or she shall reduce such  
18 determination to such scale of wages as he or she shall  
19 find is required to avoid such unnecessary increase in  
20 the cost of such highway work.

21 Sec. 2. That section 45-102, Reissue Revised  
22 Statutes of Nebraska, 1943, be amended to read as  
23 follows:

24 45-102. Interest upon the loan or forbearance of  
25 money, goods or things in action shall be at the rate of  
26 ~~six~~ twelve per cent per annum on the unpaid principal  
27 balance, unless a greater rate, not exceeding the rate of  
1 interest provided in section 45-101.03, be contracted for  
2 by the parties.

3 Sec. 3. That section 45-103, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 45-103. Interest on all decrees and judgments  
 7 for the payment of money shall be from the date of the  
 8 rendition thereof at the rate of ~~eight~~ twelve dollars  
 9 upon each one hundred dollars annually until the same  
 10 shall be paid; Provided, if said judgment or decree shall  
 11 be founded upon any contract, either verbal or written,  
 12 by the terms of which a greater rate of interest, not  
 13 exceeding the amount allowed by law, than ~~eight~~ twelve  
 14 per cent shall have been agreed upon, the rate of  
 15 interest upon such judgment or decree shall be the same  
 16 as provided for by the terms of the contract upon which  
 17 the same was founded.

18 Sec. 4. That section 45-104, Reissue Revised  
 19 Statutes of Nebraska, 1943, be amended to read as  
 20 follows:

21 45-104. On money due on any instrument in  
 22 writing, or on settlement of the account from the day the  
 23 balance shall be agreed upon, on money received to the  
 24 use of another and retained without the owner's consent,  
 25 express or implied, from the receipt thereof, and on  
 26 money loaned or due and withheld by unreasonable delay of  
 27 payment, interest shall be allowed at the rate of ~~six~~  
 1 twelve per cent per annum. Unsettled accounts between  
 2 parties shall bear interest after ~~six months~~ one month  
 3 from the date of the last item thereof.

4 Sec. 5. If any section in this act or any part  
 5 of any section shall be declared invalid or  
 6 unconstitutional, such declaration shall not affect the  
 7 validity or constitutionality of the remaining portions  
 8 thereof.

9 Sec. 6. That original sections 39-1349, 45-102,  
 10 45-103, and 45-104, Reissue Revised Statutes of Nebraska,  
 11 1943, are repealed.

12 Sec. 7. Since an emergency exists, this act  
 13 shall be in full force and take effect, from and after  
 14 its passage and approval, according to law."

15 2. In the title, strike lines 2 through 6 and  
 16 insert:

17 "FOR AN ACT relating to interest; to change interest  
 18 charges as prescribed; to amend sections  
 19 39-1349, 45-102, 45-103, and 45-104, Reissue  
 20 Revised Statutes of Nebraska, 1943; to provide  
 21 severability; to repeal the original sections;  
 22 and to declare an emergency."

**LEGISLATIVE BILL 308.** Placed on General File as amended.  
 Standing Committee amendments to LB 308:

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

3 "Section 1. That section 45-207, Reissue Revised

4 Statutes of Nebraska, 1943, be amended to read as follows:  
 5 45-207. Notwithstanding the provisions of any  
 6 other law the seller or assignee under a revolving charge  
 7 agreement may charge, receive and collect a time price  
 8 differential which shall not exceed the following rate:  
 9 One and ~~one half~~ three-quarters per cent per month on  
 10 the outstanding balance. ~~of five hundred dollars or~~  
 11 ~~less and one per cent per month on that portion of the~~  
 12 ~~outstanding balance in excess of five hundred dollars.~~  
 13 The rate shall be computed on the unpaid balance under  
 14 the agreement from month to month, which need not be a  
 15 calendar month, or other period as agreed. Such time  
 16 price differential shall be computed on not more than  
 17 the unpaid balance at the beginning of the period for  
 18 which the statement is rendered.

19 Sec. 2. If any section in this act or any part  
 20 of any section shall be declared invalid or unconstitu-  
 21 tional, such declaration shall not affect the validity  
 22 or constitutionality of the remaining portions thereof.

23 Sec. 3. That original section 45-207, Reissue  
 24 Revised Statutes of Nebraska, 1943, is repealed.

25 Sec. 4. Since an emergency exists, this act  
 26 shall be in full force and take effect, from and after  
 27 its passage and approval, according to law.”.

1 2. In the title strike lines 2 and 3 and insert:  
 2 “FOR AN ACT to amend section 45-207, Reissue  
 3 Revised Statutes of Nebraska, 1943,  
 4 relating to interest; to change  
 5 authorized interest charges as pre-  
 6 scribed; to provide severability; to  
 7 repeal the original section; and to  
 8 declare an emergency.”.

(Signed) John W. DeCamp, Chairperson

### VISITORS

Visitors to the Chamber were Former Senators John Savage from Omaha, Otho Kime from Valentine, and Chet Paxton from Thedford; Mr. and Mrs. Earl Monahan from Hyannis; Bill Ward from Valentine; 8 seniors and teacher from Norfolk High School; Tom Michels from Kearney; Mary Lou Doyle, Cal and Tasha Wineland from Bellevue and Trond Kostviet, a Norway exchange student; Mr. and Mrs. Gerhardt Hefner, Mr. Wendel Hefner, and Mr. and Mrs. Franklin Hefner; 23 members of East Central Nebraska Chapter of Bank Administrators Institute; Mr. and Mrs. Leslie Kime from Valentine; Genevieve Lawrence from Kearney; 32 eighth grade students and sponsors from St. Marys School, David City; Mr. and

Mrs. Ted Hosick and family from Cambridge; and 8 seniors and teacher from Valley High School.

**ADJOURNMENT**

At 12:00 noon, on a motion by Mr. Koch, the Legislature adjourned until 9:00 a.m., Friday, February 22, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**TWENTY-NINTH DAY - FEBRUARY 22, 1980**

**LEGISLATIVE JOURNAL**

**TWENTY-NINTH DAY - FEBRUARY 22, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 22, 1980

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

O God, our Father, who art the author of all liberty and freedom, to Thee we pray. Guide and bless the members of this Legislature, as they represent the people of this State in committee room, in this chamber, in their voting record, and in their personal lives. Give them sustaining strength of mind, body and spirit to stand the persistent strains of their high office. Give them intolerance against all evils which would weaken our State, but great tolerance in hearing the evidence before making a decision. In using their sensitive minds to be rational, may they also keep alive that spark of heavenly fire called intuition which can guide us to a better society for all. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Clark, Hefner, and Simon who were excused; and Mesdames Labeledz, Pirsch, Messrs. Chambers, Cullan, Haberman, Kelly, Koch, Lewis, Newell, Powers, Schmit, Sieck, and Wesely who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twenty-Eighth Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 615.** Placed on Select File as amended.  
E & R amendment to LB 615:

1. In the title, line 3, strike "and"; in line 5, insert ", and section 84-306.03, Revised Statutes Supplement, 1979" after "1978" and insert "mileage" at the end of the line; in line 6 strike "county government and officers"; and in line 7 strike "rate" and insert "rates" and insert "to restrict the use of private vehicles;" after the semicolon.

**Correctly Engrossed**

The following bills were correctly engrossed: 663, 681, 712, 747, 748, 759, 764, 797, 810, 817, 819, 846, 886, 932, 951, 957, and 958.

**Correctly Enrolled**

The following bills were correctly enrolled: 629, 635, 648, and 685.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 629, 635, 648, and 685.

**STANDING COMMITTEE REPORTS**  
**Public Works**

**LEGISLATIVE BILL 603.** Indefinitely postponed.

**LEGISLATIVE BILL 624.** Indefinitely postponed.

**LEGISLATIVE BILL 870.** Indefinitely postponed.

**LEGISLATIVE BILL 649.** Placed on General File as amended.  
Standing Committee amendment to LB 649:

1 1. On page 4, line 18, after "person." insert  
2 "If a hearing is held, notice shall be given by certi-  
3 fied mail to the applicant, to any person who requested  
4 a hearing, and to any person who requests notification  
5 of the hearing and, in addition, shall be published in  
6 at least one newspaper of general circulation in the  
7 county or counties of the appropriation."

**LEGISLATIVE BILL 776.** Placed on General File as amended.  
Standing Committee amendment to LB 776:

Req. #2154

- 2 1. Strike the original sections and insert the  
3 following new sections:
- 4 "Section 1. The Director-State Engineer may  
5 authorize the carrying of vehicles whose loads exceed the  
6 width of twelve feet on the National System of Interstate  
7 and Defense Highways, pursuant to section 2 of this act  
8 upon a finding that no loss to the state of federal  
9 highway user funds would result with such authorization.
- 10 Sec. 2. The Department of Roads or the Nebraska  
11 State Patrol with respect to highways under their  
12 jurisdiction may in their discretion, upon application  
13 and a showing of good cause, issue a special permit in  
14 writing, valid for not more than ten days, authorizing  
15 the applicant to operate vehicles transporting equipment  
16 in excess of twelve feet in width, on the National System  
17 of Interstate and Defense Highways and on all roads  
18 reasonably necessary for access thereto. Such permits  
19 shall be issued when such operation would normally be  
20 allowed by a special permit issued pursuant to section  
21 39-6,181, Revised Statutes Supplement, 1979, for other  
22 highways under the jurisdiction of the Department of  
23 Roads or the Nebraska State Patrol. Such permits shall  
24 only be issued when the operation of such vehicles can be  
25 accomplished with a lesser degree of potential danger to  
1 the general public by their travel on the National System  
2 of Interstate and Defense Highways than by their travel  
3 on any other state or federal highway. A permit shall  
4 only be issued for movement during daylight hours when in  
5 compliance with lighting requirements of section  
6 39-6,150, Reissue Revised Statutes of Nebraska, 1943.
- 7 Sec. 3. That section 39-6,177, Reissue Revised  
8 Statutes of Nebraska, 1943, be amended to read as  
9 follows:
- 10 39-6,177. (1) No vehicle shall exceed a total  
11 outside width, including any load thereon, of eight feet  
12 except that such prohibition shall not apply to:
- 13 (a) A ~~(1)~~-a vehicle with a load of pulpwood in  
14 movement during daylight hours when such maximum width  
15 shall be one hundred inches and the load is bound with at  
16 least two separate iron chains or cables comprised of  
17 material not less than one half inch in thickness or  
18 diameter attached to the front and rear of the loading  
19 platform and frame of the vehicle so as to hold the load  
20 securely in place;
- 21 (b) Farm ~~, (2)~~-farm equipment in temporary  
22 movement during daylight hours, or during hours of  
23 darkness when the clearance light requirements of section

24 39-6,127 are fully complied with, in the normal course of  
 25 farm operations;

26 (c) Combines ~~-(3) combines~~ or vehicles used in  
 27 transporting combines, to be engaged in harvesting within  
 1 or without the state, moving into or through the state  
 2 during daylight hours when the overall width does not  
 3 exceed fifteen feet;

4 (d) Farm ~~-(4) farm~~ equipment dealers hauling,  
 5 driving, delivering, or picking up farm equipment or  
 6 implements of husbandry during daylight hours;

7 (e) Alfalfa ~~-(5) alfalfa~~ harvesting machinery in  
 8 temporary movement during daylight hours and hours of  
 9 darkness when:

10 (i) The ~~(a) the~~ clearance light requirements of  
 11 section 39-6,127 are fully complied with;

12 (ii) There ~~-(b) there~~ is, on the front vehicle  
 13 and above the line of the regular lights of such vehicle,  
 14 a flashing, amber-colored light at least four inches in  
 15 diameter and clearly visible to traffic approaching from  
 16 any direction; τ and

17 (iii) There ~~-(c) there~~ is a well-lighted pilot  
 18 vehicle or flagman at least three hundred feet in advance  
 19 of such vehicles to give warning of the approach of  
 20 over-width equipment; ~~and such prohibition shall not~~  
 21 ~~apply to equipment of thirteen feet or less in width to~~  
 22 ~~be used in highway or other public construction or in~~  
 23 ~~agricultural land treatment in temporary movement during~~  
 24 ~~daylight hours on roads other than dustless surfaced~~  
 25 ~~state highways and for necessary access to points on such~~  
 26 ~~highways, (6) livestock~~

1 (f) Livestock forage vehicles loaded or unloaded  
 2 that comply with subsection (2) of section 39-6,100;  
 3 ~~Provided, that no vehicle which shall exceed a total~~  
 4 ~~outside width, including any load thereon, of eight feet~~  
 5 ~~shall be permitted upon any portion of the National~~  
 6 ~~System of Interstate and Defense Highways, except~~  
 7 ~~intercity buses upon designated segments as hereinafter~~  
 8 ~~provided in this section, (7) vehicles~~

9 (g) Vehicles hauling baled livestock forage  
 10 which, including the load thereon, may be twelve feet in  
 11 width. ~~-(8) intercity buses which may be one hundred~~  
 12 ~~two inches in width plus additional width for safety~~  
 13 ~~devices when operated on certain highways designated by~~  
 14 ~~the Director State Engineer for such operation, or (9)~~  
 15 ~~mobile~~

16 (h) Mobile homes not exceeding sixteen feet in  
 17 width moving during daylight hours; τ

18 (i) Intercity buses as provided in subsection (3)  
 19 of this section; or

20 (j) Highway or public construction or

21 agricultural land treatment equipment not exceeding  
 22 thirteen feet in width, in temporary movement during  
 23 daylight hours on roads other than dustless-surfaced  
 24 state highways and for necessary access to such highways;

25 (2) No vehicle which shall exceed a total outside  
 26 width including any load thereon of eight feet, shall be  
 27 permitted upon any portion of the National System of  
 1 Interstate and Defense Highways, except:

2 (a) Intercity buses as provided in subsection (3)  
 3 of this section; and

4 (b) The Department of Roads may issue single trip  
 5 permits for the operation of vehicles hauling baled  
 6 livestock forage or equipment dealers transporting  
 7 equipment or implements of husbandry during daylight  
 8 hours which, including the load thereon, may be twelve  
 9 feet in width, or mobile homes not exceeding sixteen feet  
 10 in width during daylight hours.

11 (3) The Director-State Engineer, with respect to  
 12 highways under his or her jurisdiction, may designate  
 13 certain highways for the operation of such intercity  
 14 buses upon the following conditions:

15 (a) Highways designated by the Director-State  
 16 Engineer shall be limited to the National System of  
 17 Interstate and Defense Highways and four-lane and  
 18 six-lane highways, except that other highways that are  
 19 not part of the National System of Interstate and Defense  
 20 Highways may be so designated for the sole purpose of  
 21 directly connecting disconnected segments of the National  
 22 System of Interstate and Defense Highways and four-lane  
 23 and six-lane highways, except ~~;~~ ~~Provided,~~ that on  
 24 two-lane highways so designated for connection each  
 25 traffic lane shall not be less than ten feet in width;  
 26 and

1 (b) No highways shall be so designated by the  
 2 Director-State Engineer under the provisions of  
 3 subdivision ~~(9)~~ (3) (a) of this section prior to the time  
 4 when intercity buses of such width are permitted on the  
 5 National System of Interstate and Defense Highways.

6 Sec. 4. That original section 39-6,177, Reissue  
 7 Revised Statutes of Nebraska, 1943, is repealed.''.

**LEGISLATIVE BILL 785.** Placed on General File as amended.  
 Standing Committee amendments to LB 785:

Req. #2149

2 1. Insert three new sections to read:

3 "Section 1. That section 39-6,132, Reissue

4 Revised Statutes of Nebraska, 1943, be amended to read as  
 5 follows:

6 39-6,132. The draw bar or other connection

7 between any two vehicles, one of which is towing or

8 drawing the other on a highway, shall not exceed fifteen  
9 feet in length from one vehicle to the other, except a  
10 vehicle being towed with a connection device that is an  
11 integral component of the vehicle and is designed to  
12 attach to a lead unit with construction in such a manner  
13 as to allow articulation at the attachment point on the  
14 chassis of the towed vehicle but not to allow lateral or  
15 side-to-side movement. Such connecting device shall meet  
16 the safety standards for towbar failure or disconnection  
17 that are in effect on the effective date of this act in  
18 the Federal Motor Carrier Safety Regulations of the U.S.  
19 Department of Transportation of the United States  
20 Government and shall have displayed at approximately the  
21 halfway point between the towing vehicle and the towed  
22 vehicle on the connecting mechanism a red flag or other  
23 signal or cloth not less than twelve inches both in  
24 length and width that shall be at least five feet and not  
25 more than ten feet from the level of the paving and shall  
1 be displayed along the outside line on both sides of the  
2 towing and towed vehicles. Whenever such connection  
3 consists of a chain, rope or cable, there shall be  
4 displayed upon such connection a red flag or other signal  
5 or cloth not less than twelve inches both in length and  
6 width.

7 Sec. 2. That section 39-6,179, Revised Statutes  
8 Supplement, 1979, be amended to read as follows:  
9 39-6,179. (1) (a) No vehicle shall exceed a  
10 length of forty feet, extreme overall dimensions,  
11 inclusive of front and rear bumpers including load,  
12 except that a bus shall be permitted to exceed the forty  
13 foot limitation by up to but not to exceed six inches  
14 when such excess length is caused by the projection of a  
15 front or rear safety bumper constructed, treated, or  
16 manufactured so that it absorbs energy upon impact;  
17 (b) Combinations of vehicles shall not exceed a  
18 total length of sixty-five feet, inclusive of front and  
19 rear bumpers and including load, and two consecutive sets  
20 of tandem axles may carry a gross load of thirty-four  
21 thousand pounds each when the overall distance between  
22 the first and last axles of such consecutive sets of  
23 tandem axles is thirty-six, thirty-seven, or thirty-eight  
24 feet. ~~or more~~ Such combinations of vehicles shall be  
25 subject to the provisions of section 39-6,185;  
26 (c) A truck shall be construed to be one vehicle  
27 for the purpose of determining length;  
1 (d) A trailer shall be construed to be one  
2 vehicle for the purpose of determining length; and  
3 (e) The length of refrigeration units mounted on  
4 the front of trailers which overhang the cab of the truck  
5 shall not be counted in determining length.

6 (2) The above provisions of this section shall  
7 not apply to the temporary moving of farm machinery  
8 during daylight hours in the normal course of farm  
9 operations, to the movement of unbaled livestock forage  
10 vehicles, loaded or unloaded, nor to the movement of  
11 public utility or other construction and maintenance  
12 material and equipment at any time, or to farm equipment  
13 dealers hauling, driving, delivering, or picking up farm  
14 equipment or implements of husbandry within the county in  
15 which the dealer maintains his place of business, or in  
16 any adjoining county or counties, and return, nor shall  
17 they apply to the overhang of any motor vehicle being  
18 hauled upon any lawful combination of vehicles, but such  
19 overhang shall not exceed the distance from the rear axle  
20 of the hauled motor vehicle to the closest bumper  
21 thereof.

22 Sec. 4. That section 39-6,185, Reissue Revised  
23 Statutes of Nebraska, 1943, be amended to read as  
24 follows:

25 39-6,185. When any motor vehicle, motor truck,  
26 truck-tractor, or trailer is operated upon the public  
27 highways of this state carrying a load in excess of the  
1 maximum weight permitted by section 39-6,179 or 39-6,180  
2 or the maximum tolerance permitted in subdivision (1) or  
3 (2) of section 39-6,182, the load shall be reduced or  
4 shifted to within such maximum tolerance before being  
5 permitted to operate on any public highway of this state;  
6 Provided, that if any truck, truck-tractor, semitrailer  
7 or trailer exceeds the maximum load, or load with  
8 tolerance as provided in section 39-6,182, on only one  
9 axle, tandem axle, or on only one group of axles where  
10 the distance between the first and last axle of such  
11 group of axles is twelve feet or less, and said excess  
12 axle load is no more than five per cent in excess of the  
13 maximum load for such axles, tandem axle, or group of  
14 axles permitted by section 39-6,179 or 39-6,180, while  
15 the vehicle or combination of vehicles is within the  
16 maximum gross load, or maximum gross load as permitted by  
17 section 39-6,179 or 39-6,180 with tolerance as provided  
18 in section 39-6,182, and the load on such vehicle is such  
19 that it can be shifted or that the configuration of the  
20 vehicle can be changed so that all axles, tandem axle, or  
21 groups of axles are within the maximum permissible limit,  
22 or maximum permissible limit with tolerance, for such  
23 axle, tandem axle, or group of axles, such shift or  
24 change of configuration may be made without penalty;  
25 provided further, that any truck, truck-tractor,  
26 semitrailer, or trailer, carrying only a load of  
27 livestock, may exceed the maximum load, as permitted by  
1 section 39-6,179 or 39-6,180 or load with tolerance on

2 only one axle, tandem axle, or on only one group of axles  
 3 when the distance between the first and last axle of said  
 4 group of axles is six feet or less, if the excess load on  
 5 said axle, tandem axle, or on said group of axles is  
 6 caused by a shifting of the weight of the livestock by  
 7 said livestock, and if the vehicle or combination of  
 8 vehicles is within the maximum gross load, as permitted  
 9 by section 39-6,179 or 39-6,180 or maximum gross load  
 10 with tolerance; and provided further, that any truck,  
 11 truck-tractor, semitrailer, or trailer carrying any kind  
 12 of a load, including livestock, which exceeds the legal  
 13 maximum gross load by five per cent or less may proceed  
 14 on its itinerary and unload the cargo carried thereon to  
 15 the maximum legal gross weight at the first unloading  
 16 facility on the itinerary where the cargo can be properly  
 17 protected. All material so unloaded shall be cared for  
 18 by the owner or operator of such vehicle at the risk of  
 19 such owner or operator. Nothing herein contained shall  
 20 be construed to permit to be operated, on the National  
 21 System of Interstate and Defense Highways, any vehicle or  
 22 combination of vehicles which exceeds any of the weight  
 23 limitations applicable to such system, as contained in  
 24 section 39-6,179 or 39-6,180, with the tolerance  
 25 permitted in section 39-6,182.

26 If the maximum legal gross weight or axle weight  
 27 of any vehicle is exceeded by five per cent or less and  
 1 the arresting officer has reason to believe that such  
 2 excessive weight is caused by snow, ice, or rain he may  
 3 issue a warning citation to the operator.”

4 2. On page 2, line 11, strike “section” and  
 5 insert “sections 39-6,132,” and insert “and 39-6,185,”  
 6 after “39-6,180.01,”; and in line 12 strike “is” and  
 7 insert “and section 39-6,179, Revised Statutes  
 8 Supplement, 1979, are”.

9 3. Renumber original section 1 as section 3 and  
 10 sections 2 and 3 as sections 5 and 6.

**LEGISLATIVE BILL 821.** Placed on General File as amended.  
 Standing Committee amendment to LB 821:

1. On page 4, line 2 strike “subdivision”, show as  
 stricken, and insert “subdivisions”, and after “(b)” insert  
 “and (3) (c)”.

(Signed) Maurice Kremer, Chairperson

### Judiciary

**LEGISLATIVE BILL 694.** Placed on General File as amended.  
Standing Committee amendments to LB 694:

Req. #2150

2 1. On page 2, line 25, strike "one-third", show  
3 as stricken, and insert "one half".

4 2. On page 11, in lines 12 and 13, strike  
5 "one-third" and insert "one half".

6 3. On page 19, line 15, strike "be effective for  
7 all purposes except" and insert "not for the right to  
8 renounce, but shall make a subsequent renunciation within  
9 the time period set forth in subsection (b) of this  
10 section ineffective for purposes of".

11 4. Insert a new section as follows:

12 "Sec. 11. That section 24-559, Reissue Revised  
13 Statutes of Nebraska, 1943, be amended to read as  
14 follows:

15 24-559. In any proceeding in the county court  
16 involving (1) the probate of wills, (2) the  
17 administration of estates, (3) the determination of  
18 heirs, (4) the determination of inheritance tax, (5)  
19 guardianships, or (6) conservatorships, where real estate  
20 is any part of the assets of the estate or proceeding,  
21 the county judge before whom the proceeding is pending  
22 shall issue a certificate which shall be filed with the  
23 register of deeds of the county in which the real estate  
24 is located within ten days after the description of the  
25 real estate is filed in the proceeding. The certificate  
1 shall be in the following form:

2 This is to certify that there is pending in the  
3 county court of \_\_\_\_\_ County, a proceeding \_\_\_\_\_

4 \_\_\_\_\_  
5 (describe proceeding and name of person involved)  
6 in which the following described real estate is involved,  
7 to wit:

8 \_\_\_\_\_  
9 (describe the real estate)

10 \_\_\_\_\_  
11 \_\_\_\_\_ County Judge

12 ~~When a decree is entered affecting the title to~~  
13 ~~any real estate described in such certificate, the county~~  
14 ~~judge shall issue a certificate which shall be filed with~~  
15 ~~the register of deeds within ten days showing the names~~  
16 ~~of each person acquiring an interest in such real estate~~  
17 ~~by such decree, and describing the interest acquired by~~  
18 ~~each person."~~

19 5. On page 23, line 7, after "sections" insert  
20 "24-559,".

21 6. Renumber original section 11 as section 12.

(Signed) William E. Nichol, Chairperson

### REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 21, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Auger, Allan E., - Denver, CO, The Great Western Sugar Company  
Croker, Richard E. - Omaha, Nebraska State Home Builders  
Association

Crosby, Guenzel, Davis, Kessner & Kuester:

Crosby, Robert B. - Lincoln, Texasgulf, Inc.

Davis, Donn E. - Lincoln, Texasgulf, Inc.

Dunn, Donald L. - Lincoln, Texasgulf, Inc.

Flores, Michael - Lincoln, International Union - UAW

Meyer, Robert A. - Omaha, United States National Bank

Sipple, Stanley A. - Lincoln, Nebraska Corn Growers Association

### MESSAGES FROM THE GOVERNOR

February 21, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 602, 607, 636, 654, 658 and 687.

These bills were signed by me on February 21, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

February 21, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 481, 599, 688 and 698.  
These bills were signed by me on February 21, 1980 and delivered to  
the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**MESSAGE FROM THE SECRETARY OF STATE**

February 21, 1980

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

Dear Mr. Clerk:

This letter is to acknowledge receipt of Engrossed Legislative Bill 261  
that provides for:

“...submission to the electors of an amendment to Article V,  
section 5, of the Constitution of Nebraska, relating to the  
judiciary; to change the number and formation of Supreme  
Court judicial districts; to provide for the time and manner of  
submission and form of ballot; and to provide the effective date  
thereof.”

Please be advised that this bill is a matter of public record in the office  
of the Secretary of State and that said Constitutional Amendment  
shall appear upon the General Election ballot in November, 1980 for a  
vote by the electorate.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

**ATTORNEY GENERAL'S OPINION**

Opinion No. 227  
February 20, 1980

Dear Senator Kremer:

You have asked for our opinion on several questions relating to the taxing authority of natural resources districts under section 46-673 as it is limited by the Political Subdivision Budget Limit Act, sections 77-3412, et seq., R.S.Supp., 1979.

As you point out, the Political Subdivision Budget Limit Act places a ceiling on the budget which may be adopted by local governing bodies. One section of the act provides in part:

“Any political subdivision that is authorized by state law to levy a tax or cause a tax to be levied, which tax or portion thereof is in addition to the tax such political subdivision is authorized to levy or cause to be levied on May 17, 1979, shall not include as a receipt from local tax sources the anticipated receipts from such newly authorized levy during the first fiscal year for which such newly authorized levy generates tax receipts, . . .” (Section 77-3426.)

In your letter you describe a situation involving a natural resources district. The district, pursuant to sections 46-656 to 46-674, established a control area on January 1, 1979. The district did not levy a tax under section 46-673. In your letter you indicate that LB 887 has been introduced to avoid the prohibition of section 77-3426. You ask if LB 887 will achieve this result.

Section 46-673, R.S.Supp., 1979, provides:

“Each district encompassed in whole or in part by a control area designated pursuant to section 46-658 shall have the power and authority to levy a tax not to exceed one-fourth of one mill annually on all of the taxable property within the portion of the district encompassed by such control area. Such levy, which shall be in addition to that authorized by section 2-3225, shall be utilized only for the costs of carrying out the provisions of sections 46-656 to 46-674, within such control area. Certification and collection of such levy shall be administered by the district and by the county or counties involved in the same manner as the levy authorized by section 2-3225.”

LB 887 provides:

“Any control area created pursuant to sections 46-656 to 46-674, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, after December 31, 1978, shall for the first year in which funds are received from taxes imposed or levied be

considered a new program for purposes of subdivision (2) of section 77-3424, Revised Statutes Supplement, 1979.’’

As an initial matter we should point out that at least in those natural resources districts where no control area is currently designated nor any tax currently levied for the purposes of the control area statutes, it is our opinion that the levy authorized by section 46-673 would be authorized under section 77-3426 as being a new levy. The natural resources district does not have the power or the authority under state law to levy the one-quarter mill authorized under section 46-673 until a control area has been designated.

The question of the district described above is when the authority to levy the tax arose. Arguably, the express terms of section 77-3426 could be construed to exclude the authority to levy the tax under consideration since the statute authorizing the tax to be levied could be argued to have become effective upon the date the natural resources district designated the control area. However, we believe that a better reasoned argument is that the authority to levy the tax under section 46-673 does not arise until the normal levy date which would have been in September of 1979. This analysis recognizes the fact that a levy may only be made by a political subdivision as provided by statute. No levy could have been made until the date provided by statute following the designation of the control area. That time fell after May 17. Therefore, we believe that the natural resources district to which you point would have been authorized to levy the one-quarter mill and exclude it from the calculations of the 7 percent lid.

This is in contradistinction to the opinion of this office, No. 167, October 31, 1979, to Senator Cullan in which we indicated that the levy authorized for ambulance services under section 35-514.02 would be within the limitations of the Political Subdivision Budget Limit Act. In that situation the authority to levy the tax had existed at all times. It simply required affirmative action on the part of the particular political subdivision to levy the tax. No other act was required. In the present situation another act is required; that is the creation of a control area. Absent such action, the specific tax here under consideration could not be levied.

The adoption of LB 887 would, of course, resolve any doubt about the opinion we have expressed above. It would authorize natural resources districts, after having taken the proper steps, to levy the one-quarter mill authorized by section 46-673.

In your remaining questions you ask whether a natural resources district could levy the one-quarter mill tax if they would not exceed the 7 percent limit; or if they could levy a part of the one-quarter mill authorized which would not exceed a 7 percent increase. The limitations of sections 77-3412, et seq., R.S.Supp., 1979, applies to

budgets not to tax levies. Any tax authorized may be levied. The limit arises in the amount that may be spent, i.e. no budget exceeding 7 percent may be adopted. As long as the subdivision remains within a limit the tax may be levied.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:smb

cc: Mr. Patrick O'Donnell  
Clerk of the Legislature

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 747:

In line 9, "to provide interpretation;" has been inserted after the semicolon.

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 499:

In line 6, "and" has been stricken and "; and to provide for termination" has been inserted after "procedures".

(Signed) Emory P. Burnett,  
E & R Attorney

**COMMUNICATION**

Acknowledge receipt of House Joint Resolution #1001 from the State of South Dakota regarding representation in Senate to the District of Columbia. (On file in the Clerk's Office.)

**GENERAL FILE**

**LEGISLATIVE BILL 958A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 765A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 7 present and not voting, and 15 excused and not voting.

**LEGISLATIVE BILL 819A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 507A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 6 nays, 7 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 615A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 600.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 790.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

### **SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 981.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 655.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 793.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 814.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 902.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 876.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 818.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 604.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 801.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 693.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 743.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 802.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

### **SPEAKER'S ORDER**

The following bills have been scheduled for SPECIAL ORDER:

LB 609 and LB 627 Tuesday, March 11, 1980

(Signed) Richard D. Marvel, Speaker

**UNANIMOUS CONSENT - Print in Journal**

Mr. Johnson asked unanimous consent to print the following amendment to LB 793 in the Journal. No objections. So ordered.

Req. #2165

2 1. Insert the following new section:  
3 "Sec. 2. That section 72-1246, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:  
6 72-1246. All money made available to the state  
7 investment officer for investment may be invested in the  
8 following classes of securities after proper  
9 consideration of the requirements for the availability of  
10 such money: (1) Notes, bonds, or other obligations of  
11 the United States, or those guaranteed by or for which  
12 the credit of the United States is pledged for the  
13 payment of the principal and interest or dividends  
14 thereof; (2) bonds or other evidences of indebtedness of  
15 the State of Nebraska and full faith and credit  
16 obligations of, or obligations unconditionally guaranteed  
17 as to principal and interest by, any other state of the  
18 United States; (3) notes, bonds, or obligations of any  
19 municipal or political subdivision of the State of  
20 Nebraska which are general obligations of the issuer  
21 thereof and revenue bonds or debentures of any city,  
22 county, or utility district of the State of Nebraska  
23 ~~where~~ when the earnings available for debt service have,  
24 for a five-year period immediately preceding the date of  
25 purchase, averaged not less than two times such debt  
1 service requirements; (4) bonds and debentures issued  
2 either singly or collectively by any of the twelve  
3 federal land banks, the twelve intermediate credit banks,  
4 or the thirteen banks for cooperatives under the  
5 supervision of the Farm Credit Administration; (5)  
6 Federal National Mortgage Association debentures; (6)  
7 Federal Home Loan Bank bonds; (7) Federal Home Loan  
8 Mortgage Corporation bonds; (8) certificates of deposit  
9 of banks which are members of the Federal Deposit  
10 Insurance Corporation except that whenever the amount  
11 deposited exceeds the amount of insurance available  
12 thereon, the excess shall be secured in the same manner  
13 as for the deposit of public funds; (9) accounts with  
14 building and loan associations or federal savings and  
15 loan associations in the State of Nebraska to the extent  
16 that such accounts are insured by the Federal Savings and

17 Loan Insurance Corporation; (10) bonds or other  
 18 interest-bearing obligations of any corporation organized  
 19 under the laws of the United States or any state thereof,  
 20 except that (a) at the time the purchase is made, they  
 21 are given, by at least one statistical organization whose  
 22 publication is in general use, a rating of AAA, AA, or A,  
 23 and (b) not more than five per cent of the total  
 24 investment fund shall be invested in the obligations of  
 25 any one issuer; (11) direct short-term obligations  
 26 generally classified as commercial paper of any  
 27 corporation organized under the laws of the United States  
 1 or any state thereof with a net worth of ten million  
 2 dollars or more of maturities not longer than one hundred  
 3 twenty days; (12) shares of or loans to credit unions  
 4 incorporated under Chapter 21, article 17, which have  
 5 membership under the Nebraska Depository Institution  
 6 Guaranty Corporation Act; (13) shares of or loans to  
 7 credit unions organized in this state under the Federal  
 8 Credit Union Act to the extent that such accounts are  
 9 insured by the National Credit Union Administration; and  
 10 ~~(12)~~ (14) any security of any corporation organized under  
 11 the laws of the United States or of any state thereof  
 12 with a net worth of ten million dollars or more, except  
 13 that (a) not more than twenty-five million dollars shall  
 14 be invested in common stocks at any one time; Provided,  
 15 that funds invested with a primary carrier shall not be  
 16 subject to this limitation, and (b) not more than five  
 17 per cent thereof shall be invested in the securities of  
 18 any one corporation. Notwithstanding the aforesaid  
 19 percentage limits, the cash proceeds of the sale of such  
 20 securities of any corporation may be reinvested in any  
 21 securities authorized under this subdivision. The state  
 22 investment officer may invest money available for  
 23 investment in any fund with one or more primary carriers  
 24 which shall invest such money in a manner authorized by  
 25 the state investment officer.”.

26 2. On page 2 line 15 after “section” insert  
 27 “72-1246, Reissue Revised Statutes of Nebraska, 1943, and  
 1 section”; and in line 16 strike “is” and insert “are”.

2 3. Renummer original section 2 as section 3.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 731A.** By Beutler, 28th District.  
 This bill introduced on behalf of: LB 731.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 731, Eighty-sixth Legislature, Second Session, 1980.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 22, 1980, at 9:33 a.m., were the following bills: 629, 635, 648, and 685.

(Signed) Hazel Kaltenger, Enrolling Clerk

**STANDING COMMITTEE REPORTS**  
**Education**

**LEGISLATIVE BILL 855.** Placed on General File as amended.  
Standing Committee amendments to LB 855:

Req. #2157

1. Strike the original sections and insert the following new sections:  
 "Section 1. That section 43-662, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:  
 43-662. The State Department of Education shall conduct hearings, initiated under section 43-661, using hearing officers. ~~who shall prepare a report containing findings of facts based on the evidence presented and decisions based on such findings. After reviewing such findings and decisions the Commissioner of Education shall then recommend or direct such action as may be necessary.~~ The State Department of Education may employ, retain, or approve such qualified hearing officers as are necessary to conduct hearings provided by sections 43-626, 43-627.01, and 43-661 to 43-668. The hearing officers shall not be persons who are employees or officers of a state or local public agency which is involved in the education or care of the child. A person who otherwise qualifies to conduct a hearing under sections 43-626, 43-627.01, and 43-661 to 43-668 is not an employee of the agency solely because the person is paid by the agency to serve as a hearing officer. No hearing officer shall participate in any way in any hearing or matter in which the hearing officer may have a conflict of interest.

Sec. 2. Upon the receipt of a petition, the State Department of Education shall assign it to a hearing officer. The hearing officer shall receive all subsequent pleadings and shall conduct the hearing. At the hearing the parties shall present evidence on the issues raised in the pleadings. At the completion of the

9 proceedings the hearing officer shall prepare a report  
 10 based on the evidence presented containing findings of  
 11 fact and conclusions of law. Within forty-five days  
 12 after the receipt of a request for a hearing, the hearing  
 13 officer shall prepare a final decision and order  
 14 directing such action as may be necessary. At the  
 15 request of either party the hearing officer may grant  
 16 specific extensions of time beyond this period. The  
 17 report and the final decision and order shall be  
 18 delivered via certified mail to each party or attorney of  
 19 record and to the Commissioner of Education.

20 Sec. 3. That section 43-666, Reissue Revised  
 21 Statutes of Nebraska, 1943, be amended to read as  
 22 follows:

23 43-666. Any party aggrieved by the findings,  
 24 ~~decisions, recommendations, or orders of the Commissioner~~  
 25 ~~of Education, whether such findings, decisions,~~  
 26 ~~recommendations, or orders are affirmative or negative in~~  
 27 ~~form, conclusions, or final decision and order of the~~  
 1 hearing officer is entitled to judicial review under  
 2 sections 84-917 to 84-919. Orders of hearing officers  
 3 are enforceable in appropriate proceedings in the courts  
 4 of this state.

5 Sec. 4. That original sections 43-662 and  
 6 43-666, Reissue Revised Statutes of Nebraska, 1943, and  
 7 also section 43-663, Reissue Revised Statutes of  
 8 Nebraska, 1943, are repealed.”.

(Signed) Jerry Koch, Chairperson

**Agriculture and Environment**

**LEGISLATIVE BILL 630.** Placed on General File as amended.  
 Standing Committee amendment to LB 630:

Req. #2151

2 1. On page 4, strike lines 12 through 14 and  
 3 insert “self-service device which, upon insertion of a  
 4 coin, paper currency, token, card, or key dispenses unit  
 5 servings of food, either in bulk or in packages, without  
 6 the necessity of replenishing the device between each  
 7 vending operation. It shall also include self-service  
 8 dispensers equipped for coin, paper currency, token,  
 9 card, or key operation and optional manual operation.  
 10 Unless otherwise stated, vending machine includes  
 11 controlled location vending machines.”.

12 2. On page 5, line 4 strike “food vending  
 13 machine”; in line 5 strike “operation.”; in line 12 after  
 14 “by” insert “either the Department of Health or”; and  
 15 strike beginning with “prepackaged” in line 20 through  
 16 “popcorn” in line 21, and insert “ball gum, nuts, panned

17 candies, popcorn, bottled and canned soft drinks,  
18 prepackaged chewing gum, chips, crackers, cookies”.

19 3. On page 10 in line 21 after the semicolon  
20 insert “and”; and strike lines 22 through 27.

21 4. On page 11, strike line 1; and in line 2  
22 strike “(d)” and insert “(c)”.

23 5. On page 19, strike lines 1 through 10 and  
24 insert”

1 “Sec. 50. (1) No person shall operate a food  
2 vending machine, other than a controlled location vending  
3 machine, unless such person has been issued a valid  
4 license. Licenses shall be personal to the holder and  
5 the machine locations covered thereunder, and may not be  
6 transferred. Licenses shall be obtained from the  
7 department by submission of a complete and accurate  
8 application form provided by the department, accompanied  
9 by a license fee of twenty dollars.

10 (2) All persons issued a license to operate food  
11 vending machines shall, on or before August 1 of each  
12 year, pay an annual inspection fee to the department, in  
13 an amount as determined from the following chart:

|                                  |      |
|----------------------------------|------|
| 14 One to ten machines           | \$5  |
| 15 Eleven to twenty machines     | \$10 |
| 16 Twenty-one to thirty machines | \$15 |
| 17 Thirty-one to forty machines  | \$20 |
| 18 Over forty machines           | \$25 |

19 (3) The department may suspend or revoke any food  
20 vending machine operator’s license for serious, multiple,  
21 or repeated violations of this act, the regulations  
22 adopted pursuant to this act, or the ordinance adopted by  
23 reference under subsection (4) of this section. Prior to  
24 the suspension or revocation of a license, the licensee  
25 shall be afforded at least twenty days’ notice of the  
26 department’s proposed action, and given an opportunity to  
27 be heard on the matter before the director or his or her  
1 duly authorized agent.

2 (4) The sanitation of all food vending machines  
3 shall be regulated in accordance with the terms of the  
4 unabridged form of chapters one through five, and  
5 sections 6-201 through 6-501 of the Vending of Food and  
6 Drug and Beverages—1978, of the Recommended Sanitation  
7 Ordinance of the Food and Drug Administration, the  
8 provisions of which the Legislature hereby adopts by  
9 reference. Certified copies of the ordinance shall be  
10 filed in the offices of the Secretary of State, Clerk of  
11 the Legislature, Revisor or Regulations, and Department  
12 of Agriculture.”; and in line 11 strike “(2)” and insert  
13 “(5)”.

14 6. Insert the following new section:

15 “Sec. 74. All fees paid to the department in

16 accordance with the provisions of this act shall be paid  
 17 to the state treasury and by the State Treasurer credited  
 18 to the Pure Food Cash Fund, which fund is hereby created.  
 19 All money credited to the fund shall be appropriated to  
 20 the uses of the department to aid in defraying the  
 21 expenses of administering the provisions of this act.  
 22 Any unexpended balances in such fund at the close of any  
 23 year shall, when reappropriated, be available for the  
 24 uses and purposes of the fund for the succeeding year,  
 25 otherwise the fund's unexpended balances shall lapse into  
 26 the General Fund.''

1 7. Renumber original sections 74 to 77 as  
 2 sections 75 to 78, respectively.

(Signed) Loran Schmit, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 865.** Placed on General File.

**LEGISLATIVE BILL 906.** Placed on General File.

**LEGISLATIVE BILL 916.** Placed on General File.

(Signed) John W. DeCamp, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 772.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 733.** Title read. Considered.

Mr. Koch offered the following amendment:

Strike the new language on Page 3, lines 21 through 25 and insert as follows:

“Except that any person 65 years of age or older, who shall make such request to the court at the time the juror qualification form is filed with the jury commissioner, shall be exempt from serving on grand and petit juries.”

Mr. Stoney moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Koch amendment was adopted with 26 ayes, 12 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 773.** Title read. Considered.

Standing Committee amendments found in the Journal on page 590 for the Twentieth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 680.** Title read. Considered.

Standing Committee amendment found in the Journal on page 632 for the Twenty-Second Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 833.** Title read. Considered.

Standing Committee amendments found in the Journal on page 636 for the Twenty-Second Day were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 684.** Title read. Considered.

Standing Committee amendments found in the Journal on page 685 for the Twenty-Fifth Day were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 5 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 686.** Title read. Considered.

Standing Committee amendments found in the Journal on page 695 for the Twenty-Fifth Day were adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

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

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 622.** Title read. Considered.

Standing Committee amendments found in the Journal on page 702 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 972.** Title read. Considered.

Standing Committee amendment found in the Journal on page 704 for the Twenty-Fifth Day was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Laid over.

## **MR. NICHOL PRESIDING**

**LEGISLATIVE BILL 823.** Title read. Considered.

Standing Committee amendments found in the Journal on page 722 for the Twenty-Sixth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Cope, Dworak, Reutzler, and Kremer asked unanimous consent to be excused. No objections. So ordered.

Members of the Committee on Committees asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:

Establish a cash fund into which shall be deposited all funds generated by LB 823

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 3 present and not voting, and 18 excused and not voting.

**LEGISLATIVE BILL 666.** Title read. Considered.

Standing Committee amendments found in the Journal on page 727 for the Twenty-Sixth Day were adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

**LEGISLATIVE BILL 660.** Title read. Considered.

Standing Committee amendment found in the Journal on page 723 for the Twenty-Sixth Day was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

**LEGISLATIVE BILL 834.** Title read. Considered.

Standing Committee amendments found in the Journal on page 728 for the Twenty-Sixth Day were adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. George asked unanimous consent to be excused. No objections. So ordered.

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

**LEGISLATIVE BILL 280.** Title read. Considered.

Standing Committee amendments found in the Journal on page 730 for the Twenty-Sixth Day were adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

**LEGISLATIVE BILL 346.** Title read. Considered.

Standing Committee amendments found in the Journal on page 733 for the Twenty-Sixth Day were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 5 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 893.** Title read. Considered.

Standing Committee amendment found in the Journal on page 737 for the Twenty-Sixth Day was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused. No objections. So ordered.

Mr. Johnson offered the following amendment:

- 1 1. Insert a new section as follows:
- 2 "Sec. 3. Since an emergency exists, this act
- 3 shall be in full force and take effect, from and after
- 4 its passage and approval, according to law."

Mr. Johnson moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Johnson amendment was adopted with 25 ayes, 1 nay, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

**LEGISLATIVE BILL 646.** Title read. Considered.

Standing Committee amendments found in the Journal on page 740 for the Twenty-Seventh Day were withdrawn.

Mr. DeCamp offered the following substitute committee amendments:

Req. #2101

- 2 1. Strike the original sections and insert new
- 3 sections as follows:
- 4 "Section 1. The Legislature hereby declares and
- 5 finds that alcoholism is a disease which, if untreated,
- 6 is highly disruptive of family life and employment and
- 7 costs the state, its political subdivisions, insurers,
- 8 employers, and taxpayers millions of dollars annually

9 because of highway deaths and injuries, lost wages, lower  
10 productivity, welfare and unemployment compensation,  
11 greater utilization of health insurance benefits and  
12 premature death, alcohol related crimes, and the  
13 corresponding costs to the criminal justice and penal  
14 systems. The Legislature further finds that while most  
15 health benefit plans pay the high cost of treating the  
16 symptoms, injuries, and diseases associated with  
17 alcoholism many exclude coverage for treatment of the  
18 disease itself, or limit coverage to acute portions of  
19 hospitals which do not generally treat the disease. The  
20 Legislature therefore declares that group subscribers and  
21 insured should have information concerning the scope of  
22 alcoholism benefits being offered and access to coverage  
23 for treatment of the disease on such terms and conditions  
24 as may be agreed upon between the subscriber or insured  
25 and the insurer, hospital service corporation, or health  
1 maintenance organization.

2 Sec. 2. For purposes of sections 1 to 13 of  
3 this act, unless the context otherwise requires, the  
4 definitions found in sections 3 to 10 shall be used.

5 Sec. 3. Hospital shall mean an institution  
6 licensed as a hospital by the Department of Health and  
7 described in subdivision (2) of section 71-2017.01,  
8 Reissue Revised Statutes of Nebraska, 1943.

9 Sec. 4. Alcoholic treatment center shall mean  
10 an institution licensed as an alcoholic treatment center  
11 by the Department of Health and described in subdivision  
12 (12) of section 71-2017.01, Reissue Revised Statutes of  
13 Nebraska, 1943, which provides a program for the  
14 inpatient or outpatient treatment of alcoholism pursuant  
15 to a written treatment plan approved and monitored by a  
16 physician and which is affiliated with a hospital under a  
17 contractual agreement with an established system for  
18 patient referral.

19 Sec. 5. Outpatient program shall refer to a  
20 program which is not required to be licensed by the  
21 Department of Health as an alcoholic treatment center,  
22 but which is certified, as defined in section 6 of this  
23 act, by the Division on Alcoholism of the Department of  
24 Public Institutions pursuant to section 83-163, Revised  
25 Statutes Supplement, 1979, to provide specified services  
26 to persons suffering from the disease of alcoholism.

1 Sec. 6. Certified shall mean approved to render  
2 specific types or levels of care to the person suffering  
3 from the disease of alcoholism by the Division on  
4 Alcoholism of the Department of Public Institutions.

5 Sec. 7. Accredited shall mean accredited to  
6 render specific types or levels of care according to the  
7 Accreditation Manual for Alcoholism Programs of the Joint

8 Commission of Accreditation of Hospitals.

9 Sec. 8. Primary treatment shall mean inpatient  
10 treatment rendered in a structured and scheduled setting  
11 to prevent further ingestion of alcoholic beverages, to  
12 relieve the pain of the withdrawal syndrome, and to  
13 provide intensive therapy or rehabilitation, when such  
14 treatment is rendered in a hospital or an alcoholic  
15 treatment center which is certified or accredited to  
16 render such care.

17 Sec. 9. Outpatient treatment shall mean  
18 counseling and therapy provided on a nonresidential basis  
19 when such treatment is rendered in or through a hospital,  
20 an alcoholic treatment center, or an outpatient program  
21 which is certified or accredited to render such care.

22 Sec. 10. Basic coverage for treatment of  
23 alcoholism shall mean coverage for primary and outpatient  
24 treatment consisting of not less than (1) thirty days of  
25 inpatient coverage for the primary treatment of  
26 alcoholism in any three hundred and sixty-five day  
27 benefit period with at least two such inpatient treatment  
1 periods available during the lifetime of the policy, and  
2 (2) sixty outpatient treatment visits during the lifetime  
3 of the policy.

4 Sec. 11. After January 1, 1981, all policies or  
5 contracts of group sickness and accident insurance  
6 written or issued by insurance companies, all group  
7 contracts and subscription agreements written or issued  
8 by a hospital service corporation chartered under Chapter  
9 21, article 15, and all group contracts or certificates  
10 written or issued by a health maintenance organization as  
11 to which there is a premium change or which are delivered  
12 or issued for delivery in this state, which do not  
13 provide at least basic coverage for the treatment of  
14 alcoholism, shall be subject to the following:

15 (1) The written sales and advertising literature,  
16 descriptive brochures, and the exclusion sections of such  
17 policy, contract, or certificate shall contain a notice  
18 in all capital letters in the following language or in  
19 words of similar effect as approved by the Director of  
20 Insurance: This agreement does not provide basic  
21 coverage for the treatment of alcoholism. Coverage for  
22 treatment of alcoholism is available if you specifically  
23 request it and then only upon such terms and conditions  
24 as you and the company agree;

25 (2) The written sales and advertising literature,  
26 descriptive brochures, and such policy contract or  
27 subscription agreement itself shall not, in describing  
1 the plan, contract, coverage, or benefits, use the words  
2 comprehensive;

3 (3) The definition of a facility, program, or

4 agency in or through which covered alcoholism services  
5 may be rendered contained in any optional coverage shall  
6 not be more restrictive than the definitions contained in  
7 sections 3 to 7 of this act if the effect of such  
8 definitions would be to limit, deny, or withhold benefits  
9 which would be available if the definitions used in this  
10 act were applied;

11 (4) Such policy, contract, or subscription  
12 agreement shall provide benefits to any person covered  
13 thereunder for the treatment of alcoholism under such  
14 terms and conditions as may be agreed upon between the  
15 subscriber or insured and the insurer, hospital service  
16 corporation, or health maintenance organization; and

17 (5) In the case of policies, contracts, and  
18 subscription agreements issued before January 1, 1981, as  
19 to which there is a premium change after January 1, 1981,  
20 the notification requirements of this section may be met  
21 by written endorsement to such policy, contract, or  
22 subscription agreement.

23 Sec. 12. An insurance company, hospital service  
24 corporation, or health maintenance organization will be  
25 considered to be providing basic coverage for treatment  
26 of alcoholism if it makes benefits available for the  
27 treatment described in section 10 of this act on terms  
1 involving durational limits, dollar limits, deductibles,  
2 and coinsurance which are no less favorable than the  
3 terms on which it makes benefits available for the  
4 treatment of physical illness generally.

5 Sec. 13. An insurance company, hospital service  
6 corporation, or health maintenance organization which  
7 does not provide basic coverage for treatment of  
8 alcoholism may nevertheless provide different or lesser  
9 benefits. Nothing in this act is intended to limit any  
10 insurance company, hospital service corporation, or  
11 health maintenance organization from providing more  
12 coverage for the treatment of alcoholism than is  
13 described in section 10 of this act.''.  
14

The Standing Committee amendments were adopted with 25 ayes, 0  
nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not  
voting, and 17 excused and not voting.

**CORRECTED STANDING COMMITTEE REPORT**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 276.**

Messrs. DeCamp, Powers, Landis, Lewis, Merz, and Fitzgerald offered the following additional Banking, Commerce and Insurance committee amendments (Req. #2166) adopted and inadvertently omitted to the committee amendments printed separate in the bill books as Req. #2153 to LB 276.

- 2 1. Insert two new sections as follows:  
3 "Sec. 2. That section 8-815, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:  
6 8-815. As used in sections 8-815 to 8-829,  
7 unless the context otherwise requires:  
8 (1) Department shall mean the Department of  
9 Banking and Finance of the State of Nebraska;  
10 (2) Bank shall mean the banks, trust companies,  
11 and cooperative credit associations, organized under the  
12 laws of this state and national ~~banks~~ banking  
13 associations doing business in this state and shall  
14 include national banking associations;  
15 (3) Registered bank shall mean any bank which has  
16 in effect a registration under sections 8-816 and 8-817;  
17 (4) Unregistered bank shall mean any bank which  
18 has not registered under sections 8-816 and 8-817, or the  
19 registration of which is not in effect because of action  
20 taken under section 8-827; and  
21 (5) Personal loan shall mean a loan, and the  
22 contract evidencing the same, which is repayable,  
23 pursuant to a contract or understanding, in two or more  
24 installments, and within one hundred twenty-one months,  
25 but shall not include any loan on which the interest does  
1 not exceed ~~nine~~ sixteen per cent per annum. Personal  
2 loan shall include loans or advances initiated by credit  
3 card or other type of transaction card, including but not  
4 limited to those loan transactions initiated through  
5 electronic impulse.  
6 Sec. 3. That section 8-820, Reissue Revised  
7 Statutes of Nebraska, 1943, be amended to read as  
8 follows:  
9 8-820. Subject to the provisions of sections  
10 8-815 to 8-829, any registered bank may contract for and  
11 receive, on any personal loan, charges at a rate not  
12 exceeding ~~eighteen~~ nineteen per cent simple interest per  
13 year, except that, in the case of loans initiated by  
14 credit card or other type of transaction card, the rate

- 15 may not exceed eighteen per cent simple interest per year  
 16 on the first one thousand dollars and twelve per cent  
 17 simple interest per year on the balance over one thousand  
 18 dollars. Notwithstanding the provisions of this section,  
 19 a bank may charge a minimum fee of ~~five~~ ten dollars in  
 20 lieu of interest on small loans.”.  
 21 2. On page 15, line 25 after “8-435” insert “,  
 22 8-815, 8-820,”.  
 23 3. Renumber remaining sections accordingly.

(Signed) DeCamp, Chairperson; Powers; Landis; Lewis; Merz; Fitzgerald.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 834A.** By Revenue Committee: Carsten, 2nd District, Chairman; Sieck, 24th District; Johnson, 8th District; Keyes, 3rd District.

This bill introduced on behalf of: LB 834.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 834, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

### UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 790 in the Journal. No objections. So ordered.

- 1 1. On page 7, strike beginning with “Tuition” in line 22
- 2 through the period in line 25; and in line 26 strike “other”.

Mr. Sieck asked unanimous consent to print the following amendment to LB 939 in the Journal. No objections. So ordered.

- 1 1. Strike original section 6.
- 2 2. On page 8, line 7 strike “2-1210,”.
- 3 3. Renumber remaining sections accordingly.

### STANDING COMMITTEE REPORTS Government, Military & Veterans Affairs

**LEGISLATIVE BILL 780.** Placed on General File.

**LEGISLATIVE BILL 923.** Placed on General File.

**LEGISLATIVE BILL 609.** Placed on General File as amended.  
 Standing Committee amendment to LB 609:

Req. #2110

2 1. Insert five new sections as follows:  
 3 "Section 1. That section 77-3402, Revised  
 4 Statutes Supplement, 1979, be amended to read as follows:  
 5 77-3402. If the voters of any political  
 6 subdivision of the state authorized to levy a tax or  
 7 cause a tax to be levied determine that a limitation of  
 8 its budget funded by ad valorem taxes is needed, they may  
 9 call for an election for that purpose. When ~~five~~ seven  
 10 per cent of the registered voters of any political  
 11 subdivision sign a petition calling for a limitation on  
 12 its budget funded by ad valorem taxes, the question of  
 13 such budget limitation shall be placed before the voters  
 14 at a primary or special election. The petition shall be  
 15 filed with the governing body of the political  
 16 subdivision. The budget limitation shall be adopted if  
 17 approved by a majority of those voting on the question.  
 18 Voting at such primary or special election shall be by  
 19 those persons who are authorized to vote for the members  
 20 of the governing body of such political subdivision. For  
 21 the purposes of sections 77-3401 to 77-3411, the term  
 22 budget funded by ad valorem taxes shall include all funds  
 23 the source of which is an ad valorem tax regardless of  
 24 the purpose of such funds, except such funds as are  
 25 necessary to pay interest on and for retiring, funding,  
 1 or servicing bonded indebtedness during the upcoming  
 2 fiscal year.

3 Sec. 2. That section 77-3404, Revised Statutes  
 4 Supplement, 1979, be amended to read as follows:  
 5 77-3404. When a budget limitation is approved by  
 6 the voters at a primary or special election held for such  
 7 purpose, the budget for the year in which taxes will be  
 8 levied to fund such budget shall, except as provided in  
 9 section 23-929, be limited as provided in the petition.  
 10 ~~or resolution and each fiscal year thereafter the budget~~  
 11 ~~may be adjusted from the previous year's budget so as not~~  
 12 ~~to exceed any limitation provided by the petition or~~  
 13 ~~resolution.~~

14 Sec. 3. That section 77-3405, Revised Statutes  
 15 Supplement, 1979, be amended to read as follows:  
 16 77-3405. The petition ~~or resolution~~ calling for  
 17 a budget limitation election and the election notice  
 18 shall refer to section 77-3402, ~~or 77-3403, whichever is~~  
 19 ~~appropriate,~~ state the percentage limitation placed on  
 20 future budgets the budget for the ensuing year, and  
 21 specify the first year for which such limitation ~~becomes~~  
 22 is applicable. All such elections shall be held prior to  
 23 ~~August~~ July 15 and shall effect ~~budgets~~ the budget

24 commencing in the fiscal years year specified subsequent  
25 to such election.

26 Sec. 4. That section 77-3406, Revised Statutes  
27 Supplement, 1979, be amended to read as follows:

1 77-3406. (1) Notice of the election shall state  
2 the date on which the election is to be held and the  
3 hours the polls will be open. Such notice shall be  
4 published in a newspaper that is published in or of  
5 general circulation in the political subdivision at least  
6 fifteen days prior to such election. If no newspaper is  
7 published in or of general circulation in the political  
8 subdivision, notice shall be posted in each of three  
9 public places therein.

10 (2) The governing body shall prescribe the form  
11 of the ballot to be used at the election, and the  
12 proposition appearing on such ballot shall state the  
13 percentage limitation to be placed on ~~future budgets~~ the  
14 budget for the ensuing year and specify the ~~first year~~  
15 for which such limitation becomes is applicable. The  
16 form of submission upon the ballot shall be as follows:

17 For a budget limitation

18 Against a budget limitation.

19 Sec. 6. Any limitation placed on a budget  
20 pursuant to the Local Option Tax Control Act prior to the  
21 effective date of this act shall not apply to any budget  
22 for a fiscal year commencing after the effective date of  
23 this act."

24 2. On page 2, line 5 after "effect" insert "for  
25 only the ensuing fiscal year."; and strike beginning with  
26 "until" in line 5 through the period in line 13 and show  
27 the old matter as stricken.

1 3. On page 2, line 14 strike "section" and  
2 insert "sections 77-3402, 77-3404, 77-3405, 77-3406,";  
3 and in line 15 strike "is" and insert "and also section  
4 77-3403, Revised Statutes Supplement, 1979, are".

5 4. Renumber original sections 1, 2, and 3 as  
6 sections 5, 7, and 8 respectively.

**LEGISLATIVE BILL 627.** Placed on General File as amended.  
Standing Committee amendments to LB 627:

1. Strike original sections 1 and 8.
2. On page 6 line 2 strike "77-3401,".
3. Renumber remaining sections accordingly.

(Signed) Orval A. Keyes, Chairperson

**BIRTHDAY**

Speaker Marvel announced today is Mr. Goodrich's birthday.

**VISITORS**

Visitors to the Chamber were Debbie Suey from Springfield; and 75 eighth grade students and teacher from St. Thomas-Moore School, Omaha.

**ADJOURNMENT**

At 1:35 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Monday, February 25, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**THIRTIETH DAY - FEBRUARY 25, 1980**

**LEGISLATIVE JOURNAL**

**THIRTIETH DAY - FEBRUARY 25, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 25, 1980

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Almighty God, help us to find a connection between these prayers which open each day's session of the legislature, and what we do during the rest of the day and night. Deliver us from separating religion from the decisions that mold our lives and the lives of others. Burn into our hearts and minds the conviction that to pray is not to say the right words, but to put justice and mercy first. Amen.

**ROLL CALL**

The roll was called and all members were present except Mr. Goodrich who was excused; and Mrs. Labeledz, Messrs. Barrett, Cullan, Fowler, Lewis, Newell, Powers, Schmit, Simon, and Warner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Twenty-Ninth Day was approved.

**SELECT COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 619.** Placed on Select File as amended. E & R amendments to LB 619:

1. In the Newell amendments, page 4, line 12, strike "with" and insert "to"; and in line 23 insert "that" before "it".
2. In the Newell amendments, page 5, line 3, insert "is obtained" after "permit"; and in lines 18 and 20 strike "and" and insert "or".

3. In the title, line 7, insert "to provide exceptions; to provide penalties;" after the first semicolon, and strike "an", and strike "date" and insert "dates".

**LEGISLATIVE BILL 618.** Placed on Select File as amended. E & R amendment to LB 618:

1. In the title, line 2, strike "section 5-105" and insert "sections 5-105 and 24-503"; and in line 6 strike "section" and insert "sections".

**LEGISLATIVE BILL 618A.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**ATTORNEY GENERAL'S OPINION**

Opinion No. 230  
February 20, 1980

Dear Senator Newell:

You have requested from this office an opinion as to whether vacant land in the older parts of urban areas could be declared blighted and/or substandard pursuant to the definitions of substandard and blighted areas contained in LB 986, a bill to amend the Nebraska Community Development Law.

Your request makes no attempt to specify to what degree vacant land would comprise such an area which is a determination necessary for a conclusive answer in any particular instance. Thus, we construe your inquiry as requesting the general legal principles and guidelines which would be applied in specific situations as they would be encountered under LB 986.

Essentially you raise a question of statutory construction. Inasmuch as the definitions provision of LB 986 would be but one of several which comprise an entire act, the Nebraska Community Development Law, we are required to look to the other provisions and the purpose of the whole act as would be amended by LB 986 for guidance in interpreting the particular section of which you inquire. Furthermore, because the Nebraska Supreme Court has not had occasion yet to interpret the particular provisions of the Nebraska Community Development Law, and more specifically those which are relevant to your inquiry, we cannot be totally definitive in our response.

As you point out, the definitions contained in LB 986 indicate that the principal characteristic of a "substandard" area would be the predominance of buildings. Relative to a blighted area, several

characteristics are listed which would render an area blighted for purposes of the Nebraska Community Law. While it is readily apparent that the definition of a blighted area is broader and less restrictive than that of a substandard area, your question arises because neither specifically provides for nor mentions vacant land.

Nevertheless, the weight of authority on community development law which has begun to develop elsewhere is that the fact that some of the lands in an area selected for redevelopment are vacant or contain sound structures does not render inapplicable the community development law or a particular project. This line of reasoning reflects the fact that community development initiatives are intended to have an "area," rather than a structure-by-structure, focus and impact. To what extent vacant lands can comprise such an area is a question of degree that can be answered only on a case-by-case basis within the context of the particular community development law which is applicable. It is apparent from our review of case law in other jurisdictions that the courts are more likely to validate redevelopment areas substantially or predominately consisting of vacant land where, unlike the provisions of LB 986, the authorizing community development law makes some provision for or mention of vacant lands. See 44 A.L.R.2d 1439 and 45 A.L.R.3rd 1096.

Obviously, it is not possible at this time to say for certain how much vacant land could be included in a substandard or blighted area consistent with LB 986 if it were enacted. However, a few observations significantly narrow this uncertainty. First, relative to a blighted area, if the cause of the vacancy can be demonstrated to be defective or inadequate street layout, faulty lot layout in relation to size, diversity of ownership, improper subdivision or obsolete planning, or any of the other reasons spelled out in section 2 (11) of LB 986, then those vacant lands could comprise a part of a blighted area or such an area in its entirety.

Secondly, section 18-2123, R.R.S. 1943, presently provides that under certain conditions undeveloped vacant land not within a substandard or blighted area might properly be the focus of community development activities if such land is essential to the proper clearance or redevelopment of such an area or is a necessary part of the general urban renewal and development program of the city. Apart from the significance of this provision relative to vacant lands adjacent to a redevelopment area, it is our view that it also supports the proposition that LB 986 would authorize to a certain degree vacant lands found within such an area to be subject to redevelopment activity so long as the focus and impact of those activities and the particular project from which they emanate are genuinely area-wise in nature.

Finally, section 18-2153, R.R.S. 1943, presently states that the Nebraska Community Development Law is to be liberally construed in connection with all grants of power, authority, rights or discretion given to cities or villages and all incidental powers necessary to carry into effect the provisions of the law. While this section supports our views set out above, relative to LB 986, we feel it would not go so far as to authorize the inclusion in any redevelopment area of an unlimited amount of vacant land, given the stated purpose and the provisions of the Nebraska Community Development Law and LB 986 in their present form.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Shanler D. Cronk  
Assistant Attorney General

SDC:pes

cc: Patrick O'Donnell  
Clerk of the Legislature

## RESOLUTION

### LEGISLATIVE RESOLUTION 202.

Introduced by Vickers, 38th District.

WHEREAS, women's athletic programs in the State are rapidly becoming a great source of pride for the citizens of this State, and are producing athletes of national championship caliber; and

WHEREAS, the University of Nebraska-Lincoln Women's Track Program began during the 1974-1975 school year and is only in its fifth year of existence; and

WHEREAS, the University of Nebraska-Lincoln Women's Track Team set seven Big Eight records during the Big Eight track meet held in Lincoln, Nebraska on February 15th and 16th, 1980 and the University's track team went on to win that track meet, outdistancing the second place team by nearly sixty points; and

WHEREAS, four members of the University of Nebraska-Lincoln Women's Track Team are definite United States Olympic Team prospects; and

WHEREAS, not only has the University Women's Track Team excelled, but the women's volleyball and gymnastic teams at the University of Nebraska-Lincoln have been successful in competition, which has resulted in Big Eight Title Championships for the past three consecutive years for the gymnastics team and the 1979 Big Eight Championship for the volleyball team.

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

1. That this Legislature, on behalf of the citizens of this State, acknowledges and congratulates the athlete members and coaching staffs of the University of Nebraska-Lincoln Women's Track, Volleyball, and Gymnastic Teams, for their outstanding efforts and successes.

2. That the Clerk of the Legislature send copies of this resolution to the coaching staffs of the University of Nebraska-Lincoln Women's Track, Volleyball, and Gymnastic Teams and to the Athletic Director of the University of Nebraska-Lincoln.

Laid over.

### STANDING COMMITTEE REPORTS Agriculture and Environment

**LEGISLATIVE BILL 633.** Placed on General File as amended. Standing Committee amendments to LB 633:

1. On page 18 line 2 strike "in the table" and show as stricken; in line 24 strike "(c)" and insert "(e) (d)"; and in line 26 strike "(d)" and insert "(d) (e)".

2. On page 20 line 16 strike ", and if they" and insert ". If seeds in hermetically sealed containers are sold or exposed for sale or transportation more than thirty-six months after the last day of the month in which they were tested prior to packaging, they must".

**LEGISLATIVE BILL 755.** Indefinitely postponed.

**LEGISLATIVE BILL 973.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

### Public Works

**LEGISLATIVE BILL 709.** Placed on General File as amended. Standing Committee amendments to LB 709:

Req. #2163

2 1. On page 5, line 9 strike "an examiner, who is  
3 an employee" and insert "one or more examiners, who are  
4 employees"; and in line 21 after "the" insert "entering  
5 of the".

6 2. On page 6, line 1 after "shall" insert "hold  
7 a hearing on the appeal within forty-five days of the  
8 filing of an appeal to the commission and"; strike  
9 "thirty" and insert "fifteen", and after "days" insert  
10 "after the hearing"; in line 9 after "court" insert

11 “unless the commission adopts an order before the end of  
12 the time for appeal to the commission”.

13 3. Insert the following new sections:

14 “Section 1. That section 57-104, Reissue Revised  
15 Statutes of Nebraska, 1943, be amended to read as  
16 follows:

17 57-104. It shall be the duty of the persons  
18 prospecting for coal, any mineral, ore, crude oil, or  
19 gas, carefully to preserve specimens from each stratum  
20 through which the shafts are sunk, or borings are made;  
21 and if the bonus is obtained upon the conditions  
22 mentioned in sections 57-101 to 57-105, to deposit the  
23 same, properly labeled, in care of the proper department  
24 of the state for the future use of the commonwealth.

1 Sec. 5. That section 81-1011, Reissue Revised  
2 Statutes of Nebraska, 1943, be amended to read as  
3 follows:

4 81-1011. State-owned vehicles are defined for  
5 the purpose of sections 81-1008 to 81-1017 as all  
6 vehicles acquired primarily for the purpose of  
7 transporting state employees in their official duties  
8 from one job location to another, but shall not include  
9 special-use vehicles, such as buses, laundry trucks, mail  
10 trucks, airport security vehicles, military trucks, and  
11 cars; vehicles which are considered a duty station, such  
12 as vehicles used by the Nebraska State Patrol, the  
13 Nebraska Oil and Gas Conservation Commission, or game  
14 wardens; or those vehicles which, by nature of their  
15 usage, require the installation or carrying of special  
16 equipment which precludes the use of such vehicles for  
17 multiple agency transportation usage.”.

18 4. On page 9, line 23 strike “section 57-919”  
19 and insert “sections 57-104, 57-919, and 81-1011”.

20 5. Renumber original sections 1 to 3, 4, and 5  
21 as sections 2 to 4, 6, and 7 respectively.

**LEGISLATIVE BILL 873.** Placed on General File as amended.  
(Standing Committee amendments printed separate from the  
Journal and on file in the Clerk’s Office - Req. #2133.)

(Signed) Maurice A. Kremer, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 858.** Placed on General File as amended.  
Standing Committee amendments to LB 858:

1. On page 3 strike lines 1 through 7 and insert the following new subsection:

“(5) Any action to recover damages based on any alleged exposure to materials composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, or actinolite fibers or any combination thereof, shall be commenced within four years after the resulting injury is discovered, or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. If jurisdiction cannot be obtained over a particular manufacturer of a product or a part of a product alleged to be defective, then that manufacturer’s principal distributor over whom jurisdiction can be obtained shall be deemed, for the purposes of this subsection, the manufacturer of the product. Nothing in this subsection shall be construed to limit any other action from being brought against any seller of a product in accordance with this section.”.

**LEGISLATIVE BILL 912.** Placed on General File as amended. Standing Committee amendments to LB 912:

1. On page 3 reinstate the stricken matter in lines 19 through 27 and in line 27 after the reinstated “foregoing” insert “, except that the director may by rule, after notice to such exchange and an opportunity to be heard, remove any such exchange from this exemption if the director finds that the listing requirements or market surveillance of such exchange are such that the continued availability of this exemption for such exchange is not in the public interest and that such removal is necessary for the protection of investors”; in line 27 before “Any” insert “(8)” and start a new subdivision.

2. On page 6 line 8 strike “(7)” and insert “(8)”; and in line 25 strike “(8)” and insert “(8) (9)”.

3. On page 7 line 4 strike “(9)” and insert “(9) (10)”; and in line 11 strike “(10)” and insert “(10) (11)”.

(Signed) John W. DeCamp, Chairperson

**MOTION - Approve Appointments**

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on pages 780-781 on the following appointments: Mel Beermann, Milan Bish, Gloria Dinsdale, Greg Eden, R. Jerry Hargitt, Ronald Kelly, Harold E. Kirkpatrick, and Ed Narjes.

Voting in the affirmative, 28:

|            |            |         |        |          |
|------------|------------|---------|--------|----------|
| Beutler    | DeCamp     | Kennedy | Marvel | Sieck    |
| Burrows    | Dworak     | Kremer  | Merz   | Venditte |
| Chambers   | Fitzgerald | Lamb    | Murphy | Vickers  |
| Chronister | Haberman   | Landis  | Nichol | Wagner   |
| Clark      | Hefner     | Maresh  | Pirsch |          |
| Cope       | Kelly      | Marsh   | Rumery |          |

Voting in the negative, 0.

Not voting, 21:

|         |          |          |          |        |
|---------|----------|----------|----------|--------|
| Barrett | Goodrich | Koch     | Reutzell | Wesely |
| Carsten | Hoagland | Labeledz | Schmit   |        |
| Cullan  | Johnson  | Lewis    | Simon    |        |
| Fowler  | Kahle    | Newell   | Stoney   |        |
| George  | Keyes    | Powers   | Warner   |        |

The appointments were confirmed with 28 ayes, 0 nays, and 21 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 703.** Mr. Murphy asked unanimous consent to have LB 703 laid over. No objections. So ordered.

**LEGISLATIVE BILL 723.**

A BILL FOR AN ACT to amend sections 37-1102, 37-1103, 37-1105, 37-1105.01, 37-1108, and 37-1111, Reissue Revised Statutes of Nebraska, 1943, relating to park entry permits; to change provisions relating to the classification and display of park entry permits as prescribed; to change fees; to harmonize provisions with the Nebraska Criminal Code; to provide a penalty; to provide operative dates; and to repeal the original sections, and also sections 37-1105.02,

37-1105.03, 37-1106, and 37-1107, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Murphy  | Venditte |
| Beutier    | Fitzgerald | Kennedy  | Newell  | Vickers  |
| Burrows    | Fowler     | Koch     | Nichol  | Wagner   |
| Carsten    | George     | Labeledz | Pirsch  | Warner   |
| Chambers   | Haberman   | Landis   | Powers  | Wesely   |
| Chronister | Hefner     | Maresh   | Reutzel |          |
| Clark      | Hoagland   | Marsh    | Rumery  |          |
| Cope       | Johnson    | Marvel   | Sieck   |          |
| DeCamp     | Kahle      | Merz     | Stoney  |          |

Voting in the negative, 2:

Kremer      Lamb

Present and not voting, 1:

Keyes

Excused and not voting, 5:

Cullan      Goodrich      Lewis      Schmit      Simon

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

Mr. Powers asked unanimous consent to be excused for a short time. No objections. So ordered.

### LEGISLATIVE BILL 766.

A BILL FOR AN ACT to amend section 77-1601, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to change the date for levying taxes; 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, 38:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kelly    | Marvel  | Sieck    |
| Beutler    | Dworak     | Keyes    | Merz    | Stoney   |
| Burrows    | Fitzgerald | Koch     | Murphy  | Venditte |
| Carsten    | George     | Kremer   | Newell  | Wagner   |
| Chambers   | Haberman   | Labeledz | Nichol  | Warner   |
| Chronister | Hefner     | Lamb     | Pirsch  | Wesely   |
| Clark      | Hoagland   | Landis   | Reutzel |          |
| Cope       | Kahle      | Marsh    | Rumery  |          |

Voting in the negative, 3:

|         |        |         |
|---------|--------|---------|
| Johnson | Maresh | Vickers |
|---------|--------|---------|

Present and not voting, 2:

|        |         |
|--------|---------|
| Fowler | Kennedy |
|--------|---------|

Excused and not voting, 6:

|          |        |        |
|----------|--------|--------|
| Cullan   | Lewis  | Schmit |
| Goodrich | Powers | Simon  |

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

Mr. Carsten asked unanimous consent to be excused for a short time. No objections. So ordered.

#### **LEGISLATIVE BILL 816.**

A BILL FOR AN ACT to amend section 71-3508, Revised Statutes Supplement, 1978, relating to public health and welfare; to change provisions relating to certain regulations as prescribed; 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, 39:

|            |        |            |          |         |
|------------|--------|------------|----------|---------|
| Barrett    | Clark  | Fitzgerald | Hefner   | Kennedy |
| Beutler    | Cope   | Fowler     | Hoagland | Keyes   |
| Burrows    | DeCamp | George     | Johnson  | Koch    |
| Chronister | Dworak | Haberman   | Kelly    | Kremer  |

|          |        |         |          |        |
|----------|--------|---------|----------|--------|
| Labeledz | Marsh  | Newell  | Sieck    | Wagner |
| Lamb     | Marvel | Pirsch  | Stoney   | Warner |
| Landis   | Merz   | Reutzel | Venditte | Wesely |
| Maresh   | Murphy | Rumery  | Vickers  |        |

Voting in the negative, 0.

Present and not voting, 3:

|          |       |        |
|----------|-------|--------|
| Chambers | Kahle | Nichol |
|----------|-------|--------|

Excused and not voting, 7:

|         |          |        |       |
|---------|----------|--------|-------|
| Carsten | Goodrich | Powers | Simon |
| Cullan  | Lewis    | Schmit |       |

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

#### **LEGISLATIVE BILL 857.**

A BILL FOR AN ACT to amend section 70-1021, Revised Statutes Supplement, 1978, relating to the Nebraska Power Review Board; to change procedures for authorizing construction of a microwave communication facility by a public power district; 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:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Keyes    | Merz    | Venditte |
| Beutler    | George   | Koch     | Murphy  | Vickers  |
| Burrows    | Haberman | Kremer   | Newell  | Wagner   |
| Chronister | Hefner   | Labeledz | Nichol  | Warner   |
| Clark      | Hoagland | Lamb     | Pirsch  | Wesely   |
| Cope       | Johnson  | Landis   | Reutzel |          |
| DeCamp     | Kahle    | Maresh   | Rumery  |          |
| Dworak     | Kelly    | Marsh    | Sieck   |          |
| Fitzgerald | Kennedy  | Marvel   | Stoney  |          |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 7:

|         |          |        |       |
|---------|----------|--------|-------|
| Carsten | Goodrich | Powers | Simon |
| Cullan  | Lewis    | Schmit |       |

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

#### LEGISLATIVE BILL 914.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of such property.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Keyes    | Merz    | Stoney   |
| Beutler    | Fowler     | Koch     | Murphy  | Venditte |
| Burrows    | George     | Kremer   | Newell  | Vickers  |
| Chambers   | Haberman   | Labeledz | Nichol  | Wagner   |
| Chronister | Hefner     | Lamb     | Pirsch  | Warner   |
| Clark      | Hoagland   | Landis   | Powers  | Wesely   |
| Cope       | Johnson    | Maresh   | Reutzel |          |
| DeCamp     | Kelly      | Marsh    | Rumery  |          |
| Dworak     | Kennedy    | Marvel   | Sieck   |          |

Voting in the negative, 0.

Present and not voting, 1:

Kahle

Excused and not voting, 6:

|         |          |        |
|---------|----------|--------|
| Carsten | Goodrich | Schmit |
| Cullan  | Lewis    | Simon  |

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

**LEGISLATIVE BILL 319.**

A BILL FOR AN ACT to amend sections 83-145, 83-152, and 83-183, Reissue Revised Statutes of Nebraska, 1943, sections 81-1810, 81-1826, 81-1827, 81-1829, and 83-151, Revised Statutes Supplement, 1978, and section 81-1833, Revised Statutes Supplement, 1979, relating to inmates of correctional facilities; to provide that certain information not be made public; to delete certain youths from employment provisions; to provide for disposition of inmate-employee wages; to allow the selling of goods made by inmates under certain conditions; to change provisions relating to goods in interstate commerce; and to repeal the original sections, and also section 81-1828, Revised Statutes Supplement, 1978.

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

Voting in the affirmative, 37:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Kremer   | Murphy  | Venditte |
| Beutler    | Haberman | Labeledz | Newell  | Vickers  |
| Carsten    | Hefner   | Lamb     | Nichol  | Wagner   |
| Chronister | Johnson  | Landis   | Pirsch  | Warner   |
| Cope       | Kahle    | Maresh   | Reutzel | Wesely   |
| DeCamp     | Kelly    | Marsh    | Rumery  |          |
| Dworak     | Kennedy  | Marvel   | Sieck   |          |
| Fowler     | Koch     | Merz     | Stoney  |          |

Voting in the negative, 4:

|         |          |       |          |
|---------|----------|-------|----------|
| Burrows | Chambers | Clark | Hoagland |
|---------|----------|-------|----------|

Present and not voting, 3:

|            |       |        |
|------------|-------|--------|
| Fitzgerald | Keyes | Powers |
|------------|-------|--------|

Excused and not voting, 5:

|        |          |       |        |       |
|--------|----------|-------|--------|-------|
| Cullan | Goodrich | Lewis | Schmit | Simon |
|--------|----------|-------|--------|-------|

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

**UNANIMOUS CONSENT - Print in Journal**

Mr. Nichol asked unanimous consent to print the following amendment to LB 621 in the Journal. No objections. So ordered.

**(FINAL READING COPY)**

- 1 1. On page 34, after line 1, insert a new sub-  
 2 section (5) as follows:  
 3 “(5) For the purposes of this section the debtor  
 4 has no rights  
 5 (a) in crops until they are planted or otherwise  
 6 become growing crops, in the young of livestock until they  
 7 are conceived;  
 8 (b) in fish until caught, in oil, gas or minerals  
 9 until they are extracted, in timber until it is cut;  
 10 (c) in a contract right until the contract has  
 11 been made;  
 12 (d) in an account until it comes into existence.”  
 13 2. On page 78, strike beginning with “If” in line  
 14 23 through “whenever” on page 79, line 7; on page 79, line  
 15 7, reinstate “Whenever”; strike beginning with the under-  
 16 scored comma in line 10 through the underscored comma in  
 17 line 12; and strike the new matter in lines 24 through 26.

**STANDING COMMITTEE REPORTS**  
**Miscellaneous Subjects**

**LEGISLATIVE BILL 750.** Placed on General File.

**LEGISLATIVE BILL 874.** Placed on General File.

**LEGISLATIVE BILL 974.** Indefinitely postponed.

(Signed) Dave Newell, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 863.** Mr. Beutler offered the following amendment:

Req. #2114

- 2 1. Insert the following new sections:  
 3 “Sec. 2. That section 70-1012, Revised Statutes  
 4 Supplement, 1979, be amended to read as follows:  
 5 70-1012. Before any electric generation  
 6 facilities or any transmission lines or related  
 7 facilities carrying more than seven hundred volts are  
 8 constructed by any supplier, an application, filed with  
 9 the board and containing such information as the board  
 10 shall prescribe, shall be approved by the board, except  
 11 that such approval shall not be required (1) for the

12 construction of a transmission line extension or related  
13 facilities within a supplier's own service area or for  
14 the construction of a line not exceeding one half mile  
15 outside its own service area when all owners of electric  
16 lines located within one half mile of the extension  
17 consent thereto in writing and such consents are filed  
18 with the board or (2) for any generation facility when  
19 the board finds that: (a) Such facility is being  
20 constructed to replace a generating plant owned by the  
21 municipality with a capacity not greater than that of the  
22 plant being replaced, (b) such facility ~~will~~ is designed  
23 to generate less than twenty-five thousand kilowatts of  
24 electric energy at rated capacity, and (c) the applicant  
25 will not use the plant or transmission capacity to supply  
1 wholesale power to customers outside the applicant's  
2 existing retail service area or chartered territory.

3 The board may also require any supplier of  
4 electric energy to Nebraska citizens proposing to build  
5 an electric generation facility or transmission lines or  
6 related facilities to file a statement of intent prior to  
7 filing an application as required by this section for  
8 construction of such facilities or lines.

9 Sec. 3. That section 70-1013, Reissue Revised  
10 Statutes of Nebraska, 1943, be amended to read as  
11 follows:

12 70-1013. Upon application being filed under  
13 section 70-1012, the board shall fix a time and place for  
14 hearing and shall give ten days' notice by mail to such  
15 alternate power suppliers as it deems to be affected by  
16 the application. The hearing shall be had within thirty  
17 days unless for good cause shown, the applicant shall  
18 request in writing that such hearing not be scheduled  
19 until a later time, but in any event such hearing shall  
20 not be more than ninety days from the filing of the  
21 application, and the board shall give its decision within  
22 thirty days after the conclusion of the hearing. Any  
23 parties interested may appear, file objections, and offer  
24 evidence, except that ; ~~Provided~~, the board may grant the  
25 application without notice or hearing, upon the filing of  
26 such waivers as it may require, if in its judgment the  
27 finding required by section 70-1014 can be made without a  
1 hearing. When the application involves a power supply  
2 facility, which shall include any generation plant  
3 designed to operate at a capacity of twenty-five thousand  
4 kilowatts or more and transmission facilities with a  
5 design voltage of three hundred forty-five kilovolts or  
6 more, the board may not grant the application without  
7 notice and a hearing. Such hearing shall be conducted as  
8 provided in section 70-1006. The board may allow  
9 amendments to the application, in the interests of

10 justice.

11 The board may require that any application  
12 previously approved by the board be submitted to the  
13 board for an additional hearing. Such hearing may  
14 address issues which the board determines require review,  
15 including any actions taken by the applicant to  
16 substantially change or delay the facility authorized by  
17 the application. After hearing, the board may modify,  
18 cancel, or extend the original application upon a finding  
19 by the board that such modification, cancellation, or  
20 extension will serve the public convenience and necessity  
21 as defined under section 70-1014.

22 Sec. 4. That section 70-1014, Reissue Revised  
23 Statutes of Nebraska, 1943, be amended to read as  
24 follows:

25 70-1014. After hearing, the board shall have  
26 authority to approve or deny the application. Before  
27 approval of an application, the board shall find that the  
1 application will serve the public convenience and  
2 necessity, and that the applicant can most economically  
3 and feasibly supply the electric service resulting from  
4 the proposed construction, without unnecessary  
5 duplication of facilities or operations.

6 Before approval of an application for a power  
7 supply facility, as defined in section 70-1013, the board  
8 shall make the findings provided in sections 5 to 7 of  
9 this act.

10 Sec. 5. In determining the need for a power  
11 supply facility the board shall find that the proposed  
12 facility is being constructed to meet the current and  
13 future electric energy needs of the retail customers or  
14 the wholesale customers currently under contract to the  
15 applicant or any additional reserve electric energy  
16 requirements arising from agreements with state or  
17 multi-state planning and power supply organizations.

18 Sec. 6. Before approving an application for a  
19 power supply facility under section 70-1014, the board  
20 shall find that the applicant has provided to the board a  
21 comprehensive written analysis of the current and future  
22 electric energy needs of the applicant's customers.

23 The board shall find that such analysis has been  
24 made pursuant to prudent utility practice which for the  
25 purposes of this section shall mean use of any of the  
26 forecasting practices and methods engaged in or approved  
27 by a significant portion of the electric utility industry  
1 which practices or methods could be expected to  
2 accomplish accurate results at the lowest reasonable cost  
3 consistent with reliability. In evaluating such analysis  
4 and making such a finding, the board may order an  
5 independent review of the methods used in making such

6 analysis. The costs of such independent review shall be  
 7 assessed against the applicant.  
 8 The written analysis provided by the applicant  
 9 shall provide at least a ten-year forecast of future  
 10 electric energy needs of the applicant's customers, a  
 11 description of forecasting methodology, and a description  
 12 of current needs and of current and planned future  
 13 resources or capacity.

14 Sec. 7. Before approving or denying an  
 15 application under section 70-1014, the board shall find  
 16 that the proposed facility is the most economically  
 17 feasible method of supplying the electric energy needs of  
 18 the applicant's customers. In making such finding, the  
 19 board shall consider, but not be limited to:

20 (1) Costs of meeting the electric energy needs of  
 21 the applicant's customers from electric generation  
 22 capacity available to the applicant from another supplier  
 23 by firm contractual offer for purchase or participation,  
 24 whether from existing or planned facilities, facilities  
 25 pending before the board, or facilities previously  
 26 approved by the board. The board shall also consider  
 27 costs of alternative methods of meeting or reducing  
 1 energy demand through energy conservation or load  
 2 management techniques;

3 (2) The long-term availability of the energy or  
 4 fuel source proposed for use in the facility; and

5 (3) Any other necessary costs of delivering or  
 6 interconnecting the planned facility with the existing  
 7 primary distribution system of the applicant, including  
 8 any directly related substations, transmission lines, or  
 9 other directly related facilities necessary to make the  
 10 electric energy available for sale to the applicant's  
 11 customers.

12 The board shall develop procedures describing the  
 13 form in which such information shall be submitted, and  
 14 may require the submission of such information with a  
 15 statement of intent required by the board."

16 2. On page 4, line 12 after "original" insert  
 17 "sections 70-1013 and 70-1014, Reissue Revised Statutes  
 18 of Nebraska, 1943,"; in line 13 after the second comma  
 19 insert "and section 70-1012, Revised Statutes Supplement,  
 20 1979," and strike "is" and insert "are".

21 3. Renumber original section 2 as section 8.

Mr. Lamb moved to have LB 863 laid over.

Mr. Lamb moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Lamb requested a roll call vote on the motion to lay over.

Voting in the affirmative, 20:

|         |          |        |        |        |
|---------|----------|--------|--------|--------|
| Carsten | Haberman | Kremer | Marvel | Sieck  |
| Cope    | Hefner   | Lamb   | Nichol | Stoney |
| DeCamp  | Kahle    | Maresh | Pirsch | Wagner |
| Dworak  | Kennedy  | Marsh  | Powers | Warner |

Voting in the negative, 18:

|          |            |         |        |         |
|----------|------------|---------|--------|---------|
| Barrett  | Chronister | Johnson | Merz   | Vickers |
| Beutler  | Fitzgerald | Kelly   | Murphy | Wesely  |
| Burrows  | Fowler     | Koch    | Newell |         |
| Chambers | Hoagland   | Landis  | Rumery |         |

Present and not voting, 4:

|       |        |         |          |
|-------|--------|---------|----------|
| Clark | George | Reutzel | Venditte |
|-------|--------|---------|----------|

Excused and not voting, 5:

|        |          |       |        |       |
|--------|----------|-------|--------|-------|
| Cullan | Goodrich | Lewis | Schmit | Simon |
|--------|----------|-------|--------|-------|

Absent and not voting, 2:

|       |          |
|-------|----------|
| Keyes | Labeledz |
|-------|----------|

The Lamb motion to lay over lost with 20 ayes, 18 nays, 4 present and not voting, 5 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Mr. Beutler moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

### MR. CLARK PRESIDING

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

|            |            |        |         |        |
|------------|------------|--------|---------|--------|
| Barrett    | Fitzgerald | Kelly  | Merz    | Wesely |
| Beutler    | Fowler     | Keyes  | Newell  |        |
| Burrows    | George     | Koch   | Reutzel |        |
| Chambers   | Hoagland   | Landis | Rumery  |        |
| Chronister | Johnson    | Maresh | Vickers |        |

Voting in the negative, 17:

|        |          |        |          |        |
|--------|----------|--------|----------|--------|
| Clark  | Kennedy  | Marsh  | Sieck    | Warner |
| Dworak | Kremer   | Marvel | Stoney   |        |
| Hefner | Labeledz | Nichol | Venditte |        |
| Kahle  | Lamb     | Powers | Wagner   |        |

Present and not voting, 6:

|         |          |        |
|---------|----------|--------|
| Carsten | DeCamp   | Murphy |
| Cope    | Haberman | Pirsch |

Excused and not voting, 5:

|        |          |       |        |       |
|--------|----------|-------|--------|-------|
| Cullan | Goodrich | Lewis | Schmit | Simon |
|--------|----------|-------|--------|-------|

The Beutler amendment lost with 21 ayes, 17 nays, 6 present and not voting, and 5 excused and not voting.

#### **SPEAKER MARVEL PRESIDING**

Mr. Kelly renewed his pending amendment found in the Journal on page 633.

The amendment lost with 13 ayes, 19 nays, 12 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 507.** E & R amendments found in the Journal on page 684 for the Twenty-Fifth Day were adopted.

Mr. Kremer renewed his pending amendment found in the Journal on page 749.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 768.

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

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 768.

### **MR. NICHOL PRESIDING**

The DeCamp amendment was adopted with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Hoagland offered the following amendment:

- 1 1. In the Kremer amendments on page 1167 of the
- 2 Journal:
- 3 (a) On page 2 line 28, after the first period
- 4 insert "Such obligation shall under no circumstances become
- 5 a debt of the state.";
- 6 (b) On page 3 line 2, strike "The" and insert
- 7 "If such funds do not in any way obligate the state, the";
- 8 (c) On page 4 line 12, after the first period,
- 9 insert "Such obligation shall under no circumstances become
- 10 a debt of the state."

### **SPEAKER MARVEL PRESIDING**

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hoagland offered the following amendment:

1. In white copy Req. 2771 page 10, line 10 after the word "or" insert "in odd-numbered years only."
2. In the white copy Req. 2771, page 11, line 1 strike "and" and insert a comma; in line 2 after "expended" insert, "and the source from which the revenue will be raised."
3. In the Kremer amendments page 2, line 21 after the first period insert: No person may be eligible for such position if that person will in any way incur financial benefit or detriment to him or her or any member of his or her family, or business with which he or she is associated, which is distinguishable from the effects of such action on the public generally, or a broad segment of the public, by virtue of any decision made or policy adopted by the Council.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 628.** E & R amendments found in the Journal on page 709 for the Twenty-Sixth Day were adopted.

Mr. Kahle re-offered his amendment (2) found in the Journal on page 617.

Mr. Reutzel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Kahle moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Kahle requested a roll call vote on his amendment.

Voting in the affirmative, 20:

|         |            |         |        |        |
|---------|------------|---------|--------|--------|
| Barrett | Dworak     | Kahle   | Maresh | Pirsch |
| Carsten | Fitzgerald | Kennedy | Merz   | Rumery |
| Clark   | Haberman   | Kremer  | Murphy | Stoney |
| Cope    | Hefner     | Lamb    | Nichol | Warner |

Voting in the negative, 17:

|          |          |        |          |        |
|----------|----------|--------|----------|--------|
| Chambers | Johnson  | Landis | Powers   | Wesely |
| Fowler   | Keyes    | Marsh  | Simon    |        |
| George   | Koch     | Marvel | Venditte |        |
| Hoagland | Labeledz | Newell | Vickers  |        |

Present and not voting, 6:

|            |        |        |
|------------|--------|--------|
| Burrows    | DeCamp | Sieck  |
| Chronister | Kelly  | Wagner |

Excused and not voting, 6:

|         |          |         |
|---------|----------|---------|
| Beutler | Goodrich | Reutzel |
| Cullan  | Lewis    | Schmit  |

The Kahle amendment (2) lost with 20 ayes, 17 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Hefner offered the following amendment:

Amend the Vickers amendment to LB 628 that was adopted on 2-13-80. Reduce each minimum salary amount by \$1000.

13500 - 12500

16500 - 15500

19500 - 18500

23000 - 22000

26000 - 25000

30500 - 29500

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Messrs. Dworak and Nichol asked unanimous consent to be excused. No objections. So ordered.

The Hefner amendment lost with 16 ayes, 16 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote to advance LB 628.

Voting in the affirmative, 20:

|          |          |          |        |          |
|----------|----------|----------|--------|----------|
| Chambers | Hoagland | Koch     | Newell | Venditte |
| DeCamp   | Johnson  | Labeledz | Pirsch | Vickers  |
| Fowler   | Kelly    | Landis   | Powers | Wagner   |
| George   | Keyes    | Marsh    | Simon  | Wesely   |

Voting in the negative, 18:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | Clark    | Kahle   | Maresh | Stoney |
| Burrows    | Cope     | Kennedy | Merz   | Warner |
| Carsten    | Haberman | Kremer  | Murphy |        |
| Chronister | Hefner   | Lamb    | Rumery |        |

Present and not voting, 3:

|            |        |       |
|------------|--------|-------|
| Fitzgerald | Marvel | Sieck |
|------------|--------|-------|

Excused and not voting, 8:

|         |          |        |          |
|---------|----------|--------|----------|
| Beutler | Dworak   | Lewis  | Reutzler |
| Cullan  | Goodrich | Nichol | Schmit   |

Failed to advance to E & R for Engrossment with 20 ayes, 18 nays, 3 present and not voting, and 8 excused and not voting.

### RESOLUTION

#### LEGISLATIVE RESOLUTION 203.

Introduced by Venditte, 7th District.

WHEREAS, the citizens of this state and nation are proud of the efforts of all the United States athletes who competed in the Thirteenth Winter Olympics held in Lake Placid, New York; and

WHEREAS, twenty-one year old Eric Heiden from Madison, Wisconsin won an unprecedented five gold medals in speed-skating at the games, setting world and olympic records by winning every event in the speed-skating competition; and

WHEREAS, the United States Olympic Hockey Team performed miraculously by winning the Olympic gold medal in hockey, beating the world renowned champions of hockey, the Russians; and

WHEREAS, the United States Hockey Team composed of young college-aged amateurs who came together for the first time six months before the Olympics, accomplished one of the most unbelievable feats in Olympic and sports history, through the team members determination, enthusiasm, and pride in the country they represented.

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

1. That this Legislature recognizes the magnificent efforts of all the United States athletes who performed in the Thirteenth Winter Olympics and who through their performance, instilled in the citizens of this country a sense of pride and hope for our nation's future.

2. That the members of this Legislature specially congratulate and acknowledge the United States gold medal winners, speed-skater Eric Heiden and each member of the United States Olympic Hockey Team.

3. That the Clerk of the Legislature send copies of this resolution to the United States Olympic Committee, for distribution to Eric Heiden and members of the hockey team.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Fowler asked unanimous consent to print the following amendment to LB 228 in the Journal. No objections. So ordered.

- 1       1. In the committee amendments on page 1, line  
 2 9 strike "verified" and insert "creditable"; in line 18  
 3 after "sixty-five" insert "or at the actual age of retire-  
 4 ment, whichever is later".  
 5       2. In the committee amendments on page 2, line 4  
 6 after "Fund" insert " , except that if this difference is  
 7 less than five dollars, a minimum payment of five dollars  
 8 per month shall be made to such person".

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 823A.** By LR 154 Committee: Chambers, 11th District, Chairman.

This bill introduced on behalf of: LB 823.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 823, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 839A.** By Wesely, 26th District.

This bill introduced on behalf of: LB 839.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 839, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**NOTICE OF COMMITTEE HEARINGS****Urban Affairs**

|        |                          |      |
|--------|--------------------------|------|
| LB 751 | Wednesday, March 5, 1980 | 1:30 |
| LB 836 | Wednesday, March 5, 1980 | 1:30 |
| LB 838 | Wednesday, March 5, 1980 | 1:30 |
| LB 878 | Wednesday, March 5, 1980 | 1:30 |

(Signed) Walter George, Chairperson

**STANDING COMMITTEE REPORT**  
**Judiciary****LEGISLATIVE BILL 808.** Placed on General File.

(Signed) William E. Nichol, Chairperson

**ATTORNEY GENERAL'S OPINION**Opinion No. 231  
February 15, 1980

Re: LB723

Dear Senator Reutzel:

We are responding to your letter requesting an opinion whether the amendatory language to section 37-1111, R.R.S. 1943, contained in LB723, is sufficient to authorize an officer to cite an unattended motor vehicle unlawfully in a permit area, thereby allowing the vehicle's owner to be charged with the offense.

The language to which you refer is a sentence which reads in pertinent part as follows:

“If the identity of the operator in a motor vehicle in violation of this section cannot be determined, the owner of person in whose name such vehicle is registered shall be held prima facie responsible for such violation and shall be guilty of a Class V misdemeanor.”

We note that there are no special procedures providing for ticketing the vehicle, but that if the provisions of sections 29-424 and 29-425, R.S.Supp., 1978, are followed, this sentence would be effective to charge the owner of the motor vehicle with the commission of an offense.

There is some question whether the owner's right to due process of law, equal protection, and right not to bear witness against himself, guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution are violated by this sentence, making him guilty of a misdemeanor without evidence to prove that the owner committed the criminal act. People v. Hildebrandt, 308 N.Y. 397, 126 N.E.2d 377, 49 A.L.R.2d 449, and cases cited therein (1955); Commonwealth v. Slaybaugh, 364 A.2d 687 (1976). We note, however, that the possible punishment includes no incarceration, minimum fine, and involves an offense of no greater import than a parking violation. Further, pursuant to Nebraska Rules of Evidence, section 27-303, R.R.S. 1943, this statute would merely raise a permissive presumption which the finder of fact could accept or reject at its discretion.

It appears that in light of the long line of cases approving of this sort of statute in enforcing parking regulations (People v. Hamilton, 454 P.2d 680 (Oklahoma, 1969) and cases cited therein; Iowa City v. Nolan, 239 N.W.2d 102 (Iowa, 1976); and 49 A.L.R. 2d 456, and cases cited therein), that there is legal precedent to support a legislative conclusion that there is a rational basis to a statutory presumption that the owner of motor vehicle is responsible for its entry into a state park without a park permit. We hesitate to be more definite about this conclusion in light of the deep division in the United States Supreme Court concerning the propriety of presumptions in criminal cases. County Court of Ulster County, New York v. Allen, \_\_\_ U.S. \_\_\_ 60 L.Ed.2d 777, 99 S.Ct. \_\_\_ (1979).

In conclusion, although there is some question as to the constitutionality of such an enactment as a criminal provision, we cannot say certainly that such a measure would be disapproved by the courts. In light of the minimal penalty, minimal import of the statute, and long history of court decisions approving statutes such as this regarding parking violations, as well as the permissive nature of the presumption under Nebraska law, we conclude that a court could very likely approve this statute.

Very Truly Yours,  
PAUL L. DOUGLAS  
Attorney General  
G. Roderic Anderson  
Assistant Attorney General

(Signed)

GRA:mj

cc: Pat O'Donnell  
Clerk of the Legislature

#### UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to add his name as a sponsor to LB 954. No objections. So ordered.

#### MESSAGE FROM THE GOVERNOR

February 21, 1980

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I return herewith LB 483 without my signature and with my objections.

LB 483 strikes at the heart of the relationship between adoptive parents and adoptive children. In my opinion, it provides inadequate safeguards for adoptive parents.

Respectfully,  
(Signed) CHARLES THONE  
Governor

CT:dsd

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

February 25, 1980

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below, which were presented at a hearing on February 6, 1980. The Committee suggests the appointments be confirmed by the legislature and suggests a record vote.

Ted Cannon  
Motor Vehicle Industry Licensing Board

VOTE: For: Marsh, Burrows, Cope, Kennedy, Nichol, Reutzel, Wesely (7). Against: None (0). Not Voting: Newell (1). Excused: Simon, Cullan, Schmit, Lewis, Labeledz (5).

Hubert W. Monsky  
Motor Vehicle Industry Licensing Board

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Nichol, Reutzel, Wesely (8). Against: None (0). Not Voting: None (0). Excused: Simon, Cullan, Labeledz, Lewis, Schmit (5).

Gary Ensz, M.D.  
Rural Health Manpower Commission

VOTE: For: Marsh, Burrows, Cope, Kennedy, Nichol, Reutzel, Wesely (7). Against: None (0). Not Voting: Newell (1). Excused: Simon, Cullan, Labeledz, Lewis, Schmit (5).

James Stuart, Jr.  
Advisory Committee to the Department of  
Economic Development

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Nichol, Wesely (7). Against: Reutzel (1). Not Voting: None (0). Excused: Simon, Labeledz, Lewis, Cullan, Schmit (5).

(Signed) Shirley Marsh, Chairperson

**VISITORS**

Visitors to the Chamber were 6 Chadron State College students and sponsor; Evancho Dimitri, Imperial; 10 members of the Medical Auxiliary, Imperial; Senator Wesely's Uncle and Aunt, Ed and Rose Sedlacek, and Mother, Irene Wesely; Mr. and Mrs. Don Hindrichs, Deshler; and 50 K-Mart managers and wives from Iowa, South Dakota, Minnesota, and Nebraska.

**ADJOURNMENT**

At 12:18 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Tuesday, February 26, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIRST DAY - FEBRUARY 26, 1980**  
**LEGISLATIVE JOURNAL**

**THIRTY-FIRST DAY - FEBRUARY 26, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 26, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

Deliver us, O God, from the illusion we have to come up with the answer to every complex problem we face. Give us wisdom to ask the right questions, humility to admit what we don't know, and openness to receive new truth in whatever guise it comes. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Beutler, Chambers, Cullan, Haberman, Koch, Newell, Powers, Schmit, Sieck, and Simon who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirtieth Day was approved.

**SPEAKER'S ORDER**

CANCEL Special Order:

LB 486 - Cancel February 26, 1980

RESCHEDULE Special Order:

LB 486 - Reschedule March 18, 1980

The following bill has been scheduled for Special Order:

LB 276 - Wednesday, February 27, 1980

Move from Passed Over to General File:

LB 304 - move to follow LB 486

(Signed) Richard D. Marvel, Speaker

**STANDING COMMITTEE REPORTS**  
**Public Works**

**LEGISLATIVE BILL 796.** Indefinitely postponed.  
**LEGISLATIVE BILL 920.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

**Judiciary**

**LEGISLATIVE BILL 519.** Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

**Agriculture and Environment**

**LEGISLATIVE BILL 889.** Placed on General File.  
**LEGISLATIVE BILL 918.** Placed on General File.

**LEGISLATIVE BILL 632.** Placed on General File as amended.  
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2164.)

**LEGISLATIVE BILL 852.** Placed on General File as amended.  
Standing Committee amendment to LB 852:

1. On page 2, line 10 after "products," insert "Agricultural property does not include: (a) Leases granting the right to explore for and produce minerals from the land; (b) mineral or royalty interests regardless of type or duration; (c) options to purchase or contracts for purchase or sale of mineral interests of any type; (d) tracts of land or easements acquired in connection with the exploration, extraction, refining, manufacturing, processing, or sale of minerals or their derivatives; or (e) to any lands located within the boundaries of an incorporated city, town, or village."; and in line 26 after "state" insert ", except that this section shall not prohibit the reorganization of, nor creation of a successor in interest to, such a corporation or business entity which has acquired an interest in agricultural property prior to the effective date of this act if no additional nonresident aliens acquire an interest in such corporation or business entity by reason of such reorganization or successor in interest".

**LEGISLATIVE BILL 956.** Placed on General File as amended.  
Standing Committee amendments to LB 956:  
Req. #2167

2 1. On page 3 reinstate the stricken matter in

3 lines 15 through 27; in line 15 strike “not” and show as  
 4 stricken and strike “domestic” and show as stricken; in  
 5 line 17 strike “domestic” and show as stricken and strike  
 6 “not” and show as stricken; in lines 19, 22, and 25,  
 7 strike “domestic” and show as stricken; strike beginning  
 8 with “grown” in line 20 through the comma in line 21 and  
 9 show as stricken; and in line 27 strike “five”, show as  
 10 stricken, and insert “ten”.

11 2. On page 4 reinstate the stricken matter in  
 12 line 1.

13 3. On page 5, line 8 strike “ninety” and insert  
 14 “ninety-eight”; in lines 12 and 16 strike “1982” and  
 15 insert “~~1982~~ 1984”; and strike beginning with “when” in  
 16 line 16 through the period in line 19 and show as  
 17 stricken.

18 4. On page 6, line 6, strike “ninety” and insert  
 19 “ninety-eight”.

20 5. Insert the following new sections:

21 “Sec. 4. That section 66-821, Revised Statutes  
 22 Supplement, 1979, be amended to read as follows:

23 66-821. For purposes of sections 66-821 to  
 24 66-824, unless the context otherwise requires:

1 (1) Gasohol shall mean gasoline which contains a  
 2 minimum of ten per cent blend of an agricultural ethyl  
 3 alcohol of at least one hundred ~~ninety~~ ninety-eight  
 4 proof; ~~produced in Nebraska~~; and

5 (2) Department shall mean the Department of  
 6 Roads.

7 Sec. 5. That section 77-202, Revised Statutes  
 8 Supplement, 1978, be amended to read as follows:

9 77-202. (1) The following property shall be  
 10 exempt from taxes:

11 (a) The property of the state and its  
 12 governmental subdivisions;

13 (b) Property owned by and used exclusively for  
 14 agricultural and horticultural societies;

15 (c) Property owned and used exclusively for  
 16 educational, religious, charitable, or cemetery purposes,  
 17 when such property is not owned or used for financial  
 18 gain or profit to either the owner or user; and

19 (d) Household goods and personal effects when  
 20 such property is not owned or used for financial gain or  
 21 profit to either the owner or user.

22 (2) The increased value of land by reason of  
 23 shade and ornamental trees planted along the highway  
 24 shall not be taken into account in the assessment of such  
 25 land.

26 (3) The premiums received by any insurance  
 27 company authorized to do business in this state on  
 1 pension, profit-sharing and other employee benefit plans

2 which are described in section 805 (d) (1) of the  
3 Internal Revenue Code of 1954, as amended as of January  
4 1, 1965 shall be exempt from taxes.

5 (4) Life insurance and life insurance annuity  
6 contracts and any payment connected therewith and any  
7 right to pension or retirement payments shall be exempt  
8 from the intangible tax.

9 (5) Motor vehicles registered under section  
10 60-305.09 and paying a registration fee in lieu of taxes  
11 shall be exempt from payment of ad valorem taxes.

12 (6) Alcohol plants located on farms which produce  
13 agricultural ethyl alcohol and which hold experimental  
14 licenses shall be exempt from personal property taxes.”.

15 6. On page 6, line 16 after “1943,” insert  
16 “section 77-202, Revised Statutes Supplement, 1978,”; and  
17 in line 17 strike “and 66-428” and insert”, 66-428, and  
18 66-821”.

19 7. Renumber remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Mr. Lewis asked unanimous consent to print the following amendment to LB 724 in the Journal. No objections. So ordered.

1 1. In the new section 3 added by the Committee  
2 amendment, in line 2 after “the” insert “State” and  
3 strike “Education’s” and insert “Education”; and in  
4 lines 2 and 3 strike “, which fund is hereby created,”,  
5 and in such section strike beginning with “No” in line 4  
6 through the underscored period in line 6.

Mr. Warner asked unanimous consent to print the following amendment to LB 959 in the Journal. No objections. So ordered.

1 1. Strike original section 1.  
2 2. On page 2 line 23 and page 3 line 3 after  
3 “fee” insert “as provided under section 4 of this act”.  
4 3. Insert the following new sections:  
5 “Sec. 4. The owner or user of any boiler or  
6 pressure vessel covered by sections 48-701 to 48-718, who  
7 has (1) an inspection made by a representative of a  
8 reputable insurance company, who obtains insurance coverage,  
9 and whose insurance company makes the report provided  
10 under section 48-712, or (2) an inspection and reporting  
11 made under provision of a city ordinance, as provided under  
12 section 48-712, shall pay to the Commissioner of Labor a  
13 certificate of boiler inspection processing fee of ten

14 dollars for each certificate required.

15 The insurance company or the person enforcing the  
 16 provisions of the city ordinance shall notify the owner or  
 17 user of his or her responsibility to comply with sections  
 18 48-701 to 48-718, by sending the owner or user a copy of the  
 19 results of inspection. The report to the owner or user shall  
 20 clearly remind the owner or user of his or her obligation to  
 21 apply for the required certificate along with payment of  
 22 the applicable fee. Boilers or pressure vessels having no  
 23 current certificate properly posted as required by sections  
 24 48-701 to 48-718 shall be considered in violation of  
 25 sections 48-701 to 48-718.

26 Sec. 5. In addition to the original or required  
 27 inspection fees charged, a supplemental inspection fee,  
 1 equal to the required internal or external inspection fee,  
 2 whichever is applicable, shall be billed for each additional  
 3 inspection trip which is necessary by the failure of the  
 4 owner or user to have an object properly prepared or re-  
 5 paired for the scheduled inspection.”.

6 4. On page 5 line 20 strike “and”; and in line  
 7 26 strike the underscored period and insert “and”; and  
 8 after line 26 insert a new subdivision as follows:  
 9 “(10) All other inspections, including shop  
 10 inspections, reviews, inspections to witness the application  
 11 of nondestructive tests, welding, special inspections, and  
 12 inspections requested for second-hand or used objects as  
 13 covered by this act, shall be made for a fee at the rate  
 14 of not less than thirty dollars per hour or portion thereof.”.

15 5. On page 6 line 10 strike “48-704.”.

16 6. Renumber remaining sections accordingly.

## RESOLUTION

### LEGISLATIVE RESOLUTION 204.

Introduced by Wagner, 41st District; Lewis, 45th District.

WHEREAS, a number of American citizens have now been held hostage in the nation of Iran for more than one hundred days; and

WHEREAS, the holding of such American citizens is a flagrant violation of international law, decorum, and custom; and

WHEREAS, ongoing efforts in the world community to secure the release of the American hostages have reached a very critical and sensitive state; and

WHEREAS, Nebraska is home to families of two of the hostages being held in Iran; and

WHEREAS, now, more than ever, there is the need for overt display of national unity on the part of all Americans.

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

1. That the members of the 1980 session of the Nebraska Legislature hereby recognize and encourage the wearing of yellow ribbons by the citizens of this State, until such time as all United States citizens held hostage in Iran are released, as an appropriate symbolic gesture of the unity of the citizens of this state in calling for the immediate and unconditional release of the American citizens in Iran.

2. That the members of the Legislature recognize and applaud the efforts of the Moeller family of Loup City, Nebraska, in encouraging Nebraskans to wear and display yellow ribbons as symbolic gestures of support for the hostages in Iran, and that the members of this Legislature be encouraged to participate in such symbolic efforts by wearing or displaying yellow ribbons until the release of the hostages.

3. That the citizens of this State be encouraged to prominently display such yellow ribbons as a symbol of determination and resolve in this crisis.

4. That the Clerk of the Legislature send a copy of this resolution to the Nebraska families of the two hostages in Iran.

Laid over.

#### **UNANIMOUS CONSENT - Withdraw Amendments**

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 788 to LB 621. No objections. So ordered.

Mr. Nichol asked unanimous consent to withdraw his pending amendment found in the Journal on page 666 to LB 621. No objections. So ordered.

#### **MOTION - Return LB 621 to Select File**

Mr. Nichol moved to return LB 621 to Select File for his specific amendment found in the Journal on page 841.

The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 621.** The Nichol specific amendment found in the Journal on page 841 was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Re-Engrossment.

**LEGISLATIVE BILL 742.** E & R amendment found in the Journal on page 709 for the Twenty-Sixth Day was adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 611.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 16 ayes, 14 nays, and 19 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Beutler    | Goodrich | Lewis  | Powers  | Venditte |
| DeCamp     | Hoagland | Marsh  | Reutzel | Wesely   |
| Fitzgerald | Johnson  | Marvel | Simon   |          |
| Fowler     | Landis   | Newell | Stoney  |          |

Voting in the negative, 25:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Barrett    | Cope     | Kelly   | Maresh | Schmit  |
| Burrows    | George   | Kennedy | Murphy | Sieck   |
| Carsten    | Haberman | Keyes   | Nichol | Vickers |
| Chronister | Hefner   | Kremer  | Pirsch | Wagner  |
| Clark      | Kahle    | Lamb    | Rumery | Warner  |

Present and not voting, 3:

|        |      |      |
|--------|------|------|
| Dworak | Koch | Merz |
|--------|------|------|

Excused and not voting, 2:

|          |        |
|----------|--------|
| Chambers | Cullan |
|----------|--------|

Absent and not voting, 1:

Labeledz

The DeCamp amendment lost with 18 ayes, 25 nays, 3 present and not voting, 2 excused and not voting, and 1 absent and not voting.

Mr. DeCamp moved to indefinitely postpone.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3, to consider the motion to indefinitely postpone today.

The motion prevailed with 30 ayes, 6 nays, and 13 not voting.

Mr. DeCamp withdrew his motion to indefinitely postpone.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

## SELECT COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 94.** Placed on Select File as amended.  
E & R amendments to LB 94:

Req. #2172

2 1. All changes proposed therein having been made  
3 or accomplished by Laws 1979, LB 427, sections 3, 5, 7,  
4 and 12, and Laws 1979, LB 428, section 3, respectively,  
5 strike sections 3, 4, 6, 7, and 8.

6 2. Because of amendments to the section made in  
7 1979 and proposed in LB 94, strike section 20 and repeal  
8 section 81-194.

9 3. Renumber original section 5 as section 3, new  
10 section 9 as section 4, original sections 9 to 19 as  
11 sections 5 to 15, original section 22 as section 16,  
12 sections 23 and 24 added by committee amendments as  
13 sections 17 and 18, and original sections 23 and 24 as  
14 sections 19 and 20.

15 4. Amend renumbered section 3 to read:

16 "Sec. 3. That section 71-113, Revised Statutes  
17 Supplement, 1979, be amended to read as follows:

18 71-113. (1) Each board of examiners shall  
19 consist of three members, except that (a) in audiology  
20 and speech pathology the board shall consist of four  
21 members, (b) in dentistry the board shall consist of  
22 seven members and in medicine and surgery the board shall  
23 consist of six members, and (c) in embalming and funeral  
24 directing the board shall consist of four members,  
25 including one lay person appointed by the State Board of  
1 Health. Notwithstanding any other provision of law, the  
2 State Board of Health may appoint one additional member,  
3 who shall be a lay member, to any board of examiners in  
4 accordance with the provisions of section 71-114.

5 (2) Membership on the Board of Examiners in  
6 Audiology and Speech Pathology shall consist of two  
7 members who are audiologists and two members who are  
8 speech pathologists. All members shall be qualified to  
9 be licensed in accordance with the provisions of this  
10 act. The members appointed to the initial board shall be  
11 licensed not later than six months after being appointed

12 to the board. If for any reason a member cannot be  
 13 licensed within such time period, a new member shall be  
 14 appointed.”.

15 5. On page 13, line 1, strike the comma and show  
 16 stricken.

17 6. On page 22, strike beginning with the comma  
 18 in line 11 through “12” in line 13.

19 7. On page 25, line 5, insert an underscored  
 20 comma after “section”.

21 8. On page 25, strike lines 11 to 19 and insert:  
 22 “Sec. 19. That original sections 33-150,  
 23 59-1617, 71-1325 to 71-1327, 71-1329, 71-1330, 71-1332 to  
 24 71-1336, and 71-1338, Reissue Revised Statutes of  
 25 Nebraska, 1943, sections 71-102 and 71-1331, Revised  
 26 Statutes Supplement, 1978, and section 71-113, Revised  
 27 Statutes Supplement, 1979, and also section 81-194,  
 1 Revised Statutes Supplement, 1979, are repealed.”.

2 9. In the title, strike lines 2 to 10 and  
 3 insert: “FOR AN ACT relating to professional”; in line  
 4 13, after the second semicolon, insert “to require  
 5 certain disclosure; to make embalmers and funeral  
 6 directors subject to the Consumer Protection Act; to  
 7 amend sections 33-150, 59-1617, 71-1325 to 71-1327,  
 8 71-1329, 71-1330, 71-1332 to 71-1336, and 71-1338,  
 9 Reissue Revised Statutes of Nebraska, 1943, sections  
 10 71-102 and 71-1331, Revised Statutes Supplement, 1978,  
 11 and section 71-113, Revised Statutes Supplement, 1979”;  
 12 and in line 16 insert “, and section 81-194, Revised  
 13 Statutes Supplement, 1979” after “1943”.

**LEGISLATIVE BILL 958A.** Placed on Select File.

**LEGISLATIVE BILL 765A.** Placed on Select File.

**LEGISLATIVE BILL 819A.** Placed on Select File.

**LEGISLATIVE BILL 507A.** Placed on Select File.

**LEGISLATIVE BILL 615A.** Placed on Select File.

**LEGISLATIVE BILL 600.** Placed on Select File as amended.  
 E & R amendment to LB 600:

1. On page 2, line 8, strike the semicolon and  
 insert “, and”.

**LEGISLATIVE BILL 790.** Placed on Select File as amended.  
 E & R amendments to LB 790:

1. On page 2, line 25, insert a comma after  
 “members”.

2. On page 3, line 7, strike the comma.

**LEGISLATIVE BILL 981.** Placed on Select File.

**LEGISLATIVE BILL 655.** Placed on Select File as amended.  
E & R amendment to LB 655:

1. On page 3, line 1, insert an underscored comma after "property".

**LEGISLATIVE BILL 793.** Placed on Select File.

**LEGISLATIVE BILL 814.** Placed on Select File.

**LEGISLATIVE BILL 902.** Placed on Select File.

**LEGISLATIVE BILL 876.** Placed on Select File.

**LEGISLATIVE BILL 818.** Placed on Select File.

**LEGISLATIVE BILL 604.** Placed on Select File.

**LEGISLATIVE BILL 801.** Placed on Select File.

**LEGISLATIVE BILL 693.** Placed on Select File.

**LEGISLATIVE BILL 743.** Placed on Select File as amended.  
E & R amendment to LB 743:

1. In the title, line 2, strike "relating to motor vehicles;"; in line 4, strike the second "and"; and in line 5 strike the first semicolon and insert a comma.

**LEGISLATIVE BILL 802.** Placed on Select File.

**LEGISLATIVE BILL 772.** Placed on Select File as amended.  
E & R amendments to LB 772:

1. For correlation purposes, on page 2, line 2, insert ", as amended by section 1, Legislative Bill 765, Eighty-sixth Legislature, Second Session, 1980" after "1943"; in line 4 strike "July 1, 1979" and insert "September 1, 1980"; and in line 5 strike "ninety" and insert "one hundred".

2. On page 3, line 23, strike "Nebraska" and insert "State".

3. On page 4, line 22, and in the title, line 2, strike "43-646.02, "; on page 4, line 23, and in the title, line 2, strike the comma before "and"; and on page 4, line 24, and in the title, line 4, insert ", and section 43-646.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 765, Eighty-sixth Legislature, Second Session, 1980" after "1943".

**LEGISLATIVE BILL 733.** Placed on Select File as amended.  
E & R amendments to LB 733:

1. In the last line of the Koch amendment, strike the period.

2. In the committee amendments, page 3, line 7, insert "that" before "an".

3. In the title, line 2, strike "section 25-1601"

and insert "sections 25-1601, 25-1603, 25-1639, and 25-1640"; in line 5 strike "may" and insert "to" and after the semicolon insert "to limit the period of service; to clarify a provision concerning pay; to provide procedures for jury selection; to provide severability;" and in line 6 strike "section" and insert "sections".

**LEGISLATIVE BILL 773.** Placed on Select File as amended. E & R amendment to LB 773:

1. In the title, lines 9 and 10, strike "and budget request".

**LEGISLATIVE BILL 680.** Placed on Select File.

**LEGISLATIVE BILL 833.** Placed on Select File as amended. E & R amendment to LB 833:

1. In the title, line 4, insert "authorize a" after "to" and "of" after "change"; and in line 5 insert "to provide an exception to the reporting requirement; to provide and change procedures;" after the semicolon.

**LEGISLATIVE BILL 684.** Placed on Select File as amended. E & R amendments to LB 684:

1. On page 18, lines 17 and 18, strike "Revised Statutes Supplement, 1978" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. On page 23, line 15, insert "42-917," after "sections" and strike the same in line 18.

3. In the title, line 2, insert "42-917," after "sections" and strike the same in line 5.

**LEGISLATIVE BILL 686.** Placed on Select File.

(Signed) Don Wesely, Chairperson

### STANDING COMMITTEE REPORTS Agriculture and Environment

**LEGISLATIVE BILL 705.** Placed on General File as amended. Standing Committee amendments to LB 705:

1. On page 2, in line 5 after "within" insert "each county in"; after the period in line 5 insert "Costs of publication shall conform to the provisions of section 33-141, Reissue Revised Statutes of Nebraska, 1943."; in lines 11 and 12 strike "totals spent in" and insert "total expenditures in the two".

2. Strike original sections 2 to 4.

**LEGISLATIVE BILL 853.** Placed on General File as amended.  
Standing Committee amendments to LB 853:

1. On page 6, line 20 after "waste," insert "or".
2. On page 7, line 7 strike "operations" and insert "material resulting from industrial, commercial, and mining operations".
3. On page 21, line 1, strike "of" and insert "in"; and in line 3 after "means" insert ", and other hazardous characteristics".
4. On page 30, line 18 strike "county" and insert "zoning".

**LEGISLATIVE BILL 965.** Placed on General File as amended.  
Standing Committee amendments to LB 965:

1. On page 3, strike beginning with "In" in line 1 through the underscored period in line 13; and in line 17 strike "19" and insert "18".
2. On page 4, line 7, strike "of selling" show as stricken and insert "who has annual gross sales of at least one hundred thousand dollars resulting from the sale of"; in line 17 strike "sells" and insert "has annual gross sales totaling at least one hundred thousand dollars from sales"; in line 19 after "users" insert "of"; in lines 23 and 24 strike "engaged in" and insert "who has annual gross sales totaling at least one hundred thousand dollars resulting from the"; and line 25 strike "in" and insert "from".
3. On page 10 line 11 strike "levied" and insert "imposed"; and strike beginning with "assessment" in line 16 through the end of line 26 and insert "fee equal to the gross sales of such items multiplied by seventy-five thousandths of one per cent.".
4. On page 11, lines 3 and 13 strike "assessment" and insert "fee".
5. On page 5, lines 1 and 8 strike "assessment" and insert "fee".
6. Strike original sections 17 and 19 and insert a new section as follows:  
"Sec. 17. Any person engaged in business as both a manufacturer and retailer or a wholesaler and retailer shall pay the fee under section 81-1559 or section 15 of this act, whichever is greater. No person shall be required to pay a fee more than once on the same item or product under sections 81-1534 to 81-1566 and this act."
7. Renumber original sections 20 and 21 as sections 19 and 20.

(Signed) Loran Schmit, Chairperson

**Constitutional Revision and Recreation****LEGISLATIVE BILL 727.** Indefinitely postponed.**LEGISLATIVE BILL 729.** Indefinitely postponed.**LEGISLATIVE BILL 777.** Indefinitely postponed.**LEGISLATIVE BILL 740.** Placed on General File as amended. Standing Committee amendments to LB 740:

1. On page 2 strike beginning with “may” in line 23 through “improvement” in line 27 and insert “and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation”.

2. On page 3 lines 25 and 26 strike “for certain” and insert “on”.

**LEGISLATIVE BILL 910.** Placed on General File.**LEGISLATIVE BILL 964.** Placed on General File as amended. Standing Committee amendments to LB 964:

1. On page 2, line 7 strike “(1)” in lines 9 and 10 strike “a fair and adequate public education system” and insert “maintenance and support of a thorough and efficient system of common schools”; in line 11, strike “public” and insert “common”; in line 12, strike “they impose” and after “burden” insert “is imposed”; and strike lines 14 through the period in line 24.

2. On page 3, strike lines 6 through 8 and insert “education which does not impose an unfair and excessive property tax burden.”.

(Signed) Barry L. Reutzell, Chairperson

**SELECT FILE****LEGISLATIVE BILL 959.** E & R amendments found in the Journal on page 710 for the Twenty-Sixth Day were adopted.

Mr. Warner offered the following amendment:

- 1 1. On page 5, after line 26 begin a new paragraph
- 2 to read as follows:
- 3 “Fees paid pursuant to this section shall be
- 4 based upon the size of a boiler as calculated in the American
- 5 Society of Mechanical Engineers minimum national standards.
- 6 In calculating the size of an electrically heated boiler, each
- 7 kilowatt of electric energy provided the boiler at its maximum
- 8 rating shall be considered the equivalent of one square foot
- 9 of heating surface of a fire tube boiler.”.

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

Mr. Maresh offered the following amendment:

1. On page 5 line 20 strike "and"; and after line 20 insert a new subdivision:

"(9) A power steam boiler or other boiler or pressure vessel of a historical nature which is at least thirty years old and has been preserved, restored, or maintained for its historical or heritage value and which is not in general use shall be inspected internally or externally for a fee of twenty dollars for one boiler and \$6 for each additional boiler inspected at the same time; and"; and in line 21 strike "(9)" and insert "(10)".

2. Add the emergency clause.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Laid over at the request of Mr. Warner.

**LEGISLATIVE BILL 765.** Mr. Lamb offered the following amendment:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

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

Messrs. Chronister and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fowler offered the following amendment:

Req. #2174

2 1. Insert a new section as follows:  
3 "Sec. 2. That section 77-3425, Revised Statutes  
4 Supplement, 1979, be amended to read as follows:  
5 77-3425. For purposes of sections 77-3412 to  
6 77-3431, anticipated receipts from state tax sources  
7 shall not include: (1) Receipts from nonrecurring  
8 special grants, loans, or contracts intended to fully or  
9 partially fund special projects or programs or to match  
10 specific federal grants; and (2) funds used to pay for  
11 the first year's implementation of any new program  
12 established by state law and specifically designated as a  
13 new program for purposes of sections 77-3412 to 77-3431,  
14 but such funds shall be included in computing the  
15 combined receipts budget base for each year following the  
16 first year, except that funds used to pay for handicapped

17 programs for handicapped children of less than five years  
 18 of age shall not be included as anticipated receipts from  
 19 state tax sources or be included in computing the  
 20 combined receipts budget base”.

21 2. On page 2, line 17 strike “is” and insert “  
 22 and section 77-3425, Revised Statutes Supplement, 1979,  
 23 are”.

24 3. Renumber remaining sections accordingly.

Mr. Fowler moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Fowler requested a roll call vote on his amendment.

Voting in the affirmative, 25:

|          |            |          |        |          |
|----------|------------|----------|--------|----------|
| Beutler  | Fitzgerald | Johnson  | Maresh | Reutzel  |
| Burrows  | Fowler     | Koch     | Marsh  | Sieck    |
| Chambers | George     | Labeledz | Merz   | Simon    |
| Cope     | Goodrich   | Landis   | Newell | Venditte |
| DeCamp   | Hoagland   | Lewis    | Pirsch | Wesely   |

Voting in the negative, 15:

|         |          |         |        |         |
|---------|----------|---------|--------|---------|
| Carsten | Haberman | Kennedy | Murphy | Stoney  |
| Clark   | Hefner   | Lamb    | Rumery | Vickers |
| Dworak  | Kahle    | Marvel  | Schmit | Warner  |

Present and not voting, 7:

|         |        |        |        |
|---------|--------|--------|--------|
| Barrett | Keyes  | Nichol | Wagner |
| Kelly   | Kremer | Powers |        |

Excused and not voting, 2:

Chronister Cullan

The Fowler amendment was adopted with 25 ayes, 15 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Warner offered the following amendment:

To amend LB 765 in Sec 1 line 5 strike “1980” and re insert “1979” in line 4.

The amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 690.** E & R amendments found in the Journal on page 710 for the Twenty-Sixth Day were adopted.

Laid over at the request of Mr. Lewis.

**LEGISLATIVE BILL 749.** E & R amendment found in the Journal on page 710 for the Twenty-Sixth Day was adopted.

**MR. CLARK PRESIDING**

Mr. Johnson offered the following amendment:

- 1 1. Strike original section 1 and insert the
- 2 following new section:
- 3 "Section 1. When a parent of a minor child
- 4 residing within this state is deceased, divorced, or
- 5 pursuant to a decree of a court of competent jurisdiction
- 6 living separate and apart from his or her spouse, a
- 7 grandparent of such child, who is the natural or adoptive
- 8 parent of the deceased, divorced, or separated parent
- 9 may apply to the district court by petition, application
- 10 for intervention, writ of habeas corpus, or such other
- 11 procedure as may be appropriate to the case, for reasonable
- 12 rights of visitation. Visitation rights to such grandparent
- 13 may be granted to enforce the provisions of an oral or
- 14 written agreement or stipulation of visitation or to
- 15 continue substantial relationships with the grandparent,
- 16 if such visitation rights are in the best interests of the
- 17 child. Court ordered visitation rights to such grandparent
- 18 shall not automatically be terminated by an adoption decree
- 19 if visitation is in the child's best interests. Court
- 20 ordered visitation rights may be modified by the court.
- 21 A court shall allow reasonable attorney's fees and court
- 22 costs to the custodial parent incurred for defending
- 23 against a proceeding under this act, unless the court
- 24 finds that the custodial parent acted in bad faith in deny-
- 25 ing visitation."

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Johnson amendment was adopted with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

Mr. Hoagland offered the following amendment:

- To amend the Johnson Amendment to LB 749 by
- 1 Striking "deceased" in line 4 and in line 8 and

- 2 inserting in line 6 following spouse the following: “and living separate and apart from his or her child”

### **SPEAKER MARVEL PRESIDING**

The Hoagland amendment lost with 9 ayes, 14 nays, 25 present and not voting, and 1 excused and not voting.

Mr. Hefner asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

Mr. Beutler offered the following amendment:

Amendments to Johnson amendment as follows:

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

“Section 1. A grandparent of a child may apply to the district court by petition, application for intervention, writ of habeas corpus, or such other procedure as may be appropriate to the case, for reasonable rights of visitation. Visitation rights to such grandparent may be granted to enforce the provisions of an oral or written agreement or stipulation of visitation or to continue substantial relationships with the grandparent, if such visitation rights are in the best interests of the child. Court ordered visitation rights to such grandparent shall not automatically be terminated by an adoption decree if visitation is in the child’s best interests. Court ordered visitation rights may be modified by the court. A court shall allow reasonable attorney’s fees and court costs to the custodial parent incurred for defending against a proceeding under this act, unless the court finds that the custodial parent acted in bad faith in denying visitation.”.

Mr. Clark 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 Beutler amendment lost with 5 ayes, 15 nays, 27 present and not voting, and 2 excused and not voting.

Mr. Hoagland moved to indefinitely postpone LB 749.

Mr. Nichol moved to suspend the rules, Rule 7, Sec. 3, to consider the indefinitely postpone motion today.

Mr. Nichol moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Nichol motion to suspend the rules lost with 20 ayes, 14 nays, and 15 not voting.

Indefinitely postpone motion pending.

**LEGISLATIVE BILL 631.** Mr. Schmit renewed his pending amendment found in the Journal on page 720.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 601.** E & R amendments found in the Journal on page 711 for the Twenty-Sixth Day were adopted.

Mr. Keyes offered the following amendment:

Req. #2099

2 1. Insert the following new section:

3 "Section 1. That section 16-217, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 16-217. A city of the first class by ordinance  
7 may provide for the removal of elective officers of the  
8 city for misconduct. It may create any office that it  
9 may deem necessary for the good government and interest  
10 of the city, and provide for filling such vacancies as  
11 may occur in any elective office, except the mayor, by  
12 appointment by the mayor with the consent of the council  
13 to hold his or her office for the unexpired term.  
14 Whenever the city council shall fail to consent to any  
15 appointment made hereunder by the mayor by the close of  
16 the second regular council meeting following the  
17 announcement of the appointment, the vacancy shall be  
18 filled by a special election to be held as prescribed by  
19 ordinance in the ward in which such vacancy exists. When  
20 there is a vacancy in the office of the mayor, the  
21 president of the council shall ~~become~~ serve as mayor for  
22 the unexpired term, except that if at least one half of  
23 the previous mayor's term remains and a general election  
24 is to be held more than sixty days from the date of  
25 vacancy a successor shall be elected at the next general  
1 election for the balance of the previous mayor's  
2 unexpired term."

3 2. In the Standing Committee amendment on page  
4 4, line 2 strike "2 to 11" and insert "3 to 12"; and in  
5 line 20 strike "2" and insert "3"; and on page 7,  
6 (section 12) line 10 strike "section" and insert  
7 "sections 16-217 and".

8 3. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 913.** E & R amendment found in the Journal on page 711 for the Twenty-Sixth Day was adopted.

Mr. Burrows withdrew his pending amendment found in the Journal on page 720.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 228.** E & R amendments found in the Journal on page 774 for the Twenty-Eighth Day were adopted.

Mr. Fowler withdrew the pending committee amendments found in the Journal on page 1417, First Session.

Messrs. Cope and Kelly asked unanimous consent to be excused. No objections. So ordered.

Mr. Fowler renewed his pending amendment found in the Journal on page 851.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 228A.** E & R amendment found in the Journal on page 774 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

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

**Correctly Engrossed**

The following bill was correctly engrossed: 863.

(Signed) Don Wesely, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 939A.** By Miscellaneous Subjects Committee:  
Newell, 13th District, Chairman.  
This bill introduced on behalf of: LB 939.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 939, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 877A.** By DeCamp, 40th District.  
This bill introduced on behalf of: LB 877.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 877, Eighty-sixth Legislature, Second Session, 1980.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 232  
February 25, 1980

Re: LB 889

Dear Senator Schmit:

In your letter of February 11, 1980, you enclosed for our review a copy of LB 889, which you described as a bill “. . . designed to remedy the problems created to the Nebraska Commercial Fertilizer and Soil Conditioner Act as a result of the case PPG Industries Canada v. Kreuzscher.” Your question was then set forth as follows:

“We would also like to know if it [LB 889] will require an out-of-state manufacturer of raw products to register in Nebraska. If so, does this violate any of the provisions of the federal constitution?”

We assume, by your use of the term “out-of-state manufacturer,” you are referring to such companies as the producers and marketers of potash and phosphates as were involved in the Nebraska Supreme Court cases of PPG Industries Canada Ltd. v. Kreuzscher, 204 Neb. 220, 281 N.W.2d 762 (1979); Amax Chemical Corp. v. Kreuzscher, 204 Neb. 235, 281 N.W.2d 771 (1979); Ideal Basic Industries, Inc. v. Kreuzscher, 204 Neb. 237, 281 N.W.2d 772 (1979); and Texasgulf, Inc. v. Kreuzscher, 204 Neb. 236, 281 N.W.2d 771 (1979).

As you know, our office represented the former Nebraska Director of Agriculture in both the above referenced appeals to the state Supreme Court, as well as the lower court trials conducted before the District Court of Lancaster County, Nebraska. Because the lower court memorandum and order addresses one of the questions you have raised, we have enclosed a copy of the district court's opinion for your review.

Turning first to your question of whether an out-of-state manufacturer of raw products would be required to register under the provisions of LB 889, we first note that neither the current law, set forth at Neb.Rev.Stat. §§81-2,162.01, et seq. (Reissue, 1976) [as amended, in part, at Neb.Rev.Stat. §§81-2,162.02, et seq. (Cum.Supp. 1978)], nor the provisions of LB 889 places product registration requirements on "manufacturers of raw products." Rather, the product registration provisions set forth at section 81-2,162.03 of both the current law, as well as the proposed legislation, speaks in terms of "distributors" of commercial fertilizers.

The present law, at section 81-2,162.03(1) provides as follows:

"Each commercial fertilizer and soil conditioner shall be registered before being distributed in this state. . . ."

Under LB 889, the above referenced provision is immediately followed by this sentence:

"The distributor who first causes the distribution of the product into or within this state shall be responsible for compliance with the product registration requirements of this section."

As noted by both the Lancaster County District Court and the Nebraska Supreme Court, it is therefore necessary to turn to the legislative definitions of "commercial fertilizer" and "distribute" to understand what products should be registered and by whom.

Under the present law, the term "commercial fertilizer" is defined, at subsection (3) of section 81-2,162.02, as follows:

"Commercial fertilizer shall mean any formula or product distributed, . . . which contains one or more plant nutrients . . . which nutrients are used for their plant nutrient content and are intended to promote plant growth;"

While the district court found that this definition included such products as potash, which is commonly blended with other nutrients to form a "custom blend," the Nebraska Supreme Court interpreted the intent of the Legislature to regulate only "finished products" and not merely raw material ingredients, such as potash. PPG, supra, 204 Neb. at 230.

The proposed legislation, LB 889, adds the following sentence to subsection (3) of section 81-2,162.02:

"The term commercial fertilizer shall not be deemed to include unmanipulated animal and vegetable manures, but shall be deemed to include both finished products and fertilizer ingredients capable of being used in the formulation of a finished product." (Emphasis added.)

The term "distribute" has not been redefined by the proposed legislation. It is defined at section 81-2,162.02(6) as follows:

"Distribute shall mean to offer for sale, sell, barter, or otherwise supply commercial fertilizers or soil conditioners;"

Consequently, this definition, as both the district court and the Nebraska Supreme Court recognized, refers back to the definition of commercial fertilizer.

As we noted above, neither the current law nor the proposed bill identifies the "manufacturer" as the proper party to register the commercial fertilizer, but rather looks to the initial "distributor" for purposes of product registration. Therefore, if the out-of-state manufacturer also markets such products as potash and phosphoric acid in Nebraska, and supplies the same to fertilizer dealers in the state, it would appear that this party, the manufacturer and initial distributor, would be responsible for the product registration requirements of section 81-2,162.03.

Under Section 7 of LB 889, the proposed legislation also amends section 81-2,162.23 of the existing law to require that an out-of-state manufacturer and distributor must register ". . . his or her principal out-of-state office." This amendment, as the legislative history of LB 889 indicates, also appears to be in response to the opinion of the Nebraska Supreme Court which indicated that the court had some difficulty in interpreting the present provisions of section 81-2,162.23, Neb.Rev.Stat. (Reissue, 1976). PPG, *supra*, 204 Neb. at 230.

We have examined the legislative history of LB 889, which indicates that the amendments were intended to require product and firm registration from out-of-state entities who market or distribute commercial fertilizers in Nebraska. In light of the rule that the statute should be interpreted to give effect to such legislative intent, we would advise you that the amendments appear to us to require an out-of-state manufacturer to register its product and its principal office when that manufacturer is also responsible for the initial distribution of the product into or within Nebraska. Pelzer v. City of Bellevue, 198 Neb. 19, 251 N.W.2d 662 (1977); Norden Laboratories, Inc. v. County Board of Equalization, 189 Neb. 437, 203 N.W.2d 152 (1973).

The question we now must consider is whether such a requirement on an out-of-state distributor, engaged in the interstate commerce of commercial fertilizer products, may constitute an impermissible burden on interstate commerce in violation of the federal constitution.

We first note that the Nebraska Supreme Court has recognized that the Nebraska Commercial Fertilizer and Soil Conditioner Act was a consumer protection measure, intended to prevent consumers from being defrauded by manufacturers and distributors of such fertilizer products. PPG, *supra*, 204 Neb. at 229. The amendments to LB 889, as we have previously noted, appear to clearly indicate a legislative determination that the consumer is to be protected by both the regulation of the finished product as well as the primary nutrient such as potash.

As the state district court cited, the case of Patapseo Guano Co. v. North Carolina, 171 U.S. 345, 43 L.Ed. 191, 18 S.Ct. 862 (1898), held that it is within the protective power of the state to provide for the regulation and inspection of products which may be injurious to the population of that state.

We are aware of no overriding federal regulation which would preempt the state from the registration of fertilizer products which are shipped in interstate commerce. In the absence of congressional legislation, there is a "residuum of power in the state to make laws governing matters of local concern which nevertheless in some measures affect interstate commerce or even, to some extent regulate." Southern Pacific Co. v. State of Arizona, 325 U.S. 761, 767, 89 L.Ed. 1915, 65 S.Ct. 1515 (1945). Accordingly, the test by which the validity of state legislation must be measured is set out in Pike v. Bruce Church, Inc., 397 U.S. 137, 142, 25 L.Ed.2d 174, 90 S.Ct. 844 (1970).

"Although the criteria for determining the validity of state statutes affecting interstate commerce have been variously stated, the general rule that emerges can be phrased as follows: Where the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. . . ."

The burden upon commerce would appear to be the filing of two registration forms with the Nebraska Department of Agriculture, and the payment of a nominal fee to the state. In our judgment, this would not constitute an "excessive" burden upon interstate commerce. On the other hand, the guarantee to the state, and all of its citizens, of the precise ingredients and nutrient content of a particular fertilizer would seem to be an important consumer protection measure recognized as

such by the Nebraska courts previously referenced. It should be noted that the state district court did not consider the burden upon interstate commerce excessive, even under the existing law, which was interpreted at that time to require both the product and firm registrations, as well as the payment of tonnage fees to the State Department of Agriculture. LB 889, in contrast, provides that the payment of tonnage fees be made by the local dealer selling directly to the ultimate user.

Consequently, consistent with the position we maintained in our previous representation of the Nebraska Department of Agriculture, and consistent also with the opinion of the state district court, which was the only court ruling on the constitutional question presented, we would advise you that the amendments to LB 889 which require, in some cases, registration by out-of-state distributors, do not appear to exceed the constitutional limitations we have discussed.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General  
Robert F. Bartle  
Assistant Attorney General

(Signed)

RFB:sjr  
Enc.

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kremer asked unanimous consent to print the following amendment to LB 776 in the Journal. No objections. So ordered.

**CORRECTION TO COMMITTEE AMENDMENT TO LB 776**

- 1 1. In the Committee Amendment:
- 2 a. On page 4 line 11 strike the underscored
- 3 period and insert an underscored semicolon; and in
- 4 line 24 strike the underscored semicolon and insert
- 5 an underscored period.
- 6 b. On page 5 line 14 after "buses" insert
- 7 "not to exceed one hundred two inches in width, plus
- 8 additional width for safety devices."
- 9 This correction is offered to correct typo-
- 10 graphical errors made in drafting and processing the
- 11 adopted committee amendment.

Mr. Nichol asked unanimous consent to print the following amendment to LB 499 in the Journal. No objections. So ordered.

## (FINAL READING COPY)

Req. #2175

- 2 1. On page 2 in lines 1 and 12 after "of" insert  
 3 "sections 1 to 20 of".
- 4 2. On page 3 line 12 after "in" insert "sections  
 5 1 to 20 of"; in line 14 after "to" insert "sections 1 to  
 6 20 of; and in line 15 after "of" insert "sections 1 to  
 7 20 of".
- 8 3. On page 4 line 24 after "by" insert "sections  
 9 1 to 20 of".
- 10 4. On page 5 line 17 after "out" insert  
 11 "sections 1 to 20 of"; in line 20 after "by" insert  
 12 "sections 1 to 20 of"; and in line 27 after "of" insert  
 13 "sections 1 to 20 of".
- 14 5. On page 6 line 3 after "under" insert  
 15 "sections 1 to 20 of"; in line 14 after "of" insert  
 16 "sections 1 to 20 of"; and in lines 16 and 18 strike  
 17 "This" and insert "Sections 1 to 20 of this".
- 18 6. Insert the following new sections:  
 19 "Sec. 21. That section 77-3424, Revised  
 20 Statutes Supplement, 1979, be amended to read as follows:  
 21 77-3424. For the purposes of sections 77-3412 to  
 22 77-3431, anticipated receipts from local tax sources  
 23 shall not include: (1) Receipts for any fund used for  
 24 retiring, refunding, or servicing bonded indebtedness;  
 25 (2) funds used to pay for the first year's implementation  
 1 of any new program established by state law and  
 2 specifically designated as a new program for the purposes  
 3 of sections 77-3412 to 77-3431, but such funds shall be  
 4 included in computing the combined receipts budget base  
 5 for each year following the first year; (3) receipts from  
 6 the increased tax levied or caused to be levied pursuant  
 7 to the authority granted under section 77-3428; (4)  
 8 receipts from any tax levied pursuant to section  
 9 79-506.01; (5) receipts from any tax levied pursuant to  
 10 section 10 of this act; and ~~(5)~~ (6) funds used for  
 11 payment of employer contributions for the provisions of  
 12 the Federal Insurance Contributions Act, fuel for any  
 13 purpose, and electricity which are in excess of one  
 14 hundred seven per cent of the amount budgeted in the  
 15 immediately preceding fiscal year for such items.  
 16 Sec. 22. That original section 77-3424, Revised  
 17 Statutes Supplement, 1979, is repealed."
- 18 7. In the title in line 8 strike "and"; and  
 19 after "termination" insert "; to amend section 77-3424,  
 20 Revised Statutes Supplement, 1979; to exclude certain  
 21 receipts from being included as local tax sources; and to

- 22 repeal the original section".  
23 8. Add underscoring to bill.

Mr. Schmit asked unanimous consent to print the following amendment to LB 848 in the Journal. No objections. So ordered.

1. Page 7, delete section 4 of the bill.
2. Page 19, line 12, delete "fifteen" and insert "ten".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 848 in the Journal. No objections. So ordered.

(1)

1. Page 9, line 17, delete new material and reinstate old material.
2. Page 9, line 25, delete "and fifty".
3. Page 19, line 12, delete "fifteen" and insert "ten".

(2)

1. Add new sections 21, 22, 23, 24, 25, 26 and 27 as follows:

Section 21. It is the declared policy of the State of Nebraska that it is necessary to regulate and control the retail sale of alcoholic liquors within the state to foster temperance in the consumption of alcoholic liquors, prevent abuses that result from the sale of alcoholic liquors, and generate needed respect for and obedience to the law. An overabundance of retail outlets makes it difficult to achieve these ends and it is deemed necessary to limit the number of alcoholic liquor retail outlets throughout the State of Nebraska. To promote the health, safety, and welfare of the citizens of the state and an orderly retail market of alcoholic liquor sales, it is necessary that legislation be enacted to limit the number of retail alcoholic liquor outlets in each county in the state.

Sec. 22. After the effective date of this act, the maximum number of retail alcoholic liquor licenses to be issued within any single county shall be limited to one license for each one thousand two hundred inhabitants of the county. The population of each county shall be determined by the most recent federal decennial census at the time application for any retail alcoholic liquor licenses shall be in the force in any single county on the effective date of this act than would be permissible under this section, such greater number shall be the maximum number of retail alcoholic liquor licenses in the county.

Sec. 23. Whenever a retail alcoholic liquor license is revoked, surrendered, cancelled, or not renewed, the number of existing licenses shall be reduced by the licenses revoked, surrendered, cancelled, or not renewed until the number of licenses is equal to one retail alcoholic liquor license for every one thousand two hundred

inhabitants of the county. No new retail alcoholic liquor license shall be issued until the number of licenses is less than one retail liquor license for every one thousand two hundred inhabitants of the county.

Sec. 24. The limitation on the maximum number of retail alcoholic liquor licenses allowed under this act shall not apply so as to deny any city, village, or county from having at least one retail alcoholic liquor license.

Sec. 25. Whenever any retail licensee has not requested or taken the proper action to renew his or her alcoholic liquor license for the next licensing period pursuant to any law or rule or regulation established by the Nebraska Liquor Control Commissioner, the commission shall not grant any type of retail alcoholic liquor license to such former licensee. All retail alcoholic liquor licenses not renewed shall lapse and shall be null and void.

Sec. 26. The Nebraska Liquor Control Commission may recommend approval of the granting of a license to a former licensee if the licensee files an application for a retail alcoholic liquor license within the first licensing period immediately following the licensing period during which the licensee held a current and outstanding retail alcoholic liquor license.

Sec. 27. Nothing in this act shall operate to prevent the issuance of a new license to a bona fide purchaser of the business assets and inventory of an existing licensee to a club, restaurant, or hotel, as defined by section 53-103, Reissue Revised Statutes of Nebraska, 1943, or to prevent the annual renewal of any license in effect on the effective date of this act.

Renumber sections accordingly.

## NOTICE OF COMMITTEE HEARINGS

### Rules

Monday, March 3, 1980

12:00 p.m.

Proposed rule changes by Senator Warner

Rule 6, Section 3(b) (Journal p. 406)

Rule 6, Section 3(h) (Journal p. 406)

Rule 7, Section 3(b) (Journal p. 407)

Proposed rule changes by Senator Beutler

Rule 3, Revamp, Section 14(c) (Journal p. 498)

Rule 3, Revamp, Section 19 (Journal p. 498)

Proposed rule change by Senator Lewis

Rule 3, Section 18 (Journal p. 692)

(Signed) Steve Fowler, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 205.**

Introduced by Nichol, 48th District; Dworak, 22nd District; Barrett, 39th District; Burrows, 30th District; Merz, 1st District.

WHEREAS, Nebraska high school athletic programs and competitions have proven to be a source of fulfillment and education to the athletes and coaches, and also a source of entertainment and enjoyment to the citizens of this State; and

WHEREAS, the 1980 State High School Championship Wrestling Meet was held at the Bob Devaney Sports Center in Lincoln, Nebraska this February; and

WHEREAS, the state wrestling champion for Class A was Columbus, for Class B was Gering, for Class C was Wymore Southern, and for Class D was Elm Creek.

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

1. That this Legislature congratulates and commends each member of all the participating wrestling teams, and especially the championship teams of Columbus, Gering, Wymore Southern, and Elm Creek, Nebraska.

2. That the Clerk of the Legislature send a copy of this resolution to the wrestling coaching staff of each of the championship teams.

Laid over.

**VISITORS**

Visitors to the Chamber were 21 sixth through eighth grade students and principal from Christ Lutheran School, Juniata; 40 junior 4-H leaders from Washington and Cuming Counties, Debra Schroeder, Cuming County Home Agent; Miss Anna Rzewnicki of West Point.

**ADJOURNMENT**

At 12:05 p.m., on a motion by Mr. Simon, the Legislature adjourned until 9:00 a.m., Wednesday, February 27, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SECOND DAY - FEBRUARY 27, 1980**  
**LEGISLATIVE JOURNAL**

**THIRTY-SECOND DAY - FEBRUARY 27, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 27, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Deliver us, O God, from imagining that because we have expressed our opinion we have fulfilled our duty. Help us not only to speak, but to listen; not only to come up with quick answers, but to ask the right questions; not only to advocate sweeping solutions, but to do the plodding work that gets the job done. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Burrows, Haberman, Koch, Lewis, Newell, Powers, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-First Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 622.** Placed on Select File as amended. E & R amendment to LB 622:

1. In the title, line 2, strike "and 42-366" and insert ", 42-366, and 42-371"; and in line 6 insert "to clarify a provision for release of liens;" after the semicolon.

**LEGISLATIVE BILL 666.** Placed on Select File.

**LEGISLATIVE BILL 660.** Placed on Select File as amended.  
E & R amendment to LB 660:

1. In the title, line 2, strike "amend" and insert "repeal"; and insert a period after "class" in line 4 and strike the remainder of the title.

**LEGISLATIVE BILL 280.** Placed on Select File.

**LEGISLATIVE BILL 893.** Placed on Select File as amended.  
E & R amendment to LB 893:

1. In the title, line 4, insert ", associate brokers, and salespersons" after "brokers"; in line 6 strike "and"; and in line 7, insert "; and to declare an emergency" after "section".

**LEGISLATIVE BILL 646.** Placed on Select File as amended.  
E & R amendment to LB 646:

1. On page 3, line 26, strike "and".

(Signed) Don Wesely, Chairperson

#### ATTORNEY GENERAL'S OPINION

Opinion No. 234  
February 25, 1980

Dear Senator Carsten:

You have asked our opinion as to the constitutional validity of LB 882. This bill would abolish the Personal Property Tax Relief Fund, established by section 77-202.30, R.R.S. 1943, and the provisions providing for the distribution of that fund, and would create the Local Government Revenue Fund, and provide for its distribution. In an opinion of this office dated June 15, 1978, Report of the Attorney General, 1977-1978, page 394, we expressed grave concern about the validity of the method of distributing the Personal Property Tax Relief Fund. LB 882 is, as we understand it, an attempt to correct some of the problems we discussed in that opinion.

Section 3 of LB 882 provides that the Tax Commissioner shall determine the amount distributed to each county during fiscal year 1979-1980 from the Personal Property Tax Relief Fund, and shall determine what percentage of the amount distributed from that fund each county receives. That section then provides that during fiscal year 1980-1981 each county shall receive that same percentage from the Local Government Revenue Fund. For ensuing years each county is to receive the same amount it received the preceding year plus ten percent of the change in the total amount of general taxes levied in

that county. Section 2 of the bill says that it is the intent of the Legislature each year to appropriate to the fund an amount equal to the amount appropriated the prior year, plus ten percent of the change in general taxes levied in the various counties.

Section 3 of the bill also provides that if in any year the appropriation is insufficient to pay the counties in full, the fund shall be prorated among the counties.

The money received by each county is to be distributed by the county to itself and other taxing entities in the county in the proportion that the property taxes levied by each taxing entity bear to the total property taxes levied in the county.

LB 882 corrects some of the problems we saw with respect to the distribution of the Personal Property Tax Relief Fund. The distribution of the money to the taxing entities within the county under LB 882 has a rational basis, and can be defended, whereas we do not feel that the distribution within the county of the Personal Property Tax Relief Fund can be.

Very serious problems remain, however, in the distributions to the counties. The distribution in 1980-1981 is to be in the same percentage as distributed in 1979-1980. The distribution in 1979-1980 was based upon losses by reason of personal property exemptions in each county in 1976, plus supposed losses in 1974 due to the freeport exemption under section 77-1226.01. There may be some question as to the propriety of the basis for the 1979-1980 distributions, and there is now pending a suit challenging those distributions. If the 1979-1980 distributions were based upon unreasonable classifications, as is contended in that suit, it may be difficult to sustain another year's distribution upon that shaky foundation.

However, let us assume the validity of the 1979-1980 distribution. LB 882 contemplates appropriating enough money for each year in the future to pay to each county the amount paid the previous year plus ten percent of the increase in property taxes. The amount paid to each county in 1979-1980 furnishes the starting point for that county. Assuming the Legislature adheres to its plan, and assuming that a county does not in any year reduce the taxes it levied the preceding year, the amount it receives may be regarded as being divided into two pots. Each year, indefinitely into the future, one of those pots will contain the same amount of money that county received in 1980-1981, which was based on the amount it received in 1979-1980, which, in turn, was based on that county's losses because of personal property tax exemptions in 1976 and freeport exemptions in 1974. So long as the Legislature appropriates the amount it says it plans to, and so long as the total amount of taxes levied in the county does not fall, that amount will be fixed.

The other pot will contain ten percent of the cumulative increases in taxes levied in the county starting with fiscal year 1980-1981. This amount will vary, but will not affect the amount in the first pot. The fact that both of the pots will be lumped together and the county will get one check does not alter the fact that the amount in the first pot will be frozen, perhaps forever, at the 1980-1981 figure.

We believe we have a classification question here. The State Treasurer could, at this moment, we suppose, make up a list of the 93 counties, showing exactly how much each has, or will, receive from the Personal Property Tax Relief Fund in 1979-1980, and could calculate the amount each county would receive from the Local Government Revenue Fund in 1980-1981. In a sense, then, each county constitutes a separate class, county A being in the class which gets \$1,186,932.50, and county B being in the class which gets \$834,675.25.

In 1981-1982, and forever into the future, assuming the Legislature appropriates the full amount required, each county will stay in the same class, so far as its basic "pot" is concerned. It will get neither more nor less, regardless of any change of circumstances, at least so long as its tax levies do not decrease. Variations in the amount of the second pot will not effect the amount in the first pot.

Our court has for many years held frozen classes to be in violation of Article III, section 18 of the Nebraska Constitution. In State v. Kelso, 92 Neb. 628, 139 N.W. 226 (1912), the court said:

"The rule appears to be settled by an almost unbroken line of decisions that a classification which limits the application of the law to present condition, and leaves no room or opportunity for an increase in the numbers of the class by future growth or development, is special, and a violation of the clause of the constitution above quoted. It follows that the limitation in the act to all county seats which had existed for ten successive years at the time of the passage of the act, and not permitting the rule to be applied to other counties, is equivalent to the naming of the county seats of that class, and is therefore void. . . ."

Other cases which have invalidated acts freezing classes at the time of the passage of the act are State v. Scott, 70 Neb. 685, 100 N.W. 812 (1904); Axberg v. City of Lincoln, 141 Neb. 55, 2 N.W.2d 613, 141 A.L.R. 894 (1942); and City of Scotts Bluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970). See, also, 16A Am.Jur.2d, Constitutional Law, §§ 751 and 757.

Our attention has been called to Leonardson v. Moon, 92 Idaho 796, 451 P.2d 542 (1969). On the facts, it could be in point, because it, too, appears to create a frozen class, and the act was sustained. However, the parties did not attack the classification on that basis,

but on the basis that it was based on arbitrary unequal ratios of assessments and levies within the taxing districts. The court discussed the issue on the basis argued by the parties. Even if we felt that our court would be influenced by an Idaho decision which we do not feel could be squared with Nebraska precedents, we do not feel the court would be greatly swayed by a decision which did not discuss the vital issue.

We also recognize that the picture can be made more confusing and obscure if the Legislature fails to appropriate enough money to pay the counties in full, or if some of the tax levies for some of the counties fall. We will not lengthen this opinion by exploring all those possible ramifications. In any event, the effect of the amount received by each county in 1979-1980 will be carried into the future indefinitely, regardless of changed conditions. We believe the propriety of this is very questionable.

There is also a question of whether the amount received by the counties in a preceding year is a proper basis for classification, in any event. If it is, it would appear that the Legislature might, if it wished, perpetuate the status quo indefinitely by each year allocating to the counties the same amount or percentage as they received in the preceding year, long after the original basis for the allocation had disappeared.

Also, we point out that the basis of the 1979-1980 distributions was 1976 and 1974 losses to the counties because of personal property exemptions. LB 882 does not provide for reimbursement of such losses, and, indeed, cannot, because the current amount of such losses is unascertainable. LB 882 simply provides for state aid to political subdivisions. A legitimate question could be raised as to whether past losses because of exemptions is a reasonable basis for state aid to political subdivisions, particularly since the money is distributed in the counties on an entirely different basis.

In summary, LB 882 is an improvement on the present law, in that distribution within the counties is made on a defensible basis. The distributions to the counties, however, would, we believe, be hard to defend.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
Ralph H. Gillan  
Assistant Attorney General

(Signed)

RHG:smb

cc: Mr. Patrick O'Donnell  
Clerk of the Legislature

**REPORTS**

Received copies of Actuarial Valuations from the Public Employees Retirement Board for the following retirement systems: Nebraska State Patrol, Nebraska Judges, Nebraska Schools, Nebraska State Employees, and Nebraska County Employees. (Filed in the Clerk's Office.)

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 496.**

A BILL FOR AN ACT to amend section 8-1111, Revised Statutes Supplement, 1978, relating to securities; to provide additional exclusions; 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?'"

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 23:

|            |        |        |         |          |
|------------|--------|--------|---------|----------|
| Cope       | Kahle  | Landis | Nichol  | Stoney   |
| Fitzgerald | Kelly  | Lewis  | Reutzel | Venditte |
| George     | Keys   | Maresh | Rumery  | Vickers  |
| Goodrich   | Labedz | Marsh  | Schmit  |          |
| Hefner     | Lamb   | Merz   | Sieck   |          |

Voting in the negative, 21:

|            |        |          |        |        |
|------------|--------|----------|--------|--------|
| Barrett    | Clark  | Hoagland | Murphy | Wesely |
| Beutler    | Cullan | Johnson  | Pirsch |        |
| Carsten    | DeCamp | Kennedy  | Simon  |        |
| Chambers   | Dworak | Kremer   | Wagner |        |
| Chronister | Fowler | Marvel   | Warner |        |

Excused and not voting, 5:

|         |          |      |        |        |
|---------|----------|------|--------|--------|
| Burrows | Haberman | Koch | Newell | Powers |
|---------|----------|------|--------|--------|

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

**LEGISLATIVE BILL 645.** With Emergency.

A BILL FOR AN ACT to amend section 31-436, Reissue Revised Statutes of Nebraska, 1943, relating to drainage districts; to provide for additional means of dissolution; to provide for a contract as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marvel  | Simon    |
| Beutler    | Fitzgerald | Kennedy  | Merz    | Stoney   |
| Carsten    | Fowler     | Kremer   | Murphy  | Venditte |
| Chambers   | George     | Labeledz | Nichol  | Vickers  |
| Chronister | Goodrich   | Lamb     | Pirsch  | Wagner   |
| Clark      | Hefner     | Landis   | Reutzel | Warner   |
| Cope       | Hoagland   | Lewis    | Rumery  | Wesely   |
| Cullan     | Johnson    | Maresh   | Schmit  |          |
| DeCamp     | Kahle      | Marsh    | Sieck   |          |

Voting in the negative, 0.

Present and not voting, 1:

Keyes

Excused and not voting, 5:

|         |          |      |        |        |
|---------|----------|------|--------|--------|
| Burrows | Haberman | Koch | Newell | Powers |
|---------|----------|------|--------|--------|

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 663.**

A BILL FOR AN ACT to amend section 48-1304, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Equal Opportunity for Displaced Homemakers Act; to remove a restriction on the number of service centers; to continue the act; and to repeal the original section, and also section 48-1308, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | DeCamp     | Kahle   | Lewis   | Schmit  |
| Beutler    | Fitzgerald | Kelly   | Maresh  | Sieck   |
| Burrows    | Fowler     | Kennedy | Marsh   | Simon   |
| Carsten    | George     | Keyes   | Marvel  | Stoney  |
| Chambers   | Goodrich   | Kremer  | Merz    | Vickers |
| Chronister | Hefner     | Labedz  | Pirsch  | Wagner  |
| Clark      | Hoagland   | Lamb    | Reutzel | Warner  |
| Cope       | Johnson    | Landis  | Rumery  | Wesely  |

Voting in the negative, 4:

Cullan Dworak Murphy Venditte

Present and not voting, 1:

Nichol

Excused and not voting, 4:

Haberman Koch Newell Powers

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

**LEGISLATIVE BILL 681.** Mrs. Marsh moved to return LB 681 to Select File for the following specific amendment:

(FINAL READING)

Req. #2176

2 1. Insert a new section to read:  
3 "Sec. 2. That section 71-627.02, Reissue  
4 Revised Statutes of Nebraska, 1943, be amended to read as  
5 follows:  
6 71-627.02. ~~Whenever~~ Upon receipt of a certified  
7 copy of a decree of adoption is entered in issued by any  
8 court of competent jurisdiction in the State of Nebraska,  
9 as to any foreign-born child, the Director of Health  
10 through the Bureau of Vital Statistics shall prepare a  
11 birth certificate in the new name of the adopted person.  
12 The birth certificate shall show specifically (1) the new  
13 name of the adopted person, (2) the date of birth and sex  
14 of the adopted person, (3) statistical information  
15 concerning the adoptive parents in place of the natural

16 parents, and (4) the true or probable place of birth  
 17 ~~including the city or town and country. judge of the~~  
 18 ~~court entering such decree shall inform the adoptive~~  
 19 ~~parents of the procedure to be followed in obtaining a~~  
 20 ~~Certification of Birth from the Authentication Officer,~~  
 21 ~~United States Department of State or a Certification of~~  
 22 ~~Birth Data from the United States Immigration and~~  
 23 ~~Naturalization Service, as the case may be. It shall be~~  
 24 ~~the duty of the Director of Health, through the Bureau of~~  
 25 ~~Vital Statistics, to disseminate the necessary~~  
 1 ~~information to all courts of this state having~~  
 2 ~~jurisdiction over adoptions.”.~~

3 2. Renumber sections 2 and 3 as sections 3 and  
 4 4.

5 3. On page 2, line 22, strike “section 43-107”  
 6 and insert “sections 43-107 and 71-627.02”; and in line  
 7 23 strike “is” and insert “are”.

8 4. In the title, line 2, insert “relating to  
 9 adoptions; to” after “to” and strike “section 43-107” and  
 10 insert “sections 43-107 and 71-627.02”; in lines 3 and 4  
 11 strike “, relating to adoptions”; in line 5 insert “to  
 12 provide the contents of an adoptive birth certificate;”  
 13 after the semicolon; and in line 6, strike “section” and  
 14 insert “sections”.

The motion prevailed with 29 ayes, 4 nays, 13 present and not voting,  
 and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 681.** The Marsh specific amendment found in  
 this day’s Journal was adopted with 30 ayes, 2 nays, 14 present and  
 not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 747.

A BILL FOR AN ACT to amend sections 84-1206 and 84-1215,  
 Reissue Revised Statutes of Nebraska, 1943, and sections 84-1202,  
 84-1213, and 84-1223, Revised Statutes Supplement, 1979, relating to  
 the Records Management Act; to redefine terms; to provide duties; to  
 change provisions relating to public officials; to encourage certain  
 papers be offered for preservation; to provide interpretation; 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, 27:

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Burrows    | Fitzgerald | Landis | Powers  | Venditte |
| Chronister | Fowler     | Lewis  | Reutzel | Warner   |
| Clark      | Goodrich   | Marsh  | Rumery  | Wesely   |
| Cope       | Johnson    | Merz   | Schmit  |          |
| DeCamp     | Keyes      | Newell | Sieck   |          |
| Dworak     | Labedz     | Nichol | Simon   |          |

Voting in the negative, 17:

|         |          |         |        |         |
|---------|----------|---------|--------|---------|
| Barrett | Hefner   | Kennedy | Marvel | Vickers |
| Beutler | Hoagland | Kremer  | Murphy |         |
| Carsten | Kahle    | Lamb    | Pirsch |         |
| Cullan  | Kelly    | Maresh  | Stoney |         |

Present and not voting, 3:

Chambers George Wagner

Excused and not voting, 2:

Haberman Koch

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

#### **LEGISLATIVE BILL 748.**

A BILL FOR AN ACT to amend section 21-608, Revised Statutes Supplement, 1979, relating to corporations; to declare the Nebraska Council of Home Extension Clubs to be a corporation; and to repeal the original section.

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

Voting in the affirmative, 45:

|         |            |        |            |          |
|---------|------------|--------|------------|----------|
| Barrett | Carsten    | Clark  | Dworak     | Goodrich |
| Beutler | Chambers   | Cope   | Fitzgerald | Hefner   |
| Burrows | Chronister | Cullan | Fowler     | Hoagland |

|         |        |        |         |          |
|---------|--------|--------|---------|----------|
| Johnson | Labedz | Marvel | Powers  | Stoney   |
| Kahle   | Lamb   | Merz   | Reutzel | Venditte |
| Kelly   | Landis | Murphy | Rumery  | Vickers  |
| Kennedy | Lewis  | Newell | Schmit  | Wagner   |
| Keyes   | Maresh | Nichol | Sieck   | Warner   |
| Kremer  | Marsh  | Pirsch | Simon   | Wesely   |

Voting in the negative, 0.

Present and not voting, 2:

DeCamp      George

Excused and not voting, 2:

Haberman      Koch

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

#### **LEGISLATIVE BILL 759.**

A BILL FOR AN ACT to direct the Governor to enter into a compact with Iowa, Missouri, and Kansas to develop the Missouri River for more barge traffic and to promote the use of barges on the Missouri River.

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

Voting in the affirmative, 46:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Dworak     | Kennedy | Merz    | Simon   |
| Beutler    | Fitzgerald | Keyes   | Murphy  | Stoney  |
| Burrows    | Fowler     | Kremer  | Newell  | Vickers |
| Carsten    | George     | Labedz  | Nichol  | Wagner  |
| Chambers   | Goodrich   | Lamb    | Pirsch  | Warner  |
| Chronister | Hefner     | Landis  | Powers  | Wesely  |
| Clark      | Hoagland   | Lewis   | Reutzel |         |
| Cope       | Johnson    | Maresh  | Rumery  |         |
| Cullan     | Kahle      | Marsh   | Schmit  |         |
| DeCamp     | Kelly      | Marvel  | Sieck   |         |

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Excused and not voting, 2:

Haberman Koch

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

**LEGISLATIVE BILL 764.**

A BILL FOR AN ACT to amend sections 43-606 and 79-4,102, Reissue Revised Statutes of Nebraska, 1943, relating to handicapped pupils; to provide for educating handicapped high school age pupils as prescribed; to provide for state reimbursement; 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:

|            |          |         |         |          |
|------------|----------|---------|---------|----------|
| Barrett    | DeCamp   | Kennedy | Marvel  | Sieck    |
| Beutler    | Fowler   | Keyes   | Merz    | Simon    |
| Burrows    | George   | Kremer  | Newell  | Stoney   |
| Carsten    | Goodrich | Labedz  | Nichol  | Venditte |
| Chambers   | Hefner   | Lamb    | Pirsch  | Vickers  |
| Chronister | Hoagland | Landis  | Powers  | Wagner   |
| Clark      | Johnson  | Lewis   | Reutzel | Warner   |
| Cope       | Kahle    | Maresh  | Rumery  | Wesely   |
| Cullan     | Kelly    | Marsh   | Schmit  |          |

Voting in the negative, 1:

Dworak

Present and not voting, 2:

Fitzgerald Murphy

Excused and not voting, 2:

Haberman Koch

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

**MR. CLARK PRESIDING**

**NOTICE OF COMMITTEE HEARING**  
**Committee on Committees**

February 27, 1980

The Committee on Committees will meet at 12:10 p.m. on Wednesday, March 5, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing appointments or reappointments as follows:

Ron Elmshauer  
Public Employees Retirement Board  
Bernard R. Gyger  
Advisory Committee for Public Welfare,  
Institutions and Corrections  
Berton Leavitt  
Commission for the Hearing Impaired  
Duane Mines, RP  
State Board of Health  
Dr. George Propp  
Commission for the Hearing Impaired  
Wayne Sides  
State Electrical Board  
G. Herbert Seberg, DDS  
State Board of Health

(Signed) Shirley Marsh, Chairperson

**MOTION - Reconsider Action on LB 496**

Mr. DeCamp moved to reconsider action on Final Reading of LB 496.

Motion pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Fowler asked unanimous consent to print the following amendment to LB 986 in the Journal. No objections. So ordered.

- 1 1. On page 2 strike beginning with "1974" in  
2 line 19 through "legislation" in line 20, show the old  
3 matter as stricken and insert "1977".  
4 2. On page 5, line 25 after the first comma  
5 insert "public"; and in lines 25 and 26 strike "pedestrian  
6 shopping malls or plazas,".  
7 3. Insert a new section as follows:  
8 "Sec. 4. A redevelopment authority shall relocate  
9 or provide assistance in the relocation of individuals,  
10 families, and businesses occupying premises acquired for  
11 a redevelopment project pursuant to the procedures described  
12 in sections 76-1201 to 76-1213. In the event any housing  
13 units are eliminated by a redevelopment project the rede-  
14 velopment plan for any such project shall include plans  
15 for equivalent replacement housing units elsewhere in the  
16 community.".  
17 4. Renumber original sections 4 and 5 as sections  
18 5 and 6 respectively.

**STANDING COMMITTEE REPORT**  
**Constitutional Revision and Recreation**

**LEGISLATIVE BILL 653.** Indefinitely postponed.

(Signed) Barry L. Reutzel, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Murphy asked unanimous consent to print the following amendment to Req. #1586 in the Journal. No objections. So ordered.

Amend Section 28

Insert (a)

Add new subsection (b)

Each taxpayer in this state shall receive a statement from the tax commissioner stating that their sales tax liability is hereby increased by one and one-half cents for the purpose of funding this act. Such statement shall be accompanied by a list of the names of those legislators who supported this tax increase.

**MOTION - Introduce Bill**

Mr. Nichol moved the introduction of a new bill by the Law Enforcement and Justice Advisory Committee (Req. #1598).

**SPEAKER MARVEL PRESIDING**

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Mr. Kelly requested a record vote on the Nichol motion to introduce the new bill.

Voting in the affirmative, 30:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Goodrich | Labeledz | Nichol  | Simon    |
| Chronister | Hoagland | Lewis    | Pirsch  | Stoney   |
| Cope       | Johnson  | Maresh   | Powers  | Venditte |
| DeCamp     | Kahle    | Merz     | Reutzel | Wagner   |
| Fitzgerald | Kelly    | Murphy   | Rumery  | Warner   |
| George     | Kremer   | Newell   | Sieck   | Wesely   |

Voting in the negative, 8:

|         |          |        |        |
|---------|----------|--------|--------|
| Burrows | Chambers | Hefner | Landis |
| Carsten | Cullan   | Lamb   | Marsh  |

Present and not voting, 9:

|         |        |         |        |         |
|---------|--------|---------|--------|---------|
| Beutler | Dworak | Kennedy | Marvel | Vickers |
| Clark   | Fowler | Keyes   | Schmit |         |

Excused and not voting, 2:

Haberman Koch

The motion prevailed with 30 ayes, 8 nays, 9 present and not voting, and 2 excused and not voting.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 991.** By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Wagner, 41st District; Chronister, 18th District; Venditte, 7th District; Stoney, 4th District; Pirsch, 10th District. This bill introduced on behalf of: Parents of Nebraska.

A BILL FOR AN ACT to amend sections 28-101 and 28-431, Revised Statutes Supplement, 1978, relating to drugs and narcotics; to define a term; to prohibit the sale and use of drug paraphernalia as prescribed;

to provide a penalty; to provide duties for the Revisor of Statutes; to provide for severability; and to repeal the original sections.

**MOTION - Reconsider Action on LB 612**

Mr. DeCamp renewed his pending motion found in the Journal on page 783 to reconsider action on the motion to indefinitely postpone LB 612.

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. DeCamp requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 21:

|            |          |        |          |         |
|------------|----------|--------|----------|---------|
| Burrows    | George   | Lewis  | Powers   | Vickers |
| DeCamp     | Hoagland | Merz   | Reutzel  |         |
| Dworak     | Johnson  | Newell | Schmit   |         |
| Fitzgerald | Labeledz | Nichol | Simon    |         |
| Fowler     | Landis   | Pirsch | Venditte |         |

Voting in the negative, 22:

|          |          |         |        |        |
|----------|----------|---------|--------|--------|
| Barrett  | Cope     | Kennedy | Marvel | Warner |
| Beutler  | Cullan   | Kremer  | Rumery | Wesely |
| Carsten  | Goodrich | Lamb    | Sieck  |        |
| Chambers | Hefner   | Maresh  | Stoney |        |
| Clark    | Kahle    | Marsh   | Wagner |        |

Present and not voting, 4:

|            |       |       |        |
|------------|-------|-------|--------|
| Chronister | Kelly | Keyes | Murphy |
|------------|-------|-------|--------|

Excused and not voting, 2:

Haberman Koch

The motion to reconsider lost with 21 ayes, 22 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

### GENERAL FILE

**LEGISLATIVE BILL 276.** Title read. Considered.

Standing Committee amendments (Req. #2153) printed separate and referred to in the Journal on page 789 for the Twenty-Eighth Day and additional Standing Committee amendments found in the Journal on page 823 (Req. # 2166) were considered.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. Johnson offered the following amendment to the Standing Committee amendments:

Amend Section 4 of Req. 2153, LB 276, by striking "aggregate" in line 7, page 5, by striking "twenty-five" in line 8, page 5 and reinserting "one hundred" in such line and by striking the new material in lines 9 and 10, page 5.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. Johnson moved for a Call of the House. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Mr. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 17:

|          |          |        |         |        |
|----------|----------|--------|---------|--------|
| Burrows  | Hoagland | Lamb   | Reutzel | Wesely |
| Chambers | Johnson  | Maresh | Simon   |        |
| Fowler   | Kahle    | Newell | Stoney  |        |
| Hefner   | Koch     | Pirsch | Warner  |        |

Voting in the negative, 27:

|            |        |          |        |        |
|------------|--------|----------|--------|--------|
| Barrett    | Cope   | Goodrich | Lewis  | Nichol |
| Beutler    | Cullan | Kelly    | Marsh  | Powers |
| Carsten    | DeCamp | Kremer   | Marvel | Rumery |
| Chronister | Dworak | Labeledz | Merz   | Schmit |
| Clark      | George | Landis   | Murphy | Sieck  |

Vickers Wagner

Present and not voting, 1:

Fitzgerald

Excused and not voting, 3:

Haberman Kennedy Venditte

Absent and not voting, 1:

Keyes

The Johnson amendment lost with 17 ayes, 27 nays, 1 present and not voting, 3 excused and not voting, and 1 absent and not voting.

Mr. Keyes asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis offered the following amendment to the Standing Committee amendments:

On page 14 line 2 of Req. 2153 to reinstate the stricken "eighteen" and strike the new language "nineteen".

Mr. DeCamp moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. DeCamp requested a roll call vote on the Landis amendment.

Voting in the affirmative, 22:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Beutler    | Hoagland | Maresh | Powers  | Vickers |
| Burrows    | Johnson  | Marsh  | Reutzel | Wesely  |
| Chambers   | Kelly    | Marvel | Sieck   |         |
| Fitzgerald | Lamb     | Newell | Simon   |         |
| Fowler     | Landis   | Pirsch | Stoney  |         |

Voting in the negative, 21:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Barrett    | DeCamp   | Koch     | Murphy | Warner |
| Carsten    | Dworak   | Kremer   | Nichol |        |
| Chronister | Goodrich | Labeledz | Rumery |        |
| Cope       | Hefner   | Lewis    | Schmit |        |
| Cullan     | Kahle    | Merz     | Wagner |        |

Present and not voting, 1:

George

Excused and not voting, 4:

Haberman    Kennedy    Keyes    Venditte

Absent and not voting, 1:

Clark

The Landis amendment was adopted with 22 ayes, 21 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

- 1        1. In the Committee Amendments (White copy
- 2    Req. 2153) page 4, in line 11, strike the second comma
- 3    and show as stricken; strike line 12, show the old
- 4    matter as stricken; and in line 13 strike "annum" and
- 5    the comma, and show as stricken.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|         |          |          |        |         |
|---------|----------|----------|--------|---------|
| Carsten | Goodrich | Kremer   | Nichol | Sieck   |
| Clark   | Hefner   | Labeledz | Powers | Vickers |
| Cope    | Kahle    | Maresh   | Rumery |         |
| George  | Koch     | Marsh    | Schmit |         |

Voting in the negative, 25:

|            |            |          |         |        |
|------------|------------|----------|---------|--------|
| Barrett    | Cullan     | Hoagland | Marvel  | Simon  |
| Beutler    | DeCamp     | Johnson  | Merz    | Stoney |
| Burrows    | Dworak     | Kelly    | Newell  | Wagner |
| Chambers   | Fitzgerald | Lamb     | Pirsch  | Warner |
| Chronister | Fowler     | Lewis    | Reutzel | Wesely |

Present and not voting, 1:

Murphy

Excused and not voting, 4:

Haberman Kennedy Keyes Venditte

Absent and not voting, 1:

Landis

The Schmit amendment lost with 18 ayes, 25 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Standing Committee amendments pending as amended.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 742 and 913.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Cullan asked unanimous consent to print the following amendment to LB 743 in the Journal. No objections. So ordered.

Req. #2181

- 2 1. Insert the following new section:
- 3 "Sec. 3. That section 79-488.06, Revised
- 4 Statutes Supplement, 1978, be amended to read as follows:
- 5 79-488.06. Any person operating a school bus,
- 6 including any school bus which transports pupils by
- 7 direct contract with the pupils or their parents and not
- 8 owned by or under contract with the school district or
- 9 nonpublic school, before the opening of a school term or
- 10 before operating a school bus, shall each year submit
- 11 himself or herself to (1) an examination, to be conducted
- 12 by a driver's license examiner of the Department of Motor
- 13 Vehicles, to determine his or her qualifications to
- 14 operate such bus, and (2) an examination by a licensed
- 15 physician to determine whether or not he or she meets the
- 16 physical and mental standards established pursuant to
- 17 subdivision (12) of section 79-328, and shall furnish to
- 18 the board of education or governing authority of a

19 nonpublic school and the Director of Motor Vehicles a  
 20 written report of each such examination on standard forms  
 21 prescribed by the State Department of Education, signed  
 22 by the person conducting the same, showing he or she is  
 23 qualified to operate a school bus and that he or she  
 24 meets the physical and mental standards. If the Director  
 25 of Motor Vehicles determines that he or she is so  
 1 qualified and meets such standards, a special school bus  
 2 operator's permit in such form as the director shall  
 3 prescribe shall be issued to him or her. No contract  
 4 shall be entered into until such permit shall have been  
 5 received and exhibited to the board of education or the  
 6 governing authority of a nonpublic school. The holder of  
 7 such permit shall have it on his or her person at all  
 8 times while operating a school bus. It shall be unlawful  
 9 for any person operating a school bus to be or remain on  
 10 duty for a longer period than sixteen consecutive hours.  
 11 When any person operating a bus shall have been  
 12 continuously on duty for sixteen hours, he or she shall  
 13 be relieved and not be permitted or required to again go  
 14 on duty without having at least ten consecutive hours'  
 15 rest off duty, and no such operator, who has been on duty  
 16 sixteen hours in the aggregate in any twenty-four hour  
 17 period, shall be required or permitted to continue or  
 18 again go on duty without having had at least eight  
 19 consecutive hours off duty. Any person violating the  
 20 provisions of this section shall be guilty of a Class V  
 21 misdemeanor. The contract shall be canceled as provided  
 22 in subdivision (12) of section 79-328. No person shall  
 23 be denied the right to apply for and receive a school bus  
 24 operator's permit solely because of age if such person is  
 25 under seventy years of age."

26 2. On page 6, line 4 strike "section" and insert  
 27 "sections" and after "79-488" insert "and 79-488.06".

1 3. Rename remaining sections accordingly.

2 4. In the title, line 4 strike "and section" and  
 3 insert "sections" and after "79-488" insert "and  
 4 79-488.06"; in line 5 strike "relating to motor  
 5 vehicles;"; and in line 7 after "inspections" insert "and  
 6 operator's qualifications".

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 954A.** By DeCamp, 40th District.  
 This bill introduced on behalf of: LB 954.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 954, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**MOTION - Place LB 974 on General File**

Mr. Hoagland moved to place LB 974 on General File, pursuant to Rule 3, Sec. 12.

Motion pending.

**EXPLANATION OF VOTE**

Had I been present I would have voted the following: 645, yes; 663, pass; 747, yes; 748, yes; 759, yes; 764, yes.

(Signed) Rex Haberman

**STANDING COMMITTEE REPORTS**  
**Constitutional Revision and Recreation**

**LEGISLATIVE BILL 900.** Placed on General File as amended.  
Standing Committee amendment to LB 900:

1. On page 2, line 27, before "shall" insert "and".

(Signed) Barry L. Reutzel, Chairperson

**Judiciary**

**LEGISLATIVE BILL 695.** Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

**Revenue**

**LEGISLATIVE BILL 775.** Placed on General File as amended.  
Standing Committee amendments to LB 775:

- 1 1. Strike the original sections and insert
- 2 five new sections as follows:
- 3 "Section 1. The Legislature shall provide a
- 4 supplemental appropriation of four hundred ninety-five thousand
- 5 dollars to the Department of Public Welfare for additional
- 6 day-care service purchases.
- 7 Sec. 2. The Department of Public Welfare shall
- 8 apply the full amount of the appropriation designated
- 9 under section 1 of this act for direct day-care service
- 10 purchases, to be disbursed in the manner determined by
- 11 the department.

12 Sec. 3. The Department of Public Welfare shall  
 13 treat the appropriation provided for under section 1 of  
 14 this act as supplemental to all day-care programs, and  
 15 shall maintain all existing day-care service delivery  
 16 levels planned for fiscal year 1980-81, notwithstanding  
 17 changes in the availability of federal funds for day-care  
 18 programs. The appropriation shall be used for day-care  
 19 purchases which are in addition to day-care service purchase  
 20 levels projected for fiscal year 1980-81.

21 Sec. 4. Disbursement of the supplemental  
 22 appropriation funds made available under section 1 of this  
 23 act shall proceed no later than July 1, 1980.

24 Sec. 5. Since an emergency exists, this act  
 25 shall be in full force and take effect, from and after  
 26 its passage and approval, according to law.”.

1 2. In the title strike lines 2 through 6 and  
 2 insert “FOR AN ACT relating to day-care services; to  
 3 provide for a supplemental appropriation, to provide  
 4 duties for the Department of Public Welfare; and to  
 5 declare an emergency.”.

**LEGISLATIVE BILL 897.** Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

**UNANIMOUS CONSENT - Corrected Committee Statement**

Mr. Carsten asked unanimous consent to have a corrected committee statement placed in the bill books on LB 616. No objections. So ordered.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 847 in the Journal. No objections. So ordered.

Req. #2090

2 1. On page 13, line 13 strike “1980” and insert  
 3 “~~1980~~ 1983”.  
 4 2. Insert a new section as follows:  
 5 “Sec. 24. That section 71-1,132.52, Revised  
 6 Statutes Supplement, 1978, be amended to read as follows:  
 7 71-1,132.52. (1) In order to insure that all  
 8 nurses ~~who are currently licensed~~ have sufficient  
 9 scientific and practical knowledge to ~~remain competent~~  
 10 continue to practice nursing, no license to practice  
 11 nursing shall be renewed after January 1, 1983, unless  
 12 the nurse has within the preceding five years engaged in  
 13 the practice of nursing for a minimum of two hundred

14 hours ~~in addition to~~ and completed twenty hours of  
15 either:

16 (a) Inservice education provided by the employer  
17 which the employer provides as a condition of  
18 participation in the Medicare program; or

19 (b) Continuing education courses approved by the  
20 Board of Nursing.

21 (2) If an individual license to practice nursing  
22 has not been renewed pursuant to the provisions of  
23 subsection (1) of this section, completion of  
24 seventy-five hours of continuing education courses  
25 approved by the Board of Nursing shall be required before  
1 such license shall be renewed.

2 (3) Any person who would have been eligible to  
3 receive a license except for the requirements of this  
4 section shall have his or her license renewed for the  
5 year 1980 upon application being made to the Board of  
6 Nursing within sixty days after the effective date of  
7 this act."

8 3. On page 23, line 9 strike "and" and after  
9 "71-1,132.36," insert "and 71-1,132.52,".

10 4. Renumber remaining sections accordingly.

Mr. Goodrich asked unanimous consent to print the following  
amendment to LB 276 in the Journal. No objections. So ordered.

1 1. In committee amendments, page 6, strike lines  
2 5 and 6 and insert:

3 "(9) Loans described in subsection (4) of section  
4 8-319 made by a state or federal savings and loan association."

Mr. Fowler asked unanimous consent to print the following  
amendment to LB 818 in the Journal. No objections. So ordered.

Req. #2170

2 1. Insert a new section to read:  
3 "Sec. 3. That section 84-1301, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 84-1301. As used in sections 84-1301 to 84-1331,  
7 unless the context otherwise requires:

8 (1) Employee shall mean any person or officer  
9 employed by the State of Nebraska whose compensation is  
10 paid out of state funds or funds controlled or  
11 administered by a state department through any of its  
12 executive or administrative officers when acting  
13 exclusively in their respective official, executive, or  
14 administrative capacities; but shall not include judges,  
15 members of the Nebraska State Patrol, employees of the  
16 University of Nebraska, employees of the state colleges,

17 employees of technical community colleges, employees of  
18 the Division of Employment of the Department of Labor,  
19 the Commissioner of Labor, employees of the State Board  
20 of Agriculture whose compensation is not paid out of the  
21 General Fund, the Nebraska National Guard air and army  
22 technicians, or persons eligible for membership under the  
23 School Retirement System of the State of Nebraska who  
24 have not elected to become members of the system pursuant  
25 to subsection (1) of section 2 of this act or made

1 members of the system pursuant to subsection (3) of  
2 section 2 of this act, except that those persons so  
3 eligible and who as of September 2, 1973 are contributing  
4 to the State Employees Retirement System shall continue  
5 as members of such system; Provided, that any individual  
6 appointed by the Governor may elect not to become a  
7 member of such retirement system;

8 (2) Part-time employee shall mean an employee who  
9 works less than one half of the regularly scheduled  
10 hours;

11 (3) Retirement shall mean qualifying for and  
12 accepting a retirement allowance granted under the  
13 provisions of sections 84-1301 to 84-1331;

14 (4) Retirement board or board shall mean the  
15 Public Employees Retirement Board;

16 (5) Retirement system shall mean the State  
17 Employees Retirement System of the State of Nebraska;

18 (6) Required contribution shall mean the  
19 deduction to be made from the salary of employees, as  
20 provided in sections 84-1301 to 84-1331;

21 (7) Service shall mean the actual total length of  
22 employment as an employee and shall include leave of  
23 absence because of disability or military service when  
24 properly authorized by the retirement board; Provided,  
25 that service shall not include any period of disability  
26 for which disability retirement benefits are received  
27 under the provisions of section 84-1317;

1 (8) Straight life annuity shall mean an ordinary  
2 annuity, payable for the life of the primary annuitant  
3 only, and terminating at his or her death without refund  
4 or death benefit of any kind;

5 (9) Prior service shall mean service before  
6 January 1, 1964;

7 (10) Group annuity contract shall mean the  
8 contract or contracts issued by one or more life  
9 insurance companies to the retirement system in order to  
10 provide the benefits described in sections 84-1301 to  
11 84-1331;

12 (11) Primary carrier shall mean the life  
13 insurance company or trust company designated as the  
14 administrator of the group annuity contract;

15 (12) State department shall mean any department,  
16 bureau, commission, or other division of state  
17 government, not otherwise specifically defined or  
18 exempted in sections 84-1301 to 84-1331, whose employees  
19 and officers are not already covered by a retirement  
20 plan;

21 (13) Disability shall mean an inability to engage  
22 in a substantially gainful activity by reason of any  
23 medically determinable physical or mental impairment  
24 which can be expected to result in death or to be of  
25 long-continued and indefinite duration;

26 (14) Date of disability shall mean the date on  
27 which a member is determined to be disabled by the board;  
1 and

2 (15) Regular interest shall mean the rate of  
3 interest earned each calendar year commencing January 1,  
4 1975, as determined by the retirement board in conformity  
5 with actual and expected earnings on its investments.”.

6 2. Renumber section 3 as section 4.

7 3. On page 4, line 9 strike “section 79-1510”  
8 and insert “sections 79-1510 and 84-1301”; and in line 10  
9 strike “is” and insert “are”.

10 4. In the title, line 2, strike “section  
11 79-1510” and insert “sections 79-1510 and 84-1301”; in  
12 line 4 strike “schools” and insert “retirement systems”;  
13 and in line 7 strike “section” and insert “sections”.

Merrs. Simon and Burrows asked unanimous consent to print the following amendment to LB 276 in the Journal. No objections. So ordered.

White Copy Req. 2153

1 1. On page 4, line 11 strike beginning with “any”  
2 through line 16, show the old as stricken, and insert  
3 “a maximum lawful interest rate for loans shall be set  
4 quarterly by the Director of Banking and Finance based  
5 on a quarterly average of the rediscount rate compiled  
6 by the Federal Reserve System plus an additional three  
7 per cent per annum rounded off to the nearest  
8 quarter of one per cent per annum.”.

**VISITORS**

Visitors to the Chamber were 20 students and teacher from Lincoln Christian School; 9 students and teacher from Norris High School; Paul Lillios and Scott Kirshenbaum from Omaha; 66 students and teacher from Northeast Technical Community College, Norfolk; 20 students and teachers, C.E.T.A. Nebraska Association of Farm

Workers from Omaha; and 25 county extension boards and county agents from Polk, Butler, Colfax, and Platte counties.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-THIRD DAY - FEBRUARY 28, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 28, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

As we take these moments to pause in Thy presence, we know that in our relations with others there is a time to speak and a time to keep silent. Help us to tell the one from the other. When we should speak, give us the courage of our convictions; when we should keep silent, restrain us from speaking lest in our desire to appear wise we give ourselves away. Teach us the sacraments of silence that we may use them to know ourselves, to understand one another, and above all else to know Thee. Then we shall truly be wise. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh, Messrs. Haberman, and Simon who were excused; and Mrs. Labeledz, Messrs. Burrows, Cullan, Fowler, Kennedy, Lewis, Newell, and Sieck who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-Second Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 823.** Placed on Select File as amended.  
E & R amendments to LB 823:

1. On page 6, line 9, strike "a".
2. On page 41, insert a comma at the end of line 3.

3. On page 43, line 18, insert "who has private security duties" before "as".

4. Pursuant to the Chambers amendment, insert a new section to read:

"Sec. 127. All fees received and retained by the licensing authority under the provisions of this act shall be transmitted to the State Treasurer for deposit in the Private Security Cash Fund which is hereby created and which, when appropriated by the Legislature, shall be expended solely for the administration of this act."

5. Renumber original section 127 as section 128.

**LEGISLATIVE BILL 834.** Placed on Select File as amended. E & R amendments to LB 834:

1. On page 42, line 18, strike "Tax Commissioner", show stricken and insert "board".

2. On page 44, line 8, insert ", as amended by section 26, Legislative Bill 797, Eighty-sixth Legislature, Second Session, 1980" after "1978"; strike lines 11 and 12; and renumber subdivisions (2) to (6) as subdivisions (1) to (5) respectively.

3. On page 48, line 24, strike "sections 81-195 and" and insert "section"; in line 25 strike the first "and"; and in line 26 insert ", and section 81-195, Revised Statutes Supplement, 1978, as amended by section 26, Legislative Bill 797, Eighty-sixth Legislature, Second Session, 1980" after "1979".

4. In the title, line 4, insert "66-310," after the second comma; in line 7 strike the second comma and insert "to" and strike "77-347" and insert "77-346"; in lines 9 and 10 strike "sections 81-195 and" and insert "section"; in line 11 strike "and"; in line 13 insert ", and section 81-195, Revised Statutes Supplement, 1978, as amended by section 26, Legislative Bill 797, Eighty-sixth Legislature, Second Session, 1980" after "1979"; in line 20 strike "provide duties for" and insert "transfer duties to"; and in line 29 insert "77-347," after the second comma.

**LEGISLATIVE BILL 346.** Placed on Select File as amended. E & R amendments to LB 346:

1. For correlation purposes, in committee amendments, on page 1, line 5, insert ", as amended by section 24, Legislative Bill 621, Eighty-sixth Legislature, Second Session, 1980" after "Code"; on page 6, lines 3 and 4, strike the stricken matter and remove underscoring; and remove underscoring from lines 7 to 18.

2. On page 7, line 25, insert ", as amended by section 24, Legislative Bill 621, Eighty-sixth Legislature, Second Session, 1980" after "Code".

3. In the title, line 2, strike "and 9-403"; in line 3 insert ", as amended by section 24, Legislative Bill 621, Eighty-sixth Legislature, Second Session, 1980" after "Code"; in line 8 insert "to provide an operative date;" after the semicolon;

and in line 9 strike "sections" and insert "section".

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 621.

**Correctly Engrossed**

The following bills were correctly engrossed: 228, 228A, 507, 601, 631, and 765.

(Signed) Don Wesely, Chairperson

**Enrollment and Review**

**Title Change to LB 507**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 507:

The last line has been amended to reflect the insertion of the DeCamp amendment by inserting "to defer the date for levy of an excise tax;"

**Title Change to LB 601**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 601:

In lines 3 and 4, "county government and" has been replaced with "public"; and after the semicolon in line 4 "to provide for filling a vacancy;" has been inserted.

**Title Change to LB 631**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 631:

In line 5, "to change provisions relating to garbage;" has been inserted after the semicolon.

**Title Change to LB 765**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 765:

In line 6, "to exclude certain funds from anticipated receipts and the combined receipts budget base;" has been inserted after the semicolon.

(Signed) Emory P. Burnett,  
E & R Attorney

**STANDING COMMITTEE REPORTS**  
**Public Works**

**LEGISLATIVE BILL 804.** Indefinitely postponed.

**LEGISLATIVE BILL 805.** Indefinitely postponed.

**LEGISLATIVE BILL 807.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

**Appropriations**

**LEGISLATIVE BILL 592.** Placed on General File.

**LEGISLATIVE BILL 835.** Placed on General File.

**LEGISLATIVE BILL 885.** Placed on General File.

**LEGISLATIVE BILL 950.** Placed on General File.

**LEGISLATIVE BILL 549.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 235  
February 26, 1980

Dear Senator Reutzel:

In connection with your consideration of LB 733, you have requested the opinion of this office regarding the following inquiry:

“If an employee receives notice of up-coming jury duty, and reports this information to his employer, is the employer within his rights to switch that person’s hours of work (shift) from day to night for that pay period?”

Your inquiry involves an interpretation of section 25-1640, R.S.Supp., 1979, which provides:

“Any person who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from employment due to such jury duty, upon giving reasonable notice to his or her employer of such summons. No employer shall subject an employee to discharge, loss of pay, loss of sick leave, loss of vacation time or any other form of penalty on account of his or her absence from

employment by reason of jury duty. Any person violating the provisions of this section shall be guilty of a Class IV misdemeanor.”

The issue posed then is whether a change in shift, such as you have described, constitutes “. . . any other form of penalty. . .” within the meaning of section 25-1640.

Since violation of the provisions of section 25-1640 is a misdemeanor, said statute must be strictly construed. State v. Tatreau, 176 Neb. 381, 387, 126 N.W.2d 157 (1964). Due process requires that the law give a person sufficient warning so that they may conform their conduct to avoid that which is forbidden. State v. Robinson, 202 Neb. 210, 213, 274 N.W.2d 553 (1979). However, a penal statute need not be written so as to be beyond the mere possibility of more than one construction. While a penal statute must be strictly construed, it should be given a sensible construction. A statute should be construed in the context of the objects sought to be accomplished, the problems sought to be remedied and the purpose for which it serves. State v. Louis, 184 Neb. 111, 119, 165 N.W.2d 569 (1969).

Section 25-1601.03, R.S.Supp., 1979, provides that the legislative intent and the purpose of the act is to:

“. . . create a jury system which will insure that . . . [a]ll qualified citizens fulfill their obligation to serve as jurors when summoned for that purpose; . . .”

Further, the legislative history of LB 234, 1979, indicates that the intent of said act is simply to allow more people to serve on juries. (Hearing, Committee of the Judiciary, January 31, 1979). Therefore, the statutory language at issue should be construed to effectuate the legislative intent of encouraging all qualified persons to serve as jurors.

Additionally, in construing a statute where an enumeration of specific things is followed by some more general word or phrase, the general word or phrase is usually held to refer to things of the same kind. 82 C.J.S. Statutes §332b, p. 658-666; In Re Grainger's Estate, 151 Neb. 555, 38 N.W.2d 435 (1949). The specific items enumerated in section 25-1640, i.e. discharge from employment, loss of pay, loss of sick leave, loss of vacation time, may be categorized as disadvantageous consequences which if imposed by an employer would discourage an employee from serving on jury duty. Switching an employee's shift from day to night for the reason that he or she would be absent from the day shift while on jury duty is, in essence, requiring that the employee serve as a juror on his or her own time. In this regard, the employer's action would appear to be similar to deducting an employee's absence due to jury duty from his or her sick leave or vacation leave.

In the absence of judicial consideration of the issue you have posed, we are unable to respond with certainty to your inquiry. However, we are of the opinion that the provisions of section 25-1640 could reasonably be interpreted to prohibit a shift change such as you have described imposed by an employer for the sole reason that an employee has been summoned to jury duty. While an argument to the contrary could be advanced particularly in light of the requirement that penal statutes be strictly construed, the above stated opinion appears to be more consistent with the legislative intent in enacting section 25-1640, R.R.S. 1943.

If we can be of further assistance, please advise.

Yours truly,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Lynne R. Fritz  
Assistant Attorney General

LRF:kkh

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 236  
February 26, 1980

Dear Senator Koch:

You have requested our opinion on the constitutionality of the Political Subdivisions Budget Limit Act of 1979 codified as section 77-3412 et seq., R.S.Supp., 1979. While you do not point to any specific legislation in progress which would warrant our response to your question, we assume that you are concerned with the provisions of certain bills now before the Legislature intended to amend certain aspects of both the above cited bill and the Local Option Tax Control Act, sections 77-3401 through 77-3411, R.S.Supp., 1979. For that reason, we proceed to answer your question.

You phrase your question in the following manner:

“Does the 1979 budget limitation legislation violate one or both of the stated constitutional provisions in that it prohibits the raising of ‘necessary’ revenue through taxation to provide for the required free instruction in the public schools?”

The constitutional provisions to which you refer are Article VII, Section 1 and Article VIII, Section 1. They provide respectively that, the Legislature shall provide for free instruction in the common schools of the state for all persons between five and twenty-one years of age; and that the necessary revenue of the state and its

governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct.

In the first instance, we are unable to discern in what manner section 77-3412 et seq., R.S.Supp., 1979, prohibits the raising of the necessary revenue or prohibits the provision of free instruction in the common schools of the State of Nebraska. You have not directed our attention to, nor are we aware of, any situations in which any school district has been required to close its doors. Nor are we aware of any instance in which a school district was unable to raise revenue.

The Budget Limitation Acts of 1978 and 1979 were designed to place a ceiling on the increased expenditures by adopting a limitation upon the budget that may be proposed by political subdivisions. These acts do not prohibit the raising of revenue. Nor do they prohibit the expenditure of such money for the purpose of providing education in the common schools without cost.

As you point out in your letter, in this state, and in most states, the Legislature's authority is plenary in the area of taxation. The Legislature is authorized by the Constitution to delegate to subdivisions specific taxing authority. The Legislature has delegated taxing authority to school districts. That authority is exercised locally by the school board. Using these funds coupled with other revenue sources, such bodies have provided education for Nebraska residents. The level of education to be provided is for the governing body as long as it meets the constitutional minimums. Just what those minimums are is largely a legislative determination. The range and breadth of course offering is a policy decision. One method of making that determination is to set the level of financial support. In some measure the lid bills do that.

Your question seems to assume that a limit on the level of tax support of education violates the constitutional provisions. Perhaps a showing could be made in that regard. It would at a minimum require evidence of an almost total failure to meet even the basic educational requirements. No mechanism exists from which we could make such a determination.

We are not unaware of cases such as Collie v. Franklin, 145 N.C. 170, 59 S.E. 144 (1907) or Wilson City Board of Education v. Wilson City Board of Commissioners, 27 N.C.App. 114, 215 S.E.2d 416 (1975), in which limits on the taxing authority of school boards have been found unconstitutional. Those cases, however, are not relevant to Nebraska. They dealt with a dual system of taxing authority. Nebraska, of course, does not have such a dual approach. Rather, the Legislature in the past has given unlimited taxing authority to some school districts. The Legislature has now seen fit to restrict that unlimited authority in the form of the Budget Limit Act applicable to

school districts as well as all political subdivisions. At least in the absence of some showing of a near total lack of provision of educational basics, we do not find that approach by the Nebraska Legislature to be in contravention of any provisions of the Nebraska Constitution.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:pes

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 237  
February 25, 1980

Dear Senator Vickers:

You have requested an opinion from this office as to whether the value of rent-free housing, utilities and similar items provided by counties to sheriffs can be included in the calculation of the "minimum salary" of sheriffs that would be established by the provisions of LB 628, were it to be enacted.

It appears to us that those portions of LB 628 relevant to your inquiry would have only the effect of increasing the dollar amounts of the minimum salaries to be paid Nebraska county sheriffs presently established by virtue of section 23-1114.02 through 23-114.07, R.R.S. 1943. Accordingly, your inquiry is just as pertinent relative to those existing statutes as it is to LB 628.

This office previously has had occasion to consider this question. The position we have taken in the past, and which we now take, is that it is not proper to regard as part of his salary the fair and reasonable value of residence facilities furnished to the sheriff without charge by the county. The word "salary" as used in LB 628 should be taken to mean a fixed annual or periodical payment for services and a compensation which cannot be diminished during continuance of the incumbent in office. In contrast, the weight of authority is that the provision of living quarters for a sheriff is more in the nature of a gratuitous allowance or emolument of office and is in addition to the prescribed regular "minimum salary" guaranteed by statute. While we feel that the courts would construe LB 628 as presently written in this manner, a definition of minimum salary could of course be included in the bill to clarify any different construction intended by the Legislature.

Relative to utilities, clothing, etc., and consistent with our position in connection with rent-free housing, we take the view that the value of such items should not be regarded as a part of a sheriff's minimum salary pursuant either to LB 628 or existing statutes. In fact, we note that section 23-1718, R.R.S. 1943, specifically provides for a uniform allowance independent of salary considerations to be paid sheriffs and deputies serving in counties of less than 200,000 population.

In our opinion, the practical effect of the existing statutes regarding sheriffs' salaries would not be changed by passage of LB 628 in its present form. Counties must provide them at least the statutorily prescribed minimum salaries for the performance of their regular and official duties and services. Beyond that, the counties may, as they deem appropriate, provide them with increased salaries, gratuities or allowances not otherwise statutorily precluded. However, any such increases, gratuities or allowances are not to be regarded as part of the minimum salary.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Shanler D. Cronk  
Assistant Attorney General

SDC:smb

cc: Mr. Patrick O'Donnell  
Clerk of the Legislature

#### **SPEAKER'S ORDER**

Move from Passed Over to General File:  
LB 383 - move to follow LB 491

The following bills have been scheduled for Special Order:  
LB 82 - Tuesday, March 4, 1980  
LB 847 - Thursday, March 6, 1980  
LB 789 - Thursday, March 6, 1980  
LB 822 - Monday, March 17, 1980

(Signed) Richard D. Marvel, Speaker

#### **REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 27, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Crosby, Guenzel, Davis, Kessner & Kuester:

Dunn, Donald L. - Lincoln, Nebraska Cooperative Council; St. Paul Business Development Corporation

Crowl, Ralph E. - Omaha, Omaha Livestock Market, Inc.

Huff, Charles P. - Lincoln, National Association of Theatre Owners of Nebraska (Withdrawn 11/30/79); Nebraska Cable Communications Association (Withdrawn 12/13/79)

O'Hara, Paul V. - Lincoln, Health Insurance Association of America (Withdrawn 2/25/80); Mutual of Omaha Insurance Company (Withdrawn 2/25/80); Omaha Police Union, Local No. 101

Rasmussen, Dennis - Lincoln, St. Paul Business Development Corporation (Withdrawn 2/25/80)

Tews and Radcliffe:

Radcliffe, Walter H. - Lincoln, Omaha Public Power District (Withdrawn 2/21/80)

### COMMUNICATION

Received copy of the proceedings of the January 23, 1980, State Communications Advisory Board Meeting from the Director of the Division of Communications. (Filed in the Clerk's Office.)

### NOTICE OF COMMITTEE HEARINGS Committee on Committees

February 28, 1980

The Committee on Committees confirmation hearing for the reappointment by Governor Charles Thone of Harold Dwyer, Manufactured Housing Advisory Board and the appointment of Irwin S. Chesen, Department of Economic Development had previously been scheduled for February 27, 1980.

Due to scheduling conflicts, the new hearing date for confirmation of the above mentioned appointments will be held at another time.

February 28, 1980

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below, which were presented at a hearing on February 20, 1980. The Committee suggests the appointments be confirmed by the legislature and suggests a record vote.

LaVon Crosby - Nebraska Arts Council

VOTE: For: Marsh, Simon, Burrows, Cope, Cullan, Kennedy, Newell, Nichol, Schmit, Wesely (10). Against: None (0). Not Voting: None (0). Excused: Labeledz (1). Absent: Lewis (1).

William M. Fenton

Manufactured Housing Advisory Board

VOTE: For: Marsh, Simon, Burrows, Cope, Cullan, Kennedy, Newell, Nichol, Reutzel, Schmit, Wesely (11). Against: None (0). Not Voting: None (0). Excused: Labeledz (1). Absent: Lewis (1).

W. Ralph Michener

Director, Department of Institutions

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Nichol, Schmit (7). Against: Newell (1). Not Voting: Simon, Reutzel, Wesely (3). Excused: Labeledz (1). Absent: Lewis (1).

Charles Thomsen

Manufactured Housing Advisory Board

VOTE: For: Marsh, Burrows, Simon, Cope, Cullan, Kennedy, Newell, Nichol, Reutzel, Schmit, Wesely (11). Against: None (0). Not Voting: None (0). Excused: Labeledz (1). Absent: Lewis (1).

Dr. Gail Walling - Nebraska Arts Council

VOTE: For: Marsh, Burrows, Simon, Cope, Cullan, Kennedy, Newell, Nichol, Reutzel, Schmit, Wesely (11). Against: None (0). Not Voting: None (0). Excused: Labeledz (1). Absent: Lewis (1).

The Committee on Committees desires to report favorably upon the appointment heard at a special hearing on February 22, 1980 held in the Moses P. Kinkaid Hearing Room:

Paul Mohr - Highway Commission

VOTE: For: Marsh, Simon, Burrows, Cope, Cullan, Kennedy, Newell, Nichol, Reutzel, Schmit, Wesely (11). Against: None (0). Not Voting: None (0). Excused: Labeledz (1). Absent: Lewis (1).

(Signed) Shirley Marsh, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kahle asked unanimous consent to print the following amendment to LB 666 in the Journal. No objections. So ordered.

On page 7, starting with line 4, after the adopted Revenue Committee amendment "or by any educational institution established under Chapter 79 or 85",

insert the following new language: Such entities which have paid a sales and use tax on purchases exempt by the provisions of this section shall be entitled to a refund upon filing a claim.

### GENERAL FILE

**LEGISLATIVE BILL 790A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 11 nays, 4 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 773A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 834A.** Title read. Considered.

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

**LEGISLATIVE BILL 712A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 823A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 304.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1278 for the Fifty-Ninth Day, First Session, were considered.

Mr. Johnson offered the following amendment to the Standing Committee amendments:

Amend the Committee Amendment to LB 304 by striking line 12, page 3 of the Amendment, such line presently reading "become a naturalized citizen of the United states,".

Mr. Johnson moved for a Call of the House. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

The Johnson amendment lost with 18 ayes, 21 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers offered the following amendment to the Standing Committee amendments:

Amend LB 304 on committee amendments on Line 12 sub. 5 strike "naturalized citizen" and insert "permanent resident alien".

The amendment was adopted with 16 ayes, 6 nays, 21 present and not voting, and 6 excused and not voting.

### **MR. CLARK PRESIDING**

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for Review with 27 ayes, 6 nays, 10 present and not voting, and 6 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 849A.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman.  
This bill introduced on behalf of: LB 849.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 849, Eighty-sixth Legislature, Second Session, 1980.

### **BIRTHDAYS**

Mr. Clark announced the birthdays of Messrs. Fitzgerald and Sieck.

### **STANDING COMMITTEE REPORTS** **Judiciary**

**LEGISLATIVE BILL 696.** Placed on General File as amended.  
Standing Committee amendments to LB 696:

(1)

1. Insert the following new section:

“Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

(2)

1. Strike the committee amendments (White copy request 2019).
2. On page 2, line 8, after “nonmoving” insert “traffic”.

(3)

Req. #2141

- 2 1. Strike the committee amendments. (White copy request 2019).
- 3 2. Insert a new section as follows:
- 4 “Sec. 4. That section 28-511, Revised Statutes
- 5 Supplement, 1978, be amended to read as follows:
- 6 28-511. (1) A person is guilty of theft if he or
- 7 she takes, or exercises control over, movable property of
- 8 another with the intent to deprive him or her thereof.
- 9 (2) A person is guilty of theft if he or she
- 10 transfers immovable property of another or any interest
- 11 therein with the intent to benefit himself or herself or
- 12 another not entitled thereto.
- 13 (3) For the purposes of this section, it shall be
- 14 presumed that a lessee’s failure to return leased or
- 15 rented movable property to the lessor after the
- 16 expiration of a written lease or written rental agreement
- 17 is done with intent to deprive if such lessee has been
- 18 mailed notice by certified mail that such lease or rental
- 19 agreement has expired and he or she has failed within ten
- 20 days after such notice to return such property.”.
- 21 3. On page 3, line 1 strike “section” and insert
- 22 “sections 28-511 and”.
- 23 4. Renumber remaining sections accordingly.
- 24 5. In the title, line 2, strike “section” and
- 25 insert “sections 28-511 and”; in line 6 after the
- 1 semicolon insert “to change provisions relating to
- 2 theft;”; and in line 7 strike the first “section” and
- 3 insert “sections”.

(4)

(Printed separate from the Journal and on file in the Clerk’s Office -  
Req. #2142.)

(5)

(Printed separate from the Journal and on file in the Clerk’s Office -  
Req. #2143.)

**LEGISLATIVE BILL 718.** Placed on General File.  
**LEGISLATIVE BILL 741.** Placed on General File.  
**LEGISLATIVE BILL 782.** Placed on General File.  
**LEGISLATIVE BILL 936.** Placed on General File.

**LEGISLATIVE BILL 651.** Placed on General File as amended.  
Standing Committee amendment to LB 651:

1. On page 2 line 20 strike "shall", show as stricken, and insert "may".

**LEGISLATIVE BILL 794.** Placed on General File as amended.  
Standing Committee amendments to LB 794:

1. Strike original section 5.
2. On page 6 line 16 after the first comma insert "and" and strike "and 83-915,".
3. Renumber remaining sections accordingly.

(Signed) William E. Nichol, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

- 1 1. On page 2 after line 10 insert the
- 2 following subsections:
- 3 "(3) Any person who pays or offers to pay
- 4 money or any other thing of value in exchange for any
- 5 other person performing or agreeing to perform any act
- 6 of sexual penetration, as defined in subdivision (5) of
- 7 section 28-314, with any person not his or her spouse
- 8 commits solicitation of prostitution.
- 9 (4) Solicitation of prostitution is a
- 10 Class II misdemeanor."

Mr. Schmit asked unanimous consent to print the following amendment to LB 485 in the Journal. No objections. So ordered.

(WHITE COPY REQ. 2093)

- 1 1. On page 15, strike beginning with "an"
- 2 in line 2 through "examination" in line 3 and insert
- 3 "as a condition of employment or as a condition for
- 4 continued employment that a person submit to a truth
- 5 and deception examination unless such employment in-
- 6 volves public law enforcement".

**SPEAKER MARVEL PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 986.** Title read. Considered.

Mr. Murphy moved to recommit LB 986 to the Urban Affairs Committee.

Mr. Koch 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 Murphy motion to recommit lost with 12 ayes, 18 nays, 13 present and not voting, and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment found in the Journal on page 487 for the Sixteenth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Fowler renewed his pending amendment found in the Journal on pages 896-897.

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Messrs. Merz, Barrett, Maresh, Venditte, Clark, and Keyes asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler offered the following amendment:

1. Add a new section 4 as follows:

Section 4. That section 18-2150, Revised Statutes Supplement, 1979, be amended to read as follows:

18-2150. In the proceedings for the issuance of bonds, the making of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by an authority to finance or refinance, in whole or in part, a redevelopment project, the portion of taxes mentioned in subdivision (2) of section 18-2147 shall be pledged for the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness, except that no such bonds, notes, loans, or advances shall be issued or made until the question of issuing or making the same shall have been submitted to the electors in the area subject to the authority at a

general election therein, or at a special election called for such purposes, and a majority of electors voting at such election shall have voted in favor of issuing the bonds. Notice of such election shall be given by publication once each week for three successive weeks prior thereto in a legal newspaper published in or of general circulation in such area. In the event the annual receipts from the portion of taxes pledged pursuant to this section for any redevelopment project exceeds amounts necessary for the annual payment of the principal, premiums, and interest on the bonds, loans, notes, advances, or indebtedness on such project, such excess amount may from time to time be used as a pledge for payment of the principal of, premium, if any, and interest on any other bonds, loans, notes, advance of money, or indebtedness as determined to be prudent in the discretion of the authority in carrying out the purposes of this act, except that no such pledge shall be superior to any prior pledge of such taxes. Any such pledge for payment shall be made by written agreement executed by the authority and the governing body and filed with the county assessor and county treasurer.

2. On page 15, line 14, after "18-2107," insert " and 18-2150"; strike the first "and".

3. Renumber subsequent sections accordingly.

4. Amend the title as follows:

In line 1, strike "and"; in line 2, after "18-2107," insert "and 18-2150,"; in line 7 after "prescribed;" insert "to require a vote of the people before redevelopment bonds can be issued under this act;"

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 13:

|         |        |        |        |         |
|---------|--------|--------|--------|---------|
| Beutler | Fowler | Landis | Nichol | Vickers |
| Burrows | Kelly  | Marvel | Pirsch |         |
| Dworak  | Lamb   | Murphy | Stoney |         |

Voting in the negative, 18:

|            |          |         |          |         |
|------------|----------|---------|----------|---------|
| Chronister | Goodrich | Johnson | Kremer   | Reutzel |
| Cope       | Hefner   | Kahle   | Labeledz | Rumery  |
| George     | Hoagland | Koch    | Powers   | Schmit  |

Sieck            Warner            Wesely

Present and not voting, 4:

Carsten        Chambers        Fitzgerald        Wagner

Excused and not voting, 13:

|         |          |        |       |          |
|---------|----------|--------|-------|----------|
| Barrett | DeCamp   | Keyes  | Marsh | Venditte |
| Clark   | Haberman | Lewis  | Merz  |          |
| Cullan  | Kennedy  | Maresh | Simon |          |

Absent and not voting, 1:

Newell

The Beutler amendment lost with 13 ayes, 18 nays, 4 present and not voting, 13 excused and not voting, and 1 absent and not voting.

Messrs. Chronister and Dworak asked unanimous consent to be excused. No objections. So ordered.

Mr. George moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. George requested a roll call vote to advance LB 986.

Voting in the affirmative, 23:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Cope       | Hefner   | Labeledz | Reutzel | Vickers |
| Fitzgerald | Hoagland | Newell   | Rumery  | Wagner  |
| Fowler     | Johnson  | Nichol   | Schmit  | Wesely  |
| George     | Koch     | Pirsch   | Sieck   |         |
| Goodrich   | Kremer   | Powers   | Stoney  |         |

Voting in the negative, 9:

|         |          |        |        |        |
|---------|----------|--------|--------|--------|
| Burrows | Chambers | Lamb   | Marvel | Warner |
| Carsten | Kelly    | Landis | Murphy |        |

Present and not voting, 2:

Beutler        Kahle

Excused and not voting, 15:

|            |        |          |        |          |
|------------|--------|----------|--------|----------|
| Barrett    | Cullan | Haberman | Lewis  | Merz     |
| Chronister | DeCamp | Kennedy  | Maresh | Simon    |
| Clark      | Dworak | Keyes    | Marsh  | Venditte |

Failed to advance to E & R for Review with 23 ayes, 9 nays, 2 present and not voting, and 15 excused and not voting.

### STANDING COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 795.** Placed on General File as amended.

Standing Committee amendments to LB 795:

1. On page 26, in line 25 reinstate "and".
2. On page 27, in lines 3 to 6 strike the new matter and reinstate the stricken matter.
3. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

**LEGISLATIVE BILL 783.** Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

#### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 832.** Placed on General File.

**LEGISLATIVE BILL 925.** Placed on General File.

**LEGISLATIVE BILL 760.** Indefinitely postponed.

(Signed) Orval A. Keyes, Chairperson

#### Education

**LEGISLATIVE BILL 867.** Placed on General File.

**LEGISLATIVE BILL 978.** Placed on General File.

**LEGISLATIVE BILL 868.** Indefinitely postponed.

(Signed) Jerry Koch, Chairperson

#### Judiciary

**LEGISLATIVE BILL 720.** Indefinitely postponed.

**LEGISLATIVE BILL 736.** Indefinitely postponed.

**LEGISLATIVE BILL 737.** Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

**UNANIMOUS CONSENT - Member Excused**

Mr. Stoney asked unanimous consent to be excused March 3, 4, and 5, 1980. No objections. So ordered.

**SPEAKER'S ORDER**

The following bills have been scheduled for Special Order:

- LB 637 - Wednesday, March 5, 1980
- LB 605 - Wednesday, March 5, 1980
- LB 954 - Wednesday, March 5, 1980
- LB 877 - Monday, March 10, 1980
- LB 906 - Monday, March 10, 1980
- LB 694 - Wednesday, March 12, 1980

(Signed) Richard D. Marvel, Speaker

**UNANIMOUS CONSENT - Print in Journal**

Messrs. Chambers and Vickers asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

- 1 1. Insert a new section as follows:
- 2 "Sec. 13. If a county sheriff is provided
- 3 housing or utility services as a part of holding such
- 4 position, the fair market value of such housing and
- 5 utilities shall be computed in determining whether
- 6 the minimum annual salary requirements of sections 23-1114.02
- 7 to 23-1114.07 have been met."
- 8 2. On page 13 line 21 after "6" insert
- 9 "and 13"; and in line 24 strike "15" and insert "16".
- 10 3. Renumber original sections 12 to 15 as
- 11 sections 13 to 16 respectively.

Mr. Johnson asked unanimous consent to print the following amendment to LB 672 in the Journal. No objections. So ordered.

Req. #2183

- 2 1. Insert the following new section:
- 3 "Sec. 2. That section 60-556, Reissue Revised
- 4 Statutes of Nebraska, 1943, be amended to read as
- 5 follows:
- 6 60-556. (1) Any person (4) (a) whose license or
- 7 registration shall have been suspended as herein
- 8 provided, (2) (b) whose policy of insurance or bond, when
- 9 required under sections 60-501 to 60-569, shall have been

10 canceled or terminated, or ~~(3)~~ (c) who shall neglect to  
 11 furnish other proof upon the request of the department  
 12 shall immediately return his or her license and  
 13 registration to the department. If any person shall fail  
 14 to return to the department the license or registration  
 15 as provided herein, the department shall forthwith direct  
 16 any peace officer or authorized representative of the  
 17 department to secure possession thereof and to return the  
 18 same to the department.

19 (2) It shall be the duty of the peace officer or  
 20 law enforcement officer who is directed to secure  
 21 possession of the license and registration under  
 22 subsection (1) of this section, to make every reasonable  
 23 effort to secure the license and registration and return  
 24 such to the department or to show good cause, as that is  
 25 determined by the department, why such license or  
 1 registration is unable to be returned. Failure of the  
 2 officer to comply with this subsection shall subject him  
 3 or her to removal from office pursuant to section  
 4 25-21,147, Reissue Revised Statutes of Nebraska, 1943."

5 2. On page 3, line 1 strike "section" and insert  
 6 "sections" and after "60-505.02" insert "and 60-556".

7 3. Renumber original sections 2 and 3 as  
 8 sections 3 and 4.

Mr. Warner asked unanimous consent to print the following  
 amendments to LB 939 in the Journal. No objections. So ordered.

## (1)

- 1 In the Standing Committee amendments:  
 2 1. On page 1, line 9, after "racing" insert  
 3 "day of each horse race".  
 4 2. Strike original committee amendment 3. and  
 5 insert:  
 6 "3. Strike original section 5."  
 7 3. On page 2, line 26 after "8," insert "line  
 8 7, strike '2-1208.02,;' in".  
 9 4. Strike committee amendment 6 and insert:  
 10 "6. Renumber remaining sections accordingly."

## (2)

Req. #2179

- 3 1. On page 3, line 21 after the period insert  
 4 "All stewards shall be employees of the commission and  
 5 the commission may levy a fee against all corporations  
 6 and associations licensed under section 2-1204, Reissue  
 7 Revised Statutes of Nebraska, 1943, sufficient to pay the  
 8 salaries of such stewards."  
 9 2. Insert a new section as follows:

- 10 "Section 1. That section 2-1201, Revised  
 11 Statutes Supplement, 1978, be amended to read as follows:  
 12 2-1201. There shall be and hereby is created a  
 13 State Racing Commission consisting of ~~three~~ five members  
 14 who shall be appointed and may be for cause removed by  
 15 the Governor. ~~One member shall be appointed each year~~  
 16 Members shall serve for a term of three years, except  
 17 that of the two additional members first appointed to  
 18 bring the total membership to five one shall be appointed  
 19 for a term of two years and one shall be appointed for a  
 20 term of three years. The members shall serve until their  
 21 successors are appointed and qualified. Not more than  
 22 ~~two~~ three members of said commission shall belong to the  
 23 same political party; no two of them shall reside, when  
 24 appointed, in the same congressional district; and no two  
 25 of said members shall reside in any one county. Any  
 1 vacancy shall be filled by appointment by the Governor  
 2 for the unexpired term. The members shall serve without  
 3 compensation, but shall be reimbursed for their actual  
 4 expenses incurred in the performance of their duties.  
 5 The members of the commission shall be bonded under the  
 6 blanket surety bond required by section 11-201.".
- 7 3. On page 5, line 19, strike the second  
 8 "section" show as stricken and insert "section 2-1203  
 9 and".
- 10 4. On page 6, lines 9 and 10, strike "coming  
 11 into the hands of the State Racing Commission, after  
 12 its", show as stricken, and insert "in the Racing  
 13 Commission's Cash Fund, after the commission's".
- 14 5. On page 8, line 8 after "1943," insert "and  
 15 section 2-1201, Revised Statutes Supplement, 1978,".
- 16 6. Renumber remaining sections accordingly.

### VISITORS

Visitors to the Chamber were Mr. Dick Osterday and Mr. Paul Sheamen with nine students, Mike Blomenkamp, Mary Platz, Patty Lenzen, Bill Rush, Linda Barngrover, Lori Reher, Rick Osterday, Jennifer Maul, and John Goggenmos from Sidney Public High School; Leola and Anne Inks from Salem; William Umberger from Elwood; and Russell Edeal from Loomis.

### ADJOURNMENT

At 12:24 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Monday, March 3, 1980.

Patrick J. O'Donnell  
 Clerk of the Legislature

**THIRTY-FOURTH DAY - MARCH 3, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 3, 1980

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Dear Lord, as another week begins and we count the days remaining before us, we realize we are now past the halfway mark in this session. While there are some sighs of relief for this, yet there is so much that remains to be accomplished, so much yet to be done. Give us the strength, therefore, to make each hour count in this day, that our words and deeds may count for something, and that we may be counted on by those to whom we are accountable, and above all, that we may be counted on to stand by those ideas which count most for the people. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Dworak, Merz, Powers, and Stoney who were excused; and Messrs. Cope, Cullan, Fowler, Haberman, Newell, Schmit, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-Third Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review****Correctly Enrolled**

The following bills were correctly enrolled: 319, 645, 663, 723, 747, 748, 759, 764, 766, 816, 857, and 914.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 319, 645, 663, 723, 747, 748, 759, 764, 766, 816, 857, and 914.

**BIRTHDAY**

President Luedtke announced today is Clerk Pat O'Donnell's birthday.

**MESSAGE FROM THE GOVERNOR**

February 28, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 629, 635, 648 and 685.

These bills were signed by me on February 28, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**SPEAKER'S ORDER**

The following bills have been scheduled for Special Order:

LB 986 - Tuesday, March 4, 1980

LB 853 - Friday, March 7, 1980

LB 956 - Friday, March 7, 1980  
 LB 918 - Wednesday, March 12, 1980  
 LB 276 - Thursday, March 13, 1980  
 LB 279 - Thursday, March 13, 1980  
 LB 308 - Thursday, March 13, 1980

(Signed) Richard D. Marvel, Speaker

**STANDING COMMITTEE REPORTS**  
**Appropriations**

**LEGISLATIVE BILL 652.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

**Public Works**

**LEGISLATIVE BILL 887.** Placed on General File.

**LEGISLATIVE BILL 843.** Placed on General File as amended.  
 Standing Committee amendments to LB 843:

- 1 1. Strike original sections 1 and 4.
- 2 2. On page 6 lines 3 and 4 strike the new
- 3 matter; in line 5 after "directors" insert "by specific
- 4 agreement, a written contract, or by a resolution";
- 5 strike beginning with "The" in line 5 through the under-
- 6 scored period in line 10; and strike the new matter in
- 7 lines 18 through 27.
- 8 3. On page 7 strike lines 1 and 2; in line 3
- 9 strike "All money" and insert "Money"; and strike beginning
- 10 with "The" in line 5 through line 9.
- 11 4. On page 8 line 2 strike "one" and insert
- 12 "ten"; in lines 3 and 4 strike "Executive Board of the
- 13 Legislative Council" and insert "Legislature's Public
- 14 Works Committee".
- 15 5. On page 8 line 8 strike "3-106," and in
- 16 line 9 strike "70-625,".
- 17 6. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 866.** Placed on General File as amended.  
 Standing Committee amendment to LB 866:

1. On page 6, line 1 strike "either", show as stricken, and after "by" insert "satisfactory evidence including, but not limited to, a"; strike beginning with "one" in line 2 through "her" in line 3, show the old matter as stricken and insert "a parent or".

**LEGISLATIVE BILL 854.** Indefinitely postponed.

**LEGISLATIVE BILL 881.** Indefinitely postponed.

**LEGISLATIVE BILL 898.** Indefinitely postponed.

**LEGISLATIVE BILL 962.** Indefinitely postponed.

**LEGISLATIVE BILL 985.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

### **Agriculture and Environment**

**LEGISLATIVE BILL 915.** Placed on General File.

**LEGISLATIVE BILL 515.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

### **UNANIMOUS CONSENT - Corrected Committee Statement**

Mr. Carsten asked unanimous consent to place a corrected committee statement on LB 689 in the bill books. No objections. So ordered.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 202.** Read. Considered.

LR 202 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 204.** Read. Considered.

LR 204 was adopted with 31 ayes, 0 nays, and 18 not voting.

**LEGISLATIVE RESOLUTION 203.** Read. Considered.

LR 203 was adopted with 31 ayes, 0 nays, and 18 not voting.

**LEGISLATIVE RESOLUTION 205.** Read. Considered.

LR 205 was adopted with 32 ayes, 0 nays, and 17 not voting.

### **MOTION - Suspend Rules**

Messrs. Newell and Kelly moved to suspend the rules, Rule 5, Sec. 5, for the introduction of a new bill (Req. #1602).

Mr. Newell moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Newell-Kelly motion prevailed with 30 ayes, 7 nays, and 12 not voting.

The Chair declared the Call raised.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 992.** By Newell, 13th District; Kelly, 35th District.

This bill introduced on behalf of: Adopted Adults.

A BILL FOR AN ACT relating to adoption; to define terms; to provide procedures for identification of relatives; to provide duties; to amend sections 43-113, 71-626, 71-626.01, and 71-626.02, Reissue Revised Statutes of Nebraska, 1943; to provide for Nebraska birth certificates for foreign-born adopted persons; to harmonize provisions; and to repeal the original sections.

### **MOTION - Introduce Bill**

Mr. Maresh moved the introduction of a new bill by the Business and Labor Committee (Req. #1580).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 993.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Fitzgerald, 14th District; Landis, 46th District; DeCamp, 40th District.

This bill introduced on behalf of: Claims Board.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

### **MOTION - Introduce Bill**

Mr. Maresh moved the introduction of a new bill by the Business and Labor Committee (Req. #1581).

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 994.** By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Fitzgerald, 14th District; Landis, 46th District; DeCamp, 40th District.

This bill introduced on behalf of: Claims Board.

A BILL FOR AN ACT to disallow certain claims against the state.

### SPEAKER MARVEL PRESIDING

#### MOTION - Approve Appointments

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on pages 854-855 for the following appointments: Ted Cannon, Hubert W. Monsky, Gary Ensz, and James Stuart, Jr.

Voting in the affirmative, 27:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Barrett    | George   | Kremer   | Marvel | Wagner |
| Burrows    | Goodrich | Labeledz | Murphy | Warner |
| Carsten    | Hefner   | Lamb     | Newell | Wesely |
| Chronister | Hoagland | Landis   | Rumery |        |
| DeCamp     | Kennedy  | Maresh   | Sieck  |        |
| Fitzgerald | Koch     | Marsh    | Simon  |        |

Voting in the negative, 0.

Not voting, 22:

|          |          |        |         |          |
|----------|----------|--------|---------|----------|
| Beutler  | Dworak   | Kelly  | Pirsch  | Venditte |
| Chambers | Fowler   | Keyes  | Powers  | Vickers  |
| Clark    | Haberman | Lewis  | Reutzel |          |
| Cope     | Johnson  | Merz   | Schmit  |          |
| Cullan   | Kahle    | Nichol | Stoney  |          |

The appointments were confirmed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on pages 920-921 for the following

appointments: LaVon Crosby, William M. Fenton, W. Ralph Michener, Charles Thomsen, Dr. Gail Walling, and Paul Mohr.

Voting in the affirmative, 31:

|            |          |          |          |         |
|------------|----------|----------|----------|---------|
| Beutler    | George   | Kremer   | Murphy   | Vickers |
| Burrows    | Goodrich | Labeledz | Newell   | Warner  |
| Carsten    | Hefner   | Lamb     | Nichol   | Wesely  |
| Chronister | Hoagland | Landis   | Rumery   |         |
| Clark      | Kahle    | Maresh   | Sieck    |         |
| Fitzgerald | Kennedy  | Marsh    | Simon    |         |
| Fowler     | Keyes    | Marvel   | Venditte |         |

Voting in the negative, 0.

Not voting, 18:

|          |          |       |         |        |
|----------|----------|-------|---------|--------|
| Barrett  | DeCamp   | Kelly | Pirsch  | Stoney |
| Chambers | Dworak   | Koch  | Powers  | Wagner |
| Cope     | Haberman | Lewis | Reutzel |        |
| Cullan   | Johnson  | Merz  | Schmit  |        |

The appointments were confirmed with 31 ayes, 0 nays, and 18 not voting.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 304 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee amendments on page 3,
- 2 line 10, after "Nebraska" insert "for a period of at
- 3 least two years".

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 991 for the approval of the Nebraska State Legislature.

**LB**      **Committee**  
991      Public Health and Welfare

(Signed) Frank Lewis, Chairperson  
Executive Board

## STANDING COMMITTEE REPORTS

## Education

**LEGISLATIVE BILL 824.** Placed on General File as amended. Standing Committee amendments to LB 824:

1. On page 2, line 15 after "work" insert "and" and strike the underscored comma; in line 16 strike "and preventive maintenance"; in line 18 strike the underscored comma; in line 19 after "grounds" insert ", and projects designed to prevent or correct a waste of energy, including measures taken to utilize alternate energy sources, all".

2. On page 3, line 22 after the period insert "The power to levy such tax under this subsection shall not exist after June 30, 1988.".

**LEGISLATIVE BILL 844.** Placed on General File as amended. Standing Committee amendment to LB 844:

1. On page 2 strike beginning with the colon in line 2 through "Reorganized" in line 5 and insert ", reorganized".

**LEGISLATIVE BILL 869.** Placed on General File as amended. Standing Committee amendments to LB 869:

- 1 1. On page 2, line 2 strike "shall" and insert
- 2 "may"; in line 8 after "representative" insert "or repre-
- 3 sentatives"; and in lines 15 and 21 strike "the" and insert
- 4 "any".
- 5 2. On page 3, lines 3 and 4 strike "one or more"
- 6 and insert "any".
- 7 3. On page 4, line 13; page 5, line 12, and
- 8 page 6, lines 10 and 18 strike "a" and insert "any".
- 9 4. On page 8, line 19 strike "one or more" and
- 10 insert "any".
- 11 5. On page 9, line 5 strike "a" and insert "any".
- 12 6. On page 10, line 16 strike "shall" and insert
- 13 "may".
- 14 7. On page 11, line 10 strike "a" and insert
- 15 "any".

(Signed) Jerry Koch, Chairperson

## SELECT COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 790A.** Placed on Select File.

**LEGISLATIVE BILL 773A.** Placed on Select File.

**LEGISLATIVE BILL 834A.** Placed on Select File.

**LEGISLATIVE BILL 712A.** Placed on Select File.

**LEGISLATIVE BILL 823A.** Placed on Select File.

**LEGISLATIVE BILL 304.** Placed on Select File as amended. E & R amendments to LB 304:

1. In committee amendments, page 3, line 16, strike "or" and insert ", or"; and in line 17 insert ", or one of the technical community college areas" after "colleges".

2. In the title, line 2, strike "section 85-501" and insert "sections 85-501 and 85-502"; and in line 7 strike "section" and insert "sections and also sections 85-502.01 and 85-502.02, Reissue Revised Statutes of Nebraska, 1943".

(Signed) Don Wesely, Chairperson

**PRESIDENT LUEDTKE PRESIDING**

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 797.** With Emergency.

A BILL FOR AN ACT to amend sections 54-104, 54-109, 54-109.01, 54-112, 54-118, 54-119, 54-131, 54-133.01, 54-134.07, 54-135, 54-137, 54-140, 54-141, 54-143, 54-145.02, 54-147, 54-148, and 54-150, Reissue Revised Statutes of Nebraska, 1943, section 81-195, Revised Statutes Supplement, 1978, and sections 54-101, 54-133.03, 54-153.01, 54-156, and 54-415, Revised Statutes Supplement, 1979, relating to livestock; to change provisions relating to brand recorder; to provide for in-herd identification brands; to change procedure for removing territory from a brand inspection area; to provide for the legislative purpose of the Nebraska Brand Committee; to provide duties for the committee's secretary; to provide for reimbursement of expenses of committee members; to provide for shipper certificate requirements; to provide for proof of ownership of livestock; to provide for disposition of estrays; to provide for penalties; to provide for the continuation of the Nebraska Brand Committee; to eliminate assessments on brands; to repeal provisions for adding territory to a brand inspection area; to eliminate certain duties of the brand recorder; to repeal the original sections, and also sections 54-113, 54-133.02, 54-134.01 to 54-134.06, 54-134.08, and 54-137.02, Reissue Revised Statutes of Nebraska, 1943; 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:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Keyes    | Marvel  | Venditte |
| Beutler    | George   | Koch     | Murphy  | Vickers  |
| Burrows    | Goodrich | Kremer   | Newell  | Wagner   |
| Carsten    | Hefner   | Labeledz | Nichol  | Warner   |
| Chronister | Hoagland | Lamb     | Pirsch  | Wesely   |
| Clark      | Johnson  | Landis   | Reutzel |          |
| Cullan     | Kahle    | Lewis    | Rumery  |          |
| DeCamp     | Kelly    | Maresh   | Sieck   |          |
| Fitzgerald | Kennedy  | Marsh    | Simon   |          |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 7:

|        |          |        |        |
|--------|----------|--------|--------|
| Cope   | Haberman | Powers | Stoney |
| Dworak | Merz     | Schmit |        |

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 810.** Mr. Beutler moved to return LB 810 to Select File for the following specific amendment:

1. On page 2, line 19, after "burning." insert the following:  
"No waiver shall be issued under this subsection unless the local fire chief shall find that atmospheric conditions or local circumstances are such that the proposed open burning would not be hazardous."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Beutler motion lost with 7 ayes, 27 nays, 8 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 810.** With Emergency.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-538, Revised Statutes Supplement, 1978; to clarify a

penalty provision; to authorize a ban on open burning as prescribed; to provide a waiver; to provide a penalty; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 40:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Kennedy  | Maresh  | Rumery   |
| Beutler    | George   | Keyes    | Marsh   | Sieck    |
| Carsten    | Goodrich | Koch     | Marvel  | Simon    |
| Chambers   | Hefner   | Kremer   | Murphy  | Venditte |
| Chronister | Hoagland | Labeledz | Newell  | Vickers  |
| Clark      | Johnson  | Lamb     | Nichol  | Wagner   |
| Cullan     | Kahle    | Landis   | Pirsch  | Warner   |
| Fitzgerald | Kelly    | Lewis    | Reutzel | Wesely   |

Voting in the negative, 0.

Present and not voting, 2:

Burrows DeCamp

Excused and not voting, 7:

|        |          |        |        |
|--------|----------|--------|--------|
| Cope   | Haberman | Powers | Stoney |
| Dworak | Merz     | Schmit |        |

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

**LEGISLATIVE BILL 817.** Mr. Murphy moved to return LB 817 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Murphy withdrew his motion.

**LEGISLATIVE BILL 817.** With Emergency.

A BILL FOR AN ACT to amend section 85-320, Reissue Revised Statutes of Nebraska, 1943, and sections 85-106 and 85-195, Revised Statutes Supplement, 1978, relating to the university and state colleges; to change provisions relating to retirement plans and

contracts; 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, 21:

|            |          |          |          |        |
|------------|----------|----------|----------|--------|
| Beutler    | Fowler   | Labeledz | Rumery   | Wesely |
| Burrows    | Goodrich | Landis   | Sieck    |        |
| Chambers   | Hoagland | Lewis    | Simon    |        |
| Cullan     | Johnson  | Marsh    | Venditte |        |
| Fitzgerald | Koch     | Pirsch   | Warner   |        |

Voting in the negative, 17:

|         |         |        |         |        |
|---------|---------|--------|---------|--------|
| Carsten | Kahle   | Lamb   | Newell  | Wagner |
| Clark   | Kelly   | Maresh | Nichol  |        |
| DeCamp  | Kennedy | Marvel | Reutzel |        |
| Hefner  | Kremer  | Murphy | Vickers |        |

Present and not voting, 4:

|         |            |        |       |
|---------|------------|--------|-------|
| Barrett | Chronister | George | Keyes |
|---------|------------|--------|-------|

Excused and not voting, 7:

|        |          |        |        |
|--------|----------|--------|--------|
| Cope   | Haberman | Powers | Stoney |
| Dworak | Merz     | Schmit |        |

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Venditte asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich requested a roll call vote with the emergency clause stricken.

Voting in the affirmative, 22:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Beutler    | Cullan     | Goodrich | Labeledz | Pirsch |
| Burrows    | DeCamp     | Hoagland | Landis   | Rumery |
| Chambers   | Fitzgerald | Johnson  | Lewis    | Sieck  |
| Chronister | Fowler     | Koch     | Marsh    | Simon  |

Warner          Wesely

Voting in the negative, 17:

|         |         |        |         |        |
|---------|---------|--------|---------|--------|
| Barrett | Kahle   | Lamb   | Newell  | Wagner |
| Carsten | Kelly   | Maresh | Nichol  |        |
| Clark   | Kennedy | Marvel | Reutzel |        |
| Hefner  | Kremer  | Murphy | Vickers |        |

Present and not voting, 2:

George          Keyes

Excused and not voting, 8:

|        |          |        |          |
|--------|----------|--------|----------|
| Cope   | Haberman | Powers | Stoney   |
| Dworak | Merz     | Schmit | Venditte |

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

#### **LEGISLATIVE BILL 846.**

A BILL FOR AN ACT to amend section 84-909, Reissue Revised Statutes of Nebraska, 1943, and section 84-907, Revised Statutes Supplement, 1978, relating to rules of administrative agencies; to change notice and waiver provisions as prescribed; 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:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Fitzgerald | Kelly    | Lewis  | Reutzel  |
| Beutler    | Fowler     | Kennedy  | Maresh | Rumery   |
| Burrows    | George     | Keyes    | Marsh  | Sieck    |
| Carsten    | Goodrich   | Koch     | Marvel | Simon    |
| Chronister | Hefner     | Kremer   | Murphy | Venditte |
| Clark      | Hoagland   | Labeledz | Newell | Vickers  |
| Cullan     | Johnson    | Lamb     | Nichol | Warner   |
| DeCamp     | Kahle      | Landis   | Pirsch | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 8:

|        |          |        |        |
|--------|----------|--------|--------|
| Cope   | Haberman | Powers | Stoney |
| Dworak | Merz     | Schmit | Wagner |

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

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 886.** With Emergency.

A BILL FOR AN ACT to amend section 50-701.02, Reissue Revised Statutes of Nebraska, 1943, and section 81-1,102, Revised Statutes Supplement, 1978, relating to the Performance Review and Audit Committee; to provide for ex officio nonvoting members; to provide that the committee hold a public hearing and report to the Legislature as prescribed; 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, 40:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Fitzgerald | Kelly   | Lewis   | Reutzel  |
| Beutler    | Fowler     | Kennedy | Maresch | Rumery   |
| Burrows    | George     | Keyes   | Marsh   | Sieck    |
| Carsten    | Goodrich   | Koch    | Marvel  | Simon    |
| Chronister | Hefner     | Kremer  | Murphy  | Venditte |
| Clark      | Hoagland   | Labedz  | Newell  | Vickers  |
| Cullan     | Johnson    | Lamb    | Nichol  | Warner   |
| DeCamp     | Kahle      | Landis  | Pirsch  | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 8:

|        |          |        |        |
|--------|----------|--------|--------|
| Cope   | Haberman | Powers | Stoney |
| Dworak | Merz     | Schmit | Wagner |

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 932.** Mr. Nichol moved to return LB 932 to Select File for the following specific amendment:

(Final Reading Copy)

- 1 1. On page 3, after line 11 insert a new sub-
- 2 section as follows:
- 3 “(4) Every totally or partially blind person shall
- 4 have the right to make use of a white cane in any of the
- 5 places listed in subsection (2) of this section.”
- 6 2. In the title in line 8 after the semicolon
- 7 insert “to authorize use of a white cane by certain persons;”.

The motion prevailed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 932.** The Nichol specific amendment found in this day’s Journal was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

#### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 951.**

A BILL FOR AN ACT to repeal section 43-704, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to delete provisions restricting the placement of certain children.

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, 32:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Koch     | Marsh   | Venditte |
| Beutler    | Goodrich | Kremer   | Marvel  | Vickers  |
| Carsten    | Hefner   | Labeledz | Newell  | Warner   |
| Chronister | Hoagland | Lamb     | Nichol  | Wesely   |
| Clark      | Johnson  | Landis   | Reutzel |          |
| Cullan     | Kelly    | Lewis    | Rumery  |          |
| Fowler     | Keyes    | Maresh   | Simon   |          |

Voting in the negative, 2:

Kennedy      Murphy

Present and not voting, 7:

|          |            |        |       |
|----------|------------|--------|-------|
| Burrows  | DeCamp     | Kahle  | Sieck |
| Chambers | Fitzgerald | Pirsch |       |

Excused and not voting, 8:

|        |          |        |        |
|--------|----------|--------|--------|
| Cope   | Haberman | Powers | Stoney |
| Dworak | Merz     | Schmit | Wagner |

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

#### **LEGISLATIVE BILL 957.**

A BILL FOR AN ACT to amend section 81-5,105, Revised Statutes Supplement, 1978, relating to the State Electrical Act; to change provisions relating to fees as prescribed; 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, 33:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Koch     | Murphy  | Simon    |
| Beutler    | George   | Labeledz | Newell  | Venditte |
| Carsten    | Goodrich | Lamb     | Nichol  | Vickers  |
| Chronister | Hefner   | Landis   | Pirsch  | Warner   |
| Clark      | Hoagland | Lewis    | Reutzel | Wesely   |
| Cullan     | Johnson  | Marsh    | Rumery  |          |
| Fitzgerald | Kelly    | Marvel   | Sieck   |          |

Voting in the negative, 5:

Kahle          Kennedy          Keyes          Kremer          Maresh

Present and not voting, 3:

Burrows          Chambers          DeCamp

Excused and not voting, 8:

Cope          Haberman          Powers          Stoney  
Dworak          Merz          Schmit          Wagner

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

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1980, at 10:05 a.m., were the following bills: 319, 645, 663, 723, 747, 748, 759, 764, 766, 816, 857, and 914.

(Signed)    Hazel Kaltenberger, Enrolling Clerk

### STANDING COMMITTEE REPORTS

#### Urban Affairs

**LEGISLATIVE BILL 662.** Placed on General File.

**LEGISLATIVE BILL 704.** Placed on General File.

**LEGISLATIVE BILL 717.** Placed on General File as amended.

Standing Committee amendments to LB 717:

- 1        1. On page 5 line 4 after "persons" insert
- 2        "or their parent, legal guardian, or foster parent".
- 3        2. On page 7 after line 12 insert a new
- 4        paragraph as follows:
- 5        "A duplicate permit may be provided by the
- 6        department without cost if the original permit is
- 7        destroyed, lost, or stolen. Such duplicate permit shall
- 8        be valid for the remainder of the period for which the
- 9        original permit was issued."

**LEGISLATIVE BILL 614.** Indefinitely postponed.

**LEGISLATIVE BILL 659.** Indefinitely postponed.

**LEGISLATIVE BILL 791.** Indefinitely postponed.

**LEGISLATIVE BILL 860.** Indefinitely postponed.

(Signed) Walter George, Chairperson

**Public Works**

**LEGISLATIVE BILL 779.** Placed on General File as amended.  
Standing Committee amendments to LB 779:

- 1 1. On page 2, line 5 after "systems" insert
- 2 "in any city of the primary class"; and in line 7 after
- 3 "resources" insert "in any city of the primary class".
- 4 2. Strike beginning with "For" on page 2, line 16
- 5 through the first "the" on page 3, line 4, show as stricken
- 6 and insert "The".
- 7 3. On page 3, line 10 strike "or" and insert
- 8 "and, in the case of cities of the primary class, also for";
- 9 and strike beginning with "that" in line 11 through the
- 10 comma in line 24 and show as stricken.
- 11 4. Strike original sections 3, 4, 5, and 6.
- 12 5. On page 9, line 27 strike "for street purposes
- 13 or" and show the old matter as stricken.
- 14 6. On page 10, line 1 strike the new matter; in
- 15 line 8 after "municipalities" insert an underscored colon;
- 16 strike beginning with "for" in line 8 through the colon
- 17 in line 10 and show the old matter as stricken.
- 18 7. On page 11, lines 5 and 26 strike "or" and
- 19 insert "and, in the case of cities of the primary class,
- 20 also for".
- 21 8. On page 13, line 10 strike "or" and insert
- 22 "and, in the case of cities of the primary class, also for".
- 23 9. On page 14, line 6 after "fund" insert "in a
- 24 city of the primary class"; in line 27 strike "and", show
- 25 as stricken and insert an underscored comma, and strike "or"
- 26 and insert ", and, in the case of cities of the primary class,
- 27 also for".
- 1 10. On page 15, line 8 strike "39-2501, 39-2507,
- 2 39-2509, 39-2510,".
- 3 11. Renumber the remaining sections.

**LEGISLATIVE BILL 908.** Placed on General File as amended.  
Standing Committee amendments to LB 908:

1. On page 2, lines 3 and 5, before "pits" insert "irrigation water reuse"; strike beginning with "as" in line 13 through the third comma in line 15; and in line 27 strike the first "a" and insert "an irrigation water reuse".
2. On page 3, line 2, after "2" insert ", which would otherwise apply to such pits, and from the provisions of section 46-637".

(Signed) Maurice A. Kremer, Chairperson

**UNANIMOUS CONSENT - Member Excused**

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 672.** Title read. Considered.

Standing Committee amendment found in the Journal on page 507 for the Seventeenth Day was rejected with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Mr. Johnson renewed his pending amendment found in the Journal on page 930.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 672A.** Title read. Considered.

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

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 725.** Title read. Considered.

Standing Committee amendments found in the Journal on page 550 for the Eighteenth Day lost with 0 ayes, 17 nays, 24 present and not voting, and 8 excused and not voting.

Mr. Hoagland withdrew his pending amendments found in the Journal on pages 676, 700, 701, and 727.

Mr. Kelly renewed his pending amendment found in the Journal on page 726.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 230.** Laid over at the request of Mr. Fowler.

**LEGISLATIVE BILL 798.** Title read. Considered.

Standing Committee amendment found in the Journal on page 610 for the Twenty-First Day was considered.

Mr. Johnson renewed his pending amendment to the Standing Committee amendment found in the Journal on page 701.

The amendment lost with 6 ayes, 13 nays, 23 present and not voting, and 7 excused and not voting.

Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 730.** Title read. Considered.

Mr. Johnson renewed his pending amendment found in the Journal on page 596.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Johnson moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, 38 not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

## **STANDING COMMITTEE REPORTS**

### **Revenue**

**LEGISLATIVE BILL 722.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2094.)

**LEGISLATIVE BILL 976.** Placed on General File as amended.  
 Standing Committee amendments to LB 976:

- 1 1. On page 2, line 14 strike "exclusively"
- 2 and after "designated" insert "primarily"; strike begin-
- 3 ning with "Such" in line 18 through line 21 and insert
- 4 "Residential development on tracts of less than ten acres
- 5 shall not be allowed within such agricultural use zone.";
- 6 in lines 25 and 26 strike "which is within an agricultural
- 7 use zone and" and show as stricken; and in line 27 after
- 8 "use" insert "and is located within an agricultural use
- 9 zone".
- 10 2. On page 3 strike the new matter and reinstate
- 11 the stricken matter in lines 4 through 7.

(Signed) Calvin F. Carsten, Chairperson

**Urban Affairs**

**LEGISLATIVE BILL 827.** Indefinitely postponed.

(Signed) Walter George, Chairperson

**REFERENCE COMMITTEE REPORTS**

The Legislative Council Executive Board hereby submits the attached report on the re-referral of legislative bill 991 for the approval of the Nebraska State Legislature.

**LB Committee**  
 991 Re-referred to Judiciary

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 992, 993 and 994 for the approval of the Nebraska State Legislature.

**LB Committee**  
 992 Judiciary  
 993 Business and Labor  
 994 Business and Labor

(Signed) Frank Lewis, Chairperson  
 Executive Board

**EXPLANATION OF VOTE**

Had I been present, I would have voted the following: 797e - yes, 810e - yes, 817e - no, 846 - yes, 886 - yes, 951 - yes, 957 - yes.

(Signed) Rex Haberman

### VISITORS

Visitors to the Chamber were Nancy (Moeller) Smith and Allan Moeller; 3 students and teacher from Bee Grade School; 19 students and teacher from O'Neill St. Marys; Senator Vickers' son Matt; 16 high school students and teacher from Beemer Public School; 45 fourth grade students and teachers from McPhee Grade School, Lincoln; and 36 students and teachers from Red Cloud High School.

### RECESS

At 12:05 p.m., on a motion by Mr. Clark, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:41 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Kremer, Merz, Powers, Stoney, and Venditte who were excused; and Mesdames Labeledz, Pirsch, Messrs. Cope, Chambers, DeCamp, Haberman, Hefner, Lamb, Landis, Newell, Nichol, Schmit, and Wagner who were excused until they arrive.

### STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

**LEGISLATIVE BILL 679.** Placed on General File.

**LEGISLATIVE BILL 862.** Placed on General File.

**LEGISLATIVE BILL 896.** Placed on General File.

**LEGISLATIVE BILL 840.** Placed on General File as amended.

Standing Committee amendment to LB 840:

1. On page 4 strike lines 11 through 13 and insert the following:

“(3) Counties will purchase uniforms directly from the Department of Administrative Services by contracting with the department.”.

**LEGISLATIVE BILL 872.** Placed on General File as amended.

Standing Committee amendments to LB 872:

1. Strike original sections 1, 3, 4, and 5.
2. Insert a new section as follows:

"Sec. 2. That original section 75-104, Reissue Revised Statutes of Nebraska, 1943, is repealed."

3. Renumber original section 2 as section 1.

**LEGISLATIVE BILL 909.** Placed on General File as amended. Standing Committee amendments to LB 909:

1. Strike original section 1.

2. On page 4 line 10 strike "12-509,"; and in line 11 strike the first comma.

3. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 924.** Placed on General File as amended. Standing Committee amendments to LB 924:

Req. #2155

2 1. Strike original sections 1 through 14 and

3 insert the following new sections:

4 "Section 1. That section 23-1901, Reissue

5 Revised Statutes of Nebraska, 1943, be amended to read as

6 follows:

7 23-1901. It shall be the duty of the county

8 surveyor to make or cause to be made all surveys within

9 his or her county that he or she may be called upon to

10 make and record the same as hereinafter provided. In all

11 such surveys, the county surveyor must distinguish

12 between original, subdivision, and retracement work. In

13 all retracement and subdivision surveys, the unit of

14 measure must be that adopted in the original work. ~~In~~

15 ~~all counties having a population of fifty thousand~~

16 ~~inhabitants or more, the county surveyor shall be ex~~

17 ~~officio county engineer, and shall be either a~~

18 ~~professional engineer or a registered land surveyor or~~

19 ~~both, and it shall be his duty to prepare all plans,~~

20 ~~specifications, and detail drawings for the use of the~~

21 ~~county in advertising and letting all contracts for the~~

22 ~~building and repair of bridges, culverts, and all public~~

23 ~~improvements upon the roads. It shall be his duty to~~

24 ~~make estimates of the cost of all such contemplated~~

25 ~~public improvements, and to make estimates of all~~

1 ~~material required for such public improvements, and to~~

2 ~~inspect the material and to have the same measured and~~

3 ~~ascertained, and report to the county board whether the~~

4 ~~same is in accordance with their requirements. It shall~~

5 ~~be his duty to superintend the construction of all such~~

6 ~~public improvements, and inspect and require that the~~

7 ~~same shall be done according to contract. It shall be~~

8 ~~his duty to make estimates of the cost of all labor and~~

9 ~~material which shall be necessary for the construction of~~

10 ~~all bridges and improvements upon public highways, to~~

11 ~~inspect all of the work and materials placed in any such~~

~~12 public improvements and to make a report in writing to  
 13 the county board with his statement in regard to whether  
 14 the same comply with the plans, specifications, and  
 15 detail drawings of the county board prepared for such  
 16 work or improvements and under which the contract was  
 17 let. Where the county board proceeds to purchase  
 18 materials and hire the labor to construct or repair  
 19 bridges and culverts and approaches thereto or to make  
 20 improvements upon the public roads, he shall have charge  
 21 and general supervision of such work or improvements, and  
 22 shall inspect all materials and direct the work and make  
 23 a report of each piece of work to the county board. The  
 24 county engineer or surveyor shall also have such other  
 25 and further powers as are necessarily incident to the  
 26 general powers herein granted. The county surveyor shall  
 27 prepare and file the required annual inventory statement  
 1 of county personal property in his or her custody or  
 2 possession, as provided in sections 23-346 to 23-350. In  
 3 counties having a population of fifty thousand or more,  
 4 if the county surveyor is a professional engineer he  
 5 shall appoint as his deputy a Registered Land Surveyor,  
 6 or if he is a Registered Land Surveyor he shall appoint  
 7 as his deputy a professional engineer; Provided, this  
 8 requirement shall not apply if the county surveyor is  
 9 both a professional engineer and a Registered Land  
 10 Surveyor.~~

11 Sec. 2. That section 32-308, Revised Statutes  
 12 Supplement, 1979, be amended to read as follows:

13 32-308. (1) One or more county judges shall be  
 14 elected in each county judge district at the general  
 15 election in 1972 and every fourth year thereafter.

16 (2) A county sheriff, county treasurer, and a  
 17 county attorney shall be elected in each county at the  
 18 general election in 1962 and every fourth year  
 19 thereafter.

20 (3) When there is a qualified surveyor within a  
 21 county who will accept the office of county surveyor if  
 22 elected, a county surveyor on either a full-time or  
 23 part-time basis, as determined by the county board, shall  
 24 be elected in each county at the general election in 1982  
 25 and every fourth year thereafter, except that no county  
 26 surveyor shall be elected in any county which has a  
 27 county engineer elected pursuant to subsection (7) of  
 1 this section. ; Provided, that in counties where the  
 2 county surveyor is an ex officio county engineer as  
 3 provided in section 23-1901, the office of surveyor shall  
 4 be full time.

5 (4) Except as provided in section 79-311, a  
 6 county superintendent of public instruction shall be  
 7 elected in each county at the general election in 1962

8 and every fourth year thereafter.

9 (5) A county clerk shall be elected in each  
10 county having a population of two hundred thousand  
11 inhabitants or less, at the general election in 1962 and  
12 every fourth year thereafter; and in counties having a  
13 population in excess of two hundred thousand inhabitants,  
14 at the general election in 1964 and every fourth year  
15 thereafter.

16 (6) A register of deeds shall be elected in each  
17 county having a population of more than sixteen thousand  
18 five hundred and not more than two hundred thousand  
19 inhabitants at the general election in 1962 and every  
20 fourth year thereafter; and in counties having a  
21 population in excess of two hundred thousand inhabitants,  
22 at the general election in 1964 and every fourth year  
23 thereafter.

24 (7) A county engineer shall be elected in each  
25 county having a population of one hundred thousand  
26 inhabitants or more at the general election in 1982 and  
27 every fourth year thereafter.

1 Sec. 3. The county engineer shall be a  
2 registered professional engineer as provided in sections  
3 81-839 to 81-856, Reissue Revised Statutes of Nebraska,  
4 1943.

5 Sec. 4. The county engineer shall appoint a  
6 deputy county surveyor who shall receive such  
7 compensation as shall be fixed by the county board. The  
8 deputy county surveyor shall perform all the duties  
9 prescribed in sections 23-1901 to 23-1913, and any other  
10 duties assigned to him or her by the county engineer.  
11 The deputy county surveyor shall be a registered land  
12 surveyor as provided in sections 81-8,108 to 81-8,127.

13 Sec. 5. The county engineer shall:

14 (1) Subject to the approval of the county board,  
15 control, govern, and supervise all public roads and  
16 bridges in the county and shall make necessary policies  
17 and regulations to effect an efficient road  
18 administration in conformity with the laws of the State  
19 of Nebraska;

20 (2) Have full authority for engineering design  
21 and for the construction, maintenance, operation, and  
22 protection of the public roads and bridges in the county;

23 (3) Have charge of all records relating to  
24 bridges and public roads;

25 (4) Supervise the signing of vouchers and orders  
26 of supplies, materials, and any other expenditures;

1 (5) Annually submit to the county board, a plan  
2 for specific road and street improvements for the  
3 following fiscal year and a long-range six-year plan of  
4 road and street improvements calculated to contribute to

5 the orderly development of an integrated county-wide  
 6 system of roads. Upon approval of the plans by the  
 7 county board, the county engineer shall have the  
 8 authority and responsibility to implement such plans;

9 (6) Submit to the county board a proposed annual  
 10 program and budget to be known as the county road annual  
 11 program, proposing a schedule of construction, repair,  
 12 maintenance, and supervision of county roads and bridges,  
 13 including federal aid secondary road projects and a list  
 14 of equipment and material purchases to be undertaken and  
 15 carried out by the county during the subsequent twelve  
 16 months. Upon approval of the budget and program by the  
 17 county board, the county engineer shall have the  
 18 authority and responsibility to implement the program;

19 (7) Prepare and file an annual inventory  
 20 statement of county personal property in his or her  
 21 custody or possession as provided in sections 23-346 to  
 22 23-350, Reissue Revised Statutes of Nebraska, 1943; and

23 (8) Perform any other duties deemed necessary by  
 24 the county board.

25 Sec. 6. The county engineer may, subject to the  
 26 approval of the county board:

1 (1) Contract for consulting services;

2 (2) Acquire all needed road materials, machinery,  
 3 equipment, supplies, and labor necessary for the  
 4 construction, reconstruction, maintenance, and control of  
 5 the public roads in the county and all tools, materials,  
 6 and labor necessary to keep such machinery and equipment  
 7 in repair;

8 (3) Coordinate the highway programs and  
 9 activities of the county with the related activities of  
 10 the State of Nebraska and all governmental subdivisions  
 11 thereof; and

12 (4) Enter into agreements with the federal  
 13 government or any department or agency of the federal  
 14 government, the state, or any political or governmental  
 15 subdivision or public corporation of this state, or with  
 16 a citizen or group of citizens of this state respecting  
 17 the planning, designating, financing, establishing,  
 18 constructing, improving, maintaining, using, altering,  
 19 relocating, or vacating of highways, roads, streets,  
 20 connecting links, or bridges, and in such instances may  
 21 cooperate with the state or with such subdivisions or  
 22 public corporations on such terms as may be mutually  
 23 agreed upon.

24 Sec. 7. Before entering upon the duties of the  
 25 office, the county engineer shall execute to the county a  
 26 bond in the sum required for the office of county  
 27 surveyor pursuant to Chapter 11, Article 1.

1 Sec. 8. The county engineer shall be ex officio

2 county highway superintendent.

3 Sec. 9. The office of county engineer shall be  
 4 full time and the county engineer shall not engage in the  
 5 private practice of engineering of surveying.

6 Sec. 10. The county engineer shall not be  
 7 interested directly or indirectly in any contract with  
 8 the county.

9 Sec. 11. That section 39-1506, Reissue Revised  
 10 Statutes of Nebraska, 1943, be amended to read as  
 11 follows:

12 39-1506. Any person, whether or not a resident  
 13 of the county, who is a duly licensed engineer in this  
 14 state, any firm of consulting engineers duly licensed in  
 15 this state, or any other person who is a competent,  
 16 experienced, practical road builder shall be qualified to  
 17 serve as county highway superintendent; Provided, that no  
 18 member of the county board shall be eligible for  
 19 appointment; and provided further, that in counties  
 20 having a population of one hundred thousand or more  
 21 inhabitants according to the most recent official United  
 22 States census county engineer elected pursuant to section  
 23 32-308, the county surveyor engineer shall perform all  
 24 the duties and possess all the powers and functions of  
 25 the county highway superintendent.

26 Sec. 12. That original sections 23-1901 and  
 27 39-1506, Reissue Revised Statutes of Nebraska, 1943, and  
 1 section 32-308, Revised Statutes Supplement, 1979, are  
 2 repealed."

**LEGISLATIVE BILL 926.** Indefinitely postponed.

**LEGISLATIVE BILL 975.** Indefinitely postponed.

(Signed) Orval Keyes, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 616.** Title read. Considered.

Standing Committee amendment found in the Journal on page 618 for the Twenty-First Day was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 7 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 892.** Title read. Considered.

Standing Committee amendment found in the Journal on page 632 for the Twenty-Second Day was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Johnson renewed his pending amendment found in the Journal on page 617.

The amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 842.** Title read. Considered.

Standing Committee amendment found in the Journal on page 644 for the Twenty-Third Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 689.** Title read. Considered.

Standing Committee amendments found in the Journal on page 650 for the Twenty-Third Day were adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Sieck renewed his pending amendment found in the Journal on page 691.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 800.** Title read. Considered.

Standing Committee amendments found in the Journal on page 656 for the Twenty-Third Day were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

**STANDING COMMITTEE REPORTS**  
**Public Health and Welfare**

**LEGISLATIVE BILL 667.** Placed on General File.

**LEGISLATIVE BILL 989.** Placed on General File as amended.  
Standing Committee amendments to LB 989:

1. On page 2 in line 10 strike beginning with "The" through "act." in line 12; and in line 19 strike "may" and insert "shall".

2. On page 3 strike line 5; in line 6 strike "(11)" and insert "(10)"; in line 7 strike "(12)" and insert "(11)"; in line 9 strike "(13)" and insert "(12)"; in line 11 strike "(14)" and insert "(13)"; and in line 26 strike "repayment" and insert "payment".

3. On page 4, in lines 1, 5 and 9 strike "repayment" and insert "payment"; in line 3 after the period insert "The Department of Public Welfare standards for financial eligibility shall be the same as those established for Crippled Children's Services, as administered by the Department of Public Welfare."; and in line 6 strike "repayments" and insert "payments".

4. On page 2, in lines 3, 9, and 19, and page 3 line 22 strike "Health" and insert "Public Welfare".

(Signed) Samuel K. Cullan, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 818A.** By Fowler, 27th District.  
This bill introduced on behalf of: LB 818.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 818, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 918A.** By Nichol, 48th District.  
This bill introduced on behalf of: LB 918.

A BILL FOR AN ACT to appropriate and reappropriate funds to aid in carrying out the provisions of Legislative Bill 918, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**LEGISLATIVE BILL 965A.** By DeCamp, 40th District.  
This bill introduced on behalf of: LB 965.

A BILL FOR AN ACT to appropriate funds to aid in in carrying out the provisions of Legislative Bill 965, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

### ATTORNEY GENERAL'S OPINION

Opinion No. 238  
February 29, 1980

Dear Senator Dworak:

This is in reply to your letter in which you ask for our opinion as to whether LB 891 would operate retroactively so as to impair obligations of contract making it constitutionally suspect in its application.

The Supreme Court of Nebraska has consistently held for a number of years that a legislative act will operate only prospectively and not retroactively unless the legislative intent and purpose that it should operate retroactively is clearly disclosed. Wheelock v. Heath, 201 Neb. 835 (1978); Housand v. Sigler, 186 Neb. 414 (1971); McIntosh v. Johnson, 51 Neb. 33 (1897).

Another well established rule of statutory construction is that the court, in construing a statute, must give it an interpretation which meets constitutional requirements if it can reasonably be done. Scott v. State ex rel. Board of Nursing, 196 Neb. 681 (1976); Stahmer v. State, 192 Neb. 63 (1974).

We find no wording in LB 891 which would indicate a clear intention of the Legislature that it operate retrospectively so as to impair the obligations of existing contracts nor do we think the court would so construe it in light of the foregoing principles.

Respectfully submitted,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Mel Kammerlohr  
Assistant Attorney General

MK:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

**MR. CLARK PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 731.** Title read. Considered.

Standing Committee amendment found in the Journal on page 703 for the Twenty-Fifth Day was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 731A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 972.** Laid over at the request of Mr. Johnson.

**LEGISLATIVE BILL 849.** Title read. Considered.

Standing Committee amendments found in the Journal on page 722 for the Twenty-Sixth Day were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 849A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 613.** Title read. Considered.

Standing Committee amendments found in the Journal on page 727 for the Twenty-Sixth Day were considered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 8 nays, and 29 not voting.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?"

Mr. Maresh moved for a Call of the House. The motion prevailed with 6 ayes, 2 nays, and 41 not voting.

The motion to close debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Standing Committee amendments were adopted with 25 ayes, 9 nays, 7 present and not voting, and 8 excused and not voting.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. Keyes offered the following amendment:

- 1 1. Strike the original sections and amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. That sections 77-3412 to 77-3432,
- 4 Revised Statutes Supplement, 1979, are repealed."

Mr. DeCamp offered the following amendment to the Keyes amendment:

Insert "repeal the provisions of LB 2 from the special session of 1978".

The DeCamp amendment lost with 15 ayes, 19 nays, 6 present and not voting, and 9 excused and not voting.

The Keyes amendment lost with 14 ayes, 20 nays, 6 present and not voting, and 9 excused and not voting.

Laid over.

#### SELECT FILE

**LEGISLATIVE BILL 958A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 819A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 507A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 600.** E & R amendment found in the Journal on page 864 for the Thirty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 981.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 814.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 902.** Mr. Hoagland requested a machine vote to advance LB 902.

Advanced to E & R for Engrossment with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 876.** Mr. Hoagland requested a machine vote to advance LB 876.

Advanced to E & R for Engrossment with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 604.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 693.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 802.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 772.** E & R amendments found in the Journal on page 865 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 733.** Laid over at the request of Mr. Reutzel.

**LEGISLATIVE BILL 833.** E & R amendment found in the Journal on page 866 for the Thirty-First Day was adopted.

Advanced to E & R for Engrossment with 25 ayes, 6 nays, 9 present and not voting, and 9 excused and not voting.

#### ANNOUNCEMENT

Mr. DeCamp announced an informational meeting will be held in his office (Room 1116) on Tuesday, March 4, 1980 at 7:00 p.m. to discuss LB 954, the Energy Conservation and Independence Act.

#### NOTICE OF COMMITTEE HEARINGS Business and Labor

|        |                           |      |
|--------|---------------------------|------|
| LB 993 | Wednesday, March 12, 1980 | 1:30 |
| LB 994 | Wednesday, March 12, 1980 | 1:30 |

(Signed) Richard Maresh, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 206.**

Introduced by Rumery, 42nd District.

WHEREAS, Ted Long created and completed the sculpture of the bust of Standing Bear, the Ponca Indian Chief, which was officially placed in the State Capitol on February 29, 1980; and

WHEREAS, artist Ted Long is a famous native Nebraskan who has utilized many artistic mediums to portray scenes of Nebraska, Native Americans, and the vast panorama and experiences of the American West and whose paintings are recognized by the artistic world for their rich detail and thorough research; and

WHEREAS, Ted Long was born and raised on a ranch in North Platte, Nebraska, and still maintains a studio there in an historic, century-old log cabin; and

WHEREAS, he began his career at the early age of six and without formal art training has achieved numerous artistic awards such as, the gold medal for the best oil painting in the Western Heritage Art Show at Denver, Colorado, has been invited to show his sculpture at the Solon Borglum Memorial Sculpture Exhibition at the National Cowboy Hall of Fame in Oklahoma City, Oklahoma, and has had numerous shows throughout Europe and the United States including those at the Joslyn Art Museum in Omaha, the Museum of Natural History in St. Louis, Missouri, and the Rendezvous of Western Art at the Montana Historical Society in Helena, Montana.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That this Legislature acknowledges and commends Ted Long for his realistic and memorable sculpture of the great Ponca Indian, Chief Standing Bear, displayed in the State Capitol for all Nebraska citizens and visitors to admire.

2. That the members of this Legislature express their pride in Ted Long's various other artistic accomplishments which so well portray the spirit of Nebraska and the American West, and are and will continue to be an inspiration to the citizens of this State and the nation.

3. That the Clerk of the Legislature send a copy of this resolution to Ted Long.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Messrs. Keyes and DeCamp asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

To strike the contents of LB 613 and insert the following:

“There shall be submitted to the electors of the State of Nebraska a constitutional amendment proposal, which shall provide that the annual taxes on real property shall not exceed 1.5% of the property’s actual value.”

**VISITORS**

Visitor to the Chamber was Mr. Francis Rezek, Lincoln.

**ADJOURNMENT**

At 4:32 p.m., on a motion by Mr. Koch, the Legislature adjourned until 9:00 a.m., Tuesday, March 4, 1980.

Patrick J. O’Donnell  
Clerk of the Legislature



**THIRTY-FIFTH DAY - MARCH 4, 1980**  
**LEGISLATIVE JOURNAL**

**THIRTY-FIFTH DAY - MARCH 4, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 4, 1980

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

We pray, everlasting God, for members of this Legislature who over and over again find themselves involved in controversy. Conflict emerges in these walls, not only because powerful groups and vocal groups place pressures upon them, but because of divisions of loyalty among the Senators themselves. For Thy mercies sake, deliver those who serve in the Legislature of Nebraska from the illusion that harmony can always reign within these walls or even in their relationship with each other. But also grant that they will experience the inner calm which comes, not to those who flee from conflict, but to those who affirm what deep within they know is their duty. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Merz, Newell, Powers, and Stoney who were excused; and Mesdames Labeledz, Pirsch, Messrs. Cullan, Johnson, Kelly, Koch, Lewis, Schmit, Simon, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-Fourth Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 681 and 932.

**Correctly Enrolled**

The following bills were correctly enrolled: 797, 810, 846, 886, 951, and 957.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LB 797, 810, 846, 886, 951, 957, LR 202, LR 203, LR 204, and LR 205.

**NOTICE OF COMMITTEE HEARINGS**  
**Judiciary**

|        |                         |           |
|--------|-------------------------|-----------|
| LB 991 | Tuesday, March 11, 1980 | 7:30 p.m. |
| LB 992 | Tuesday, March 11, 1980 | 7:00 p.m. |

(Signed) William E. Nichol, Chairperson

**SPEAKER'S ORDER**

Move from Passed Over to General File:  
LB 361 - move to follow LB 465

(Signed) Richard D. Marvel, Speaker

**STANDING COMMITTEE REPORTS**  
**Public Health and Welfare**

**LEGISLATIVE BILL 503.** Indefinitely postponed.  
**LEGISLATIVE BILL 530.** Indefinitely postponed.  
**LEGISLATIVE BILL 856.** Indefinitely postponed.  
**LEGISLATIVE BILL 937.** Indefinitely postponed.  
**LEGISLATIVE BILL 967.** Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

### APPRECIATION

Received note of appreciation from Mr. Jim Wynkoop, Assistant Sergeant at Arms for the cards and flowers while he was in the hospital.

### GENERAL FILE

**LEGISLATIVE BILL 82.** Title read. Considered.

Standing Committee amendments found in the Journal on page 637 for the Twenty-Second Day were adopted with 25-ayes, 1 nay, 9 present and not voting, and 14 excused and not voting.

Mr. Chambers offered the following amendment:  
Committee amendment - page 5 - at line 9.

Any judge who shall plead guilty or no contest to a felony shall be removed from office by the Supreme Court.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 3 nays, and 28 not voting.

The Chambers amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Vickers offered the following amendment:

To strike following the    on line 7 pg. 3 of Comm amendments thru judge on line 8

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

Mr. Vickers moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Barrett  | Fowler   | Kennedy | Maresh | Pirsch  |
| Burrows  | Haberman | Keyes   | Marvel | Sieck   |
| Chambers | Kahle    | Kremer  | Murphy | Simon   |
| Cope     | Kelly    | Lamb    | Nichol | Vickers |

Voting in the negative, 19:

|            |            |          |         |        |
|------------|------------|----------|---------|--------|
| Beutler    | Dworak     | Hefner   | Lewis   | Wagner |
| Carsten    | Fitzgerald | Hoagland | Marsh   | Warner |
| Chronister | George     | Koch     | Reutzel | Wesely |
| DeCamp     | Goodrich   | Landis   | Rumery  |        |

Present and not voting, 1:

Clark

Excused and not voting, 9:

|         |          |        |        |          |
|---------|----------|--------|--------|----------|
| Cullan  | Labeledz | Newell | Schmit | Venditte |
| Johnson | Merz     | Powers | Stoney |          |

The Vickers amendment lost with 20 ayes, 19 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Mr. Keyes asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:

Regarding suspension of a justice or a judge, no suspension shall be imposed for any reason other than physical disability or pending the outcome of the appeal of a conviction for a crime punishable as a felony under Nebraska or federal law.

The amendment lost with 8 ayes, 12 nays, 19 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 9 present and not voting, and 10 excused and not voting.

### UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

- 1 Section 1. If the voters of the state determine
- 2 that a limitation of the state budget funded by sales, use,
- 3 and income taxes is needed, they may call for an election
- 4 for that purpose. When seven per cent of the registered
- 5 voters sign a petition, so distributed as to include five
- 6 per cent of the electors of each of two-fifths of the
- 7 counties, calling for a limitation on the state budget

8 funded by sales, use, and income taxes, the question of such  
9 budget limitation shall be placed before the voters. The  
10 whole number of votes cast for Governor at the general  
11 election next preceding the filing of the petition shall  
12 be the basis on which the number of signatures to such  
13 petition shall be computed. Such petition shall be filed  
14 with the Secretary of State, who shall submit the measure  
15 thus proposed to the electors of the state at the first  
16 general election held not less than four months after  
17 such petition shall have been filed.

18 Sec. 2. The petition calling for a state budget  
19 limitation election shall state the total dollar amount  
20 that shall be funded by sales, use, and income taxes, the  
21 fiscal year such budget becomes applicable, and limitations,  
22 if any, on subsequent budgets.

23 Sec. 3. The budget limitation shall be adopted  
24 when a majority of the votes cast thereon, and not less  
25 than thirty-five per cent of the total vote cast at the  
26 election at which the same was submitted, are cast in  
27 favor thereof.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1980, at 10:12 a.m., were the following bills: 797, 810, 846, 886, 951, and 957.

(Signed) Hazel Kaltenberger, Enrolling Clerk

### ATTORNEY GENERAL'S OPINION

Opinion No. 239  
February 28, 1980

Dear Senator DeCamp:

Since LB 382 in regard to Laetrile is pending before the Legislature, you have asked whether Laetrile can now be shipped into Nebraska and indiscriminately used by cancer patients without any interference by us. The answer is yes because it is a federal law, 21 U.S.C. §355, which proscribes the introduction of a new drug into interstate commerce if it is not generally recognized by experts as being both safe and effective, does not come within a 1938 or 1962 grandfather exception, and is not being used for experimental purposes as provided. However, federal law must be enforced by the federal government, not by Nebraska law enforcement officers. See, ATS Mobile Telephone, Inc. v. General Communications Co., Inc., 204 Neb. 141, \_\_\_ N.W.2d \_\_\_ (1979), where the court held that a state

agency had no jurisdiction over a matter preempted by the federal government. It said:

“. . . When Congress has unmistakably entered a field and has enacted regulations to govern a field, state laws regulating that aspect of commerce must fall. This result is required whether congress specifically directs such a result in the legislation or such a result is required by reason of the purpose of the act. . . .

“Congressional enactments that do not exclude all state legislation in the same field nevertheless override state laws with which they conflict. United States Constitution, Art. VI. The criterion for determining whether state and federal laws are so inconsistent that the state law must give way is firmly established by case law. . . .” Supra at 146.

The enforcement officers in this instance are the federal Food and Drug Administration (FDA).

You have also asked whether our opinion No. 228 (February 21, 1980) says the opposite of our opinion No. 222 (February 13, 1980). No, it does not. In No. 222 we discussed how the federal Food, Drug and Cosmetic Act proscribes the distribution interstate of Laetrile because it is not generally recognized by experts as being a safe and effective drug. We concluded that the FDA has authority to forbid the transportation of Laetrile in interstate commerce if Laetrile does not meet the standards of the federal Food, Drug and Cosmetic Act and that materials needed to manufacture Laetrile may not legally be imported into Nebraska. In No. 228 we pointed out how the FDA was enjoined from enforcing the proscriptions of the federal law, pending a final determination of whether Laetrile was excepted from the operation of that law by a 1962 grandfather clause or whether the FDA was violating a right of privacy by keeping patients from taking a safe drug. (The district court which enjoined the FDA did not set aside its finding that Laetrile was not recognized by experts as being safe and effective.)

The unusual survival of the district court injunction against the FDA, through reversal by the Supreme Court of the injunction of the circuit court continuing it, arose from a combination of two facts: (1) the refusal of the district court to stay its order pending appeal, and (2) the failure of the circuit court to rule on whether Laetrile came within the 1962 grandfather clause and whether the FDA was violating a right of privacy by keeping patients from taking a safe drug. (Implicitly it had rejected those grounds by not basing its decision on them but on a judicially created exception limiting the power of the FDA over Laetrile which was by inference a “new drug.”) The second fact was set out in our opinion No. 222. When we were alerted to the

existence of the first fact, we immediately verified it with the clerk of the district court and advised the Legislature of its effect.

The circuit court has now ruled, consistent with the opinion of the Supreme Court, that Laetrile does not come within the 1962 grandfather clause. It has also held that Congress has power to limit the drugs patients are free to choose to take. It has reversed the judgment of the district court and remanded the case. As soon as the mandates are issued in those cases, the FDA should be free again to enforce the proscriptions discussed in our opinion No. 222 unless a stay is issued pending rehearing or pending application for a writ of certiorari to the Supreme Court.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Marilyn B. Hutchinson  
Assistant Attorney General

MBH:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

#### UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused from 11:00 a.m. until 11:30 a.m. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 986.** Title read. Considered.

Mr. George moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. George requested a roll call vote to advance LB 986.

Voting in the affirmative, 27:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Carsten    | Fowler   | Kahle    | Marsh   | Vickers |
| Chronister | George   | Koch     | Nichol  | Wagner  |
| Clark      | Goodrich | Kremer   | Pirsch  | Wesely  |
| Cope       | Haberman | Labeledz | Reutzel |         |
| DeCamp     | Hefner   | Lewis    | Rumery  |         |
| Fitzgerald | Hoagland | Maresh   | Simon   |         |

Voting in the negative, 12:

|         |          |         |        |
|---------|----------|---------|--------|
| Barrett | Chambers | Kennedy | Marvel |
| Beutler | Dworak   | Lamb    | Murphy |
| Burrows | Kelly    | Landis  | Warner |

Present and not voting, 1:

Sieck

Excused and not voting, 9:

|         |       |        |        |          |
|---------|-------|--------|--------|----------|
| Cullan  | Keyes | Newell | Schmit | Venditte |
| Johnson | Merz  | Powers | Stoney |          |

Advanced to E & R for Review with 27 ayes, 12 nays, 1 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 383.** Title read. Considered.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Reutzel requested a roll call vote to advance LB 383.

Voting in the affirmative, 19:

|            |            |          |         |        |
|------------|------------|----------|---------|--------|
| Barrett    | Fitzgerald | Labeledz | Murphy  | Sieck  |
| Burrows    | Goodrich   | Lewis    | Nichol  | Simon  |
| Chronister | Hoagland   | Maresh   | Pirsch  | Wagner |
| DeCamp     | Koch       | Marsh    | Reutzel |        |

Voting in the negative, 19:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Beutler  | Dworak   | Kahle   | Lamb   | Vickers |
| Chambers | Fowler   | Kelly   | Landis | Warner  |
| Clark    | Haberman | Kennedy | Marvel | Wesely  |
| Cope     | Hefner   | Kremer  | Rumery |         |

Present and not voting, 1:

George

Excused and not voting, 10:

|         |         |        |        |          |
|---------|---------|--------|--------|----------|
| Carsten | Johnson | Merz   | Powers | Stoney   |
| Cullan  | Keyes   | Newell | Schmit | Venditte |

Failed to advance to E & R for Review with 19 ayes, 19 nays, 1 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 891.** Laid over at the request of Mr. Dworak.

**LEGISLATIVE BILL 440.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 737 for the Twenty-Sixth Day and printed separate from the Journal (Req. #2128) were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 903.** Title read. Considered.

Standing Committee amendment found in the Journal on page 742 for the Twenty-Seventh Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 13 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 905.** Title read. Considered.

Standing Committee amendment found in the Journal on page 742 for the Twenty-Seventh Day was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 775A.** By Carsten, 2nd District.  
This bill introduced on behalf of: LB 775.

**A BILL FOR AN ACT** to appropriate funds to aid in carrying out the provisions of Legislative Bill 775, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 867A.** By Koch, 12th District.  
This bill introduced on behalf of: LB 867.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, Eighty-sixth Legislature, Second Session, 1980.

### SPEAKER'S ORDER

#### CHANGE OF SPECIAL ORDER:

Cancel the following:

LB 276 - Thursday, March 13, 1980

LB 279 - Thursday, March 13, 1980

LB 308 - Thursday, March 13, 1980

Reschedule for:

LB 276 - Wednesday, March 5, 1980

LB 279 - Wednesday, March 5, 1980

LB 308 - Wednesday, March 5, 1980

(Signed) Richard D. Marvel, Speaker

### UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 689 in the Journal. No objections. So ordered.

- 1) On lines 18 and 19 of page 2 of the original act, strike "the final date for assessing such improvements" and insert after the word "after" on line 18 "April 15."
- 2) On lines 23 and 24 of page 2 of the original act, strike "the final date for assessing such improvements" and insert after the word "after" in line 23 "April 15."
- 3) After the last line in Section one as it now stands amended insert "Any additional taxes or penalties imposed pursuant to this section may be appealed in the same manner as appeals are made under section 77-1320.05, Reissue Revised Statutes of Nebraska, 1943."

### ATTORNEY GENERAL'S OPINION

Opinion No. 240  
February 26, 1980

Dear Senator DeCamp:

In your letter of February 20, 1980, you inform us of your observation that the Business List Chain Letter Scheme is identical in

almost every respect to the concept of Social Security. In that regard you first inquire about the status of the litigation brought by this Office against this Chain Letter and second ask what steps would be necessary for the State to take to withdraw from participation in the Social Security program.

With respect to this litigation an action has been filed in the Lancaster County District Court seeking a permanent injunction. Some but not all of the defendants have been identified and served. The discovery process is expected to begin after March 15, 1980, with the actual litigation beginning after the completion of discovery.

As to your question concerning the State's withdrawal from the Social Security program, your attention is directed to 42 U.S.C. §418(g)(1) wherein it is provided:

“Upon giving at least two years' advance notice in writing to the Secretary, a State may terminate, effective at the end of a calendar quarter specified in the notice, its agreement with the Secretary either -

“(A) in its entirety, but only if the agreement has been in effect from its effective date for not less than five years prior to the receipt of such notice; or

“(B) with respect to any coverage group designated by the State, but only if the agreement has been in effect with respect to such coverage group for not less than five years prior to the receipt of such notice.

“ . . .

“(3) If any agreement entered into under this section is terminated in its entirety, the Secretary and the State may not again enter into an agreement pursuant to this section. If any such agreement is terminated with respect to any coverage group, the Secretary and the State may not thereafter modify such agreement so as to again make the agreement applicable with respect to such coverage group.”

We would be of the opinion that it would be necessary for the Legislature to pass legislation directing that notice be given to the Secretary of the Treasury indicating the State's desire to terminate its Social Security coverage. We would be further of the opinion that if the Legislature were to take such a step its effect would be to eliminate Social Security coverage of all employees of State Government and of its many political subdivisions. You will note from the Federal Law set out above that any such termination requires two years advance notice. You will also note that once termination is accomplished such a decision is irrevocable and Social Security coverage could not at a future date be reinstated.

Finally, if the decision to terminate Nebraska's coverage in its entirety is reached by the Legislature, the sections of Nebraska law pertaining to Social Security, section 68-601, R.R.S. 1943 through section 68-632, R.R.S. 1943, should also be repealed.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Terry R. Schaaf  
Assistant Attorney General

TRS/cmb

cc: Patrick J. O'Donnell  
Clerk of the Legislature

### VISITORS

Visitors to the Chamber were 24 first grade students and teachers from General Arnold School, Lincoln; and 25 preschool students and teachers from Lollipop School, Lincoln.

### RECESS

At 11:56 a.m., on a motion by Mr. Fitzgerald, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Messrs. Keyes, Merz, Newell, Powers, Schmit, Sieck, Simon, and Stoney who were excused; and Mrs. Labeledz, Messrs. Burrows, Chambers, Cullan, Fowler, George, Hoagland, Kelly, Koch, and Venditte who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 940.** Title read. Considered.

Standing Committee amendment found in the Journal on page 742 for the Twenty-Seventh Day was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 7 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 966.** Title read. Considered.

Standing Committee amendment found in the Journal on page 747 for the Twenty-Seventh Day was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 939.** Laid over at the request of Mr. Newell.

**LEGISLATIVE BILL 939A.** Laid over at the request of Mr. Newell.

**LEGISLATIVE BILL 848.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 764 for the Twenty-Seventh Day and printed separate from the Journal (Req. #2140) were adopted with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

Mr. Johnson offered the following amendment:

1. Insert a new section as follows:

“Sec. 17. That section 53-180.02, Reissue

2 Revised Statutes of Nebraska, 1943, be amended to read as  
3 follows:

4 53-180.02. No minor may sell or dispense or have  
5 in his or her possession or physical control any  
6 alcoholic liquor in any tavern or in any other place  
7 including public streets, alleys, roads, highways, upon  
8 property owned by the State of Nebraska or any  
9 subdivision thereof, or inside any vehicle while in or on  
10 any other place including but not limited to the public  
11 streets, alleys, roads, highways, or upon property owned  
12 by the State of Nebraska or any subdivision thereof,  
13 except that a minor may possess or have physical control  
14 of alcoholic liquor in his or her permanent place of  
15 residence.

16 The governing bodies of counties, cities, and  
17 villages shall have the power, and may by applicable  
18 resolution or ordinance, regulate, suppress, and control  
19 the transporting, knowingly possessing, or having under  
20 his or her control, beer or other alcoholic liquor in or  
21 transported by any motor vehicle, by persons under  
22 nineteen years of age, and may provide penalties for  
23 violations of such ordinance. ~~including the impounding  
24 of any motor vehicle in which beer or other alcoholic~~

25 ~~liquor is transported, knowingly possessed, or under the~~  
 26 ~~control of any person under nineteen years of age.~~

1 ~~Whenever any person under the age of nineteen~~  
 2 ~~years is arrested for having in his possession or~~  
 3 ~~physical control any alcoholic liquor inside any motor~~  
 4 ~~vehicle at the places above prohibited, the arresting~~  
 5 ~~officer shall forthwith impound such motor vehicle as~~  
 6 ~~evidence and neither the officer, nor the court in which~~  
 7 ~~the complaint for violation of such law may be filed,~~  
 8 ~~shall have authority to release such vehicle until the~~  
 9 ~~complaint is disposed of in the trial court by trial,~~  
 10 ~~plea or dismissal, at which time either the trial court~~  
 11 ~~or the prosecuting attorney may authorize release of the~~  
 12 ~~vehicle from impoundment; Provided, the arresting officer~~  
 13 ~~or authority shall release such vehicle unless the~~  
 14 ~~necessary complaint has been filed within twenty four~~  
 15 ~~hours after the arrest, or during the first full day on~~  
 16 ~~which courts are open, after such arrest, whichever is~~  
 17 ~~the later. The court may release any motor vehicle so~~  
 18 ~~impounded to the holder of a bona fide lien thereon,~~  
 19 ~~executed prior to such impounding, when possession of~~  
 20 ~~such motor vehicle is requested in writing by such~~  
 21 ~~lienholder for the purpose of foreclosing and satisfying~~  
 22 ~~his lien thereon, or to the owner of such vehicle if not~~  
 23 ~~a member of the arrested person's immediate family when~~  
 24 ~~requested in writing.~~

25 2. On page 34, line 6 after "53-180," insert "53-180.02,".

26 3. Renumber remaining sections accordingly.

Mr. Johnson moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 29:

|            |            |          |          |         |
|------------|------------|----------|----------|---------|
| Barrett    | Clark      | Hefner   | Kremer   | Marsh   |
| Beutler    | DeCamp     | Hoagland | Labeledz | Reutzel |
| Burrows    | Dworak     | Johnson  | Lamb     | Rumery  |
| Carsten    | Fitzgerald | Kahle    | Landis   | Vickers |
| Chambers   | Fowler     | Kelly    | Lewis    | Wesely  |
| Chronister | Goodrich   | Koch     | Maresh   |         |

Voting in the negative, 6:

|         |        |        |
|---------|--------|--------|
| Cope    | Marvel | Nichol |
| Kennedy | Murphy | Warner |

Present and not voting, 4:

Haberman    Newell        Pirsch        Wagner

Excused and not voting, 10:

Cullan        Keyes        Powers        Sieck        Stoney  
George        Merz        Schmit        Simon        Venditte

The Johnson amendment was adopted with 29 ayes, 6 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

#### NOTICE OF COMMITTEE HEARINGS

##### Business and Labor

|        |                              |      |
|--------|------------------------------|------|
| LB 993 | Wednesday, March 12 (Cancel) | 1:30 |
| LB 994 | Wednesday, March 12 (Cancel) | 1:30 |
| LB 993 | Thursday, March 13 (Reset)   | 1:30 |
| LB 994 | Thursday, March 13 (Reset)   | 1:30 |

(Signed) Richard Maresh, Chairperson

#### STANDING COMMITTEE REPORTS

##### Appropriations

**LEGISLATIVE BILL 673.** Placed on General File.

**LEGISLATIVE BILL 674.** Placed on General File.

**LEGISLATIVE BILL 815.** Placed on General File.

**LEGISLATIVE BILL 669.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 884.** Title read. Considered.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Advanced to E & R for Review with 26 ayes, 5 nays, 8 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 771.** Title read. Considered.

Mr. Lewis offered the following amendment:

- 1 1. On page 3, in lines 3 and 4 strike
- 2 "administering the provisions of", show as stricken
- 3 and insert "certifying educators pursuant to"; and in
- 4 line 10 after the period insert "No money in the
- 5 Teachers' Certification Fund shall be used for any
- 6 purpose other than the direct certification of educators
- 7 and shall not be used for accreditation visits.".

**MR. CLARK PRESIDING**

The Lewis amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 770.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print amendments to LB 954. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2160.)

**NOTICE OF COMMITTEE HEARING**

**Rules**

Wednesday, March 5, 1980

1:00 p.m.

(Signed) Steve Fowler, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 954 in the Journal. No objections. So ordered.

Strike sections 2 through 52.

Mr. Goodrich asked unanimous consent to print the following amendments to LB 823 in the Journal. No objections. So ordered.

(1)

- 1 1. On page 5, line 1 strike “nonprofit
- 2 organizations,”; and in line 2 before the period insert
- 3 “, but shall not include nonprofit corporations,
- 4 institutions, or similar nonprofit entities”.

(2)

- 1 1. On page 28, line 8 before “Individuals”
- 2 insert “(1)”; and after line 12 insert the following:
- 3 “(2) After such application is completed, the
- 4 applicant may perform the duties of an unarmed private
- 5 security officer.”.

(3)

- 1 1. On page 36, line 13 strike the first
- 2 “shall” and insert “may”; and strike lines 15 through 17.
- 3 2. On page 42, line 5, strike the second
- 4 “the” and insert “any”; and in line 6 strike “any”.

(4)

- 1 1. On page 41, line 18, strike “shall”
- 2 and insert “may”.
- 3 2. On page 42, line 5, strike the second
- 4 “the” and insert “any”; and in line 6 strike “any”.

### GENERAL FILE

**LEGISLATIVE BILL 839.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 839A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

### SPEAKER MARVEL PRESIDING

**LEGISLATIVE BILL 724.** Title read. Considered.

Standing Committee amendments found in the Journal on page 784 for the Twenty-Eighth Day were considered.

Mr. Lewis renewed his pending amendment to the Standing Committee amendments found in the Journal on page 859.

The amendment was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 769.** Title read. Considered.

Standing Committee amendment found in the Journal on page 784 for the Twenty-Eighth Day was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 774.** Title read. Considered.

Standing Committee amendment found in the Journal on page 784 for the Twenty-Eighth Day was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 954 in the Journal. No objections. So ordered.

On page 4, line 26 strike "county, city, or village" and insert "metropolitan, primary, first, and second class city with a population of eight hundred or more inhabitants".

**MOTION - Re-refer LB 905**

Messrs. Johnson, Newell, and Burrows moved to Re-refer LB 905 to the Revenue Committee where it was originally referred by Staff; and where it has been killed for the last 2 years, before Sen. DeCamp befriended this bad bill.

Motion pending.

**ADJOURNMENT**

At 3:39 p.m., on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-SIXTH DAY - MARCH 5, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 5, 1980

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Everlasting God, we ask Thy blessing upon those who assist the members of the Legislature of Nebraska. We remember the Lt. Governor and those who assist him; the Clerks and their dedicated staff; the sergeants at arms, the secretaries, and the skilled personnel who work in our offices. We remember the lobbyists who not only want to convince us of their position, but who assist us in providing information. We remember consultants who provide the expertise that sheds light upon the complicated issues confronting the Legislature. We remember the printers, members of the building and grounds staff. And we remember all others who labor so that the Senators of Nebraska can fulfill their awesome responsibilities. Give to these many people, merciful God, the assurance that what they do is appreciated by the Senators of this State. And give to all - Senators and those who assist them - the assurance that what they do counts in Thy sight. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Keyes, Merz, Simon, and Stoney who were excused; and Mrs. Labeledz, Messrs. Cullan, Goodrich, Koch, Lewis, and Newell who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-Fifth Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 672.** Placed on Select File as amended.  
E & R amendments to LB 672:

1. In the Johnson amendments, page 1, line 22, strike the comma.

2. In the title, line 2, strike "section 60-505.02" and insert "sections 60-505.02 and 60-556"; at the end of line 4 insert "to provide duties; to provide a penalty;" and in line 5 strike "section" and insert "sections".

**LEGISLATIVE BILL 672A.** Placed on Select File.

**LEGISLATIVE BILL 725.** Placed on Select File.

**LEGISLATIVE BILL 798.** Placed on Select File as amended.  
E & R amendment to LB 798:

1. In the title, line 6, strike "and"; and in line 7 insert "; and to declare an emergency" after "section".

**LEGISLATIVE BILL 730.** Placed on Select File as amended.  
E & R amendments to LB 730:

1. On page 4, strike beginning with "On" in line 6 through line 6, show stricken, and insert "The".

2. In the title, strike beginning with "to" in line 5 through the semicolon in line 6 and insert "to authorize search for additional candidates; to change a privileged communication provision;"; and in line 9 insert "24-810," after "sections".

**LEGISLATIVE BILL 616.** Placed on Select File.

**LEGISLATIVE BILL 892.** Placed on Select File as amended.  
E & R amendment to LB 892:

1. In the title, line 2, insert "section 24-525, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; in line 5 insert "to clarify provisions for transfer to the regular docket; to eliminate a fee;" after the semicolon; and in line 6 strike "section" and insert "sections".

**LEGISLATIVE BILL 842.** Placed on Select File.

**LEGISLATIVE BILL 689.** Placed on Select File as amended.  
E & R amendments to LB 689:

(Note: The Sieck amendments were to the original section 1 which was struck by committee amendment 1.)

1. Pursuant to the Sieck amendment 1, in committee amendments, page 1, strike beginning with "A" in line 19 through the period in line 24 and insert "A penalty of twelve per cent of the tax due on the improvements for each taxing period, for improvements voluntarily filed or reported after the final date for assessment has passed or for improvements not voluntarily filed or reported when the taxpayer proves the absence of notice or knowledge of the obligation to report such improvements; and (2) a penalty of twenty per cent of the tax due on improvements for each taxing period, for improvements not voluntarily reported for taxation purposes when the taxpayer had notice or knowledge of the obligation to report such improvements.".

2. In the Sieck amendment 2, strike reference to page 3, line 1; and insert the new matter in lines 16 to 19 as a new paragraph in committee amendments, page 2, after line 2.

3. In the title, line 2, strike "section 77-1318" and insert "sections 77-1318 and 77-1718"; in line 4 strike "a penalty" and insert "penalties"; in line 6 insert "to increase the interest rate on distress warrants;" after the semicolon; and in line 7 strike "section" and insert "sections".

**LEGISLATIVE BILL 800.** Placed on Select File.

**LEGISLATIVE BILL 731.** Placed on Select File.

**LEGISLATIVE BILL 731A.** Placed on Select File.

**LEGISLATIVE BILL 849.** Placed on Select File as amended. E & R amendments to LB 849:

1. For correlation purposes, in committee amendments, page 1, line 4, insert ", as amended by section 62, Legislative Bill 834, Eighty-sixth Legislature, Second Session, 1979" after "1978"; strike lines 7, 8, 19, and 20; renumber subdivisions "(2) to (6) as (1) to (5)"; insert "and" at the end of line 14; in line 16 strike "and" and insert "and"; and in line 18 strike "and" and insert a stricken period.

2. On page 12, line 17, strike "such".

3. On page 14, line 9, strike "their" and insert "the"; in line 21, strike "and"; and in line 22, insert "and section 81-195, Revised Statutes Supplement, 1978, as amended by section 62, Legislative Bill 834, Eighty-sixth Legislature, Second Session, 1979" after "1979".

4. In the title, line 6, strike "and"; in line 7 insert "and section 81-195, Revised Statutes Supplement, 1978, as amended by section 62, Legislative Bill 834, Eighty-sixth Legislature, Second Session, 1979" after "1979"; in line 18 strike "and"; and in line 21 insert "and to declare an emergency" after "1943".

**LEGISLATIVE BILL 849A.** Placed on Select File.

**Correctly Engrossed**

The following bills were correctly engrossed: 507A, 600, 604, 693, 772, 802, 814, 819A, 833, 876, 902, 958A, and 981.

(Signed) Don Wesely, Chairperson

**REPORTS**

Received report from the Commission on Aging on Nebraska Aging Services and Resources Utilization Inventory pursuant to LB 161, 1979. (On file in the Clerk's Office.)

Received copy of proposed lease from the State Building Division regarding the State Patrol leasing of property at 124 W. 11th Ave., Holdrege. (On file in the Clerk's Office.)

**MOTION - Return LB 681 to Select File**

Mrs. Marsh moved to return LB 681 to Select File for the following specific amendment:

(Final Reading)

Req. #2182

2 1. Insert the following new section:

3 "Sec. 2. That section 71-626, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 71-626. (1) For each adoption of a Nebraska-born  
7 or foreign-born person decreed by any court of this  
8 state, the court shall require the preparation of a  
9 report of adoption on a form prescribed and furnished by  
10 the Bureau of Vital Statistics, Department of Health.  
11 The report shall (a) include the original name, date and  
12 place of birth and the name of the parent or parents of  
13 such person; (b) provide information necessary to  
14 establish a new certificate of birth of the person  
15 adopted; and (c) identify the decree of adoption and be  
16 certified by the clerk of the court.

17 (2) Information in the possession of the  
18 petitioner necessary to prepare the report of adoption  
19 shall be furnished with the petition for adoption by each  
20 petitioner or his or her attorney. The social or welfare  
21 agency or other person concerned shall supply the court  
22 with such additional information in his or her possession  
23 as may be necessary to complete the report. The  
24 supplying of such information shall be a prerequisite to  
25 the issuance of a decree.

1 (3) Whenever an adoption decree is amended or set  
 2 aside, the clerk of the court shall prepare a report  
 3 thereof, which shall include such facts as are necessary  
 4 to identify the original adoption report and the facts  
 5 amended in the adoption decree as shall be necessary to  
 6 properly amend the birth record.

7 (4) Not later than the tenth day after the decree  
 8 has been entered, the clerk of such court shall forward  
 9 the report to the Bureau of Vital Statistics, Department  
 10 of Health, ~~the report required for persons born in the~~  
 11 ~~State of Nebraska~~ whenever an adoptive birth certificate  
 12 is to be filed or has already been filed.”.

13 2. In the Marsh amendment (white copy Req.  
 14 2176) on page 2, line 6 after “43-107” insert “,  
 15 71-626,”; in line 9 strike the second “to” and insert  
 16 “ACT”; in line 10 after “43-107” insert “, 71-626,”; and  
 17 in line 12 after the semicolon insert “to provide a  
 18 report of adoption for foreign-born persons as  
 19 prescribed;”.

20 3. Strike amendment 2 in the Marsh amendment  
 21 (white copy Req. 2176) and renumber the section added by  
 22 the Marsh amendment (white copy Req. 2176) as section 3  
 23 and the original sections 2 and 3 as 4 and 5  
 24 respectively.

The motion prevailed with 27 ayes, 0 nays, 12 present and not voting,  
 and 10 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 681.** The Marsh specific amendment found in  
 this day’s Journal was adopted with 26 ayes, 0 nays, 13 present and  
 not voting, and 10 excused and not voting.

Advanced to E & R for Re-Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 637.** Title read. Considered.

Standing Committee amendment found in the Journal on page 652 for  
 the Twenty-Third Day was considered.

Mr. Maresh offered the following amendment to the Standing  
 Committee amendment:

- 1 1. On page 652 of the Journal in Standing
- 2 Committee amendment 2., line 8 after “alcohol” insert
- 3 “and related by-products. The Legislature shall provide
- 4 by law for an excise or other appropriate tax on the

5 products that may be utilized in the production of ag-  
 6 ricultural ethyl alcohol, as determined by the Legislature.  
 7 The revenue raised by such tax shall be used for the  
 8 purpose of guaranteeing bonds issued for the construction  
 9 and operation of such plants”.

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Reutzel offered the following amendment to the Standing Committee amendment:

Amend the committee amendments on LB 637 as follows:  
 On page 2 line 1 strike “primary” and reinsert “general” and on page 2 line 2 strike “May” and reinsert “November”.

The amendment was adopted with 23 ayes, 0 nays, 16 present and not voting, and 10 excused and not voting.

Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

## SELECT COMMITTEE REPORT

### Rules

The Rules Committee met on Monday, March 3, 1980, and acted favorably on the following proposed rule changes:

1. Lewis rule change to Rule 3, Section 18, found on Journal p. 692.  
 VOTE: For: Fowler, Beutler, Kahle, Murphy, Newell. Against: None.  
 Excused: None. Absent: None.
2. Warner rule changes to Rule 6, Section 3(b) found on Journal p. 406, and Rule 7, Section 3(b) found on Journal p. 407.  
 VOTE: For: Fowler, Beutler, Murphy. Against: Newell. Excused: Kahle. Absent: None.

(Signed) Steve Fowler, Chairperson

**STANDING COMMITTEE REPORTS**  
**Agriculture and Environment**

**LEGISLATIVE BILL 106.** Indefinitely postponed.  
**LEGISLATIVE BILL 473.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

**Judiciary**

**LEGISLATIVE BILL 945.** Placed on General File as amended.  
Standing Committee amendments to LB 945:

- 1 1. On page 2, line 3 strike "In", and insert  
2 "As used in"; and in line 10 strike "Agency" and insert  
3 "Commission".
- 4 2. On page 3, line 24 strike "agency" and  
5 insert "commission".
- 6 3. On page 4, line 3 strike "and", and insert  
7 "or".
- 8 4. On page 5, in lines 9 and 16 strike "may"  
9 and insert "shall"; in line 23 strike "or local governing  
10 laws"; and in line 25 strike "must" and insert "shall".
- 11 5. On page 6, in line 24 strike "ordinarily";  
12 and in line 25 strike "need".
- 13 6. On page 8, line 3 strike "must" and insert  
14 "shall"; in line 4 after "him" insert "or her"; in line 14  
15 strike "may" and insert "shall"; in line 18 strike "ordin-  
16 arily"; and in line 19 after "include" insert ", but not be  
17 limited to,".
- 18 7. On page 9, line 3 strike "must" and insert  
19 "shall"; in line 22 strike "ordinarily"; and in line 23  
20 strike "need".
- 21 8. On page 11, line 20, strike "must" and  
22 insert "shall"; in line 22 strike "must contain or" and  
23 insert "shall".
- 24 9. On page 12, line 14, and page 14, line 4  
25 strike "must" and insert "shall".
- 26 10. On page 16 lines 4 and 26, strike "must"  
27 and insert "shall"; and line 15 strike "agency" each time  
1 it appears and insert "commission".
- 2 11. On page 17, line 18 strike "agency" and  
3 insert "commission".
- 4 12. On page 20, in line 5 strike "must" and  
5 insert "shall"; in line 12 strike "may" and insert "shall";  
6 in line 15 before "If" insert "(1)"; in line 18 after  
7 "persons" insert "damaged or otherwise"; in line 19 after  
8 "relief" insert ", which may be brought in the county

9 where the cause of action or part of the cause of action  
 10 arose"; in line 19 strike beginning with "Failure" through  
 11 "shall" in line 21 and insert "The court may"; in line 22  
 12 after "state" insert "in violation of this act"; in line 23  
 13 strike "to the certificate holder"; in line 25 after  
 14 "annum" insert ", may be recovered", and after "from"  
 15 insert "the"; and strike beginning with ", may" in line 25  
 16 through "arose" in line 27 and insert "or such violation,  
 17 whichever is later".

18 13. On page 21, in line 1 after "award" insert  
 19 "such person or class of persons", and before "Any" insert  
 20 "(2)(a)" and start a new paragraph; in line 6 before "Any"  
 21 insert "(b)"; in line 9 before "Whenever" insert "(3)";  
 22 in line 20, before "The" insert "(4)", and strike "agency"  
 23 and insert "commission"; in line 24 strike "and seeking"  
 24 and after "or" insert "in which"; and in line 25 strike  
 25 "must" and insert "is sought shall".

26 14. On page 22, lines 16, 19, 20, 21, and 25  
 27 strike "agency" and insert "commission".

1 15. On page 23, in line 3 strike "agency's"  
 2 and insert "commission's" and in lines 5, 7, 11, and 24  
 3 strike "agency" and insert "commission".

4 16. On page 24 in line 1 strike "agency's"  
 5 and insert "commission's"; in lines 2, 5, 9, 14, and 26,  
 6 strike "agency" and insert "commission"; in lines 12 and 21  
 7 strike "may" and insert "shall"; and in line 18 strike  
 8 "must" and insert "shall".

9 17. On page 25 in lines 5, 12, 19, and 23  
 10 strike "agency" and insert "commission".

11 18. On page 26, in lines 2 and 13, strike  
 12 "agency" and insert "commission"; and in line 24 before  
 13 "An" insert "(1)" and strike "must" and insert "shall".

14 19. On page 27, in line 4 strike "agency" and  
 15 insert "commission"; in line 5 before "Such" insert "(2)";  
 16 and in line 23 before "The" insert "(3)".

17 20. On page 28, in lines 5, 12, 17, and 22,  
 18 strike "agency" and insert "commission"; and in line 12  
 19 strike "may" and insert "shall".

20 21. On page 29, in lines 1, 6, 9, 14, and 21  
 21 strike "agency" and insert "commission".

22 22. On page 31, in line 25 strike "must" and  
 23 insert "shall".

(Signed) William E. Nichol, Chairperson

#### UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 906 in the Journal. No objections. So ordered.

- 1 1. Strike original sections 1 through 57.
- 2 2. Renumber original section 58 as section 1.
- 3 3. In the title strike lines 2 through 7 and
- 4 insert as follows:
- 5 "FOR AN ACT to repeal section 39-6,191, Reissue
- 6 Revised Statutes of Nebraska, 1943,
- 7 relating to guest passengers."

### **SPEAKER MARVEL PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 605.** Title read. Considered.

Standing Committee amendments found in the Journal on page 693 for the Twenty-Fifth Day were considered.

Mr. Haberman withdrew his pending amendment to the Standing Committee amendment found in the Journal on page 699.

Messrs. Hoagland and Landis offered the following amendment to the Standing Committee amendment:

Strike Section 1.

### **MR. CLARK PRESIDING**

The Hoagland-Landis amendment to the Standing Committee amendment was adopted with 23 ayes, 0 nays, 18 present and not voting, and 8 excused and not voting.

Mr. Hoagland offered the following amendment to the Standing Committee amendment:

Strike "disorderly conduct" on line 9 in Section 2 and substitute therefor "disturbing the peace."

### **SPEAKER MARVEL PRESIDING**

The Hoagland amendment was adopted with 20 ayes, 1 nay, 20 present and not voting, and 8 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Johnson offered the following amendment to the Standing Committee amendment:

Strike the words "and others" in line 10, page 1.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Johnson amendment was adopted with 19 ayes, 6 nays, 15 present and not voting, and 9 excused and not voting.

Mr. DeCamp offered the following amendment to the Standing Committee amendment:

Provided nothing in this bill shall prevent people from peaceably assembling.

The amendment lost with 10 ayes, 12 nays, 18 present and not voting, and 9 excused and not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Haberman withdrew his pending amendment found in the Journal on page 283.

Mr. Chambers moved to indefinitely postpone LB 605.

The motion lost with 13 ayes, 21 nays, 7 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

- 1 1. In the DeCamp amendment beginning on
- 2 page 971 of the Journal insert the following new section:
- 3 "Sec. 4. Any limitation placed on the state
- 4 budget pursuant to section 3 of this act shall remain in
- 5 effect until a majority of those voting on such issue
- 6 vote to alter, amend, or revoke such budget limitation
- 7 or the Legislature votes, after such limit has been in
- 8 effect for at least one fiscal year, to alter, amend,
- 9 or revoke such budget limitation. An election called
- 10 by the voters to alter, amend, or revoke such budget
- 11 limitation shall be called and conducted in the same
- 12 manner as an election to place a limitation on the budget

13 pursuant to section 1 of this act.''.

**STANDING COMMITTEE REPORTS**  
**Public Health and Welfare**

**LEGISLATIVE BILL 21.** Indefinitely postponed.  
**LEGISLATIVE BILL 171.** Indefinitely postponed.  
**LEGISLATIVE BILL 256.** Indefinitely postponed.  
**LEGISLATIVE BILL 299.** Indefinitely postponed.  
**LEGISLATIVE BILL 418.** Indefinitely postponed.  
**LEGISLATIVE BILL 938.** Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

**MOTION - Reconsider Action on LB 817**

Mr. Newell moved to reconsider action on Final Reading of LB 817.

Motion pending.

**GENERAL FILE**

**LEGISLATIVE BILL 954.** Laid over at the request of Mr. DeCamp.

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 276.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 789 for the Twenty-Eighth Day and printed separate from the Journal (Req. #2153) and the Standing Committee amendments found in the Journal on page 823 for the Twenty-Ninth Day (Req. #2166) were adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**SPEAKER MARVEL PRESIDING**

Advanced to E & R for Review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Mr. DeCamp asked unanimous consent to expedite LB 276. No objections. So ordered.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 207.**

Introduced by Goodrich, 20th District; Barrett, 39th District; Beutler, 28th District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; DeCamp, 40th District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Koch, 12th District; Kremer, 34th District; Labeledz, 5th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Pirsch, 10th District; Powers, 9th District; Reutzell, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, Matilda Morbach Dworak was a long-time resident of David City, Nebraska; and

WHEREAS, Matilda Dworak was a loving wife and mother of three children, while remaining active in her community and church; and

WHEREAS, Mrs. Dworak passed away on Saturday, March 1, 1980.

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

1. That the Legislature extends its deepest condolences to each member of the Dworak family, which includes her son, Senator Don Dworak.

2. That the Clerk of the Legislature deliver a copy of this resolution to Senator Dworak, as an expression of the Legislature's sympathy to the Dworak family.

Speaker Marvel moved to suspend the rules, Rule 4, Sec. 6, to consider LR 207 today. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

LR 207 was adopted with 39 ayes, 0 nays, and 10 not voting.

The members stood for a moment of silence.

Mr. Dworak thanked the members on behalf of his family.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 872A.** By Lewis, 45th District.  
This bill introduced on behalf of: LB 872.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, Eighty-sixth Legislature, Second Session, 1980.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hoagland asked unanimous consent to print the following amendment to LB 974 in the Journal. No objections. So ordered.

Req. #2192

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

4 "Section 1. That section 49-1401, Reissue  
5 Revised Statutes of Nebraska, 1943, be amended to read as  
6 follows:

7 49-1401. Sections 49-1401 to 49-14,138 and  
8 sections 4 to 6 of this act shall be known and may be  
9 cited as the Nebraska Political Accountability and  
10 Disclosure Act.

11 Sec. 2. That section 49-1403, Reissue Revised  
12 Statutes of Nebraska, 1943, be amended to read as  
13 follows:

14 49-1403. For purposes of sections 49-1401 to  
15 49-14,138 and sections 4 to 6 of this act, unless the  
16 context otherwise requires, the definitions found in  
17 sections 49-1404 to 49-1444 shall be used.

18 Sec. 3. That section 49-1409, Reissue Revised  
19 Statutes of Nebraska, 1943, be amended to read as  
20 follows:

21 49-1409. (1) Candidate shall mean an individual:  
22 (a) Who files, or on behalf of whom is filed, a fee,  
23 affidavit, nomination papers, or nominating petition for  
24 an elective office; (b) whose nomination as a candidate  
25 for elective office by a political party caucus,  
1 committee, or convention is certified to the appropriate  
2 filing official; ~~or~~ (c) who is an officeholder who is the  
3 subject of a recall vote; or (d) who receives a  
4 contribution, makes an expenditure, or gives consent for  
5 another person to receive a contribution or make an  
6 expenditure, with a view to bringing about the  
7 individual's nomination or election to an elective  
8 office, whether or not the specific elective office for

9 which the individual will seek nomination or election is  
10 known at the time the contribution is received or the  
11 expenditure is made. An elected officeholder shall, if  
12 eligible under law, be considered to be a candidate for  
13 reelection to that same office for the purposes of  
14 sections 49-1401 to 49-14,138 only.

15 (2) Candidate shall not include any person within  
16 the meaning of Section 301(b) of the Federal Election  
17 Campaign Act of 1971, as amended.

18 Sec. 4. A candidate for the office of member of  
19 the Legislature and candidate committees thereof shall  
20 not accept contributions from corporations, labor  
21 organizations, industry, trade, or professional  
22 associations, separate segregated political education  
23 funds, or committees, whether organized under the laws of  
24 this state or any other state or country, except  
25 political party committees, which in the aggregate exceed  
26 five thousand dollars from the thirty-sixth day after the  
27 general election in the candidate's district to the  
1 thirty-fifth day after the next general election in such  
2 district.

3 Sec. 5. Any contribution to a candidate for the  
4 office of member of the Legislature and candidate  
5 committees thereof that is made in the name of an  
6 individual and in a manner which creates the appearance  
7 that the contribution was made by or on behalf of any of  
8 the persons designated in section 4 of this act shall be  
9 reported by such person as a contribution to such  
10 candidate and candidate committee thereof, when such  
11 persons are otherwise required under sections 49-1401 to  
12 49-14,138 to report contributions or expenditures, and  
13 shall be treated as a contribution by such person for  
14 purposes of the limitations imposed by this act.

15 Sec. 6. Any person who violates section 4 or 5  
16 of this act shall be subject to the proceedings,  
17 sanctions, and penalties established by sections  
18 49-14,124 to 49-14,128.

19 Sec. 7. This act shall become operative on  
20 December 10, 1980.

21 Sec. 8. That original sections 49-1401,  
22 and 49-1403, and 49-1409, Reissue Revised Statutes of  
23 Nebraska, 1943, are repealed."

## RESOLUTION

### LEGISLATIVE RESOLUTION 208.

Introduced by Koch, 12th District.

WHEREAS, outstanding achievements by Nebraska high schools and their students deserve recognition for the hard work and determination needed to achieve and maintain such commendable results; and

WHEREAS, Omaha Westside High School girls' and boys' swimming teams have completed another successful season; and

WHEREAS, the Omaha Westside boys' swimming team won the 1979-1980 state championship which was their third straight state championship, and they have won ten out of the last eleven state championships; and

WHEREAS, the Omaha Westside girls' swimming team also won the 1979-1980 state championship and this was their fifth straight state championship.

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

1. That the members of the Legislature acknowledge the competitive spirit of the Omaha Westside swim teams and extend their congratulations to each member of the girls' and boys' swimming teams and coaching staffs of Omaha Westside High School.

2. That the Clerk of the Legislature send copies of this resolution to the coaching staffs of the Omaha Westside swimming teams.

Laid over.

### **VISITORS**

Visitors to the Chamber were 75 fourth grade students and teachers, Belmont School, Lincoln; and 75 kindergarten and first grade students and teachers, Randolph School, Lincoln.

### **RECESS**

At 12:03 p.m., on a motion by Mr. Vickers, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:45 p.m., Speaker Marvel presiding.

### **ROLL CALL**

The roll was called and all members were present except Messrs. Keyes, Merz, Simon, and Stoney who were excused; and Mrs. Marsh, Messrs. Goodrich, Powers, Sieck, Warner, and the members of the Urban Affairs Committee who were excused until they arrive.

## GENERAL FILE

**LEGISLATIVE BILL 279.** Title read. Considered.

Standing Committee amendments found in the Journal on page 789 for the Twenty-Eighth Day were considered.

Mr. Fitzgerald offered the following amendment to the Standing Committee amendment:

- 1 1. In the Standing Committee amendments
- 2 strike section 1 and on page 4 in lines 9 and 19 strike
- 3 "39-1349,".
- 4 2. Renumber remaining sections accordingly.

The amendment was adopted with 16 ayes, 6 nays, 12 present and not voting, and 15 excused and not voting.

Mr. Johnson offered the following amendment to the Standing Committee amendment:

Req. #2194

- 3 1. Insert the following new sections:
- 4 "Section 1. That section 8-440, Reissue Revised
- 5 Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 8-440. All charges based upon due performance of
- 8 the loan contract and computed as provided in section
- 9 8-435 may be included in the amount of any installments
- 10 scheduled to be repaid by the borrower. If the contract
- 11 is prepaid in full by cash, a new loan or otherwise after
- 12 the first installment due date, the borrower shall
- 13 receive a rebate of an amount which shall be not less
- 14 than the amount obtained by applying to the unpaid
- 15 principal balances as originally scheduled or, if
- 16 deferred, as deferred, for the period following
- 17 prepayment, according to the actuarial method, the annual
- 18 percentage rate previously stated to the borrower
- 19 pursuant to the Federal Consumer Credit Protection Act.
- 20 The licensee may round the annual percentage rate to the
- 21 nearest one half of one per cent if such procedure is not
- 22 consistently used to obtain a greater yield than would
- 23 otherwise be permitted. Any default and deferment
- 24 charges which are due and unpaid may be deducted from any
- 25 rebate. No rebate shall be required for any partial
- 1 prepayment. No rebate of less than one dollar need be
- 2 made. Acceleration of the maturity of the contract shall
- 3 not in itself require a rebate. If judgment is obtained
- 4 before the final installment date the contract balance
- 5 shall be reduced by the rebate which would be required
- 6 for prepayment in full as of the date judgment is

~~7 obtained. If charges have been precomputed and included  
8 in the scheduled installments, and if the contract is  
9 prepaid in full by cash, a new loan, or otherwise after  
10 the first installment due date but before the final  
11 installment due date, the refund shall be at least as  
12 great a proportion of the total charges as the sum of the  
13 remaining monthly balances of the principal and interest  
14 combined scheduled to follow the date of prepayment bears  
15 to the sum of all the monthly balances of principal and  
16 interest combined originally scheduled by the contract.  
17 For the purpose of computing the refund, any prepayment  
18 in full made on or before the fifteenth day following an  
19 installment date shall be deemed to have been made on the  
20 installment date immediately preceding the date of  
21 prepayment in full and any prepayment in full made after  
22 such fifteenth day shall be deemed to have been made on  
23 the installment date immediately following the date of  
24 prepayment in full. No refund shall be required for any  
25 partial prepayment. No refund of less than one dollar  
26 need be made. The charges retained may be increased to  
27 the extent that delinquency charges on any scheduled  
1 installment or portion thereof, if contracted for, may be  
2 taken not in excess of five per cent of each installment  
3 or five dollars, whichever is less, or in lieu thereof  
4 interest after maturity on each such installment not  
5 exceeding the highest permissible contract rate as  
6 provided in section 8-435. If judgment is obtained  
7 before the final installment due date, the contract  
8 balance shall be reduced by the refund amount which would  
9 be required for prepayment in full as of the date  
10 judgment is obtained.~~

11 Sec. 2. That section 8-822, Reissue Revised  
12 Statutes of Nebraska, 1943, be amended to read as  
13 follows:

14 8-822. Charges under section 8-820 shall be  
15 computed by application of the rate charged to the  
16 outstanding principal balance for the number of days  
17 actually elapsed without adding any additional charges,  
18 except that at the time the loan is made charges may be  
19 computed as a percentage per month of unpaid principal  
20 balances for the number of days elapsed on the assumption  
21 that the unpaid principal balance will be reduced, as  
22 provided in the loan contract, and such charges may be  
23 included in the scheduled installments; Provided, that if  
24 the loan is prepaid in full by cash, a new loan or  
25 otherwise after the first installment due date, the  
26 borrower shall receive a rebate of an amount which shall  
27 be not less than the amount obtained by applying to the  
1 unpaid principal balances as originally scheduled or, if  
2 deferred, as deferred, for the period following

3 prepayment, according to the actuarial method, the annual  
4 percentage rate previously stated to the borrower  
5 pursuant to the Federal Consumer Credit Protection Act.  
6 The licensee may round the annual percentage rate to the  
7 nearest one half of one per cent if such procedure is not  
8 consistently used to obtain a greater yield than would  
9 otherwise be permitted. Any default and deferment  
10 charges which are due and unpaid may be deducted from any  
11 rebate. No rebate shall be required for any partial  
12 prepayment. No rebate of less than one dollar need be  
13 made. Acceleration of the maturity of the contract shall  
14 not in itself require a rebate. If judgment is obtained  
15 before the final installment date the contract balance  
16 shall be reduced by the rebate which would be required  
17 for prepayment in full as of the date judgment is  
18 obtained. ~~repaid in whole or in part prior to the due~~  
19 ~~date unearned charges shall be refunded or credited to~~  
20 ~~the borrower in full, but such refund need not be made~~  
21 ~~until final payment of the loan contract. Such refund~~  
22 ~~shall be at least as great a proportion of the total~~  
23 ~~charges as the sum of the remaining monthly balances of~~  
24 ~~the principal and interest combined scheduled to follow~~  
25 ~~the date of prepayment bears to the sum of all the~~  
26 ~~monthly balances of principal and interest combined~~  
27 ~~originally scheduled by the contract. For the purpose of~~  
1 ~~computing the refund, any prepayment in full made on or~~  
2 ~~before the fifteenth day following an installment date~~  
3 ~~shall be deemed to have been made on the installment date~~  
4 ~~immediately preceding the date of prepayment in full, and~~  
5 ~~any prepayment in full made after such fifteenth day~~  
6 ~~shall be deemed to have been made on the installment date~~  
7 ~~immediately following the date of prepayment in full. No~~  
8 ~~refund shall be required for any partial prepayment. No~~  
9 ~~refund of less than one dollar need be made. The charges~~  
10 ~~retained by the bank may be increased to the extent that~~  
11 ~~delinquency charges are computed on earned charges in~~  
12 ~~accordance with the next succeeding sentence.~~  
13 ~~Delinquency charges on any scheduled installment or~~  
14 ~~portion thereof, if contracted for, may be taken not in~~  
15 ~~excess of five per cent on each installment or five~~  
16 ~~dollars, whichever is less, or in lieu thereof interest~~  
17 ~~after maturity on each such installment not exceeding the~~  
18 ~~highest permissible interest rate.~~

19 Sec. 7. That section 45-342, Revised Statutes  
20 Supplement, 1979, be amended to read as follows:  
21 45-342. Notwithstanding the provisions of any  
22 contract to the contrary, any buyer may prepay in full at  
23 any time before maturity the obligation of any contract  
24 and if such obligation is prepaid in full by cash, a new  
25 loan or otherwise after the first installment due date,

- 26 the borrower shall receive a rebate of an amount which  
 27 shall be not less than the amount obtained by applying  
 1 the unpaid principal balances as originally scheduled or,  
 2 if deferred, as deferred, for the period following  
 3 prepayment, according to the actuarial method, the annual  
 4 percentage rate previously stated to the borrower  
 5 pursuant to the Federal Consumer Credit Protection Act.  
 6 The licensee may round the annual percentage rate to the  
 7 nearest one half of one per cent if such procedure is not  
 8 consistently used to obtain a greater yield than would  
 9 otherwise be permitted. Any default and deferment  
 10 charges which are due and unpaid may be deducted from any  
 11 rebate. No rebate shall be required for any partial  
 12 prepayment. No rebate of less than one dollar need be  
 13 made. Acceleration of the maturity of the contract shall  
 14 not in itself require a rebate. If judgment is obtained  
 15 before the final installment date the contract balance  
 16 shall be reduced by the rebate which would be required  
 17 for prepayment in full as of the date judgment is  
 18 obtained. ~~so prepaid, any unearned charges shall be~~  
 19 ~~refunded. The amount of such refund shall represent at~~  
 20 ~~least as great a proportion of the time price~~  
 21 ~~differential as the sum of the monthly time balances~~  
 22 ~~after the month prepayment is made bears to the sum of~~  
 23 ~~all the monthly time balances under the schedule of~~  
 24 ~~payments in the contract. Where the amount of credit is~~  
 25 ~~less than one dollar no refund need be made.”.~~  
 26 2. On page 4, lines 9 and 18 after “sections”  
 27 insert “8-440, 8-822,”; and in lines 11 and 20 after  
 1 “1943” insert “, and section 45-342, Revised Statutes  
 2 Supplement, 1979”.  
 3 3. Renumber remaining sections accordingly.

The amendment was adopted with 14 ayes, 0 nays, 20 present and not voting, and 15 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

**LEGISLATIVE BILL 308.** Title read. Considered.

Standing Committee amendments found in the Journal on page 791 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 6 present and not voting, and 13 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 749.** Mr. Hoagland renewed his pending motion found in the Journal on page 872 to indefinitely postpone.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?"

Mr. Dworak moved for a Call of the House. The motion prevailed with 9 ayes, 2 nays, and 38 not voting.

The motion to close debate prevailed with 25 ayes, 8 nays, and 16 not voting.

The motion to indefinitely postpone prevailed with 25 ayes, 17 nays, and 7 excused and not voting.

The Chair declared the Call raised.

Messrs. Cope and Kelly asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 615.** E & R amendment found in the Journal on page 795 for the Twenty-Ninth Day was adopted.

Mr. Warner offered the following amendment: Strike the Lewis amendment found on page 724 of the Legislative Journal.

The amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 615A.** Messrs. Wagner, Lewis, and DeCamp offered the following amendment:

1. on page 3, strike lines 15 and 16 and insert the following:
 

|               |         |
|---------------|---------|
| General fund  | \$3,676 |
| Federal fund  | \$1,838 |
| Program Total | \$5,514 |
  
2. on page 3, strike lines 25 and 26 and insert the following:
 

|              |          |
|--------------|----------|
| General fund | \$29,708 |
| Federal fund | \$ 1,838 |
| Agency Total | \$31,546 |

The amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 619.** E & R amendments found in the Journal on page 828 for the Thirtieth Day were adopted.

Mr. Maresh offered the following amendment:

1 1. In the Newell amendments beginning on page  
 2 785 of the Journal, on page 2, line 23 strike "and" and  
 3 show as stricken; and in line 26 after "skid" insert  
 4 ", and (4) it shall be permissible for persons sixty-five  
 5 years of age or older who use or own a vehicle with  
 6 studded or spiked tires to continue to use such tires  
 7 purchased before the operative date of this act, but  
 8 not to purchase new studded tires after the operative  
 9 date of this act".

Mr. Maresh moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Maresh requested a roll call vote on his amendment.

Voting in the affirmative, 23:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Burrows    | DeCamp     | Kennedy  | Murphy  | Schmit   |
| Carsten    | Fitzgerald | Labeledz | Nichol  | Venditte |
| Chronister | Haberman   | Lamb     | Pirsch  | Vickers  |
| Clark      | Hefner     | Maresh   | Reutzel |          |
| Cullan     | Kahle      | Marvel   | Rumery  |          |

Voting in the negative, 21:

|          |          |        |        |        |
|----------|----------|--------|--------|--------|
| Barrett  | Fowler   | Koch   | Newell | Wesely |
| Beutler  | George   | Kremer | Powers |        |
| Chambers | Hoagland | Landis | Sieck  |        |
| Cope     | Johnson  | Lewis  | Wagner |        |
| Dworak   | Kelly    | Marsh  | Warner |        |

Excused and not voting, 5:

|          |       |      |       |        |
|----------|-------|------|-------|--------|
| Goodrich | Keyes | Merz | Simon | Stoney |
|----------|-------|------|-------|--------|

The Maresh amendment lost with 23 ayes, 21 nays, and 5 excused not voting.

The Chair declared the Call raised.

Mr. Venditte moved to indefinitely postpone LB 619.

Motion pending.

**LEGISLATIVE BILL 618.** E & R amendment found in the Journal on page 829 for the Thirtieth Day was adopted.

Mr. Reutzel moved to indefinitely postpone.

Mr. Cullan moved to suspend the rules, Rule 7, Sec. 3, to consider the Reutzel indefinitely postpone motion today.

Mr. Cullan moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to suspend the rules prevailed with 30 ayes, 4 nays, and 15 not voting.

Mr. Lewis 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 Reutzel motion to indefinitely postpone lost with 9 ayes, 19 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Reutzel requested a machine vote to advance LB 618.

Advanced to E & R for Engrossment with 25 ayes, 4 nays, 9 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 618A.** Mr. Reutzel requested a machine vote to advance LB 618A.

Advanced to E & R for Engrossment with 25 ayes, 4 nays, 9 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 94.** E & R amendments found in the Journal on page 863 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 765A.** Mr. Lamb offered the following amendment:

Add a new Section 1 as follows:

“Section 1. There is hereby appropriated four hundred twenty-one thousand four hundred four dollars from federal funds for the period July 1, 1979, to June 30, 1980, to the State Department of Education, for Program 292, to aid in carrying out the provisions of Legislative Bill 765 Eighty-sixth Legislature, Second Session, 1980.”

Renumber remaining sections.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 655.** E & R amendment found in the Journal on page 865 for the Thirty-First Day was adopted.

Mr. Murphy offered the following amendment:

On page 2 on line 16 after the period - Insert “Subsequent installments shall become delinquent on the anniversary date of the levy.”

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 793.** Mr. Johnson renewed his pending amendment found in the Journal on page 810.

The amendment lost with 9 ayes, 14 nays, 16 present and not voting, and 10 excused and not voting.

Laid over.

#### SPEAKER'S ORDER

The following bills have been scheduled for Special Order:

LB 889 - Thursday, March 13, 1980

LB 696 - Thursday, March 13, 1980

(Signed) Richard D. Marvel, Speaker

#### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 630A.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman.

This bill introduced on behalf of: LB 630.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 630, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 632A.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman.

This bill introduced on behalf of: LB 632.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 853A.** By Agriculture and Environment Committee: Schmit, 23rd District, Chairman.

This bill introduced on behalf of: LB 853.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 853, Eighty-sixth Legislature, Second Session, 1980.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. Johnson asked unanimous consent to print the following amendment to LB 730 in the Journal. No objections. So ordered.

Strike 'all' in line 15, page 2 of the Bill and substituting therefor the word 'only'.

Mr. Vickers asked unanimous consent to print the following amendment to LB 689 in the Journal. No objections. So ordered.

- 1 1. In the committee amendments on page 2, line 1
- 2 strike "or" and insert an underscored comma; and in line 2
- 3 before the period insert ", or irrigation well".

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

#### **Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 681.

THIRTY-SIXTH DAY - MARCH 5, 1980

1011

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Expedite Bills**

Mr. DeCamp asked unanimous consent to expedite LB 279 and LB 308. No objections. So ordered.

**NOTICE OF COMMITTEE HEARING**  
**Committee on Committees**

The Committee on Committees will meet at 12:10 p.m., Wednesday, March 12, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing appointments or reappointments by Governor Charles Thone as follows:

Jody Asmussen - Nebraska Arts Council

Irvin S. Chesen

Department of Economic Development

James Kamas

Commission for the Hearing Impaired

Lynn Moore - State Electrical Board

Dr. Patricia Sullivan

Commission for the Hearing Impaired

Beverly Thomas

Commission for the Hearing Impaired

(Signed) Shirley Marsh, Chairperson

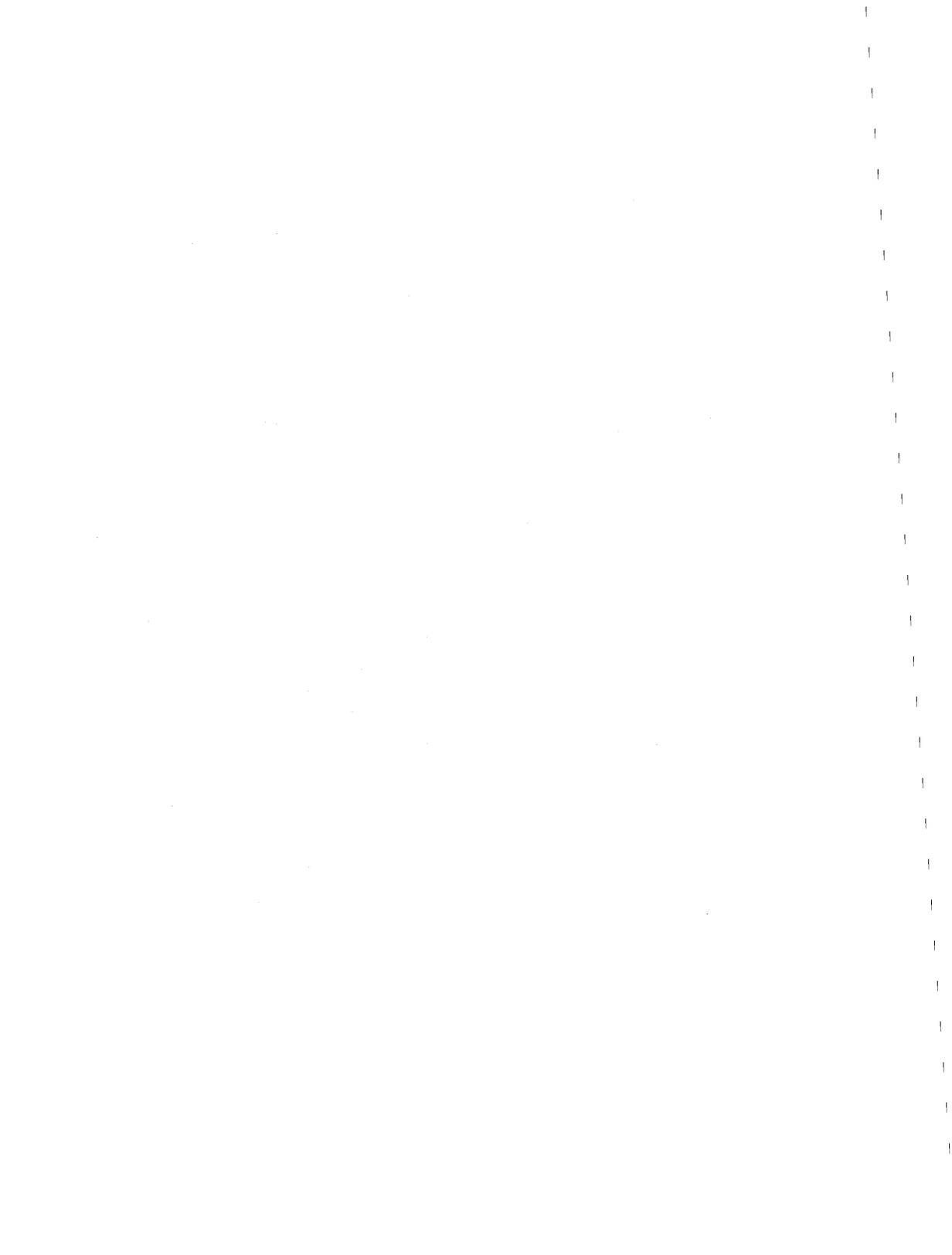
**VISITORS**

Visitors to the Chamber were Bob Law, Columbus City Councilman, and his son Robbie; and Gwen Knobel from Fairbury.

**ADJOURNMENT**

At 4:20 p.m., on a motion by Mr. Hoagland, the Legislature adjourned until 8:30 a.m., Thursday, March 6, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SEVENTH DAY - MARCH 6, 1980**  
**LEGISLATIVE JOURNAL**

**THIRTY-SEVENTH DAY - MARCH 6, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 6, 1980

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Marvel presiding.

**PRAAYER**

The prayer was offered by the Chaplain.

O God, Who dost watch over every one of Thy children throughout the world, Thou dost understand how hard it is for these, thy servants, to keep in mind the thousands of their fellow citizens for whom they must legislate. Thou knowest the clamor of voices in their ears, the constant tugging at their sleeves, forever trying to influence them; the small voices of little men without monies or reputation; the blatant voices of aggressive pressure groups; the big voices of selfish men and those working for personal gain; even the whispering inner voices of personal ambition; those insinuating voices holding out the lure of unmerited reward. Amid all the din of voices, give these Thy servants the willingness to take time to listen to Thy voice, knowing that if they follow the still small voice within, all Thy people will be served fairly, and all groups will get what they deserve. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Koch, Lewis, and Stoney who were excused; and Messrs. Beutler, Chambers, Haberman, Johnson, Newell, Schmit, and Simon who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-Sixth Day was approved.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 207.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 621.**

A BILL FOR AN ACT relating to the Uniform Commercial Code; to adopt the American Law Institute and the National Conference of Commissioners on Uniform State Laws 1972 revisions to article 9 and related sections; to harmonize provisions with previous legislative action as prescribed; to amend sections 1-105, 1-201, 2-107, 5-116, 9-102, 9-103, 9-104, 9-105, 9-106, 9-203, 9-204, 9-205, 9-301, 9-302, 9-304, 9-305, 9-306, 9-307, 9-308, 9-312, 9-313, 9-318, 9-401, 9-402, 9-403, 9-404, 9-405, 9-406, 9-501, 9-502, 9-504, and 9-505, Uniform Commercial Code; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marsh   | Rumery   |
| Burrows    | Fitzgerald | Kennedy  | Marvel  | Sieck    |
| Carsten    | Fowler     | Keyes    | Merz    | Venditte |
| Chronister | George     | Kremer   | Murphy  | Vickers  |
| Clark      | Goodrich   | Labeledz | Nichol  | Wagner   |
| Cope       | Hefner     | Lamb     | Pirsch  | Warner   |
| Cullan     | Hoagland   | Landis   | Powers  | Wesely   |
| DeCamp     | Kahle      | Maresh   | Reutzel |          |

Voting in the negative, 0.

Excused and not voting, 10:

|          |          |       |        |        |
|----------|----------|-------|--------|--------|
| Beutler  | Haberman | Koch  | Newell | Simon  |
| Chambers | Johnson  | Lewis | Schmit | Stoney |

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

**LEGISLATIVE BILL 703.**

A BILL FOR AN ACT to amend section 14-1733, Revised Statutes Supplement, 1979, relating to cities of the metropolitan class; to eliminate the interest limitation and other limitations on off-street parking revenue bonds as prescribed; 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, 40:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Fitzgerald | Kelly    | Marsh  | Reutzel  |
| Carsten    | Fowler     | Kennedy  | Marvel | Rumery   |
| Chronister | George     | Keyes    | Merz   | Sieck    |
| Clark      | Goodrich   | Kremer   | Murphy | Venditte |
| Cope       | Hefner     | Labeledz | Newell | Vickers  |
| Cullan     | Hoagland   | Lamb     | Nichol | Wagner   |
| DeCamp     | Johnson    | Landis   | Pirsch | Warner   |
| Dworak     | Kahle      | Maresh   | Powers | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 8:

|          |          |        |        |
|----------|----------|--------|--------|
| Beutler  | Haberman | Lewis  | Simon  |
| Chambers | Koch     | Schmit | Stoney |

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

**LEGISLATIVE BILL 742.**

A BILL FOR AN ACT to amend section 77-1301, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide for biennial valuation of real and personal property; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marvel  | Sieck    |
| Beutler    | Fitzgerald | Kennedy  | Merz    | Venditte |
| Burrows    | Fowler     | Keyes    | Murphy  | Wagner   |
| Carsten    | George     | Kremer   | Newell  | Warner   |
| Chronister | Goodrich   | Labeledz | Nichol  | Wesely   |
| Clark      | Hefner     | Lamb     | Pirsch  |          |
| Cope       | Hoagland   | Landis   | Powers  |          |
| Cullan     | Johnson    | Maresh   | Reutzel |          |
| DeCamp     | Kahle      | Marsh    | Rumery  |          |

Voting in the negative, 0.

Present and not voting, 1:

Vickers

Excused and not voting, 7:

|          |       |        |        |
|----------|-------|--------|--------|
| Chambers | Koch  | Schmit | Stoney |
| Haberman | Lewis | Simon  |        |

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

**LEGISLATIVE BILL 913.**

A BILL FOR AN ACT to amend section 77-202, Revised Statutes Supplement, 1978, relating to taxation; to limit an exemption from ad valorem taxes; 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, 38:

|         |            |         |         |         |
|---------|------------|---------|---------|---------|
| Barrett | Fitzgerald | Kennedy | Merz    | Sieck   |
| Beutler | Fowler     | Keyes   | Murphy  | Simon   |
| Burrows | George     | Kremer  | Newell  | Vickers |
| Carsten | Goodrich   | Lamb    | Nichol  | Wagner  |
| Clark   | Hefner     | Landis  | Pirsch  | Warner  |
| Cope    | Hoagland   | Maresh  | Powers  | Wesely  |
| Cullan  | Johnson    | Marsh   | Reutzel |         |
| Dworak  | Kahle      | Marvel  | Rumery  |         |

Voting in the negative, 4:

Chronister Kelly Labeled Venditte

Present and not voting, 1:

DeCamp

Excused and not voting, 6:

Chambers Koch Schmit  
Haberman Lewis Stoney

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

**LEGISLATIVE BILL 601.**

A BILL FOR AN ACT to amend sections 16-217 and 23-2010, Reissue Revised Statutes of Nebraska, 1943, relating to public officers; to provide for filling a vacancy; to provide an additional procedure for removal of an officer by recall; and to repeal the original sections, and also section 23-2011, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |          |          |          |
|------------|------------|----------|----------|----------|
| Barrett    | Fitzgerald | Keyes    | Newell   | Venditte |
| Beutler    | Fowler     | Kremer   | Nichol   | Vickers  |
| Burrows    | George     | Labeledz | Pirsch   | Wagner   |
| Carsten    | Goodrich   | Lamb     | Powers   | Warner   |
| Chronister | Hefner     | Landis   | Reutzell | Wesely   |
| Clark      | Hoagland   | Maresh   | Rumery   |          |
| Cope       | Johnson    | Marsh    | Schmit   |          |
| Cullan     | Kahle      | Merz     | Sieck    |          |
| DeCamp     | Kelly      | Murphy   | Simon    |          |

Voting in the negative, 1:

Dworak

Present and not voting, 2:

Kennedy Marvel

Excused and not voting, 5:

Chambers Haberman Koch Lewis Stoney

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

**LEGISLATIVE BILL 631.**

A BILL FOR AN ACT to amend sections 54-753.01, 54-753.04, 54-761, 54-1333, and 54-1708, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide a penalty; to change provisions relating to garbage; to change provisions related to official vaccinates; to change provisions relating to inspection fees of dealers; to eliminate provisions relating to glanders and dourine; to eliminate provisions for livestock remedies; to eliminate registration of stallions and jacks; and to repeal the original sections, and also sections 54-725, 54-753.02, 54-753.03, 54-753.06 to 54-753.10, 54-901 to 54-906, and 54-1001 to 54-1011, Reissue Revised Statutes of Nebraska, 1943.

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:

|           |          |        |         |          |
|-----------|----------|--------|---------|----------|
| Barratt   | Dworak   | Keyes  | Newell  | Venditte |
| Beitler   | Fowler   | Kremer | Nichol  | Vickers  |
| Burrows   | Goodrich | Lamb   | Pirsch  | Wagner   |
| Casten    | Hefner   | Landis | Powers  | Warner   |
| Chonister | Hoagland | Maresh | Reutzel | Wesely   |
| Clark     | Johnson  | Marsh  | Rumery  |          |
| Cole      | Kahle    | Marvel | Schmit  |          |
| Cuban     | Kelly    | Merz   | Sieck   |          |
| Demp      | Kennedy  | Murphy | Simon   |          |

Voting in the negative, 0.

Present and not voting, 3:

Fitzgerald George Labeledz

Excused and not voting, 5:

Chambers    Haberman    Koch    Lewis    Stoney

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

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 82.** Placed on Select File as amended.  
E & R amendments to LB 82:

1. In committee amendments, page 3, line 4, strike the comma and show as stricken.

2. In committee amendments, page 4, line 20, strike the second “of” and insert “or”.

3. Pursuant to the Chambers amendment, in committee amendments, page 5, line 7, strike “may suspend” and insert “(a) shall remove”; in line 8 strike “without salary”; in line 10 strike “or is found guilty of” and strike beginning with the second “or” in line 11 through “turpitude” in line 12 and insert “, and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude”.

4. In the title, line 3, strike “section” and insert “sections 28, 29, and”; and in line 4 insert “to change membership of the Commission on Judicial Qualifications;” after the semicolon.

**LEGISLATIVE BILL 986.** Placed on Select File as amended.  
E & R amendments to LB 986:

1. In the Fowler amendments, line 13, insert an underscored comma after “project”.

2. In the title, line 8, insert “to provide for relocation; to provide for replacement of housing units;” after the semicolon.

**LEGISLATIVE BILL 440.** Placed on Select File as amended.  
E & R amendments to LB 440:

(References are to committee amendments.)

1. On page 5, line 23, strike “, or” and insert “or,”.

2. On page 7, line 3, strike the comma.

**LEGISLATIVE BILL 903.** Placed on Select File as amended.  
E & R amendment to LB 903:

1. In the title, at the end of line 5, insert “to extend a repayment period;”.

**LEGISLATIVE BILL 905.** Placed on Select File.  
**LEGISLATIVE BILL 940.** Placed on Select File.

**LEGISLATIVE BILL 966.** Placed on Select File as amended.  
E & R amendments to LB 966:

1. In the committee amendment, line 3, strike the first period and insert an underscored comma.

2. In the title, line 8, insert "to extend assessment provisions to credit unions;" after the semicolon.

**LEGISLATIVE BILL 848.** Placed on Select File as amended.  
E & R amendments to LB 848:

1. Renumber the section added by the Johnson amendment as section 19 and original sections 17 to 22 as sections 20 to 25.

2. For correlation purposes, in committee amendments, page 1, line 17, insert ", as amended by section 2, Legislative Bill 221, Eighty-sixth Legislature, First Session, 1979" after "1943"; and on page 8, strike "nineteen" and insert "twenty" in line 15, and in line 16 insert ", except that any person who was nineteen years of age or older on the effective date of this act shall not be deemed to be a minor".

3. On page 9, line 17, strike "and" and insert "and"; and in line 25 strike "and".

4. For correlation purposes, in the Johnson amendments, page 1, line 2, insert ", as amended by section 3, Legislative Bill 221, Eighty-sixth Legislature, First Session, 1979" after "1943"; remove underscoring in lines 5, 14, and 20; in line 22 strike "nineteen" and insert "twenty"; on page 1, line 26 and page 2, line 1, strike "nineteen" and insert "twenty"; and on page 2 insert "~~or her~~" after "his" in lines 2 and 22.

5. For correlation purposes, on page 26, line 20, insert ", as amended by section 4, Legislative Bill 221, Eighty-sixth Legislature, First Session, 1979" after "1943"; and on page 27, line 16, strike "19" and insert "20".

6. In committee amendments, page 1, line 11, strike the comma.

7. On page 34, strike the amendments to lines 3 and 6; in line 6 strike "53-180.04,,"; and in line 8 insert ", and sections 53-103, 53-180.02, and 53-180.04, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 2, 3, and 4, respectively, Legislative Bill 221, Eighty-sixth Legislature, First Session, 1979" after "1979".

8. In the title, line 5, strike "53-180.04,,"; insert "53-125," at the end of line 7; in line 8 insert a comma after "53-142"; in line 9 insert ", and sections 53-103, 53-180.02, and 53-180.04, Reissue Revised Statutes of Nebraska, 1943, as

amended by sections 2, 3, and 4, respectively, Legislative Bill 221, Eighty-sixth Legislature, First Session, 1979" after "1979"; in line 10, insert "to define terms;" after the semicolon; in line 17 insert "to provide a disqualification for a license;" after the semicolon; and in line 19 insert "to remove provisions for impounding motor vehicles;" after the semicolon.

**LEGISLATIVE BILL 884.** Placed on Select File.

**LEGISLATIVE BILL 771.** Placed on Select File as amended.  
E & R amendment to LB 771:

1. In the title, line 4, insert "to prescribe the use of a fund;" after the semicolon.

**LEGISLATIVE BILL 770.** Placed on Select File.

**LEGISLATIVE BILL 839.** Placed on Select File as amended.  
E & R amendment to LB 839:

1. For correlation purposes, on page 2, line 2, page 3, line 23, and in the title, line 3, insert " , as amended by section 1, Legislative Bill 770, Eighty-sixth Legislature, Second Session, 1980" after "1979"; on page 2, line 14, insert "and the required transportation costs with the child's education" after "education"; and remove underscoring on page 2, line 9, and page 3, lines 6, 14, 18 and 19.

**LEGISLATIVE BILL 839A.** Placed on Select File.

**LEGISLATIVE BILL 724.** Placed on Select File as amended.  
E & R amendments to LB 724:

1. In the Lewis amendment, line 2, insert "as printed in the Journal," after the comma.

2. In the title, insert "to provide severability;" at the end of line 8.

**LEGISLATIVE BILL 769.** Placed on Select File.

**LEGISLATIVE BILL 774.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**MOTION - Reconsider Action on LB 496**

Mr. DeCamp renewed his pending motion found in the Journal on page 896 to reconsider action on the Final Reading of LB 496.

The motion prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 496.**

A BILL FOR AN ACT to amend section 8-1111, Revised Statutes Supplement, 1978, relating to securities; to provide additional exclusions; 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, 36:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Dworak   | Keyes    | Murphy  | Simon    |
| Burrows    | Fowler   | Kremer   | Newell  | Venditte |
| Carsten    | George   | Labeledz | Nichol  | Vickers  |
| Chronister | Goodrich | Lamb     | Powers  | Wagner   |
| Clark      | Hefner   | Landis   | Reutzel |          |
| Cope       | Kahle    | Maresh   | Rumery  |          |
| Cullan     | Kelly    | Marsh    | Schmit  |          |
| DeCamp     | Kennedy  | Merz     | Sieck   |          |

Voting in the negative, 7:

|          |         |        |        |
|----------|---------|--------|--------|
| Beutler  | Johnson | Pirsch | Wesely |
| Hoagland | Marvel  | Warner |        |

Present and not voting, 1:

Fitzgerald

Excused and not voting, 5:

|          |          |      |       |        |
|----------|----------|------|-------|--------|
| Chambers | Haberman | Koch | Lewis | Stoney |
|----------|----------|------|-------|--------|

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

**LEGISLATIVE BILL 496A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 496, Eighty-sixth Legislature, First Session, 1979.

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, 34:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kelly    | Maresh  | Schmit   |
| Burrows    | Dworak     | Kennedy  | Marsh   | Sieck    |
| Carsten    | Fitzgerald | Keyes    | Merz    | Venditte |
| Chronister | George     | Kremer   | Newell  | Vickers  |
| Clark      | Goodrich   | Labeledz | Nichol  | Wagner   |
| Cope       | Hefner     | Lamb     | Reutzel | Warner   |
| Cullan     | Kahle      | Landis   | Rumery  |          |

Voting in the negative, 5:

|         |          |         |        |        |
|---------|----------|---------|--------|--------|
| Beutler | Hoagland | Johnson | Marvel | Pirsch |
|---------|----------|---------|--------|--------|

Present and not voting, 5:

|        |        |        |       |        |
|--------|--------|--------|-------|--------|
| Fowler | Murphy | Powers | Simon | Wesely |
|--------|--------|--------|-------|--------|

Excused and not voting, 5:

|          |          |      |       |        |
|----------|----------|------|-------|--------|
| Chambers | Haberman | Koch | Lewis | Stoney |
|----------|----------|------|-------|--------|

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

#### **MOTION - Place LB 974 on General File**

Mr. Hoagland renewed his pending motion found in the Journal on page 905 to place LB 974 on General File notwithstanding the action of the committee.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Hoagland requested a roll call vote on his motion to place LB 974 on General File.

Voting in the affirmative, 17:

|         |          |        |         |        |
|---------|----------|--------|---------|--------|
| Beutler | Hoagland | Maresh | Rumery  | Wesely |
| Burrows | Johnson  | Marsh  | Simon   |        |
| Cope    | Kahle    | Marvel | Vickers |        |
| Fowler  | Landis   | Newell | Warner  |        |

Voting in the negative, 26:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kennedy  | Nichol  | Venditte |
| Carsten    | Fitzgerald | Keyes    | Pirsch  | Wagner   |
| Chronister | George     | Labeledz | Powers  |          |
| Clark      | Haberman   | Lamb     | Reutzel |          |
| Cullan     | Hefner     | Merz     | Schmit  |          |
| DeCamp     | Kelly      | Murphy   | Sieck   |          |

Present and not voting, 1:

Kremer

Excused and not voting, 4:

|          |      |       |        |
|----------|------|-------|--------|
| Chambers | Koch | Lewis | Stoney |
|----------|------|-------|--------|

Absent and not voting, 1:

Goodrich

The Hoagland motion lost with 17 ayes, 26 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Messrs. Newell and Kelly asked unanimous consent to print the following amendments to LB 992 in the Journal. No objections. So ordered.

(1)

- 1 1. Insert a new section as follows:
- 2 "Sec. 29. If any section in this act or any
- 3 part of any section shall be declared invalid or unconsti-
- 4 tutional, such declaration shall not affect the validity
- 5 or constitutionality of the remaining portions thereof."
- 6 2. Renumber remaining sections accordingly.

(2)

- 1 1. On page 4, strike beginning with "a" in line
- 2 20 through line 21 and insert "an individual licensed to
- 3 practice medicine and surgery pursuant to sections 71-1,102
- 4 to 71-1,107.04 or certified as qualified to practice clin-
- 5 ical psychology pursuant to sections 71-3832 to 71-3836,";
- 6 and in line 23 after "person" insert an underscored comma.

### EXPLANATION OF VOTE

Had I been present, I would have voted aye on the following bills: 621, 703, 742, 913, 601, 631, 496, and 496A.

(Signed) Rex Haberman

### UNANIMOUS CONSENT - Print in Journal

Mr. Venditte asked unanimous consent to print the following amendment to LB 960 in the Journal. No objections. So ordered.

Amend LB 960 as follows:

1. Require all persons applying for or renewing a drivers license to take a driving test and eliminate the written test on renewals.

Mr. Venditte asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

Amend LB 866 as follows:

1. Raise driving age from 16 to 17.
2. Extend the length of time a learner's permit is valid from 1 year to two years.

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 276.** Placed on Select File as amended.  
E & R amendment to LB 276:

1. In the title, strike lines 2 to 7 and insert:  
"FOR AN ACT relating to interest; to define terms; to increase maximum rates and charges on various types of transactions; to amend sections 8-435, 8-815, 8-820, and 21-1773, Reissue Revised Statutes of Nebraska, 1943, and sections 45-101.03, 45-101.04, 45-137, and 45-338, Revised Statutes Supplement, 1979; to provide severability; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 279.** Placed on Select File as amended.  
E & R amendments to LB 279:

1. Renumber section 7 added by the Johnson amendment as section 6 and sections 5 to 7 in committee amendments as sections 7 to 9.

2. In the Johnson amendments, page 1, line 11, page 3, line 24, and page 5, line 25, insert an underscored comma after "loan".

3. In committee amendments, page 4, line 17, insert "to change the method of computation in case of prepayment;" after the semicolon.

**LEGISLATIVE BILL 308.** Placed on Select File.

(Signed) Don Wesely, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 209.**

Introduced by Marsh, 29th District.

WHEREAS, there are millions of Americans forty years of age and older who have worked diligently to achieve the good life for themselves and other Nebraskans; and

WHEREAS, during their years of work they have learned a great deal, have gained invaluable experience, and have come to appreciate a good job, however because of their age, many of these older workers experience difficulty finding employment in spite of their work-related skills, experience, and maturity; and

WHEREAS, suitable and prompt employment of such skilled and mature workers will prevent further waste of this precious resource, and citizens of all ages in this state should be encouraged to utilize to the fullest the knowledge gained through experience by hiring, training, and retraining the older worker; and

WHEREAS, Governor Thone has signed a proclamation urging all employers to give special thought to the employment of the older worker and has declared the week of March 9th as "Employ the Older Worker Week".

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

1. That the Legislature encourages all Nebraskans to observe "Employ the Older Worker Week" from March 9 through March 15, 1980, and to give special consideration to employment of those workers over the age of forty.

2. That the Legislature urges the employment of the older worker not only during the special week of March 9th, but during every week of the year.

Laid over.

### MR. CLARK PRESIDING

#### SELECT FILE

**LEGISLATIVE BILL 619.** Mr. Venditte renewed his pending motion found in the Journal on page 1008 to indefinitely postpone LB 619.

### SPEAKER MARVEL PRESIDING

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Venditte moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Venditte requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 18:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Carsten    | George   | Kennedy  | Nichol  | Venditte |
| Chronister | Goodrich | Labeledz | Pirsch  | Vickers  |
| Clark      | Haberman | Maresh   | Reutzel |          |
| Fitzgerald | Hefner   | Marvel   | Schmit  |          |

Voting in the negative, 25:

|         |          |        |        |        |
|---------|----------|--------|--------|--------|
| Barrett | DeCamp   | Kelly  | Marsh  | Sieck  |
| Beutler | Fowler   | Keyes  | Murphy | Simon  |
| Burrows | Hoagland | Kremer | Newell | Wagner |
| Cope    | Johnson  | Lamb   | Powers | Warner |
| Cullan  | Kahle    | Landis | Rumery | Wesely |

Present and not voting, 2:

Dworak      Merz

Excused and not voting, 4:

Chambers Koch Lewis Stoney

The motion to indefinitely postpone lost with 18 ayes, 25 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Venditte requested a machine vote to advance LB 619.

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 790.** Laid over at the request of Mr. Fowler.

**LEGISLATIVE BILL 793.** Advanced to E & R for Engrossment.

**STANDING COMMITTEE REPORTS**  
**Public Works**

**LEGISLATIVE BILL 266.** Indefinitely postponed.

**LEGISLATIVE BILL 461.** Indefinitely postponed.

**LEGISLATIVE BILL 502.** Indefinitely postponed.

**LEGISLATIVE BILL 634.** Indefinitely postponed.

**LEGISLATIVE BILL 960.** Indefinitely postponed.

**LEGISLATIVE BILL 963.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Koch asked unanimous consent to print the following amendment to LB 486 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2168.)

**SELECT FILE**

**LEGISLATIVE BILL 818.** Mr. Fowler renewed his pending amendment found in the Journal on page 907.

The amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 801.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 773.** E & R amendment found in the Journal on page 866 for the Thirty-First Day was adopted.

Mr. Murphy offered the following amendment:

On page 5, line 14 - strike beginning with "The Legislature" and strike all of lines 15 and 16.

Mr. Venditte asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Mr. Murphy moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Murphy amendment was adopted with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Kahle moved the adoption of the following Koch amendment:

- 1 1. On page 7, line 26, insert ", and also sections
- 2 43-655 and 43-659, Reissue Revised Statutes of Nebraska, 1943,
- 3 and section 43-658, Revised Statutes Supplement, 1979" after
- 4 "1979".

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

Advanced to E & R for Engrossment.

**STANDING COMMITTEE REPORTS**  
**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 922.** Placed on General File.

(Signed) Orval A. Keyes, Chairperson-

ATTORNEY GENERAL'S OPINION

Opinion No. 241  
March 5, 1980

Dear Senator DeCamp:

Section 3 of LB 276 of the Eighty-sixth Nebraska Legislature, Second Session (1980), would amend Neb.Rev.Stat. §45-101.03 (Supp. 1979) to read as follows:

“Except as provided in section 45-101.04, any rate of interest which may be agreed upon, not exceeding ~~twelve and one half~~ sixteen per cent per annum on the unpaid principal balance, shall be valid upon any loan or forbearance of money, goods, or things in action and may be taken yearly, for any shorter period, or in advance, if so expressly agreed.”

You note that an amendment to LB 276 appears on page 909 of the Legislative Journal and ask if it is constitutional. The same is hereinafter discussed.

The amendment on page 909 of the Legislative Journal, if adopted, would amend Neb.Rev.Stat. §45-101.03 (Supp. 1979) to read as follows:

“Except as provided in section 45-101.04, a maximum lawful interest rate for loans shall be set quarterly by the Director of Banking and Finance based on a quarterly average of the rediscount rate compiled by the Federal Reserve System plus an additional three per cent per annum rounded off to the nearest quarter of one per cent per annum.”

Any review of the above amendment must take into account at least two legal concepts. First, the Legislature may enact a statute in which it adopts by reference an existing law or regulation of another jurisdiction, including the United States. Hamilton v. Foster, 155 Neb. 89, 50 N.W.2d 542 (1951); Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960); Pelzer v. City of Bellevue, 198 Neb. 19, 251 N.W.2d 662 (1977); Shepoka v. Knopik, 201 Neb. 780, 272 N.W.2d 364 (1978). Second, the Legislature, except as expressly authorized by the Constitution of Nebraska, may not lawfully enact a statute in which it adopts (1) administrative rules of a federal agency to be promulgated in the future or (2) an act of Congress of the United States to be passed in the future. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 491 (1935). Unlike the Consumer Price Index (which is computed by the United States Department of Labor), the rediscount rate compiled by the Federal Reserve System is not based on existing independent factual standards but it is based on monetary policy established from time to time by the Board of Governors of that

federal agency. Consequently, the above quoted amendment from page 909 of the Legislative Journal constitutes an unlawful delegation of legislative power and therefore, in our opinion, is unconstitutional.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Harold Mosher  
Assistant Attorney General

HM:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

### VISITORS

Visitors to the Chamber were 13 high school students and teacher from Exeter High School; 21 third grade students and teachers from Huntington Grade School, Lincoln; Mr. Melvin Jenkins, Regional Director-Kansas City-U.S. Commission on Civil Rights; and four high school students from Imperial.

### RECESS

At 12:02 p.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:42 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Messrs. Koch, Lewis, and Stoney who were excused; and Mrs. Labeledz, Messrs. Chambers, Fitzgerald, Haberman, Simon, and Warner who were excused until they arrive.

### SELECT FILE

**LEGISLATIVE BILL 680.** Mr. Schmit renewed his pending amendment found in the Journal on pages 691 and 692.

Mr. Schmit moved for a Call of the House. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

The Schmit amendment lost with 22 ayes, 10 nays, 8 present and not voting, and 9 excused and not voting.

Mr. Hoagland requested a machine vote to advance LB 680.

Advanced to E & R for Engrossment with 32 ayes, 3 nays, 5 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 733.** E & R amendments found in the Journal on page 865 for the Thirty-First Day were adopted.

Mr. Reutzel offered the following amendment:

Amendment to the Standing Committee Amendments on page 531-532 of the Legislative Journal.

Section 4. That section 25-1640, Revised Statutes Supplement, 1979, be amended to read as follows:

25-1640. Any person who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from employment due to such jury duty, upon giving reasonable notice to his or her employer of such summons. Any person who is summoned to serve on jury duty shall be excused upon request from any shift work for those days required to serve as a juror without loss of pay. No employer shall subject an employee to discharge, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty on account of his or her absence from employment by reason of jury duty, except that an employer may reduce the pay of an employer by an amount equal to any compensation, other than expenses, paid by the court for jury duty.

The amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 684.** E & R amendments found in the Journal on page 866 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 686.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 622.** E & R amendments found in the Journal on page 884 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 847.** Title read. Considered.

Standing Committee amendments found in the Journal on page 685 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Schmit renewed his pending amendment found in the Journal on page 906.

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

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

### UNANIMOUS CONSENT - Print in Journal

Mr. Venditte asked unanimous consent to print the following amendment to LB 853 in the Journal. No objections. So ordered.

- 1 1. Insert the following new section:
- 2 "Sec. 15. It shall be prima facie evidence
- 3 that the location of any paunch manure or sewage treat-
- 4 ment plant or facility or a disposal area for refuse,
- 5 garbage, or rubbish within or in close proximity to a
- 6 residential area of any metropolitan class city or within
- 7 three hundred feet of such a residential area is a public
- 8 nuisance. For purposes of this section residential area
- 9 shall mean an area designated as residential under the
- 10 zoning authority of the city."
- 11 2. Renumber remaining sections accordingly.

Mr. Burrows asked unanimous consent to print the following amendment to LB 276 in the Journal. No objections. So ordered.

(White copy Request 2153)

- 1 1. On page 4, line 12 strike "sixteen" and insert
- 2 "three" and after "cent" insert "over the discount rate
- 3 charged by the Federal Reserve Board of Governors to its
- 4 member banks".

**ANNOUNCEMENT**

Mr. Fowler announced an executive session of the Nebraska Retirement Systems Committee on Tuesday, March 11, 1980 at 1:15 p.m. in the West Chamber.

**UNANIMOUS CONSENT - Member Excused**

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

**MR. CLARK PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 789.** Title read. Considered.

Standing Committee amendment found in the Journal on page 696 for the Twenty-Fifth Day was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

**SPEAKER MARVEL PRESIDING**

Messrs. Haberman, Kelly, and Newell asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Chronister and Venditte asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 789A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Vickers asked unanimous consent to print the following amendment to LB 789 in the Journal. No objections. So ordered.

Strike the new language on pg 3 line 5 and reinsert the old language in lines 4 and 5.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 276 in the Journal. No objections. So ordered.

(WHITE COPY REQ. 2153)

- 1 1. On page 5, line 9 after “one” insert “financial
- 2 institution,”; and in line 10 after licensee” insert an
- 3 underscored comma.
- 4 2. Page 6, lines 5 & 6 strike the new material.

Mr. Lamb asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee Amendments:
- 2 (a) On page 3 line 21 strike “On”, show
- 3 as stricken, and insert “Unless otherwise agreed, interest
- 4 shall be allowed at the rate of twelve per cent per
- 5 annum on”; and in line 27 after “payment” insert an
- 6 underscored period.
- 7 (b) Strike beginning with “interest” on page 3
- 8 line 27 through line 3 on page 4, show the old matter as
- 9 stricken, and insert “Unless otherwise agreed or provided
- 10 by law, each charge with respect to unsettled accounts
- 11 between parties shall bear interest from the date of
- 12 billing unless paid within thirty days from the date of
- 13 billing.”.

## STANDING COMMITTEE REPORT

### Public Works

**LEGISLATIVE BILL 243.** Placed on General File as amended.

Standing Committee amendments to LB 243:

- 1 1. On page 3, line 18 after “director” insert
- 2 “or directors”.
- 3 2. On page 4, line 2 after “transmission,” insert
- 4 “conservation,”; in line 5 strike “and” and insert “any
- 5 energy conservation system or device for reducing the
- 6 energy demands or any interest therein, or”; in lines 6
- 7 and 7 strike “including, without limitation, nuclear
- 8 fuel,”; in line 8 after “the” insert “acquisition, trans-
- 9 formation,”; in line 9 strike “and utilization of” and
- 10 insert “, utilization, and disposition of nuclear fuel
- 11 or”; and in line 11, after “fuel” insert “, including
- 12 agricultural ethyl alcohol,” and after “deposits” insert
- 13 “or agricultural products”.
- 14 3. On page 9, strike lines 8 through 10 and insert
- 15 “with at least a majority vote of the directors, except
- 16 that an agency’s by-laws may require a greater percentage
- 17 of approval for such authorization. Thereupon such”; and
- 18 in line 12 after “director” insert “or directors”.

19 4. On page 10 line 12 before "Each" insert: "Each  
20 participating municipality shall be entitled to appoint  
21 one director, but with the approval of each of the parti-  
22 cipating municipalities as evidenced by resolution of the  
23 governing body thereof, an agency's by-laws may contain a  
24 provision entitling any of the participating municipalities  
25 to appoint more than one director and specifying the number  
26 of directors to be appointed by each of the participating  
1 municipalities of the agency. The number of directors may  
2 be increased or decreased from time to time by an amendment  
3 to the by-laws approved by each of the participating  
4 municipalities as evidenced by resolution of the governing  
5 body thereof, except that each participating municipality  
6 shall at all times be entitled to appoint at least one  
7 director."

8 5. On page 13, line 22 after "project" insert  
9 " , except that before any power project is constructed  
10 by an agency, approval of the power project shall have  
11 been obtained from the Nebraska Power Review Board under  
12 the provisions and subject to the requirements of sections  
13 70-1012 to 70-1016, and except that no authority is granted for the  
14 construction or reconstruction of an electric generation  
15 facility by any agency created pursuant to the provisions  
16 of section 19 of this act, unless the agency participates  
17 in a project with at least one public power district  
18 organized under the provisions of sections 70-601 to 70-679."

19 6. On page 14, line 24 after "determine" insert  
20 " , except that no authority is granted to purchase, sell,  
21 exchange, produce, generate, transmit, or distribute any  
22 service, product, or commodity outside the state by any  
23 agency created pursuant to the provisions of section 19  
24 of this act, unless the agency participates in a project  
25 with at least one public power district organized under  
26 the provisions of section 70-601 to 70-679."

1 7. On page 15, line 7 after "any" insert "political"  
2 and strike "thereof" and insert "of the state".

3 8. Strike lines 2 through 4 in the title and insert  
4 the following:  
5 "FOR AN ACT relating to cities and villages with respect  
6 to public utilities; to adopt the Nebraska  
7 Municipal Cooperative Financing Act; to authorize  
8 the creation of agencies for cooperative action  
9 by two or more cities or villages; to provide  
10 for the organization of such agencies; to  
11 authorize such agencies to acquire, construct,  
12 and operate sewerage, solid waste disposal,  
13 electrical power and energy, and waterworks  
14 projects; to set forth the Legislature's intention  
15 that the activities of an agency and munici-  
16 palities under this act shall not be subject

17 to the antitrust laws of the United States or  
 18 the State of Nebraska; to authorize such agencies  
 19 to borrow money and issue bonds and refunding  
 20 bonds to finance such projects; to grant such  
 21 agencies power of eminent domain; to authorize  
 22 such agencies and cities and villages to enter  
 23 into contracts for the sale and purchase of  
 24 water, electric power and energy, sewerage  
 25 and solid waste disposal services; to limit the  
 26 time period for contesting resolution of agencies;  
 1 to provide for tax exemption of bonds and prop-  
 2 erty of agencies; to provide for related matters;  
 3 and to provide severability.”.

(Signed) Maurice A. Kremer, Chairperson

### RESOLUTION

#### LEGISLATIVE RESOLUTION 210.

Introduced by Schmit, 23rd District; Cullan, 49th District.

WHEREAS, Nebraskans are proud to host athletic events of national interest which enable them to extend their hospitality to visiting athletes and fans; and

WHEREAS, the National Collegiate Athletic Association Midwest Sub-Regional Basketball tournament will be held in Lincoln, Nebraska March 6th through March 8th, 1980; and

WHEREAS, the participants in this NCAA play-off include the University of Arkansas, Kansas State University, University of Louisville, University of Missouri, University of Notre Dame, and San Jose State, one or more of which may place high in the NCAA tournament as a result of advancement from the regional held in Lincoln.

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

1. That the citizens of this state and especially of the city of Lincoln, welcome these NCAA teams, coaches, and fans to Lincoln, Nebraska.

2. That the Legislature conveys its best wishes to all the fine athletes and coaches of the colleges participating at the NCAA play-off games in Lincoln.

3. That the Clerk of the Legislature shall provide copies of this resolution to the coaching staffs of the participating teams.

Laid over.

**VISITORS**

Visitors to the Chamber were 4 cheerleaders from Norfolk; 29 Creighton students from Japan and teacher; and Senator Kahle's wife and members of his family.

**ADJOURNMENT**

At 3:44 p.m., on a motion by Mr. Kremer, the Legislature adjourned until 9:00 a.m., Friday, March 7, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-EIGHTH DAY - MARCH 7, 1980**  
**LEGISLATIVE JOURNAL**

**THIRTY-EIGHTH DAY - MARCH 7, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 7, 1980

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Gracious God, we admit how often people upset us. There are those who have an irritating way of handing us superficial answers. There are those who after they have assured us we have their support, run for cover just when we need them the most. And sometimes those who try to help us only muddy the waters. Merciful God, give us patience as we enter into relationships with those who create problems for us. But also make us sensitive to those who reach out to us with understanding to lighten our burdens. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Kelly, Koch, Lewis, and Simon who were excused; and Messrs. Cullan, Fowler, Haberman, Keyes, Sieck, and Wagner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-Seventh Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 637.** Placed on Select File as amended.  
E & R amendments to LB 637:

1. On page 4, line 14, insert “, and to provide for an excise tax on products that may be utilized” after “Nebraska”.

2. In the title, line 7, insert "and operation" after "construction".

**LEGISLATIVE BILL 605.** Placed on Select File as amended.  
E & R amendments to LB 605:

1. Renumber sections 2 to 4 as sections 1 to 3.
2. In committee amendments, page 1, line 9 as amended, insert a comma after "peace"; and in line 16, strike "2" and insert "1".

### Correctly Enrolled

The following bills were correctly enrolled: 621, 703, 742, 913, 601, 631, 496, and 496A.

(Signed) Don Wesely, Chairperson

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 621, 703, 742, 913, 601, 631, 496, and 496A.

### STANDING COMMITTEE REPORTS Urban Affairs

**LEGISLATIVE BILL 933.** Placed on General File.

**LEGISLATIVE BILL 707.** Placed on General File as amended.  
Standing Committee amendments to LB 707:

- 1 1. On page 3 line 15 strike "Such", show as
- 2 stricken, and insert "(1) If a district is formed
- 3 which includes only one city, such"; in lines 16 and
- 4 17 strike the new matter and reinstate the stricken
- 5 matter; in line 22 after the period insert a new sub-
- 6 section as follows:
- 7 "(2) If a district is formed which has two
- 8 or more cities of the primary or first class, such
- 9 district shall be governed by a board of directors
- 10 made up of three members from each city council adopting
- 11 such resolution, which members shall be designated
- 12 by such council, and of three members from the county
- 13 commissioners of such county adopting such resolution,
- 14 which members shall be designated by the county board.
- 15 When participating in the district's affairs, the
- 16 members representing the cities shall each have one vote
- 17 and the members representing the county shall each
- 18 have one vote for each city represented, so that the
- 19 total number of votes of members of the cities is equal

20 to the total number of votes of members of the county.”;  
 21 and in line 22 before “In” insert “(3)” and begin a  
 22 new subsection.

23 2. Insert a new section:

24 “Sec. 7. Since an emergency exists, this act  
 25 shall be in full force and take effect, from and after  
 26 its passage and approval, according to law.”.

**LEGISLATIVE BILL 878.** Placed on General File as amended.  
 Standing Committee amendment to LB 878:

1 1. Strike the original sections and insert the  
 2 following new section:  
 3 “Section 1. It shall be prima facie evidence that  
 4 the location of any paunch manure or sewage treatment plant  
 5 or facility or a disposal area for refuse, garbage, and  
 6 rubbish within or in close proximity to a residential area  
 7 of any metropolitan class city or within three hundred feet  
 8 of such a residential area is a public nuisance. For pur-  
 9 poses of this act residential area shall mean an area  
 10 designated as residential under the zoning authority of  
 11 the city.”.

(Signed) Walter George, Chairperson

### MESSAGES FROM THE GOVERNOR

March 6, 1980

Mr. Patrick O'Donnell  
 Clerk of the Legislature  
 State Capitol  
 Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 645, 723, 748, 764,  
 766, 816, 857 and 914.

These bills were signed by me on March 5, 1980 and delivered to  
 the Secretary of State.

(Signed) Sincerely,  
 CHARLES THONE  
 Governor

CT:mh

March 6, 1980

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Parole:

Linda Jaeckel, 7201 Buckingham Drive, Lincoln, 68506, for a term expiring September 9, 1982, and succeeding Ed Rowley, deceased.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

February 19, 1980

Members of the Legislature  
Eighty-sixth Nebraska Legislature  
Second Session  
State Capitol  
Lincoln, Nebraska 68509

Dear Members of the Legislature:

The Interagency Water Coordinating Committee has reviewed the Preliminary Report of the Instream Flow Policy Issue Study and reached consensus on the following comments.

The Committee recognizes that maintenance of streamflow is a problem of great public interest to Nebraskans. The Committee also recognizes that the alternatives presented in the report are probably the best that can be derived at this time. However, it is the consensus that the interim alternatives presented may well not be effective. Therefore, the Committee recommends that the Legislature adopt "no action" alternative on an interim basis.

It is the belief of the Committee that action by the Legislature should await the more complete information which will be presented in the Final Report of the Instream Flow Policy Issue Study. The Legislature may possibly wish to postpone action subject to the completion of one or more other water policy issue studies.

I would like to add that the report does contain a great deal of useful information for those interested in the state's instream flow problems. It should be emphasized that the Committee's "no action" position is taken only in regard to the interim alternatives presented in the report. The information and alternatives presented upon completion of the study may well provide a basis for addressing the long term streamflow problems of the state.

(Signed) Sincerely,  
 CHARLES THONE  
 Chairman, Interagency Water  
 Coordinating Committee

CT:dwb

(Report on file in the Clerk's Office.)

#### **REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 6, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Boyle, Michael - Omaha, Nebraska Broadcasters Association  
 Fiala, Adrian R., II - Lincoln (Withdrawn 11/1/79), Committee of  
 Independent Refiners & Marketers - Nebraska Subcommittee  
 Lombardi, McCullough & Associates - Lincoln, Nebraska Accessories  
 Trade Association; Pegasus of Omaha (Withdrawn 2/20/80)  
 Merritt, William Lee - Lincoln, Charles Sargent Irrigation, Inc.  
 Moylan, James H. - Omaha, Nebraska League of Registered Nurses,  
 Inc.

Noren & Burns:

Noren, Charles F. - Lincoln, Omaha Association of Firefighters,  
 Local #385

Ryan, James E. - Lincoln, Energy Transportation Systems, Inc.  
 (Withdrawn 2/29/80)

Tews & Radcliffe:

Radcliffe, Walter H. - Lincoln, John Deere Company

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 637 in the Journal. No objections. So ordered.

- 1       1. Strike the Standing Committee Amendments,  
 2 the Maresh amendments, and the Reutzler amendments.  
 3       2. On page 3 line 3 strike “any political  
 4 subdivision of”; in line 4 after “construction” insert  
 5 “and operation” and after “plants” insert “and facilities”;  
 6 in line 5 after “production” insert “, storage, and  
 7 distribution”; and strike beginning with “gasohol” in  
 8 line 5 through “Nebraska” in line 7 and insert “agricultural  
 9 ethyl alcohol and related by-products. The Legislature  
 10 shall provide by law for an excise or other appropriate  
 11 tax on the products that may be utilized in the production  
 12 of agricultural ethyl alcohol, as determined by the  
 13 Legislature. The revenue raised by such tax shall be  
 14 used for the purpose of guaranteeing bonds issued for  
 15 the construction and operation of such plants”.  
 16       3. On page 4 strike beginning with “any”  
 17 in line 12 through “plants” in line 14 and insert “the  
 18 state for the construction and operation of agricultural  
 19 ethyl alcohol plants and facilities”.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 206.** Read. Considered.

LR 206 was adopted with 25 ayes, 0 nays, and 24 not voting.

**LEGISLATIVE RESOLUTION 209.** Read. Considered.

LR 209 was adopted with 27 ayes, 0 nays, and 22 not voting.

**LEGISLATIVE RESOLUTION 210.** Read. Considered.

LR 210 was adopted with 28 ayes, 0 nays, and 21 not voting.

**BIRTHDAY**

President Luedtke announced today is Mr. Vickers' birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 853.** Title read. Considered.

Standing Committee amendments found in the Journal on page 867 for the Thirty-First Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Venditte renewed his pending amendment found in the Journal on page 1032.

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

Mr. Venditte withdrew his amendment.

Messrs. Carsten, George, Hefner, Maresh, and Merz asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labeledz offered the following amendment:

- 1 1. Insert the following new section:
- 2 "Sec. 15. After the effective date of this act,
- 3 no person shall establish a paunch manure, rendering,
- 4 or sewage treatment plant or facility, or an area where
- 5 refuse, garbage, or rubbish is disposed of within three
- 6 thousand three hundred feet of a residential area in a
- 7 metropolitan class city. For purposes of this section
- 8 residential area shall mean an area designated as resi-
- 9 dential under the zoning authority of the city."
- 10 2. Renumber original section 15 as section 16.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 4 nays, and 27 not voting.

The Labeledz amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Beutler offered the following amendment:

To amend LB 853 by adding on page 31, line 4 the following:

After the word "once" add the words "at least"  
and after the word "days" add the words "but not more than 40 days".

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:

To amend LB 853 by striking on page 32, line 6 the words, "prominent advertisement in the region affected" and adding in place thereof the following words "by one publication of a notice in a newspaper either published in or having general circulation in the region affected."

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 853A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

- 1 1. In the Standing Committee amendments pages
- 2 733 to 737 of the Journal:
- 3 (a) Strike section 3 and insert a new section as
- 4 follows:
- 5 "Sec. 3. Telephone and written inquiries regarding
- 6 information provided by the filing shall be accepted and
- 7 answered by the filing officer. When a filing party pro-
- 8 vides the filing officer with a postage paid addressed
- 9 envelope and a copy of the filing, the filing officer shall
- 10 note the time and date of filing on the copy and mail it
- 11 in the envelope provided. The filing officer and his or
- 12 her employees or agents are exempted from all personal
- 13 liability as a result of any error or omission in providing
- 14 information as required by this section, except in cases
- 15 of willful misconduct or negligence."; and
- 16 (b) On page 737, line 4 before "A" insert "On the
- 17 operative date of this act, all filings previously made in
- 18 the office of the Public Service Commission pursuant to
- 19 subsection (1) (a) of section 9-401, Uniform Commercial
- 20 Code, shall be transferred to the office of Secretary of
- 21 State, and shall become of record in the office of Secretary
- 22 of State."

**EXPLANATION OF VOTE**

Had I been present on Final Reading March 3, 1980, I would have voted Aye on LB's 797E, 810E, 817E, 846, 886E, 951, & 957.

Had I been present on Final Reading March 6, 1980, I would have voted Aye on LB's 621, 703, 742, 913, 601, 631, 496, & 496A.

(Signed) Larry Stoney

**SELECT COMMITTEE REPORT****Rules**

The Rules Committee met Wednesday, March 5, 1980, and in lieu of the proposed rule change submitted by Senator Beutler found on pages 498 through 503 of the Journal, the attached was acted favorably on and sent to the floor for consideration.

VOTE: For: Fowler, Beutler, Kahle, Murphy. Against: None. Excused: Newell. Absent: None.

(Signed) Steve Fowler, Chairperson

In "Revamp of Rule Three," add a new section 19 to read as follows, and strike the original investigating committee section as shown: ("Revamp" section 3(f))

~~Sec. 22 Investigating Committees. The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.~~

**Sec. 19. SUBPOENA PROCEDURE.**

(a) It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

(b) A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

(c) A committee of the Legislature conducting an investigation and gathering information, whether pursuant to Legislative direction or pursuant to its regular functions of oversight and bill preparation,

shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

1. Issuance of Subpoenas

(i) A committee may by majority vote of all of its members, taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the executive board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may in the same manner issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

2. Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

### 3. Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to extraordinary circumstances consistent with Legislative Rule 3, section 14(c) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may by majority vote of all its members authorize the questioning of a witness by the committee's counsel or by special counsel.

### 4. Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

### 5. Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding members at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

#### 6. Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges and responsibilities of a witness provided to all other witnesses.

#### 7. Contempt.

A person shall be in contempt if he or she:

1. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation.

2. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper or other document subpoenaed by or on behalf of a committee, or

3. Commits any other act or offense against a committee which, if committed against the Legislature would constitute a contempt.

The Chairperson of a committee may apply to the Legislature or, during the interim, to the District Court of any county to compel obedience by proceedings for contempt.

#### 8. Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to R.R.S. 50-105 and 50-106 during the session, or to R.R.S. 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(c) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

### GENERAL FILE

**LEGISLATIVE BILL 956.** Laid over at the request of Mr. Dworak.

**LEGISLATIVE BILL 818A.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 916.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 780.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 923.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 874.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 808.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 592.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 885.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 835.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 741.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 782.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 936.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 925.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 867.** Title read. Considered.

**MR. CLARK PRESIDING**

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 867A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 887.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 863A.** By Beutler, 28th District.  
This bill introduced on behalf of: LB 863.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 863, Eighty-sixth Legislature, Second Session, 1980.

## ATTORNEY GENERAL'S OPINION

Opinion No. 242  
March 5, 1980

Dear Senator Decamp:

You have asked for our opinion on the constitutionality of a bill which would authorize an election to place a limitation upon the state budget funded by sales, use, and income taxes. The document you have provided to us appears to be in bill form, although it does not bear a request number nor is it identified by an LB number. You indicate in your question that you want our opinion on this document for purposes of use in the debate on LB 613.

The document you have provided generally provides that an election may be held to place a limit upon the state budget funded by sales, use, and income taxes when seven percent of the registered voters sign a petition and they are distributed such that at least five percent of the electors of each of two-fifths of the counties are included. The percentages are to be based on the votes cast for Governor at the last general election and the vote is to be held at the first general election not less than four months after the petitions have been filed with the Secretary of State.

Section 2 requires that the petition set forth the total dollar amount that shall be funded by sales, use, and income taxes, the fiscal year such budget becomes applicable, and limitations, if any, on subsequent budgets.

Section 3 provides that the budget limitation shall be adopted by a majority of the votes cast on that question and not less than thirty-five percent of the total vote cast in the election is in favor of the imposition of a lid.

We note several technical flaws in the bill. In section 1 it provides that seven percent of the registered voters sign the petition distributed to that it includes at least five percent of the electors of each of two-fifths of the counties. The different terms should be harmonized. No definition is given of the budget funded by sales, use, and income taxes nor is it entirely clear how that sum is to be determined. The state budget is funded from sources other than those enumerated in the act and thus a calculation must of necessity be made to determine what portion of the state budget such a limitation would have reference to.

The method of adopting the petition set forth in section 1 of your document simply restates the provisions of Article III, Section 2, of the Constitution which reserves the power of initiative to the people of the state. There can be no question that the power of initiative

includes the ability to adopt measures relating to budget limitations. The power of the initiative has generally been codified by the Legislature in past sessions and the procedures to be followed in initiating measures are well known.

The Supreme Court has, on several occasions, considered the power of initiative and has stated, "The constitutional provisions with respect to the right of initiative and referendum reserved to the people should be construed to make effective the powers reserved." Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744 (1966). In particular, with respect to initiating measures with respect to taxation, the Supreme Court in State ex rel. Morris v. Marsh, 183 Neb. 521, 162 N.W.2d 262 (1968), had before it the question of an initiative petition which sought to amend the Constitution to prohibit the state from levying an income tax. Previously a constitutional amendment had been adopted to prohibit the state from levying a property tax. The court, although not reaching that specific question in the case, stated:

"The power to tax is essential to the continued existence of a state. A constitutional amendment which would destroy or completely emasculate that power might well be itself unconstitutional. That issue is not presently here."

There were two vigorous dissents in that case, both of which argued that the initiative was improper, at least in part, because it sought to foreclose the ability of the state to finance its function by limiting the area of taxation available to the state.

While it does not appear to us that the particular proposal that you requested review on reaches that level, it is conceivable that an action under this proposal could in fact reach that level. For instance, if a petition called for a total dollar amount expended on a budget funded by sales, use, and income taxes of zero, the ability of the state to function would be, for all practical purposes, terminated. To that extent it is conceivable that the act could result in an unconstitutional attempt to limit the state's taxing authority. However, to reach such a conclusion would require speculation as to what may happen sometime in the future.

Generally, we may say that the provision which you propose is a mere repetition of the existing provisions of Article III, Section 2, of the Constitution which relates to initiative and generally appears to be within the constitutional authority of the Legislature to adopt.

In reaching this conclusion we are not ignoring certain other aspects of the proposal which relate to the ability to bind future Legislatures by action of a vote of the people on an initiative type proposition. We believe the cases are relatively clear that the initiative and referendum power exercised by the Legislature and the people are concurrent in nature. That which one does may be undone by the other or vice versa.

To that extent the binding nature of any action taken is problematical at best.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Messrs. Clark, Nichol, Sieck, and Venditte asked unanimous consent to be excused at noon. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 915.** Title read. Considered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 662.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 717.** Title read. Considered.

Standing Committee amendments found in the Journal on page 949 for the Thirty-Fourth Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 862.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 896.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

**MRS. MARSH PRESIDING**

Mr. Dworak asked unanimous consent to be excused until 12:45 p.m. No objections. So ordered.

**LEGISLATIVE BILL 909.** Title read. Considered.

Standing Committee amendments found in the Journal on page 955 for the Thirty-Fourth Day lost with 11 ayes, 11 nays, 15 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 673.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 10 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 674.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 649.** Title read. Considered.

Standing Committee amendment found in the Journal on page 795 for the Twenty-Ninth Day was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 785.** Title read. Considered.

Standing Committee amendments found in the Journal on page 798 for the Twenty-Ninth Day were adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

**SPEAKER MARVEL PRESIDING**

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 821.** Title read. Considered.

Standing Committee amendment found in the Journal on page 801 for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 855.** Title read. Considered.

Standing Committee amendment found in the Journal on page 812 for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 633.** Title read. Considered.

Standing Committee amendments found in the Journal on page 832 for the Thirtieth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 709.** Title read. Considered.

Standing Committee amendments found in the Journal on page 832 for the Thirtieth Day were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 873.** Title read. Considered.

Standing Committee amendments printed separate from the Journal and referred to on page 833 for the Thirtieth Day were adopted with

25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Dworak asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 912.** Title read. Considered.

Standing Committee amendments found in the Journal on page 834 for the Thirtieth Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 276 in the Journal. No objections. So ordered.

(White Copy Request 2153)

- 1 1. On page 1, line 11, after "any" insert
- 2 "installment".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 873 in the Journal. No objections. So ordered.

In the committee amendments, amend as follows:

- 1) Strike sections 1, 5, 6 and 7.
- 2) On page 10, line 3, reinsert stricken matter (or) and strike " , or other interested party."
- 3) On page 10, line 6, following the word "hardship" insert the following , "or other interested party which believes that application of such standards to any segment of highway, road or street would defeat the purpose of the scenic-recreation functional classification contained in this act,"
- (4) On page 9, line 26, insert after facilities. "The board may stipulate that speed limits consistent with scenic-recreation use apply to any such highway or road."

Mr. Newell asked unanimous consent to print the following amendments to LB 910 in the Journal. No objections. So ordered.

(1)

Exempt all automobiles from Personal Property taxes.

(2)

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

“Section 1. That section 77-1241.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1241.01. Motor vehicles, mopeds, and off-road designed vehicles, including golf carts, go-carts, garden tractors, all terrain vehicles, snowmobiles, and minibikes, not subject to a motor vehicle tax, and not registered for operation on the highways, except dealers' vehicles on hand, shall be subject to the ad valorem tax on tangible property; such tax shall be computed according to the schedule of values fixed by the State Board of Equalization and Assessment; Provided, that in the event a motor vehicle which has been assessed for ad valorem tax purposes, except dealers' motor vehicles on hand January 1 at 12:01 a.m., is later registered during the registration period for which taxes have been assessed, the owner against whom such ad valorem taxes have been assessed shall be credited with the proportionate amount for the period during which the motor vehicle tax has been paid.

Sec. 2. That original section 77-1241.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.”

Mr. Newell asked unanimous consent to print the following motion to LB 910 in the Journal. No objections. So ordered.  
Indefinitely postpone LB 910.

Motion pending.

## GENERAL FILE

**LEGISLATIVE BILL 632.** Title read. Considered.

Standing Committee amendments printed separate from the Journal and referred to in the Journal on page 857 for the Thirty-First Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 632A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 651.** Title read. Considered.

Standing Committee amendment found in the Journal on page 925 for the Thirty-Third Day was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 794.** Title read. Considered.

Standing Committee amendments found in the Journal on page 925 for the Thirty-Third Day were adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 843.** Title read. Considered.

Standing Committee amendments found in the Journal on page 935 for the Thirty-Fourth Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 844.** Title read. Considered.

Standing Committee amendment found in the Journal on page 940 for the Thirty-Fourth Day was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 908.** Title read. Considered.

Standing Committee amendments found in the Journal on page 950 for the Thirty-Fourth Day were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

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

**LEGISLATIVE BILL 924.** Title read. Considered.

Standing Committee amendments found in the Journal on page 955 for the Thirty-Fourth Day were adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 989.** Title read. Considered.

Standing Committee amendments found in the Journal on page 961 for the Thirty-Fourth Day were adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 945.** Title read. Considered.

Standing Committee amendments found in the Journal on page 993 for the Thirty-Sixth Day were adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 8 present and not voting, and 14 excused and not voting.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 94, 615, 615A, 618, 618A, 655, and 765A.

(Signed) Don Wesely, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 7, 1980, at 2:05 p.m., were the following bills: 621, 703, 742, 913, 601, 631, 496, and 496A.

(Signed) Janet M. Loder, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Mr. Haberman asked unanimous consent to print the following amendment to LB 872 in the Journal. No objections. So ordered.

Proposed salary to read \$21,100

Mr. Warner asked unanimous consent to print the following amendment to LB 765 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1 1. On page 2, line 10, strike "The" show as stricken  
 2 and insert "For the period commencing on the effective  
 3 date of this act and ending June 30, 1980, the amount yet  
 4 to be received as payments for 1979-80 programs shall be  
 5 made by the State Department of Education to the resident  
 6 school district in as nearly as possible equal monthly  
 7 payments. Thereafter, the".

Mr. Haberman asked unanimous consent to print the following motion to LB 906 in the Journal. No objections. So ordered.

To indefinitely postpone LB 906.

Motion pending.

**MESSAGES FROM THE GOVERNOR**

March 7, 1980

Mr. Patrick O'Donnell  
 Clerk of the Legislature  
 State Capitol  
 Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 747, 797, 810, 846, 886 and 951.

These bills were signed by me on March 6, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

March 7, 1980

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

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 759 and Reengrossed Legislative Bill 319.

These bills were signed by me on March 7, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

### VISITORS

Visitors to the Chamber were 27 ninth grade students and sponsor from Robin Mickle Jr. High, Lincoln; Mr. and Mrs. Gordon Anderson and family and Dave and Donalee Lamb, Senator Lamb's son and daughter-in-law all from Anselmo; 35 band students, teacher, and sponsors from Allen High School; 10 high school students from Neligh High School; 14 seventh through ninth grade students and sponsors from Anselmo-Merna Public School; 22 sixth grade students and teacher from St. Mary's School, Lincoln; 5 sophomores and juniors from McCool High School; 27 sixth through eighth grade students and teachers from Emanuel Lutheran School of Osmond and Zion Lutheran School of Plainview; 38 preschoolers and teachers from Lollipop Farm, Lincoln; 20 preschool through seventh grade students and sponsors from Anselmo; 13 seventh grade students and sponsor from St. Mary's School, Lincoln; 6 high school students and

teacher from Callaway High School; Representatives Bob Benson and David Hall, members of the House of Representatives from Kentucky; and Ruth Mary Landis, Senator Dave Landis' mother.

### **ADJOURNMENT**

At 2:21 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Monday, March 10, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-NINTH DAY - MARCH 10, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 10, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

Gathered here this morning are a very special group of men and women who make laws - who make decisions that affect the lives of millions of people. They are people who have pledged to be responsive to the needs of the people - who have committed themselves to represent the best interests of their constituents. Like all of us, God, they need Your guidance. They need You to look over their shoulder - and sometimes they need You to remind them that you are looking over their shoulder. These are good people God, and don't let them forget it!

We live in a big state - in a state that has a tradition of greatness. And just as our aspirations are great - so are our problems. We have all the problems of a great state: Crime, drugs, problems with our youth, misunderstanding of our minorities, and a host of other problems that these people have long wrestled with. We have big problems, God, and we need big help from You.

There are many people in our state - and faced with all these problems there are times when we are tempted to treat them like things - like mere numbers. But this is the great lesson that You have taught us, God - that we cannot solve human problems - unless we treat people like human beings. Dear God, very often we are tempted to forget this most important principle. God help us! Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh and Mr. Merz who were excused; and Messrs. Fowler, Haberman, Lewis, Schmit, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-Eighth Day was approved.

**UNANIMOUS CONSENT - Member Excused**

Mrs. Marsh asked unanimous consent to be excused March 10 through 13, 1980. No objections. So ordered.

**SELECT COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 847.** Placed on Select File as amended. E & R amendments to LB 847:

1. For correlation purposes, on page 3, line 2, insert “, as amended by section 1, Legislative Bill 958, Eighty-sixth Legislature, 1980” after “1943”; and in line 7, insert “38,” before “and”.

2. In the standing committee amendments, page 2, line 3, remove the underscoring from “board”.

3. On page 9, lines 6, 9, 13, and 14, page 14, line 6, page 16, lines 10 and 25, and page 18, line 22, strike “director” and insert “director secretary”.

4. On page 17, lines 16 and 18, page 18, lines 16, 20, and 26, and page 19, line 4, strike “director” and insert “secretary”.

5. Renumber the section added by the standing committee amendments as section 25.

6. Renumber original section 24 as section 26.

7. For correlation purposes, on page 23, line 4, and in the title, line 2, strike “71-121.01,”; on page 23, line 8, and in the title, line 8, strike “and”; and on page 23, line 10, and in the title, line 9, insert “, and section 71-121.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 958, Eighty-sixth Legislature, 1980” after “1978”.

**LEGISLATIVE BILL 789.** Placed on Select File.

**LEGISLATIVE BILL 789A.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**MESSAGE FROM THE GOVERNOR**

March 7, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 663 and 957.

Engrossed Legislative Bill 663 was signed on March 5, 1980; and Engrossed Legislative Bill 957 was signed on March 7, 1980. These bills have been delivered to the Secretary of State today.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**REPORT**

Received annual report of the Nebraska Indian Commission. (On file in the Clerk's Office.)

**SELECT FILE**

**LEGISLATIVE BILL 660.** E & R amendment found in the Journal on page 885 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 893.** E & R amendment found in the Journal on page 885 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 646.** E & R amendment found in the Journal on page 885 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 834.** E & R amendments found in Journal on page 912 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 790A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 834A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 712A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 823A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 672.** E & R amendment found in the Journal on page 988 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 672A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 725.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 798.** E & R amendment found in the Journal on page 988 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 616.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 892.** E & R amendment found in the Journal on page 988 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 842.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 731.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 731A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 849.** E & R amendments found in the Journal on page 989 for the Thirty-Sixth Day were adopted.

Laid over.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 932.**

A BILL FOR AN ACT to amend sections 20-126, 20-127, 20-129, 20-131.01, and 20-131.04, Reissue Revised Statutes of Nebraska, 1943, and section 20-128, Revised Statutes Supplement, 1978, relating to civil rights; to state policy; to provide for the use of a hearing aid dog by a hearing impaired person as prescribed; to authorize use of a white cane by certain persons; to provide a penalty; to provide restrictions; 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, 42:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Dworak     | Kelly    | Marvel  | Simon   |
| Beutler    | Fitzgerald | Kennedy  | Murphy  | Stoney  |
| Burrows    | Fowler     | Keyes    | Newell  | Vickers |
| Chambers   | George     | Koch     | Nichol  | Wagner  |
| Chronister | Goodrich   | Kremer   | Pirsch  | Warner  |
| Clark      | Hefner     | Labeledz | Powers  | Wesely  |
| Cope       | Hoagland   | Lamb     | Reutzel |         |
| Cullan     | Johnson    | Landis   | Rumery  |         |
| DeCamp     | Kahle      | Maresh   | Sieck   |         |

Voting in the negative, 0.

Excused and not voting, 7:

|          |       |        |          |
|----------|-------|--------|----------|
| Carsten  | Lewis | Merz   | Venditte |
| Haberman | Marsh | Schmit |          |

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

**LEGISLATIVE BILL 600.**

A BILL FOR AN ACT to amend section 29-1607, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide when a preliminary examination shall be conducted; 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:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Dworak     | Kelly    | Marvel  | Simon   |
| Beutler    | Fitzgerald | Kennedy  | Murphy  | Vickers |
| Burrows    | Fowler     | Keyes    | Newell  | Wagner  |
| Carsten    | George     | Koch     | Nichol  | Warner  |
| Chronister | Goodrich   | Kremer   | Pirsch  | Wesely  |
| Clark      | Hefner     | Labeledz | Powers  |         |
| Cope       | Hoagland   | Lamb     | Reutzel |         |
| Cullan     | Johnson    | Landis   | Rumery  |         |
| DeCamp     | Kahle      | Maresh   | Sieck   |         |

Voting in the negative, 0.

Present and not voting, 2:

Chambers    Stoney

Excused and not voting, 6:

|          |       |          |
|----------|-------|----------|
| Haberman | Marsh | Schmit   |
| Lewis    | Merz  | Venditte |

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

#### **LEGISLATIVE BILL 604.**

A BILL FOR AN ACT to amend section 60-335, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle registration; to exempt certain motor vehicles from a registration fee; 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, 33:

|            |            |          |          |         |
|------------|------------|----------|----------|---------|
| Barrett    | DeCamp     | Hoagland | Labeledz | Sieck   |
| Beutler    | Dworak     | Kahle    | Landis   | Simon   |
| Burrows    | Fitzgerald | Kelly    | Murphy   | Stoney  |
| Carsten    | Fowler     | Kennedy  | Nichol   | Vickers |
| Chronister | George     | Keyes    | Pirsch   | Wagner  |
| Clark      | Goodrich   | Koch     | Reutzel  |         |
| Cullan     | Hefner     | Kremer   | Rumery   |         |

Voting in the negative, 7:

|         |        |        |        |
|---------|--------|--------|--------|
| Johnson | Maresh | Newell | Wesely |
| Lamb    | Marvel | Warner |        |

Present and not voting, 3:

|          |      |        |
|----------|------|--------|
| Chambers | Cope | Powers |
|----------|------|--------|

Excused and not voting, 6:

|          |       |          |
|----------|-------|----------|
| Haberman | Marsh | Schmit   |
| Lewis    | Merz  | Venditte |

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

**LEGISLATIVE BILL 681.** With Emergency.

A BILL FOR AN ACT relating to adoptions; to amend sections 43-107, 71-626, and 71-627.02, Reissue Revised Statutes of Nebraska, 1943; to limit instances in which an investigation is required; to provide the contents of an adoptive birth certificate; to provide a report of adoption for foreign-born persons as prescribed; 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, 40:

|          |            |            |          |          |
|----------|------------|------------|----------|----------|
| Barrett  | Chronister | Dworak     | Hefner   | Kennedy  |
| Beutler  | Clark      | Fitzgerald | Hoagland | Koch     |
| Burrows  | Cope       | Fowler     | Johnson  | Kremer   |
| Carsten  | Cullan     | George     | Kahle    | Labeledz |
| Chambers | DeCamp     | Goodrich   | Kelly    | Lamb     |

|        |        |         |         |        |
|--------|--------|---------|---------|--------|
| Landis | Newell | Powers  | Simon   | Wagner |
| Maresh | Nichol | Reutzel | Stoney  | Warner |
| Murphy | Pirsch | Rumery  | Vickers | Wesely |

Voting in the negative, 0.

Present and not voting, 3:

|       |        |       |
|-------|--------|-------|
| Keyes | Marvel | Sieck |
|-------|--------|-------|

Excused and not voting, 6:

|          |       |          |
|----------|-------|----------|
| Haberman | Marsh | Schmit   |
| Lewis    | Merz  | Venditte |

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 772. With Emergency.**

A BILL FOR AN ACT to amend sections 43-647.01 and 43-648, Reissue Revised Statutes of Nebraska, 1943, and section 43-646.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 765, Eighty-sixth Legislature, Second Session, 1980, relating to the care and education of handicapped children; to provide for reimbursement of a percentage of costs for certain servicing agencies as prescribed; 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, 39:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Beutler    | Fitzgerald | Kelly    | Maresh  | Sieck   |
| Burrows    | Fowler     | Kennedy  | Newell  | Simon   |
| Carsten    | George     | Keyes    | Nichol  | Stoney  |
| Chambers   | Goodrich   | Koch     | Pirsch  | Vickers |
| Chronister | Hefner     | Kremer   | Powers  | Wagner  |
| Cope       | Hoagland   | Labeledz | Reutzel | Warner  |
| Cullan     | Johnson    | Lamb     | Rumery  | Wesely  |
| DeCamp     | Kahle      | Landis   | Schmit  |         |

Voting in the negative, 2:

Dworak      Murphy

Present and not voting, 3:

Barrett      Clark      Marvel

Excused and not voting, 5:

Haberman    Lewis      Marsh      Merz      Venditte

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 802.**

A BILL FOR AN ACT to amend section 46-202, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to provide for the appropriation of certain water in the Missouri River as prescribed; 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:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Barrett    | Fowler   | Keyes    | Newell  | Stoney  |
| Beutler    | George   | Koch     | Nichol  | Vickers |
| Carsten    | Goodrich | Kremer   | Pirsch  | Wagner  |
| Chronister | Hefner   | Labeledz | Powers  | Warner  |
| Clark      | Hoagland | Lamb     | Reutzel | Wesely  |
| Cullan     | Johnson  | Landis   | Rumery  |         |
| DeCamp     | Kahle    | Maresh   | Schmit  |         |
| Dworak     | Kelly    | Marvel   | Sieck   |         |
| Fitzgerald | Kennedy  | Murphy   | Simon   |         |

Voting in the negative, 0.

Present and not voting, 3:

Burrows      Chambers      Cope

Excused and not voting, 5:

Haberman    Lewis            Marsh            Merz            Venditte

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

**LEGISLATIVE BILL 814.** Mr. Beutler moved to return LB 814 to Select File for the following specific amendment:

Amend sections 4, 5, 6 & 7 to add the following language at the end of each section:

“- provided, however, that no conveyance of a homestead into joint tenancy with right of survivorship with a spouse shall be deemed fraudulent hereunder. A homestead shall mean the house in which the spouse actually resides and twenty contiguous acres”

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Beutler requested a roll call vote on his motion.

Voting in the affirmative, 20:

|          |        |          |         |         |
|----------|--------|----------|---------|---------|
| Beutler  | Clark  | Hefner   | Lamb    | Schmit  |
| Burrows  | Dworak | Kahle    | Maresh  | Vickers |
| Carsten  | Fowler | Kremer   | Pirsch  | Warner  |
| Chambers | George | Labeledz | Reutzel | Wesely  |

Voting in the negative, 23:

|            |            |         |        |        |
|------------|------------|---------|--------|--------|
| Barrett    | Fitzgerald | Kelly   | Marvel | Sieck  |
| Chronister | Goodrich   | Kennedy | Murphy | Stoney |
| Cope       | Haberman   | Keyes   | Nichol | Wagner |
| Cullan     | Hoagland   | Koch    | Powers |        |
| DeCamp     | Johnson    | Landis  | Rumery |        |

Present and not voting, 2:

Newell            Simon

Excused and not voting, 4:

Lewis            Marsh            Merz            Venditte

The Beutler motion lost with 20 ayes, 23 nays, 2 present and not voting, and 4 excused and not voting.

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 814.**

A BILL FOR AN ACT to adopt the Uniform Fraudulent Conveyance Act; and to repeal sections 36-101, 36-102, 36-201, 36-204, 36-205, 36-206, 36-401, 36-403, 36-405, 36-406, and 36-407, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Fitzgerald | Kelly    | Marvel  | Sieck   |
| Beutler    | Fowler     | Kennedy  | Murphy  | Simon   |
| Burrows    | George     | Keyes    | Newell  | Stoney  |
| Carsten    | Goodrich   | Koch     | Nichol  | Vickers |
| Chambers   | Haberman   | Kremer   | Pirsch  | Wagner  |
| Chronister | Hefner     | Labeledz | Powers  | Wesely  |
| Cope       | Hoagland   | Lamb     | Reutzel |         |
| Cullan     | Johnson    | Landis   | Rumery  |         |
| Dworak     | Kahle      | Mareh    | Schmit  |         |

Voting in the negative, 0.

Present and not voting, 3:

Clark            DeCamp            Warner

Excused and not voting, 4:

Lewis            Marsh            Merz            Venditte

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

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 833.**

A BILL FOR AN ACT to amend section 2-1807, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Potato Development Act; to authorize a change of the excise tax on potatoes; to provide an exception to the reporting requirement; to provide and change procedures; 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, 34:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | Fitzgerald | Kennedy  | Marvel | Simon   |
| Beutler    | George     | Koch     | Murphy | Stoney  |
| Carsten    | Haberman   | Kremer   | Nichol | Vickers |
| Chronister | Hefner     | Labeledz | Pirsch | Wagner  |
| Clark      | Hoagland   | Lamb     | Rumery | Warner  |
| Cope       | Kahle      | Landis   | Schmit | Wesely  |
| Cullan     | Kelly      | Maresh   | Sieck  |         |

Voting in the negative, 8:

|         |          |         |          |
|---------|----------|---------|----------|
| Burrows | Fowler   | Johnson | Powers   |
| Dworak  | Goodrich | Keyes   | Reutzell |

Present and not voting, 3:

|          |        |        |
|----------|--------|--------|
| Chambers | DeCamp | Newell |
|----------|--------|--------|

Excused and not voting, 4:

|       |       |      |          |
|-------|-------|------|----------|
| Lewis | Marsh | Merz | Venditte |
|-------|-------|------|----------|

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

#### LEGISLATIVE BILL 876.

A BILL FOR AN ACT to amend sections 66-452 and 66-467.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle fuels; to increase the amount of funds transferred to the Agricultural Alcohol Fuel Tax Fund; 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, 36:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Barrett    | George   | Kennedy  | Marvel  | Vickers |
| Carsten    | Goodrich | Keyes    | Nichol  | Wagner  |
| Chronister | Haberman | Koch     | Reutzel | Warner  |
| Clark      | Hefner   | Kremer   | Rumery  | Wesely  |
| Cope       | Hoagland | Labeledz | Schmit  |         |
| Cullan     | Johnson  | Lamb     | Sieck   |         |
| Fitzgerald | Kahle    | Landis   | Simon   |         |
| Fowler     | Kelly    | Maresh   | Stoney  |         |

Voting in the negative, 5:

|        |        |        |        |        |
|--------|--------|--------|--------|--------|
| Dworak | Murphy | Newell | Pirsch | Powers |
|--------|--------|--------|--------|--------|

Present and not voting, 4:

|         |         |          |        |
|---------|---------|----------|--------|
| Beutler | Burrows | Chambers | DeCamp |
|---------|---------|----------|--------|

Excused and not voting, 4:

|       |       |      |          |
|-------|-------|------|----------|
| Lewis | Marsh | Merz | Venditte |
|-------|-------|------|----------|

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

### LEGISLATIVE BILL 902.

A BILL FOR AN ACT to amend section 21-1316, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide for a limitation on powers of cooperative companies as prescribed; 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:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Cullan     | Hefner   | Lamb    | Rumery  |
| Beutler    | DeCamp     | Kahle    | Landis  | Schmit  |
| Burrows    | Dworak     | Kelly    | Maresh  | Sieck   |
| Carsten    | Fitzgerald | Kennedy  | Newell  | Simon   |
| Chambers   | Fowler     | Keyes    | Nichol  | Stoney  |
| Chronister | George     | Koch     | Pirsch  | Vickers |
| Clark      | Goodrich   | Kremer   | Powers  | Wagner  |
| Cope       | Haberman   | Labeledz | Reutzel | Warner  |

Wesely

Voting in the negative, 0.

Present and not voting, 4:

Hoagland      Johnson      Marvel      Murphy

Excused and not voting, 4:

Lewis      Marsh      Merz      Venditte

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

### **LEGISLATIVE BILL 981.**

A BILL FOR AN ACT to amend section 30-2325, Reissue Revised Statutes of Nebraska, 1943, and sections 30-2322 and 30-2323, Revised Statutes Supplement, 1978, relating to decedents' estates; to change provisions relating to homestead allowance, exempt property, and the family allowance as prescribed; 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, 42:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | DeCamp     | Kahle    | Maresh  | Simon   |
| Beutler    | Dworak     | Kelly    | Marvel  | Stoney  |
| Burrows    | Fitzgerald | Kennedy  | Newell  | Vickers |
| Carsten    | Fowler     | Keyes    | Nichol  | Wagner  |
| Chambers   | George     | Koch     | Pirsch  | Warner  |
| Chronister | Goodrich   | Kremer   | Reutzel | Wesely  |
| Clark      | Hefner     | Labeledz | Rumery  |         |
| Cope       | Hoagland   | Lamb     | Schmit  |         |
| Cullan     | Johnson    | Landis   | Sieck   |         |

Voting in the negative, 0.

Present and not voting, 3:

Haberman      Murphy      Powers

Excused and not voting, 4:

Lewis            Marsh            Merz            Venditte

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

**LEGISLATIVE BILL 693.** Mr. Clark moved to return LB 693 to Select File for the following specific amendment:

(Final Reading Copy)

1            1. Insert a new section as follows:  
2            Section 1. That section 60-311, Revised Statutes  
3 Supplement, 1979, be amended to read as follows:  
4            60-311. (1) The Department of Motor Vehicles  
5 shall in 1969, furnish to every person, whose motor  
6 vehicle shall be registered, two number plates except  
7 that only one number plate shall be issued to dealers or  
8 for motorcycles, truck-tractors, semitrailers, and buses,  
9 upon which plates shall be displayed (a) the registration  
10 number assigned to such motor vehicle in figures not less  
11 than two and one half inches nor more than three inches  
12 in height and (b) also the words Cornhusker State  
13 suitably lettered so as to be attractive. The plates  
14 shall be of a color designated by the director. The  
15 color of the plates shall be changed each time the  
16 license plates are changed. Each such plate shall be  
17 treated with a reflective material which shall provide  
18 effective and dependable reflective brightness during the  
19 service period required of the license plate.  
20            (2) In 1976 a specially-designed passenger  
21 vehicle plate shall be issued in commemoration of the  
22 national bicentennial, which plate shall be valid for ~~six~~  
23 seven years. Such plate shall be on a background of  
24 cream with the license number centered thereon in red  
25 figures and letters, shall display across the top thereof  
26 the word NEBRASKA in cream letters centered on a  
27 background of red flanked in the upper left and right  
1 hand corners respectively by a stylized drawing in blue  
2 of a covered wagon and an Indian chief in full headdress,  
3 and shall display across the bottom thereof 1776  
4 BICENTENNIAL 1976 in cream letters on a background of  
5 blue. Beginning with the number plates issued in the  
6 year ~~1982~~ 1983, such plates shall be issued every ~~six~~  
7 seven years. In the years in which plates are not  
8 issued, in lieu of furnishing such plates, the department  
9 shall furnish to every person, whose motor vehicle shall  
10 be registered, one or two renewal tabs, as the case may  
11 be, which renewal tabs shall bear the year for which  
12 furnished and be so constructed as to permit them to be  
13 permanently affixed to the plates.”.

- 14 2. On page 3, line 2 strike "is" and insert "and  
 15 section 60-311, Revised Statutes Supplement, 1979, are".  
 16 3. Renumber original sections 1 and 2 as sections  
 17 2 and 3.  
 18 4. In the title, line 3, after "1943," insert  
 19 "and section 60-311, Revised Statutes Supplement, 1979,";  
 20 in line 5 after the semicolon insert "to change provisions  
 21 relating to issuance of plates;"; and in line 6 strike  
 22 "section" and insert "sections".

Motion pending.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 619, 773, 793, 801, and 818.

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORT**  
**Urban Affairs**

**LEGISLATIVE BILL 710.** Placed on General File as amended.  
 Standing Committee amendment to LB 710:

1. On page 2 line 2 after "city" insert "of the second class"; in line 4 strike "under and enforcement"; in line 5 strike the second "the" and insert "such"; in line 12 strike "may be negotiated, but", and strike "not exceed" and insert "be"; in line 13 after "rendered" insert ", unless the county agrees to render such service at a lesser cost"; and after line 13 insert the following new subsection:

"(4) No contract between a county and city or village for the prosecution of municipal ordinances which is in effect on the effective date of this act shall be impaired."

(Signed) Walter George, Chairperson

**ATTORNEY GENERAL'S OPINION**

Opinion No. 243  
March 7, 1980

Dear Senator Venditte:

You have asked for our opinion on the constitutionality of LB 991. LB 991 is a bill intended to prohibit the sale and use of drug paraphernalia. We do not intend to engage in a section by section analysis of your bill. We believe that for purposes of this opinion it is sufficient to say that there are serious questions of constitutionality surrounding the bill. As you are aware, in order to meet constitutional muster criminal statutes must be specific. They must identify that which is prohibited with such specificity as will allow an individual of ordinary intelligence to conform their conduct to the requirements of the statutes without being required to guess at the meaning of such statutes. See, *Linn v. Linn*, 205 Neb. 218, \_\_\_ N.W.2d \_\_\_ (1980). Conversely statutes must not be drafted in such a manner as to be overly broad. The definitions contained in section 1 of this act are extremely broad. For instance, the first paragraph provides that:

“. . . [D]rug paraphernalia shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this act or the Uniform Controlled Substances Act. . . .”

Thereafter a number of specific things are listed.

The general definition would include such things as hose, rakes, and spades for caring for a marijuana patch, clay pots, or other nursery materials for growing marijuana, fertilizers, or in short, any sort of gardening supplies. Some kinds of presses would be contained within the definition; a number of chemicals could be contained with the definitions; wrapping paper, saran wrap, and baggies could be contained within these definitions.

Such things are in themselves innocuous and legally sold in a variety of institutions. We can hypothesize a situation in which the owner of a grocery store or nursery center was or should be aware that a particular customer grew, processed, sold or possessed marijuana, a controlled substance. Arguably, under section 4 such items sold by grocers or nursery owners would be in violation since they were intentionally delivering to another clay pots or saran wrap.

Subsection (5) of section 1 includes scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances. Such scales are of a type used by pharmacists and scientists in the course of lawful endeavors. Must a scale merchant ascertain whether or not a particular individual seeking to purchase

that item is one that he reasonably ought to believe intended to use it for illicit purposes connected with controlled substances?

Subsection (10) prohibits containers or objects used, intended for use, or designed for use in storing or concealing controlled substances. This could include such things as refrigerators, bread boxes, ornamental chests, safes, and other similar objects, again requiring ordinary merchants to determine whether or not they fall within the terms of the act.

The examples given above are intended to indicate that there is a substantial constitutional question about the vagueness and overbreadth of the statute.

Some cases have narrowed the focus of such statutory schemes. See, Manson v. State, 168 Tex. Crim. 514, 316 S.W. 2d 414; Cole v. State, 168 P.2d 593 (Okla.). In Rosenberk v. United States, 297 A.2d 763, a prosecution was initiated under a statute which proscribed the possession of criminal instruments. The court found that bong pipes and such devices were not covered under the particular statute.

In United States v. Falcone, 311 U.S. 105 (1940), the United States Supreme Court was considering a conspiracy case. The defendants had been charged with conspiring to operate illicit stills. While not involving a constitutional claim, the Court said that one selling innocent goods to someone he knows intends to use them illegally does not bring the seller within the reach of the conspiracy statute. In LB 991 it appears that such an act could result in criminal sanctions.

In declaring unconstitutional section 28-4,127(1) (g), R.R.S. 1943, which made it a crime to be in a place where controlled substances were being used, the Nebraska Supreme Court said:

“In State ex rel. English v. Ruback[135 Neb. 335, 281 N.W. 607], the court quoted from Fairmont Creamery Co. v. Minnesota, 274 U.S. 1, 10, indicating the invalidity of overbroad criminal statutes, stating: ‘It is not permissible to enact a law which, in effect, spreads an all-inclusive net for the feet of everybody upon the chance that, while the innocent will surely be entangled in its meshes, some wrongdoers also may be caught.’ . . .” State v. Adkins, 196 Neb. 76, 81, 241 N.W.2d 655 (1976).

LB 991 arguably suffers from the same defect to which our court was alluding.

The statute then, in our opinion, would be difficult to defend against constitutional attack based upon the extreme reach of the definitional sections. Ordinary merchants would be required to determine whether or not there was reasonable grounds to believe that a purchaser of their product intended to use the product in violating the Controlled Substances Act.

Sincerely,  
 PAUL L. DOUGLAS  
 Attorney General  
 (Signed) Patrick T. O'Brien  
 Assistant Attorney General

PTO:ejg

cc Mr. Patrick J. O'Donnell  
 Clerk of the Legislature

### UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 848 in the Journal. No objections. So ordered.

- 1 1. On page 9, in lines 17 and 18 strike "and
- 2 fifty", and show as stricken.
- 3 2. On page 19, strike beginning with "in" in
- 4 line 11 through "dollars" in line 12, show the old matter
- 5 as stricken, and insert ", which shall be (a) two dollars
- 6 through June 30, 1981, (b) ten dollars from July 1, 1981,
- 7 through June 30, 1983, (c) fifteen dollars from July 1,
- 8 1983 through June 30, 1985, and (d) twenty dollars on and
- 9 after July 1, 1985".

### STANDING COMMITTEE REPORTS

#### Public Works

**LEGISLATIVE BILL 820.** Placed on General File as amended.  
 (Standing Committee amendments printed separate from the Journal  
 and on file in the Clerk's Office - Req. #2108.)

**LEGISLATIVE BILL 851.** Placed on General File as amended.  
 Standing Committee amendments to LB 851:

1. On page 2 in lines 6 and 12 strike "shall" and insert "may".
2. On page 3 line 21 after "cost" insert "of the special benefit portion"; and strike the new matter in lines 21 and 22.
3. On page 4 line 17 after "board" insert "but not to exceed five per cent of the total estimated cost of the project".
4. On page 10 strike beginning with "shall" in line 3 through "thereon" in line 7 and insert "are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest and income thereon, shall be exempt from all taxes".

**LEGISLATIVE BILL 792.** Indefinitely postponed.

**LEGISLATIVE BILL 864.** Indefinitely postponed.

**LEGISLATIVE BILL 961.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 666.** Mr. Kahle withdrew his pending amendment found in the Journal on page 921.

Mr. Kahle offered the following amendment:

On page 7, line 1, delete "for use in a governmental capacity,"

On page 7, line 13, Insert the following language before the word "If"

Any person purchasing, storing, using, or otherwise consuming tangible personal property in the performance of any construction, improvement, or repair by or for any exempt governmental unit for which tangible personal property is incorporated into a structure and becomes the property of the exempt governmental unit shall pay any applicable sales or use tax thereon. The exempt governmental unit shall be entitled to a refund of the amount of taxes so paid in the performance of such construction, improvement, or repair. Such refund shall be calculated by multiplying the sale or use tax percentage rate times a sum equal to sixty percent of the total contract price of such construction, improvement, or repair. For the purposes of this subdivision such exempt governmental unit shall submit whatever evidence is required by the Tax Commissioner sufficient to establish such total contract price. The appointment of purchasing agents shall not be recognized for the purpose of altering the status of construction contractors as ultimate consumers of tangible personal property incorporated into construction contracts.

Mr. Kahle moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Kahle requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|            |        |        |          |         |
|------------|--------|--------|----------|---------|
| Barrett    | Dworak | Kelly  | Maresh   | Schmit  |
| Chronister | George | Kremer | Murphy   | Sieck   |
| Clark      | Hefner | Lamb   | Reutzell | Vickers |
| Cope       | Kahle  | Landis | Rumery   |         |

Voting in the negative, 17:

|          |            |          |        |        |
|----------|------------|----------|--------|--------|
| Burrows  | Fitzgerald | Hoagland | Marvel | Powers |
| Chambers | Fowler     | Johnson  | Newell | Simon  |
| Cullan   | Goodrich   | Koch     | Pirsch | Stoney |

Warner           Wesely

Present and not voting, 9:

|         |          |         |        |        |
|---------|----------|---------|--------|--------|
| Beutler | DeCamp   | Kennedy | Labedz | Wagner |
| Carsten | Haberman | Keyes   | Nichol |        |

Excused and not voting, 4:

|       |       |      |          |
|-------|-------|------|----------|
| Lewis | Marsh | Merz | Venditte |
|-------|-------|------|----------|

The Kahle amendment lost with 19 ayes, 17 nays, 9 present and not voting, and 4 excused and not voting.

Mr. George offered the following amendment:

On page 6, line 27, insert the words "housing authority" after the word "village,"

The amendment lost with 15 ayes, 11 nays, 19 present and not voting, and 4 excused and not voting.

Mrs. Labedz and Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit offered the following amendment:

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2200.)

Messrs. Keyes and Newell offered the following amendment to the Schmit amendment:

Place LB 16 into it as amended, as new sections.

Amendments pending.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

1       1. Strike the DeCamp amendment on page 768 of  
2       the Journal.

Mr. Haberman asked unanimous consent to print the following amendment to LB 989 in the Journal. No objections. So ordered.

1       1. On page 2, line 6 strike "including"  
2       and insert "which shall only include".

Mr. Koch asked unanimous consent to print the following amendment to LB 869 in the Journal. No objections. So ordered.

- 1 1. On page 2 in line 18 after “members”
- 2 insert an underscored comma; reinstate the stricken
- 3 matter in lines 18 through 20 and in line 20 strike the
- 4 reinstated “79-803” and insert “~~79-803~~ 79-803.11.”.

Mr. Newell asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

Amend LB 817 on page 2 as follows:

On line 23 delete the word “amount” and insert the word “rate”.

On line 25 delete the word “amount” and insert the word “rate”.

After line 25 insert the words: “..and not more than eight per cent of each university employee’s full-time salary or wage earnings for any calendar year...”

On page 3, line 5 delete the word “amount” and insert the word “rate”.

## STANDING COMMITTEE REPORTS

### Public Works

**LEGISLATIVE BILL 656.** Placed on General File as amended.  
Standing Committee amendments to LB 656:

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 “Section 1. The state Civil Defense Agency
- 4 shall, during those periods of the year when the potential
- 5 for ice jams on Nebraska rivers and streams exists, insure
- 6 that measurements and observations are made so that the
- 7 existence of conditions conducive for flooding as a result
- 8 of such ice jams may be determined as such conditions occur.
- 9 In making a determination that such conditions exist, the
- 10 state Civil Defense Agency shall consider such factors as
- 11 weather, ice and water depths, and the previous flooding
- 12 history of the area. In collecting the information
- 13 required by this section, the agency may use the services
- 14 of local civil defense agencies, political subdivisions,
- 15 and volunteer citizens when necessary.
- 16 Sec. 2. The state Civil Defense Agency shall
- 17 establish a central file of records, which shall include
- 18 the information prepared pursuant to this act and any
- 19 other information which is necessary to assist the agency
- 20 and political subdivisions in taking proper actions to
- 21 prevent or reduce flooding.
- 22 Sec. 3. If the state Civil Defense Agency
- 23 shall determine that conditions are right for flooding
- 24 it shall notify appropriate political subdivisions and
- 25 shall provide them with all information it deems relevant
- 26 from its central file of records. If requested by such
- 27 political subdivision, the Adjutant General shall review
- 1 any proposed plan of action prepared by or on behalf of
- 2 such subdivision. All such plans and any and all action
- 3 taken to implement such plan shall be in accordance with

4 and governed by the provisions of the Nebraska Disaster  
5 and Civil Defense Act of 1973, sections 81-829.36 to  
6 81-829.68, and sections 81-829.69 to 81-829.74.

7 Sec. 4. The Nebraska Natural Resources

8 Commission shall prepare and submit to the state Civil  
9 Defense Agency information pertaining to the potential  
10 for flooding from ice jams, and such information shall  
11 include, but not be limited to, the following: (1) The  
12 location, approximate physical dimensions, and composition  
13 of the flood control structures on the Platte, Big Blue, Little  
14 Loup, and Elkhorn Rivers and any other rivers and streams  
15 deemed by the commission to be particularly vulnerable  
16 or susceptible to flooding as a result of ice jams; (2)  
17 the identification of a person, agency, or other entity,  
18 if any, which is responsible for the operation, maintenance,  
19 and replacement of such structures; and (3) the hazard  
20 potential in terms of loss of life and property which may  
21 result from failure of such structure. After the original  
22 preparation of such information, the commission shall no  
23 less than annually, advise the state Civil Defense Agency  
24 of any necessary additions or revisions to the information  
25 submitted.

26 Sec. 5. That section 81-829.55, Reissue Revised  
27 Statutes of Nebraska, 1943, be amended to read as follows:

1 81-829.55 (1) All functions provided for in  
2 sections 81-829.36 to ~~81-829.68~~ 81-829.74, functions provided  
3 for in sections 1 to 3 of this act when deemed to be related  
4 to statewide civil defense, and all other activities relating  
5 to civil defense are hereby declared to be governmental functions.  
6 Neither the United States, the state, nor any political subdivi-  
7 sion thereof nor other agencies of the United States, the  
8 state, or political subdivision thereof, nor, except in cases  
9 of willful misconduct, gross negligence, or bad faith, any civil  
10 defense worker complying with or reasonably attempting to comply  
11 with the provisions of sections 81-829.36 to ~~81-829.68~~ 81-829.74  
12 or Public Law 93-288, or any order, rule, or regulation promul-  
13 gated pursuant to the provisions of sections 81-829.36 to ~~81-829-~~  
14 81-829.74 or Public Law 93-288, or pursuant to any ordinance  
15 relating to black-out or other precautionary measures enacted  
16 by any political subdivision of the state shall be liable for  
17 the death of or injury to persons, or for damage to property,  
18 as a result of any such activity. In lieu of the liability  
19 provisions regarding the willful misconduct, gross negligence,  
20 or bad faith of a civil defense worker, liability for a  
21 civil defense worker acting to prevent flooding, or during a  
22 flood emergency situation, shall be determined pursuant to  
23 the State Tort Claims Act, sections 81-8,209 to 81-8,239, or  
24 the Political Subdivisions Tort Claims Act, sections 23-2401  
25 to 23-2420. The provisions of this section shall not affect the  
26 right of any person to receive benefits to which he or she would

27 otherwise be entitled under the provisions of sections  
 1 81-829.36 to ~~81-829.68~~ 81-829.74, or under the Nebraska  
 2 Workmen's Compensation Act, or under any pension law,  
 3 nor the right of any person to receive any benefits or  
 4 compensation under any act of Congress.

5 (2) Any requirement for a license to practice  
 6 any professional, mechanical, or other skill shall not  
 7 apply to any authorized civil defense worker who shall,  
 8 in the course of performing his or her duties as such,  
 9 practice such professional, mechanical, or other skill  
 10 during a civil defense emergency or declared disaster  
 11 emergency.

12 (3) Any civil defense worker, as defined  
 13 in sections 81-829.36 to ~~81-829.68~~ 81-829.74, performing  
 14 civil defense services at any place in this state  
 15 pursuant to agreements, compacts, or arrangements for  
 16 mutual aid and assistance, to which the state or a  
 17 political subdivision thereof is a party, shall possess  
 18 the same powers, duties, immunities, and privileges he  
 19 or she would ordinarily possess if performing his or her  
 20 duties in the state, province, or political subdivision  
 21 thereof in which normally employed or rendering services.

22 Sec. 6. That original section 81-829.55,  
 23 Reissue Revised Statutes of Nebraska, 1943, is repealed.

24 Sec. 7. Since an emergency exists, this act  
 25 shall be in full force and take effect, from and after its  
 26 passage and approval, according to law."

27 2. In the title, strike lines 2 through 10

1 and insert the following:

2 "FOR AN ACT relating to flood control; to establish a  
 3 central file of information on flooding; to  
 4 provide for preparation and dissemination  
 5 of such information; to amend section 81-829.55,  
 6 Reissue Revised Statutes of Nebraska, 1943; to  
 7 change provisions relating to liability as  
 8 prescribed; to repeal the original section;  
 9 and to declare an emergency."

**LEGISLATIVE BILL 48.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

### VISITORS

Visitors to the Chamber were 3 seniors and teacher from Farnam High School; 65 seniors and teacher from Syracuse Senior High School; 19 seniors and sponsors from Orleans High School; 8 seniors and teachers from Lynch Public School; and 225 high school American Government and History students attending Youth Government Day.

**RECESS**

At 12:03 p.m., on a motion by Mr. Clark, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:41 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh and Mr. Venditte who were excused; and Messrs. Kremer and Merz who were excused until they arrive.

**EXPLANATION OF VOTE**

Had I been present, I would have voted yes on the following bills: 932, 600, 604, 681, 772, 802, and 981.

(Signed) Rex Haberman

**SELECT FILE**

**LEGISLATIVE BILL 276.** E & R amendment found in the Journal on page 1024 for the Thirty-Seventh Day was adopted.

Mr. Goodrich withdrew his pending amendment found in the Journal on page 907.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell offered the following amendment:

To amend Sect. 4 of Req 2153 in LB 276 by striking "aggregate" in line 7 page 5, by striking "twenty-five" in line 8 page 5 and reinserting "fifty thousand" in such line and by striking the new material in lines 9 & 10, in page 5.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Cullan requested a record vote on the Newell amendment.

Voting in the affirmative, 8:

|          |          |         |        |
|----------|----------|---------|--------|
| Burrows  | Fowler   | Johnson | Simon  |
| Chambers | Hoagland | Newell  | Wesely |

Voting in the negative, 32:

|            |          |         |         |         |
|------------|----------|---------|---------|---------|
| Barrett    | DeCamp   | Kennedy | Murphy  | Stoney  |
| Beutler    | George   | Koch    | Nichol  | Vickers |
| Carsten    | Goodrich | Kremer  | Powers  | Wagner  |
| Chronister | Haberman | Lamb    | Reutzel | Warner  |
| Clark      | Hefner   | Lewis   | Rumery  |         |
| Cope       | Kahle    | Maresh  | Schmit  |         |
| Cullan     | Kelly    | Marvel  | Sieck   |         |

Present and not voting, 5:

|        |            |       |          |        |
|--------|------------|-------|----------|--------|
| Dworak | Fitzgerald | Keyes | Labeledz | Landis |
|--------|------------|-------|----------|--------|

Excused and not voting, 4:

|       |      |        |          |
|-------|------|--------|----------|
| Marsh | Merz | Pirsch | Venditte |
|-------|------|--------|----------|

The Newell amendment lost with 8 ayes, 32 nays, 5 present and not voting, and 4 excused and not voting.

Messrs. Simon and Burrows withdrew their pending amendment found in the Journal on page 909.

Mr. Johnson offered the following amendment:

To amend the Committee Amendment to LB 276 by striking the word "aggregate" in line 7, page 5, Req. 2153.

#### **MR. CLARK PRESIDING**

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Johnson amendment lost with 11 ayes, 24 nays, 10 present and not voting, and 4 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1034.

**SPEAKER MARVEL PRESIDING**

The DeCamp amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Mr. Burrows withdrew his pending amendment found in the Journal on page 1032.

Mr. Schmit renewed his pending amendment found in the Journal on page 1058.

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

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Burrows offered the following amendment:

(White Copy Request 2153)

- 1 On page 5, lines 14 and 22 strike the new matter
- 2 and reinstate the stricken matter; and strike beginning
- 3 with "(7)" on page 5, line 23, through line 6 on page 6.

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Burrows amendment lost with 10 ayes, 16 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Burrows offered the following amendment:

(White copy request 2153)

- 1 1. On page 12, in lines 15 and 16, strike the new
- 2 matter and reinstate the stricken matter.
- 3 2. On page 13 strike lines 11 through 23.

The amendment lost with 13 ayes, 18 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Burrows offered the following amendment:

WHITE COPY REQ. 2153

- 1 1. On page 1, line 12 after "year" insert
- 2 "for the period commencing on the effective date of this
- 3 act through August 31, 1983, and for the period commencing
- 4 on September 1, 1983, at the rate of eighteen per cent
- 5 per year"; in line 12 strike the underscored comma and
- 6 reinstate the stricken matter commencing with "on" in
- 7 line 12 through the comma in line 15; and in line 16

8 strike the new matter and reinstate the stricken matter.

9 2. On page 2, line 5, after "annum" insert "for  
10 the period commencing on the effective date of this act  
11 through August 31, 1983, and at the rate of fourteen per  
12 cent per annum commencing on September 1, 1983,".

13 3. On page 3, lines 19 and 21 strike the new matter  
14 and reinstate the stricken matter.

15 4. On page 4, line 13, after "annum" insert "for  
16 the period commencing on the effective date of this act  
17 through August 31, 1983, and at the rate of twelve and  
18 one half per cent per annum commencing on September 1, 1983,".

19 5. On page 5, in lines 7 through 10, strike the  
20 new matter and reinstate the stricken matter.

21 6. On page 6, line 18, after "annum" insert "for  
22 the period commencing on the effective date of this act  
23 through August 31, 1983, and at the rate of fifteen per  
24 cent per annum commencing on September 1, 1983,".

25 7. On page 14, line 2 strike the underscored  
26 semicolon and insert "for the period commencing on the  
27 effective date of this act through August 31, 1983, and  
1 for the period commencing on September 1, 1983, at the  
2 rate of eighteen per cent per annum"; and reinstate the  
3 stricken matter beginning with "on" in line 2 through the  
4 semicolon in line 10.

The amendment was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Wesely offered the following amendment:

8-410. BORROWING; CERTIFICATES OF INDEBTEDNESS; ISSUANCE; INTEREST RATE; CONDITIONS; PAYMENT BEFORE MATURITY; REDISCOUNTS; COLLATERAL; LIMIT ON INDEBTEDNESS; TRANSFER OF ASSETS, WHEN VOID. Corporations organized under the provisions of sections 8-401 to 8-417 may borrow from the general public and issue therefor certificates of indebtedness. The department shall regulate the form, terms, and content of certificates of indebtedness. Such certificates of indebtedness shall be of two classes: Paid-up certificates and installment certificates. Paid-up certificates shall be issued in fixed denominations and shall be repayable at fixed future dates. Installment certificates shall be issued in passbook or other form and under such terms as the corporation may determine and shall evidence the original amount advanced by the holder thereof and be subject to the right of the holder to add further sums at such times as the holder may desire, and the balance therein may be withdrawn by the holder thereof, in whole or in part, at any time upon request, subject to the right of the corporation to require at least thirty days' notice of any

such withdrawal. Different rates of interest may be paid on certificates of indebtedness with different amounts or with different maturities. No industrial loan and investment company shall, directly or indirectly, pay any rate of interest on certificates of indebtedness at a greater rate than the director shall by regulation provide. By regulation the department may provide for interest rates in excess of six per cent per annum. ~~Paid up certificates of indebtedness shall not be paid before maturity thereof except that in an emergency when it is necessary to prevent hardship to the certificate holder, the corporation, in its discretion, may pay such certificate or a portion thereof before maturity. Before such payment is made the certificate holder shall sign a written statement to be kept in the files of the corporation that an emergency exists and that he is in need of money represented by the certificate of indebtedness before the maturity date, stating the definite amount needed. The certificate of indebtedness may then be paid before maturity to the extent required to meet such need, but the certificate holder shall forfeit an amount equal to three months interest on the amount withdrawn. If the amount withdrawn has remained on deposit for three months or less, all interest shall be forfeited. When a portion of a certificate of indebtedness is paid before maturity, the certificate shall be canceled and a new certificate shall be issued for the unpaid portion of the indebtedness, with the same terms, rate, date, and maturity as the original certificate of indebtedness.~~ Certificates of indebtedness shall be in such form as the department by general rule shall prescribe, not inconsistent with the provisions of sections 8-401 to 8-417, and no other or different form shall be used. If upon presentation of a certificate of indebtedness for payment on or after the maturity date the issuer without just cause fails to make payment thereof, the department may take possession of its business and affairs and may liquidate same. Corporations organized under the provisions of sections 8-401 to 8-417, may also borrow money from and rediscount paper with banks and other corporate lenders and pledge collateral as security thereto; PROVIDED that the combined indebtedness of any industrial loan and investment company arising from the issuance of all certificates of indebtedness and the money borrowed from banks and other corporate lenders shall at no time exceed the limit prescribed by section 8-413. Notwithstanding section 8-413, any industrial loan and investment company may borrow on its bills payable secured by direct or indirect obligations of the United States government or secured by obligations guaranteed by agencies of the United States government without limitation, but no such company shall, without the written consent of the Director of Banking and Finance, transfer, as collateral to its obligation, assets with a face value of more than one

and one half times the amount of such obligation. Any transfer of assets of an industrial loan and investment company in violation of the provisions of this section shall be void as against creditors of such industrial loan and investment company.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**STANDING COMMITTEE REPORT**  
**Urban Affairs**

**LEGISLATIVE BILL 692.** Placed on General File as amended.  
Standing Committee amendments to LB 692:

1. On page 3, line 5, strike "legal".
2. Insert a new section as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

(Signed) Walter George, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Murphy asked unanimous consent to print the following amendment to LB 849 in the Journal. No objections. So ordered.

- 1 1. On page 13, line 13 strike "at least", and
- 2 before "have" insert "shall"; in line 14 strike "and at
- 3 least" and insert an underscored comma; and in line 15
- 4 before "have" insert "shall", and after "wrestling" insert
- 5 " , and one member shall be or shall have been active in
- 6 professional boxing".

**MOTION - Place LB 754 on General File**

Mr. Simon moved to place LB 754 on General File pursuant to Rule 3, Sec. 10.

Motion pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 211.**

Introduced by Marsh, 29th District.

WHEREAS, private education is an important part of higher education in the State of Nebraska; and

WHEREAS, Union College has contributed to the betterment of Lincoln during the past ninety years; and

WHEREAS, Myrl Manley, President of Union College during the past seven years, has provided competent Christian leadership, and under Myrl Manley's administration Union College has flourished financially, spiritually, and academically; and

WHEREAS, Union College, under Myrl Manley's guidance, has increasingly enriched the community of Lincoln through the growth of KUCV, the Lincoln Fine Arts Radio, through the building of new campus facilities, and through various cultural, social, and religious programs offered to the community; and

WHEREAS, Myrl Manley is retiring at the end of the current school year.

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

1. That the Legislature of the State of Nebraska recognizes and commends the noteworthy achievements of Myrl Manley as the President of Union College during the past seven years.

2. That the Clerk of the Legislature send copies of this resolution to Myrl Manley, and to the chairman of the Union College Board of Trustees, Ellsworth Reile.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 279.** E & R amendments found in the Journal on page 1025 for the Thirty-Seventh Day were adopted.

Mr. Lamb renewed his pending amendment found in the Journal on page 1034.

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

Mr. Burrows offered the following amendment:

Amendments are to the  
Standing Committee Amendments

- 1 1. On page 2, line 26 after "annum" insert "for
- 2 the period commencing on the effective date of this act
- 3 through August 31, 1983, and at the rate of six per cent
- 4 per annum commencing on September 1, 1983,".

5 2. On page 3, line 8 after “dollars” insert “for  
6 the period commencing on the effective date of this act  
7 through August 31, 1983, and at the rate of eight dollars  
8 commencing on September 1, 1983.”; and in line 14 after  
9 “cent” insert “for the period commencing on the effective  
10 date of this act through August 31, 1983, and than eight  
11 per cent per annum commencing on September 1, 1983.”.

12 3. On page 4, line 1 after “annum” insert “for the  
13 period commencing on the effective date of this act through  
14 August 31, 1983, and at the rate of six per cent per annum  
15 commencing on September 1, 1983”.

The amendment was adopted with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Goodrich offered the following amendment:

Req. #2213

2 1. In committee amendments as amended, insert a  
3 new section to read:

4 “Sec. 6. That section 45-101.04, Revised  
5 Statutes Supplement, 1979, as amended by section 4,  
6 Legislative Bill 276, Eighty-sixth Legislature, Second  
7 Session, 1980, be amended to read as follows:

8 45-101.04. The limitation on the rate of  
9 interest provided in section 45-101.03 shall not apply  
10 to:

11 (1) Other rates of interest authorized for loans  
12 made by any licensee or permittee operating under a  
13 license or permit duly issued by the Department of  
14 Banking and Finance pursuant to subsection (4) of section  
15 8-319, sections 8-401 to 8-417, 8-815 to 8-823, 8-825 to  
16 8-829, 21-1760 to 21-1764, 21-1766 to 21-1796, 21-1799 to  
17 21-17,108, 21-17,110 to 21-17,119, 45-114, 45-116 to  
18 45-140, or 45-142 to 45-155;

19 (2) Loans made to any corporation, partnership,  
20 or trust;

21 (3) The guarantor or surety of any loan to a  
22 corporation, partnership, or trust;

23 (4) Loans made when the aggregate principal  
24 amount of the indebtedness is twenty-five thousand  
25 dollars or more of the borrower to any one licensee or  
1 permittee;

2 (5) Loans insured, guaranteed, sponsored, or  
3 participated in, either in whole or part, by any agency,  
4 department, or program of the United States or state  
5 government;

6 (6) Loans or advances of money, repayable on  
7 demand, which are made solely upon securities, as defined  
8 in subdivision (12) of section 8-1101, pledged as  
9 collateral for such repayment and in which such loans or

10 advances are used by the borrower only for the purchase  
 11 of securities as so defined. It shall be lawful to  
 12 contract for and receive any rate of interest on such  
 13 transaction as the parties thereto may expressly agree;

14 (7) Interest charges made on open credit accounts  
 15 by a person who sells goods or services on credit when  
 16 the interest charges do not exceed one and one-third per  
 17 cent per month for any charges which remain unpaid for  
 18 more than thirty days following rendition of the  
 19 statement of account; or

20 (8) A minimum charge of ten dollars per loan  
 21 which may be charged by the lender in lieu of all  
 22 interest charges; or -

23 (9) Loans described in subsection (4) of section  
 24 8-319 made by a state or federal savings and loan  
 25 association at a rate not to exceed nineteen per cent per  
 26 annum.”.

1 2. Renumber remaining sections accordingly.

The amendment was adopted with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Johnson offered the following amendment:

- 1 1. Insert the following new section:
- 2 “Sec. 8. Sections 1, 2, and 6 of this act shall
- 3 become operative on October 1, 1981.”.
- 4 2. Renumber remaining sections accordingly.

The amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

## RESOLUTION

### LEGISLATIVE RESOLUTION 212.

Introduced by Lewis, 45th District; Barrett, 39th District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Labeledz, 5th District; Lamb, 43rd District; Maresh, 32nd District; Murphy, 17th District; Newell, 13th

District; Pirsch, 10th District; Powers, 9th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Vickers, 38th District; Wagner, 41st District; Wesely, 26th District.

WHEREAS, Fredrick Carl Koch was a resident for many years of Hastings, Nebraska; and

WHEREAS, Fredrick Koch, father of State Senator Gerald Koch, was a respected father, husband, and member of his community; and

WHEREAS, Mr. Koch passed away on Wednesday, March 5, 1980.

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

1. That the members of the Legislature extend their deepest condolences to the family of Fredrick Koch.

2. That a copy of this resolution be presented to Senator Gerald Koch and the family of Fredrick Koch as an expression of sorrow at his passing.

Speaker Marvel moved to suspend the rules, Rule 4, Sec. 6, to consider LR 212 today.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

LR 212 was adopted with 32 ayes, 0 nays, and 17 not voting.

The members stood for a moment of silence.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 276 in the Journal. No objections. So ordered.

Strike Wesely amendment.

#### **ANNOUNCEMENT**

Mr. DeCamp announced an executive session of the Banking, Commerce and Insurance Committee at Noon, March 11, 1980 in Senator DeCamp's office.

#### **ADJOURNMENT**

At 4:09 p.m., on a motion by Mr. Vickers, the Legislature adjourned until 9:00 a.m., Tuesday, March 11, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTIETH DAY - MARCH 11, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 11, 1980

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Lord God of all good life: We remember in prayer today the districts of Nebraska which we represent in this house. We are thankful for all the good things that are found back home: The community spirit, the churches, schools, courts of justice, the homes, hospitals, offices and factories.

And we would remember also the special needs of our districts for employment, for recreation, for housing, welfare, safe streets, good highways.

Give us the vision and wisdom to surround our districts and our state with the safeguards of sound laws which will preserve the good life for those who now enjoy it, and make it available to all.

We are bold to offer such a prayer, for we are those who believe that with God all things are possible. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh and Mr. George who were excused; and Messrs. Beutler, Newell, Powers, Simon, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Thirty-Ninth Day was approved.

**SPEAKER'S ORDER**

Move the following bills from Passed Over to General File:

LB 423 - move to follow LB 35A

LB 283 - move to follow LB 486

(Signed) Richard D. Marvel, Speaker

**REPORT**

Received annual report from the University of Nebraska Board of Regents. (On file in the Clerk's Office.)

**SELECT COMMITTEE REPORTS****Enrollment and Review****Correctly Enrolled**

The following bills were correctly enrolled: 600, 604, 681, 772, 802, 814, 833, 876, 902, 932, and 981.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 600, 604, 681, 772, 802, 814, 833, 876, 902, 932, and 981.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 200.** Read. Considered.

LR 200 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 208.** Read. Considered.

LR 208 was adopted with 28 ayes, 0 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 213.**

Introduced by Carsten, 2nd District; Nichol, 48th District; Reutzell, 15th District.

WHEREAS, Nebraskans should take special pride in the University of Nebraska-Lincoln men's basketball team, which tied for second place in the Big Eight Conference, exceeding the expectations of many sports writers and fans; and

WHEREAS, team play in Nebraska has never been better exemplified than by this 1979-1980 team which proved that the combined efforts of all team members were more important than individual recognition; and

WHEREAS, the team, which had one of the shortest average heights for a college team in the nation, went on to accumulate an overall 18-13 season record, and an 8-6 Big Eight record; and

WHEREAS, the team and coaches finished the season with honors when (a) the team was selected to play in the National Invitational Tournament first round play-offs, the only Big Eight team in such a tournament, (b) the Associated Press selected Moe Iba as the Big Eight Coach of the Year, and (c) the United Press International selected Joe Cipriano and Moe Iba as Big Eight Co-Coaches of the Year.

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

1. That the Legislature commends each member of the University of Nebraska's basketball team for his performance and achievement throughout the past season and the post-season play-off games.

2. That the members of the Legislature congratulate Coaches Joe Cipriano and Moe Iba for their selection as Big Eight Coaches of the Year.

3. That the Clerk of the Legislature send copies of this resolution to the members of the University of Nebraska-Lincoln men's basketball team and coaching staff.

Laid over.

### BIRTHDAY

President Luedtke announced today is Mr. Johnson's birthday.

### SELECT FILE

**LEGISLATIVE BILL 743.** E & R amendment found in the Journal on page 865 for the Thirty-First Day was adopted.

Mr. Lewis offered the following amendment:

Req. #2177

2 1. Insert a new section as follows:

3 "Sec. 3. That section 79-801, Reissue Revised

4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 79-801. The territory embraced within the

7 corporate limits of each incorporated city or village in

8 the State of Nebraska, together with such additional

9 territory and additions to such city or village as may be  
10 added thereto, as declared by ordinances to be boundaries  
11 of such city or village, having a population of more than  
12 one thousand and not more than fifty thousand  
13 inhabitants, including such adjacent territory as now is  
14 or hereafter may be attached for school purposes, shall  
15 constitute a school district of the third class and be  
16 known by the name of The School District of (name of city  
17 or village), in the county of (name of county), in the  
18 State of Nebraska. As such in that name, the district  
19 shall be a body corporate and possess all the usual  
20 powers of a corporation for public purposes, and in that  
21 name and style may sue and be sued, purchase, hold, and  
22 sell such personal and real estate, and control such  
23 obligations as are authorized by law. The title to all  
24 school buildings or other property, real or personal,  
25 owned by any school district within the corporate limits  
1 of any city or village, shall, upon the organization of  
2 the district, vest immediately in the new district; and  
3 the board of education of the new district shall have  
4 exclusive control of the same for all purposes herein  
5 contemplated; Provided, that where the territory annexed  
6 by a change of boundaries of such city has been part of a  
7 Class ~~III~~, IV, V, or VI school district for more than one  
8 year prior thereto, having been annexed by petition, the  
9 question as to which district the annexed territory shall  
10 be part of shall be negotiated by the school boards of  
11 the school districts involved. If the majority of the  
12 members of each school board cannot reach agreement on  
13 such question within ninety days after the effective date  
14 of the city annexation ordinance, the question of which  
15 school district the annexed territory shall be a part of  
16 shall be placed on the ballot for the next primary or  
17 general election. The registered voters of all Class I  
18 districts which form the annexed territory shall then  
19 vote on the question at such election. When a city or  
20 village subject to this section annexes territory in  
21 which registered voters reside and which has been part of  
22 a Class III school district for more than one year prior  
23 thereto the issue of whether the area annexed shall  
24 remain a part of its current school district or whether  
25 it shall become part of the school district of the  
26 annexing city or village shall be submitted to the  
27 registered voters of the area annexed. The issue may be  
1 submitted at a primary, general, or special election.  
2 The election shall be conducted in the same manner, as  
3 nearly as possible, as other elections in such school  
4 district are conducted. Notice of the election to be  
5 held pursuant to this section shall be published at least  
6 once each week for three weeks prior to the election.

7 The governing board of the school district of the  
 8 annexing city or village shall call for the election and  
 9 shall pay the costs of such election. A simple majority  
 10 of votes cast shall resolve the issue.

11 If, within the boundaries of the annexed  
 12 territory, there exists a Class VI school, the school  
 13 building, facilities, and land owned by the district  
 14 shall remain a part of the Class VI district  
 15 notwithstanding any action taken by the school boards and  
 16 notwithstanding the result of such election.

17 If the Class VI district wishes to dispose of  
 18 such school building, facilities, or land to any  
 19 individual or political subdivision, including a Class I  
 20 school district, the question of such disposition shall  
 21 be placed on the ballot for the next primary or general  
 22 election. All registered voters of such Class VI  
 23 district shall then vote on the question at such  
 24 election. A simple majority of the votes cast shall  
 25 resolve the issue.”.

26 2. On page 6, line 3 strike “section” and insert  
 27 “sections” and after “60-1701” insert “and 79-801”.

1 3. Renumber remaining sections accordingly.

2 4. In the title, line 2 strike “motor vehicles”  
 3 and insert “schools”, and strike “section” and insert  
 4 “sections”; in line 3 after “60-1701” insert “and  
 5 79-801”; in line 5 strike “relating to motor vehicles;”;  
 6 and in line 8 after the semicolon insert “to change  
 7 provisions relating to annexation of school district  
 8 territory;”.

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

Mr. Cullan withdrew his pending amendment found in the Journal on page 903.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 666.** Laid over at the request of Mr. Kahle.

**LEGISLATIVE BILL 280.** Mr. DeCamp withdrew his pending amendments printed separate from the Journal (Req. #2040) and referred to in the Journal on page 497.

Laid over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 823.** Laid over at the request of Mr. Hoagland.

**LEGISLATIVE BILL 346.** E & R amendments found in the Journal on page 912 for the Thirty-Third Day were adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1045.

The amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 773A.** Laid over at the request of Mr. Koch.

**LEGISLATIVE BILL 304.** E & R amendments found in the Journal on page 941 for the Thirty-Fourth Day were adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 939.

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

Mr. Murphy moved to indefinitely postpone.

Motion pending.

**LEGISLATIVE BILL 730.** E & R amendments found in the Journal on page 988 for the Thirty-Sixth Day were adopted.

Mr. Johnson renewed his pending amendment found in the Journal on page 1010.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Merz asked unanimous consent to be excused at 10:00 a.m. until he returns. No objections. So ordered.

**LEGISLATIVE BILL 689.** E & R amendments found in the Journal on page 988 for the Thirty-Sixth Day were adopted.

Laid over at the request of Mr. Sieck.

**LEGISLATIVE BILL 849.** Mr. Fitzgerald offered the following amendment:

- 1 1. On page 6, line 6 strike the first "shall",
- 2 show as stricken, and insert "may"; in line 7 after
- 3 "organization" insert an underscored period, and strike
- 4 "prior to exhibition." and show as stricken.
- 5 2. On page 7, in lines 24 and 25 strike
- 6 ", within seventy-two hours after its conclusion,", and
- 7 show as stricken.

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

Mr. Murphy renewed his pending amendment found in the Journal on page 1094.

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

Mr. Sieck offered the following amendment:

Req. #2196

- 2 1. Insert the following new sections:
- 3 "Sec. 2. That section 81-8,128, Revised
- 4 Statutes Supplement, 1978, be amended to read as follows:
- 5 81-8,128. There is hereby established the
- 6 position of State Athletic Commissioner. The State
- 7 Athletic Commissioner shall be appointed by the Governor
- 8 and shall hold office for a term of two years commencing
- 9 the first Thursday after the first Tuesday of January in
- 10 each odd-numbered year. He or she shall receive such
- 11 salary as the Governor may elect but not to exceed four
- 12 thousand five hundred dollars annually, and shall be
- 13 bonded under the blanket surety bond required by section
- 14 11-201. He or she shall have authority to employ
- 15 assistants and fix their compensation. He or she shall
- 16 be eligible to succeed himself or herself in office.
- 17 The provisions of section 84-1317, Revised
- 18 Statutes Supplement, 1979, relating to mandatory
- 19 retirement shall not apply to the State Athletic
- 20 Commissioner.

- 21 Sec. 21. That section 84-1317, Revised Statutes
- 22 Supplement, 1979, be amended to read as follows:
- 23 84-1317. An employee may elect to retire on the
- 24 attainment of age sixty-five or on the attainment of age
- 25 sixty after thirty years of service. With the approval
- 1 of the department concerned and the employee, an employee
- 2 may retire on the attainment of age sixty regardless of
- 3 the number of years of service. An employee may retire
- 4 as a result of disability at any age.

- 5 No faculty member of the University of Nebraska,  
 6 the Nebraska State Colleges, or the technical community  
 7 colleges shall be forced to retire before age seventy  
 8 without due process, nor shall any faculty member have  
 9 tenure status revoked due to age.
- 10 Any employee shall be required to retire at the  
 11 end of the month in which his or her seventieth birthday  
 12 occurs, except that with the annual approval of the  
 13 department concerned and the employee, such employee may  
 14 continue his or her employment until the attainment of  
 15 age seventy-two; Provided, the Clerk and Reporter of the  
 16 Supreme Court servng on July 12, 1974 may continue  
 17 employment with approval of the Supreme Court and any  
 18 employee of the Legislative Council serving on July 12,  
 19 1974 may continue employment with the approval of the  
 20 Legislature.
- 21 The first of the month immediately following the  
 22 last day of work shall be the retirement date, except  
 23 that disability retirement benefits shall be paid from  
 24 the date of disability as determined by the board. The  
 25 provisions pertaining to mandatory retirement shall not  
 26 apply to elected officials or to the State Athletic  
 27 Commissioner. First payments pertaining to retirements  
 1 under prior service provisions of sections 84-1301 to  
 2 84-1331 shall be made at such time as the retirement  
 3 board may determine.”.
- 4 2. In the Standing Committee Amendment, on page  
 5 3, line 10 strike “17 to 19” and insert “18 to 20”; and  
 6 in line 12 after “81-195” insert “, 84-1,128,”.
- 7 3. On page 14, line 21 strike “section” and  
 8 insert “sections” and after “81-8,140” insert “and  
 9 84-1317”.
- 10 4. Renumber remaining sections accordingly.

The amendment lost with 7 ayes, 14 nays, 24 present and not voting,  
 and 4 excused and not voting.

Mr. Simon offered the following amendment:

To strike all language relating to physicians assistants being able to  
 serve at ringside without a doctor present.

Mr. Hoagland moved the previous question. The question is, “Shall  
 the debate now close?” The motion prevailed with 25 ayes, 1 nay, and  
 23 not voting.

The Simon amendment was adopted with 25 ayes, 8 nays, 12 present  
 and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

**STANDING COMMITTEE REPORTS**  
**Public Works**

**LEGISLATIVE BILL 643.** Placed on General File as amended.  
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office. - Req. #2206.)

**LEGISLATIVE BILL 829.** Placed on General File as amended.  
Standing Committee amendment to LB 829:

1. On page 2 line 14 strike "three-fourths" and insert "one-fourth"; and in line 16 strike "two and six-tenths" and insert "nine-tenths".

**LEGISLATIVE BILL 946.** Placed on General File as amended.  
Standing Committee amendments to LB 946:

Req. #2203

2 1. On page 2, line 13 after "his" insert "or  
3 her"; reinstate the stricken matter in lines 14 and 16;  
4 and in line 17 reinstate beginning with "licensed"  
5 through the second comma.

6 2. On page 3, line 22 after the period insert  
7 "Motor vehicles or trailers owned and held for sale by  
8 such dealer, and bearing such dealer number plates may be  
9 driven upon the streets and highways for a period of  
10 forty-eight hours as service loaner vehicles by customers  
11 having their vehicles repaired by the dealer."; in line  
12 24 after "purposes" insert "or to a service customer"; in  
13 line 25 after "buyer" insert "or service customer"; and  
14 in line 27 after "buyer" insert "or service customer".

15 3. On page 4, line 5, after "buyer" insert "or  
16 service customer".

17 4. On page 5, line 10 after "his" insert "or  
18 her"; and in line 11 after "plate" insert "for the type  
19 of vehicle the dealer has been authorized by the Motor  
20 Vehicle Industry Licensing Board to sell and  
21 demonstrate".

22 5. On page 6, in line 20, after "him" insert "or  
23 her"; and in line 22 after "himself" insert "or herself".

24 6. On page 9, line 3, after "him" insert "or  
25 her"; in line 5, after "his" insert "or her"; and in line  
1 25 after "him" insert "or her".

2 7. Insert a new section as follows:

3 Sec. 2. That section 60-1701, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 60-1701. Every motor vehicle, semitrailer  
7 weighing over five thousand pounds, and trailer weighing

8 over five thousand pounds, as defined in section 60-301,  
9 except school buses subject to the provisions of section  
10 79-488 and motor vehicles and trailers registered  
11 pursuant to section 60-305.09, shall be inspected once  
12 each year beginning in 1969 at official inspection  
13 stations at times established by the Department of Motor  
14 Vehicles and an official certificate of inspection and  
15 approval shall be obtained for each such vehicle. The  
16 inspections shall be made with respect to the brakes,  
17 steering, lights, glass, and any other operating  
18 mechanism and equipment that shall be designated by the  
19 department and an official certificate of inspection and  
20 approval shall be issued only when the mechanism and the  
21 equipment meet standards prescribed by the department.  
22 No person shall operate any motor vehicle or semitrailer,  
23 ~~except motor vehicles or semitrailers operated under the~~  
24 ~~provisions of section 60-320, and except school buses~~  
25 subject to the provisions of section 79-488, implements  
26 of husbandry subject to section 60-333, and motor  
27 vehicles and trailers registered pursuant to section  
1 60-305.09, without the required certificate of inspection  
2 and approval. No motor vehicle dealer licensed under the  
3 provisions of Chapter 60, article 14, shall sell at  
4 retail any motor vehicle, semitrailer weighing over five  
5 thousand pounds, or trailer weighing over five thousand  
6 pounds until such motor vehicle, semitrailer, or trailer  
7 has been inspected and an official certificate of  
8 inspection and approval attached; Provided, that if  
9 approval is denied and the purchaser agrees to make the  
10 necessary repairs and adjustments to meet the standards  
11 prescribed by the department, then the motor vehicle  
12 dealer shall issue to such purchaser a permit setting  
13 forth the time of purchase and delivery to the purchaser,  
14 the needed repairs and adjustments, and the signature of  
15 the purchaser agreeing to make such repairs and  
16 adjustments. The permit shall be in a form prepared by  
17 the department and attached to a conspicuous place on the  
18 motor vehicle or semitrailer. The motor vehicle dealer  
19 shall retain in his or her files a copy of such permit  
20 for a period of one year from the date of sale and the  
21 permit shall not be removed from such motor vehicle or  
22 semitrailer until it has been reinspected and meets the  
23 requirements prescribed by the department. Such motor  
24 vehicle or semitrailer shall not be operated on any  
25 public street or highway except to the place of repair or  
26 to the place of an official inspection station.”

1 8. On page 10, line 1, after the period, insert  
2 a new subsection:

3 “(6) Any motor vehicle or trailer owned by a  
4 dealer and bearing regular license plates shall be

- 5 conclusively presumed not to be a part of the dealer's  
 6 inventory and not for demonstration or sale, and therefor  
 7 not eligible for any exemption from taxation applicable  
 8 to vehicles with dealer plates."  
 9 9. On page 10, line 2, strike "section" and  
 10 insert "sections" and after "60-320" insert "and  
 11 60-1701"; and in line 3, strike "is" and insert "are".  
 12 10. Renumber original section 2 as section 3.

**LEGISLATIVE BILL 830.** Indefinitely postponed.  
**LEGISLATIVE BILL 931.** Indefinitely postponed.  
**LEGISLATIVE BILL 984.** Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

**ATTORNEY GENERAL'S OPINION**

Opinion No. 245  
March 7, 1980

Re: Boot Hill Cemetery

Dear Senator Haberman:

We are responding to your letter of February 20, 1980, requesting our opinion as to whether section 81-815.22, R.S.Supp., 1978, denies the Game and Parks Commission the authority to acquire and designate Boot Hill Cemetery in Ogallala as a state park. You stated you are considering the introduction of legislation to make it a state park.

The following is a description of Boot Hill Cemetery contained in Historic Preservation in Nebraska, published by the Nebraska State Historical Society of Lincoln, Nebraska, in 1971:

"Boot Hill Cemetery, Tenth and West Streets, Ogallala; Boot Hill was the final resting place for many early westerners who helped make Ogallala a booming cow town in the 1870s and 1880s; has been restored."

We understand that Boot Hill is a "knoll of a hill" with no fences or buildings, a few markers but more graves left unmarked. A horse and rider monument was built and enclosed with a fence. It is within the City of Ogallala and maintained by the city in a natural state for authenticity.

It is the intent and purpose of the State Park System Act "to provide for the development and administration of a balanced state park system to provide nonurban park areas for the inspiration, recreation and enjoyment primarily of resident populations." Section

81-815.21, R.R.S. 1943. Section 81-815.22, R.S.Supp., 1978, provides for five different designations of areas within the state park system and the definition of each type of area. One of the designations is a "state historical park" which is defined as follows:

"(4) State historical parks shall mean only sites which, in the opinion of competent, recognized authorities, are of notable historical significance to the State of Nebraska, of a size adequate to develop the full interpretative potential of the site, and which may be equipped with limited day-use facilities when such facilities do not detract from nor interfere with the primary purposes and values thereof." 81-815.22, R.S.Supp., 1978.

Generally, the purpose of the state park system is to provide for "nonurban park areas." The factors to be consider in determining whether an area is "urban" or "nonurban" are the location, the nature and extent of its appeal to residents other than that urban area, and the nature and characteristics of the site itself.

Upon our understanding of this site, we know of no statutory prohibition against the Nebraska Game and Parks Commission's acquisition and operation of Boot Hill Cemetery as a state historical park as that term is defined in section 81-815.22, R.S.Supp., 1978. However, we do not know, and pass no judgment upon, whether the site meets all of the criteria for a state historical park as defined in subsection (4) of that statute. We do know that it is of such a notable historical significance to the State of Nebraska that it has been listed in the 1971 edition of historic preservation sites published by the Nebraska State Historical Society. It appears to qualify as a pioneer cemetery pursuant to section 12-808, R.R.S. 1943. We do not know if the Commission deems the size adequate to develop the full interpretative potential of the site nor whether it may be equipped with day-use facilities, etc. We do not know its potential for an inspiration, recreation, and enjoyment, and how it would contribute to a balanced state park system. These are factors which the Nebraska Game and Parks Commission would have to weigh in their consideration of the wisdom of acquiring and developing this site.

We point out in closing that if abandoned, it may qualify for county preservation pursuant to section 12-805, et seq., R.R.S. 1943. Further, this site may also be of interest to the State of Nebraska as an historical site pursuant to section 82-101, R.R.S. 1943, or an historical landmark pursuant to section 82-119, R.R.S. 1943, both administered by the Nebraska State Historical Society.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) G. Roderic Anderson

Assistant Attorney General

GRA:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 11, 1980, at 10:17 a.m., were the following bills: 600, 604, 681, 772, 802, 814, 833, 876, 902, 932, and 981.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**SELECT FILE**

**LEGISLATIVE BILL 689.** Mr. Sieck renewed his pending amendment found in the Journal on page 977.

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

Mr. Vickers renewed his pending amendment found in the Journal on page 1010.

**SPEAKER MARVEL PRESIDING**

Mr. Vickers offered the following amendment to his amendment:

On Pg 1010 of Journal by inserting the word "new" before the word "irrigation."

The amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

The Vickers amendment, as amended, lost with 15 ayes, 10 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 849A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 82.** E & R amendments found in the Journal on page 1018 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

Messrs. Sieck and Wagner asked unanimous consent to be excused until 1:30. No objections. So ordered.

**LEGISLATIVE BILL 986.** E & R amendments found in the Journal on page 1018 for the Thirty-Seventh Day were adopted.

Mr. Cullan offered the following amendment:

Section 2, subsection 12, page 5, line 25, after the words public parking facilities, insert:

“public market facilities,”

Mr. Cullan withdrew his amendment.

Mr. Koch moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Engrossment with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

**LEGISLATIVE BILL 440.** E & R amendments found in the Journal on page 1018 for the Thirty-Seventh Day were adopted.

Messrs. Hoagland and Goodrich offered the following amendment:

1. On page 2 line 26 after “deposit” insert “, but not to invest,”.
2. On page 4 line 23 after “money” insert “, including from the trustee,”.
3. Page 7, strike lines 1 through 10, and substitute the following:
  - (2) Any sale or encumbrance to the trustee, the trustee’s spouse, agent or attorney, or any corporation or trust in which the trustee has a substantial beneficial interest, or any transaction which is affected by substantial conflict of interest on the part of the trustee is voidable by any trust beneficiary except one who has consented after fair disclosure, unless (a) the trust instrument provides otherwise; or (b) the transaction is approved by the court after notice to interested persons.

#### **MR. NICHOL PRESIDING**

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 903.** E & R amendment found in the Journal on page 1018 for the Thirty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 905.** Messrs. Johnson, Newell, and Burrows renewed their pending motion found in the Journal on page 986 to re-refer LB 905 to the Revenue Committee.

Motion pending.

**EXPLANATION OF VOTE**

Had I been present I would have voted "No" on the advancement of LB 986 to E & R for Engrossment.

(Signed) Chris Beutler

**UNANIMOUS CONSENT - Print in Journal**

Mr. Vickers asked unanimous consent to print the following amendment to LB 649 in the Journal. No objections. So ordered.

Req. #2205

- 2 1. Insert the following new sections
- 3 "Sec. 2. For the purposes of sections 2 to 9 of
- 4 this act, unless the context otherwise requires, the
- 5 definitions found in section 46-657 shall be used.
- 6 Sec. 3. Any electric supplier which intends to
- 7 use ground water from wells in this state as a source of
- 8 supply for cooling system water or any other major use,
- 9 as defined by the director, in an electric generation
- 10 facility shall, before commencing construction of the
- 11 wells, file with the director an application for a permit
- 12 on forms provided by the director.
- 13 Sec. 4. Applications required by section 3 of
- 14 this act shall contain the following information:
- 15 (1) A statement of the amount of water for which
- 16 a permit is desired;
- 17 (2) An exhibit of maps showing the location,
- 18 depth, and capacity of the proposed wells;
- 19 (3) A hydrologic evaluation of the impact of the
- 20 proposed water use on ground water in the surrounding
- 21 area;
- 22 (4) A listing and evaluation of any alternative
- 23 sources of water supply for the facility which have been
- 24 studied by the applicant; and

1     (5) Such other information as the director may  
2 deem necessary or desirable.

3     Sec. 5. Upon receipt of an application made  
4 under section 3 of this act, the director shall prepare a  
5 notice of his or her intent to proceed to make a  
6 determination whether such permit should be granted. The  
7 notice shall set forth a place within or in reasonable  
8 proximity to the area in which the wells are to be  
9 constructed, and a time when the director or an  
10 authorized assistant shall begin the taking of testimony  
11 in support of or in opposition to such application. The  
12 director shall cause such notice to be published in a  
13 legal newspaper in each county in which the well field or  
14 any part thereof is or will be located once each week for  
15 three weeks, with the final notice being not more than  
16 ten days prior to the date of the hearing set forth in  
17 the notice.

18     Sec. 6. If the director after the hearing and  
19 consultation with the natural resources district or  
20 natural resources districts in which the proposed well  
21 field will be located, finds that the use of ground water  
22 requested by the applicant is reasonable, will not  
23 adversely affect the quantity or quality of ground water  
24 available for other ground water users with a higher  
25 preference as provided in section 46-613, will not  
26 adversely affect the quantity or quality of surface water  
27 available for existing surface water appropriators or  
1 domestic users, is not contrary to the conservation and  
2 beneficial use of ground water, and is not otherwise  
3 detrimental to the public welfare, the director shall  
4 grant a permit to the applicant to use ground water in  
5 the amount and manner applied for, or in a lesser amount.

6     Sec. 7. Any person who claims that his or her  
7 interest is adversely affected may, not less than ten  
8 days prior to the hearing date specified in the notice  
9 referred to in section 5 of this act, file in the office  
10 of the director written objections to the granting of the  
11 permit and appear before the director in opposition  
12 thereto at the time and place specified for the hearing.  
13 Every objection filed shall specify particularly the  
14 grounds of the objection.

15     Sec. 8. Any person who deems himself or herself  
16 aggrieved by any order or decision in connection with the  
17 granting or denial, in whole or in part, of an  
18 application for a permit or in connection with the  
19 revocation or modification of a permit may institute  
20 proceedings in the district court.

21     Sec. 9. Nothing in sections 2 to 9 of this act  
22 shall be construed as limiting any right of an owner of  
23 an estate or interest in or concerning land to recover

24 damage for any injury done to his or her land or to any  
 25 water rights appurtenant thereto; nor shall sections 2 to  
 26 9 of this act limit rights of condemnation which an  
 27 electric generation supplier has under the laws of the  
 1 State of Nebraska.  
 2 Sec. 10. The director may adopt all rules and  
 3 regulations necessary or desirable to secure compliance  
 4 with the provisions of sections 2 to 9 of this act.”.  
 5 2. Renumber original section 2 as section 11.

**VISITORS**

Visitors to the Chamber were Jim Beutel from Omaha; 58 seventh grade students and teacher from Ashland Public Schools; 15 eleventh and twelfth grade students and teacher from Murdock High School; and 38 seniors and teachers from Meridian Public School, Daykin.

**RECESS**

At 11:53 a.m., on a motion by Mr. Dworak, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:41 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh, Messrs. Clark, and George who were excused; and Messrs. Hoagland, Lamb, Merz, Newell, Sieck, Venditte, Wagner, and Mrs. Pirsch who were excused until they arrive.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Newell asked unanimous consent to print the following amendments to LB 905 in the Journal. No objections. So ordered.

(1)

Req. #2209

2 1. Insert the following new section:  
 3 “Sec. 2. That section 77-909, Reissue Revised  
 4 Statutes of Nebraska, 1943, be amended to read as  
 5 follows:  
 6 77-909. Every domestic insurance company,  
 7 including all companies organized under stock, mutual, or  
 8 assessment plans as well as companies organized as  
 9 employers liability insurance associations, ~~or non-profit~~  
 10 ~~hospital service corporations~~, but excluding fraternal

- 11 beneficiary associations and non-profit hospital service  
 12 corporations, shall, on or before March 1 of each year,  
 13 in lieu of any other intangible property tax, pay a tax  
 14 to the director of six-tenths of one per cent of the  
 15 gross amount of direct writing premiums received by it  
 16 during the preceding calendar year for business done in  
 17 this state. The taxable life insurance premiums shall  
 18 include premiums paid on the lives of persons residing in  
 19 this state whether the insurance was written in this  
 20 state or not. The tax shall also apply to premiums for  
 21 insurance written on individuals residing outside this  
 22 state or property located outside this state provided  
 23 that no comparable tax is paid by the direct writing  
 24 company to any other appropriate taxing authority.  
 25 Companies whose scheme of operation contemplates the  
 1 return of a portion of premiums to policyholders, without  
 2 such policyholders being claimants under the terms of  
 3 their policies, may deduct such return premiums or  
 4 dividends from their gross premiums for the purpose of  
 5 tax calculations.”.
- 6 2. On page 2, line 26, strike “section” and  
 7 insert “sections”, and before the comma insert “and  
 8 77-909”; and in line 27, strike “is” and insert “are”.
- 9 3. Renumber original section 2 as section 3.

(2)

- 1 1. Strike the original sections and amendments  
 2 thereto and insert the following new section:  
 3 “Section 1. That sections 77-907 to 77-914,  
 4 Reissue Revised Statutes of Nebraska, 1943, are repealed.”.

### SELECT FILE

**LEGISLATIVE BILL 308.** Mr. Burrows offered the following amendment:

- 1 1. In the Standing Committee amendments on  
 2 page 1, line 9 after “month” insert “for the period  
 3 commencing on the effective date of this act through  
 4 August 31, 1983, and one and one half per cent per month  
 5 commencing on September 1, 1983,”.

Mr. Cullan requested a record vote on the Burrows amendment.

Voting in the affirmative, 3:

Burrows      Landis      Simon

Voting in the negative, 25:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Barrett    | DeCamp   | Kahle    | Lewis   | Rumery |
| Carsten    | Dworak   | Kennedy  | Mareh   | Stoney |
| Chronister | Goodrich | Keyes    | Marvel  | Wagner |
| Cope       | Haberman | Kremer   | Powers  | Warner |
| Cullan     | Hefner   | Labeledz | Reutzel | Wesely |

Present and not voting, 11:

|            |         |        |         |
|------------|---------|--------|---------|
| Beutler    | Fowler  | Koch   | Schmit  |
| Chambers   | Johnson | Murphy | Vickers |
| Fitzgerald | Kelly   | Nichol |         |

Excused and not voting, 10:

|        |          |       |        |          |
|--------|----------|-------|--------|----------|
| Clark  | Hoagland | Marsh | Newell | Sieck    |
| George | Lamb     | Merz  | Pirsch | Venditte |

The Burrows amendment lost with 3 ayes, 25 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Simon offered the following amendment:

1 1. In the Standing Committee amendments on  
 2 page 1, in lines 9 through 12 strike the new matter and  
 3 reinstate the stricken matter and in line 9 strike "One"  
 4 and insert "~~One~~ (1) For any balance existing on the  
 5 effective date of this act, one"; and in line 12 after  
 6 the reinstated "dollars" insert ", and (2) for any  
 7 indebtedness incurred after the effective date of this  
 8 act, one and three-quarters per cent per month on the  
 9 outstanding balance not attributable to indebtedness  
 10 incurred prior to the effective date of this act. Pay-  
 11 ments made after the effective date of this act shall  
 12 be first applied to reduce or eliminate outstanding balances  
 13 existing on the effective date of this act".

The amendment was adopted with 27 ayes, 1 nay, 11 present and not voting, and 10 excused and not voting.

Mr. Koch offered the following amendment:

Sec. 1 line 10 after balance insert of 500 dollars or less and one and one quarter per cent per month on that portion of the outstanding balance in excess of 500 dollars.

Mr. Simon offered the following amendment to the Koch amendment:

Make the figure 1 1/2% of the money owed over \$500.00.

Mr. Simon moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Simon requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|          |        |        |         |        |
|----------|--------|--------|---------|--------|
| Burrows  | Keyes  | Maresh | Reutzel | Warner |
| Chambers | Koch   | Marvel | Simon   | Wesely |
| Fowler   | Kremer | Newell | Stoney  |        |
| Johnson  | Landis | Pirsch | Vickers |        |

Voting in the negative, 24:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Barrett    | DeCamp     | Hefner   | Labeledz | Rumery |
| Carsten    | Dworak     | Hoagland | Lamb     | Schmit |
| Chronister | Fitzgerald | Kahle    | Lewis    | Sieck  |
| Cope       | Goodrich   | Kelly    | Murphy   | Wagner |
| Cullan     | Haberman   | Kennedy  | Powers   |        |

Present and not voting, 2:

Beutler      Nichol

Excused and not voting, 5:

Clark      George      Marsh      Merz      Venditte

The Simon amendment to the Koch amendment lost with 18 ayes, 24 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Koch amendment lost with 19 ayes, 21 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Simon moved to indefinitely postpone.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3, to consider the Simon motion today.

Mr. DeCamp withdrew his motion.

Indefinitely postpone motion pending.

### RESOLUTION

Introduced by Cullan, 49th District.

WHEREAS, Nebraskans are proud of the competitive spirit, good sportsmanship, and accomplishment of its young athletes; and

WHEREAS, the Hemingford High School boy's basketball team has had a remarkable record of twenty-one wins and one loss during the 1978-1979 season, and twenty-one wins and one loss, which occurred at the district play-offs, during the past 1979-1980 season; and

WHEREAS, the Hemingford boy's basketball team deserves special recognition for having proven itself to be one of the finest Class C teams in Nebraska.

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

1. That the members of the Legislature extend their congratulations to the members of the basketball team and coaching staff at Hemingford High School.

2. That the Clerk of the Legislature send copies of this resolution to the team and its coaches.

Laid over.

### STANDING COMMITTEE REPORTS Public Health and Welfare

**LEGISLATIVE BILL 752.** Indefinitely postponed.

**LEGISLATIVE BILL 753.** Indefinitely postponed.

**LEGISLATIVE BILL 754.** Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

### MOTION - Return LB 279 to Select File

Mr. Fitzgerald moved to return LB 279 to Select File for the following specific amendment:

Strike the Fitzgerald amendment on pg. 1002 of the Journal and reinstate the stricken language, ~~except that the rate of interest shall be 10% rather than 12% for contractors with the Dept. of Roads~~

The motion prevailed with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 279.** The Fitzgerald specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**UNANIMOUS CONSENT - Withdraw Amendment on LB 276**

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1098 to LB 276. No objections. So ordered.

**MOTION - Return LB 276 to Select File**

Mr. Koch moved to return LB 276 to Select File for the following specific amendment:

(Amendments are to committee amendments Req. 2153)

- 1 1. Insert a new section as follows:
- 2 "Section 1. Each state chartered bank shall make
- 3 loans totaling an amount equivalent to at least fifty per
- 4 cent of the total amount it has in demand and time deposits."
- 5 2. Renumber remaining sections accordingly.

The motion lost with 7 ayes, 19 nays, 16 present and not voting, and 7 excused and not voting.

**MOTION - Return LB 276 to Select File**

Mr. DeCamp moved to return LB 276 to Select File for the following specific amendment:

Strike the Burrows amendment adopted 3-10-80 & on Page 1091 & 1092 of Journal.

The motion prevailed with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 276.** The DeCamp specific amendment found in this day's Journal was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

**STANDING COMMITTEE REPORTS**  
**Judiciary**

**LEGISLATIVE BILL 861.** Placed on General File as amended.  
 Standing Committee amendments to LB 861:

Req. #2211

- 2 1. Strike original sections 1 and 4.
- 3 2. Insert new sections as follows:
- 4 "Section 1. That section 52-101, Reissue Revised
- 5 Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 52-101. Any person who shall perform any labor
- 8 or furnish any material, machinery, or fixtures,
- 9 including gas and electric apparatus and lighting
- 10 fixtures, whether detachable or undetachable, (1) for the
- 11 construction, erection, improvement, repair, or removal
- 12 of any house, mill, well, cistern, manufactory, building,
- 13 or appurtenance, (2) for grading, filling in, excavating,
- 14 leveling, clearing, grubbing, furnishing, and placing
- 15 soil or sod, (3) for furnishing and planting trees,
- 16 shrubs, or plant materials, (4) for labor performed in
- 17 placing soil or sod, or (5) for labor performed in
- 18 planting trees, shrubs, or plant materials on the land by
- 19 virtue of an open running account or a contract or
- 20 agreement, expressed or implied, with the owner thereof
- 21 or his or her agents, shall, except as otherwise provided
- 22 for residential real estate in section 3 of this act,
- 23 have a lien to secure the payment of the same upon such
- 24 house, mill, well, cistern, manufactory, building, or
- 25 appurtenance and the lot of land upon which the same
- 1 shall stand or the work is performed, and such lien shall
- 2 include the rental value of any equipment furnished.
- 3 Sec. 4. That section 52-104, Reissue Revised
- 4 Statutes of Nebraska, 1943, be amended to read as
- 5 follows:
- 6 52-104. Every person holding any lien under
- 7 ~~sections section~~ section 52-101 ~~and 52-102~~ may proceed to obtain
- 8 a judgment for the amount of his or her account thereon
- 9 by civil action; and when any suit or suits shall be
- 10 commenced on such accounts within the time of such lien,
- 11 the lien shall continue until such suit is finally
- 12 determined and satisfied.
- 13 Sec. 5. That section 52-109, Reissue Revised
- 14 Statutes of Nebraska, 1943, be amended to read as
- 15 follows:
- 16 52-109. If the owner or owners of the property
- 17 which is subject to a lien under section 52-101 ~~or 52-102~~
- 18 be without the reach of process, or resident without the

19 state, any lienholders may proceed by attachment against  
20 the same as in other cases, and the court before whom  
21 such attachment is pending on the entry of judgment, on  
22 return of the proper officer, shall have the same power  
23 to order a lease as is given in sections 52-106 and  
24 52-107.

25 Sec. 6. That section 52-110, Reissue Revised  
26 Statutes of Nebraska, 1943, be amended to read as  
27 follows:

1 52-110. Executors and administrators under  
2 sections 52-101 and 52-103 to 52-114 shall have the same  
3 rights and be subject to the same liabilities that their  
4 testators or intestates would or might have, if living.

5 Sec. 7. That section 52-111, Reissue Revised  
6 Statutes of Nebraska, 1943, be amended to read as  
7 follows:

8 52-111. The registers of deeds, for filing and  
9 recording contracts and accounts under sections 52-101  
10 and 52-103 to 52-114, shall be paid the same fees that  
11 they are legally entitled to in other cases, and the cost  
12 of filing and recording such statement or contracts and  
13 accounts shall be recovered as part of the costs of  
14 enforcing the lien, unless the court shall otherwise  
15 order.

16 Sec. 8. That section 52-113, Reissue Revised  
17 Statutes of Nebraska, 1943, be amended to read as  
18 follows:

19 52-113. Any lienholder under section 52-101 ~~or~~  
20 ~~52-102~~ who may deem himself or herself in danger of loss  
21 or damage by fire may notify in writing the owner or  
22 agent of property subject to such lien to insure the same  
23 in reasonable amount against such loss or damage; and if  
24 he or she shall fail or refuse to do so for the space of  
25 ten days, then the person or persons having such lien or  
26 liens may insure such property in an amount not to exceed  
27 two-thirds of the total amount of their liens, and may  
1 recover such proportion of the premium paid therefor as  
2 the court shall deem just and proper as part of the costs  
3 of enforcing such lien.

4 Sec. 9. That section 52-114, Reissue Revised  
5 Statutes of Nebraska, 1943, be amended to read as  
6 follows:

7 52-114. Any person who shall hold a lien under  
8 the provisions of sections 52-101 and 52-103 to 52-114  
9 may, in addition to the remedy therein provided for,  
10 proceed by a petition in equity as in other cases of  
11 liens against the owner or owners of, and all other  
12 persons interested, either as lienholders or otherwise,  
13 in any such house, mill or manufactory, or other building  
14 or appurtenance, mentioned in section 52-101, and the lot

15 or lots of land on which the same shall stand, and obtain  
 16 such final decree therein for the rent or sale thereof as  
 17 justice and equity may require.

18 Sec. 10. That original sections 52-101, 52-103,  
 19 52-104, 52-109, 52-110, 52-111, 52-113, and 52-114,  
 20 Reissue Revised Statutes of Nebraska, 1943, and also  
 21 section 52-102, Reissue Revised Statutes of Nebraska,  
 22 1943, are repealed.”.

23 3. On page 4, line 4 strike “Any” and insert  
 24 “Any Except as otherwise provided for residential real  
 25 estate in section 3 of this act, any”; in line 5 strike  
 26 “or 52-102” and show as stricken; in lines 16 and 17  
 27 reinstate the stricken matter; in lines 18 and 19 strike  
 1 the new matter; in line 21 after “52-101” insert an  
 2 underscored period and strike “or” and show as stricken;  
 3 and in line 22 strike “52-102.”, and show the old matter  
 4 as stricken.

5 4. On page 5, line 21 strike the comma and  
 6 insert “and”, and after “if” insert “, in the case of  
 7 residential real estate,”; and in line 22 strike the  
 8 comma.

9 5. On page 6, lines 12 and 27, and page 7, line  
 10 14 before “real” insert “residential”.

11 6. On page 7 after line 26 insert the following  
 12 new subsection:

13 “(7) This section shall apply only to the  
 14 construction, repair, alteration, or improvement of any  
 15 building or structure used as a residential dwelling not  
 16 exceeding three stories in height, including related  
 17 improvements to the real estate.”

18 7. In the title, strike lines 2 through 7 and  
 19 insert  
 20 “FOR AN ACT relating to liens; to repeal provisions  
 21 relating to subcontractor’s liens; to provide  
 22 for filing notices as prescribed; to change  
 23 the effective date of certain liens; to  
 24 correct internal references; to amend sections  
 25 52-101, 52-103, 52-104, 52-109, 52-110,  
 26 52-111, 52-113, and 52-114, Reissue Revised  
 27 Statutes of Nebraska, 1943, to repeal the  
 1 original sections, and also section 52-102,  
 2 Reissue Revised Statutes of Nebraska, 1943.”.

(Signed) William E. Nichol, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Vickers asked unanimous consent to print the following amendment to LB 843 in the Journal. No objections. So ordered.

1. On page 3, line 23, strike the period, and insert except as specifically authorized.

Mr. Burrows asked unanimous consent to print the following amendment to LB 609 in the Journal. No objections. So ordered.

- 1 1. On Page 2, line 20 of Standing Committee  
 2 Amendment, after the second "the" insert "two"; strike  
 3 "year" and insert "years"; line 21 reinstate "first";  
 4 in line 23 reinstate "budgets" and strike "the budget";  
 5 and in line 24 before "fiscal" insert "two", reinstate  
 6 "years", and strike "year".  
 7 2. On Page 3, line 14 of Standing Committee  
 8 Amendment, strike "budget for the ensuing year" and  
 9 insert "budgets for the two ensuing years", and reinstate  
 10 "first"; and in line 15 reinstate "becomes" and strike  
 11 "is".  
 12 3. On Page 2, line 5 strike "until", show  
 13 as stricken, and insert "for a two-year period unless".

### REPORT OF EXECUTIVE BOARD

At its March 10, 1980 meeting the Legislative Council Executive Board adopted a motion that all permanent Legislative Council employees be authorized to take as administrative leave April 4, and April 7, 1980.

If the permanent employee is required to work on those days, such employee will be allowed compensatory time for the hours worked.

(Signed) Frank Lewis, Chairperson  
 Executive Board

### GENERAL FILE

#### MR. NICHOL PRESIDING

**LEGISLATIVE BILL 877.** Title read. Considered.

Standing Committee amendments found in the Journal on page 760 for the Twenty-Seventh Day were adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

#### SPEAKER MARVEL PRESIDING

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

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 248  
March 10, 1980

Dear Senator Maresh:

You have requested our opinion on LB 739, introduced by Senator Kremer, for the purpose of postponing the dissolution of water conservation districts until January 1, 1987. In your letter you state that in 1971 LB 544 amended section 46-614.01 to prohibit the formation of any ground water conservation districts after January 1, 1972 - existing water conservation districts were, however, allowed to remain in existence. LB 411 enacted in 1978 with an operative date of January 1, 1982, repealed sections 46-614 to 46-634 and will therefore, when operative, presumably dissolve all existing water conservation districts. LB 739, referred to above and in question herein, would postpone such dissolution until January 1, 1987.

With that backdrop in mind, you ask:

"Is LB 739 not special legislation, contrary to Neb. Constitution article III §18, in that it continues the privilege of counties with existing ground water conservation districts to maintain such districts while not allowing formation of new districts. If LB 544 and LB 411 were intended to phase out the districts, then why extend the life of such districts. If the districts are beneficial, then is it not special legislation to not allow formation of new districts while at the same time continuing the privilege of counties with existing districts."

Article III, section 18, of our State Constitution applies to the legislative branch of government and as such is a limitation of its power. That section enumerates several categories regarding which "local" or "special" laws may not be passed. The concluding sentence of Article III, section 18, further provides:

". . . In all other cases where a general law can be made applicable, no special law shall be enacted. . . ."

As we understand it, it is your contention that LB 739 is local or special legislation because the proposed operation is to continue to restrict the formation of new water conservation districts while perpetuating the existence of those already created. Further, you appear to contend that the act does not have uniform operation because it allows some citizens to have water conservation districts while at the same time withholding that option from citizens of other counties.

Your questions are interwoven and will therefore be discussed in the same connection. We begin our discussion by observing that in a sense it is true that according to its terms LB 739 does not operate on citizens alike - it does have limited operation. However, it must be further observed, that it is a limitation founded on adherent conditions and not upon a specific locality, geographical territory, number or class. That being true, we are of the opinion that there is no force to the contention that LB 739 must be condemned as a "special" law.

The words of our Constitution set forth above were employed to describe a type of legislation which our forefathers sought to prohibit. The pernicious evil the framers sought to eliminate were acts which were both local and special - local as to the territory to be affected and special as to the powers authorized to be exercised. i.e., special privileges which were bestowed on individuals or select groups due to special circumstances. Cox v. State, 134 Neb. 751, 279 N.W. 482 (1938) provides an illustrative example. In that case, the Fifty-Second Session of the Nebraska Legislature passed LB 20 which, in substance, waived the sovereignty of the state, the statute of limitations, created liability on the part of the state for negligence of its agents and servants causing injury to the plaintiff, provided for the bringing of suit in district court for Lincoln County, designated the attorney general to represent the state, and provided for payment out of the general fund of the state of any judgment finally rendered against the state. Upon review, our Supreme Court stated that: "To uphold this legislation would require individuals, similarly situated, to knock at the door of the legislature and ask that an exception be made in their particular cases, while others, less fortunate, may not be able to obtain the relief sought. . . . The act provides a special exemption in favor of this plaintiff--the right to recover damages-which it would deny to all other persons similarly situated." LB 20 at issue in Cox v. State, supra, was held to be void and in contravention of Article III, section 18, as a "special" law.

While the underlying facts of Cox, supra, are somewhat extreme, they do serve to illustrate the type of legislation contemplated by the inclusion and terms of Article III, section 18. A more elegant description is found in "Cooley on Constitutional Limitations" at page 29, wherein it is said: "The purpose of this guarantee was to protect a Union founded on republican principles against aristocratic and monarchial invasions."

From the foregoing comes readily the conclusion that LB 739 does not run afoul of Article III, section 18. That conclusion is strengthened by recognition of the fact that LB 739 does not specify that its operation is to occur or affect a specific place or locality.

Therefore, it could not, in the very nature of things be, "special" legislation. See, Hunzinger v. State, 39 Neb. 653, 58 N.W. 194 (1894); State v. Berka, 20 Neb. 375, 30 N.W. 267 (1886); State v. Missouri Pacific Railroad Co., 81 Neb. 15, 115 N.W. 614 (1908).

In researching your question, we considered legislation concerning municipalities, which in turn involved many of the same principles. That research, in turn, buttressed our conclusion. More specifically, we note that the practice of municipal classifications - each class being granted powers in differing respects from those enjoyed by others - dates back to the organization of our state. Our high court has uniformly recognized that practice as being within legislative authority. See, Campbell v. City of Lincoln, 182 Neb. 459, 155 N.W.2d 444 (1968); Metropolitan Utilities District v. The City of Omaha, 171 Neb. 609, 107 N.W.2d 397 (1961). Along those same lines, we note that our high court in Burger v. City of Beatrice, 181 Neb. 213, 147 N.W.2d 784 (1967), admonished: "Municipal corporations are legislative creations and as such, subject to dissolution by legislative action." Similarly, in State ex rel. Anderson v. Leahy, 189 Neb. 92, 199 N.W.2d 713 (1972), our Supreme Court reiterated the notion that municipal corporations are purely entities of legislative creation. As such, the Legislature may, at its pleasure, repeal a charter or destroy a municipal corporation, with or without the consent of its citizens. The foregoing principles apply with equal force, we believe, to the water conservation districts now in question.

Going back to an observation made earlier in this opinion, i.e., that LB 739, does, in effect, classify we believe there is one remaining reason that the resultant classification does not render it constitutionally infirm. That reason arises from the recognition of the fundamental authority which rests in the Legislature to classify. In that connection, our Supreme Court has said at other times, in other contexts, that it is "within the power of the Legislature to enact such special legislation covering the matters involved . . . where, in its judgment, the subject or matters sought to be remedied could not be properly remedied by a general law, and where the Legislature has a reasonable basis for the enactment of the special law." State v. Wallace, 117 Neb. 588, 221 N.W. 712, 713 (1928). See, too, Cox v. State, *supra*; Hall v. State, 129 Neb. 669, 262 N.W. 835 (1935).

In this instance, LB 544 passed in 1971 prohibited the formation of new ground water conservation districts. Hence, it was that act, which placed a moratorium on the formation of such districts. LB 411 passed in 1978, with an operative date of January 1, 1982, will presumably extinguish the existence of ground water conservation districts organized pursuant to sections 46-614 to 46-634. LB 739, introduced by Senator Kremer seeks, apparently, to perpetuate the

survival of existing ground water conservation districts until 1987. We note that section 46-629, which enumerates the general powers of the board of directors of conservation districts, includes, inter alia, in subsection 4, the authority to contract with private individuals, associations, corporations, state agencies and/or subdivisions. In light of the imminent demise of ground water conservation districts an in recognition of their authority to contract, promulgate and administer policies relating to ground water, adopt and administer and enforce rules and regulations, etc., the Legislature could determine, via the passage of LB 739, that time remaining between now and January 1, 1982, is not sufficient for existing ground water conservation districts to complete any contractual obligation, programs, policies, etc. now underway.

While on one hand, placing existing ground water conservation districts on notice that their futures are marked, but nevertheless extending the time in which to conduct their business accordingly, it seems inherently reasonable for the Legislature to simultaneously prohibit the formation of new ground water conservation districts to prevent further entanglement of contractual and other obligations by such districts when their demise would be imminent. A legislative classification which rests on the above or similar considerations falls comfortably within the confines of constitutionality. Hence, we are of the opinion, that LB 739 is not violative of Article III, section 18, of our State Constitution.

Secondly, your letter poses the following question:

“Also, I would ask whether the continuing prohibition against new districts does not deny citizens in counties without districts the power of petition reserved to the people by Article III, Section 2, of the Nebraska Constitution.”

Article III, section 2, of the Nebraska constitution provides in pertinent part that:

“The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petitioner be for the enactment of a law, it shall be signed by seven per cent of the electors of the state and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten per cent of such electors. In all cases the electors signing such petition shall be so distributed as to include five per cent of the electors of each of two-fifths of the counties of the state and when thus signed the petition shall be filed with the Secretary of State, who shall submit the measure thus proposed to the

electors of the state at the first general election held not less than four months after such petition shall have been filed. . . .”

As can be seen, the power of initiative reserved by and to the people in Article III, section 2, of our State Constitution, applies to “laws” and “constitutional amendments” which can be “adopted by the people independently of the Legislature.” Article III, section 2, specifies that seven per cent of the electors of the state must sign petitions for an enactment of a law and ten per cent must sign for an amendment to the Constitution. The formation of ground water conservation districts by petition pursuant to sections 46-614, et seq., involves very different procedures. Furthermore, a reading of Article III, section 2, renders it quite apparent, that the formation of such districts is simply not the type of activity to which the provisions and terms of Article III, section 2 are applicable. Accordingly, LB 739 does not run afoul of it. Cf: Schroeder v. Zehrun, 108 Neb. 573, 188 N.W. 237 (1922).

It is of course, the courts, who must be the final arbiters of whether or not the Constitution has been contravened. Until such time as our high court has an opportunity to address and decide the questions you pose, we are limited to reaching a conclusion on the basis of the principles of law which we believe to be controlling and applicable. In that connection, it is our opinion, and we are thereby advising you, that LB 739 while perhaps somewhat vulnerable, does not transgress constitutional limits.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Judy K. Hoffman  
Assistant Attorney General

JKH/cmb

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 722A.** By Warner, 25th District.  
This bill introduced on behalf of: LB 722.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 722, Eighty-sixth Legislature, Second Session, 1980.

**SPEAKER'S ORDER**

Reschedule Special Order on the following:

LB 609 - Reset for Thursday, March 20, 1980

LB 627 - Reset for Thursday, March 20, 1980

(Signed) Richard D. Marvel, Speaker

**SELECT COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 853.** Placed on Select File as amended.  
E & R amendments to LB 853:

1. On page 7, line 20, insert "by" after "except".
2. On page 26, line 16, insert an underscored comma after "dollars".
3. On page 30, line 4, insert an underscored comma after "amended"; and in line 22, strike "them" and insert "it".
4. On page 31, line 11, strike "and" and insert ", and  
the".
5. In the new matter added on page 32 by the Beutler amendment, strike "by".
6. In the title, line 11, insert "to restrict the location of certain plants or facilities;" after the semicolon

**LEGISLATIVE BILL 853A.** Placed on Select File.

**LEGISLATIVE BILL 818A.** Placed on Select File.

**LEGISLATIVE BILL 916.** Placed on Select File.

**LEGISLATIVE BILL 780.** Placed on Select File.

**LEGISLATIVE BILL 923.** Placed on Select File.

**LEGISLATIVE BILL 874.** Placed on Select File.

**LEGISLATIVE BILL 808.** Placed on Select File.

**LEGISLATIVE BILL 592.** Placed on Select File.

**LEGISLATIVE BILL 835.** Placed on Select File as amended.  
E & R amendment to LB 835:

1. On page 9, line 8, and in the title, line 3, strike "81-178,"; and on page 9, line 9, and in the title, line 5, insert "," and section 81-178, Revised Statutes Supplement, 1979" after "1978".

**LEGISLATIVE BILL 885.** Placed on Select File.

**LEGISLATIVE BILL 741.** Placed on Select File.

**LEGISLATIVE BILL 782.** Placed on Select File.

**LEGISLATIVE BILL 936.** Placed on Select File.

**LEGISLATIVE BILL 925.** Placed on Select File.

**LEGISLATIVE BILL 867.** Placed on Select File.

**LEGISLATIVE BILL 867A.** Placed on Select File.

**LEGISLATIVE BILL 887.** Placed on Select File.  
**LEGISLATIVE BILL 915.** Placed on Select File.  
**LEGISLATIVE BILL 662.** Placed on Select File.

**LEGISLATIVE BILL 717.** Placed on Select File.  
E & R amendment to LB 717:

1. In the title, line 11, insert "to provide for duplicate permits;" after the semicolon

**LEGISLATIVE BILL 862.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Merz asked unanimous consent to print the following amendment to LB 651 in the Journal. No objections. So ordered.

- 1 1. On page 4, line 25, after "program" insert
- 2 "as a term of probation"; in line 26 after "be" insert
- 3 "certified pursuant to sections 39-669.31 and 39-669.32,
- 4 Reissue Revised Statutes of Nebraska, 1943."; and strike
- 5 beginning with "approved" in line 26 through the second
- 6 "the" in line 27.
- 7 2. On page 5, strike lines 1 through 5.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1622).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 995.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Kelly, 35th District; Dworak, 22nd District; Fowler, 27th District; Hoagland, 6th District; Labeledz, 5th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend Laws 1977, LB 549, section 43, as amended by Laws 1978, LB 937, section 7, Laws 1979, LB 380A, section 3, Laws 1979, LB 500A section 1, Laws 1979, LB 585, sections 20 and 32, Laws 1979, LB 586, sections 4, 6, 11, 13, and 17, Laws

1979, LB 587, sections 4, 5, 6, 7, 8, and 10, Laws 1979, LB 588, sections 8, 11, and 12, and Laws 1979, LB 589, sections 3, 4, 5, 6, 7, 9, 10, 11, 17, 18, 19, 22, 23, 26, 28, 29, 30, 34, 37, 38, 44, and 45; to make, increase, and reduce appropriations; to transfer and reappropriate funds; to repeal the original sections, and also Laws 1979, LB 591, section 8; and to declare an emergency.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1616).

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 996.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Kelly, 35th District; Dworak, 22nd District; Fowler, 27th District; Hoagland, 6th District; Labeledz, 5th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1980, to June 30, 1981; to recite limitations on expenditures; to provide severability; and to declare an emergency.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1617).

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 997.** By Appropriations Committee, Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Kelly, 35th District; Labeledz, 5th District; Fowler, 27th District; Dworak, 22nd District; Hoagland, 6th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1980, to June 30, 1981; to recite limitations on expenditures; to provide severability; and to declare an emergency.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee, (Req. #1621).

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 998.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Kelly, 35th District; Cope, 36th District; Labeledz, 5th District; Dworak, 22nd District; Fowler, 27th District; Hoagland, 6th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1980, to June 30, 1981; and to declare an emergency.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1619).

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 999.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Kelly, 35th District; Labeledz, 5th District; Fowler, 27th District; Dworak, 22nd District; Hoagland, 6th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1980, to June 30, 1981; to provide severability; and to declare an emergency.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1625).

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1000.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Kelly, 35th District; Cope, 36th District; Labeledz, 5th District; Dworak, 22nd District; Fowler, 27th District; Hoagland, 6th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1978, LB 956, sections 4 and 35, as amended by Laws 1979, LB 593, sections 2 and 6 respectively, Laws 1978, LB 937, section 27, as amended by Laws 1979, LB 593, section 7, Laws 1979, LB 594, sections 20 and 31, and Laws 1978, LB 956, section 33, with an item disapproved by line item veto, as amended by Laws 1979, LB 593, section 5; to provide severability; and to declare an emergency.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1623).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1001.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Kelly, 35th District; Cope, 36th District; Labeledz, 5th District; Dworak, 22nd District; Fowler, 27th District; Hoagland, 6th District.  
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to make appropriations for capital construction; to provide severability; and to declare an emergency.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1620).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1002.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Kelly, 35th District; Cope, 36th District; Labeledz, 5th District; Dworak, 22nd District; Fowler, 27th District; Hoagland, 6th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to make appropriations for state aid programs for the period of July 1, 1980, to June 30, 1981; to provide severability; and to declare an emergency.

**MOTION - Suspend Rules**

Mr. Warner moved to suspend the rules, Rule 3, Section 5 and 19, and Rule 6, Section 1 to place LB 995, 996, 997, 998, 999, 1000, 1001, 1002 on General File.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

**VISITORS**

Visitors to the Chamber were 9 Girl Scout Brownies and their leaders, Lincoln; Tim Wurth; and Bob Westadt, Schuyler.

**ADJOURNMENT**

At 4:16 p.m., on a motion by Mr. Cullan, the Legislature adjourned until 9:00 a.m., Wednesday, March 12, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FIRST DAY - MARCH 12, 1980**  
**LEGISLATIVE JOURNAL**

**FORTY-FIRST DAY - MARCH 12, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 12, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

O Lord our God: We pray once more - but sometimes we wonder what's left to pray for, because we've said it all so many times before, and we don't want to wear thin our welcome. And sometimes we are unwilling to accept the answer to our prayer, because it is not what we have been expecting.

Yet we continue in this legislature to feel the burden of being the few who act for the many on matters of importance, and we do need to have our spirits uplifted and held close to the heart of the Eternal, if only for a brief moment each day.

We have been aware of Your presence, O God, even though we may not always have acted as if You were here.

Continue with us - we ask it once more: Help us today, and stay with us to the end, O Lord, our God. Amen.

**ROLL CALL**

The roll was called and all members were present except Mesdames Marsh and Pirsch who were excused; and Messrs. Burrows, Chambers, George, Haberman, Lewis, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1119, line 5, insert: "**LEGISLATIVE RESOLUTION 214.**".

Page 1119, delete stricken language on last two lines.

The Journal for the Fortieth Day was approved as corrected.

**UNANIMOUS CONSENT - Member Excused**

Mrs. Pirsch asked unanimous consent to be excused March 12 and March 13. No objections. So ordered.

**STANDING COMMITTEE REPORTS**  
**Appropriations**

**LEGISLATIVE BILL 768.** Placed on General File as amended.  
Standing Committee amendments to LB 768:

Req. #2208

2 1. On page 2, in line 26, strike "28,824,982"

3 and insert "27,880,795".

4 2. On page 3, in line 2, strike "35,051,802" and

5 insert "34,107,615"; in line 23, strike "71,252,167" and

6 insert "70,307,980".

7 3. On page 4, in line 1, strike "136,070,362"

8 and insert "135,126,175".

9 4. Insert a new section to read:

10 "Sec. 2. That Laws, 1979, LB 596, section 5, be  
11 amended to read as follows:

12 Sec. 5. Agency 13 - STATE DEPARTMENT OF  
13 EDUCATION

14 (1) Program 143 - State Aid and School Food  
15 Services and Reserve Teacher Act

16 The State Board of Education, with the advice and  
17 counsel of the Auditor of Public Accounts, shall  
18 promulgate and adopt rules and regulations governing the  
19 accounting and administrative procedures necessary for  
20 schools to comply with federal audit requirements for  
21 revenue sharing trust funds.

22 The State Department of Education shall develop  
23 and establish procedures for the distribution of  
24 \$15,000,000 of revenue sharing trust funds for state aid  
25 to education to insure that schools receiving revenue  
1 sharing trust funds are aware of the amount received from  
2 the Revenue Sharing Trust Fund.

3 It is the intent of the Legislature that the  
4 audit of Class II, III, IV, V, and VI districts by public  
5 or certified public accountants required by section  
6 79-546, Reissue Revised Statutes of Nebraska, 1943, and  
7 amendments thereto, shall qualify as an independent audit  
8 of a local governmental unit as required by P.L. 94-488  
9 - State and Local Fiscal Assistance Act and that the  
10 audit be used for such purpose when so required.

11 (2) Program 292 - Special Education

12 The State Department of Education shall expend  
13 funds appropriated under Title VI-B of the Education of  
14 the Handicapped Act and its amendments, exclusive of

15 preschool incentive grants, ~~pursuant to section 43-648,~~  
 16 ~~Revised Statutes Supplement, 1978~~ necessary to fund all  
 17 eligible special education programs for children less  
 18 than five years of age pursuant to section 43-646.02,  
 19 ~~Revised Statutes Supplement, 1978, as amended.~~

20 (3) Program 508 - School Services and Educational  
 21 Standards

22 It is the intent of the Legislature to annually  
 23 review the career education program; General Funds will  
 24 not be provided to continue the career education program  
 25 after fiscal year 1982-83.

26 (4) Program 614 - Professional Practices  
 27 Commission

1 It is the intent of the Legislature that the  
 2 State Department of Education shall develop and submit a  
 3 proposal to the Clerk of the Legislature and the Governor  
 4 not later than January 1, 1980, to establish a fee for  
 5 teacher certification which will (1) preclude general  
 6 funding of teacher certification activities above the  
 7 1979-80 level of General Fund support and (2) fund the  
 8 Professional Practices Commission.

9 (5) Program 642 - Instructional Television

10 It is the intent of the Legislature that the  
 11 State Department of Education explore the possibility of  
 12 producing videotape cartridges for distribution to  
 13 schools to replace or supplement instructional television  
 14 programming. The State Department of Education shall  
 15 submit a report by September 15, 1979, to the Clerk of  
 16 the Legislature and the Governor describing (1) the  
 17 current use of videotape cartridges by the Department of  
 18 Education in instructional television programming, (2)  
 19 possible future uses of videotape cartridges, taking into  
 20 account available equipment and technology, and (3) the  
 21 costs and benefits to be derived from using videotape  
 22 cartridges to supplement or replace the current method of  
 23 producing and distributing instructional television  
 24 programming.”.

25 5. Renumber sections 2 and 3 as sections 4 and  
 26 5.

1 6. On page 4, line 3, strike “is” and insert  
 2 “and Laws 1979, LB 596, section 5, are”.

(Signed) Jerome Warner, Chairperson

### Revenue

**LEGISLATIVE BILL 608.** Placed on General File as amended.  
 Standing Committee amendments to LB 608:

Req. #2215

2 1. Strike the original sections and insert new

3 sections as follows:

4 "Section 1. This act shall be known and may be  
5 cited as the Homestead Property Tax Relief Act.

6 Sec. 2. The purpose of this act is to provide  
7 assistance, through a system of tax credits and refunds,  
8 to certain low income persons who own or rent their  
9 homestead.

10 Sec. 3. For the purpose of this act, unless the  
11 context otherwise requires, the definitions found in  
12 sections 4 to 14 of this act shall be used.

13 Sec. 4. Claimant shall mean a person who (1)  
14 has attained the age of sixty-five years on or before the  
15 last day of the calendar year for which the claim is  
16 filed, or (2) is disabled as defined in section 5 of this  
17 act, has filed a claim under this act, and was domiciled  
18 in this state for the entire calendar year for which the  
19 claim is filed. When two or more individuals of a  
20 household are able to meet the qualifications for a  
21 claimant, they shall determine among themselves who the  
22 claimant shall be.

23 Sec. 5. Disabled shall mean totally disabled.  
24 A totally disabled individual is an individual with some  
25 physical, functional, or mental impairment, either singly  
1 or in combination, verifiable by medical findings, which  
2 can be expected to last for a continuous period of not  
3 less than twelve months, and which substantially  
4 precludes the individual from engaging in useful  
5 occupations within his or her competence, such as holding  
6 a job or homemaking. To qualify as disabled, a claimant  
7 shall submit a sworn statement from a qualified physician  
8 or a certification from the Veterans Administration  
9 affirming that the claimant is totally disabled.

10 Sec. 6. Gross rent shall mean rent actually  
11 paid in cash or its equivalent solely for the right of  
12 occupancy of a homestead during the calendar year. When  
13 a claimant occupies two or more homesteads in the year  
14 and does not own his or her homestead as of the levy  
15 date, gross rent shall mean the total rent paid for each  
16 homestead that has been rented by the claimant during the  
17 year for which relief is claimed. If the Tax  
18 Commissioner determines that the landlord and tenant have  
19 not dealt in a bona fide business manner and that the  
20 gross rent is excessive, then he or she shall determine,  
21 for purposes of calculating the amount of relief under  
22 this act, a reasonable amount of rent. Appeals of the  
23 Tax Commissioner's determination shall be made as  
24 provided in section 27 of this act.

25 Sec. 7. Homeowner shall mean a person who (1)  
26 owns or is purchasing a homestead under a mortgage or  
27 land contract, (2) owns or is purchasing a dwelling

1 situated on the leased lands of another, (3) is a  
2 tenant-stockholder of a cooperative housing corporation,  
3 (4) is the beneficiary of a trust of which the trustee is  
4 the record title owner and the beneficiary-occupant has  
5 (a) a specific right to occupy the premises as stated in  
6 the trust instrument, (b) the right to amend or revoke  
7 the trust to obtain such power of occupancy or of title,  
8 or (c) the power to withdraw the homestead premises from  
9 the trust and place the record title in such occupant's  
10 name, or (5) is a resident of a multipurpose or  
11 multifamily dwelling, the record title owner of which is  
12 a not-for-profit corporation, and the resident has by  
13 purchase for fair market value secured a life tenancy in  
14 a private, taxable portion of the dwelling.

15 Sec. 8. Homestead shall mean the dwelling,  
16 whether owned or rented, and so much of the land  
17 surrounding it, not exceeding one acre, as is reasonably  
18 necessary for use of the dwelling as a home, and may  
19 consist of a part of a multifamily dwelling or  
20 multipurpose building and a part of the land upon which  
21 it is built. Homestead shall also mean a mobile home.

22 Sec. 9. Household shall mean the claimant, his  
23 or her spouse, and all other persons except minors who  
24 live in the same dwelling sharing the furnishings,  
25 facilities, accommodations, and expenses. Household does  
26 not include bona fide lessees, tenants, or roomers and  
27 boarders on contract.

1 Sec. 10. Household income shall mean all income  
2 received by all persons of a household in a calendar year  
3 while members of such household.

4 Sec. 11. Income shall mean the sum of the  
5 federal adjusted gross income as defined by the Internal  
6 Revenue Code of the United States and spendable income.

7 Sec. 12. Property taxes accrued shall mean  
8 property taxes, exclusive of special assessments,  
9 delinquent interest, and charges for service, levied on  
10 the first forty thousand dollars valuation of a  
11 claimant's homestead in this state in 1980 or any  
12 calendar year thereafter. If a claimant owns his or her  
13 homestead on the levy date, property taxes accrued shall  
14 mean taxes levied on such levy date even if the claimant  
15 does not own his or her homestead for the entire year.  
16 When a household owns and occupies two or more different  
17 homesteads in the state in the same calendar year,  
18 property taxes accrued shall relate only to that property  
19 occupied by a household as a homestead on the levy date.  
20 If a homestead is an integral part of a large unit such  
21 as a farm or a multipurpose or multifamily dwelling,  
22 property taxes accrued shall be a percentage of the total  
23 property taxes accrued in proportion to the value of the

24 homestead as compared to the total value of the property.  
 25 For purposes of this section, unit refers to the parcel  
 26 of property covered by a single tax statement of which  
 27 the homestead is a part.

1 Sec. 13. Rent constituting property taxes  
 2 accrued shall mean fifteen per cent of the gross rent but  
 3 shall not exceed two hundred forty dollars in any single  
 4 calendar year.

5 Sec. 14. Spendable income shall mean income  
 6 from the following sources that is not included in the  
 7 federal adjusted gross income as defined in the Internal  
 8 Revenue Code of the United States: (1) Capital gains;  
 9 (2) strike benefits; (3) support money; (4) cash public  
 10 assistance and relief; (5) the gross amount of any  
 11 pension or annuity; (6) all payments received under the  
 12 federal Social Security Act, Railroad Retirement Act, or  
 13 state unemployment insurance laws; (7) interest received  
 14 from the federal or state government or any of their  
 15 instrumentalities; (8) workmen's compensation; (9) the  
 16 gross amount of loss of time insurance; and (10) gifts  
 17 greater than three hundred dollars from nongovernmental  
 18 sources. Spendable income shall not include life  
 19 insurance benefits, gifts of three hundred dollars or  
 20 less from nongovernmental sources, inheritances, or other  
 21 sources not specified in this section.

22 Sec. 15. All homesteads in this state shall be  
 23 assessed for taxation the same as other property except  
 24 that assistance shall be provided to claimants on a  
 25 percentage of the property tax accrued on the homestead  
 26 as provided in section 16 of this act.

1 Sec. 16. The amount of assistance shall be  
 2 based on the claimant's household income for the period  
 3 set forth in section 77-2759, Reissue Revised Statutes of  
 4 Nebraska, 1943. The percentage of assistance for which  
 5 each claimant shall be eligible shall be the percentage  
 6 appearing in Column B in the table in this section on the  
 7 line on which, in Column A of such table, there appears  
 8 the household income the claimant received in the taxable  
 9 year.

| 10 Column A              | Column B   |
|--------------------------|------------|
| 11 Household Income      | Percentage |
| 12 In Dollars            | of Relief  |
| 13 0 through 7,500       | 100        |
| 14 7,501 through 8,000   | 90         |
| 15 8,001 through 8,500   | 80         |
| 16 8,501 through 9,000   | 70         |
| 17 9,001 through 9,500   | 60         |
| 18 9,501 through 10,000  | 50         |
| 19 10,001 through 10,500 | 40         |
| 20 10,501 through 11,000 | 30         |

21 11,001 through 11,500

20

22 11,501 through 12,000

10

23 Sec. 17. The right to file a claim under this  
24 act shall be personal to the claimant. Such right may be  
25 exercised on behalf of a claimant by his or her spouse,  
26 legal guardian, or attorney-in-fact.

1 Sec. 18. Subject to the limitations provided in  
2 this act, a claimant may claim in any year as a credit  
3 against state income taxes otherwise due on his or her  
4 income, property taxes accrued or rent constituting  
5 property taxes accrued, in the preceding calendar year.  
6 If the allowable amount of such claim exceeds the income  
7 taxes otherwise due on the claimant's income, or if there  
8 are no income taxes due on the claimant's income, the  
9 amount of the claim not used as an offset against income  
10 taxes, after certification by the Tax Commissioner, shall  
11 be paid to the claimant.

12 Sec. 19. No claim with respect to property  
13 taxes accrued or with respect to rent constituting  
14 property taxes accrued shall be paid or allowed, unless  
15 the claim is actually filed with the Department of  
16 Revenue on or before April 15 in the next succeeding  
17 calendar year.

18 Sec. 20. Only one claimant per household per  
19 year shall be entitled to relief under this act.

20 Sec. 21. The Tax Commissioner shall make  
21 available suitable forms with instructions for claimants,  
22 including a form which shall be included with or be a  
23 part of the individual income tax form. The claim shall  
24 be in such form as the Tax Commissioner may prescribe.

25 Sec. 22. Every renter claimant under this act  
26 shall supply to the Department of Revenue, in support of  
27 his or her claim, proof of rent paid and the name and  
1 address of the owner or managing agent of the property  
2 rented.

3 Sec. 23. Upon request of the Tax Commissioner,  
4 the county treasurer shall supply to the Department of  
5 Revenue, in support of every homeowner claimant, a  
6 statement of property tax accrued and a statement of any  
7 delinquent property taxes.

8 Sec. 24. If, on the review of any claim filed  
9 under this act, the Tax Commissioner determines the  
10 amount to have been incorrectly determined, he or she  
11 shall redetermine the claim and notify the claimant of  
12 the redetermination and the reason for it. The  
13 redetermination shall be final unless appealed within  
14 twenty days of receipt of notice of such redetermination  
15 by the claimant.

16 Sec. 25. If it is determined that a claim is  
17 excessive and was filed with fraudulent intent, the claim

18 shall be disallowed in full and, if the claim has been  
 19 paid or a credit has been allowed against income taxes  
 20 otherwise payable, the credit shall be cancelled and the  
 21 amount paid may be recovered by assessment. The  
 22 assessment shall bear interest from the date of payment  
 23 of the claim, until refunded or paid, at the same rate as  
 24 is provided for delinquent income taxes by section  
 25 77-2788, Reissue Revised Statutes of Nebraska, 1943.

26 Sec. 26. A person who files a claim which is  
 27 excessive and which was done with fraudulent intent or  
 1 any person who assisted in the preparation of filing of  
 2 such excessive claim or supplied information upon which  
 3 such excessive claim was prepared, with fraudulent  
 4 intent, shall be guilty of a Class IV misdemeanor.

5 Sec. 27. Any person aggrieved by the denial in  
 6 whole or in part of relief claimed under this act, except  
 7 when the denial is based upon late filing of a claim, may  
 8 appeal the denial to the Department of Revenue by filing  
 9 a notice of appeal within twenty days after receipt of  
 10 notice of such denial. The appeal shall be made pursuant  
 11 to Chapter 84, article 9, Reissue Revised Statutes of  
 12 Nebraska, 1943.

13 Sec. 28. No claim for relief under this act  
 14 shall be allowed a person who is a recipient of public  
 15 rental assistance for taxes or rent during the period for  
 16 which the claim is filed.

17 Sec. 29. A claim shall be disallowed if the  
 18 Department of Revenue finds that the claimant received  
 19 title to his or her homestead primarily for the purpose  
 20 of receiving benefits under this act.

21 Sec. 30. A person may amend a claim for relief  
 22 under this act by filing an amended claim. The amended  
 23 claim must be filed within two years of the April 15  
 24 filing deadline of the year for which the claim is being  
 25 requested.

26 Sec. 31. The Tax Commissioner shall adopt and  
 27 promulgate rules and regulations which are necessary for  
 1 the administration of this act.

2 Sec. 32. That sections 77-3501 to 77-3525, and  
 3 77-3529, Revised Statutes Supplement, 1979, are  
 4 repealed.”.

**LEGISLATIVE BILL 647.** Placed on General File as amended.  
 Standing Committee amendments to LB 647:

Req. #2158

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

4 “Section 1. For purposes of this act, unless the  
 5 context otherwise requires:

6 (1) Claimant’s income shall mean the sum of the

7 federal adjusted gross income as defined by the Internal  
 8 Revenue Code of the United States and spendable income.  
 9 (2) Spendable income shall mean income from the  
 10 following sources that is not included in the federal  
 11 adjusted gross income as defined in the Internal Revenue  
 12 Code of the United States: (1) Capital gains; (2) strike  
 13 benefits; (3) support money; (4) cash public assistance  
 14 and relief; (5) the gross amount of any pension or  
 15 annuity; (6) all payments received under the federal  
 16 Social Security Act, Railroad Retirement Act, or state  
 17 unemployment insurance laws; (7) interest received from  
 18 the federal or state government or any of their  
 19 instrumentalities; (8) workmen's compensation; (9) the  
 20 gross amount of loss of time insurance; and (10) gifts  
 21 greater than three hundred dollars from nongovernmental  
 22 sources. Spendable income shall not include life  
 23 insurance benefits, gifts of three hundred dollars or  
 24 less from nongovernmental sources, inheritances, or other  
 25 sources not specified in this section.

1 Sec. 2. That section 77-3505, Revised Statutes  
 2 Supplement, 1979, be amended to read as follows:  
 3 77-3505. A qualified claimant shall mean an  
 4 owner of a homestead ~~during the calendar year for which~~  
 5 ~~the claim is made who shall be entitled to relief~~  
 6 ~~pursuant to section 77-3507. (1) whose income is within~~  
 7 ~~the limits prescribed by subsections (2) and (3) of~~  
 8 ~~section 77-3507, or (2) who is seventy-five years of age~~  
 9 ~~or over during the calendar year for which the claim is~~  
 10 ~~made and whose income is within the limits prescribed by~~  
 11 ~~subsections (4), (5), and (6) of section 77-3507.~~

12 Sec. 3. That section 77-3507, Revised Statutes  
 13 Supplement, 1979, be amended to read as follows:  
 14 77-3507. (1) All homesteads in this state shall  
 15 be assessed for taxation the same as other property,  
 16 except that there shall be exempt from taxation a  
 17 percentage of the first ~~twenty-five~~ forty thousand  
 18 dollars of the actual value of the homestead of qualified  
 19 claimants based on income and status as a claimant  
 20 pursuant to subsections (2) to ~~(4)~~ (6) of this section.  
 21 (2) For a single qualified claimant, ~~sixty-five~~  
 22 ~~years of age or older~~, the percentage of the exemption  
 23 for which the claimant shall be eligible shall be the  
 24 percentage in Column B which corresponds with the  
 25 claimant's income in Column A in the table found in this  
 26 subsection.

| 1 | Column A  | Column B   |
|---|---|------------|
| 2 | Household Income  | Percentage |
| 3 | In Dollars  | of Relief  |
| 4 | 0 through <del>3,700</del> <u>7,400</u>                             | 100        |
| 5 | <del>3,701</del> <u>7,401</u> through <del>4,200</del> <u>7,900</u> | 80         |

|   |       |                     |       |           |
|---|-------|---------------------|-------|-----------|
| 6 | 4,201 | 7,901 through 4,700 | 8,400 | 60        |
| 7 | 4,701 | 8,401 through 5,200 | 8,900 | 40        |
| 8 | 8,901 | through 9,400       |       | <u>20</u> |

9 (3) For a married qualified claimant, ~~with one~~  
 10 ~~spouse sixty five years of age or older~~, the percentage  
 11 of the exemption for which the claimant shall be eligible  
 12 shall be the percentage in Column B which corresponds  
 13 with the claimant's income in Column A in the table found  
 14 in this subsection.

|    |                  |                      |        |           |
|----|------------------|----------------------|--------|-----------|
| 15 | Column A         | Column B             |        |           |
| 16 | Household Income | Percentage           |        |           |
| 17 | In Dollars       | of Relief            |        |           |
| 18 | 0 through 5,450  | 10,500               | 100    |           |
| 19 | 5,451            | 10,501 through 5,950 | 11,000 | 80        |
| 20 | 5,951            | 11,001 through 6,450 | 11,500 | 60        |
| 21 | 6,451            | 11,501 through 6,950 | 12,000 | 40        |
| 22 | 12,001           | through 12,500       |        | <u>20</u> |

23 ~~(4) For a married qualified claimant with both~~  
 24 ~~spouses sixty five years of age or older~~, the percentage  
 25 ~~of the exemption for which the claimant shall be eligible~~  
 26 ~~shall be the percentage in Column B which corresponds~~  
 27 ~~with the claimant's income in Column A in the table found~~  
 1 ~~in this subsection.~~

|   |                     |            |     |
|---|---------------------|------------|-----|
| 2 | Column A            | Column B   |     |
| 3 | Household Income    | Percentage |     |
| 4 | In Dollars          | of Relief  |     |
| 5 | 0 through 6,200     |            | 100 |
| 6 | 6,201 through 6,700 |            | 80  |
| 7 | 6,701 through 7,200 |            | 60  |
| 8 | 7,201 through 7,700 |            | 40  |

9 (4) For a single qualified claimant seventy-five  
 10 years of age or older, the percentage of the exemption  
 11 for which the claimant shall be eligible shall be the  
 12 percentage in Column B which corresponds with Column A in  
 13 the table found in this subsection.

|    |                      |            |           |
|----|----------------------|------------|-----------|
| 14 | Column A             | Column B   |           |
| 15 | Household Income     | Percentage |           |
| 16 | in Dollars           | of Relief  |           |
| 17 | 0 through 8,400      |            | 100       |
| 18 | 8,401 through 8,900  |            | 80        |
| 19 | 8,901 through 9,400  |            | 60        |
| 20 | 9,401 through 9,900  |            | 40        |
| 21 | 9,901 through 10,400 |            | <u>20</u> |

22 (5) For a married qualified claimant with one  
 23 spouse seventy-five years of age or older, the percentage  
 24 of the exemption for which the claimant shall be eligible  
 25 shall be the percentage in Column B which corresponds  
 26 with Column A in the table found in this subsection.

|   |                  |            |
|---|------------------|------------|
| 1 | Column A         | Column B   |
| 2 | Household Income | Percentage |

|    |   |                   |
|----|---|-------------------|
| 3  | <u>in Dollars</u>   | <u>in Relief</u>  |
| 4  | <u>0 through 11,000</u>   | <u>100</u>        |
| 5  | <u>11,001 through 11,500</u>                                    | <u>80</u>         |
| 6  | <u>11,501 through 12,000</u>                                    | <u>60</u>         |
| 7  | <u>12,001 through 12,500</u>                                    | <u>40</u>         |
| 8  | <u>12,501 through 13,000</u>                                    | <u>20</u>         |
| 9  | <u>(6) For a married qualified claimant with both</u>           |                   |
| 10 | <u>spouses seventy-five years of age or older, the</u>          |                   |
| 11 | <u>percentage of the exemption for which the claimant shall</u> |                   |
| 12 | <u>be eligible shall be the percentage in Column B which</u>    |                   |
| 13 | <u>corresponds with Column A in the table found in this</u>     |                   |
| 14 | <u>subsection.</u>  |                   |
| 15 | <u>Column A</u>   | <u>Column B</u>   |
| 16 | <u>Household Income</u>   | <u>Percentage</u> |
| 17 | <u>in Dollars</u>   | <u>of Relief</u>  |
| 18 | <u>0 through 11,500</u>   | <u>100</u>        |
| 19 | <u>11,501 through 12,000</u>                                    | <u>80</u>         |
| 20 | <u>12,001 through 12,500</u>                                    | <u>60</u>         |
| 21 | <u>12,501 through 13,000</u>                                    | <u>40</u>         |
| 22 | <u>13,001 through 13,500</u>                                    | <u>20</u>         |

23 Sec. 4. That section 77-3508, Revised Statutes  
24 Supplement, 1979, be amended to read as follows:

25 77-3508. All homesteads in this state shall be  
26 assessed for taxation the same as other property, except  
27 that there shall be exempt from taxation the first  
1 ~~twenty-five~~ forty thousand dollars of the actual value of  
2 any homestead of (1) veterans who are totally disabled by  
3 a nonmilitary accident or illness, (2) individuals who  
4 are paralyzed in both legs such as to preclude locomotion  
5 without the aid of braces, crutches, canes, or  
6 wheelchairs, (3) individuals who have undergone multiple  
7 amputation of both lower extremities such as to preclude  
8 locomotion without the aid of braces, crutches, canes,  
9 wheelchairs, or artificial limbs, and (4) individuals  
10 with progressive neuromuscular or neurological disease  
11 such as to preclude locomotion without the aid of braces,  
12 crutches, canes, wheelchairs, or artificial limbs.  
13 Application for such exemption shall include the sworn  
14 statement of a qualified medical physician or  
15 certification from a Veterans Administration ~~Hospital~~  
16 affirming that the homeowner is totally disabled.

17 Sec. 5. That section 77-3512, Revised Statutes  
18 Supplement, 1979, be amended to read as follows:  
19 77-3512. It shall be the duty of each owner who  
20 applies for the homestead exemption provided in sections  
21 77-3506 to 77-3509, to file an application therefor with  
22 the county assessor of the county in which the real  
23 estate is located on or before ~~April 1~~ June 15, and  
24 failure to do so shall constitute a waiver of the  
25 exemption for that year.

26 Sec. 6. That section 77-3513, Revised Statutes  
 27 Supplement, 1979, be amended to read as follows:  
 1 77-3513. (1) If an owner is granted a homestead  
 2 exemption as provided in section 77-3506 to 77-3509 or  
 3 subdivision (2), (3), or (4) of section 77-3508, the  
 4 homestead exemption as to such property shall remain in  
 5 full force and effect for each succeeding year without  
 6 reapplication, if the owner is in all respects entitled  
 7 to the exemption granted under the provisions of sections  
 8 77-3501 to 77-3523. Once a qualified claimant has filed  
 9 an application for homestead exemption and the exemption  
 10 has been granted for that year, no reapplication need be  
 11 filed for succeeding years, in which case the county  
 12 assessor and Tax Commissioner shall determine whether the  
 13 claimant shall qualify for the homestead exemption in  
 14 such succeeding years as otherwise provided in sections  
 15 77-3501 to 77-3523 as though a claim were made.  
 16 (2) It shall be the duty of each claimant who  
 17 wants the homestead exemption provided in subdivision (1)  
 18 of section 77-3508 to file an application therefor with  
 19 the county assessor on or before ~~April 1~~ June 15 of each  
 20 year, and failure to do so shall constitute a waiver of  
 21 the exemption for such year.

22 Sec. 7. That section 77-3516, Revised Statutes  
 23 Supplement, 1979, be amended to read as follows:  
 24 77-3516. The county assessor shall examine each  
 25 application for homestead exemption filed with him or her  
 26 for an exemption pursuant to section 77-3506, 77-3508, or  
 27 77-3509 and shall determine whether or not such  
 1 application should be approved or rejected and, if  
 2 approved, determine the amount of the exemption. If the  
 3 application is approved, the county assessor shall mark  
 4 the same approved and show thereon the amount of  
 5 exemption allowed and make the proper deduction upon the  
 6 assessment rolls. In case he or she finds that the  
 7 exemption should not be allowed by reason of not being in  
 8 conformity to law, the county assessor shall mark the  
 9 application rejected and state thereon the reason for  
 10 such rejection. In any case when the county assessor  
 11 disallows or reduces an application for exemption, he or  
 12 she shall notify the applicant of such action by mailing  
 13 written notice to the applicant at the address shown in  
 14 the application, which notice shall be mailed not later  
 15 than the ~~fourth~~ second Monday in ~~April~~ July and shall be  
 16 on forms prescribed by the Tax Commissioner. All  
 17 applications for exemption, showing thereon the action of  
 18 the county assessor, shall be delivered to the county  
 19 board of equalization on or before the ~~fourth~~ second  
 20 Monday of ~~April~~ July of each year.

21 Sec. 8. That section 77-3517, Revised Statutes

22 Supplement, 1979, be amended to read as follows:

23 77-3517. The county assessor shall examine all  
 24 applications for an exemption pursuant to section 77-3507  
 25 to determine, except for the income test, if the  
 26 application should be approved or rejected. On or before  
 27 the ~~third~~ first Monday in ~~April~~ July the county assessor  
 1 shall forward the application to the Tax Commissioner who  
 2 shall determine from the records of the Department of  
 3 Revenue whether or not the applicant meets the required  
 4 income standards. The Tax Commissioner shall, on or  
 5 before August ~~4~~ 15, certify his or her determinations to  
 6 the county assessor. If the county assessor's and Tax  
 7 Commissioner's determination is that the application  
 8 should be accepted, then the county assessor shall  
 9 process the application in the same manner as an approved  
 10 application under section 77-3516. If the Tax  
 11 Commissioner's determination is that the application does  
 12 not meet the required income test or if the county  
 13 assessor finds that the exemption should not be allowed  
 14 or should be reduced, the county assessor shall proceed  
 15 as in the case of a rejected or reduced application under  
 16 section 77-3516.

17 Sec. 9. That section 77-3524, Revised Statutes  
 18 Supplement, 1979, be amended to read as follows:

19 77-3524. The Department of Revenue shall  
 20 maintain statistics to demonstrate the number of  
 21 claimants and the amount of relief granted for each  
 22 category of homestead exemption. The categories shall  
 23 include, but not be limited to, single claimants over  
 24 ~~sixty-five~~ seventy-five years of age, married claimant  
 25 with one spouse over ~~sixty-five~~ seventy-five years of  
 26 age, married claimant with both spouses over ~~sixty-five~~  
 27 seventy-five years of age, ~~for conventional homes and for~~  
 1 mobile homes and homes on leased land, single and married  
 2 claimants under ~~sixty-five~~ seventy-five years of age for  
 3 conventional homes and for mobile homes, and homes on  
 4 leased land, and claimants eligible due to disabilities.  
 5 The department shall provide such statistics to the Clerk  
 6 of the Legislature annually. Each member of the  
 7 Legislature shall receive a copy of such report by making  
 8 a request for it to the Tax Commissioner.

9 Sec. 10. This act shall become operative for  
 10 all taxable years commencing on or after January 1, 1980.

11 Sec. 11. That original sections 77-3505,  
 12 77-3507, 77-3508, 77-3512, 77-3513, 77-3516, 77-3517, and  
 13 77-3524, Revised Statutes Supplement, 1979, are repealed.

14 Sec. 12. Since an emergency exists, this act  
 15 shall be in full force and take effect, from and after  
 16 its passage and approval, according to law.''

**LEGISLATIVE BILL 610.** Indefinitely postponed.  
**LEGISLATIVE BILL 625.** Indefinitely postponed.  
**LEGISLATIVE BILL 661.** Indefinitely postponed.  
**LEGISLATIVE BILL 841.** Indefinitely postponed.  
**LEGISLATIVE BILL 879.** Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

### ATTORNEY GENERAL'S OPINIONS

Opinion No. 246  
March 10, 1980

Dear Senator Stoney:

You have requested the opinion of this office regarding LB 894 which provides for the assessment of a "cost" in the amount of \$25.00 against each defendant found guilty of a felony in district court. Said assessment would be deposited in the Crime Victim's Compensation Fund. Specifically, you have posed the following inquires:

"1. In the case of an indigent defendant proceeding in Forma Pauperis, will LB 894 require that the county pay the \$25.00 fee into the Crime Victim's Reparation Fund?"

"2. If those proceeding in Forma Pauperis are not required to personally pay such costs, could LB 894 be successfully challenged on equal protection grounds as not requiring all those convicted of a felony to pay such costs?"

The county is generally liable for the costs of criminal prosecutions, as it is the duty of the county to pay the expenses of the local administration of justice within the county. Kovarik v. County of Banner, 192 Neb. 816, 224 N.W.2d 761 (1965). Sections 25-2301, et seq., R.R.S. 1943, provide that the county shall pay certain fees and costs in proceedings taken in forma pauperis. Sections 29-2704 to 2706, R.R.S. 1943, generally provide that the county shall pay the bill of costs in criminal proceedings in district court, however if convicted, said costs shall be collected from the defendant to the extent possible. The county's payment of the costs of criminal prosecutions in the case of indigency does not appear to be subject to attack on equal protection grounds.

The above stated legal principles are premised upon the assumption that the particular assessment at issue constitutes a "cost". In our opinion, there may be some question regarding whether the assessment described in LB 894 can be catagorized as a "cost". Correspondingly, if the assessment is something other than a cost, such as a fine or penalty, the legal conclusions described above may be inapplicable.

The term "costs", in the context of legal proceedings, has been defined generally as specific allowances authorized by statute to reimburse the successful party for expenses incurred in prosecuting or defending an action. 20 C.J.S., Cost, § 1, p. 257. Several cases from other jurisdictions have held that the costs imposed in a criminal case must bear some reasonable relation to the expenses actually incurred in the prosecution. People v. Barber, 14 Mich. App. 395, 165 N.W.2d 608 (1968); Ex Parte Carson, 143 Tex. Crim. 498, 159 S.W.2d 126 (1942); Ex Parte Miller, 97 Okla. Crim. 351, 263 P.2d 522 (1953); Ex Parte Coffelt, 93 Okla. Crim. 343, 228 P.2d 199 (1951); 65 A.L.R.2d 877, § 9; 20 Am.Jur.2d, Cost, § 100, p. 79-80. The legislative label of an assessment as a "cost" cannot preclude or bind a judicial determination. People v. Barber, *supra*; Decamp v. City of Lincoln, 202 Neb. 727, 277 N.W.2d 83 (1979).

In People v. Barber, *supra*, the court considered the constitutionality of a state statute which mandated an assessment of an additional "cost" in the amount of ten percent of every fine imposed for the violation of a criminal offense. The monies collected pursuant to said provision were deposited in a law enforcement officers training fund. The court concluded that, despite the statutory label, said assessment was not a "cost" since it did not reasonably relate to the expenses incurred in prosecution. Rather the court found that said assessment was a fine and therefore the statute allocating monies collected to the law enforcement training fund violated the constitution of that state which required the application of all fines collected to the support of public libraries.

In Ex Parte Carson, *supra*, the court held that an assessment, statutorily described as a "cost", charged to a criminal defendant upon conviction which was deposited in a fund for the purpose of establishing and maintaining county law libraries could not logically be considered a proper item of "cost" as it was not necessary or incidental to the trial of a criminal case. Similarly, in Ex Parte Miller, *supra*, the court held that an assessment charged to every person convicted of a felony or misdemeanor which was deposited in the police pension fund could not be considered a "cost". Also, in Ex Parte Coffelt, *supra*, it was held that an assessment charged to persons convicted of a felony or misdemeanor and deposited in a fund to defray salaries and expenses of the pardon and parole office was not a proper item of cost as the same did not bear a true relation to the expenses of prosecution.

In our opinion, it could be argued that the assessment described in LB 894 is of a similar nature to those involved in the above cited cases. In other words, it could be argued that said assessment does not bear a direct relation to actual costs incurred in a criminal prosecution and

therefore is not a cost, but rather said charge is in the nature of an additional fine or penalty imposed upon conviction of a felony. If an assessment is punitive in character, rather than remedial or compensatory, such that it can be said to be a pecuniary punishment inflicted for a violation of law, said assessment may fall within the provisions of Article VII, Section 5 of the Nebraska Constitution, which requires that fines and penalties shall be appropriated exclusively to the use and support of the common schools.

To our knowledge, the Nebraska Supreme Court has not considered the above described issue in a similar context. Until our court has the opportunity to consider such a question, we can only speculate as to the constitutionality of depositing the assessment at issue in the Crime Victim's Compensation Fund. However the judicial decisions from other jurisdictions, as discussed above, appear to indicate that there is some question regarding the validity of the provisions of LB 894.

Yours truly,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Lynne R. Fritz  
Assistant Attorney General

LRF:ekj

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 247  
March 10, 1980

Dear Senator Chambers:

In your letter of February 25, 1980, you called to our attention Legislative Bill 746 which would refer to the voters of cities of the metropolitan class at the 1980 general election the question of whether the members of their city councils would be elected and/or recalled by district or at large.

This legislation would further provide that if less than a majority of those voting favor election and recall by district, such action would be thereafter conducted under local law.

As you further point out in your letter, Nebraska state law currently provides for election and recall of city council members and cities of the metropolitan class by district. (LB329, 1979, section 14-210, et seq., R.S.Supp., 1979). The effect of Legislative Bill 746 would then be to refer this existing legislation back to the electors of cities of the metropolitan class for their approval or rejection.

You ask whether this may constitutionally be done. We think not. We have on several previous occasions considered the constitutionality of similar proposals. In Opinion No. 21, dated February 13, 1979, in which we referred to our Opinion No. 46, dated April 26, 1965, we stated:

“ . . . In the first place, section 1 of Article III of our constitution provides that ‘the legislative authority of the state shall be vested in the legislature.’ It then provides that, ‘the people . . . reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature.’ The option is not given to the Legislature to refer laws to the people. . . .”

Our constitution does provide for the holding of a referendum on existing state law however such a referendum may be initiated only by the people. While we recognize that in certain circumstances the voters of the state or a particular subdivision might, by the Legislature, be given an opportunity to determine by popular vote whether certain legislation or certain options as to legislation might apply to them, we find a proposal such as LB 746, which would involve the amendment or repeal of existing legislation by popular vote of a municipality at best constitutionally suspect.

In light of our opinion as to the constitutional propriety of referring existing law to the voters of a municipality in this manner, we believe your further questions concerning the effects of various outcomes of such a popular vote to be premature. If however, we can be of any further assistance to you on this matter, please let us know.

Sincerely,  
 PAUL L. DOUGLAS  
 Attorney General  
 Terry R. Schaaf  
 Assistant Attorney General

(Signed)

TRS:ekj

cc: Patrick O'Donnell  
 Clerk of the Legislature

**NOTICE OF COMMITTEE HEARING**  
**Committee on Committees**

March 12, 1980

The Committee on Committees will hold a special hearing at 12:10 p.m., on Friday, March 21, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing the appointment of Hal Daub to the Environmental Control Council.

March 12, 1980

The Committee on Committees will meet at 12:10 p.m., Wednesday, March 19, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing appointments or reappointments as follows:

Henry Barthulay - Commission for Hearing Impaired  
Mike Carr - Oil & Gas Commission  
Phyllis Haberman - State Board of Health  
Gerald Hoffmaster - Commission for Hearing Impaired  
Virgil Rodgers - Accountability & Disclosure Commission  
John Greenholtz - Chairman, Board of Parole

(Signed) Neil Simon, Vice Chairperson

**SPEAKER'S ORDER**

Move from Passed Over to General File:

LB 485

LB 485A - move to follow LB 486

LB 533

LB 533A - move to follow LB 485

LB 939

LB 939A - move to follow LB 954A

(Signed) Richard D. Marvel, Speaker

**UNANIMOUS CONSENT - Member Excused**

Mr. Reutzel asked unanimous consent to be excused Thursday, March 13. No objections. So ordered.

**UNANIMOUS CONSENT - Withdraw Motion on LB 693**

Mr. Clark asked unanimous consent to withdraw his pending motion found in the Journal on page 1079 to return LB 693 to Select File for a specific amendment. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 693.**

A BILL FOR AN ACT to amend section 60-323, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change provisions relating to motor vehicle number plates; 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:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Fitzgerald | Keyes    | Murphy  | Stoney  |
| Beutler    | Fowler     | Koch     | Newell  | Vickers |
| Carsten    | Goodrich   | Kremer   | Nichol  | Wagner  |
| Chronister | Hefner     | Labeledz | Powers  | Warner  |
| Clark      | Hoagland   | Lamb     | Reutzel | Wesely  |
| Cope       | Johnson    | Landis   | Rumery  |         |
| Cullan     | Kahle      | Maresh   | Schmit  |         |
| DeCamp     | Kelly      | Marvel   | Sieck   |         |
| Dworak     | Kennedy    | Merz     | Simon   |         |

Voting in the negative, 0.

Excused and not voting, 8:

|          |          |       |          |
|----------|----------|-------|----------|
| Burrows  | George   | Lewis | Pirsch   |
| Chambers | Haberman | Marsh | Venditte |

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

**LEGISLATIVE BILL 94. With Emergency.**

A BILL FOR AN ACT relating to professional licenses; to change provisions relating to embalmers and funeral directors; to define a term; to change the name of a board; to require certain disclosure; to make embalmers and funeral directors subject to the Consumer Protection Act; to amend sections 33-150, 59-1617, 71-1325 to 71-1327, 71-1329, 71-1330, 71-1332 to 71-1336, and 71-1338, Reissue Revised Statutes of Nebraska, 1943, sections 71-102 and 71-1331, Revised Statutes Supplement, 1978, and section 71-113, Revised Statutes Supplement, 1979; to repeal the original sections, and also sections 71-146 and 71-197, Reissue Revised Statutes of Nebraska, 1943, and section 81-194, Revised Statutes Supplement, 1979; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Dworak     | Kennedy  | Merz    | Simon   |
| Beutler    | Fitzgerald | Keyes    | Murphy  | Stoney  |
| Burrows    | Fowler     | Koch     | Newell  | Vickers |
| Carsten    | Goodrich   | Kremer   | Nichol  | Wagner  |
| Chambers   | Hefner     | Labeledz | Powers  | Warner  |
| Chronister | Hoagland   | Lamb     | Reutzel | Wesely  |
| Clark      | Johnson    | Landis   | Rumery  |         |
| Cope       | Kahle      | Maresh   | Schmit  |         |
| Cullan     | Kelly      | Marvel   | Sieck   |         |

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 6:

|          |       |          |
|----------|-------|----------|
| George   | Lewis | Pirsch   |
| Haberman | Marsh | Venditte |

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 655.

A BILL FOR AN ACT to amend section 19-2404, Reissue Revised Statutes of Nebraska, 1943, relating to water and sewer districts; to change the time in which an assessment becomes delinquent; to provide provisions relating to delinquent installments; 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, 42:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Dworak     | Kelly    | Marvel  | Simon   |
| Burrows    | Fitzgerald | Kennedy  | Merz    | Stoney  |
| Carsten    | Fowler     | Keyes    | Murphy  | Vickers |
| Chambers   | Goodrich   | Koch     | Newell  | Wagner  |
| Chronister | Haberman   | Kremer   | Nichol  | Warner  |
| Clark      | Hefner     | Labeledz | Powers  | Wesely  |
| Cope       | Hoagland   | Lamb     | Reutzel |         |
| Cullan     | Johnson    | Landis   | Rumery  |         |
| DeCamp     | Kahle      | Maresh   | Sieck   |         |

Voting in the negative, 1:

Beutler

Present and not voting, 1:

Schmit

Excused and not voting, 5:

George      Lewis      Marsh      Pirsch      Venditte

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

**LEGISLATIVE BILL 765.** Mr. Warner moved to return LB 765 to Select File for his specific amendment found in the Journal on page 1062.

The motion prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 765.** The Warner specific amendment found in the Journal on page 1062 was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

#### MOTION - Reconsider Action on LB 817

Mr. Newell renewed his pending motion found in the Journal on page 997 to reconsider action on the final reading of LB 817.

The motion prevailed with 31 ayes, 7 nays, 8 present and not voting, and 3 excused and not voting.

**UNANIMOUS CONSENT - Withdraw Amendment on LB 817**

Mr. Newell asked unanimous consent to withdraw his pending amendment to LB 817 found in the Journal on page 1086. No objections. So ordered.

**MOTION - Return LB 817 to Select File**

Mr. Newell moved to return LB 817 to Select File for the following specific amendment:

Amend LB 817 on page 2 as follows:

On line 23 delete the word "amount" and insert the word "rate".

On line 25 delete the word "amount" and insert the word "rate".

After line 25 insert the words: "...and not more than eight per cent of each university employee's full-time salary or wage earnings for any calendar year..."

On page 3, line 5 delete the word "amount" and insert the word "rate".

Pg. 2 line 24 beginning with "but" strike all new language through line 25.

Pg. 6 line 11 beginning with "but" strike all new language through line 12.

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 817.** The Newell specific amendment found in this day's Journal was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

Mr. Kelly requested a machine vote to readvance LB 817.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

Advanced to E & R for Re-Engrossment with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

**EXPLANATION OF VOTE**

Had I been present, I would have voted yes on LB 693 and LB 94.

(Signed) Rex Haberman

**RESOLUTION****LEGISLATIVE RESOLUTION 215.**

Introduced by Warner, 25th District; Kremer, 34th District; Merz, 1st District; DeCamp, 40th District; Sieck, 24th District; Johnson, 8th District; Lamb, 43rd District; Maresh, 32nd District; Kahle, 37th District; Beutler, 28th District; Rumery, 42nd District; Keyes, 3rd District; Wesely, 26th District; Fowler, 27th District; Cope, 36th District; Koch, 12th District; Landis, 46th District; Burrows, 30th District; Kennedy, 21st District; Murphy, 17th District; Powers, 9th District; Dworak, 22nd District; Chronister, 18th District; Goodrich, 20th District; Haberman, 44th District; Barrett, 39th District; Wagner, 41st District; Fitzgerald, 14th District; Vickers, 38th District; Newell, 13th District; Cullan, 49th District; Chambers, 11th District; Nichol, 48th District; Stoney, 4th District; Kelly, 35th District; Reutzell, 15th District; Clark, 47th District; Carsten, 2nd District.

WHEREAS, the champions of the 1979-1980 Girl's State High School Basketball Tournament have demonstrated athletic excellence which is deserving of state-wide recognition; and

WHEREAS, each team participating in the girl's basketball tournament has demonstrated a willingness to endure the hard work associated with significant accomplishments; and

WHEREAS, the 1979-1980 state champion in Class A was Lincoln High, in Class B was Ashland, in Class C was Omaha Cathedral, and in Class D was SEM (Sumner-Eddyville-Miller).

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

1. That the members of the Legislature extend congratulations and best wishes to the girl's basketball teams and their coaches of Lincoln High, Ashland, Omaha Cathedral, and SEM for winning their class state basketball championship in 1980.

2. That the Clerk of the Legislature send a copy of this resolution to each of the championship teams.

Laid over.

### **Report of the Executive Board**

The Executive Board on March 10, 1980 adopted a policy relating to procedures to be followed in the introduction, approval and conduct of interim study resolutions. The substance of this policy is as follows:

1. The deadline for the introduction of resolutions calling for interim studies will be March 21, 1980.

2. The Executive Board will make a preliminary, nonbinding reference recommendation of all interim study resolutions by March 26, 1980.

3. Based upon the preliminary references of the Executive Board, the standing and special committees of the Legislature will be asked to:

- a. review all study resolutions referred to them;
- b. develop a rank order listing of committee preferences beginning with that resolution which is top priority and progressing to that resolution of least priority;
- c. for each resolution referred to the respective committees, a study proposal be developed which indicates the timetable for the study, necessary staffing, hearing sites, etc.;
- d. the standing and special committees report such priority listings and study proposals to the Executive Board by April 9, 1980.

4. The Executive Board will consider the reports of the various committees and submit a final report to the Legislature by April 11, 1980, indicating its recommendations as to which resolutions should be approved and to which committee they should be referred. Any resolution failing to have a committee-developed study proposal submitted will not be considered for inclusion in the approval reference recommendation of the Executive Board.

A staff in-service activity will be held Friday, March 14, 1980 to familiarize Legislative Council staff with the specifics of this policy. The cooperation of the entire Legislative Council is requested for the purpose of seeing that this policy is carried out.

(Signed) Frank Lewis, Chairperson  
Executive Board

### **BIRTHDAY**

Speaker Marvel announced today is Mr. Nichol's birthday.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1618).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1003.** By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Fowler, 27th District; Kelly, 35th District; Cope, 36th District; Hoagland, 6th District; Dworak, 22nd District; Labeledz, 5th District.

This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1979, relating to motor vehicles; to change the frequency of issuing new license plates; and to repeal the original section.

**MOTION - Suspend Rules**

Mr. Warner moved to suspend the rules, Rule 3, Sec. 5 and 19, Rule 6, Sec. 1, to place LB 1003 on General File.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 308.** Mr. Simon withdrew his pending motion to indefinitely postpone found in the Journal on page 1118.

Messrs. Simon and Koch offered the following amendment:

Strike the current language in lines 9 through 12 of the committee amendments, and insert "One and three-quarters per cent per month on amounts less than five hundred dollars, and one and one-half per cent per month on amounts of five hundred dollars or more."

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hoagland asked unanimous consent to print the following amendment to LB 965 in the Journal. No objections. So ordered.

Amendments to Committee Amendments

Req. #2218

- 2 1. In the Standing Committee Amendments:
- 3 (a) On page 1 strike beginning with "line" in
- 4 line 4 through the semicolon in line 7 and insert "strike
- 5 the new matter in lines 9 through 11; strike beginning
- 6 with 'The' in line 11 through line 15 and show as
- 7 stricken;"; and in line 24 strike "a new section" and
- 8 insert "two new sections".
- 9 (b) On page 2 after the underscored period in
- 10 line 3 insert the following:
- 11 "Sec. 18. That section 81-1560, Revised
- 12 Statutes Supplement, 1979, be amended to read as follows:
- 13 81-1560. The fee imposed by section 81-1559
- 14 shall be calculated only on the value of products or the
- 15 gross proceeds of sales of products ~~falling~~ which
- 16 directly contribute to litter as defined in section
- 17 81-1541, Revised Statutes Supplement, 1979, and which
- 18 fall into the following categories: (1) Food for human
- 24 or pet consumption; (2) groceries; (3) cigarettes and
- 20 other tobacco products; (4) soft drinks and carbonated
- 21 waters; (5) liquor, wine, and beer and other malt
- 22 beverages; (6) household paper and paper products,
- 23 excluding magazines, periodicals, newspapers, and
- 24 literary works; (7) glass containers; (8) metal
- 25 containers; (9) plastic or fiber containers made of
- 1 synthetic material; and (10) cleaning agents and
- 2 toiletries."
- 3 (c) Strike amendment 7 and insert the following
- 4 new amendment:
- 5 "7. On page 12, line 14 strike 'and'; and after
- 6 the first comma in line 15 insert 'and 81-1560,'."

**EXPLANATION OF VOTE**

Had I been present, I would have voted Aye on the following Legislative Bills: LB 621, 703, 868, 742, 913, 601, and 631.

(Signed) Jerry Koch

**SELECT COMMITTEE REPORT  
Enrollment and Review**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 276:

In the title as amended, line 2, "to change restrictions on certain certificates of deposit;" has been inserted after the semicolon.

(Signed) Emory P. Burnett,  
E & R Attorney

**Correctly Engrossed**

The following bills were correctly engrossed: 276 and 279.

(Signed) Don Wesely, Chairperson

**MR. CLARK PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 304.** Mr. Murphy renewed his pending motion to indefinitely postpone found in the Journal on page 1104.

The motion lost with 13 ayes, 14 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 940.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 966.** E & R amendments found in the Journal on page 1019 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 848.** E & R amendments found in the Journal on page 1019 for the Thirty-Seventh Day were adopted.

Mr. Schmit renewed his pending amendment found in the Journal on page 881.

**SPEAKER MARVEL PRESIDING**

The amendment was adopted with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Murphy asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell offered the following amendment:

Amend the Schmit amendment on Pg 881 of Journal, to strike all material & insert the following:

1. On page 9, in lines 17 and 18 strike "and fifty", and show as stricken.

2. On page 19, strike beginning with "in" in line 11 through "dollars" in line 12, show the old matter as stricken, and insert "which shall be (a) ten dollars through June 30, 1983 and (b) fifteen dollars on and after July 1, 1983".

Mr. Newell moved for a Call of the House. The motion prevailed with 4 ayes, 0 nays, and 45 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Beutler  | Cullan   | Johnson | Newell | Vickers |
| Burrows  | Dworak   | Kelly   | Sieck  | Warner  |
| Chambers | Fowler   | Koch    | Simon  | Wesely  |
| Cope     | Hoagland | Landis  | Stoney |         |

Voting in the negative, 25:

|            |            |         |        |          |
|------------|------------|---------|--------|----------|
| Barrett    | Fitzgerald | Kahle   | Maresh | Reutzel  |
| Carsten    | George     | Kennedy | Marvel | Rumery   |
| Chronister | Goodrich   | Keyes   | Merz   | Schmit   |
| Clark      | Haberman   | Kremer  | Nichol | Venditte |
| DeCamp     | Hefner     | Lamb    | Powers | Wagner   |

Excused and not voting, 4:

|       |       |        |        |
|-------|-------|--------|--------|
| Lewis | Marsh | Murphy | Pirsch |
|-------|-------|--------|--------|

Absent and not voting, 1:

Labeledz

The Newell amendment lost with 19 ayes, 25 nays, 4 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. DeCamp withdrew his pending amendments (1) and (2) found in the Journal on page 881.

Mr. Powers moved to indefinitely postpone.

Motion pending.

Laid over.

Mr. Lamb asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 884.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 771.** E & R amendment found in the Journal on page 1020 for the Thirty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 770.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 839.** E & R amendment found in the Journal on page 1020 for the Thirty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 839A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 769.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 774.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 847.** E & R amendments found in the Journal on page 1066 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 905.** Messrs. Johnson, Newell, and Burrows renewed their pending motion found in the Journal on page 986 to refer LB 905 to the Revenue Committee.

#### **MR. CLARK PRESIDING**

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?"

Mr. Cullan moved for a Call of the House. The motion prevailed with 9 ayes, 5 nays, and 36 not voting.

The motion to close debate prevailed with 25 ayes, 11 nays, and 13 not voting.

### **SPEAKER MARVEL PRESIDING**

The motion to re-refer LB 905 lost with 6 ayes, 24 nays, 13 present and not voting, and 6 excused and not voting.

Messrs. Johnson, Newell, and Murphy moved to indefinitely postpone.

Motion pending.

Laid over.

**LEGISLATIVE BILL 724.** E & R amendments found in the Journal on page 1020 for the Thirty-Seventh Day were adopted.

Mr. Hefner offered the following amendment:

- 1 1. On page 784 of the Journal in the Standing
- 2 Committee amendments, in line 9, strike "and training
- 3 courses"; in line 11 strike "and"; and in line 12 after
- 4 "burnings" insert ", and (7) set fees for training courses,
- 5 except that political subdivisions and their designated
- 6 representatives shall be exempt from paying such fees".
- 7 2. On page 784 of the Journal in the Standing
- 8 Committee amendments, in line 4 of the new section 3, after
- 9 the underscored period insert "A program established pur-
- 10 suant to this act shall be funded by a General Fund appro-
- 11 priation.".

The amendment lost with 13 ayes, 9 nays, 21 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Messrs. Kremer and Powers asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 605.** E & R amendments found in the Journal on page 1039 for the Thirty-Eighth Day were adopted.

Laid over at the request of Mr. Haberman.

**LEGISLATIVE BILL 637.** E & R amendments found in the Journal on page 1038 for the Thirty-Eighth Day were adopted.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 1043.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Advanced to E & R for Engrossment with 26 ayes, 9 nays, and 14 not voting.

### RECESS

At 11:58 a.m., on a motion by Mr. Keyes, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:44 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Mesdames Marsh, Pirsch, Messrs. Hoagland, and Vickers who were excused; and Messrs. Hefner, Kelly, Kremer, Lamb, Lewis, Merz, Murphy, and Sieck who were excused until they arrive.

### SELECT COMMITTEE REPORT Enrollment and Review

#### Correctly Engrossed

The following bill was correctly engrossed: 308.

(Signed) Don Wesely, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 694.** Title read. Considered.

Standing Committee amendments found in the Journal on page 802 for the Twenty-Ninth Day were adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Mr. Wesely offered the following amendment:

- 1 1. Insert the following new section:
- 2 "Sec. 11. After the effective date of this act,
- 3 any person who drafts or prepares a will shall not
- 4 receive any property under such will in an amount which
- 5 exceeds the amount which is or would be the intestate
- 6 share of such person if the testator died intestate
- 7 at the date of death."
- 8 2. Renumber remaining sections accordingly.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Wesely amendment lost with 9 ayes, 22 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 918.** Title read. Considered.

Mr. Burrows offered the following amendment:

Req. #2223

- 2 1. Strike sections 1, 2, 3, and 4.
- 3 2. Insert new sections as follows:
- 4 "Section 1. The Department of Agriculture may
- 5 provided technical and administrative assistance to a
- 6 cooperative federal-rancher rangeland grasshopper control
- 7 program. The state shall not provide any funds to
- 8 participate in such federal program on a cost-sharing
- 9 basis and shall limit its participation to providing the
- 10 assistance authorized by this section.
- 11 Sec. 2. The Department of Agriculture may
- 12 participate in a cooperative state-rancher-farmer
- 13 grasshopper control program and disburse money
- 14 appropriated to the Grasshopper Control Cash Fund, which
- 15 is hereby created for the purpose of cost-sharing in the
- 16 purchase of grasshopper control chemicals by participant
- 17 farmers and ranchers. The amount appropriated to the
- 18 fund shall not exceed two million dollars.
- 19 Sec. 3. Any farmer or rancher in the state may
- 20 be eligible for a fifty per cent cost-sharing grant from
- 21 the Grasshopper Control Cash Fund, not to exceed five
- 22 hundred dollars, for the purchase of grasshopper control
- 23 chemicals, approved by the Department of Agriculture, for
- 24 the control of grasshoppers in areas designated as
- 25 emergency areas by the Agricultural Extension Service,
- 1 College of Agriculture, University of Nebraska.

- 2 The Department of Agriculture shall provide  
 3 certificate of need forms to county extension agents. A  
 4 certificate of need verifying that a level of infestation  
 5 exists to warrant enactment of the program signed by the  
 6 county extension agent and the participant shall be  
 7 attached to each request for funds from the Grasshopper  
 8 Control Cash Fund. Money in the fund shall only be  
 9 expended for the administration of the program as  
 10 authorized by this act on a first-come first-serve basis.  
 11 Any money in the fund available for investment shall be  
 12 invested by the state investment officer pursuant to  
 13 Chapter 72, article 12.
- 14 Sec. 4. The Department of Agriculture shall  
 15 adopt rules and regulations necessary for the  
 16 administration of this act.
- 17 Sec. 5. This act shall be know and may be cited  
 18 as the Nebraska Grasshopper Control Act.’’.
- 19 3. Renumber original section 5 as section 6.

Mr. Reutzel moved the previous question. The question is, “Shall the debate now close?”

Mr. Reutzel moved for a Call of the House. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

The motion to close debate prevailed with 27 ayes, 1 nay, and 21 not voting.

### MR. CLARK PRESIDING

Mr. Burrows moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Burrows requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|          |            |        |         |        |
|----------|------------|--------|---------|--------|
| Beutler  | Fitzgerald | Keyes  | Merz    | Simon  |
| Burrows  | Fowler     | Koch   | Newell  | Wesely |
| Chambers | George     | Landis | Reutzel |        |
| Dworak   | Kennedy    | Maresh | Sieck   |        |

Voting in the negative, 21:

|            |          |          |          |        |
|------------|----------|----------|----------|--------|
| Barrett    | Cope     | Haberman | Kelly    | Powers |
| Carsten    | Cullan   | Hefner   | Labeledz | Rumery |
| Chronister | DeCamp   | Johnson  | Marvel   | Stoney |
| Clark      | Goodrich | Kahle    | Nichol   | Wagner |

Warner

Present and not voting, 1:

Venditte

Excused and not voting, 8:

|          |       |        |         |
|----------|-------|--------|---------|
| Hoagland | Lamb  | Marsh  | Pirsch  |
| Kremer   | Lewis | Murphy | Vickers |

Absent and not voting, 1:

Schmit

The Burrows amendment lost with 18 ayes, 21 nays, 1 present and not voting, 8 excused and not voting, and 1 absent and not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Beutler offered the following amendment:

On line 26, page 2 by changing "one third" to "one half".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

|          |          |        |        |        |
|----------|----------|--------|--------|--------|
| Beutler  | Fowler   | Koch   | Newell | Wesely |
| Burrows  | Goodrich | Landis | Powers |        |
| Chambers | Johnson  | Maresh | Sieck  |        |
| Dworak   | Kennedy  | Merz   | Simon  |        |

Voting in the negative, 21:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Barrett    | Cullan     | Kahle    | Nichol   | Wagner |
| Carsten    | DeCamp     | Kelly    | Rumery   |        |
| Chronister | Fitzgerald | Keyes    | Schmit   |        |
| Clark      | Haberman   | Labeledz | Stoney   |        |
| Cope       | Hefner     | Marvel   | Venditte |        |

Present and not voting, 3:

George        Reutzel        Warner

Excused and not voting, 8:

|          |       |        |         |
|----------|-------|--------|---------|
| Hoagland | Lamb  | Marsh  | Pirsch  |
| Kremer   | Lewis | Murphy | Vickers |

The Beutler amendment lost with 17 ayes, 21 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Messrs. DeCamp and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fowler offered the following amendment:

On page 2 line 26 strike "one-third" insert after the word "share" "of at least one third"

Mr. Fowler moved for a Call of the House. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Mr. Fowler requested a roll call vote on his amendment.

Voting in the affirmative, 24:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Beutler    | Fowler   | Keyes    | Merz    | Simon  |
| Burrows    | George   | Koch     | Newell  | Stoney |
| Chambers   | Goodrich | Labeledz | Powers  | Warner |
| Dworak     | Johnson  | Landis   | Reutzel | Wesely |
| Fitzgerald | Kennedy  | Mareh    | Sieck   |        |

Voting in the negative, 14:

|            |          |        |        |        |
|------------|----------|--------|--------|--------|
| Carsten    | Cope     | Hefner | Marvel | Schmit |
| Chronister | Cullan   | Kahle  | Nichol | Wagner |
| Clark      | Haberman | Kelly  | Rumery |        |

Present and not voting, 1:

Venditte

Excused and not voting, 10:

|         |          |       |        |         |
|---------|----------|-------|--------|---------|
| Barrett | Hoagland | Lamb  | Marsh  | Pirsch  |
| DeCamp  | Kremer   | Lewis | Murphy | Vickers |

The Fowler amendment lost with 24 ayes, 14 nays, 1 present and not voting, and 10 excused and not voting.

Mr. Burrows offered the following amendment:

Insert a new Sect. 4 as follows:

Sec. 4. No person or corporation shall receive benefits of more than \$2000 of state funds from this act.

Then renumber accordingly.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Burrows amendment lost with 15 ayes, 16 nays, 8 present and not voting, and 10 excused and not voting.

Mr. Nichol moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. Nichol requested a roll call vote to advance LB 918.

Voting in the affirmative, 20:

|            |        |          |        |          |
|------------|--------|----------|--------|----------|
| Barrett    | Cope   | Goodrich | Kelly  | Sieck    |
| Carsten    | Cullan | Haberman | Maresh | Stoney   |
| Chronister | DeCamp | Hefner   | Rumery | Venditte |
| Clark      | George | Kahle    | Schmit | Wagner   |

Voting in the negative, 18:

|          |            |          |          |        |
|----------|------------|----------|----------|--------|
| Beutler  | Fitzgerald | Koch     | Newell   | Simon  |
| Burrows  | Fowler     | Labeledz | Nichol   | Wesely |
| Chambers | Johnson    | Landis   | Powers   |        |
| Dworak   | Kennedy    | Marvel   | Reutzell |        |

Present and not voting, 2:

|      |        |
|------|--------|
| Merz | Warner |
|------|--------|

Excused and not voting, 8:

|          |       |        |         |
|----------|-------|--------|---------|
| Hoagland | Lamb  | Marsh  | Pirsch  |
| Kremer   | Lewis | Murphy | Vickers |

Absent and not voting, 1:

Keyes

Failed to advance to E & R for Review with 20 ayes, 18 nays, 2 present and not voting, 8 excused and not voting, and 1 absent and not voting.

## SELECT COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 896.** Placed on Select File.

**LEGISLATIVE BILL 909.** Placed on Select File.

**LEGISLATIVE BILL 673.** Placed on Select File.

**LEGISLATIVE BILL 674.** Placed on Select File.

**LEGISLATIVE BILL 649.** Placed on Select File.

**LEGISLATIVE BILL 785.** Placed on Select File as amended.  
E & R amendment to LB 785:

1. In the title, line 2, strike "section 39-6,180.01" and insert "sections 39-6,132, 39-6,180.01, and 39-6,185"; in line 3 insert ", and section 39-6,179, Revised Statutes Supplement, 1979" after "1943"; in line 4 insert "to permit an exception; to provide for shifting of load;" after the semicolon; and in line 5 strike "section" and insert "sections".

**LEGISLATIVE BILL 821.** Placed on Select File as amended.  
E & R amendment to LB 821:

1. On page 4, line 17, strike the first "to".

**LEGISLATIVE BILL 855.** Placed on Select File as amended.  
E & R amendment to LB 855:

1. In the title, line 2, strike "section 43-662" and insert "sections 43-662 and 43-666"; and in line 7 strike "section" and insert "sections, and also section 43-663, Reissue Revised Statutes of Nebraska, 1943".

**LEGISLATIVE BILL 633.** Placed on Select File as amended.  
E & R amendment to LB 633:

1. On page 20, line 13, strike the first comma.

**LEGISLATIVE BILL 709.** Placed on Select File as amended.  
E & R amendments to LB 709:

1. For correlation purposes, on page 9, line 6, insert "as amended by section 1, Legislative Bill 849, Eighty-sixth Legislature, First Session, 1980" after "1978"; strike lines 9, 10, and 19 to 22; renumber subdivisions (2) and (3) as (1) and (2); strike the stricken matter and remove underscoring in lines 15 and 17; insert "and" at the end of line 16; and in line 18 strike the semicolon and insert a period.

2. On page 9, lines 24 and 25, and in the title, lines 3 and 4, strike beginning with "section" through "and"; and on page 9, line 26, and in the title, line 5, insert "and section 81-195, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 849, Eighty-sixth Legislature, First Session, 1980" after "1979".

3. In the title, line 7, insert "to provide for continued existence;" after the semicolon.

**LEGISLATIVE BILL 873.** Placed on Select File as amended. E & R amendments to LB 873:

1. On page 2, line 10, strike the comma.

2. On page 9, line 25, strike "including" and insert "and include".

**LEGISLATIVE BILL 912.** Placed on Select File.

**Correctly Engrossed**

The following bills were correctly engrossed: 622, 680, 684, 686, and 733.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Koch asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

- 1 1. Insert a new section as follows:
- 2 "Sec. 12. Any lawyer employed to probate an estate
- 3 shall compute his or her fee at an hourly rate, unless the
- 4 basis of the fee is otherwise agreed upon by the lawyer and
- 5 the heirs of the decedent."
- 6 2. Renumber remaining sections accordingly.

Mr. George asked unanimous consent to print the following amendment to LB 705 in the Journal. No objections. So ordered.

Req. #2214

- 2 1. On page 2, line 2 strike "results" and insert
- 3 "balance sheet and the statement of revenue,
- 4 expenditures, and fund balances"; in line 5 strike "of
- 5 general circulation within", and insert "providing
- 6 coverage of any county wholly or partly included in"; in
- 7 line 6 strike "results" and insert "information"; in line
- 8 12 after "in" insert "the three" and strike "audit" and
- 9 insert "information"; and in line 14 after "from" insert
- 10 "the three".

11 2. Insert the following new sections:

12 "Sec. 2. That section 2-3220, Reissue Revised  
13 Statutes of Nebraska, 1943, be amended to read as  
14 follows:

15 2-3220. The board shall cause to be kept  
16 accurate minutes of its meetings and accurate records and  
17 books of account, conforming to approved methods of  
18 bookkeeping prescribed by the Auditor of Public Accounts,  
19 clearly setting out and reflecting the entire operation,  
20 management, and business of the district. ~~It shall be~~  
21 ~~the duty of the board to prepare and publish each month~~  
22 ~~in a newspaper or newspapers which provide general~~  
23 ~~coverage of the district, a detailed list of all~~  
24 ~~expenditures of the district for the preceding month.~~  
25 ~~Any newspaper utilized by the district shall publish such~~  
1 list of expenditures for a fee no greater than the rate  
2 provided by law for the publication of proceedings of  
3 county boards. Such publication shall set forth the  
4 amount of each claim approved, the purpose of the claim,  
5 and the name of the claimant. Such books and records  
6 shall be kept at the principal office of the district and  
7 with the county clerk of each county included within the  
8 district or at such other regularly maintained office or  
9 offices of the district as shall be designated by the  
10 board, with due regard to the convenience of the  
11 district, its customers, and electors. Such books and  
12 records shall at reasonable business hours be open to  
13 public inspection.

14 Sec. 3. That section 23-930, Reissue Revised  
15 Statutes of Nebraska, 1943, as amended by Laws 1979, LB  
16 187, section 125, be amended to read as follows:

17 23-930. A taxpayer upon whom a tax will be  
18 imposed as a result of the action of a governing body in  
19 adopting a budget statement, as herein required, may  
20 contest the validity of the budget statement so adopted  
21 by the governing body by filing a written request for  
22 review to be conducted by the Auditor of Public Accounts  
23 acting in his or her capacity as administrator of the  
24 Nebraska Budget Act, or his or her authorized  
25 representative. The request for review must be received  
26 by the Auditor of Public Accounts within fifteen days  
27 after the adoption of the budget by the governing board.  
1 The taxpayer's request for review shall be based either  
2 upon a violation of or a failure to comply with the  
3 provisions and requirements of the Nebraska Budget Act by  
4 the governing body. The taxpayer's request shall include  
5 a complete return address and shall be signed and  
6 notarized. Not later than ten working days following  
7 receipt of the taxpayer's request for review, the Auditor  
8 of Public Accounts or his or her representative, shall

9 respond in writing to the taxpayer, setting forth the  
10 auditor's initial response to the taxpayer's request and  
11 also setting forth the auditor's opinion relative to the  
12 need for additional review of the taxpayer's request by  
13 the auditor's staff. If the Auditor of Public Accounts  
14 finds that the stipulated allegations justify additional  
15 review by his or her office, the auditor shall contact  
16 the secretary of the governing body and shall conduct a  
17 review of the materials governed by the Nebraska Budget  
18 Act as that act pertains to the governing body.

19 Upon completion of the review, the Auditor of  
20 Public Accounts shall respond in writing to the taxpayer  
21 and the secretary of the governing board detailing the  
22 results of his or her review. If the Auditor of Public  
23 Account's review determines that a violation of or a  
24 failure to comply with the provisions of the Nebraska  
25 Budget Act has occurred, he or she shall advise the  
26 affected governing body and shall offer assistance in the  
27 correction of the violations of the Nebraska Budget Act,  
1 and shall inform the taxpayer of his or her efforts. If  
2 the Auditor of Public Account's efforts do not appear  
3 just to the taxpayer, he or she may file an action in the  
4 district court of the county in which the governing body  
5 is situated.

6 Such action shall be based either upon a  
7 violation of or a failure to comply with the provisions  
8 and requirements of this act by the governing body. In  
9 response to such action the governing body shall be  
10 required to show cause why the budget statement should  
11 not be ordered set aside, modified, or changed. The  
12 action herein authorized shall be tried to the court  
13 without a jury and the same shall be given priority by  
14 the district court over other pending civil litigation,  
15 and by the Supreme Court on appeal, to the extent  
16 possible and feasible to expedite a decision therein.  
17 Such action shall be filed within thirty days after the  
18 adopted budget statement is required to be filed by the  
19 governing body with the levying board. If the court  
20 finds that the governing body has violated or failed to  
21 comply with the requirements of this act, the court  
22 shall, in whole or in part, set aside, modify, or change  
23 the adopted budget statement or tax levy as the justice  
24 of the case may require.

25 The remedy provided hereby shall not be exclusive  
26 but shall be in addition to any other remedy provided by  
27 law.

1 Sec. 7. That original sections 2-3220, Reissue  
2 Revised Statutes of Nebraska, 1943, and section 23-930,  
3 Reissue Revised Statutes of Nebraska, 1943, as amended by  
4 Laws 1979, LB 187, section 125, are repealed."

- 5 3. Insert underscoring to the bill.  
6 4. Renumber remaining sections accordingly.

Mr. Kelly asked unanimous consent to print the following amendment to LB 847 in the Journal. No objections. So ordered.

- 1 1. On page 7, line 20, strike "and of the", show  
2 as stricken, and strike "department".  
3 2. On page 10, in line 11, after "department"  
4 insert ", based upon dates provided by the board,".  
5 3. On page 16, line 4 before "Upon" insert "(1)"; in  
6 line 7 before "or" insert "the board shall make a prelimin-  
7 ary investigation of the charges contained in the complaint.  
8 If, after such investigation, it is determined that grounds  
9 may exist for disciplinary action, the person named in such  
10 complaint shall be notified thereof, be furnished a copy of  
11 the complaint, and be allowed ten days within which to file  
12 a written answer thereto. Following receipt of such answer,  
13 the board may either dismiss the charges or refer the com-  
14 plaint to the department for a hearing, along with a report  
15 setting forth the board's findings and conclusions.  
16 (2) Upon a complaint being referred to the depart-  
17 ment by the board pursuant to subsection (1) of this section".

Mr. Keyes asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

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

Section 1. (1) The maximum amount of any ad valorem tax on real property during the fiscal year of 1980-81 shall not exceed two percent of the actual value of such property. For each fiscal year thereafter, the maximum amount of any ad valorem tax on real property shall not exceed one and one half percent of the actual value of such property. The tax shall be collected by the counties and apportioned according to law to the political subdivisions within the counties.

(2) The limitation provided for in subsection (1) of this section shall not apply to ad valorem taxes or special assessment to pay the interest and redemption charges on any indebtedness approved by the voters prior to the time this section becomes effective.

Section 2. The actual value may reflect from year to year the inflationary rate not to exceed two percent for any given year or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction.

Section 3. Any political subdivision with taxing authority, by a two-thirds vote of the qualified electors of such subdivision, may impose special taxes on such subdivision, except ad valorem taxes on real property within such political subdivision.

Section 4. That sections 77-3412 through 77-3431 R.R.S. of Nebraska 1943, 1979 Supp. are repealed.

**STANDING COMMITTEE REPORT**  
**Judiciary**

**LEGISLATIVE BILL 991.** Placed on General File as amended. Standing Committee amendments to LB 991:

1. On page 2, strike line 5; strike beginning with "compounding" in line 6 through "concealing," in line 8; and strike lines 13 through 27.

2. On page 3, strike lines 1 through 3; in line 4 strike "(6)" and insert "(1)"; in line 8 strike "(7)" and insert "(2)"; strike lines 11 through 19; in line 20 strike "(11)" and insert "(3)"; and in line 24 strike "(12)" and insert "(4)".

3. On page 6, strike beginning with "plant" in lines 10 and 22 through "harvest," in lines 11 and 23; strike beginning with "compound" in lines 11 and 23 through "conceal," in lines 13 and 25; and in line 17 strike "a Class IIIA misdemeanor" and insert "an infraction".

4. On page 9, lines 12, 19, and 23 strike "and", and show as stricken; and in lines 12, 20, and 23 after "(c)" insert ", and (f)".

(Signed) William E. Nichol, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

Req. 2217

- 2 1. Strike the original sections and insert the
- 3 following new sections:
- 4 "Section 1. As used in this act, unless the
- 5 context otherwise requires:
- 6 (1) Controlled substance shall mean a narcotic
- 7 drug, as defined in section 28-401; and
- 8 (2) Drug paraphernalia shall mean any machine,
- 9 instrument, tool, equipment, or device which is primarily
- 10 adapted, designed, or commonly used for one or more of
- 11 the following:
- 12 (a) To introduce into the human body any
- 13 controlled substance under circumstances in violation of
- 14 the laws of this state;
- 15 (b) To enhance the effect on the human body of
- 16 any controlled substance under circumstances in violation
- 17 of the laws of this state;
- 18 (c) To conceal any quantity of any controlled

19 substance under circumstances in violation of the laws of  
20 this state; or

21 (d) To test the strength, effectiveness, or  
22 purity of any controlled substance under circumstances in  
23 violation of the laws of this state.

24 Sec. 2. (1) In determining whether an object is  
25 drug paraphernalia, a court, in its discretion, may  
1 consider, in addition to all other relevant factors, the  
2 following:

3 (a) Statements by an owner or by anyone in  
4 control of the object concerning its use;

5 (b) The proximity of the object to controlled  
6 substances;

7 (c) The existence of any residue of controlled  
8 substances on the object;

9 (d) Direct or circumstantial evidence of the  
10 intent of an owner, or of anyone in control of the  
11 object, to deliver it to persons who he or she knows  
12 intend to use the object to facilitate a violation of  
13 Chapter 28, article 4. The innocence of an owner, or of  
14 anyone in control of the object, as to a direct violation  
15 of Chapter 28, article 4 shall not prevent a finding that  
16 the object is intended for use or designed for use as  
17 drug paraphernalia;

18 (e) Instructions, oral or written, provided with  
19 the object concerning its use;

20 (f) Descriptive materials accompanying the object  
21 which explain or depict its use;

22 (g) National or local advertising concerning its  
23 use;

24 (h) The manner in which the object is displayed  
25 for sale;

26 (i) Whether the owner, or anyone in control of  
27 the object, is a legitimate supplier of like or related  
1 items to the community, such as an authorized distributor  
2 or dealer of tobacco products;

3 (j) The existence and scope of legitimate uses  
4 for the object in the community; and

5 (k) Expert testimony concerning its use.

6 (2) In the event a case brought pursuant to this  
7 act is tried before a jury, the court shall hold an  
8 evidentiary hearing on issues raised pursuant to this  
9 section. Such hearing shall be conducted in camera.

10 Sec. 3. (1) A person commits possession of drug  
11 paraphernalia if he or she possesses drug paraphernalia  
12 and intends to use the drug paraphernalia under  
13 circumstances in violation of the laws of this state.

14 (2) Any person who commits possession of drug  
15 paraphernalia commits an infraction and, upon conviction  
16 thereof, shall be punished by a fine of not more than one

17 hundred dollars.

18 Sec. 4. Any person who sells or delivers,  
 19 possesses with intent to sell or deliver, or manufactures  
 20 with intent to sell or deliver equipment, products, or  
 21 materials knowing that such equipment, products, or  
 22 materials will be used as drug paraphernalia shall be  
 23 guilty of a Class II misdemeanor.

24 Sec. 5. Any person who places an advertisement  
 25 in any newspaper, magazine, handbill, or other  
 26 publication and who knows that the purpose of the  
 27 advertisement, in whole or in part, is to promote the  
 1 sale of equipment, products, or materials designed or  
 2 intended for use as drug paraphernalia shall be guilty of  
 3 a Class II misdemeanor.”.

Mr. Maresh asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

(1)

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2201.)

(2)

Req. #2220

- 2 1. Strike the original sections and all
- 3 amendments thereto.
- 4 2. Insert new sections as follows:
- 5 "Section 1. That section 66-410, Revised
- 6 Statutes Supplement, 1979, be amended to read as follows:
- 7 66-410. At the time of filing the statement,
- 8 required by section 66-409, such dealer shall, in
- 9 addition to the other taxes provided for by law, pay a
- 10 tax of ~~ten~~ twelve and one half cents per gallon upon all
- 11 motor vehicle fuels as shown by such statement.
- 12 Effective January 1, 1978, gasoline sold in Nebraska
- 13 which contains a minimum of ten per cent blend of an
- 14 agricultural ethyl alcohol whose purity shall be at least
- 15 ninety-nine per cent alcohol shall be subject to a state
- 16 motor fuel tax which is five cents per gallon less than
- 17 gasoline which does not contain such a blend, except that
- 18 commencing July 1, 1982, such five cent per gallon
- 19 reduction shall apply only to such a blend which contains
- 20 agricultural ethyl alcohol produced in the State of
- 21 Nebraska by an alcohol plant in operation or under
- 22 construction prior to July 1, 1982. When the sale in
- 23 Nebraska of gasoline containing such a blend exceeds
- 24 twenty million gallons per year, an adjustment in the tax
- 25 may be considered by the Legislature. Such dealers shall
- 1 remit such tax to the Tax Commissioner.
- 2 Sec. 2. That section 66-428, Revised Statutes

3 Supplement, 1979, be amended to read as follows:  
 4 66-428. There is hereby levied and imposed an  
 5 excise tax of ~~ten~~ twelve and one half cents per gallon  
 6 upon the use of all motor vehicle fuels, as defined by  
 7 section 66-401, used in this state, and due the State of  
 8 Nebraska under the provisions of section 66-410 or  
 9 Chapter 66, article 6; Provided, that such excise tax  
 10 after June 1, 1979 shall be five and one half cents per  
 11 gallon on motor fuel containing a minimum of ten per cent  
 12 blend of agricultural ethyl alcohol whose purity shall be  
 13 at least ninety-nine per cent alcohol, and ~~ten~~ twelve and  
 14 one half cents per gallon on gasoline which does not  
 15 contain such a blend. Users of motor vehicle fuels  
 16 subject to taxation under this section shall be allowed  
 17 the same exemptions, deductions, and rights of  
 18 reimbursement as are authorized and permitted by sections  
 19 66-413 and 66-414. For purposes of this section and  
 20 section 66-429, use shall mean the purchase or  
 21 consumption of motor vehicle fuels in this state.

22 Sec. 3. That section 66-605, Revised Statutes  
 23 Supplement, 1979, be amended to read as follows:

24 66-605. There is hereby levied and imposed an  
 25 excise tax of ~~ten~~ twelve and one half cents per gallon on  
 26 the use, within the meaning of the word use as defined in  
 27 subdivision (5) of section 66-602, of special fuel in any  
 1 motor vehicle as defined in subdivision (7) of section  
 2 66-602. The tax, with respect to all special fuel  
 3 delivered by a special fuel dealer into supply tanks of  
 4 motor vehicles in this state, shall attach at the time of  
 5 such delivery and shall be collected by such dealer and  
 6 be paid over to the motor fuel tax administrator as  
 7 provided by sections 66-601 to 66-640.

8 Sec. 4. This act shall become operative on  
 9 October 1, 1980.

10 Sec. 5. That original sections 66-410, 66-428,  
 11 and 66-605, Revised Statutes Supplement, 1979, are  
 12 repealed.”.

13 3. In the title, line 3 strike “1978” and insert  
 14 “1979”.

### MOTION - Place LB 746 on General File

Mr. DeCamp and Mrs. Labeledz moved to place LB 746 on General File notwithstanding the actions of the committee, pursuant to Rule 3, Section 12.

Motion pending

**VISITORS**

Visitors to the Chamber were Mrs. Lynn Thomas, Kearney; Charlotte and Earl Pace, Harry Wieckel, and Ken Stenberg; and Sherman Hirsch, Arthur.

**ADJOURNMENT**

At 4:01 p.m., on a motion by Mr. Reutzel, the Legislature adjourned until 9:00 a.m., Thursday, March 13, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SECOND DAY - MARCH 13, 1980**  
**LEGISLATIVE JOURNAL**

**FORTY-SECOND DAY - MARCH 13, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 13, 1980

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

**PRAYER**

The prayer was offered by the Chaplain.

O God, make the door of this house wide enough to receive all who need human love and fellowship, narrow enough to shut out all envy, pride and strife.

Make its threshold smooth enough to be no stumbling block to those who seek the welfare of their fellows, but rugged and strong enough to turn back all who would do them ill.

O God, make the door of this house to be the gateway to some small part at least of your eternal kingdom. Amen.

**ROLL CALL**

The roll was called and all members were present except Mesdames Marsh and Pirsch who were excused; and Messrs. Fowler, Keyes, Koch, Lewis, Murphy, and Newell who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Forty-First Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 632.** Placed on Select File as amended.  
E & R amendments to LB 632:

1. In committee amendments, page 16, line 6, strike the comma.
2. In committee amendments, page 20, line 12, strike "need to" and insert "shall"; and in line 14 strike the comma.
3. In committee amendments, page 22, line 18, insert

“as” after “pallets”.

4. In committee amendments, page 26, line 7, strike the comma.

5. In committee amendments, page 27, line 13, page 28, lines 4 and 25, page 29, line 18, page 30, lines 10, 12, and 16, and page 31, lines 7 and 14, insert an underscored comma after “January”.

6. In committee amendments, page 27, line 19, strike the comma.

7. In committee amendments, page 28, line 25, insert an underscored comma after “1980”.

8. In committee amendments, page 32, line 24, strike “hereunder” and insert “under this section”.

9. In committee amendments, page 47, line 17, insert “81-263.118,” before “and”; and in line 22 insert a comma after the last figure.

10. In the title, line 2, insert “relating to milk;” after “ACT” and after “Law” insert “and the Nebraska Manufacturing Milk Act”; in line 7 strike “and to repeal” and insert “to amend sections 81-263.88 to 81-263.91, 81-263.94 to 81-263.101, 81-263.106 to 81-263.111, 81-263.114, 81-263.116, 81-263.118, and 81-263.119 to 81-263.121, Reissue Revised Statutes of Nebraska, 1943, and section 81-263.122, Revised Statutes Supplement, 1978, and to repeal the original sections and also sections”; and at the end of line 9 insert “81-263.87, 81-263.92, 81-263.93, 81-263.102 to 81-263.105, 81-263.112, 81-263.113, 81-263.115, 81-263.123,”.

**LEGISLATIVE BILL 632A.** Placed on Select File.

**LEGISLATIVE BILL 651.** Placed on Select File as amended. E & R amendments to LB 651:

1. On page 4, line 22, insert an underscored comma after “section”.

2. In the title, line 4, insert “to make a suspension permissive rather than mandatory;” after the semicolon.

**LEGISLATIVE BILL 794.** Placed on Select File as amended. E & R amendment to LB 794:

1. In the title, insert “and” at the end of line 2; in line 3 strike “and 83-915,”; and strike beginning with “to” in line 11 through the semicolon in line 12.

**LEGISLATIVE BILL 843.** Placed on Select File as amended. E & R amendments to LB 843:

1. On page 7, line 4, strike “their” and insert “its”.

2. In the title, line 3, strike "3-106," and "70-625,,"; and strike beginning with "to" in line 5 through the semicolon in line 6.

**LEGISLATIVE BILL 844.** Placed on Select File as amended. E & R amendments to LB 844:

1. On page 2, line 8, strike "sections" and insert "section"; and in line 9, strike "and" and insert "or".

2. On page 3, line 4, strike "now".

**LEGISLATIVE BILL 908.** Placed on Select File.

**LEGISLATIVE BILL 924.** Placed on Select File as amended. E & R amendment to LB 924:

1. In the title, strike lines 3 and 4 and insert "23-1901 and 39-1506, Reissue Revised Statutes of Nebraska, 1943, and".

**LEGISLATIVE BILL 989.** Placed on Select File as amended. E & R amendments to LB 989:

1. On page 2, line 16, strike "provisions" and insert "provision".

2. On page 3, line 17, strike ". However," and insert ", but".

### Correctly Enrolled

The following bills were correctly enrolled: 693, 94, and 655.

(Signed) Don Wesely, Chairperson

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LB 693, 94, 655, LR 200, 206, 208, 209, 210, and 212.

### STANDING COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 983.** Placed on General File as amended. Standing Committee amendment to LB 983:

1. Strike original sections 2 to 11 and insert the following new section:

"Sec. 2. That original section 76-214, Reissue Revised Statutes of Nebraska, 1943, is repealed."

**LEGISLATIVE BILL 711.** Indefinitely postponed.  
**LEGISLATIVE BILL 716.** Indefinitely postponed.  
**LEGISLATIVE BILL 787.** Indefinitely postponed.  
**LEGISLATIVE BILL 880.** Indefinitely postponed.  
**LEGISLATIVE BILL 911.** Indefinitely postponed.  
**LEGISLATIVE BILL 977.** Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

### ATTORNEY GENERAL'S OPINION

Opinion No. 249  
March 11, 1980

Dear Senator Wesely:

By your letter dated February 27, 1980, you have requested the opinion of this office regarding the constitutionality of LB 990. Specifically, your concern is whether the rule-making authority contained in this bill is an unconstitutional delegation of authority on the part of the Legislature.

LB 990 provides for the adoption of the Nebraska Lighting and Thermal Efficiency Act. Section 5 of this act requires the State Energy Office to adopt standards imposing requirements for lighting and thermal design. The bill requires each standard to be:

“. . . reasonably consistent with a standard published by one or more of the following: The International Conference of Building Officials, the National Bureau of Standards, the United States Department of Energy, the Council of American Building Officials, the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, Incorporated, or the National Conference of States on Building Code and Standards, Incorporated.”

Section 5 further requires these standards be taken in context and be internally consistent, as well as:

“. . . consistent with all national energy conservation goals established by the President of the United States by executive order and all National Energy Conservation goals established by act of Congress.”

The stated purpose of these standards is to prevent the unnecessary wasting of energy, without unreasonably increasing construction costs. The standards and any amendments thereto are to be adopted pursuant to Chapter 84, Article 9.

Section 20 of this act makes failure to comply with these standards a Class IV misdemeanor.

The Legislature clearly has the power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or to provide for the complete operation and enforcement of a law within designated limitations. However, the limitations of the power granted and the standards by which the granted powers are to be administered must be clearly and definitely stated in the authorizing act. See, Gillette Dairy Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 100, 219 N.W.2d 214 (1974), and Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 780-81, 104 N.W.2d 227 (1960). In LB 990, the Legislature has not clearly defined the limits within which the Nebraska Energy Office (NEO) must act. There are seven different organizations from whose standards the NEO may select its standards. Internal consistency, as well as consistency with national energy conservation goals is required; but nowhere are these goals defined. There is a broadly stated purpose, but no indication of what standards the NEO must select in relation to that purpose. Despite these attempts to limit and define the delegation of authority in LB 990, it remains vague and overbroad.

In Lincoln Dairy Co. v. Finigan, *supra*, a very similar delegation of authority was struck as unconstitutional. In that case, the Legislature purported to grant authority to the Director of the Nebraska Department of Agriculture and Inspection to make regulations which complied generally with the described milk ordinance and code, and further provided that a violation of such regulations constituted a criminal offense with a fixed penalty. The court stated that the effect of that broad delegation of authority was to permit the director to create criminal offenses, inasmuch as the director was empowered to arbitrarily promulgate any regulations he chose if they complied generally with the milk ordinance and code. This, the court emphasized, violated all fundamental concepts relating to the delegation of legislative authority. The power to define crimes and criminal offenses clearly rests in the Legislature and may not be delegated to an administrative agency.

The court, in Lincoln Dairy, *supra*, stressed that:

“The public has a right to know what acts constitute crimes in this state and the punishments provided therefor. They may properly assume that crimes and punishment are purely a legislative function and that the definition of all crimes and the punishment therefor will be found in the duly enacted statutes of this state. . . .”

The court noted that it was not holding:

“ . . . that the Legislature may not adopt a law or regulation of another jurisdiction by reference. It may even adopt such except insofar as it is not in conflict with existing laws of this state. But

it may not adopt by reference only to the extent that an administrative agency or officer shall see fit to adopt it. To so do is to delegate to the administrative agency or officer the determination of matters which are legislative and, consequently, for the determination of the Legislature." Id. at 784.

Under the provisions of LB 990, the Nebraska Energy Office, an administrative agency, is empowered to promulgate any standards it desires as long as they are taken in context and "reasonably consistent" with the standards of any of seven different organizations. This is impermissible. As the court made clear in Lincoln Dairy, the Legislature may adopt laws or regulations by reference. But, the Legislature may not adopt laws by reference only to the extent an administrative agency sees fit to adopt them. It is therefore, our opinion that the rule (or standard) making authority contained within LB 990 is an unconstitutional and impermissible delegation of authority by the Legislature. (To the same effect is an opinion of this office dated September 17, 1979.)

Sincerely,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Linda A. Akers  
Assistant Attorney General

LAA/cmb

cc: Patrick J. O'Donnell  
Clerk of the Legislature

### APPRECIATION

Received note of appreciation from the William J. Froelich family on the adoption of LR 201.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 213.** Read. Considered.

LR 213 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 214.** Read. Considered.

LR 214 was adopted with 29 ayes, 0 nays, and 20 not voting.

**LEGISLATIVE RESOLUTION 215.** Read. Considered.

LR 215 was adopted with 28 ayes, 0 nays, and 21 not voting.

**MOTION - Return LB 958 to Select File**

Mr. Simon moved to return LB 958 to Select File for the following specific amendment:

(Final Reading Copy)

- 1 1. On page 7 strike beginning with "board"
- 2 in line 19 through "make" in line 20, show the old matter
- 3 as stricken, and insert "department, upon recommendation
- 4 of the board, shall promulgate"; and in line 23 after the
- 5 period insert "The department shall be guided by the recom-
- 6 mendations of the board in all areas relating to profes-
- 7 sional competency under sections 71-3801 to 71-3831."
- 8 2. Insert the following new section:
- 9 "Sec. 24. This act shall not be construed so
- 10 as to affect the review of the State Board of Examiners
- 11 of Psychologists as provided under section 81-197, Revised
- 12 Statutes Supplement, 1978."
- 13 3. Renumber remaining sections accordingly.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Simon withdrew his motion.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kelly asked unanimous consent to print the following amendment to LB 847 in the Journal. No objections. So ordered.

- 1 1. On page 7, line 20, strike "and of the",
- 2 show as stricken, and strike "department".
- 3 2. On page 10, in line 11, after "department"
- 4 insert "based upon dates provided by the board.".
- 5 3. On page 16, line 9 after the comma insert
- 6 "the department shall make a preliminary investigation
- 7 of the allegations contained in the complaint. After
- 8 the investigation by the department an opportunity
- 9 shall be provided to the board to conduct a preliminary
- 10 investigational voluntary conference to determine if
- 11 grounds may exist for disciplinary action. Following
- 12 any such voluntary conference the board shall inform
- 13 the department of its findings and conclusions. If the
- 14 department determines that grounds may exist for disci-
- 15 plinary action, the department shall submit its findings
- 16 to the Attorney General for appropriate action. Upon
- 17 charges being filed by the Attorney General".

**STANDING COMMITTEE REPORTS**  
**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 746.** Indefinitely postponed.  
**LEGISLATIVE BILL 812.** Indefinitely postponed.  
**LEGISLATIVE BILL 921.** Indefinitely postponed.  
**LEGISLATIVE BILL 935.** Indefinitely postponed.  
**LEGISLATIVE BILL 952.** Indefinitely postponed.

(Signed) Orval A. Keyes, Chairperson

**MESSAGE FROM THE GOVERNOR**

March 13, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 496, 496A, 703, and 742, as well as Reengrossed Legislative Bill 621.

These bills were signed by me on March 13, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**UNANIMOUS CONSENT - Member Excused**

Mr. Rumery asked unanimous consent to be excused at 11:45 a.m. until 1:30 p.m. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 958.**

A BILL FOR AN ACT to amend sections 71-121.01, 71-3801, 71-3803, 71-3806, 71-3807, 71-3812 to 71-3814, 71-3816, 71-3817, 71-3819 to 71-3821, 71-3824, 71-3828, and 71-3830, Reissue Revised

Statutes of Nebraska, 1943, and sections 71-3808, 71-3818, 71-3822, 71-3823, 71-3832, 71-3833, 71-3835, and 71-3836, Revised Statutes Supplement, 1978, relating to professional and occupational licenses; to change provisions relating to the licensing of psychologists as prescribed; to change the duties of the Department of Health, the Director of Health, and the State Board of Examiners of Psychologists as prescribed; to make the Bureau of Examining Boards responsible for administration of the activities of the State Board of Examiners of Psychologists; 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, 36:

|            |            |         |          |         |
|------------|------------|---------|----------|---------|
| Beutler    | Fitzgerald | Kahle   | Merz     | Vickers |
| Carsten    | Fowler     | Kelly   | Nichol   | Wagner  |
| Chambers   | George     | Kennedy | Powers   | Warner  |
| Chronister | Goodrich   | Kremer  | Reutzel  | Wesely  |
| Clark      | Haberman   | Labedz  | Rumery   |         |
| Cullan     | Hefner     | Lamb    | Simon    |         |
| DeCamp     | Hoagland   | Maresh  | Stoney   |         |
| Dworak     | Johnson    | Marvel  | Venditte |         |

Voting in the negative, 4:

|      |        |        |       |
|------|--------|--------|-------|
| Cope | Landis | Newell | Sieck |
|------|--------|--------|-------|

Present and not voting, 4:

|         |         |       |        |
|---------|---------|-------|--------|
| Barrett | Burrows | Keyes | Schmit |
|---------|---------|-------|--------|

Excused and not voting, 5:

|      |       |       |        |        |
|------|-------|-------|--------|--------|
| Koch | Lewis | Marsh | Murphy | Pirsch |
|------|-------|-------|--------|--------|

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

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 958A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 958, Eighty-sixth Legislature, Second Session, 1980.

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

Voting in the affirmative, 37:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Beutler    | Dworak     | Kahle    | Marvel  | Venditte |
| Burrows    | Fitzgerald | Kelly    | Nichol  | Vickers  |
| Carsten    | George     | Kennedy  | Powers  | Wagner   |
| Chambers   | Goodrich   | Kremer   | Reutzel | Warner   |
| Chronister | Haberman   | Labeledz | Rumery  | Wesely   |
| Clark      | Hefner     | Lamb     | Sieck   |          |
| Cullan     | Hoagland   | Landis   | Simon   |          |
| DeCamp     | Johnson    | Maresh   | Stoney  |          |

Voting in the negative, 1:

Newell

Present and not voting, 6:

|         |        |        |
|---------|--------|--------|
| Barrett | Fowler | Merz   |
| Cope    | Keyes  | Schmit |

Excused and not voting, 5:

|      |       |       |        |        |
|------|-------|-------|--------|--------|
| Koch | Lewis | Marsh | Murphy | Pirsch |
|------|-------|-------|--------|--------|

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

**LEGISLATIVE BILL 619.** Mr. Newell asked unanimous consent to have LB 619 laid over.

Mr. Reutzel objected.

Mr. Newell moved to bracket LB 619 until Tuesday, March 18, 1980.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Newell motion prevailed with 20 ayes, 15 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 793.**

A BILL FOR AN ACT to amend section 21-17,120.01, Revised Statutes Supplement, 1979, relating to credit unions; to provide the same advantages as a federal credit union; 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, 42:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | DeCamp     | Johnson  | Maresh  | Simon   |
| Beutler    | Dworak     | Kahle    | Marvel  | Stoney  |
| Burrows    | Fitzgerald | Kelly    | Merz    | Vickers |
| Carsten    | Fowler     | Kennedy  | Newell  | Wagner  |
| Chambers   | George     | Keyes    | Nichol  | Warner  |
| Chronister | Goodrich   | Kremer   | Powers  | Wesely  |
| Clark      | Haberman   | Labeledz | Reutzel |         |
| Cope       | Hefner     | Lamb     | Rumery  |         |
| Cullan     | Hoagland   | Landis   | Sieck   |         |

Voting in the negative, 0.

Present and not voting, 2:

Schmit      Venditte

Excused and not voting, 5:

Koch              Lewis              Marsh              Murphy              Pirsch

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

Mr. Reutzel asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 801. With Emergency.**

A BILL FOR AN ACT to amend sections 23-343.75, 23-343.93, and 23-343.99, Reissue Revised Statutes of Nebraska, 1943, relating to the Hospital Authorities Act; to restate legislative intent; to change duties as prescribed; to change provisions for the issuance of bonds; 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, 39:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | DeCamp     | Kahle    | Maresh | Simon    |
| Burrows    | Dworak     | Kelly    | Marvel | Stoney   |
| Carsten    | Fitzgerald | Kennedy  | Merz   | Venditte |
| Chambers   | George     | Keyes    | Newell | Vickers  |
| Chronister | Goodrich   | Kremer   | Nichol | Wagner   |
| Clark      | Haberman   | Labeledz | Powers | Warner   |
| Cope       | Hefner     | Lamb     | Rumery | Wesely   |
| Cullan     | Johnson    | Landis   | Sieck  |          |

Voting in the negative, 1:

Beutler

Present and not voting, 3:

Fowler Hoagland Schmit

Excused and not voting, 6:

Koch Marsh Pirsch  
 Lewis Murphy Reutzel

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

**GENERAL FILE**

**LEGISLATIVE BILL 889.** Title read. Considered.

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

**LEGISLATIVE BILL 696.** Title read. Considered.

Standing Committee amendments (1), (2), (3) found in the Journal on page 924 for the Thirty-Third Day and (4) (Req. #2142) and (5) (Req. #2143) printed separate were considered.

Standing Committee amendment (2) was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Standing Committee amendment (3) was adopted with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

Standing Committee amendment (5) (Req. #2143) was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

#### MR. CLARK PRESIDING

Mr. DeCamp offered the following amendment to Standing Committee amendment (4) (Req. #2142):

To amend the Committee Amendment Req 2142 (Comm. Amendment #4) P 9 line 3 strike six and insert 10.

The DeCamp amendment was adopted with 24 ayes, 3 nays, 17 present and not voting, and 5 excused and not voting.

Standing Committee amendment (4), as amended, was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Standing Committee amendment (1) was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

#### (FINAL READING COPY)

Req. #2219

- 3 1. On page 3, line 17 after “of” insert
- 4 “sections 1 to 29 of”.
- 5 2. Insert new sections as follows:
- 6 “Sec. 31. That section 77-603, Revised Statutes
- 7 Supplement, 1979, be amended to read as follows:
- 8 77-603. On or before April 1 each year, the
- 9 person, company, or corporation owning, operating, or
- 10 controlling any railroad or railroad service in this
- 11 state, shall, by its president, secretary, principal
- 12 accounting officer, or duly authorized corporate
- 13 representative or official, return to the State Board of

14 Equalization and Assessment a sworn statement or schedule  
 15 of the property of such company on January 1 preceding,  
 16 as follows:

17 (1) A list of the right-of-way, track and  
 18 roadbed, giving the entire length of the main track ~~and~~  
 19 ~~side-track~~ in this and other states, and showing as to  
 20 this state the portion in each governmental subdivision;

21 (2) A complete list giving size, location as to  
 22 governmental subdivision, material and value of all  
 23 depots, station houses, machine shops, stockyards,  
 24 scales, or other buildings situated wholly or in part on  
 25 the right-of-way, together with all platforms, fuel and  
 1 water stations, and the machinery and tanks connected  
 2 therewith;

3 (3) A list showing the number of ties in track  
 4 per mile, and weight of iron or steel rails per yard,  
 5 used in the main or side track, what joints or chairs are  
 6 used in track, kind of ballasting, length of time iron or  
 7 steel has been used, and what length of time the road has  
 8 been built;

9 (4) A full list of the rolling stock belonging to  
 10 or operated by such road, which shall distinctly set  
 11 forth the number, class, and value of all locomotives,  
 12 passenger cars, dining cars, express cars, mail cars,  
 13 baggage cars, grain cars, box cars, horse cars, cattle  
 14 cars, coal cars, flat cars, wrecking cars, pay cars, and  
 15 all other kinds of cars owned or used by such company,  
 16 whether within or without the State of Nebraska, together  
 17 with a statement of the number of miles traveled by each  
 18 of the classes of cars over the line of such company  
 19 within the State of Nebraska and without the State of  
 20 Nebraska, separately during the preceding year ending  
 21 December 31;

22 (5) A statement of schedule showing: (a) The  
 23 amount of capital stock authorized and the number of  
 24 shares into which such capital stock is divided; (b) the  
 25 amount of capital stock paid up; (c) the market value of  
 26 the stock, or, if of no market value, then the true value  
 27 of the shares of stock; (d) the total amount of all  
 1 secured and unsecured indebtedness, except for current  
 2 expenses of operating the road; and (e) the location and  
 3 actual valuation of all its real estate and personal  
 4 property in this state that is locally assessed. Such  
 5 schedule shall be made in conformity with such  
 6 instructions and forms as may be prescribed by the State  
 7 Board of Equalization and Assessment, which values shall  
 8 be taken into account and be considered in arriving at  
 9 the true value of such railroad property and its  
 10 franchises;

11 (6) A correct return of the value of all tools

12 and materials used for repairs and of all other personal  
13 property in the State of Nebraska, together with such  
14 other information as the State Board of Equalization and  
15 Assessment may require;

16 (7) A true statement of all bridges, showing  
17 where located as to governmental subdivisions, the true  
18 value thereof, kind and material, the length, width, and  
19 height of such structure; and

20 (8) The total gross earnings and net earnings of  
21 such corporation during the year for which the statement  
22 is made, and the total amount expended in the operation  
23 and maintenance of the property and the improvements to  
24 such property, distinguishing that expended in  
25 improvement or betterment from that expended in  
26 maintenance and operation; also the dividend last  
27 declared upon its shares and the amount thereof, and the  
1 date, number, and amount of all dividends declared upon  
2 its stock during the year preceding the date of such  
3 report, and such other information as the state board may  
4 in writing require, all of which shall be taken into  
5 consideration in ascertaining and fixing the value of  
6 such road and the franchise thereof.

7 Sec. 32. That section 77-604, Revised Statutes  
8 Supplement, 1979, be amended to read as follows:

9 77-604. The returns of railroad companies or  
10 corporations shall not be held to be conclusive as to the  
11 value of the property, but the State Board of  
12 Equalization and Assessment shall, from all the  
13 information which it is able to obtain, including records  
14 of the Public Service Commission or other regulatory  
15 body, find the true value of all such property, including  
16 tangible property and franchises, and shall assess the  
17 same on the same basis as other property is required to  
18 be assessed. The valuation of each mile shall be  
19 determined by dividing the whole value by the number of  
20 miles of the main track of each road or line. of main  
21 ~~line track and side track shall be distributed by the~~  
22 ~~state board based on a formula in which the value per~~  
23 ~~mile of side track shall equal the value of the line~~  
24 ~~divided by the following quantity: The number of miles~~  
25 ~~of side track plus two times the number of miles of main~~  
26 ~~track. The value per mile of main track shall equal~~  
27 ~~twice the value per mile of said track as computed in~~  
1 ~~this section. In taxing jurisdictions where two or more~~  
2 ~~main tracks of the same railroad company intersect, the~~  
3 ~~State Board of Equalization and Assessment shall allocate~~  
4 ~~the said track within such taxing jurisdiction to the~~  
5 ~~intersecting main tracks on a basis proportionate with~~  
6 ~~the density factors determined for the intersecting main~~  
7 ~~tracks. For the purposes of Chapter 77, article 6, the~~

8 ~~reference to side track shall include all track not~~  
 9 ~~properly designated as main track and shall include, but~~  
 10 ~~not be limited to, passing track, yard track, and track~~  
 11 ~~within terminals. Main track shall be defined as that~~  
 12 ~~track over which regularly scheduled railroad operations~~  
 13 ~~are conducted. Density factor shall be determined by~~  
 14 ~~ton miles traveled over a route, measured by the number~~  
 15 ~~of tons of revenue freight moved one mile.~~

16 Sec. 33. That section 77-606, Revised Statutes  
 17 Supplement, 1979, be amended to read as follows:  
 18 77-606. Any railroad company operating any road  
 19 within the State of Nebraska shall, on or before April 1  
 20 of each year, report to the county assessor, or the  
 21 county clerk where he or she is ex officio county  
 22 assessor, of each county through which its track runs,  
 23 the number of miles of main track ~~and side track~~ situated  
 24 within each governmental subdivision in the county as of  
 25 January 1, together with all real and personal property  
 26 belonging to such railroad company which is not subject  
 27 to assessment and assessed by the State Board of

1 Equalization and Assessment under section 77-602.  
 2 Sec. 34. That section 77-621, Revised Statutes  
 3 Supplement, 1979, be amended to read as follows:  
 4 77-621. The return by the State Board of  
 5 Equalization and Assessment to the county clerks shall  
 6 include the following:

- 7 (1) The number of miles of ~~main track and side~~  
 8 ~~track~~ of each railroad located in each governmental  
 9 ~~subdivision in the county and the total length of main~~  
 10 ~~track and side such track~~ in the county;
- 11 (2) The assessed valuation per mile of such ~~main~~  
 12 ~~track and side track~~;
- 13 (3) The valuations that shall be placed to the  
 14 credit of such governmental subdivision in the county.”.

15 3. On page 16, line 7 strike “section 74-1320”  
 16 and insert “sections 74-1320, 77-603, 77-604, 77-606, and  
 17 77-621”; and in line 8 strike “is” and insert “are”.

18 4. Renumber remaining sections accordingly.  
 19 5. In the title line 6 after the semicolon  
 20 insert “to change provisions relating to valuation;”,  
 21 strike “section” and insert “sections”; in line 7 after  
 22 “74-1320” insert “, 77-603, 77-604, 77-606, and 77-621”;  
 23 and in line 10 strike “section” and insert “sections”.

**REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the  
 Legislature and amended by LB 4 and LB 41 in the 1977 session of the  
 Legislature, the attached is a list of all Lobbyists who have registered

as of March 12, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Dickinson, James A. - Omaha, Nebraska Association of Farm Managers and Rural Appraisers  
Hamilton, Bruce - San Francisco, CA, Dirt Cheap Enterprises  
Jeffrey, Jean S. - Lincoln, Junior League of Lincoln  
Jennings, Eileen - Lincoln, Nebraska Association of Community College Trustees

### STANDING COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 691.** Placed on General File as amended.  
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2227.)

**LEGISLATIVE BILL 882.** Placed on General File as amended.  
Standing Committee amendments to LB 882:

1. On page 5 line 11 strike "general taxes" and insert "all property taxes including motor vehicle taxes"; and in line 13 after "change" insert "as such are reported pursuant to section 77-628".

2. Strike original section 9.

(Signed) Calvin F. Carsten, Chairperson

### SPEAKER MARVEL PRESIDING

#### GENERAL FILE

**LEGISLATIVE BILL 863A.** Title read. Considered.

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

**LEGISLATIVE BILL 423.** Title read. Considered.

Mr. Goodrich withdrew his pending amendment found in the Journal on page 1789, First Session.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 10 nays, and 25 not voting.

Messrs. Barrett and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Lewis offered the following amendment:

Add new section.

The State shall not provide any general fund money for the N Resource program until 1982.

Mr. Lewis withdrew his amendment.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Mr. Goodrich moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Review with 26 ayes, 11 nays, 6 present and not voting, and 6 excused and not voting.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 945.** Placed on Select File as amended.  
E & R amendment to LB 945:

1. On page 23, line 7, after "commission" insert a comma.

**LEGISLATIVE BILL 877.** Placed on Select File as amended.  
E & R amendments to LB 877:

1. On page 6, line 12, strike "however" and insert "but".

2. In committee amendments, page 3, line 8, strike "44-710.14" and insert "44-710.18".

3. On page 21, line 7, insert "and" after the second comma.

**LEGISLATIVE BILL 694.** Placed on Select File as amended.  
E & R amendments to LB 694:

1. Insert the new section added by committee amendment 4 as section 1 and renumber original sections 1 to 11 as sections 2 to 12.

2. On page 9, line 7, insert "of this section" after "(a)".

3. On page 10, line 26, strike "taxes" and insert "tax".
4. On page 16, line 17, insert an underscored comma after "individual".
5. In the title, line 2, insert "24-559," after "sections"; and in line 5 insert "to delete a duty of the county judge;" after the semicolon.

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORT**  
**Public Health and Welfare**

**LEGISLATIVE BILL 990.** Placed on General File as amended.  
 Standing Committee amendments to LB 990:

Req. #2173

- 2 1. On page 3, line 5, strike "12" and insert  
 3 "13"; in line 7 strike "and"; in line 11 strike the  
 4 period and insert "; and"; after line 11 insert a new  
 5 subdivision as follows:  
 6 "(8) Board shall mean the Energy Efficiency  
 7 Standards Board created under section 4 of this act."; in  
 8 line 15 strike "October 1, 1980" and insert "January 1,  
 9 1981"; and in line 16 after "shall" insert ", subject to  
 10 the approval of the board,".
- 11 2. Insert the following new section:  
 12 "Sec. 4. (1) There is hereby created the Energy  
 13 Efficiency Standards Board, consisting of six members.  
 14 The board shall consist of the Director of the State  
 15 Energy Office who shall be an ex officio nonvoting member  
 16 and shall serve as the chairperson of the board, an  
 17 architect, an engineer, a municipal building official, a  
 18 home builder, and one member of the general public who is  
 19 not a member of any profession or occupation represented  
 20 by the other board members. Members of the board shall  
 21 be appointed by the Governor, subject to approval by the  
 22 Legislature. Members, other than the Director of the  
 23 State Energy Office, shall serve for terms of three years  
 24 and shall not be appointed for more than two consecutive  
 25 three-year terms, except that of the members first  
 1 appointed. One member shall be appointed for a one-year  
 2 term, two members for two-year terms, and two members for  
 3 three-year terms. Appointments made thereafter shall be  
 4 for three-year terms.
- 5 (2) Members of the board, other than the  
 6 director, while engaged in the performance of their  
 7 official duties, shall receive compensation at the rate  
 8 of fifty dollars per day while so serving, including  
 9 travel time. In addition members shall be reimbursed for  
 10 their expenses as provided in section 84-306.01, for  
 11 state employees.

12 (3) After the approval of standards pursuant to  
13 section 6 of this act and the approval of rules and  
14 regulations pursuant to section 7 of this act, the board  
15 shall meet at the call of the chairperson or a majority  
16 of the voting members. The chairperson shall call a  
17 meeting when he or she determines that it is necessary to  
18 revise the standards or rules and regulations. The  
19 board's responsibility shall be to approve the initial  
20 standards and rules and regulations, to revise such  
21 standards, rules, and regulations, and to act as an  
22 appeal board pursuant to section 16 of this act."

23 3. On page 4, line 12, strike "October 1, 1980"  
24 and insert "January 1, 1981"; and in line 13 after  
25 "shall" insert ", subject to the approval of the board."

26 4. On page 5, line 15, after "1981" insert "  
27 except that the director may extend such date of  
1 application to a date not later than October 1, 1981, if  
2 the director determines that such extension is necessary  
3 to assist persons in being able to conform to the  
4 standards"; and in line 18, after "1982" insert ", except  
5 that the director may extend such date of application to  
6 a date not later than July 1, 1982, if the director  
7 determines that such extension is necessary to assist  
8 persons in being able to conform to the standards".

9 5. On page 8, line 13, strike "12" and insert  
10 "13"; in line 14, after "plans" insert "for a building  
11 other than a residential building"; and in line 16 after  
12 the period insert "If the State Energy Office fails to  
13 approve or disapprove the building plans for a  
14 residential building within thirty days from the date of  
15 filing, the plans shall be considered approved."

16 6. On page 9, line 1, strike "State Energy  
17 Office" and insert "board"; in line 3 after "authority"  
18 insert "or the State Energy Office"; in line 5, after the  
19 period insert "The State Energy Office shall resolve,  
20 whenever possible, all appeals prior to submittal to the  
21 board."; in line 8 strike "8" and insert "9"; and in line  
22 13, after "build" insert ", to the best of his or her  
23 knowledge and belief,".

24 7. On page 10, line 8 strike "16" and insert  
25 "17".

26 8. Renumber original sections 4 through 20 as 5  
27 through 21 respectively.

(Signed) Samuel K. Cullan, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

Req. #2195

2 1. Insert a new section as follows:

3 "Sec. 2. That section 2-3234, Reissue Revised

4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 2-3234. ~~Each~~ (1) Except as otherwise provided in  
7 subsection (2) of this section, each district shall have  
8 the power and authority to exercise the power of eminent  
9 domain when necessary to carry out the purposes of this  
10 act within the limits of the district or outside its  
11 boundaries. Exercise of eminent domain shall be governed  
12 by the provisions of sections 76-704 to 76-724; Provided,  
13 that whenever any district seeks to acquire the right to  
14 interfere with the use of any water being used for power  
15 purposes in accordance with sections 46-204, 70-668,  
16 70-669, and 70-672, and shall be unable to agree with the  
17 user of such water upon the compensation to be paid for  
18 such interference, the procedure to condemn property  
19 shall be followed in the manner set forth in sections  
20 76-704 to 76-724, and no other property shall be included  
21 in such condemnation. No district shall contract for  
22 delivery of water to persons within the corporate limits  
23 of any village, city, or metropolitan utilities district,  
24 nor in competition therewith outside such corporate  
25 limits, except by consent of and written agreement with  
1 the governing body of such political subdivision. A  
2 village, city, or metropolitan utilities district may  
3 negotiate and, if necessary, exercise the power of  
4 eminent domain for the acquisition of water supply  
5 facilities of the district which are within its  
6 boundaries.

7 (2) After the effective date of this act, no  
8 district shall have the power and authority to exercise  
9 eminent domain for any purpose or project for which  
10 construction bids were not let prior to the effective  
11 date of this act. Any property obtained by eminent  
12 domain for any project on which construction bids were  
13 not let prior to the effective date of this act shall be  
14 sold by the district. The condemnee shall have the first  
15 opportunity to purchase such property at a price equal to  
16 the purchase price paid by the district less any court  
17 costs, attorney's fees, and any other costs of litigation  
18 incurred by the condemnee in opposing condemnation of  
19 such property. If the condemnee does not purchase the  
20 property, it shall be sold at public auction to the

21 highest bidder.”.

22 2. On page 6, line 23 strike “section” and  
23 insert “sections 2-3234 and”.

24 3. In the Standing Committee amendments, page 1,  
25 line 11 strike “5” and insert “6”; and in line 18 strike  
26 “6” and insert “7”.

1 4. Renumber original sections 2 and 3 as  
2 sections 3 and 4 respectively.

3 5. Renumber the new sections 4 and 5 added by  
4 the Standing Committee amendment as sections 5 and 6  
5 respectively.

**MOTION - Reconsider Action on LB 918**

Mr. Nichol moved to reconsider action on Mr. Fowler’s amendment to LB 918.

Motion pending.

**UNANIMOUS CONSENT - Member Excused**

Mrs. Labeledz asked unanimous consent to be excused until 1:30. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 361.** Title read. Considered.

Standing Committee amendments found in the Journal on page 903 for the Forty-Sixth Day, First Session, were considered.

Mr. Carsten offered the following amendment to the Standing Committee amendments:

Strike 9 1/2\* and insert 10 1/2\* - strike 10 1/2\* and insert 11 1/2\*.

In Section 4. Change operative date from Oct 1, 1971 to August 1, 1980.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Maresh offered the following amendment to the Standing Committee amendments:

To amend the Committee amendment, as amended by the Carsten amendment, as follows:

On pg 2, lines 6 and 21, and on pg 3 lines 3 and 15, strike “eleven” and insert “twelve”.

**MR. CLARK PRESIDING**

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

Mr. Newell requested a roll call vote on the Maresh amendment.

Voting in the affirmative, 19:

|         |          |       |        |        |
|---------|----------|-------|--------|--------|
| Beutler | George   | Kahle | Landis | Sieck  |
| Burrows | Goodrich | Kelly | Maresh | Stoney |
| Cope    | Hefner   | Keyes | Murphy | Wagner |
| Cullan  | Johnson  | Lamb  | Powers |        |

Voting in the negative, 19:

|            |            |         |          |         |
|------------|------------|---------|----------|---------|
| Carsten    | DeCamp     | Kennedy | Marvel   | Vickers |
| Chambers   | Dworak     | Koch    | Newell   | Warner  |
| Chronister | Fitzgerald | Kremer  | Simon    | Wesely  |
| Clark      | Fowler     | Lewis   | Venditte |         |

Present and not voting, 1:

Merz

Excused and not voting, 8:

|          |          |        |         |
|----------|----------|--------|---------|
| Barrett  | Labeledz | Nichol | Reutzel |
| Haberman | Marsh    | Pirsch | Rumery  |

Absent and not voting, 2:

Hoagland Schmit

The Maresh amendment lost with 19 ayes, 19 nays, 1 present and not voting, 8 excused and not voting, and 2 absent and not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Kelly asked unanimous consent to be excused. No objections. So ordered.

Mr. Venditte asked unanimous consent to be excused until 12:30 p.m. No objections. So ordered.

Mr. Landis offered the following amendment to the Standing Committee amendments:

Req. #2188

2 1. Insert the following new sections:

3 "Section 1. That section 39-2402, Reissue

4 Revised Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 39-2402. The State Treasurer shall monthly

7 transfer from the Highway Allocation Fund to (1) the

8 Grade Crossing Protection Fund thirty thousand dollars,

9 (2) ~~and to~~ the State Recreation Road Fund an amount equal

10 to fifty cents for each motor vehicle registration during

11 the preceding month, and (3) the Department of Roads an

12 amount calculated pursuant to section 2 of this act for

13 financing the operating costs of public transportation

14 systems as provided in section 19-3909. For the years

15 1970 and 1971, commencing January 1, 1970, the balance of

16 the money in the Highway Allocation Fund shall be

17 allocated fifty-three and one-third per cent to the

18 Department of Roads, twenty-five and one-third per cent

19 to the various counties for road purposes, and twenty-one

20 and one-third per cent to the various municipalities for

21 street purposes; for the years 1972 and 1973, commencing

22 January 1, 1972, the balance of the money in the Highway

23 Allocation Fund shall be allocated fifty-three and

24 one-third per cent to the Department of Roads,

25 twenty-four and one-third per cent to the various

1 counties for road purposes, and twenty-two and one-third

2 per cent to the various municipalities for street

3 purposes; and for the year 1974 and thereafter,

4 commencing January 1, 1974, the balance of the money in

5 the Highway Allocation Fund shall be allocated

6 fifty-three and one-third per cent to the Department of

7 Roads, twenty-three and one-third per cent to the various

8 counties for road purposes, and twenty-three and

9 one-third per cent to the various municipalities for

10 street purposes; Provided, that for the calendar years

11 1970 and 1971, if it is determined by November 1 of each

12 respective year that any county will receive from its

13 allocation of state-collected highway revenue and from

14 any funds relinquished to it by municipalities within its

15 boundaries, an amount in such year which is less than

16 such county received in state-collected highway revenue

17 in the calendar year 1967, the Department of Roads shall

18 notify the State Treasurer that an amount equal to the

19 sum necessary to provide such county with funds equal to

20 such county's 1967 highway allocation for such year shall

21 be transferred from the Highway Allocation Fund to such

22 county; provided further, for the calendar year 1972 and

23 each year thereafter, if it is determined by November 1

24 of each year that any county will receive from its  
 25 allocation of state-collected highway revenue and from  
 26 any funds relinquished to it by municipalities within its  
 27 boundaries an amount in such year which is less than such  
 1 county received in state-collected highway revenue in  
 2 calendar year 1969, based upon the 1976 tax rates for  
 3 highway user fuels and registration fees, the Department  
 4 of Roads shall notify the State Treasurer that an amount  
 5 equal to the sum necessary to provide such county with  
 6 funds equal to such county's 1969 highway allocation for  
 7 such year shall be transferred from the Highway  
 8 Allocation Fund to such county; and provided further,  
 9 that any such makeup funds must be matched by the county  
 10 as provided in sections 39-2501 to 39-2510. The portion  
 11 allocated to the Department of Roads shall be credited  
 12 monthly to the Highway Cash Fund. The portions allocated  
 13 to the counties and municipalities shall be distributed  
 14 monthly as provided by law.

15 Sec. 2. The Department of Roads shall annually  
 16 certify the amount of money which is necessary to fully  
 17 fund the state's portion of the Nebraska public  
 18 transportation assistance program established under  
 19 section 19-3909, Reissue Revised Statutes of Nebraska,  
 20 1943. The State Treasurer shall monthly transfer from  
 21 the Highway Allocation Fund one-twelfth of the difference  
 22 between the amount appropriated for the Nebraska public  
 23 transportation assistance program and the amount  
 24 necessary to fully fund the state's portion of the  
 25 Nebraska public transportation assistance program."

26 2. On page 4, line 1 after "original" insert  
 27 "section 39-2402, Reissue Revised Statutes of Nebraska,  
 1 1943, and"

Mr. Kremer requested a ruling of the Chair on whether the Landis amendment is germane to the Standing Committee amendments.

The Chair ruled the amendment not germane to the Standing Committee amendments.

Mr. Landis withdrew his amendment.

Messrs. Johnson and Newell offered the following amendment to the Standing Committee amendment.

Req. #2225

- 2 1. Insert the following new section:
- 3 "Sec. 2. That section 66-414, Reissue Revised
- 4 Statutes of Nebraska, 1943, be amended to read as
- 5 follows:
- 6 66-414. A dealer shall be entitled to a calendar

7 month shrinkage of ~~three~~ two per cent of the ~~number of~~  
8 first sixty thousand gallons, and one per cent of the  
9 gallons in excess of sixty thousand gallons, to be based  
10 on capacity of container, of motor vehicle fuels received  
11 or imported, produced, refined, manufactured, blended or  
12 compounded by him or her, as shown by such report, at the  
13 point where the car or container comes to rest or is  
14 unloaded within the State of Nebraska.”.

15 2. On page 4, line 1, after “original” insert  
16 “section 66-414, Reissue Revised Statutes of Nebraska,  
17 1943, and”.

18 3. Renumber remaining sections accordingly.

Mr. Warner requested a ruling of the Chair on whether the Johnson-Newell amendment is germane to the Standing Committee amendments.

The Chair ruled the amendment not germane to the Standing Committee amendments.

Mr. Johnson challenged the ruling of the Chair. The question is, “Shall the Chair be overruled?” The motion lost with 10 ayes, 18 nays, and 21 not voting.

The Chair was sustained.

Standing Committee amendments, as amended, were adopted with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

Mr. Maresh withdrew his pending amendment #1 referred to in the Journal on page 1179 (Req. #2201) and #2 found in the Journal on page 1179.

Mr. Landis re-offered his amendment found in this day’s Journal.

Mr. Wesely moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 21:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Beutler    | Fowler   | Landis | Powers  | Wesely |
| Chambers   | Hoagland | Lewis  | Sieck   |        |
| Cullan     | Johnson  | Maresh | Simon   |        |
| DeCamp     | Keyes    | Merz   | Stoney  |        |
| Fitzgerald | Koch     | Newell | Vickers |        |

Voting in the negative, 17:

|            |        |         |        |        |
|------------|--------|---------|--------|--------|
| Burrows    | Cope   | Kahle   | Marvel | Warner |
| Carsten    | Dworak | Kennedy | Murphy |        |
| Chronister | George | Kremer  | Schmit |        |
| Clark      | Hefner | Lamb    | Wagner |        |

Present and not voting, 1:

Goodrich

Excused and not voting, 9:

|          |        |        |         |        |
|----------|--------|--------|---------|--------|
| Barrett  | Kelly  | Marsh  | Pirsch  | Rumery |
| Haberman | Labedz | Nichol | Reutzel |        |

Absent and not voting, 1:

Venditte

The Landis amendment lost with 21 ayes, 17 nays, 1 present and not voting, 9 excused and not voting, and 1 absent and not voting.

### **MR. CLARK PRESIDING**

Messrs. Johnson and Newell re-offered their amendment found in this day's Journal.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 9 nays, and 23 not voting.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

The Johnson-Newell amendment lost with 14 ayes, 15 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

Mr. Fitzgerald asked unanimous consent to bracket the bill until March 18.

Mr. Kahle objected.

Mr. Fitzgerald moved to bracket the bill until March 18.

The motion prevailed with 19 ayes, 15 nays, 5 present and not voting, and 10 excused and not voting.

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Business and Labor Committee asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 485.** Title read. Considered.

Mr. Newell moved to reject the Standing Committee amendments found in the Journal on page 1310 for the Sixtieth Day, First Session.

The Standing Committee amendments were rejected with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Newell renewed his pending amendment referred to in the Journal on page 636 (Req. #2093).

Mr. Schmit renewed his pending amendment found in the Journal on page 925 to the Newell amendment.

The Schmit amendment was adopted with 18 ayes, 9 nays, 7 present and not voting, and 15 excused and not voting.

Laid over.

#### **SELECT FILE**

**LEGISLATIVE BILL 853.** E & R amendments found in the Journal on page 1130 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 853A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 818A.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 916.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 923.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 874.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 808.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 835.** E & R amendment found in the Journal on page 1130 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 885.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 782.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 936.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 925.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 867.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 867A.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 887.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 915.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 662.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 862.** Advanced to E & R for Engrossment.

### SPEAKER'S ORDER

Move from Passed Over to General File:  
 LB 405 - move to follow LB 491

(Signed) Richard D. Marvel, Speaker

### UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

- 1 1. On page 5 line 9 after "service" insert
- 2 " , except that the monthly benefits received pursuant
- 3 to this section shall not exceed seventy-two and one
- 4 half per cent of the final average salary such judge
- 5 was receiving when he or she last served as such judge".

Mr. Chambers asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

Amend the Carsten amendment:  
Strike "seventy-two and one half", and insert "sixty".

Mr. Wesely asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

Req. #2230

1. Insert the following new section:

“Sec. 9. That section 60-310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:  
60-310. Such registration may be renewed annually in the same manner and upon payment of the same fee as provided for the original registration. On making an application for renewal, the registration certificate for the preceding registration period must be presented with the application. In case the certificate is not presented, a fee of one dollar shall be added to the registration fee.

The certificate of registration and license plates furnished by the department shall be valid during the registration period for which they are issued and, when renewal tabs furnished pursuant to section 60-311 have been affixed thereto, they shall also be valid for the registration period designated by such renewal tabs.

The registration period for motor vehicles, trailers, semitrailers and cabin trailers required to be registered as provided in section 60-302 shall expire on the first day of the month one year from the month of issuance, and renewal shall become due on such day and shall become delinquent on the first day of the following month, except that renewal of registrations for 1975 shall become due on January 1, 1976 and delinquent on March 1, 1976.

The above provisions do not apply to dealer's license plates, repossession plates, and transporter plates as provided in section 60-320, which plates shall be issued for a calendar year. The registration period for vehicles licensed as apportioned vehicles as provided in section 60-305.09 shall expire December 31 of each year and shall become delinquent March 1 of the following year. Any owner who has ~~three~~ five or more vehicles required to be registered under the provisions of this act may register all such vehicles on a calendar-year basis or on an annual basis as provided in this section. An owner who has five or more vehicles required to be registered under Chapter 60, article 3, may elect to register all such vehicles on an annual basis for the same registration period beginning in a month chosen by the owner. The owner when electing to establish the same registration period for all such vehicles shall pay the registration fee and motor vehicle tax on each vehicle for the number of months necessary to extend its current

- 23 registration period to the registration period under  
 24 which all such vehicles will be registered. Credit shall  
 25 be given for registration paid on each vehicle when the  
 26 vehicle has a later expiration date than that chosen by  
 27 the owner. Thereafter all such vehicles shall be  
 1 registered on an annual basis starting in the month  
 2 chosen by the owner.”.  
 3 2. On page 8, line 9 after “original” insert  
 4 “section 60-310, Reissue Revised Statutes of Nebraska,  
 5 1943, and”.  
 6 3. Renumber remaining sections accordingly.

### RESOLUTIONS

#### LEGISLATIVE RESOLUTION 216.

Introduced by Koch, 12th District.

WHEREAS, a well-rounded education in the early years of life is recognized as one of the foundations for a productive and fulfilling future; and

WHEREAS, a dedicated group of professionals known as school counselors, help students gain the most from their education and provide them with goal and career planning and counseling; and

WHEREAS, this year, the week of May 5th through May 12th is to be recognized as the National School Guidance Week throughout the country.

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

1. That the Legislature recognizes the dedication of the school counselors in Nebraska and the multitude of contributions they offer to the schools and the students of this state.

2. That the members of the Legislature encourage the schools and the citizens in this state to recognize and support National School Guidance Week during the week of May 5th.

Laid over.

#### LEGISLATIVE RESOLUTION 217.

Introduced by Koch, 12th District.

WHEREAS, Marge Tabor has taught at the Bryan Elementary School in Millard since 1971 and is currently teaching second grade at such school; and

WHEREAS, Marge Tabor has offered her students excellent learning experiences and has shown the ability to understand them and their parents, in addition to raising her own six children; and

WHEREAS, Marge Tabor's dedication to her students and profession has been recognized by her being selected as Nebraska's 1980 Teacher of the Year.

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

1. That the Legislature recognizes Marge Tabor's commitment to the teaching profession and congratulates her on her selection as 1980 Teacher of the Year.

2. That the Clerk of the Legislature send a copy of this resolution to Marge Tabor.

Laid over.

### VISITORS

Visitors to the Chamber were Mrs. Ernest L. Motis and Sheri Motis; Dr. Nikolai V. Sivachev of Moscow State University and Dr. Gene Trani of UNL; Mr. and Mrs. Calvin Soderquist, Minden; Former Senator Richard Lewis, Holbrook; 46 fourth grade students, teachers, parents, and aides from Loveland and Arbor Schools, Omaha; 18 fourth grade students and teacher from Emanuel Lutheran Grade School, York; Byron, Bobbie, and Brian Loescher from Maxwell; Father Eugene McReynolds, Elkhorn and Mr. and Mrs. McReynolds, Grand Rapids, Michigan; Clyde McCormick and Scott and Mrs. Barbara McCormick, Lexington; and 36 second grade students and teachers from Cathedral School, Lincoln.

### ADJOURNMENT

At 2:05 p.m., on a motion by Mr. Koch, the Legislature adjourned until 9:00 a.m., Monday, March 17, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-THIRD DAY - MARCH 17, 1980**

**LEGISLATIVE JOURNAL**

**FORTY-THIRD DAY - MARCH 17, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 17, 1980

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Monsignor Flynn, St. Mary's Church, Lincoln, Nebraska, addressed the members.

**ROLL CALL**

The roll was called and all members were present except Messrs. Powers and Simon who were excused; and Messrs. Cullan, Fowler, Haberman, Keyes, Nichol, Reutzel, and Warner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Forty-Second Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 616, 646, 660, 672, 672A, 712A, 725, 731, 731A, 790A, 798, 823A, 834, 834A, 842, 892, and 893.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 213 and LR 214.

**MESSAGES FROM THE GOVERNOR**

March 13, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 601, 631, and 913. These bills were signed by me on March 13, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

March 14, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 600, 604, 814, 833, 876, 902, and 981, as well as Reengrossed Legislative Bill 681. These bills were signed by me on March 13, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 251March 10, 1980

Dear Senator George:

In your letter of February 21, 1980, you asked a number of questions relating to certain proposed legislation, LB 756, which appears to allow various commodity boards the option of utilizing check-off funds for membership dues in an association of grain boards. You have noted that this association of grain boards may use such funds for the promotion and development of the grain industry through seminars and conferences, and may also use such resources in the preparation and support of or opposition to proposed legislation.

You have called our attention to certain existing provisions of Nebraska law, such as Neb.Rev.Stat. §2-3311 (Reissue 1977) and Neb.Rev.Stat. §2-3622(10) (Cum.Supp. 1978), which generally prohibit the use of any soybean or corn check-off funds for the promotion or opposition of any candidate for public office or for the purpose of influencing legislation.

In regard to this observation, you have asked whether the passage of LB 756 would, in effect, “. . . void the above two sections as they pertain to the enactment of legislation, thus allowing the use of these [check-off] funds for the influence of legislation.”

You have also asked us to consider whether such commodity boards are allowed to sponsor seminars where legislators or governmental employees are invited to participate. You have asked us to address this question “. . . under the premises that, (a) LB 756 does not pass, and (b) LB 756 is enacted.”

Finally, you have inquired as to whether the wheat board, which we assume to be the same as authorized under Neb.Rev.Stat. §§2-2301, et seq. (Reissue 1977), is currently allowed to use any check-off funds to influence legislation. We will consider these questions in the order you have presented them.

I.

The primary question raised in your letter is whether passage of LB 756 would void the current prohibitions which bar the Soybean and Corn Boards from spending check-off funds to influence legislation or elections for public office. Neb.Rev.Stat. §2-3311(10) (Reissue 1977), prohibits the Soybean Development, Utilization, and Marketing Board from spending any funds “. . . directly or indirectly to promote or oppose any candidate for public office or to influence legislation.” Neb.Rev.Stat. §2-3622(10), (Cum.Supp. 1978), imposes an identical restriction on the Corn Development, Utilization, and Marketing Board.

Under the terms of LB 756, the Soybean and Corn Boards, along with the Wheat Board, would be authorized to expend check-off funds for membership dues in an association of grain boards. See, section 1(1), LB 756. Such an association would then be allowed to use the funds collected as dues to further the mutual goals of all the member boards, “. . . including the preparation and support of or opposition to legislation.” See, section 1(2), LB 756.

The remainder of the bill is devoted to amending the statutory authorizations for the Wheat, Soybean, and Corn Boards, respectively, to allow the State Treasurer to disburse check-off funds for association dues.

On its face, the LB 756 amendment to the respective boards' enumerated duties, responsibilities, and powers would seem to be in clear conflict with the existing prohibitions, as noted above, against expenditures to influence elections or legislation. Since LB 756 does not directly repeal those existing prohibitions, the changes accomplished by the bill, if passed, would have to be read and construed in conjunction with and in the context of current law.

By the language used, it may be assumed that LB 756 is intended by its proponents to effect some change in existing statutory authorizations and prohibitions relative to the boards' expenditure of check-off funds. Our concern is the extent of the change which would be accomplished by the proposed amendment. Since the bill does not explicitly repeal the existing prohibitions of Neb.Rev.Stat. §2-3311(10) (Reissue 1977), and Neb.Rev.Stat. §2-3622(10) (Cum.Supp. 1978), we begin with the assumption that the legislative intent is to read LB 756 in the context of those restrictions.

As the Nebraska Supreme Court has said in considering a question similar to the one presented here:

“ . . . A particular intention expressed in an amendment of a statute in conflict to some extent with a general intention expressed in the statute will be given effect only to the extent of the conflict, leaving the statute as it was before its amendment to operate outside the scope of the amendment. . . .” Ledwith v. Bankers Life Ins. Co., 156 Neb. 107, 119, 54 N.W.2d 409, 418 (1952).

Under this rule of statutory construction, the general prohibitions on political or legislative spending by the Soybean and Corn Boards would be altered and controlled by the special amendment contained in LB 756 only to the extent of authority specifically granted by the amendment. In this instance, that leads us to the conclusion that passage of LB 756 would abrogate existing spending restrictions only to the extent of creating one specific exception to the prohibitions on indirectly influencing legislation.

Passage of LB 756 would mean that the grain boards could pay dues to an association which is authorized to be active in the legislative arena. Thus, the Soybean and Wheat Boards would be able, in effect, to indirectly influence legislation. However, this is the extent of the amendment. As one authority on the subject has stated: "The unchanged sections and the amendments are to be interpreted so that they do not conflict. All the provisions of both are to be given effect and reconciled if possible." Sutherland on Statutory Construction, §22.35, p. 196. See also, State ex rel. Crook v. Coupe, 91 Neb. 463, 136 N.W. 41 (1912). Applying this rule to LB 756 results in the conclusion that the Soybean and Corn Boards would still be prohibited from directly influencing legislation and from indirectly influencing legislation in any manner other than through the specifically excepted association of grain boards. And, of course, since LB 756 does not purport to change this restriction, the Soybean and Corn Boards would continue to be prohibited from spending funds to promote or oppose any candidate for public office.

## II.

Your second question concerns whether the Wheat, Corn, and Soybean Boards are currently permitted to sponsor seminars at which legislators, and state or federal employees are invited to participate. The answer to this question would appear to be yes—with or without the passage of LB 756. Under Neb.Rev.Stat. §2-2309(2) and (5) (Reissue 1977), the Wheat Board is authorized to adopt a program of education, and to conduct any other program of education, and to conduct any other program for the promotion of Nebraska-grown wheat. Seminars such as those you referenced would seem to fall within these broad educational and programatic powers. In addition, section 2-2309(3) authorizes the Wheat Board to cooperate with other entities in both the private and public sectors. This provision would seem to clearly allow participation by legislators, or state and federal employees in any such seminars.

The statutory authorizations of the Soybean and Corn Boards are not so broad as those of the Wheat Board. However, the identical provisions of both seem to already encompass the seminars you envision. Section 2-3311(4) allows the Soybean Board to gather and evaluate the information necessary to operate its commodity program. Section 2-3622(4) (Cum.Supp. 1978), grants the same authority to the Corn Board. Both boards also are authorized to establish a mechanism for input from growers on at least an annual basis. Since it is possible that the seminars you suggest could accomplish either or both of the boards' enumerated responsibilities referred to above, current law would appear to permit them.

We would offer one caveat, however. The seminars you propose would not be allowed if their sole or primary purpose would be to promote, directly or indirectly, activities or objectives prohibited by each boards' respective statutory authorization.

III.

Your final question is whether the Wheat Board currently is allowed to expend check-off funds to influence legislation. For purposes of this opinion, we will assume this question also relates to the proposed legislation, LB 756, or other new legislation you may be contemplating.

The answer to your question appears to be yes. Unlike the Soybean and Corn Boards, the Wheat Board is not specifically prohibited from such activities. As was noted by the Nebraska Supreme Court in Ledwith, supra, "The intent of the Legislature is expressed by omission as well as by inclusion." Id., at 120, 54 N.W.2d at 418. The omission of any restriction on Wheat Board expenditures to influence legislation is an indication that the Legislature intended to allow such expenditures, or at least did not specifically exclude the possibility of such expenditures. Consequently, we cannot say that the Wheat Board is precluded by statute from expending monies to influence legislation.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Robert F. Bartle  
Assistant Attorney General

RFB:sjr

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 252  
March 11, 1980

Dear Senator Maresh:

This is in response to your letter of March 6, 1980, which concerns a proposed amendment to LB 909, regarding the termination of perpetual care trusts and perpetual special care trusts which are established under sections 12-509 and 12-510, R.R.S. 1943. More specifically you requested an opinion as to whether the word "perpetual" modifies the word "care" or the words "trust, trust fund or fund," as these terms are used respectively in sections 12-505 through 12-512.08, R.R.S. 1943, thus possibly making such trusts irrevocable.

The overall intent of sections 12-505 through 12-512.08, R.R.S. 1943, is clearly to provide funds for the continual care, maintenance and upkeep of cemeteries and individual graves, vaults, etc. Section 12-509, R.R.S. 1943, states that the income earned from the investment of the perpetual care trust funds "shall be used solely for the general care, maintenance and embellishment of the cemetery, and shall be applied in such manner as the association may from time to time determine to be for the best interests of the cemetery." More specifically section 12-512.01, R.R.S. 1943, provides that the income from the perpetual care trust fund is "to be used for the perpetual care of the cemetery by the association." Likewise, section 12-510, R.R.S. 1943, regarding the perpetual special care trusts provides that "[t]he income earned thereon shall be used solely for the purposes of perpetual special care as set forth in the respective trust agreements made between the association and said donors." The wording of these statutes clearly indicates that the purpose of the various funds, trusts, or trust funds is to provide for the perpetual care of the respective cemetery and individual graves, vaults, burial lots, etc.

The implication of this concept of perpetual care, however, is that the funds, trusts, or trust funds established for the purpose of such perpetual care are also perpetual in nature. In fact, section 12-509, R.R.S. 1943, states that "[t]he principal of the perpetual care fund shall be forever held inviolate as a perpetual trust by said association, and shall be maintained separate and distinct from any other funds." Likewise, section 12-512, R.R.S. 1943, regarding these perpetual special care trusts, provides a specific exception for these trusts as regards the rule against perpetuities. This, in fact, means that the perpetual special care trusts are also perpetual trusts.

The mere fact that a trust is considered a perpetual trust does not necessarily mean that it is irrevocable, in the sense that the trustee may not be removed and substituted by another trustee. The intent and requirement of sections 12-505 through 12-512.08, R.R.S. 1943, is that the perpetual care funds as well as the perpetual special care funds shall be held permanently in trust for the specific purpose of continued care of the cemetery and the individual grave sites. There is no specific provision in the statute that prohibits a change of trustee, rather the sole requirement is simply that the funds remain in trust for the stated purposes. In dealing with a perpetual trust, the implication is obvious that there may indeed be successor trustees required, particularly when individuals are allowed, as in section 12-512.03, R.R.S. 1943, to act as trustees. The irrevocability of any trust fund agreement entered into between a cemetery association and a corporate fiduciary is not then determined by the requirements established by statute, but rather would be determined by the wording

of the agreement between the parties and the ability of the association to alter or modify this arrangement by removing an existing trustee and appointing a successor trustee under the rules of law governing charitable trusts.

Thus it appears that the primary intent and wording of the statute is that the word "perpetual" as used in the terms perpetual care fund, perpetual care trust fund, and perpetual special care trusts applies to the continual care to be provided for the maintenance and upkeep of the cemeteries and the individual grave sites. Nevertheless, there is also specific wording and the underlying implication that the word "perpetual" as used in the terms perpetual care trust fund and perpetual special care trusts also refers to the continuing nature of the respective trust or trust fund. While these trusts or trust funds may be regarded as perpetual trusts, as provided by statute, this does not imply that any trust agreement entered into between a cemetery association and a corporate fiduciary is irrevocable in the sense that the association could not remove an existing corporate trustee and appoint a substitute trustee.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) John M. Boehm  
Assistant Attorney General

JMB:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 253  
March 14, 1980

Dear Senator Haberman:

You have requested our opinion on four questions which relate generally to LB 605 as amended. We have previously issued two opinions on LB 605. They are Opinion No. 204 to Senator Venditte, dated January 30, 1980, which opinion dealt with LB 605 in its original form, and Opinion No. 205, dated January 30, 1980, to you, which dealt with proposed amendments to LB 605. Those proposed amendments were subsequently adopted. Subsequently LB 605 was amended on the floor on March 5, 1980, in three particulars, and on March 7, 1980, in one particular. As it now stands, LB 605, Section 1 provides that:

"When three or more persons are participating in a course of disturbing the peace, a peace officer may order the participants

in the immediate vicinity to disperse. Any person who refuses or knowingly fails to obey such order shall be guilty of a Class II misdemeanor."

Section 2 establishes an affirmative defense which is substantially in the form that it existed in the committee amendments to LB 605. Section 3 is an emergency clause.

In your first question you ask whether striking the definition of disorderly conduct contained in the committee amendments and substituting in its place the term "disturbing the peace" as set out above, changes our previous opinion with respect to the constitutionality of this legislation. In our Opinion No. 205 we stated:

" . . . Under the amendment as drafted an act is required.

Most of the overbreadth attacks have related to protected free speech as opposed to acts. Therefore, we believe it could be successfully defended."

Disturbing the peace is defined at section 28-1322(1), R.S.Supp., 1978. That subsection provides:

"Any person who shall intentionally disturb the peace and quiet of any person, family, or neighborhood commits the offense of disturbing the peace."

This section is substantially similar to section 28-818 as it existed prior to the adoption of the Nebraska Criminal Code. The Nebraska Supreme Court in State v. Coomes, 170 Neb. 298, 102 N.W.2d 454 (1960), stated in essence that a breach of the peace, a common law crime, is the same as the statutory crime of disturbing the peace. In that same case the Supreme Court stated that in order to charge the crime the information must specify what the defendant did that willfully disturbed the peace and quiet of some person, family or neighborhood; where the act took place; and what person, family or neighborhood was disturbed. A constitutional question as to the validity of the statute was raised in that case but not reached.

As we indicated in our previous opinions, a constitutional attack on statutes of this type is generally based upon a First Amendment claim. Such claims would relate to the exercise of religion, the freedom of speech or press, or the right to peaceably assemble and petition government. The United States Supreme Court has construed statutes of similar import in a large number of cases. In Lewis v. New Orleans, 415 U.S. 130, the Supreme Court limited a breach of the peace complaint to one involving fighting words rather than just words. Other cases have similarly construed statutes of the character here under question to be limited to certain specific circumstances. Thus, the statutory definition provided in the Criminal Code, coupled with the construction placed upon that statute by court interpretations, would provide a sufficient set of standards to guide

the discretion of peace officers. To that extent our opinion previously rendered would stand with respect to the new language adopted on the floor of the Legislature.

In your second question you ask whether the language now in the bill could be defended from a constitutional attack based on overbreadth since the language now utilized encompasses speech as well as acts. In Opinion No. 205 we indicated that the necessity of an act would be sufficient to defend it from an overbreadth attack. In the present version which is clothed with the interpretations of case law there are sufficient standards and guidance that a prosecution under this section would probably be defensible depending, of course, upon the exact factual situation. The statute is broad enough that conceivably a complaint could be filed which would charge some violation which would run afoul of constitutional protections involving either free speech, peaceable assembly, or practice of religion. While we cannot say such specific attacks would be unsuccessful, we are of the opinion that the statute on its face would withstand a constitutional attack on that basis. This is particularly true, we believe, in light of the specificity required by the Supreme Court in State v. Coomes. We also believe that should the statute come before our Supreme Court, our court would adopt those limiting constructions heretofore approved by the United States Supreme Court in cases such as Cox v. Louisiana, 279 U.S. 536.

In your third question you ask:

“In your opinion, do the latest adopted amendments sufficiently describe the conduct to be prohibited so as to effectively guide law enforcement in carrying out the provisions of the act as clearly as the original provisions of Req. 2115.”

We must decline to express our opinion on the relative merits of the two proposed enactments. A policy decision is required to be made either to adopt the language proposed in Request No. 2115 or the language as it now exists after floor action by the Legislature. This is a policy decision. It is our duty to advise you as to the constitutionality of the language of statutes which have been proposed. In this instance both sets of proposals are, in our opinion, constitutional. Which one should be adopted is a decision that must be made by the Legislature.

In your fourth question you ask whether the latest amendments increase or decrease the likelihood of civil liability being imposed for acts of peace officers attempting to enforce the provisions. To answer this question would require speculation on our part. A limited immunity is granted to peace officers in the execution of their office. This immunity is known as good faith defense. If they act in a good faith belief that their action is lawful, they would be immune from liability. To that extent a specific factual situation would be necessary

before one could make a determination of the relative probability of liability give the different provisions. Obviously, the broader the authority granted to a peace officer, the broader the area in which he may act in good faith. However, the test is how the officer acted in the specific circumstances under consideration. Since speculation would be required to answer your question, we must decline to give you our opinion on the relative merits of the proposed bills.

Very truly yours,  
 PAUL L. DOUGLAS  
 Attorney General  
 (Signed) Patrick T. O'Brien  
 Assistant Attorney General

PTO:smb

cc: Mr. Patrick O'Donnell  
 Clerk of the Legislature

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 1980, at 9:25 a.m., were the following bills: 94, 655, and 693.

(Signed) Hazel Kaltenberger, Enrolling Clerk

### ANNOUNCEMENT

The Banking, Commerce and Insurance Committee executive session scheduled today for 1:30 p.m. has been cancelled. The Banking, Commerce and Insurance Committee will hold an executive session Tuesday, March 18 at 8:00 a.m. in Senator DeCamp's Office.

### SELECT FILE

**LEGISLATIVE BILL 896.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 909.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 673.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 674.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 785.** E & R amendment found in the Journal on page 1172 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 821.** E & R amendment found in the Journal on page 1172 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 855.** E & R amendment found in the Journal on page 1172 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 709.** E & R amendments found in the Journal on page 1172 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 794.** E & R amendment found in the Journal on page 1183 for the Forty-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 908.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 924.** E & R amendment found in the Journal on page 1184 for the Forty-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 945.** E & R amendment found in the Journal on page 1199 for the Forty-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 877.** E & R amendments found in the Journal on page 1199 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 905.** Messrs. Johnson, Newell, and Murphy renewed their pending motion found in the Journal on page 1165 to indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The motion to indefinitely postpone lost with 8 ayes, 25 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Newell renewed his pending amendment (1) found in the Journal on page 1115.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Newell amendment lost with 6 ayes, 22 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Newell withdrew his pending amendment (2) found in the Journal on page 1116.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 4 nays, and 23 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Mr. Johnson requested a machine vote to advance LB 905.

Mr. Newell requested a record vote to advance LB 905.

Voting in the affirmative, 28:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Dworak     | Kahle    | Lamb   | Sieck    |
| Chronister | Fitzgerald | Kelly    | Landis | Stoney   |
| Clark      | George     | Kennedy  | Lewis  | Venditte |
| Cope       | Goodrich   | Koch     | Maresh | Wagner   |
| Cullan     | Haberman   | Kremer   | Marvel |          |
| DeCamp     | Hefner     | Labeledz | Rumery |          |

Voting in the negative, 10:

|         |          |         |        |        |
|---------|----------|---------|--------|--------|
| Burrows | Chambers | Johnson | Murphy | Pirsch |
| Carsten | Hoagland | Merz    | Newell | Wesely |

Present and not voting, 5:

|         |        |       |        |         |
|---------|--------|-------|--------|---------|
| Beutler | Fowler | Marsh | Schmit | Vickers |
|---------|--------|-------|--------|---------|

Excused and not voting, 6:

|        |         |        |
|--------|---------|--------|
| Keyes  | Powers  | Simon  |
| Nichol | Reutzel | Warner |

Advanced to E & R for Engrossment with 28 ayes, 10 nays, 5 present and not voting, and 6 excused and not voting.

## RESOLUTION

### LEGISLATIVE RESOLUTION 218.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Landis, 46th District; Fitzgerald, 14th District; Haberman, 44th District; Lewis, 45th District; Merz, 1st District.

WHEREAS, interest rates and consumer credit continue to have a major impact on all segments of society; and

WHEREAS, in the last two years the Nebraska Legislature has considered and passed bills increasing the maximum allowable interest rate for most types of loans and credit; and

WHEREAS, the Legislature has also been concerned with the impact of credit policies upon the consumer; and

WHEREAS, the continued consideration of these matters, sometimes in a piecemeal fashion does not positively contribute to stability in the market place.

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

1. That the Banking, Commerce and Insurance Committee conduct an interim study to consider the above and specifically if the adoption of the Uniform Commercial Credit Code (UCCC) would create a better climate for both the borrower and the credit extender as well as any other matters related thereto.

Referred to the Executive Board.

## ATTORNEY GENERAL'S OPINION

Opinion No. 254  
March 13, 1980

Dear Senator Johnson:

You have requested the opinion of this office regarding LB 892 which, as you explained, adjusts appeal procedures for small claims court disputes. Further, you indicated that said bill was amended to preclude removal of small claims to the regular docket absent a request by the defendant for a jury trial. Specifically, you have posed the following inquiries:

“1. Do the Constitutions of Nebraska or the United States guarantee trial by jury in state civil cases?”

“2. If such Constitutional guarantees are present, can they be met by permitting a jury trial at the appeal level of a small claims dispute, rather than through the removal process?”

Pursuant to your request, we will hereinafter consider only the above inquiries in the order raised.

The Seventh Amendment to the United States Constitution which preserves the right to jury trial in civil cases at common law where the amount in controversy exceeds \$20, by its terms, relates only to trials in the courts of the United States. Edwards v. Elliot, 21 Wall. 532, 22 L.Ed. 487 (1874). Nor is the same made applicable to the states through the due process or privilege and immunity clauses of the Fourteenth Amendment. Walker v. Sauvinet, 92 U.S. 90, 23 L.Ed. 678 (1876); Melancon v. McKeithen, 345 F.Supp. 1025 (E.D.La. 1972), *aff'd* 409 U.S. 943, 1098, 93 S.Ct. 289, 290, 908, 34 L.Ed.2d 214, 679 (1973); Curtis v. Loether, 415 U.S. 189, 192 Fn. 6, 94 S.Ct. 1005, 1007, 39 L.Ed.2d 260, 265 (1974); Anno., 18 L.Ed.2d 1388, 1410 (1967). So far as the Seventh Amendment is concerned, the states are left to regulate trials in their own courts in their own way. Walker v. Sauvinet, *supra*.

Article I, Section 6 of the Constitution of the State of Nebraska, provides as follows:

“The right of trial by jury shall remain inviolate but the Legislature may authorize trial by a jury of a less number than twelve in courts inferior to the District Court, and may by general law authorize a verdict in civil cases in any court by not less than five-sixths of the jury.” (Emphasis added).

The Nebraska Supreme Court has interpreted the above quoted constitutional provision on several occasions.

In Kuhl v. Pierce County, 44 Neb. 584, 590 (1895), the court explained that:

“ . . . Section 6 of the bill of rights provides that the right of trial by jury shall remain inviolate. This is a constitutional guaranty that the right of trial by jury shall remain as it did prior to the adoption of the constitution of 1875. Without going into a history of this provision it is sufficient to say that at the time of the adoption of the present constitution the right of trial by jury was guaranteed by the constitution of the state to its citizens substantially as the right existed at common law. . . . The spirit of the constitution and laws of this state seems to be this, that if an issue of fact arise in an action equitable in its nature such issue of fact is triable to the court; but if the issue of fact arise in a purely legal action then the issue of fact is triable to a jury. . . .”

The court therein held that an action upon a contract for the payment of money is legal in nature, therefore the constitutional right to trial by jury attached. See, In re Guardianship of Warner, 137 Neb. 25, 288 N.W.39 (1939), wherein, upon applying the same principle, the court held that there was no constitutional right to a jury in proceedings to determine competency, since at common law there was no right of trial by jury in sanity hearings. See also, Omaha Fire Insurance Co. v. Thompson, 50 Neb. 580 (1897), wherein the court held that in actions for the recover of money or of specific real or personal property the constitutional right to trial by jury attached, since said actions were tried before a jury at common law and under Article I, section 6 of the Nebraska Constitution the same could not be curtailed.

The interpretation given Article I, Section 6 of the Nebraska Constitution by our Supreme Court is consistent with the interpretations given similiar constitutional provisions in other jurisdictions. 47 Am.Jur.2d, Jury, §30, p. 649. Thus, as a general rule, the right to a jury trial in civil actions and proceedings extends only to such actions and proceedings characterized as "at law" rather than "in equity." 47 Am.Jur.2d, Jury, §§29-38, p. 649-657. Whether a particular action is one "at law" or "in equity" for the purpose of determining whether the constitutional guarantee of the right to trial by jury attaches is in some instances unclear. However, actions for monetary damages, such as those within the jurisdiction of the small claims court pursuant to section 24-522, R.S.Supp. 1979, are actions at law, thus subject to the guarantees of Article I, Section 6, of the Nebraska Constitution.

Regarding your second inquiry, it is generally held that the constitutional guarantee of a trial by jury in civil cases does not mean that a party is always entitled to a jury trial in the first instance. Said constitutional right is secured if there is a right of appeal, without unreasonable restrictions, to a court in which a jury trial may be held. 50 C.J.S., Juries, §132, p. 860; 47 Am.Jur.2d, Jury, §56, p.676.

The leading case setting forth the above stated general rule is Capital Traction Co. v. Hof, 43 L.Ed. 873, 19 S.Ct. 580 (1898). Therein the court held that legislation which increased the civil jurisdiction of justices of the peace in the District of Columbia to \$300 and allowed an appeal to a court of record, in which a trial by jury could be had for the first time, upon payment of security, did not abridge the constitutional right of trial by jury. In so holding, the court reasoned:

The Legislature, in distributing the judicial power . . . with a view to prevent unnecessary delay and unreasonable expense, must have a considerable discretion, whenever in its opinion, because of general increase in litigation, or other change of

circumstances, the interest and convenience of the public require it, to enlarge within reasonable bounds the pecuniary amounts of the classes of claims entrusted in the first instance to the decision of justices of the peace provided always the right of trial by jury is not taken away in any case in which it is secured by the Constitution.

“Having regard to the principles and to the precedents applicable to this subject, we should not be warranted in declaring that the act of Congress of 1895 so unreasonably obstructs the right of trial by jury, that it must for this reason be held to be unconstitutional and void.” *Id.* at 46.

See also, Loughrey v. Weitzel, 94 Idaho 833, 498 P.2d 1306, 1309 (1972); City of Bellingham v. Hite, 225 P.2d 895 (Wa. 1950); Rice v. Lucas, 560 S.W.2d 850 (Mo. 1978).

In Opinion of the Justices, 113 N.H. 205, 304 A.2d 881 (1973), the court held that a jury trial need not be had in the first instance if a right of appeal is allowed, without unreasonable restrictions, to a court where the constitutional right to trial by jury could be enjoyed. However, the court further held that requiring the prepayment of security in the amount of \$750 to \$1125 to obtain a jury trial on appeal of a case involving \$3,000 or less constituted an unreasonable condition, and, therefore the statutory scheme at issue unreasonably infringed upon the constitutional right to a trial by jury.

Our research reveals no case in this jurisdiction wherein our court had the opportunity to consider the specific inquiry you have posed. Therefore, we cannot respond to said inquiry with absolute certainty. However, in our opinion, the reasoning of the above cited cases is persuasive. Based on the great weight of authority, it appears to us that the constitutional guarantee to trial by jury in civil cases is secured upon allowing a jury trial on appeal, so long as the right of appeal is not unreasonably restricted.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Lynne Rae Fritz  
Assistant Attorney General

LRF:kkh

cc: Patrick O'Donnell  
Clerk of the Legislature

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 989A.** By Goodrich, 20th District.  
This bill introduced on behalf of: LB 989.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 989, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Koch asked unanimous consent to print the following amendment to LB 964 in the Journal. No objections. So ordered.

- 1 .1. On page 2, strike lines 7 through 24 and
- 2 insert:
- 3 "Sec. 18. (1) Each year the Legislature shall
- 4 appropriate funds for distribution to the public elementary
- 5 and secondary schools of the state sufficient to provide
- 6 forty-five per cent of the annual aggregate cost of operating
- 7 such schools so that such schools are able to provide a
- 8 reasonable minimum level of education.
- 9 (2) No more than forty-five per cent of the cost of
- 10 operating the elementary and secondary schools of the state
- 11 shall be borne by property taxes."
- 12 2. On page 3, strike lines 4 through 8 and insert:
- 13 "Constitutional amendment to provide that the Legisla-
- 14 ture limit the amount of property tax revenue which shall
- 15 be used to support public elementary and secondary schools
- 16 and appropriate funds to finance such schools at forty-five
- 17 per cent of the cost of operation."

**ANNOUNCEMENT**

Mr. Maresh announced the Business and Labor Committee will hold an executive session Tuesday, March 18th, at 1:30 in Room 2102.

**SELECT FILE**

**LEGISLATIVE BILL 848.** Mr. Powers withdrew his pending motion found in the Journal on page 1164 to indefinitely postpone.

Laid over at the request of Mr. Newell.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 605.** Mr. Haberman offered the following amendment:

In Request 2115 - strike original section 1 and 2  
add the following 2 sections

Sec. 1. When three or more persons are participating in a course of disturbing the peace a peace officer may order the following persons to disperse: (1) the participants and (2) others whose close proximity to the participants creates a clear, present and substantial danger of personal injury to themselves or the peace officer. Any person who refuses or knowingly fails to obey such order shall be guilty of a Class III misdemeanor.

Sec. 2 Notwithstanding section 1 of this act, no representative of a medium of communication as defined in section 20-145 (2), so identifying himself or herself, shall be ordered or forced to disperse from the scene or vicinity of an emergency or disturbance unless he or she is personally disturbing the peace or obstructing the officer.

The amendment was adopted with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

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

Mr. Haberman moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

### **SPEAKER MARVEL PRESIDING**

Mr. Venditte requested a record vote to advance LB 605.

Voting in the affirmative, 26:

|         |          |        |          |         |
|---------|----------|--------|----------|---------|
| Barrett | Goodrich | Koch   | Murphy   | Vickers |
| Carsten | Haberman | Kremer | Pirsch   | Wagner  |
| Cope    | Hefner   | Lewis  | Rumery   |         |
| Cullan  | Kahle    | Maresh | Sieck    |         |
| DeCamp  | Kelly    | Marvel | Stoney   |         |
| George  | Kennedy  | Merz   | Venditte |         |

Voting in the negative, 8:

|         |          |          |        |
|---------|----------|----------|--------|
| Beutler | Chambers | Hoagland | Landis |
| Burrows | Dworak   | Johnson  | Wesely |

Present and not voting, 8:

|            |        |       |        |
|------------|--------|-------|--------|
| Clark      | Fowler | Lamb  | Newell |
| Fitzgerald | Labedz | Marsh | Schmit |

Excused and not voting, 7:

|            |        |         |        |
|------------|--------|---------|--------|
| Chronister | Nichol | Reutzel | Warner |
| Keyes      | Powers | Simon   |        |

Advanced to E & R for Engrossment with 26 ayes, 8 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

**ANNOUNCEMENT**

Mr. Lewis announced that the deadline for the introduction of legislative resolutions proposing 1980 interim studies is Friday, March 21, 1980.

**STANDING COMMITTEE REPORT**  
**Nebraska Retirement Systems**

**LEGISLATIVE BILL 726.** Placed on General File.

(Signed) Steve Fowler, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 789.** Laid over.

**LEGISLATIVE BILL 780.** Mr. Murphy moved to indefinitely postpone.

Motion pending.

**LEGISLATIVE BILL 592.** Laid over.

**LEGISLATIVE BILL 741.** Mr. Hoagland offered the following amendment:

On page 3, line 2, strike "23-803," and in line 3 strike "23-805 to 23-807."

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. DeCamp and Mrs. Labeledz offered the following amendment:  
 Amend Section 1 of Legislative Bill 741.

- (1) On page 3, line 7, strike the word "section and insert "sections".
- (2) On page 3, line 7, following "23-408," add

sections "14-201, 14-201.02, 14-201.03, 14-201.04, 14-204, 14-205, 14-206, 14-207, 14-208, 14-209, 14-216, 14-217.01 and 14-217.02,".

(3) Renumber the lines of Legislative Bill 741 accordingly.

Mr. Chambers requested a ruling of the Chair on whether the DeCamp-Labedz amendment is germane to the bill.

The Chair ruled the DeCamp-Labedz amendment not germane to the bill.

Mr. DeCamp challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 12 nays, and 19 not voting.

Mr. DeCamp asked unanimous consent to withdraw his challenge of the Chair. No objections. So ordered.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. Warner asked unanimous consent to print the following amendment to LB 789 in the Journal. No objections. So ordered.

1. on page 3, in line 2, strike "ninety-three" and insert "seventy".
2. on page 3, in line 4, strike "seventy-one" and insert "sixty-five".

Mr. Warner asked unanimous consent to print the following amendment to LB 789A in the Journal. No objections. So ordered.

1. on page 2, in lines 1 and 2, strike "four million fifteen thousand five hundred twenty-six" and insert "one million eight hundred fifty-nine thousand one hundred ninety."
2. on page 2, in lines 3 and 4, strike "three hundred sixty-two thousand six hundred eighty-two" and insert "one hundred sixty-seven thousand nine hundred twenty."
3. on page 2, in lines 5 and 6, strike "five million nine hundred fifty-two thousand six hundred twenty-six" and insert "two million seven hundred fifty-six thousand sixty-five."

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 765 and 817.

**Correctly Engrossed**

The following bills were correctly engrossed: 82, 769, 770, 771, 774, 884, 903, 940, 966, and 986.

(Signed) Don Wesely, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 717.** E & R amendment found in the Journal on page 1131 for the Fortieth Day was adopted.

Mr. Wesely renewed his pending amendment found in the Journal on page 1211.

Mr. Lamb offered the following amendment to the Wesely amendment:  
page 2 line 11 strike 5 - reinsert 3

The Lamb amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Wesely amendment, as amended, was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

**VISITORS**

Visitors to the Chamber were 6 students and teacher from Wilcox High School; Senator Lewis' mother; and Mrs. Wagner and children, Kevin, James, Patti, Vicky, and Mike.

**RECESS**

At 12:06 p.m., on a motion by Mr. Hefner, the Legislature recessed until 1:35 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Chronister, Powers, and Simon who were excused; and Mrs. Labeledz, Messrs. Beutler, Johnson, Kahle, Kelly, Keyes, Koch, Lewis, Newell, Nichol, and Warner who were excused until they arrive.

**MESSAGES FROM THE GOVERNOR**

March 17, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 802.  
This bill was signed by me on March 17, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

March 17, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Reengrossed Legislative Bill 932.  
This bill was signed by me and delivered to the Secretary of State on March 17, 1980.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**GENERAL FILE**

**LEGISLATIVE BILL 822.** Title read. Considered.

Standing Committee amendments found in the Journal on page 684 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Sieck offered the following amendment:

- 1 1. On page 3 after line 13 insert the following
- 2 new section:
- 3 "Sec. 2. Any person, who has under his or her
- 4 physical control in any motor vehicle any device which
- 5 can detect that motor vehicle speed is being monitored
- 6 or recorded by radio microwave or other electronic
- 7 device, shall be guilty of a Class IV misdemeanor."
- 8 2. Renumber original section 2, as section 3.

Mr. Sieck moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 17:

|          |         |        |          |        |
|----------|---------|--------|----------|--------|
| Beutler  | Johnson | Maresh | Pirsch   | Wesely |
| Cope     | Kahle   | Marvel | Sieck    |        |
| Hefner   | Lamb    | Merz   | Stoney   |        |
| Hoagland | Landis  | Murphy | Venditte |        |

Voting in the negative, 15:

|          |        |          |         |         |
|----------|--------|----------|---------|---------|
| Barrett  | Cullan | Goodrich | Koch    | Rumery  |
| Carsten  | Fowler | Haberman | Marsh   | Schmit  |
| Chambers | George | Kennedy  | Reutzel | Vickers |

Present and not voting, 9:

|         |        |            |          |        |
|---------|--------|------------|----------|--------|
| Burrows | DeCamp | Fitzgerald | Kremer   | Wagner |
| Clark   | Dworak | Kelly      | Labeledz |        |

Excused and not voting, 8:

|                     |                 |                  |                 |
|---------------------|-----------------|------------------|-----------------|
| Chronister<br>Keyes | Lewis<br>Newell | Nichol<br>Powers | Simon<br>Warner |
|---------------------|-----------------|------------------|-----------------|

The Sieck amendment lost with 17 ayes, 15 nays, 9 present and not voting, and 8 excused and not voting.

Mrs. Pirsch offered the following amendment:  
Pg. 2 on Line 17 strike beginning with , “if (a) the law enforcement officer” through line 25 completely.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The Pirsch amendment was adopted with 25 ayes, 11 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Maresh offered the following amendment:  
To amend LB 822 by amending 60-1001.01  
add after this section

“Except when parked patrol motor vehicles are used to monitor speed.”

#### **MR. CLARK PRESIDING**

The Chair ruled the amendment not germane.

Mr. Maresh challenged the ruling of the Chair. The question is, “Shall the Chair be overruled?” The motion lost with 4 ayes, 15 nays, and 30 not voting.

The Chair was sustained.

Messrs. Kennedy and Maresh asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

#### **SPEAKER MARVEL PRESIDING**

Mr. Chambers requested a roll call vote to advance LB 822.

Voting in the affirmative, 23:

|          |            |        |         |         |
|----------|------------|--------|---------|---------|
| Beutler  | DeCamp     | Kelly  | Merz    | Schmit  |
| Burrows  | Dworak     | Koch   | Newell  | Vickers |
| Chambers | Fitzgerald | Kremer | Pirsch  | Wagner  |
| Clark    | Fowler     | Marsh  | Reutzel |         |
| Cullan   | Hoagland   | Marvel | Rumery  |         |

Voting in the negative, 18:

|         |          |          |          |        |
|---------|----------|----------|----------|--------|
| Barrett | Goodrich | Kahle    | Murphy   | Warner |
| Carsten | Haberman | Labeledz | Sieck    | Wesely |
| Cope    | Hefner   | Lamb     | Stoney   |        |
| George  | Johnson  | Landis   | Venditte |        |

Excused and not voting, 8:

|            |       |        |        |
|------------|-------|--------|--------|
| Chronister | Keyes | Maresh | Powers |
| Kennedy    | Lewis | Nichol | Simon  |

Failed to advance to E & R for Review with 23 ayes, 18 nays, and 8 excused and not voting.

**MESSAGE FROM THE GOVERNOR**

March 17, 1980

Mr. President, Mr. Speaker and  
 Members of the Legislature  
 State Capitol Building  
 Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 772 without my signature and with my objections.

Although the Final Reading copy of LB 772 before the Legislature at the time of LB 772's passage does not indicate it as an amendment, LB 772, Section 1, changes the reimbursement rate for special education programs for handicapped children less than five years of age from 90% reimbursement to 100% reimbursement. LB 772, as sent to my desk, also contains this change from 90% reimbursement to 100% reimbursement.

In my opinion, we can maintain a more cost effective special education program by requiring the local school districts, which select special education programs for their students, to pay at least 10% of the excess cost of special education programs. To eliminate this requirement is to effectively remove an important fiscal monitoring device.

In addition to providing for 100% reimbursement of the costs of special education programs for handicapped children less than five years of age, LB 772 also has other objectionable features. Since the Legislature established a comprehensive program of state support for special education services in 1973 (LB 403) several significant statutory changes have been implemented. It is no exaggeration to say that not one year has passed without some change in funding formulas, the scope of services, or the identification of eligible persons. The definition of "excess costs", which is central to the determination of the state's financial responsibility, has changed at least three times! (LB 403 - 1973; LB 443 - 1977; LB 871 - 1978).

This tendency to constantly tinker with the mechanics of this aid program has resulted in a confusing array of financial and programmatic requirements. Many of you have no doubt heard complaints from school officials about the paperwork that is required from them to receive these funds. While we are often justified in blaming such excesses on the "bureaucrats", in this case, much of the blame is due to frequent changes in statute.

LB 772 adds to this unhappy situation and should not be enacted. Also, this measure is an inappropriate mechanism to channel special education students to specified service agencies. Let me elaborate on these points. First, LB 772 changes the special education reimbursement formula in a manner that provides a financial incentive to those school districts that contract with the Barkley Memorial Center, the Ruth Staples Laboratory, the Meyer Children's Rehabilitation Institute and the Nebraska Psychiatric Institute. In these select instances the state will reimburse its share of the costs in the current year rather than in the following year. This treatment is not afforded to many other providers, such as mental retardation programs or educational service units. In fact, LB 772 clearly changes the entire cash flow procedure, but not for all the vendors in the public and private spheres.

One of the compelling reasons given for LB 772's introduction was a decline in the numbers of children who were receiving service at MCRI (Meyer Children's Rehabilitation Institute), thereby reducing the ability of special education professionals to train needed personnel in this field. However, I submit that this reduction in placements is proof that our special education laws were working just as they were intended. As more schools assumed their responsibilities for providing in-house special education programs, it was evident that fewer children would be placed in the highly specialized programs offered by other institutions.

There is no doubt that the current reimbursement procedures are confusing and, at times, not fair in their distribution of financial

burdens. However, the answer to this dilemma is to work together to improve the situation for all parties--the state, the schools, and independent service providers. LB 772 only compounds the existing problem and will make the administration of special education finance more inequitable.

I urge you to sustain my veto of LB 772.

(Signed) Respectfully,  
 CHARLES THONE  
 Governor

CT:pmd

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 219.**

Introduced by Hefner, 19th District.

WHEREAS, the winning of a state championship is a demonstration of the willingness to endure hard work and is deserving of special recognition; and

WHEREAS, the town of Hartington, Nebraska, with around sixteen hundred people, has produced outstanding basketball teams this past year, with its Catholic high school winning the state Class B basketball championship, and its public high school placing second in the state Class C basketball championships; and

WHEREAS, Hartington Cedar Catholic High School, under the direction of head coach, Robert Uhing, accumulated a season record of twenty-five wins, without a loss, and climaxed the season by winning the Class B State Boy's Basketball Championship.

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

1. That the members of the Legislature extend their congratulations to the members of the Hartington Cedar Catholic High School boy's basketball team and the coaching staff, for their 1979-1980 State Class B Championship.

2. That the Clerk of the Legislature send a copy of this resolution to the Hartington Cedar Catholic High School boy's basketball team and coaches.

Laid over.

**LEGISLATIVE RESOLUTION 220.**

Introduced by Hefner, 19th District.

WHEREAS, the citizens of this state enjoy and appreciate outstanding achievements by Nebraska's young athletes; and

WHEREAS, the 1979-1980 Hartington High School boy's basketball team is a group of young athletes which displayed the competitive spirit and determination which has become a tradition in Nebraska; and

WHEREAS, the Hartington High School boy's basketball team, along with its coaches led by head coach Dennis Schmitz, placed second in the Class C State Boy's Basketball tournament, and finished the season with a record of twenty-one wins and four losses

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

1. That the Legislature extends its best wishes and congratulations to the Hartington High School boy's basketball team and coaching staff, for its commendable season.

2. That the Clerk of the Legislature send a copy of this resolution to the Hartington High School boy's basketball team and coaches.

Laid over.

### **LEGISLATIVE RESOLUTION 221.**

Introduced by Koch, 12th District.

WHEREAS, the achievements and dedication of Nebraska's student athletes reflect what is best about our state; and

WHEREAS, Omaha Westside High School this past year has accumulated remarkable victories on the court and success in the classroom; and

WHEREAS, Omaha Westside boy's basketball team won the 1979-1980 Class A State Boy's Basketball Championship, and the team and its classmates at Omaha Westside have had a year of fine academic accomplishments as well.

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

1. That the Legislature extends its congratulations to the members of the boy's basketball team, and Coach Tom Hall and the coaching staff of Omaha Westside for their Class A Championship.

2. That the Clerk of the Legislature send a copy of this resolution to the boy's basketball team of Omaha Westside.

Laid over.

### EXPLANATION OF VOTE

Had I been present I would have supported LB 905 for advancement.

(Signed) Barry L. Reutzel

### UNANIMOUS CONSENT - Print in Journal

Mr. Murphy asked unanimous consent to print the following in the Journal. No objections. So ordered.

Request for public acknowledgement by Senator John Murphy on behalf of the Irish for past contributions by Vikings, culture, intelligence, good looks including red hair, and strong leadership abilities. Please again keep "the facts" accurate.

(Signed) The Rasmussens,  
Dennis & Ross

### STANDING COMMITTEE REPORT Revenue

**LEGISLATIVE BILL 968.** Placed on General File as amended.  
Standing Committee amendments to LB 968:

1. On page 3 line 12 after "corporation" insert "or those organizations, corporations, and societies authorized to conduct horse racing".
2. On page 18, line 27 strike "valid lien" and insert "reasonable charge".
3. Strike original section 22.
4. Renumber original sections 23 to 33 as sections 22 to 32, respectively.

(Signed) Calvin F. Carsten, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Messrs. Fowler, Reutzel, Landis, Chambers, and DeCamp asked unanimous consent to print the following amendment to LB 222 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2008.)

## GENERAL FILE

**LEGISLATIVE BILL 485.** Considered.

Mr. Newell renewed his pending amendment, as amended by Mr. Schmit on page 1209, printed separate from the Journal and referred to in the Journal on page 636 (Req. #2093).

The amendment was adopted, as amended, with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

Messrs. Cullan and Venditte asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 485A.** Title read. Considered.

Mr. Newell offered the following amendment:

To amend LB 485A to reflect the new effective date in LB 485.

page 2, line 3, strike "1979" insert "1980"

page 2, line 3, strike "1980" insert "1981"

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 11 present and not voting, and 8 excused and not voting.

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 533.** Title read. Considered.

Mr. Goodrich offered the following amendment:

2. On page 6, Line 10, insert "; Provided, that the monthly benefits received hereunder shall not exceed sixty per cent of the final average salary such judge was receiving when he last served as such judge", after "retirement".

Mr. Lewis offered the following amendment to the Goodrich amendment:

Strike "60" insert "66 2/3" for original and future members.

**MR. CLARK PRESIDING**

Mr. Lewis moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 14:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Carsten    | Fowler   | Koch     | Merz   | Wagner |
| DeCamp     | Goodrich | Labeledz | Newell | Wesely |
| Fitzgerald | Kelly    | Lewis    | Rumery |        |

Voting in the negative, 24:

|          |          |         |         |         |
|----------|----------|---------|---------|---------|
| Barrett  | Cope     | Kennedy | Marsh   | Sieck   |
| Beutler  | Dworak   | Kremer  | Marvel  | Stoney  |
| Burrows  | Hoagland | Lamb    | Murphy  | Vickers |
| Chambers | Johnson  | Landis  | Pirsch  | Warner  |
| Clark    | Kahle    | Maresh  | Reutzel |         |

Present and not voting, 4:

|        |          |        |        |
|--------|----------|--------|--------|
| George | Haberman | Hefner | Schmit |
|--------|----------|--------|--------|

Excused and not voting, 7:

|            |        |        |          |
|------------|--------|--------|----------|
| Chronister | Keyes  | Powers | Venditte |
| Cullan     | Nichol | Simon  |          |

The Lewis amendment lost with 14 ayes, 24 nays, 4 present and not voting, and 7 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 222.**

Introduced by Lewis, 45th District.

**PURPOSE:**

The purpose of this study would be to continue the interstate cooperative effort to gather, coordinate, share and evaluate information relating to the proposed power transmission facility known as the MANDAN line. Significant progress was achieved

during the 1979 interim by the study committee composed of legislators from North Dakota, South Dakota and Nebraska in reducing or eliminating obstacles to the development of the project. However, the complexity of such an international effort requires on-going discussion and coordination among the affected states. Copies of this resolution will be forwarded to the participating state legislatures in the hope of encouraging the continuation of their respective MANDAN study committees for the 1980 interim.

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

1. That a 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.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 965 in the Journal. No objections. So ordered.

Req. #2234

- 2 1. In the Standing Committee Amendments:  
 3 (a) On page 1, line 7 after the semicolon insert  
 4 "strike beginning with 'The' in line 11 through line 15  
 5 and show as stricken;"; and in line 24 strike "a new  
 6 section" and insert "two new sections".  
 7 (b) On page 2 after the underscored period in  
 8 line 3 insert the following:  
 9 "Sec. 19. That section 81-1560, Revised  
 10 Statutes Supplement, 1979, be amended to read as follows:  
 11 81-1560. The fee imposed by section 81-1559  
 12 shall be calculated only on the value of products or the  
 13 gross proceeds of sales of products ~~falling which~~  
 14 directly contribute to litter as defined in section  
 15 81-1541, Revised Statutes Supplement, 1979, and which  
 16 fall into the following categories: (1) Food for human  
 17 or pet consumption; (2) groceries; (3) cigarettes and  
 18 other tobacco products; (4) soft drinks and carbonated  
 19 waters; (5) liquor, wine, and beer and other malt  
 20 beverages; (6) household paper and paper products,  
 21 excluding magazines, periodicals, newspapers, and  
 22 literary works; (7) glass containers; (8) metal  
 23 containers; (9) plastic or fiber containers made of  
 24 synthetic material; and (10) cleaning agents and

25 toiletries.”.

- 1 (c) Strike amendment 7 and insert the following
- 2 new amendment:
- 3 “7. On page 12, line 14 strike ‘and’; and after
- 4 the first comma in line 15 insert ‘and 81-1560,’.”.

**STANDING COMMITTEE REPORTS**  
**Appropriations**

**LEGISLATIVE BILL 639.** Indefinitely postponed.  
**LEGISLATIVE BILL 677.** Indefinitely postponed.  
**LEGISLATIVE BILL 675.** Indefinitely postponed.  
**LEGISLATIVE BILL 88.** Indefinitely postponed.  
**LEGISLATIVE BILL 988.** Indefinitely postponed.  
**LEGISLATIVE BILL 982.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 889.** Placed on Select File.

**LEGISLATIVE BILL 696.** Placed on Select File as amended.  
 E & R amendments to LB 696:

1. Renumber section 2 (Req. 2143) as section 3, original sections 1 and 2 as sections 5 and 6, and the emergency clause as section 7.

2. In Req. 2142, page 8, line 25, strike “and”; on page 9, line 4, strike the period and insert “; and” and after line 4 insert

“(35) Exceptionally hazardous drug shall mean (a) a narcotic drug, (b) thiophene analog of phencyclidine, (d) phencyclidine, (d) amobarbital, (e) secobarbital, or (f) pentobarbital.”; and in Req. 2143, strike new section 1.

3. In lieu of all previous amendments thereto, on page 3, line 2, strike “section” and insert “sections 28-401, 28-405, 28-416, 28-511, and”.

4. In lieu of previous amendments thereto, in the title, line 2, strike “section” and insert “sections 28-401, 28-405, 28-416, 28-511, and”; in line 4, insert “to define terms; to change a schedule of controlled substances; to provide penalties relating to controlled substances;” after the semicolon; and in line 7 strike the first “section” and insert “sections”.

**LEGISLATIVE BILL 863A.** Placed on Select File.

**LEGISLATIVE BILL 423.** Placed on Select File as amended.  
E & R amendments to LB 423:

1. On page 3, line 1, insert "and" after the comma.
2. On page 4, line 2, strike ", and" and insert "or".

(Signed) Don Wesely, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 684A.** By Warner, 25th District.  
This bill introduced on behalf of: LB 684.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 684, Eighty-sixth Legislature, Second Session, 1980.

### UNANIMOUS CONSENT - Print in Journal

Mr. Murphy asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

(1)

On page 5, line 8 - strike the new material in line 8 & 9 and reinstate the old material in lines 3 thru 7.

(2)

Reinstate lines 1-13 on page 6, and on line 6, strike "two & one half" and insert "three & one half."

(3)

Reinstate on page 7, strike the new material on lines 4, 5, & 6.

(4)

Page 3, Line 26

Strike "Be supplemental to" show as stricken & insert "including"

### ADJOURNMENT

At 4:24 p.m., on a motion by Mr. Rumery, the Legislature adjourned until 9:00 a.m., Tuesday, March 18, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

---

Senator Jerome S. Groll,  
State Capitol  
Lincoln, Nebraska 68509



**LEGISLATIVE JOURNAL  
OF THE  
STATE OF NEBRASKA  
Volume II**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**CONVENED JANUARY 9, 1980**

**ADJOURNED APRIL 18, 1980**

**LINCOLN, NEBRASKA**

**Compiled**

**Under Authority of the Legislature**

**by**

**PATRICK J. O'DONNELL, CLERK**



**FORTY-FOURTH DAY - MARCH 18, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 18, 1980

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Whatever of the past or the future must pre-occupy our minds as we stand by our desks just now, O Lord, our God:

Enable us to become fully sensitive to the larger dimensions of the present moment.

Prevent us from wasting the wonderful gift of time.

Challenge us with an awareness of the potential for creativity and productivity with which every hour of life is endowed.

So may we be recognized by our constituents as worthy representatives,

And by our God as faithful servants. Amen.

**ROLL CALL**

The roll was called and all members were present except Mr. Cullan who was excused; and Mr. Chambers who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Forty-Third Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 958, 958A, 793, and 801.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LB 958, 958A, 793, 801, and LR 215.

**EXPLANATION OF VOTE**

Had I been present I would have voted "YES" on the Haberman Amendment to LB 605 and advancement of the bill for Engrossing.

(Signed) Harry B. Chronister

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 276. With Emergency.**

A BILL FOR AN ACT relating to interest; to change restrictions on certain certificates of deposit; to define terms; to increase maximum rates and charges on various types of transactions; to amend sections 8-435, 8-815, 8-820, and 21-1773, Reissue Revised Statutes of Nebraska, 1943, and sections 8-410, 45-101.03, 45-101.04, 45-137, and 45-338, Revised Statutes Supplement, 1979; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Cope       | George   | Johnson | Koch     |
| Beutler    | DeCamp     | Goodrich | Kahle   | Kremer   |
| Carsten    | Dworak     | Haberman | Kelly   | Labeledz |
| Chronister | Fitzgerald | Hefner   | Kennedy | Lamb     |
| Clark      | Fowler     | Hoagland | Keys    | Landis   |

|        |        |         |          |        |
|--------|--------|---------|----------|--------|
| Lewis  | Murphy | Reutzel | Stoney   | Wesely |
| Maresh | Newell | Rumery  | Venditte |        |
| Marsh  | Nichol | Schmit  | Vickers  |        |
| Marvel | Pirsch | Sieck   | Wagner   |        |
| Merz   | Powers | Simon   | Warner   |        |

Voting in the negative, 1:

Burrows

Excused and not voting, 2:

Chambers Cullan

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 279. With Emergency.**

A BILL FOR AN ACT relating to interest; to change the method of computation in case of prepayment; to change interest charges as prescribed; to amend sections 8-440, 8-822, 39-1349, 45-102, 45-103, and 45-104, Reissue Revised Statutes of Nebraska, 1943, section 45-342, Revised Statutes Supplement, 1979, and section 45-101.04, Revised Statutes Supplement, 1979, as amended by section 4, Legislative Bill 276, Eighty-sixth Legislature, Second Session, 1980; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Koch     | Murphy  | Stoney   |
| Beutler    | George   | Kremer   | Newell  | Venditte |
| Burrows    | Goodrich | Labeledz | Nichol  | Vickers  |
| Carsten    | Haberman | Lamb     | Pirsch  | Wagner   |
| Chronister | Hefner   | Landis   | Powers  | Warner   |
| Clark      | Hoagland | Lewis    | Reutzel | Wesely   |
| Cope       | Johnson  | Maresh   | Rumery  |          |
| DeCamp     | Kahle    | Marsh    | Schmit  |          |
| Dworak     | Kelly    | Marvel   | Sieck   |          |
| Fitzgerald | Kennedy  | Merz     | Simon   |          |

Voting in the negative, 0.

Present and not voting, 1:

Keyes

Excused and not voting, 2:

Chambers Cullan

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 308.** Mr. Burrows moved to return LB 308 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Burrows withdrew his motion.

**LEGISLATIVE BILL 308.** With Emergency.

A BILL FOR AN ACT to amend section 45-207, Reissue Revised Statutes of Nebraska, 1943, relating to interest; to change authorized interest charges as prescribed; to provide severability; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 37:

|            |            |          |          |          |
|------------|------------|----------|----------|----------|
| Barrett    | Fitzgerald | Koch     | Newell   | Stoney   |
| Beutler    | Goodrich   | Kremer   | Nichol   | Venditte |
| Carsten    | Haberman   | Labeledz | Powers   | Vickers  |
| Chronister | Hefner     | Lamb     | Reutzell | Wagner   |
| Clark      | Hoagland   | Lewis    | Rumery   | Warner   |
| Cope       | Kahle      | Marsh    | Schmit   |          |
| DeCamp     | Kelly      | Marvel   | Sieck    |          |
| Dworak     | Kennedy    | Murphy   | Simon    |          |

Voting in the negative, 10:

|         |         |        |        |        |
|---------|---------|--------|--------|--------|
| Burrows | George  | Keyes  | Maresh | Pirsch |
| Fowler  | Johnson | Landis | Merz   | Wesely |

Excused and not voting, 2:

Chambers Cullan

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 619.**

A BILL FOR AN ACT to amend section 39-6,131, Reissue Revised Statutes of Nebraska, 1943, relating to tires; to prohibit the use or sale of tires with studs or spikes; to require the posting of notices; to prohibit the sale of studs or spikes; to provide exceptions; to provide penalties; to provide operative dates; 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, 27:

|          |          |        |        |        |
|----------|----------|--------|--------|--------|
| Barrett  | Dworak   | Koch   | Newell | Stoney |
| Beutler  | Fowler   | Kremer | Pirsch | Warner |
| Burrows  | Hoagland | Lamb   | Powers | Wesely |
| Chambers | Johnson  | Landis | Rumery |        |
| Cope     | Kahle    | Marsh  | Sieck  |        |
| DeCamp   | Kelly    | Murphy | Simon  |        |

Voting in the negative, 20:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Carsten    | George   | Kennedy  | Maresh | Reutzel  |
| Chronister | Goodrich | Keyes    | Marvel | Schmit   |
| Clark      | Haberman | Labeledz | Merz   | Venditte |
| Fitzgerald | Hefner   | Lewis    | Nichol | Vickers  |

Present and not voting, 1:

Wagner

Excused and not voting, 1:

Cullan

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

**LEGISLATIVE BILL 622.**

A BILL FOR AN ACT to amend sections 42-365, 42-366, and 42-371, Reissue Revised Statutes of Nebraska, 1943, relating to divorce and alimony; to provide additional considerations in division of property and award of alimony as prescribed; to clarify a provision for release of liens; and to repeal the original sections.

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

Voting in the affirmative, 47:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Keyes    | Merz    | Simon    |
| Beutler    | George   | Koch     | Murphy  | Stoney   |
| Burrows    | Goodrich | Kremer   | Newell  | Venditte |
| Carsten    | Haberman | Labeledz | Nichol  | Vickers  |
| Chronister | Hefner   | Lamb     | Pirsch  | Wagner   |
| Clark      | Hoagland | Landis   | Powers  | Warner   |
| Cope       | Johnson  | Lewis    | Reutzel | Wesely   |
| DeCamp     | Kahle    | Maresh   | Rumery  |          |
| Dworak     | Kelly    | Marsh    | Schmit  |          |
| Fitzgerald | Kennedy  | Marvel   | Sieck   |          |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Cullan

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

**LEGISLATIVE BILL 680.** Mr. Schmit moved to return LB 680 to Select File for the following specific amendment:

1. Amend the bill by adding the emergency clause.

The motion prevailed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 680.** The Schmit specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 223.**

Introduced by Burrows, 30th District; Merz, 1st District.

WHEREAS, the annual state boy's basketball tournament provides a climax of school enthusiasm and a demonstration of youthful athletic excellence; and

WHEREAS, Filley High School won the Class D Boy's Basketball State Championship for the 1979-1980 season; and

WHEREAS, the basketball team at Filley received local support throughout the season and has proven itself worthy of statewide acclaim.

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

1. That the members of the Legislature extend their congratulations to Filley High School for its winning the Class D state boy's basketball championship.

2. That a copy of this resolution be sent to the boy's basketball team at Filley High School, Coach Eldon Johnson and the rest of the coaching staff.

Laid over.

**LEGISLATIVE RESOLUTION 224.**

Introduced by Reutzell, 15th District.

WHEREAS, the spirit and dedication of our young athletes and those who coached and assisted them, are a source of pride for the citizens of this state; and

WHEREAS, Fremont Bergan High School won the Class C State Boy's Basketball Championship for the 1979-1980 season, and the

football team at Fremont Bergan High won the Class C Championship for 1979; and

WHEREAS, Fremont Bergan High has produced the Class C boy's football and basketball state champions, an accomplishment worthy of statewide commendation.

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

1. That the members of the Legislature extend their congratulations to the Fremont Bergan High School boy's basketball and football teams, and their coaches.

2. That the Clerk of the Legislature send copies of this resolution to the boy's basketball and football teams at Fremont Bergan High School.

Laid over.

#### EXPLANATION OF VOTE

If I had been present, I would have voted Aye on the following bills:

March 10, 1980 - 29th Legislative Day LB 932, 600, 604, 681, 772, 802, 814, 876, 902, 981

March 12, 1980 - 31st Legislative Day LB 693, 94, 655

March 13, 1980 - 32nd Legislative Day LB 793, 801

(Signed) Shirley Marsh

#### GENERAL FILE

**LEGISLATIVE BILL 486.** Title read. Considered.

Mr. Koch withdrew his pending amendment found in the Journal on page 314.

Standing Committee amendments found in the Journal on page 960 for the Forty-Eighth Day, First Session, were rejected with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Koch renewed his pending amendments referred to in the Journal on page 1027 and printed separate from the Journal (Req. #2168).

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER MARVEL PRESIDING**

Mr. Dworak offered the following amendment to the Koch amendment:

To strike all new language in sec. 4 and reinsert the stricken language.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Dworak withdrew his amendment.

Mr. Venditte asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Murphy offered the following amendment to the Koch amendment:

To amend LB 486 on white copy Page 7, line 19 by adding a new subsection.

"The tuition to be charged for non-resident pupils shall be computed in the same manner as set forth in Article 79-486 Subsection 3"

The amendment lost with 8 ayes, 28 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Advanced to E & R for Review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 276 and 279.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 276 and 279.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 633A.** By Schmit, 23rd District.  
This bill introduced on behalf of: LB 633.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 633, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**LEGISLATIVE BILL 847A.** By Administrative Rules and Regulations Review Committee: Kelly, 35th District, Chairman.  
This bill introduced on behalf of: LB 847.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 847, Eighty-sixth Legislature, Second Session, 1980.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

Req. #2228

- 2 1. On page 2, strike lines 11 and 12 and insert
- 3 the following new sections:
- 4 "Sec. 2. That section 28-802, Revised Statutes
- 5 Supplement, 1978, be amended to read as follows:
- 6 28-802. (1) A person commits pandering if such
- 7 person:
- 8 (a) Entices another person to become a
- 9 prostitute; or
- 10 (b) Procures or harbors therein an inmate for a
- 11 house of prostitution or for any place where prostitution
- 12 is practiced or allowed; or
- 13 (c) Inveigles, entices, persuades, encourages, or
- 14 procures any person to come into or leave this state for
- 15 the purpose of prostitution or debauchery; or
- 16 (d) Receives or gives or agrees to receive or
- 17 give any money or other thing of value for procuring or
- 18 attempting to procure any person to become a prostitute

19 or commit an act of prostitution or come into this state  
 20 or leave this state for the purpose of prostitution or  
 21 debauchery.

22 (2) Pandering is a Class ~~IV~~ II felony.

23 Sec. 3. That section 28-804, Revised Statutes  
 24 Supplement, 1978, be amended to read as follows:

1 28-804. (1) Any person who has or exercises  
 2 control over the use of any place which offers seclusion  
 3 or shelter for the practice of prostitution and who  
 4 knowingly grants or permits the use of such place for the  
 5 purpose of prostitution commits the offense of keeping a  
 6 place of prostitution.

7 (2) Keeping a place of prostitution is a Class I  
 8 ~~misdemeanor~~ IV felony.

9 Sec. 4. That original sections 28-801, 28-802,  
 10 and 28-804, Revised Statutes Supplement, 1978, are  
 11 repealed."

**MOTION - Reconsider Action on LB 308**

Mr. Simon moved to reconsider action on the final passage of LB 308.

Mr. Simon moved for a Call of the House. The motion prevailed with  
 9 ayes, 0 nays, and 40 not voting.

Mr. Simon requested a roll call vote on his motion.

Voting in the affirmative, 19:

|          |         |        |         |         |
|----------|---------|--------|---------|---------|
| Beutler  | Johnson | Landis | Merz    | Simon   |
| Burrows  | Kelly   | Maresh | Newell  | Stoney  |
| Fowler   | Keyes   | Marsh  | Pirsch  | Vickers |
| Hoagland | Koch    | Marvel | Reutzel |         |

Voting in the negative, 25:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Barrett    | DeCamp     | Haberman | Labeledz | Powers |
| Carsten    | Dworak     | Hefner   | Lamb     | Rumery |
| Chronister | Fitzgerald | Kahle    | Lewis    | Sieck  |
| Clark      | George     | Kennedy  | Murphy   | Wagner |
| Cope       | Goodrich   | Kremer   | Nichol   | Warner |

Excused and not voting, 4:

|        |        |          |        |
|--------|--------|----------|--------|
| Cullan | Schmit | Venditte | Wesely |
|--------|--------|----------|--------|

Absent and not voting, 1:

Chambers

The Simon motion lost with 19 ayes, 25 nays, 4 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

**STANDING COMMITTEE REPORT**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 899.** Placed on General File as amended.  
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2224.)

(Signed) John DeCamp, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 18, 1980, at 11:28 a.m., were the following bills: 276, 279, 801, 793, 958, and 958A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Mr. Koch asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

Req. #2243

- 2 1. Insert the following new section:  
3 "Sec. 10. That section 30-2482, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:  
6 30-2482. (1) After notice to all interested  
7 persons or on petition of an interested person or on  
8 appropriate motion if administration is supervised, the  
9 propriety of employment of any person by a personal  
10 representative including any attorney, auditor,  
11 investment advisor, or other specialized agent or  
12 assistant, the reasonableness of the compensation of any  
13 person so employed, or the reasonableness of the  
14 compensation determined by the personal representative  
15 for his or her own services, may be reviewed by the  
16 court. Any person who has received excessive  
17 compensation from an estate for services rendered may be  
18 ordered to make appropriate refunds.  
19 (2) Factors to be considered as guides in

20 determining the reasonableness of a fee include the  
 21 following:

22 (a) The time and labor required, the novelty and  
 23 difficulty of the questions involved, and the skill  
 24 requisite to perform the service properly;

1 (b) The likelihood, if apparent to the personal  
 2 representative, that the acceptance of the particular  
 3 employment will preclude the person employed from other  
 4 employment;

5 (c) The fee customarily charged in the locality  
 6 for similar services;

7 (d) The amount involved and the results obtained;

8 (e) The time limitations imposed by the personal  
 9 representative or by the circumstances;

10 (f) The nature and length of the relationship  
 11 between the personal representative and the person  
 12 performing the services; and

13 (g) The experience, reputation, and ability of  
 14 the person performing the services.”.

15 2. On page 23, line 9 after “30-2352,” insert  
 16 “30-2482.”.

17 3. Renumber remaining sections accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 739.** Title read. Considered.

Standing Committee amendments found in the Journal on page 623 for the Twenty-Second Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Maresh offered the following amendment:

1 1. Insert the following new section:  
 2 “Sec. 3. Each ground water conservation district  
 3 in existence on the effective date of this act shall have  
 4 the question of whether to continue the existence of such  
 5 district submitted to a vote of the electors, as defined in  
 6 section 46-102, of such district at the general election  
 7 held in 1980. The election provisions of sections 46-621  
 8 to 46-623 shall apply to such election. If a majority of  
 9 those voting on the issue vote to cease the existence of  
 10 any district the district shall be deemed dissolved and  
 11 the procedure for dissolution under section 46-633 shall  
 12 be used.”.

13 2. Renumber remaining sections accordingly.

**MR. CLARK PRESIDING**

Mr. Maresh moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

### **SPEAKER MARVEL PRESIDING**

Mr. Maresh requested a roll call vote on his amendment.

Voting in the affirmative, 25:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Beutler    | Fowler   | Johnson | Merz   | Powers |
| Burrows    | George   | Kahle   | Murphy | Rumery |
| DeCamp     | Haberman | Kennedy | Newell | Sieck  |
| Dworak     | Hefner   | Lamb    | Nichol | Simon  |
| Fitzgerald | Hoagland | Maresh  | Pirsch | Stoney |

Voting in the negative, 11:

|         |        |         |        |
|---------|--------|---------|--------|
| Carsten | Kelly  | Landis  | Wagner |
| Clark   | Koch   | Marsh   | Warner |
| Cope    | Kremer | Vickers |        |

Present and not voting, 6:

|            |          |         |
|------------|----------|---------|
| Barrett    | Goodrich | Marvel  |
| Chronister | Labedz   | Reutzel |

Excused and not voting, 4:

|        |        |          |        |
|--------|--------|----------|--------|
| Cullan | Schmit | Venditte | Wesely |
|--------|--------|----------|--------|

Absent and not voting, 3:

|          |       |       |
|----------|-------|-------|
| Chambers | Keyes | Lewis |
|----------|-------|-------|

The Maresh amendment was adopted with 25 ayes, 11 nays, 6 present and not voting, 4 excused and not voting, and 3 absent and not voting.

Laid over.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Enrolled**

The following bills were correctly enrolled: 308, 619, and 622.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 308, 619, and 622.

**STANDING COMMITTEE REPORT**  
**Judiciary**

**LEGISLATIVE BILL 992.** Placed on General File as amended.  
Standing Committee amendments to LB 992:

Req. #2199

2 1. On page 4, strike beginning with "a" in line  
3 20 through line 21 and insert "an individual licensed to  
4 practice medicine and surgery pursuant to sections  
5 71-1,102 to 71-1,107.04 or certified as qualified to  
6 practice clinical psychology pursuant to sections 71-3832  
7 to 71-3836"; and in line 23 after "person" insert an  
8 underscored comma.

9 2. On page 5, line 14 after "person" insert "and  
10 whether an unrevoked nonconsent form is on file from a  
11 biological parent or parents pursuant to section 14 of  
12 this act or from an adoptive parent or parents pursuant  
13 to section 25 of this act"; and in line 16 after  
14 "revoked" insert "and if no nonconsent form has been  
15 filed by an adoptive parent or parents pursuant to  
16 section 25 of this act"; and in line 19 after the  
17 underscored comma insert "and if no nonconsent form has  
18 been filed pursuant to section 25 of this act".

19 3. On page 6, in line 4 after "spouse" insert ",  
20 if such spouse is not a biological parent"; and in line  
21 24 after "parents" insert ", if such spouse is not a  
22 biological parent".

23 4. On page 7, line 5 after "spouse" insert ",  
24 if such spouse is not a biological parent"; and in line 24  
25 after the comma insert "if such spouse is not a  
1 biological parent".

2 5. On page 8, line 4 after "14" insert "or 25";  
3 and in line 12 after the underscored comma insert "and no  
4 nonconsent form, as provided in section 25 of this act,  
5 has been filed"; and in line 25 after the comma insert  
6 "if no valid nonconsent form, as provided in section 14  
7 or 25 of this act, is on file".

8 6. Insert the following new sections:  
9 "Sec. 25. An adoptive parent or parents may at  
10 any time, if they desire, file a notice of nonconsent  
11 with the bureau stating that at no time prior to his or  
12 her death or the death of both parents if each signed the

13 form may any information on the adopted person's original  
14 birth certificate be released to such adopted person.

15 Sec. 26. The nonconsent form provided for in  
16 section 25 of this act shall contain the following  
17 information:

18 (1) The name of the person completing the form  
19 and, if different, the name of such person at the time of  
20 birth of the adopted person;

21 (2) The relationship of the person to the adopted  
22 person;

23 (3) The date and birth of the adopted person;

24 (4) The sex of the adopted person;

25 (5) The place of birth of the adopted person;

26 (6) A statement that no information concerning  
27 the information contained in the original birth

1 certificate of the adopted person shall be released prior  
2 to the death of the adoptive parent or parents signing  
3 the form; and

4 (7) A notice in the following form:

5 IMPORTANT NOTICE

6 You do not have to sign this form. If you do sign it,  
7 you are entitled to a copy of it. Your signature on this  
8 form means that the Bureau of Vital Statistics will not  
9 disclose any information contained on the birth  
10 certificate of the adopted person to any person prior to  
11 your death and the death of your spouse, if he or she  
12 signed the form, without a court order. If you later  
13 decide that you do not object to the release of such  
14 information you may file a form stating that purpose.

15 Sec. 27. At any time after signing the notice  
16 of nonconsent provided for in section 25 of this act, the  
17 adoptive parent or parents may revoke such notice. A  
18 form of revocation shall be provided by the bureau, and  
19 shall take effect at the time of filing of the form with  
20 the bureau. The revocation form shall contain the  
21 following notice:

22 IMPORTANT NOTICE

23 You do not have to sign this form. If you do sign it,  
24 you are entitled to a copy of it. Your signature on this  
25 form means that the Bureau of Vital Statistics may  
26 disclose any information contained on the birth  
27 certificate of the adopted person pursuant to this act.

1 If you sign this form and later decide you do not want  
2 this information released prior to your death you may  
3 file another form for that purpose.

4 Sec. 28. The forms provided by sections 14, 15,  
5 25, and 26 of this act shall be notarized and filed with  
6 the bureau which shall keep such forms with all other  
7 records of an individual adopted person.

8 Sec. 29. If any section in this act or any part

- 9 of any section shall be declared invalid or  
10 unconstitutional, such declaration shall not affect the  
11 validity or constitutionality of the remaining portions  
12 thereof."  
13 7. Renumber remaining sections accordingly.

(Signed) William E. Nichol, Chairperson

### VISITORS

Visitors to the Chamber were Rich Froid, Marcia Hassing, Mary Wilkins, Bill Urbanek, Harold McClure, Paul Wieckhorst, and Chris Richardson from Kearney; Chris Mumford, Mike Watt, and Tom Watt from Chester-Hubbell School; 10 children and sponsors from Springfield United Methodist Church; Senator Chronister's daughter and son-in-law Mr. and Mrs. Dan Wisneiski from Schuyler; and Mr. Leslie Ryman from Lincoln.

### RECESS

At 12:03 p.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:41 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Mr. Cullan who was excused; and Messrs. Barrett, Chambers, Hoagland, Keyes, Lewis, Newell, Schmit, Venditte, and Mrs. Labeledz who were excused until they arrive.

### MESSAGE FROM THE GOVERNOR

March 18, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 94, 276, 279, 655, and 693.

These bills were signed by me on March 18, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 485.** Placed on Select File as amended.  
E & R amendments to LB 485:

1. On page 11, line 5, strike "will" and insert "shall".
2. On page 13, line 11, strike "regulation or rule" and insert "rule or regulation".
3. On page 14, line 1, strike ", may" and insert "may,"; in line 2 insert a comma after "years"; and in line 22 strike the comma.

**LEGISLATIVE BILL 485A.** Placed on Select File.

(Signed) Don Wesely, Chairperson

### UNANIMOUS CONSENT - Members Excused

Business and Labor Committee asked unanimous consent to be excused for a short time. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 768.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1137 for the Forty-First Day were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 995.** Title read. Considered.

Mr. Haberman offered the following amendment:

increase the appropriations for the grasshopper program in 995 - add 1 million dollars.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Haberman amendment lost with 8 ayes, 21 nays, 9 present and not voting, and 11 excused and not voting.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 18, 1980, at 12:13 p.m., were the following bills: 308, 619, and 622.

(Signed) Hazel Kaltenberger, Enrolling Clerk

### SPEAKER'S ORDER

Move from Passed Over to Select File:  
LB 848 - move to follow LB 800

(Signed) Richard D. Marvel, Speaker

### UNANIMOUS CONSENT - Print in Journal

Mrs. Labeledz and Mr. DeCamp asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

Amend Section 1 of Legislative Bill 741.

(1) On page 3, line 7, strike the word "section and insert "sections".

(2) On page 3, line 7, following "23-408," add sections "14-201, 14-201.02, 14-201.03, 14-201.04, 14-204, 14-205, 14-206, 14-207, 14-208, 14-209, 14-216, 14-217.01 and 14-217.02,".

(3) Renumber the lines of Legislative Bill 741 accordingly.

### STANDING COMMITTEE REPORTS Nebraska Retirement Systems

**LEGISLATIVE BILL 229.** Placed on General File as amended. Standing Committee amendments to LB 229:

1. On page 2, lines 6 and 7 reinstate "or policeman"; and strike beginning with "and" in line 7 through "years" in line 8.
2. Strike original sections 2 and 3.
3. On page 4, line 1 strike "sections" and insert

“section”; and in lines 1 and 2 strike “and 15-1007”; and in line 2 strike “are” and insert “is”.

4. Renumber original section 4 as section 2.

**LEGISLATIVE BILL 953.** Placed on General File.

**LEGISLATIVE BILL 118.** Indefinitely postponed.

**LEGISLATIVE BILL 182.** Indefinitely postponed.

**LEGISLATIVE BILL 218.** Indefinitely postponed.

**LEGISLATIVE BILL 231.** Indefinitely postponed.

**LEGISLATIVE BILL 410.** Indefinitely postponed.

**LEGISLATIVE BILL 930.** Indefinitely postponed.

**LEGISLATIVE BILL 955.** Indefinitely postponed.

(Signed) Steve Fowler, Chairperson

### Public Health and Welfare

**LEGISLATIVE BILL 664.** Placed on General File as amended.

Standing Committee amendment to LB 664:

1. On page 2 strike beginning with “Every” in line 1 through the period in line 8 and insert “It shall be the duty of any person having responsibility, whether temporary or not, for the custody and care of any child under four years of age, when transporting such child in a motor vehicle on any highway, road, or street in this state, to provide for the protection of such child by properly using a child passenger restraint system which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Safety Administration as of the effective date of this act.”; and strike beginning with “recreational” in line 9 through “more” in line 11 and insert “motorcycles”.

**LEGISLATIVE BILL 715.** Placed on General File as amended.

Standing Committee amendments to LB 715:

Req. #2077

2 1. On page 3, line 4 strike “and”; in line 6  
 3 strike the period and insert “; and”; and after line 6  
 4 insert a new subdivision as follows:  
 5 “(4) Approved local health agency shall mean any  
 6 health department of a local political subdivision which  
 7 complies with the standards of the Department of Health  
 8 pursuant to section 8 of this act and which contracts  
 9 with the Department of Health to administer this act.”;  
 10 in line 7 after “Health” insert “or an approved local  
 11 health agency”, and strike “provide” and insert “make  
 12 available”; in line 8 strike “a laboratory facility for  
 13 the” and insert “laboratory”; in line 9 after  
 14 “laboratory” insert “analysis”; strike beginning with “A”  
 15 in line 14 through line 17 and insert “The department or

16 an approved local health agency may contract with public  
17 or private laboratory facilities for the provision of  
18 laboratory analysis pursuant to this section. The cost  
19 of such analysis shall be paid by the state.”; in line 18  
20 strike “or such”; and strike line 19 and insert “and any  
21 approved local health agency shall”.

22 2. On page 4 strike beginning with “or” in line  
23 4 through line 5 and insert “and any approved local  
24 health agency. Any person or persons responsible for the  
25 care of a building or the owner of such building who  
1 wishes to conduct an abatement of asbestos building  
2 materials is eligible to apply for a permit. A permit  
3 for such abatement shall be issued upon establishing (1)  
4 that the person or persons applying for the permit is  
5 responsible for care of the building in which the  
6 abatement will be conducted and (2) compliance with all  
7 requirements for the permit established pursuant to  
8 section 8 of this act.”; in line 9 after “Nebraska”  
9 insert “pursuant to rules and regulations of the  
10 Department of Environmental Control covering solid waste  
11 disposal”; in line 25 after “buildings” insert “for  
12 friable materials” and after the second “of” insert “bulk  
13 or air”; and in line 26 after “analysis” insert “of  
14 samples”, and after “content” insert “including the type  
15 of laboratory equipment and analysis to be used and time  
16 requirements for the return of such samples,  
17 identification of a potential hazard to the public  
18 health, and the selection of appropriate abatement  
19 methods”.

20 3. On page 5, line 2 after “abatement” insert  
21 “including the procedures for securing the work area, the  
22 type of equipment to be used during the abatement, and  
23 the procedures to be utilized to reduce the hazard to the  
24 workers and the public”; after line 5 insert the  
25 following new paragraph:

26 “A permit shall be issued upon establishment by  
27 the applicant that he or she is responsible for the care  
1 of the building in which the abatement will be conducted  
2 and that the applicant has and will continue to comply  
3 with the standards pursuant to this section. A permit  
4 may be denied or revoked upon a finding by the Department  
5 of Health or an approved local health agency that the  
6 applicant is not the appropriate authority to conduct an  
7 abatement in the building specified in the application  
8 for permit or that the applicant has not complied with  
9 the standards pursuant to this section. A permit may be  
10 suspended by the Department of Health or an approved  
11 local health agency upon a finding that the applicant has  
12 not complied with the standard pursuant to this section  
13 and such suspension shall remain in effect until

14 compliance with such standards is established. The  
 15 Department of Health shall provide for an appeal process  
 16 for any party aggrieved under this section.”; strike  
 17 lines 9 through 11 and insert “all standards established  
 18 pursuant to sections 6 and 8 of this act.”; in line 13  
 19 strike “IV” and insert “III”; and after the period in  
 20 line 16 insert “Any person violating this act may be  
 21 enjoined from continuing such violation.”.

(Signed) Samuel K. Cullan, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 680.

**Correctly Engrossed**

The following bills were correctly engrossed: 304, 346, 440, 662, 730, 743, 782, 808, 839, 839A, 849, 849A, 862, 867, 867A, 874, 885, 887, 915, 916, 923, 925, and 936.

(Signed) Don Wesely, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 225.**

Introduced by Chambers, 11th District.

**PURPOSE:**

To study the adequacy of all statutory benefits accruing to injured employees and their dependents under the workmen’s compensation statutes, including not only the schedule of compensation but also provisions for payment of attorneys’ fees and any other expenses in securing the benefits provided by law.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 226.**

Introduced by Keyes, 3rd District; Landis, 46th District; DeCamp, 40th District; Johnson, 8th District; Labeledz, 5th District.

WHEREAS, all citizens of the State and the United States are provided the right of free speech under the First Amendment of the United States Constitution and, ideally this right should never be infringed upon by any business or government for any reason; and

WHEREAS, elected officials are the basic foundation of representative government; and

WHEREAS, the historic low salary of most elected positions requires that public officials work or have an interest in the affairs of local business; and

WHEREAS, recent news accounts in both of the major Nebraska newspapers reveal that a member of the Omaha school board was given an "ultimatum" by his employer to become "less controversial" and either to refrain from his right to freedom of speech on issues which concerned his elected position or to resign from his employment; and

WHEREAS, the right of freedom of speech should never be curtailed through employment-related reprisals or through acts against elected public officials in the course of their public service; and

WHEREAS, it is central to the health, safety, and welfare of all Nebraskans that the right of freedom of speech be protected and preserved.

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

1. That the Nebraska Legislature condemns private businesses which utilize reprisals against employees who are engaged in any issue of public importance.

2. That the members of the Legislature encourage all agencies of state government, and all governmental subdivisions, to refrain from extending their purchasing power so as, to assist such businesses.

3. That the Clerk of the Legislature shall take the necessary action to make the businesses in this state aware of this resolution.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 995.** Considered.

Mr. Nichol offered the following amendment:

**PURPOSE:** To provide funding for the administrative costs for the spring, 1980 spraying program.

**AMENDMENT:** On page 39, line 25, strike "805,895" and insert "869,775".

On page 40, line 2, strike "1,114,306" and insert "1,178,186"; in lines 8 and 14, strike "1,000,000" and insert "1,063,880".

On page 43, line 5, strike "3,165,421" and insert "3,229,301"; in line 11 strike "6,281,700" and insert "6,345,580".

Mr. Nichol moved for a Call of the House. The motion prevailed with 6 ayes, 2 nays, and 41 not voting.

Mr. Nichol requested a roll call vote on his amendment.

Voting in the affirmative, 12:

|         |          |        |        |
|---------|----------|--------|--------|
| Carsten | Goodrich | Kahle  | Nichol |
| Clark   | Haberman | Kremer | Schmit |
| DeCamp  | Hefner   | Lamb   | Wagner |

Voting in the negative, 29:

|          |          |          |         |         |
|----------|----------|----------|---------|---------|
| Beutler  | George   | Labeledz | Murphy  | Sieck   |
| Burrows  | Hoagland | Landis   | Newell  | Simon   |
| Chambers | Johnson  | Lewis    | Pirsch  | Stoney  |
| Cope     | Kennedy  | Maresh   | Powers  | Vickers |
| Dworak   | Keyes    | Marsh    | Reutzel | Warner  |
| Fowler   | Koch     | Marvel   | Rumery  |         |

Present and not voting, 4:

|            |            |       |      |
|------------|------------|-------|------|
| Chronister | Fitzgerald | Kelly | Merz |
|------------|------------|-------|------|

Excused and not voting, 4:

|         |        |          |        |
|---------|--------|----------|--------|
| Barrett | Cullan | Venditte | Wesely |
|---------|--------|----------|--------|

The Nichol amendment lost with 12 ayes, 29 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:  
Page 40 line 11 strike "one-sixth" insert "one-third"

Mr. Nichol asked unanimous consent to be excused until he returns.  
No objections. So ordered.

**MR. CLARK PRESIDING**

Mr. Lamb moved for a Call of the House. The motion prevailed with 14 ayes, 11 nays, and 24 not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | George   | Kennedy | Marvel | Schmit |
| Chronister | Haberman | Kremer  | Merz   | Sieck  |
| Clark      | Hefner   | Lamb    | Murphy | Wagner |
| DeCamp     | Kahle    | Maresh  | Powers |        |

Voting in the negative, 23:

|          |            |          |         |         |
|----------|------------|----------|---------|---------|
| Beutler  | Dworak     | Keyes    | Newell  | Stoney  |
| Burrows  | Fitzgerald | Koch     | Pirsch  | Vickers |
| Carsten  | Fowler     | Labeledz | Reutzel | Warner  |
| Chambers | Hoagland   | Landis   | Rumery  |         |
| Cope     | Johnson    | Marsh    | Simon   |         |

Present and not voting, 2:

Goodrich     Kelly

Excused and not voting, 5:

Cullan         Lewis         Nichol         Venditte         Wesely

The Lamb amendment lost with 19 ayes, 23 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 26 ayes, 3 nays, 7 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 996.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 939 in the Journal. No objections. So ordered.

Req. #2251

2 1. Insert the following new section:  
3 "Sec. 7. That section 2-1213, Revised Statutes  
4 Supplement, 1978, be amended to read as follows:  
5 2-1213. No racing under sections 2-1201 to  
6 2-1218 shall be permitted on Sunday except when approved  
7 by a majority of the members of the State Racing  
8 Commission. If the State Racing Commission permits  
9 racing on Sunday the voters may prohibit such racing in  
10 the manner prescribed in section 2-1213.01. If such  
11 approval is granted, no racing shall occur on Sunday  
12 until after 1:00 p.m. No license shall be granted for  
13 racing on more than one race track in any one county,  
14 except that the commission may, in its discretion, grant  
15 a license to any county agricultural society to conduct  
16 racing during its county fair notwithstanding license may  
17 have been issued for racing on another track in such  
18 county. Since the purpose of sections 2-1201 to 2-1218  
19 is to encourage agriculture and horse breeding in  
20 Nebraska, every licensee shall hold at least one race on  
21 each racing day limited to Nebraska-bred horses. Three  
22 per cent of the first money of every purse won by a  
23 Nebraska-bred horse shall be paid to the breeder of such  
24 horse.

1 For purposes of this section, Nebraska-bred horse  
2 shall mean a horse registered with the Nebraska  
3 Thoroughbred Registry and meeting the following  
4 requirements: (1) It must have been foaled in Nebraska;  
5 (2) its dam must have been registered, prior to foaling,  
6 with the Nebraska Thoroughbred Registry; (3) its owner or  
7 owners, or, if the owner is a corporation, all  
8 stockholders thereof, must have been bona fide citizens  
9 of Nebraska continually from January 1 of the year of  
10 conception through the date of foaling; and (4) its dam  
11 must have been continuously in Nebraska for six months  
12 immediately prior to foaling, except that this period may  
13 be reduced to ninety days in the case of a mare in foal  
14 and which is either (a) registered as a broodmare with  
15 the Nebraska Thoroughbred Registry but which is being  
16 actively trained and raced outside Nebraska and is

17 returned to this state and remains herein continuously  
 18 for ninety days immediately prior to foaling, or (b)  
 19 purchased at a nationally-recognized thoroughbred blood  
 20 stock sale, ~~the entries for which are closed prior to~~  
 21 ~~September 1 of the year of purchase,~~ the name and  
 22 pedigree of the mare being listed in the sale catalog,  
 23 and which is brought into this state and remains herein  
 24 for ninety days immediately prior to foaling.”.

25 2. In the Standing Committee amendments, on page  
 26 2, line 27 strike “section” and insert “sections 2-1213  
 27 and”.

- 1 3. Strike the Standing Committee amendment 6.
- 2 4. Renumber remaining sections accordingly.

## RESOLUTION

### LEGISLATIVE RESOLUTION 227.

Introduced by Chambers, 11th District.

#### PURPOSE:

Because Eppley Institute for Research in Cancer receives large amounts of federal and state funds and its work is far-reaching and of utmost importance, it is a matter of great concern to the people of the State of Nebraska how the Institution is operated. Recently many questions have been publicly raised relative to various aspects of the Institute's operations, thus there is a need to conduct an interim study to provide for closer scrutiny of the funding, expenditures, operations, practices, activities, and effectiveness of the Eppley Institute for Research in Cancer and the relationship between such institute and the University of Nebraska Medical Center.

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

1. That the Government Committee of the Legislature shall 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.

## GENERAL FILE

**LEGISLATIVE BILL 997.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Messrs. Simon and Chronister asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 998.** Title read. Considered.

Mr. Lamb offered the following amendment:

Page 38 line 12 strike 189,699 insert 161,986

line 13 strike 189,699 insert 161,986

Mr. Lamb withdrew his amendment.

Advanced to E & R for Review with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 222 in the Journal. No objections. So ordered.

1. In the White Copy Request 2008 on page 7, after line 3 insert the following new paragraph:

“Nothing in this section shall be construed to automatically require an autopsy in cases when the deceased was under the care of someone other than a licensed physician in accordance with the tenets and practices of an organized religious denomination. Such cases shall be investigated and autopsies may be performed if any other circumstances described in subdivisions (1) to (8) of this section are existing or suspected.”.

Mr. Clark asked unanimous consent to print the following amendment to LB 738 in the Journal. No objections. So ordered.

- 1 1. On page 9, line 6 strike “Beginning Septem-
- 2 ber 1, 1980,” and insert “If continuation of the program is
- 3 approved pursuant to section 33 of this act, beginning
- 4 January 1, 1981,”; strike beginning with “Until” in line
- 5 16 through “be” in line 17 and insert “If continuation of
- 6 the program is approved pursuant to section 33 of this act
- 7 the fee shall, until December 31, 1981, be levied at the
- 8 rate of”; in line 18 after the second comma insert “if
- 9 continuation of the program has been approved”.
- 10 2. Insert a new section as follows:
- 11 “Sec. 33. Prior to December 1, 1980, the commis-
- 12 sion shall conduct an election by growers and first purchas-
- 13 ers on the issue of continuation of this program. The com-

14 mission shall mail to each first purchaser and grower,  
15 including but not limited to, landlords and tenants person-  
16 ally engaged in growing dry beans, a ballot on which to make  
17 his or her preference known. Each grower and first purchaser  
18 shall be allowed one vote and no individual shall, as a  
19 result of membership in any association, interest in any  
20 business entity, or for any other reason be permitted to  
21 cast more than one ballot, except that each partnership,  
22 association, corporation, cooperative, trust, sharecropper,  
23 and any other similar business entity defined as a grower  
24 or first purchaser under this act shall be entitled to one  
25 vote. Growers or first purchasers who are owners, of land  
26 held in joint tenancy or tenancy in common shall be entitled  
27 to only one vote. Such ballots shall be returned to the  
1 commission within fourteen days after being mailed by the  
2 commission. Within fifteen days after such ballots are  
3 returned the commission shall publish the results of the  
4 election. If a majority of those voting vote not to continue  
5 the program established by this act then such program shall  
6 be terminated on or before January 31, 1981 and no fees shall  
7 be collected pursuant to this act. The commission may  
8 request the assistance of the Department of Agriculture in  
9 preparing and distributing ballots and in conducting the  
10 election required by this section.”.

11 3. Renumber original sections accordingly.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 228.

Introduced by Government, Military and Veterans Affairs  
Committee: Keyes, 3rd District, Chairman.

#### PURPOSE:

The purpose and intent of this resolution is to study the procedures for filling vacancies in elective office. The primary focus is on the various methods that exist in statute and the problems that arise in this process.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 229.**

Introduced by Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman.

**PURPOSE:**

The purpose and intent of this study is to clarify statutes relating to mileage allowance for all public employees and make necessary suggestions which resolve any problems or conflicting sections of law.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 230.**

Introduced by Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman.

**PURPOSE:**

The purpose and intent of this resolution is to study the impact of electric generating plants on small communities and the impending effects on the public services it provides. The primary focus of the study shall be on the effects on law enforcement and public works.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 231.**

Introduced by Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman.

**PURPOSE:**

The purpose and intent of this resolution is to study all aspects of state civil defense in the event that the Nebraska National Guard or Air National Guard is called into active military duty. The primary focus shall be the preparedness of the State to organize and equip a State Guard which will be capable to meet the varied demands of the State and to ensure its safety from both natural and man made concerns.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 232.**

Introduced by Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman.

**PURPOSE:**

The intent of this resolution would be to study the use of small, energy efficient vehicles (e.g. golf carts, etc.) for the purpose of private transportation within cities and villages. The study would analyze all present laws which prohibit the use of such vehicles and consider alternatives to these laws which would both promote energy efficiency and continue the concern for public health and safety.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**GENERAL FILE**

**LEGISLATIVE BILL 999.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1000.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Landis asked unanimous consent to print the following amendments to LB 891 in the Journal. No objections. So ordered.

**(1)**

1 1. Insert the following new section:

2 "Sec. 2. Any person who is a Quaker or belongs  
3 to the Society of Friends may withhold from his or her  
4 state income tax an amount of money otherwise due which  
5 represents the per capita share of state support for the  
6 Nebraska military forces, as defined in section 55-402.  
7 The Tax Commissioner shall annually determine and publish  
8 the per capita share of state support for the Nebraska  
9 military forces."

**(2)**

1 1. Insert the following new section:

2 "Sec. 2. Any person who adheres to the Christian  
3 Science religion may withhold from his or her state income  
4 tax an amount of money otherwise due which represents the  
5 per capita share of state support for employee health  
6 insurance, Medicaid payments, and all programs of the  
7 University of Nebraska Medical Center, the College of  
8 Nursing, and the College of Pharmacy. The Tax Commissioner  
9 shall annually determine and publish the per capita share  
10 of state support for the insurance, Medicaid payments, and  
11 programs enumerated in this section."

**RESOLUTION**

**LEGISLATIVE RESOLUTION 233.**

Introduced by Chambers, 11th District.

**PURPOSE:**

To study all aspects of the North Freeway Project in Omaha and its impact on the neighborhoods directly involved and the city as a whole.

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

1. That the Government 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.

### GENERAL FILE

**LEGISLATIVE BILL 1001.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 3 nays, 12 present and not voting, and 5 excused and not voting.

### MESSAGE FROM THE GOVERNOR

March 18, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 308.

This bill was signed by me on March 18, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

### ADJOURNMENT

At 4:28 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Wednesday, March 19, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**FORTY-FIFTH DAY - MARCH 19, 1980**

**LEGISLATIVE JOURNAL**

**FORTY-FIFTH DAY - MARCH 19, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 19, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

If we have been guilty at times of looking backward in anger, or forward to revenge, forgive us, O Lord our God.

And if there have been moments when we have looked at one another in disgust or distrust, and have been selfish in motivation, and careless in action, forgive us.

If, in the midst of the many things that happen in this legislature, we tend to grow skeptical about Your presence here, no longer remembering that our work is really Your work, forgive us.

In our finer moments, we know better. Help us to overcome those interludes of weakness when we know better than we do. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Hefner and Simon who were excused; and Mr. Koch who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Forty-Fourth Day was approved.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 234.**

Introduced by Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Hefner, 19th District; Stoney, 4th District; Carsten, 2nd District; Pirsch, 10th District; Koch, 12th District; George, 16th District.

**PURPOSE:**

This study has as its purpose the evaluation of potential constitutional amendments relating to municipal home rule in Nebraska. At the present time, Article XI, section 2 of the Nebraska Constitution authorizes any city having a population of more than five thousand inhabitants to frame a charter for its own government consistent with and subject to the constitution and laws of this state. This constitutional provision has remained unchanged since its adoption in 1912, and today the only Nebraska municipalities operating under home rule charters are Lincoln and Omaha. As construed by the Nebraska Supreme Court, home rule charters are subject to strict construction as being grants rather than limitations of power. The Court has also held that home rule charters are effective only as to matters of strictly local municipal concern, and that they must yield to state law in all other matters. Because the Constitution does not delineate permissible home rule powers there is uncertainty concerning the lawmaking authority of home rule cities. This uncertainty, and the tendency of courts to give preference to state law over home rule charters, have effectively eliminated any real distinction between home rule charters and general law charters in Nebraska. To correct this situation, a proposed constitutional amendment was presented to the Legislature this session which would revitalize home rule in the state. Because of the far-reaching consequences of the proposed amendment, it was determined by the Legislature's Committee on Constitutional Revision and Recreation that an in-depth study should be undertaken. It is recommended that the study include at least the following elements: an examination of Nebraska Supreme Court decisions concerning existing powers of home rule cities; a study of state statutes pertaining to cities of every class; a survey of recent legislative bills directed at local municipal concerns; a comparison a constitutional provisions in effect in other states; and a review, through public hearings or otherwise, of any changes in home rule powers desired by Nebraska municipalities and other interested parties.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 235.**

Introduced by Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Hefner, 19th District; Stoney, 4th District; George, 16th District; Koch, 12th District; Pirsch, 10th District; Carsten, 2nd District.

#### **PURPOSE:**

The purpose of this study is to assess the need for a constitutional amendment which would provide the Legislature a measure of control over funds appropriated by it to the University of Nebraska. Article VII, section 10 of the Nebraska Constitution provides that the general government of the University shall, under the direction of the Legislature, be vested in the Board of Regents. As recently interpreted by the Nebraska Supreme Court, this provision does not permit the Legislature to direct any act or function relating to the general government of the University; the Board of Regents thereby has been granted full discretionary authority in the allocation of General Fund appropriations and other revenue sources among campuses and programs. Thus, although the Legislature owes an obligation to the citizens of Nebraska and it is held accountable by the state's taxpayers to ensure that expenditures for higher education are made wisely, the complete constitutional autonomy possessed by the Board of Regents does not permit the Legislature to exercise its responsibilities in this area. The study will therefore address the issue of whether the Legislature should, by means of a constitutional amendment, be given the authority to supervise University spending, as by earmarking funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 236.**

Introduced by Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Hefner, 19th District; Stoney, 4th District; George, 16th District; Pirsch, 10th District; Carsten, 2nd District; Koch, 12th District.

**PURPOSE:**

This study involves an examination of existing provisions of and possible revisions to Article III, sections 1 through 4 of the Nebraska Constitution, pertaining to the powers of initiative and referendum. The Constitution currently provides that measures may be placed on the general election ballot for the enactment of laws and the adoption of constitutional amendments by initiative petition, and for the repeal of laws by referendum petition. In view of the growing interest and debate concerning the use of the initiative and referendum, and the fact that the existing constitutional procedures were established 60 years ago, a thorough examination of the processes should be undertaken by the Legislature to determine whether any changes are in order to meet present-day needs. In addition to a consideration of the options of eliminating, modifying, or retaining in present form the constitutional provisions reserving the powers of direct initiative and popular referendum, the study shall include an examination of the desirability of establishing in Nebraska an indirect initiative (by which measures would be placed on the ballot only if the Legislature fails to act within a certain time), a legislatively submitted referendum (which would allow the Legislature to put questions to the voters), and/or a constitutionally required referendum (which would require certain issues to be put to the voters).

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 237.**

Introduced by Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Hefner, 19th District; Stoney, 4th District; George, 16th District; Pirsch, 10th District; Carsten, 2nd District; Koch, 12th District.

**PURPOSE:**

The purpose of this study is to determine whether the Nebraska Supreme Court, by means of a constitutional amendment, should be authorized to issue opinions upon questions of law when requested by the Legislature or the Governor. Because the Supreme Court has declared it is not empowered to render advisory opinions, there is at the present time often no means by which the constitutionality of prospective legislation may be assessed with any certainty; there have also been instances in which executive departments, whether to permit the filing of contrived lawsuits or otherwise, have refused to implement legislative enactments believed to be of questionable constitutionality. Granting to the Supreme Court the authority to issue advisory opinions in certain instances, as is the practice in several other states, may offer a workable solution to these problems and allow serious conflicts between the legislative and executive branches to be avoided. The objective of the study will be to evaluate the experience of other states in this area and to determine whether a constitutional procedure for the issuance of advisory opinions should be established in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 238.**

Introduced by Administrative Rules and Regulations Review Committee: Kelly, 35th District, Chairman; DeCamp, 40th District; Haberman, 44th District; Koch, 12th District; Fowler, 27th District; Kennedy, 21st District; Johnson, 8th District.

**PURPOSE:**

Rules and Regulations adopted by the state administrative agencies are required by statute to be filed with the Revisor of Regulations. Each of these agencies has adopted numbering systems for these rules and regulations which are unique to the particular agency. The entire system of the rules and regulations for all of the agencies is poorly organized and lacks such items as an index, a table of contents, and cross reference tables. The average user, when confronted with trying

to find a particular rule or regulation, often times finds the rule only after considerable time and difficulty, or fails to find the rule at all.

The purpose of this interim study is to review the current set of rules and regulations and organize the system in a manner which is easily accessible. Systems of codification of rules and regulations utilized in other states, as well as in the Code of Federal Regulations, should be reviewed for possible use in Nebraska.

The state's existing system of number and indexing the rules and regulations should be reviewed as well as the effects of adopting a uniform or different numbering system. In conducting the study the committee should work closely with the Revisor of Regulations and with each state agency and its particular rules and regulations in order to adopt an efficient and reliable numbering and indexing system.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 239.**

Introduced by Administrative Rules and Regulations Review Committee: Kelly, 35th District, Chairman; Johnson, 8th District; Koch, 12th District; DeCamp, 40th District; Haberman, 44th District; Fowler, 27th District; Kennedy, 21st District.

#### **PURPOSE:**

Sections 84-901 et. seq. of the Nebraska Revised Statutes commonly referred to as the Administrative Procedures Act, governs the process of the adoption of rules and regulations by the administrative agencies. Also included in this Act are the procedures whereby those respective agencies enforce these rules and regulations.

Since it's adoption in 1945, the act has been revised many times. Each time there was a revision, some problems were solved, and others were created. The result of all of these changes is an act which causes problems for the agencies and for the persons against whom rules are enforced. For instance, any party to a proceeding which is appealable to a court, may invoke the rules of evidence within three days of the administrative hearing. This may place one of the parties in a difficult position, having prepared the case for a hearing without

the formal rules of evidence. This was one of the many problems identified by a survey of the attorneys in the state administrative agencies last summer.

Since the Act is a tool utilized by both the agencies and those persons practicing before these agencies, it should be in a form which solved problems, rather than creating them.

The Committee should appoint a task force to aid in its review of the act. It is recommended that the Administrative Law Section of the Nebraska Bar Association be notified of the study so that its members may aid in the review process.

The goal is to adopt an act governing the enforcement of rules and regulations which is fair and equitable to all parties involved.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

#### **LEGISLATIVE RESOLUTION 240.**

Introduced by Chambers, 11th District.

#### **PURPOSE:**

Attorney General opinions frequently impact the legislative process to a greater degree than other policy arguments. Many such opinions have a residual effect on legal issues which their requestors do not anticipate or desire. In addition, the practice of requesting A.G. opinions on even minor matters, increases the risk of sacrificing legislative prerogatives to another branch of government.

The purpose of this resolution is to study the utilization of A.G. opinions and the effects such opinions have on the legal system and legislative process.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**STANDING COMMITTEE REPORT**  
**Appropriations**

**LEGISLATIVE BILL 676.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Goodrich asked unanimous consent to print the following amendment to LB 853 in the Journal. No objections. So ordered.

1. Strike the Labeledz amendment and insert the following new section:

“Sec. 15. After the effective date of this act, no person shall establish or operate, within three thousand three hundred feet of a residential area in a metropolitan class city, (1) a new paunch manure plant, a new rendering plant or a new tannery unless any such facility complies with applicable municipal ordinances relating to the emission of objectionable odors into the ambient air, (2) a new domestic waste treatment works, or (3) a new area where household waste is disposed. For purposes of this section residential area shall mean an area designated as residential under the zoning authority of the city.”

2. Renumber original section 15 as section 16.

**MOTION - Return LB 535 to Select File**

Messrs. Barrett, Hoagland, and Newell moved to return LB 535 to Select File for the following specific amendment:

1. Strike section 5, 14, 17, 19, and 24;

2. On page 28, lines 20 and 21, strike the new period and reinsert the old matter.

The motion prevailed with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

Mrs. Labeledz and Mr. Venditte asked unanimous consent to be excused until they return. No objections. So ordered.

## ATTORNEY GENERAL'S OPINION

Opinion No. 255

March 18, 1980

Dear Mrs. Labeledz:

In your letter of March 17, 1980, you called to our attention the proposed Labeledz-DeCamp amendment to LB 741 and asked if it is germane to the legislation which it would amend.

Legislative Bill 741 would repeal certain statutory provisions declared by its drafters to be obsolete. Subjects included are the manufacture of synthetic rubber, hitching horses, posses, hucksters, county workhouses, the licensing of ferries, the Nebraska Constitutional Revision Commission, toll mills, the Antitrust Act of 1897, street cars, personal property of stage companies, and poll taxes.

The Labeledz-DeCamp amendment would add to this list of statutes to be repealed, the current statutory provisions calling for the election of city council members in cities of the metropolitan class by district. We believe this amendment is sufficiently germane. The question of the repeal of certain election laws is, in our opinion, as germane to the entirety of the bill as are any one of the existing subjects to one another. Whether or not these election laws are "obsolete" as the drafters of LB 741 suggests its subjects are, is a judgment we presume would be made by those voting on whether or not to adopt this amendment.

We have researched this matter and are aware of no decisions which provide guidance for determining when an amendment is or is not germane. As a general principle of law, however, all legislative enactments are presumed constitutional and that presumption continues until through the process of judicial review an enactment is shown to clearly contravene some constitutional provision. Prendergast v. Nelson, 199 Neb. 97, 256 N.W.2d 657.

Therefore, we are of the opinion that the Labeledz-DeCamp amendment is sufficiently germane to the subject matter of LB 741. If we can be of further assistance to you on this matter, please let us know.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Terry R. Schaaf  
Assistant Attorney General

(Signed)

TRS:kkh  
cc: Patrick O'Donnell

Clerk of the Legislature

**NOTICE OF COMMITTEE HEARING**  
**Committee on Committees**

March 19, 1980

The Committee on Committees confirmation hearing for the appointment by Governor Charles Thone of Mike Carr, Oil and Gas Commission had previously been scheduled for March 19, 1980.

Due to scheduling conflicts, the new hearing date for confirmation of the above mentioned appointment will be held April 2, 1980, at 12:10 p.m. in Room 1520, the Moses P. Kinkaid Hearing Room, State Capitol.

(Signed) Shirley Marsh, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Stoney asked unanimous consent to print the following amendment to LB 609 in the Journal. No objections. So ordered.

(Amendment to Committee Amendments)

- 1 1. In the Standing Committee amendments:
- 2 (a) On page 2, line 9, strike the new matter;
- 3 reinstate beginning with "and" in line 10 through "petition"
- 4 in line 12 and after the reinstated "petition" in line 12
- 5 insert an underscored period; in lines 20 through 24 strike
- 6 the new matter and reinstate the stricken matter;
- 7 (b) Strike sections 4 and 6 added by the committee
- 8 amendments;
- 9 (c) Strike committee amendments 2 and 4;
- 10 (d) On page 4, line 2, strike "77-3406,".
- 11 2. Renumber original sections 1, 2, and 3 as
- 12 sections 4, 5, and 6 respectively.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 637, 689, 724, 818A, and 847.

(Signed) Don Wesely, Chairperson

**MOTION - Return LB 686 to Select File**

Mr. Cullan moved to return LB 686 to Select File for the following specific amendment:

(FINAL READING COPY)

- 1 1. On page 9, line 24 strike "ninety" and
- 2 insert "one hundred eighty"; and in line 25 strike ",re-
- 3 newable one time only".
- 4 2. On page 13, line 14 strike "ninety", show
- 5 as stricken, and insert "one hundred eighty calendar".

The motion prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 686.** The Cullan specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER MARVEL PRESIDING****BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 733.**

A BILL FOR AN ACT to amend sections 25-1601, 25-1603, 25-1639, and 25-1640, Revised Statutes Supplement, 1979, relating to juries; to allow prospective jurors who are sixty-five or older to be granted exemption from service; to limit the period of service; to clarify a provision concerning pay; to provide procedures for jury selection; to provide severability; 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, 35:

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Barrett    | Fitzgerald | Keyes  | Newell  | Sieck    |
| Carsten    | Fowler     | Koch   | Nichol  | Stoney   |
| Chambers   | George     | Kremer | Pirsch  | Venditte |
| Chronister | Goodrich   | Lamb   | Powers  | Vickers  |
| Clark      | Johnson    | Landis | Reutzel | Wagner   |
| Cope       | Kahle      | Lewis  | Rumery  | Warner   |
| DeCamp     | Kennedy    | Marvel | Schmit  | Wesely   |

Voting in the negative, 7:

|         |        |        |      |
|---------|--------|--------|------|
| Beutler | Dworak | Maresh | Merz |
| Burrows | Kelly  | Marsh  |      |

Present and not voting, 2:

Haberman    Murphy

Excused and not voting, 5:

|        |        |          |          |       |
|--------|--------|----------|----------|-------|
| Cullan | Hefner | Hoagland | Labeledz | Simon |
|--------|--------|----------|----------|-------|

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

Mr. Keyes asked unanimous consent to be excused. No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 222.** E & R amendments found in the Journal on page 306 for the Seventh Day were adopted.

The Fowler et al amendment referred to in the Journal on page 1243, and printed separate from the Journal (Req. #2008) was considered.

Mr. Dworak asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Vickers offered the following amendment to the Fowler et al amendment:

After immediately on line 8, p. 7, insert "determine whether the death should be reported to the District Medical Examiners of the district in which such death occurred, and if he determines that such death should be reported he shall"

The amendment lost with 12 ayes, 19 nays, 13 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Fowler et al amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Fowler renewed his pending amendment found in the Journal on page 1276.

### **MR. CLARK PRESIDING**

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

Mr. Fowler moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Fowler amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

### **SPEAKER MARVEL PRESIDING**

Mr. Fowler moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Fowler requested a roll call vote on the motion to advance LB 222.

Voting in the affirmative, 23:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Beutler    | Fowler   | Kremer   | Merz    | Wagner |
| Burrows    | Hoagland | Labeledz | Newell  | Warner |
| Chambers   | Johnson  | Landis   | Reutzel | Wesely |
| DeCamp     | Kelly    | Lewis    | Rumery  |        |
| Fitzgerald | Koch     | Marsh    | Schmit  |        |

Voting in the negative, 18:

|         |          |         |        |        |
|---------|----------|---------|--------|--------|
| Carsten | Dworak   | Kahle   | Mareh  | Nichol |
| Clark   | George   | Kennedy | Marvel | Powers |
| Cope    | Haberman | Lamb    | Murphy | Sieck  |

Stoney Venditte Vickers

Present and not voting, 4:

Barrett Chronister Goodrich Pirsch

Excused and not voting, 4:

Cullan Hefner Keyes Simon

Failed to advance to E & R for Engrossment with 23 ayes, 18 nays, 4 present and not voting, and 4 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Warner asked unanimous consent to print the following amendment to LB 815 in the Journal. No objections. So ordered.

Req. #2253

- 2 1. Insert the following sections and renumber
- 3 original section 31 as section 35:
- 4 "Sec. 31. The unexpended balance on December
- 5 31, 1980, of general funds appropriated to Agency 61,
- 6 Crime Victim's Reparations Board, Program 368, and Agency
- 7 89, State Claims Board, Program 535, is hereby
- 8 appropriated for the period January 1, 1981, to June 30,
- 9 1981, to Agency 88, the Crime Victim's Reparations and
- 10 State Claims Board, for Program 343, Administration, to
- 11 aid in carrying out the provisions of Legislative Bill
- 12 815, Eighty-sixth Legislature, Second Session, 1980.
- 13 Total expenditures for permanent and temporary salaries
- 14 and per diems from funds appropriated in this section
- 15 shall not exceed forty thousand dollars.
- 16 Sec. 32. The unexpended balance on December 31,
- 17 1980, of general funds appropriated to Agency 61, Crime
- 18 Victim's Reparations Board, Program 359, is hereby
- 19 appropriated for the period January 1, 1981, to June 30,
- 20 1981, to agency 88, the Crime Victim's Reparations and
- 21 State Claims Board, for Program 359, Crime Victim's
- 22 Compensation Fund, to aid in carrying out the provisions
- 23 of Legislative Bill 815, Eighty-sixth Legislature, Second
- 24 Session, 1980.
- 1 Sec. 33. The unexpended balance on December 31,
- 2 1980, of general and cash funds appropriated to Agency
- 3 89, State Claims Board, Program 538, is hereby
- 4 appropriated for the period January 1, 1981, to June 30,
- 5 1981, to Agency 88, the Crime Victim's Reparations and
- 6 State Claims Board, for Program 538, State Claims Board,
- 7 to aid in carrying out the provisions of Legislative bill

8 815, Eighty-sixth Legislature, Second Session, 1980.  
9 Sec. 34. That sections 31 through 33 of this  
10 act are repealed effective July 1, 1981.”.

### EXPLANATION OF VOTE

Had I been present I would have voted yes on LB 733.

(Signed) Rex Haberman

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 995.** Placed on Select File as amended.  
E & R amendment to LB 995:

1. On page 40, line 2, strike “1,114,306” and insert  
“1,114,307”.

**LEGISLATIVE BILL 996.** Placed on Select File.

**LEGISLATIVE BILL 997.** Placed on Select File.

**LEGISLATIVE BILL 998.** Placed on Select File.

**LEGISLATIVE BILL 999.** Placed on Select File as amended.  
E & R amendments to LB 999:

1. On page 13, line 13, strike “Support” and insert  
“Services”.

2. On page 17, line 25, strike “387” and insert “837”.

**LEGISLATIVE BILL 1000.** Placed on Select File as amended.  
E & R amendment to LB 1000:

1. Renumber original sections 27 and 28 as sections  
28 and 27 respectively.

**LEGISLATIVE BILL 1001.** Placed on Select File as amended.  
E & R amendment to LB 1001:

1. On page 5, line 26, strike “1951” and insert “1981”.

(Signed) Don Wesely, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 790.** E & R amendments found in the Journal  
on page 864 for the Thirty-First Day were adopted.

Mr. Sieck withdrew his pending amendment found in the Journal on  
page 824.

Mr. Lamb offered the following amendment:

Pg. 2 Line 25, delete 5 insert (7), Line 26 delete (with) Line 27 delete (the fifth) and insert (one) Line 27 delete (period) and add (and two members being county commissioners or supervisors Page 3 Line 8 delete (one member) insert (two members) Line 9 delete (one member) and insert (two members)

Page 3 Strike Line 19, through (a) on line 20. Delete (member) insert members Line 22 Strike (or) Strike (period) insert or county commissioners or supervisors.

Mr. Reutzel 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 Lamb amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:

Page 4; line 15 after "education" line 25 after "education", and at all other places where "legal education" occurs in the bill, add:

"to include instruction which will provide a working knowledge of electronic speed measurement principles"

The amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers offered the following amendment:

After attorneys on line 21, p. 4  
 Provided: That the annual number of hours spent in continuing legal education shall not exceed thirty-six contact hours.

Mr. Reutzel offered the following amendment to the Vickers amendment:

Amend the Vickers amendment to include at least 30 hrs. in forensic pathology.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 9 ayes, 2 nays, and 38 not voting.

Mr. Reutzel requested a roll call vote on his amendment.

Voting in the affirmative, 15:

|          |         |        |         |        |
|----------|---------|--------|---------|--------|
| Carsten  | Fowler  | Landis | Merz    | Schmit |
| Chambers | Johnson | Marsh  | Newell  | Sieck  |
| DeCamp   | Labedz  | Marvel | Reutzel | Wesely |

Voting in the negative, 23:

|            |          |         |        |          |
|------------|----------|---------|--------|----------|
| Barrett    | Dworak   | Kennedy | Nichol | Venditte |
| Beutler    | George   | Kremer  | Pirsch | Vickers  |
| Chronister | Goodrich | Lamb    | Powers | Warner   |
| Clark      | Hoagland | Maresh  | Rumery |          |
| Cope       | Kahle    | Murphy  | Stoney |          |

Present and not voting, 5:

|         |            |       |      |        |
|---------|------------|-------|------|--------|
| Burrows | Fitzgerald | Kelly | Koch | Wagner |
|---------|------------|-------|------|--------|

Excused and not voting, 6:

|          |        |       |
|----------|--------|-------|
| Cullan   | Hefner | Lewis |
| Haberman | Keyes  | Simon |

The Reutzel amendment lost with 15 ayes, 23 nays, 5 present and not voting, and 6 excused and not voting.

The Vickers amendment pending.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 241.

Introduced by Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Lamb, 43rd District; Schmit, 23rd District; Merz, 1st District.

#### PURPOSE:

The legislation establishing housing authorities in the State of Nebraska was passed in 1969. Since that time no changes have been made in the laws. Revisions in the Nebraska housing authority statutes need to be made to comply with the many changes made on the federal level during the past eleven years. The Nebraska Housing Authority Association has raised questions concerning the possibility of joint housing authorities and other changes which would make the present statutes more workable going into the 1980's.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 242.**

Introduced by Goodrich, 20th District.

**PURPOSE:**

Cities of all classes are confronting increasing capital requirements for their streets and sewer systems. The past boom in street construction has matured into a boom in maintenance requirements. The federal government's water quality standards now require cities to have secondary treatment facilities in addition to the present primary treatment facilities. These standards also require separate storm and sanitary sewers instead of the present combined sewer systems. The combined financial demands of simultaneous street repair and sewer modification will severely strain the cities' ability to adequately respond. There should be an exploration of the problems and issues raised by these significant financial demands. Included in such a study shall be the cities' ability to respond, state assistance from present agencies and departments, as well as any necessary alterations of present law to facilitate the cities' ability to respond locally as opposed to state financial assistance.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 243.**

Introduced by Stoney, 4th District; Nichol, 48th District.

**PURPOSE:**

To examine the desirability and possible ramifications of legislation granting a statutory right to grandparents to seek visitation of their grandchildren, similar to LB 749 introduced by Senators Nichol and Stoney during the 1980 Legislative Session.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 244.**

Introduced by Stoney, 4th District.

**PURPOSE:**

To examine the arson laws in the State of Nebraska and to determine the desirability of implementing the Model Arson Penal Law and those provisions of LB 979 introduced by Senator Stoney in the 1980 Legislative Session.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 245.**

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Kennedy, 21st District; Clark, 47th District; Beutler, 28th District; Vickers, 38th District; Goodrich, 20th District.

**PURPOSE:**

This study would review the statutes governing the suspension of drivers' licenses, including the reasons for which licenses can be suspended, the methods used to suspend them, the means by which suspended licenses are recovered, and who is responsible for obtaining possession of a suspended license. Attention would be focused on how a court knows the number of points a person has lost on his or her license, how a court obtains possession of a suspended license, whether the larger cities such as Omaha, Lincoln, and Grand Island have sufficient personnel to comply with orders to obtain possession of suspended licenses, and whether improvements are needed in the current system, in particular whether additional state personnel should be employed to recover suspended licenses.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 246.**

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Kennedy, 21st District; Clark, 47th District; Vickers, 38th District; Beutler, 28th District; Goodrich, 20th District.

**PURPOSE:**

The State of Nebraska experiences a multi-million-dollar expense in conjunction with motor vehicle license plates, and the state is interested in selecting the most effective production methods, materials for plates and reflectorization, and bidding procedures. In making this selection, consideration shall be given to the basic function and purpose of license plates, value of plates to law enforcement, average total cost per year of each type of plate, and reliance on studies conducted independently of any manufacturer's influences.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

#### **LEGISLATIVE RESOLUTION 247.**

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Kennedy, 21st District; Clark, 47th District; Vickers, 38th District; Beutler, 28th District; Goodrich, 20th District.

#### **PURPOSE:**

This study would review the existing motor vehicle industry license classifications and requirements in order to determine whether any changes are needed in the current system, in particular whether a new category should be created for persons who buy and sell used cars at wholesale.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

#### **ANNOUNCEMENT**

The Executive Board wishes to remind all legislators that the deadline for the introduction of legislative resolutions proposing 1980 interim studies is Friday, March 21, 1980.

#### **SELECT COMMITTEE REPORTS**

##### **Enrollment and Review**

##### **Correctly Engrossed**

The following bills were correctly engrossed: 673, 674, 785, 821, 835, 853, 853A, 855, 896, and 909.

(Signed) Don Wesely, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 790.** The Vickers pending amendment found in this day's Journal was adopted with 26 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

Laid over at the request of Mr. Fowler.

**VISITORS**

Visitors to the Chamber were 8 seniors and sponsor from Ralston High School; 19 seniors and teacher from Elmwood High School; 14 sixth grade students and teacher from Sacred Heart School, Lincoln; a group from Women Involved in Farm Economics (WIFE); and a group of 13 from Salem Church, Steinauer, Nebraska.

**RECESS**

At 12:05 p.m., on a motion by Mr. Kelly, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:40 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Cullan, Hefner, Keyes, and Simon who were excused; and Messrs. Beutler, Goodrich, Haberman, Kennedy, and members of the Committee on Committees who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 780.** Mr. Murphy withdrew his pending motion found in the Journal on page 1233 to indefinitely postpone.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 912.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 696.** E & R amendments found in the Journal on page 1247 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 863A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 423.** E & R amendments found in the Journal on page 1248 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 485.** E & R amendments found in the Journal on page 1266 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 485A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 843.** Mr. Vickers withdrew his pending amendment found in the Journal on page 1123.

E & R amendments found in the Journal on page 1183 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 1002.** Title read. Considered.

Mr. Sieck offered the following amendment:

- 1 On page 17, lines 10 and 11, strike "1,250,000"
- 2 and insert "750,000"; after line 18, insert the
- 3 following:
- 4     "(4) Program No. 309 - Commission Discretionary Fund
- 5         General Fund                     1,000,000
- 6         Program Total                    1,000,000"
- 7 and in line 21, strike "3,175,000" and insert "3,675,000"
- 8 and in line 23, strike "4,075,000" and insert "4,575,000".

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

### UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

Req. #2261

- 2 1. Insert new sections as follows:
- 3 "Sec. 4. That section 2-3234, Reissue Revised
- 4 Statutes of Nebraska, 1943, be amended to read as
- 5 follows:
- 6 2-3234. Each district shall have the power and
- 7 authority to exercise the power of eminent domain, except
- 8 for projects undertaken pursuant to subdivision (11) of
- 9 section 2-3229, when necessary to carry out the purposes
- 10 of this act within the limits of the district or outside
- 11 its boundaries. Exercise of eminent domain shall be
- 12 governed by the provisions of sections 76-704 to 76-724;
- 13 Provided, that whenever any district seeks to acquire the
- 14 right to interfere with the use of any water being used
- 15 for power purposes in accordance with sections 46-204,
- 16 70-668, 70-669, and 70-672, and shall be unable to agree
- 17 with the user of such water upon the compensation to be
- 18 paid for such interference, the procedure to condemn
- 19 property shall be followed in the manner set forth in
- 20 sections 76-704 to 76-724, and no other property shall be
- 21 included in such condemnation. No district shall
- 22 contract for delivery of water to persons within the
- 23 corporate limits of any village, city, or metropolitan
- 24 utilities district, nor in competition therewith outside
- 25 such corporate limits, except by consent of and written
- 1 agreement with the governing body of such political
- 2 subdivision. A village, city, or metropolitan utilities
- 3 district may negotiate and, if necessary, exercise the
- 4 power of eminent domain for the acquisition of water
- 5 supply facilities of the district which are within its
- 6 boundaries.
- 7 Sec. 5. The restriction on the use of eminent
- 8 domain provided in section 2-3234 shall apply to all
- 9 proceedings which have not reached final adjudication
- 10 prior to the effective date of this act.
- 11 Sec. 6. If any section in this act or any part
- 12 of any section shall be declared invalid or
- 13 unconstitutional, such declaration shall not affect the
- 14 validity or constitutionality of the remaining portions
- 15 thereof.
- 16 Sec. 10. Since an emergency exists, this act
- 17 shall be in full force and take effect, from and after
- 18 its passage and approval, according to law."
- 19 2. On page 6, line 23 strike "section 46-634.01"
- 20 and insert "section 2-3234 and 46-634.01".
- 21 3. In the committee amendments, page 1, line 11
- 22 strike "5" and insert "8"; and in line 18 strike "6" and
- 23 insert "9".
- 24 4. Renumber sections 4 and 5 added by the
- 25 standing committee as sections 7 and 8.

Mr. Kahle asked unanimous consent to print the following amendment to LB 666 in the Journal. No objections. So ordered.

1. Strike Standing Committee Amendments.

2. On page 5, delete the new language on line 4; delete the first "or" and the word "orphanage" in line 7; insert the words "licensed child caring agency" after the first "any" in line 7; after the period in line 8, insert the following new language:

"The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of tangible personal property which is physically incorporated into the structure and becomes the property of the owner of the institution. The appointment of purchasing agents must be in writing and occur prior to purchasing any tangible personal property incorporated into the construction, improvement or repair."

3. On page 5, line 11, delete "such"; strike beginning with "organized" in line 11 through "facility I" in line 13; insert "enumerated in this subsection" after the word "institution" in line 11; insert "Upon becoming licensed," after the period in line 18; strike beginning with the period in line 21 through "profit" in line 26; insert "and" after the word "repair" in line 21.

4. On page 6, strike beginning with "such" in line 1 through "made" in line 12; insert the following language after "establish" in line 1:

"the total sales and use tax paid upon the tangible personal property physically incorporated into the construction, improvement or repair. The Tax Commissioner shall allow a refund to the institution on any contract of construction, improvement or repair entered into prior to the effective date of this act, whereby the person purchasing, storing, using or otherwise consuming tangible personal property has paid the applicable sales and use tax thereon; the refund shall be calculated by multiplying the sales or use tax percentage rate times a sum equal to sixty percent of the total contract price of such construction, improvement or repair"

5. On page 7, strike beginning with "Any" on line 4 through "subdivision" line 23; insert the following new language after the period in line 4:

"The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of tangible personal property which is physically incorporated into the structure and becomes the property of the owner of the institution. The appointment of purchasing agents must be in writing and occur prior to purchasing any tangible personal property incorporated into the construction, improvement or repair."

6. Insert the following new language before Section 2 on page 10:

“(s) Any organization listed in subsection (i) or any governmental unit listed in subsection (m) which enters into a contract of construction, improvement, or repair upon real estate without first issuing a purchasing agent authorization to such contractor or repairman prior to purchasing tangible personal property to be incorporated into the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairman on the tangible personal property physically incorporated into the construction, improvement, or repair.”

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 361A.** By Nebraska Transportation Advisory Committee: Fitzgerald, 14th District, Chairman.  
This bill introduced on behalf of: LB 361.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 361, Eighty-sixth Legislature, Second Session, 1980.

### GENERAL FILE

**LEGISLATIVE BILL 1002.** Considered.

Mr. Sieck renewed his pending amendment found in this day's Journal.

### MR. CLARK PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Sieck requested a record vote on his amendment.

Voting in the affirmative, 14:

|         |        |        |        |         |
|---------|--------|--------|--------|---------|
| Carsten | Kahle  | Landis | Powers | Vickers |
| Clark   | Kremer | Maresh | Schmit | Wagner  |
| Johnson | Lamb   | Merz   | Sieck  |         |

Voting in the negative, 19:

|            |            |         |         |        |
|------------|------------|---------|---------|--------|
| Chronister | Fitzgerald | Kennedy | Murphy  | Stoney |
| Cope       | Fowler     | Lewis   | Newell  | Warner |
| DeCamp     | Hoagland   | Marsh   | Reutzel | Wesely |
| Dworak     | Kelly      | Marvel  | Rumery  |        |

Present and not voting, 9:

|         |          |        |          |        |
|---------|----------|--------|----------|--------|
| Barrett | Burrows  | George | Labeledz | Pirsch |
| Beutler | Chambers | Koch   | Nichol   |        |

Excused and not voting, 7:

|          |          |       |          |
|----------|----------|-------|----------|
| Cullan   | Haberman | Keyes | Venditte |
| Goodrich | Hefner   | Simon |          |

The Sieck amendment lost with 14 ayes, 19 nays, 9 present and not voting, and 7 excused and not voting.

### **SPEAKER MARVEL PRESIDING**

Mr. Schmit offered the following amendment:

- 1 On page 17, lines 15 and 16, strike "1,850,000"
- 2 and insert "3,000,000".

Mr. Lewis offered the following amendment to the Schmit amendment:

All funds authorized in this program shall be expended for development of urban water projects for recreational purposes.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Lewis amendment lost with 11 ayes, 20 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Barrett asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|            |          |        |        |         |
|------------|----------|--------|--------|---------|
| Beutler    | Goodrich | Kremer | Nichol | Vickers |
| Carsten    | Haberman | Lamb   | Powers | Wagner  |
| Chronister | Johnson  | Maresh | Schmit | Wesely  |
| Clark      | Kahle    | Merz   | Sieck  |         |

Voting in the negative, 21:

|            |          |        |          |        |
|------------|----------|--------|----------|--------|
| Chambers   | Fowler   | Landis | Newell   | Warner |
| Cope       | George   | Lewis  | Pirsch   |        |
| DeCamp     | Hoagland | Marsh  | Reutzell |        |
| Dworak     | Kennedy  | Marvel | Rumery   |        |
| Fitzgerald | Koch     | Murphy | Stoney   |        |

Present and not voting, 3:

|         |       |          |
|---------|-------|----------|
| Burrows | Kelly | Labeledz |
|---------|-------|----------|

Excused and not voting, 6:

|         |        |          |
|---------|--------|----------|
| Barrett | Hefner | Simon    |
| Cullan  | Keyes  | Venditte |

The Schmit amendment lost with 19 ayes, 21 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 248.

Introduced by Newell, 13th District.

#### PURPOSE:

The purpose and intent of this resolution is to study the dealers' commission contained in 66-407, Reissue Revised Statutes of Nebraska, 1943, the shrinkage allowance contained in 66-414, Reissue Revised Statutes of Nebraska, 1943, and the Highway Allocation Fund distribution formulas contained in 39-2402, Reissue Revised Statutes of Nebraska, 1943. The appropriate level of the dealers' commission and shrinkage allowance and the structure of the distribution formulas shall be the primary focus of the study.

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

1. That a 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.

#### **LEGISLATIVE RESOLUTION 249.**

Introduced by Judiciary Committee: Nichol, 48th District, Chairman; Wagner, 41st District; Chambers, 11th District; Reutzell, 15th District; Pirsch, 10th District; Stoney, 4th District; Chronister, 18th District.

#### **PURPOSE:**

Advances in machine technology are increasingly reflected in legislative enactments. These new laws frequently establish the evidentiary status to be afforded such instruments and devices in the courts. In criminal cases, the evidentiary status afforded mechanical or electronic devices, most often directly affects the ultimate outcome of the case. The purpose of this study resolution, is to review all criminal statutes in the above regards and formulate uniform guidelines for the evidentiary status of mechanical and/or electronic devices.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

#### **LEGISLATIVE RESOLUTION 250.**

Introduced by Reutzell, 15th District; Sieck, 24th District.

#### **PURPOSE:**

The purpose of this study is to evaluate the operation of the merit system for selection and retention of judges which was adopted in the state by constitutional amendment in 1962. As provided in Article V, section 21 of the Nebraska Constitution, vacancies in the Supreme

Court, district courts, and other courts specified by the Legislature are filled by gubernatorial appointment from a list submitted by a nominating commission, and the judges of such courts run unopposed for retention every six years. The Legislature has acted to include all courts within the merit system and today there are fifty-five judicial nominating commissions, each composed of four attorneys selected by the Nebraska State Bar Association, four lay members appointed by the Governor, and one Supreme Court Judge who serves as non-voting chairman. It is questionable whether this centralized system of appointing judges, rather than electing judges by district, provides for the selection of the most qualified persons to sit on the bench; political motivations may outweigh considerations of competency. The fact that judges are not required to stand for re-election may also prevent their replacement by more capable jurists, and may tend to perpetuate unqualified judges in office. The study should address these issues and, in particular, examine whether a system should be established for the selection of judges which combines the concept of nominating commissions with nonpartisan, district elections.

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

1. That a 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.

### ATTORNEY GENERAL'S OPINION

Opinion No. 256  
March 14, 1980

Dear Senator Carsten:

You have requested from this office an opinion as to whether an amendment to LB 834 would authorize the Public Service Commission to require commercial license plates on the vehicles of grain buyers and sellers, and whether the Commission already has such authority irrespective of the language of the amendment.

The registration of all motor vehicles and the issuance of the license plates pursuant thereto are governed in Nebraska by section 60-301, R.R.S. 1943, et seq. Those statutes vest in the Department of Motor

Vehicles the authority and responsibility for administering and enforcing the registration and licensing system in this state.

We note that section 88-518, R.R.S. 1943, in reference to Public Service Commission licensed grain buyers and sellers, currently provides:

“ . . . Each vehicle used by a licensee hereunder shall be equipped with a license plate or other identification in a manner and form prescribed by the commission. . . .”

Relative to your first question, we have concluded that the Legislature did not intend that the license plates referred to in section 88-518 were for registration purposes, but rather, were for Public Service Commission identification purposes quite separate and apart from the licensing and registration requirements of section 60-301, et seq. We are informed that this is the construction that has always been given section 88-518 by the Commission which has routinely issued its own identification tags or plates to appropriately licensed grain buyers and sellers for many years. We find no other statutory provision which might authorize the Commission to require certain prescribed commercial license plates for vehicle registration, that authority reserved exclusively, it appears, for the Department of Motor Vehicles. Thus, we conclude that the Commission presently has no such authority.

Turning to your second question, we note that by virtue of section 60-301, R.R.S. 1943, et seq., and in particular section 60-331, anyone using a vehicle to conduct the business of buying and selling grain would be required to carry commercial plates on that vehicle. Construed with this in mind, we feel the amendment to LB 834 which you inquire about acknowledges that pre-existing requirement, and essentially sets out a condition to the licensing of a grain buyer and seller from the Commission's standpoint. In that respect, we believe the proposed amendment to LB 834 would authorize the Commission to require that vehicles used by grain buyers and sellers carry commercial license plates.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
Shanler D. Cronk  
Assistant Attorney General

(Signed)

SDC:pes

cc: Patrick J. O'Donnell  
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kremer asked unanimous consent to print the following amendment to LB 656 in the Journal. No objections. So ordered.

**CORRECTION TO COMMITTEE  
AMENDMENT TO LB 656**

1 1. In the Standing Committee amendments beginning  
2 on page 1086 of the Journal, on page 2, line 13 after  
3 "Little" insert "Blue."

Mr. Johnson asked unanimous consent to print the following amendment to LB 892 in the Journal. No objections. So ordered.

(Final Reading Copy)

Req. #2249

3 1. On page 4, strike beginning with "If" in line  
4 6 through the period in line 14 and show the old matter  
5 as stricken.  
6 2. Insert the following new section:  
7 "Sec. 3. That section 24-527, Reissue Revised  
8 Statutes of Nebraska, 1943, be amended to read as  
9 follows:  
10 24-527. If either party is dissatisfied with the  
11 judgment of the Small Claims Court, he or she may appeal  
12 to the district court of the county where the judgment  
13 was rendered. Any such appeal shall be subject to the  
14 provisions of sections 24-542 to 24-544, except that no  
15 bill of exceptions nor any cash bond or undertaking in  
16 excess of fifty dollars, shall be required. Parties may  
17 be represented by attorneys on appeal, and the district  
18 court shall try any such appeal de novo with or without a  
19 jury, as may be requested by either party, pursuant to  
20 the rules of civil procedure in the district courts."  
21 3. On page 4, line 18 strike "section" and  
22 insert "sections" and after "24-525" insert "and 24-527".  
23 4. Renumber original section 3 as section 4.  
24 5. In the title, line 2, strike "section" and  
25 insert "sections" and after "24-525" insert "and 24-527";  
1 and strike beginning with "to" in line 6 through line 7  
2 and insert "to authorize a jury trial on appeal as  
3 prescribed;"

Mr. Schmit asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

1 1. On page 5, line 18 strike "four" and insert  
2 "three"; in line 22 strike "three and one-fourth" and  
3 insert "two and one half".

- 4 2. On page 6, line 1, strike "three and one-  
5 fourth" and insert "two and one half"; and in line 5 after  
6 "be" insert "three-fourths of".
- 7 3. In the White Copy (Req 2164), on page 32  
8 at the end of line 15 insert an underscored period; and  
9 strike beginning with "(4)" in line 16 on page 32 through  
10 the underscored period on page 33, line 2.
- 11 4. In the White Copy (Req 2164), on page 33,  
12 line 3 strike "(6)" and insert "(4)", and after "All"  
13 insert "license".
- 14 5. Insert a new section as follows:  
15 "Sec. 48. Since an emergency exists, this act  
16 shall be in full force and take effect, from and after  
17 its passage and approval, according to law."

Mr. Schmit asked unanimous consent to print the following amendment to LB 632A in the Journal. No objections. So ordered.

- 1 1. On page 2, strike "twenty-three thousand  
2 seven hundred eighty-five" and insert "twelve thousand  
3 one hundred sixty-six"; in line 3 strike "Grade A" and  
4 insert "Pure" and after "Milk" insert "Cash"; in lines 8  
5 and 9 strike "fourteen thousand six hundred sixty-four"  
6 and insert "seven thousand five hundred one"; in line 9  
7 strike "Grade A" and insert "Pure"; in line 10 after  
8 "Milk" insert "Cash"; and in lines 14 and 15 strike  
9 "forty-five thousand three hundred seventy" and insert  
10 "seventeen thousand".
- 11 2. Insert the following new section:  
12 "Sec. 4. Since an emergency exists, this act shall  
13 be in full force and take effect, from and after its pas-  
14 sage and approval, according to law."

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 768.** Placed on Select File as amended.  
E & R amendment to LB 768:

1. In the title, insert "and Laws 1979, LB 596, section 5," at the end of line 2; and in line 4 insert "to restate an expenditure direction;" after the first semicolon and strike "section" and insert "sections".

**LEGISLATIVE BILL 486.** Placed on Select File as amended.  
E & R amendment to LB 486:

1. In the title, strike lines 2 to 9 and insert:  
"FOR AN ACT to amend sections 79-1331, 79-1334, 79-1336, 79-1337, 79-1338, and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, section 79-1333, Revised Statutes

Supplement, 1978, and section 79-1335, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, section 247, relating to the School Foundation and Equalization Act; to change the methods of distributing funds; and to repeal the original sections.'".

(Signed) Don Wesely, Chairperson

### VISITORS

Visitors to the Chamber were 29 students and sponsors from St. Columbkille School from Papillion; and former Senator Don Thompson from McCook.

### ADJOURNMENT

At 4:19 p.m., on a motion by Mr. Kelly, the Legislature adjourned until 9:00 a.m., Thursday, March 20, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**FORTY-SIXTH DAY - MARCH 20, 1980**  
**LEGISLATIVE JOURNAL**

**FORTY-SIXTH DAY - MARCH 20, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 20, 1980

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

In this, the day that the Lord hath made, help us to appreciate its beauty and to use aright its opportunities.

Deliver us from the tyranny of trifles during these closing days of the legislature. May we give our best thought and attention to what is important, that we may continue to accomplish those things which are worthwhile. Teach us how to listen to the prompting of Thy Spirit, and thus save us from floundering in indecision that wastes time, subtracts from our peace, divides our efficiency, and multiplies our troubles. Amen.

The Chaplain offered a memorial in memory of the mothers of Senator Keyes and Senator Maresch.

**ROLL CALL**

The roll was called and all members were present except Messrs. Keyes and Maresch who were excused; and Messrs. Fowler, Haberman, Lewis, Newell, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Forty-Fifth Day was approved.

**NOTICE OF COMMITTEE HEARINGS**  
**Committee on Committees**

The Committee on Committees will meet at 12:10 p.m., Wednesday, March 26, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing appointments or reappointments as follows:

Cal Coulter - Nebraska Investment Council  
Harold E. Dwyer - Manufactured Housing Advisory Board  
Linda Jaeckel - Board of Parole  
Phil Kaldahl - Public Employees Retirement Board  
Robert Krohn  
Advisory Committee to Department of Economic Development  
Betty Lof - Commission for the Hearing Impaired  
Dr. Robert C. Rosenlof - State Board of Health  
Tod Voss - Rural Health Manpower Commission

(Signed) Shirley Marsh, Chairperson

**STANDING COMMITTEE REPORT**  
**Business and Labor**

**LEGISLATIVE BILL 993.** Placed on General File as amended. Standing Committee amendments to LB 993:

1. On page 6 strike beginning with "Claim" in line 13 through "38,583.88" in line 16; and after line 21 insert "Claim No. 048, against Wayne State College, pay to Fox-Stanley Photo Producers, Inc., 7204 Jones, Omaha, Nebraska, 68114, out of the General Fund 650.00".
2. On page 11, line 3 strike "Watson" and insert "Watkins"; and in line 7 strike "Dain" and insert "Bain".
3. On page 20 after line 2 insert "Claim No. 261, against the Game and Parks Commission, pay to Harry Babcock, Sr., Long Pine, Nebraska, 69217, out of the General Fund 83.56".

**LEGISLATIVE BILL 994.** Indefinitely postponed.

(Signed) Richard Maresh, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 251.**

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Powers, 9th District; Landis, 46th District; Lewis, 45th District; Fitzgerald, 14th District; Haberman, 44th District; Schmit, 23rd District; Merz, 1st District.

**PURPOSE:**

The insurance industry has been the subject of a number of Congressional and federal regulatory agencies studies and reports. Traditionally, the regulation of the insurance industry has been conducted by the various states and not the federal government. The U.S. Congress defers such regulation to the states by virtue of the McCarran-Ferguson Act of 1945.

Recent federal reports and studies have indicated that in certain areas state laws and regulations sometimes are ineffective, are outdated, are in need of reform, are partly inadequate, are not addressing consumer issues, or are not regularly or effectively enforced. New impetus has been felt at the federal level to involve the federal government in insurance industry regulation and restrict the role of the states in this area.

It is a necessary and proper duty of the Legislature to determine the adequacy of this state's insurance laws and regulations. In particular, the Legislature should examine company marketing practices, agent practices, claims adjusting, return of premium dollars and other investments, complaint procedures, and enforcement of statutes and regulations, involving life, health and accident, automobile liability, fire, home, credit and other insurable risks available in the State of Nebraska. In determining and investigating any of the above-mentioned issues or any other issues involving insurance the legislative committee should deem necessary for study, particular attention should be given to industry and consumer cost-benefits, consumer protection and education, and the state's role in regulating insurers doing business in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH 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.

**LEGISLATIVE RESOLUTION 252.**

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Powers, 9th District; Lewis, 45th District; Landis, 46th District; Fitzgerald, 14th District; Haberman, 44th District; Schmit, 23rd District; Merz, 1st District.

**PURPOSE:**

The Legislature should continually review Nebraska's commerce and industry and the inward and outward flow of goods, resources and services through Nebraska's economy. If the Legislature is committed to minimal but effective regulation of a free market system, it should be cognizant of economic policy decisions made at the state and federal levels of government and determine: (1) whether current Nebraska laws and regulations adopted pursuant to such laws are inadequate or mis-directed and need revision and amendment; (2) whether current Nebraska laws are too restrictive and, thus, impede the natural operation of the free market system; (3) whether current Nebraska laws are adequate, but enforcement or enactment of the policies behind such laws are inadequate; and (4) whether regulations adopted pursuant to commerce and finance laws are adequate or inadequate. Remedial legislation should result, if indeed, statutory inadequacies are found.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH 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.

**LEGISLATIVE RESOLUTION 253.**

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Powers, 9th District; Landis, 46th District; Lewis, 45th District; Fitzgerald, 14th District; Haberman, 44th District; Schmit, 23rd District; Merz, 1st District.

**PURPOSE:**

The current macro-economic conditions experienced in the United States have recently prompted Presidential reaction accompanied by other executive and quasi-executive regulatory actions. In particular, the U.S. Congress and the Federal Reserve Board will soon address future U.S. monetary and economic policies.

In the State of Nebraska, national inflation has greatly affected the state's financial markets, including, but not limited to: certificates of deposit, certificates of indebtedness, mortgage notes, other notes payable, bonds, trusts, money market funds and securities. National

inflationary conditions result in the further eroding of Nebraska's money, finance and banking industries.

The Legislature should study the following subjects in light of the above-stated economic background: the flow of major money sources in and out of this state; the effect of such major money flow on this state's agricultural, financial, and business economic sectors; the alleged increases in net incomes of certain financial institutions; the ownership structure between and among various financial institutions in this state; interest rates; short term certificates of deposit and indebtedness; trusts; money market funds; the oversight, regulation, and effectiveness of enforcement of sales of securities and commercial paper by the Department of Banking; the extension of credit; creditor-debtor relationships; and any other issue or issues determined by Committee members to be in need of addressing.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall 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.

### ANNOUNCEMENT

The Executive Board wishes to remind all legislators that the deadline for the introduction of legislative resolutions proposing 1980 interim studies is Friday, March 21, 1980.

### SELECT COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 1002.** Placed on Select File as amended.  
E & R amendment to LB 1002:

1. On page 9, line 23, strike "(3)" and insert "(4)".

(Signed) Don Wesely, Chairperson

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 257

March 14, 1980

Dear Senator George:

This letter is in response to your recent inquiry concerning Legislative Bill 836, which is now pending before the Legislature.

Your inquiry questions whether L.B. 836 is constitutional, particularly with respect to the creation of a lien on property for unpaid electrical bills where the property is being rented.

Our research did not find any Nebraska Supreme Court decisions on this particular point, however, the general authority is that this type of legislation is constitutional.

In 64 Am Jur 2d, Public Utilities, §61, at page 593, we find:

“To create a lien on property for unpaid public service bills, such as water bills, the authority of the legislature is necessary. A mere regulation of a water company is not sufficient to create such a lien; nor, in the absence of statutory authority, can a municipal corporation, by ordinance, make delinquent water rentals a lien upon property as against a subsequent owner or occupant who did not contract the charges to make default in their payment. A lien authorized by statute may be imposed upon property for the collection of unpaid water charges incurred by the present or former occupant thereof, at least where an implied consent by the owner to the introduction of the utility to the property can be found. The statutory imposition upon property of a lien for charges for a utility supplied to a user other than the owner has been held not to deprive the owner of due process of law, nor to impair the obligation of contract.”

In 19 ALR3d 1227, at page 1241, the author of the annotation on this particular subject states:

“The validity of statutes or ordinances providing for liens which secure the payment of charges for utilities introduced to a property, irrespective of who is the user, have been sustained against broad constitutional objections.

Thus, the imposition upon property of a governmental lien for water supplied to a user other than the owner has been held not to deprive the owner of due process of law within the meaning of the Fourteenth Amendment.”

For these reasons, we feel that L.B. 836 is constitutional.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Robert G. Avey  
Assistant Attorney General

RGA/ta

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 258  
March 18, 1980

Dear Senator Pirsch:

You have asked whether the Board of Examiners of Psychologists would still be subject to review in 1981 and termination in 1982 under sections 81-192 to 81-1,105, R.S.Supp., 1978, if LB 958 were enacted. We have concluded that it would.

Section 81-197(3), R.S.Supp., 1978, provides that the State Board of Examiners of Psychologists, created by section 71-3803, shall terminate on July 1, 1982. Section 81-1,101, R.S.Supp., 1978, provides that the Performance Review and Audit Committee shall cause a performance review to be conducted for each board scheduled for termination under sections 81-192 to 81-1,105. Such review is to be completed by October 1 in the year prior to the termination date established. Section 81-1,100, R.S.Supp., 1978, provides that any board scheduled for termination under sections 81-192 to 81-1,105 may be continued by reenacting the original enabling legislation or may be reestablished by enacting new legislation. Any newly created or continued or reestablished regulatory board shall have a life not to exceed six years and shall be subject to the provisions of sections 81-192 to 81-1,105.

LB 958 is new legislation which would reestablish the Board of Examiners of Psychologists under the Bureau of Examining Boards of the Department of Health. LB 958 would not repeal section 81-197(3) or section 81-1,101. Under LB 958 the Board of Examiners of Psychologists would still be created by section 71-3803.

We have concluded that if LB 958 were enacted the Board of Examiners of Psychologists would be subject to review under section 81-1,101 and subject to termination under section 81-197(3) at the same time as it would have been if LB 958 had not been enacted. This is consistent with the purpose of sections 81-192 to 81-1,105 to establish a continuing appraisal process and with section 81-1,100 which gives any reestablished regulatory board a life not to exceed six years.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Marilyn B. Hutchinson  
Assistant Attorney General

MBH:ejg  
cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 82.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, sections 28, 29, and 30, of the Constitution of Nebraska, relating to the judiciary; to change membership of the Commission on Judicial Qualifications; to provide additional disciplinary measures and an additional ground for discipline applicable to a Justice or Judge of the Supreme Court or other judge; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article V, sections 28, 29, and 30, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

“Sec. 28. The Legislature shall provide for a Commission on Judicial Qualifications consisting of: (1) Three judges, including one district court judge, one county court judge, and one judge of any other court inferior to the Supreme Court as now exists or may hereafter be created by law, all of whom shall be appointed by the Chief Justice of the Supreme Court; (2) three members of the Nebraska State Bar Association who shall have practiced law in this state for at least ten years and who shall be appointed by the Executive Council of the Nebraska State Bar Association; (3) three citizens, none of whom shall be a Justice or Judge of the Supreme Court or judge of any court, active or retired, nor a member of the Nebraska State Bar Association, and who shall be appointed by the Governor; and (4) the Chief Justice of the Supreme Court, who shall serve as its chairperson.

Sec. 29. The commission shall act by a vote of the majority of its members and no action of the commission shall be valid unless concurred in by the majority of its members.

Sec. 30. (1) A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent. Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, privately reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be

ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law, and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the commission or masters appointed by the Supreme Court pursuant to this section prior to any formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication. The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, or as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“Constitutional amendment to change membership of the Commission on Judicial Qualifications and to provide additional disciplinary measures and an additional ground for discipline applicable to a Justice or Judge of the Supreme Court or other judge.

For

Against”

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’”

Voting in the affirmative, 41:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | DeCamp     | Kennedy | Newell  | Stoney  |
| Beutler    | Dworak     | Koch    | Nichol  | Vickers |
| Burrows    | Fitzgerald | Kremer  | Pirsch  | Wagner  |
| Carsten    | George     | Labedz  | Powers  | Warner  |
| Chambers   | Goodrich   | Lamb    | Reutzel | Wesely  |
| Chronister | Hefner     | Landis  | Rumery  |         |
| Clark      | Hoagland   | Marsh   | Schmit  |         |
| Cope       | Johnson    | Marvel  | Sieck   |         |
| Cullan     | Kahle      | Merz    | Simon   |         |

Voting in the negative, 2:

Kelly            Murphy

Excused and not voting, 6:

|          |       |          |
|----------|-------|----------|
| Fowler   | Keyes | Maresh   |
| Haberman | Lewis | Venditte |

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

### LEGISLATIVE BILL 616.

A BILL FOR AN ACT relating to revenue and taxation; to provide alternate procedures for computation and payment of certain taxes as prescribed.

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:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Cullan     | Kelly    | Merz    | Schmit  |
| Beutler    | DeCamp     | Kennedy  | Murphy  | Sieck   |
| Burrows    | Dworak     | Koch     | Newell  | Simon   |
| Carsten    | Fitzgerald | Kremer   | Nichol  | Stoney  |
| Chambers   | George     | Labeledz | Pirsch  | Vickers |
| Chronister | Goodrich   | Lamb     | Powers  | Wagner  |
| Clark      | Hefner     | Landis   | Reutzel | Warner  |
| Cope       | Kahle      | Marsh    | Rumery  | Wesely  |

Voting in the negative, 3:

|          |         |        |
|----------|---------|--------|
| Hoagland | Johnson | Marvel |
|----------|---------|--------|

Excused and not voting, 6:

|          |       |          |
|----------|-------|----------|
| Fowler   | Keyes | Maresh   |
| Haberman | Lewis | Venditte |

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

**LEGISLATIVE BILL 646.**

A BILL FOR AN ACT relating to insurance; to require insurance coverage for alcoholism; to define terms; and to provide for minimum benefits as prescribed.

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, 34:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | Cullan     | Kelly    | Merz   | Simon   |
| Beutler    | DeCamp     | Kennedy  | Newell | Stoney  |
| Burrows    | Fitzgerald | Koch     | Nichol | Vickers |
| Carsten    | George     | Labeledz | Pirsch | Wagner  |
| Chambers   | Goodrich   | Landis   | Powers | Warner  |
| Chronister | Hoagland   | Marsh    | Schmit | Wesely  |
| Cope       | Johnson    | Marvel   | Sieck  |         |

Voting in the negative, 8:

|        |        |        |         |
|--------|--------|--------|---------|
| Clark  | Hefner | Lamb   | Reutzel |
| Dworak | Kremer | Murphy | Rumery  |

Present and not voting, 1:

Kahle

Excused and not voting, 6:

|          |       |          |
|----------|-------|----------|
| Fowler   | Keyes | Maresh   |
| Haberman | Lewis | Venditte |

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

#### **LEGISLATIVE BILL 660.**

A BILL FOR AN ACT to repeal section 16-612, Reissue Revised Statute of Nebraska, 1943, relating to cities of the first class.

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:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | DeCamp     | Kahle    | Marsh   | Schmit  |
| Burrows    | Dworak     | Kelly    | Marvel  | Sieck   |
| Carsten    | Fitzgerald | Kennedy  | Merz    | Simon   |
| Chambers   | George     | Koch     | Murphy  | Stoney  |
| Chronister | Goodrich   | Kremer   | Newell  | Vickers |
| Clark      | Hefner     | Labeledz | Pirsch  | Wagner  |
| Cope       | Hoagland   | Lamb     | Reutzel | Warner  |
| Cullan     | Johnson    | Landis   | Rumery  | Wesely  |

Voting in the negative, 1:

Beutler

Present and not voting, 2:

|        |        |
|--------|--------|
| Nichol | Powers |
|--------|--------|

Excused and not voting, 6:

|          |       |          |
|----------|-------|----------|
| Fowler   | Keyes | Maresh   |
| Haberman | Lewis | Venditte |

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

**LEGISLATIVE BILL 672. With Emergency.**

A BILL FOR AN ACT to amend sections 60-505.02 and 60-556, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change a fee; to create a fund; to provide duties; to provide a penalty; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Koch     | Newell  | Stoney   |
| Burrows    | George     | Kremer   | Nichol  | Venditte |
| Carsten    | Goodrich   | Labeledz | Pirsch  | Vickers  |
| Chronister | Hefner     | Lamb     | Powers  | Wagner   |
| Clark      | Hoagland   | Landis   | Reutzel | Warner   |
| Cope       | Johnson    | Marsh    | Rumery  | Wesely   |
| Cullan     | Kahle      | Marvel   | Schmit  |          |
| DeCamp     | Kelly      | Merz     | Sieck   |          |
| Dworak     | Kennedy    | Murphy   | Simon   |          |

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Beutler

Excused and not voting, 5:

|        |          |       |       |        |
|--------|----------|-------|-------|--------|
| Fowler | Haberman | Keyes | Lewis | Maresh |
|--------|----------|-------|-------|--------|

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 672A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 672, Eighty-sixth Legislature, Second Session, 1980; 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, 39:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Fitzgerald | Kennedy | Murphy  | Simon    |
| Burrows    | George     | Koch    | Newell  | Stoney   |
| Carsten    | Goodrich   | Kremer  | Nichol  | Venditte |
| Chronister | Hefner     | Labedz  | Pirsch  | Vickers  |
| Clark      | Hoagland   | Lamb    | Powers  | Wagner   |
| Cope       | Johnson    | Landis  | Reutzel | Warner   |
| Cullan     | Kahle      | Marsh   | Rumery  | Wesely   |
| Dworak     | Kelly      | Marvel  | Sieck   |          |

Voting in the negative, 3:

Beutler      Chambers      Merz

Present and not voting, 2:

DeCamp      Schmit

Excused and not voting, 5:

Fowler      Haberman      Keyes      Lewis      Maresh

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 725.**

A BILL FOR AN ACT to repeal section 71-5871, Revised Statutes Supplement, 1979, relating to the Nebraska Health Care Certificate of Need Act; to eliminate certain reimbursement to the Department of Public Welfare.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kelly    | Murphy  | Stoney   |
| Beutler    | Fitzgerald | Kennedy  | Nichol  | Venditte |
| Carsten    | George     | Koch     | Pirsch  | Vickers  |
| Chronister | Goodrich   | Kremer   | Powers  | Wagner   |
| Clark      | Hefner     | Labeledz | Reutzel | Warner   |
| Cope       | Hoagland   | Lamb     | Rumery  |          |
| Cullan     | Johnson    | Merz     | Sieck   |          |

Voting in the negative, 6:

|          |        |        |
|----------|--------|--------|
| Chambers | Landis | Simon  |
| Dworak   | Marsh  | Wesely |

Present and not voting, 5:

|         |       |        |        |        |
|---------|-------|--------|--------|--------|
| Burrows | Kahle | Marvel | Newell | Schmit |
|---------|-------|--------|--------|--------|

Excused and not voting, 5:

|        |          |       |       |        |
|--------|----------|-------|-------|--------|
| Fowler | Haberman | Keyes | Lewis | Maresh |
|--------|----------|-------|-------|--------|

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

**LEGISLATIVE BILL 769.**

A BILL FOR AN ACT to amend section 43-604, Reissue Revised Statutes of Nebraska, 1943, relating to care and education of handicapped children; to define a term; 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, 39:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kennedy  | Murphy  | Simon    |
| Beutler    | Fitzgerald | Koch     | Newell  | Stoney   |
| Carsten    | George     | Kremer   | Nichol  | Venditte |
| Chambers   | Goodrich   | Labeledz | Pirsch  | Vickers  |
| Chronister | Hefner     | Lamb     | Reutzel | Wagner   |
| Cope       | Hoagland   | Landis   | Rumery  | Warner   |
| Cullan     | Johnson    | Marsh    | Schmit  | Wesely   |
| DeCamp     | Kelly      | Merz     | Sieck   |          |

Voting in the negative, 4:

Clark            Haberman    Kahle            Marvel

Present and not voting, 2:

Burrows        Powers

Excused and not voting, 4:

Fowler         Keyes         Lewis            Maresh

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

#### **LEGISLATIVE BILL 770.**

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1979, relating to schools; to provide for the payment of certain transportation costs; 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, 38:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Newell  | Stoney   |
| Beutler    | Fitzgerald | Koch     | Nichol  | Venditte |
| Burrows    | George     | Kremer   | Pirsch  | Vickers  |
| Carsten    | Goodrich   | Labeledz | Reutzel | Wagner   |
| Chronister | Haberman   | Lamb     | Rumery  | Warner   |
| Cope       | Hefner     | Landis   | Schmit  | Wesely   |
| Cullan     | Hoagland   | Marsh    | Sieck   |          |
| DeCamp     | Johnson    | Merz     | Simon   |          |

Voting in the negative, 1:

Clark

Present and not voting, 6:

|          |         |        |
|----------|---------|--------|
| Chambers | Kennedy | Murphy |
| Kahle    | Marvel  | Powers |

Excused and not voting, 4:

Fowler          Keyes          Lewis          Maresh

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

**LEGISLATIVE BILL 771. With Emergency.**

A BILL FOR AN ACT to amend section 79-1247.07, Revised Statutes Supplement, 1978, relating to teachers; to change fees for certificates and permits; to prescribe the use of a fund; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 39:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kahle    | Marvel  | Sieck    |
| Beutler    | Fitzgerald | Kelly    | Merz    | Simon    |
| Burrows    | George     | Kennedy  | Murphy  | Stoney   |
| Carsten    | Goodrich   | Kremer   | Nichol  | Venditte |
| Chambers   | Haberman   | Labeledz | Pirsch  | Vickers  |
| Chronister | Hefner     | Lamb     | Reutzel | Warner   |
| Cope       | Hoagland   | Landis   | Rumery  | Wesely   |
| DeCamp     | Johnson    | Marsh    | Schmit  |          |

Voting in the negative, 5:

Clark          Cullan          Koch          Newell          Powers

Present and not voting, 1:

Wagner

Excused and not voting, 4:

Fowler          Keyes          Lewis          Maresh

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 774.**

A BILL FOR AN ACT to amend section 79-2804, Revised Statutes Supplement, 1978, relating to the Private Vocational Educational Authorization Act of 1977; to provide an additional exemption from such act; 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, 43:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kahle    | Marvel  | Schmit   |
| Beutler    | Dworak     | Kelly    | Merz    | Simon    |
| Burrows    | Fitzgerald | Kennedy  | Murphy  | Stoney   |
| Carsten    | George     | Koch     | Newell  | Venditte |
| Chambers   | Goodrich   | Kremer   | Nichol  | Vickers  |
| Chronister | Haberman   | Labeledz | Pirsch  | Warner   |
| Clark      | Hefner     | Lamb     | Powers  | Wesely   |
| Cope       | Hoagland   | Landis   | Reutzel |          |
| Cullan     | Johnson    | Marsh    | Rumery  |          |

Voting in the negative, 0.

Present and not voting, 2:

Sieck            Wagner

Excused and not voting, 4:

Fowler            Keyes            Lewis            Maresh

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

**LEGISLATIVE BILL 798. With Emergency.**

A BILL FOR AN ACT to amend section 48-665, Reissue Revised Statutes of Nebraska, 1943, relating to the Employment Security Law; to change liability provisions regarding benefits received to which an individual was not entitled; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kahle    | Merz    | Simon    |
| Beutler    | Dworak     | Kelly    | Newell  | Stoney   |
| Burrows    | Fitzgerald | Kennedy  | Nichol  | Venditte |
| Carsten    | George     | Koch     | Pirsch  | Vickers  |
| Chambers   | Goodrich   | Kremer   | Powers  | Wagner   |
| Chronister | Haberman   | Labeledz | Reutzel | Warner   |
| Clark      | Hefner     | Lamb     | Rumery  | Wesely   |
| Cope       | Hoagland   | Landis   | Schmit  |          |
| Cullan     | Johnson    | Marsh    | Sieck   |          |

Voting in the negative, 0.

Present and not voting, 2:

Marvel          Murphy

Excused and not voting, 4:

Fowler          Keyes          Lewis          Maresh

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

#### **MOTIONS - Return LB 842 to Select File**

Mr. Kahle moved to return LB 842 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Kahle withdrew his motion.

Mr. Kelly moved to return LB 842 to Select File for the following specific amendment:

Pg 3 Line 15 strike July 1 insert July 15

Mr. Kelly withdrew his motion.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 842.**

A BILL FOR AN ACT to amend section 39-6,181, Revised Statutes Supplement, 1979, relating to weight of vehicles; to provide special permits for overweight vehicles carrying garbage; 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, 27:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Barrett    | Hoagland | Landis | Reutzel | Venditte |
| Carsten    | Johnson  | Marsh  | Rumery  | Vickers  |
| Chronister | Kelly    | Merz   | Schmit  | Warner   |
| Clark      | Koch     | Murphy | Sieck   |          |
| Cullan     | Kremer   | Nichol | Simon   |          |
| DeCamp     | Labedz   | Powers | Stoney  |          |

Voting in the negative, 16:

|          |            |         |        |
|----------|------------|---------|--------|
| Beutler  | Fitzgerald | Hefner  | Marvel |
| Chambers | George     | Kahle   | Newell |
| Cope     | Goodrich   | Kennedy | Pirsch |
| Dworak   | Haberman   | Lamb    | Wesely |

Present and not voting, 2:

Burrows      Wagner

Excused and not voting, 4:

Fowler      Keyes      Lewis      Maresh

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

#### **LEGISLATIVE BILL 884.**

A BILL FOR ACT relating to natural resources districts; to provide when a bond shall not be required as prescribed.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Newell  | Stoney   |
| Beutler    | George     | Koch     | Nichol  | Venditte |
| Carsten    | Goodrich   | Kremer   | Pirsch  | Vickers  |
| Chambers   | Haberman   | Labeledz | Powers  | Wagner   |
| Chronister | Hefner     | Lamb     | Reutzel | Warner   |
| Clark      | Hoagland   | Landis   | Rumery  | Wesely   |
| Cope       | Johnson    | Marsh    | Schmit  |          |
| Cullan     | Kahle      | Merz     | Sieck   |          |
| DeCamp     | Kelly      | Murphy   | Simon   |          |

Voting in the negative, 2:

Dworak      Marvel

Present and not voting, 1:

Burrows

Excused and not voting, 4:

Fowler      Keyes      Lewis      Marsh

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

**MOTION - Return LB 892 to Select File**

Mr. Johnson moved to return LB 892 to Select File for his specific amendment found in the Journal on page 1313.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Cullan requested a record vote on the Johnson motion.

Voting in the affirmative, 35:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Cullan   | Kelly    | Merz   | Simon    |
| Beutler    | Dworak   | Koch     | Murphy | Stoney   |
| Burrows    | George   | Kremer   | Newell | Venditte |
| Carsten    | Hefner   | Labeledz | Pirsch | Vickers  |
| Chambers   | Hoagland | Lamb     | Powers | Wagner   |
| Chronister | Johnson  | Landis   | Rumery | Warner   |
| Clark      | Kahle    | Marsh    | Sieck  | Wesely   |

Voting in the negative, 3:

Cope            Marvel            Nichol

Present and not voting, 7:

DeCamp      Goodrich      Kennedy      Schmit  
Fitzgerald    Haberman      Reutzel

Excused and not voting, 4:

Fowler        Keyes            Lewis        Maresh

The motion prevailed with 35 ayes, 3 nays, 7 present and not voting, and 4 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 892.** The Johnson specific amendment found in the Journal on page 1313 was adopted with 33 ayes, 3 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

#### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 893.** With Emergency.

A BILL FOR AN ACT to amend section 21-2202, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to permit real estate brokers, associate brokers, and salespersons to incorporate under the Nebraska Professional Corporation Act; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 34:

|            |            |          |          |         |
|------------|------------|----------|----------|---------|
| Barrett    | Cope       | Hefner   | Kremer   | Merz    |
| Beutler    | Cullan     | Hoagland | Labeledz | Newell  |
| Chambers   | DeCamp     | Johnson  | Landis   | Pirsch  |
| Chronister | Dworak     | Kelly    | Marsh    | Powers  |
| Clark      | Fitzgerald | Koch     | Marvel   | Reutzel |

|        |        |          |        |        |
|--------|--------|----------|--------|--------|
| Rumery | Simon  | Venditte | Wagner | Wesely |
| Sieck  | Stoney | Vickers  | Warner |        |

Voting in the negative, 7:

|          |         |        |        |
|----------|---------|--------|--------|
| George   | Kahle   | Lamb   | Nichol |
| Haberman | Kennedy | Murphy |        |

Present and not voting, 4:

|         |         |          |        |
|---------|---------|----------|--------|
| Burrows | Carsten | Goodrich | Schmit |
|---------|---------|----------|--------|

Excused and not voting, 4:

|        |       |       |        |
|--------|-------|-------|--------|
| Fowler | Keyes | Lewis | Maresh |
|--------|-------|-------|--------|

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 903.**

A BILL FOR AN ACT to amend section 8-319, Revised Statutes Supplement, 1979, relating to banks and banking; to eliminate a certain restriction on loans made by building and loan associations; to extend a repayment period; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Newell  | Stoney   |
| Beutler    | Fitzgerald | Kennedy  | Nichol  | Venditte |
| Burrows    | George     | Koch     | Pirsch  | Wagner   |
| Carsten    | Goodrich   | Kremer   | Powers  | Warner   |
| Chronister | Haberman   | Labeledz | Reutzel | Wesely   |
| Clark      | Hefner     | Lamb     | Rumery  |          |
| Cope       | Hoagland   | Landis   | Schmit  |          |
| Cullan     | Johnson    | Marsh    | Sieck   |          |
| DeCamp     | Kahle      | Marvel   | Simon   |          |

Voting in the negative, 1:

Vickers

Present and not voting, 3:

Chambers      Merz              Murphy

Excused and not voting, 4:

Fowler          Keyes              Lewis              Maresh

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

**LEGISLATIVE BILL 940.** Laid over at the request of Mr. Murphy.

**LEGISLATIVE BILL 966.**

A BILL FOR AN ACT to amend section 8-601, Reissue Revised Statutes of Nebraska, 1943, and section 8-133, Revised Statutes Supplement, 1978, relating to banks and banking; to change provisions relating to inducements for deposits; to change provisions relating to examination assessment fees; to extend assessment provisions to credit unions; 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:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | DeCamp     | Kahle    | Marvel  | Sieck   |
| Beutler    | Dworak     | Kelly    | Merz    | Simon   |
| Burrows    | Fitzgerald | Kennedy  | Newell  | Stoney  |
| Carsten    | George     | Koch     | Nichol  | Vickers |
| Chambers   | Goodrich   | Kremer   | Pirsch  | Wagner  |
| Chronister | Haberman   | Labeledz | Powers  | Warner  |
| Clark      | Hefner     | Lamb     | Reutzel | Wesely  |
| Cope       | Hoagland   | Landis   | Rumery  |         |
| Cullan     | Johnson    | Marsh    | Schmit  |         |

Voting in the negative, 0.

Present and not voting, 2:

Murphy          Venditte

Excused and not voting, 4:

Fowler            Keyes            Lewis            Maresh

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

**LEGISLATIVE BILL 986.** Mr. Venditte asked unanimous consent to have LB 986 laid over.

Mr. George objected.

Mr. Venditte moved to have LB 986 laid over.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mr. Venditte withdrew his motion.

**MOTION - Return LB 986 to Select File**

Mr. Chambers moved to return LB 986 to Select File for the following specific amendment:

Strike "useful or" P. 6 - first line

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Chambers motion prevailed with 26 ayes, 14 nays, 6 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 986.** The Chambers specific amendment found in this day's Journal was adopted with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

**EXPLANATION OF VOTE**

Had I been present, I would have voted yes on the following bills: 82CA, 616, 646, 660, 672e, and 725.

(Signed) Rex Haberman

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kelly asked unanimous consent to print the following amendment to LB 423 in the Journal. No objections. So ordered.

Req. #2262

- 2 1. Strike the original sections and amendments  
 3 thereto and insert the following new sections:  
 4 "Section 1. That section 2-3268, Revised  
 5 Statutes Supplement, 1979, be amended to read as follows:  
 6 2-3268. In order to assist the Nebraska Natural  
 7 Resources Commission in administering the Nebraska  
 8 Resources Development Fund, an advisory board to the  
 9 commission is hereby created. The board shall consist of  
 10 (1) a representative of the following state agencies:  
 11 The Department of Economic Development, the Policy  
 12 Research Office, the Department of Environmental Control,  
 13 the Department of Water Resources, the Department of  
 14 Agriculture, the Game and Parks Commission, the  
 15 Conservation and Survey Division of the University of  
 16 Nebraska, and the Nebraska Natural Resources Commission  
 17 and (2) one representative, appointed by the Governor,  
 18 for each city of the metropolitan class, who shall serve  
 19 for a term of four years. The advisory board may ~~(1)~~ (a)  
 20 adopt in accordance with the provisions of Chapter 84,  
 21 article 9, rules and regulations establishing criteria  
 22 for determining eligibility of programs and projects, for  
 23 funding, and for carrying out any of its other  
 24 responsibilities under sections 2-3263 to 2-3272, ~~(2)~~ (b)  
 25 conduct special studies necessary to the administration  
 1 of the fund, ~~(3)~~ (c) conduct any public hearings  
 2 necessary to perform its duties, and ~~(4)~~ (d) utilize the  
 3 staffs of any of the member agencies to assist in the  
 4 performance of its duties.  
 5 Sec. 2. That original section 2-3268, Revised  
 6 Statutes Supplement, 1979, is repealed."

Mr. Simon asked unanimous consent to print the following amendment to LB 916 in the Journal. No objections. So ordered.

**(FINAL READING COPY)**

Req. #2254

- 3 1. Insert a new section as follows:  
 4 "Sec. 3. That section 45-207, Reissue Revised  
 5 Statutes of Nebraska, 1943, as amended by section 1,  
 6 Legislative Bill 308, Eighty-sixth Legislature, Second  
 7 Session, 1980, be amended to read as follows:  
 8 45-207. Notwithstanding the provisions of any

9 other law the seller or assignee under a revolving charge  
 10 agreement may charge, receive and collect a time price  
 11 differential which shall not exceed the following rate:  
 12 (1) For any balance existing on March 19, 1980, one and  
 13 one half per cent per month on the outstanding balance of  
 14 five hundred dollars or less and one per cent per month  
 15 on that portion of the outstanding balance in excess of  
 16 five hundred dollars, and (2) for any indebtedness  
 17 incurred after March 19, 1980, one ~~One~~ and three-quarters  
 18 per cent per month on amounts less than five hundred  
 19 dollars, and one and one half per cent per month on  
 20 amounts of five hundred dollars or more on the  
 21 outstanding balance not attributable to indebtedness  
 22 incurred prior to March 19, 1980. Payments made after  
 23 March 19, 1980 shall be first applied to reduce or  
 24 eliminate outstanding balances existing on March 19,  
 25 1980. The rate shall be computed on the unpaid balance  
 1 under the agreement from month to month, which need not  
 2 be a calendar month, or other period as agreed. Such  
 3 time price differential shall be computed on not more  
 4 than the unpaid balance at the beginning of the period  
 5 for which the statement is rendered.”.

6 2. On page 4, line 2 after “1943,” insert “and  
 7 section 45-207, Reissue Revised Statutes of Nebraska,  
 8 1943, as amended by section 1, Legislative Bill 308,  
 9 Eighty-sixth Legislature, Second Session, 1980,”.

10 3. Renumber remaining sections accordingly.

11 4. In the title strike lines 2 through 7 and  
 12 insert:

13 “FOR AN ACT relating to finance; to provide requirements  
 14 for mergers as prescribed; to provide a  
 15 rebuttable presumption; to change authorized  
 16 interest rates as prescribed; to amend  
 17 sections 8-120 and 8-122, Reissue Revised  
 18 Statutes of Nebraska, 1943, and section  
 19 45-207, Reissue Revised Statutes of Nebraska,  
 20 1943, as amended by section 1, Legislative  
 21 Bill 308, Eighty-sixth Legislature, Second  
 22 Session, 1980; to repeal the original  
 23 sections; and to declare an emergency.”.

Mr. Koch asked unanimous consent to print the following amendment  
 to LB 765 in the Journal. No objections. So ordered.

(Final Reading Second)

Req. #2252

3 1. On page 2, line 8 after “residence” insert “,  
 4 the Barkley Memorial Center, the Meyer Children’s  
 5 Rehabilitation Institute, the Ruth Staples Laboratory, or  
 6 the Nebraska Psychiatric Institute, whichever is

7 appropriate,"; in line 17 after "district" insert "or the  
 8 servicing agency"; and in line 20 after the period insert  
 9 "Grant payments to the designated service agencies shall  
 10 be made only when a contract for service exists between a  
 11 school district and an agency."

12 2. Insert two new sections as follows:

13 "Sec. 2. That section 43-647.01, Reissue  
 14 Revised Statutes of Nebraska, 1943, be amended to read as  
 15 follows:

16 43-647.01. The school district of residence of  
 17 each student who attends the Nebraska School for the  
 18 Visually Handicapped, ~~or~~ the Nebraska School for the  
 19 Deaf, or any of the following state agencies or units of  
 20 state institutions including: The Cozad Diagnostic  
 21 Center, the Barkley Memorial Center, the Meyer Children's  
 22 Rehabilitation Institute, the Ruth Staples Laboratory, or  
 23 the Nebraska Psychiatric Institute shall pay an amount  
 24 equal to the school district's adjusted average per pupil  
 25 cost of the preceding year plus ten per cent of the  
 1 allowable excess cost or ten per cent of the allowable  
 2 excess cost for total excess cost programs, or that  
 3 portion thereof which corresponds to the portion of the  
 4 school year in which the child is served in such  
 5 agencies. The remainder of the cost for each student  
 6 served in the Nebraska School for the Visually  
 7 Handicapped, the Nebraska School for the Deaf, or the  
 8 Nebraska Diagnostic Resource Center shall be accounted  
 9 for in the budget for the Nebraska School for the  
 10 Visually Handicapped, ~~or~~ the Nebraska School for the  
 11 Deaf, or the Nebraska Diagnostic Resource Center. The  
 12 remainder of the cost for each student served by the  
 13 Barkley Memorial Center, the Meyer Children's  
 14 Rehabilitation Institute, the Ruth Staples Laboratory,  
 15 and the Nebraska Psychiatric Institute shall be paid by  
 16 the State Department of Education to the respective  
 17 servicing institutions following the same procedures as  
 18 those established for reimbursing school districts,  
 19 except that the servicing institutions shall be  
 20 reimbursed during the year in which services to  
 21 handicapped children were delivered.

22 Sec. 3. That section 43-648, Reissue Revised  
 23 Statutes of Nebraska, 1943, be amended to read as  
 24 follows:

25 43-648. Effective July 1, 1976, the State  
 26 Department of Education shall reimburse each school  
 27 district for ninety per cent of the allowable excess cost  
 1 of the preceding year's special education programs, as  
 2 defined in section 43-645. Effective July 1, 1980, the  
 3 State Department of Education shall reimburse the Barkley  
 4 Memorial Center, the Meyer Children's Rehabilitation

5 Institute, the Ruth Staples Laboratory, and the Nebraska  
 6 Psychiatric Institute for ninety per cent of the  
 7 allowable excess cost of the current year's special  
 8 education program. The payments shall be made by the  
 9 State Department of Education to the resident school  
 10 district or the servicing agencies set forth in this  
 11 section in seven as nearly as possible equal monthly  
 12 payments between the fifth and twentieth day of each  
 13 month beginning December, 1976, and each December  
 14 thereafter."

15 3. On page 3, line 12 strike "section" and  
 16 insert "sections"; and after the comma insert "43-647.01,  
 17 and 43-648."

18 4. Renumber remaining sections accordingly.

19 5. In the title, line 2, strike "section" and  
 20 insert "sections" after the comma insert "43-647.01, and  
 21 43-648,".

Mr. Haberman asked unanimous consent to print the following amendment to LB 743 in the Journal. No objections. So ordered.

(Final Reading Copy)

1 1. On page 2 strike beginning with "motor" in  
 2 line 22 through the comma in line 24, and show as stricken.

3 2. On page 3, line 1, after the period insert:  
 4 "The required certificate of inspection and approval for  
 5 vehicles subject to the provisions of section 60-320,  
 6 Reissue Revised Statutes of Nebraska, 1943, and owned  
 7 by motor vehicle dealers subject to sections 60-1401 to  
 8 60-1435, Reissue Revised Statutes of Nebraska, 1943, shall  
 9 consist of a temporary certificate of inspection that shall  
 10 be carried in the vehicle at all times as proof of such  
 11 approval. Such temporary certificate of inspection shall be  
 12 valid for the same period as that provided in section  
 13 60-1703, Reissue Revised Statutes of Nebraska, 1943."

Messrs. DeCamp, Schmit, Carsten, and Dworak asked unanimous consent to print the following amendment to LB 954 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2233.)

**MESSAGE FROM THE GOVERNOR**

March 20, 1980

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

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 793, 801, 958, and 958A.

These bills were signed by me on March 19, 1980 and delivered to the Secretary of State.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

**SELECT COMMITTEE REPORTS  
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 709, 794, 908, 924, and 945.

(Signed) Don Wesely, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 254.**

Introduced by Landis, 46th District.

**PURPOSE:**

In addition to the study of fiscal matters pertaining to the University of Nebraska in Legislative Resolution 235, Eighty-Sixth Legislature, First Session, to study the relationship of the University of Nebraska Foundation to University of Nebraska fiscal administration, whether there is a need for itemized reporting to the Legislature of certain types of expenditures by the University of Nebraska Foundation in the administration and management of the University of Nebraska, whether there is a need for itemized reporting

to the public of certain types of expenditures by the University of Nebraska Foundation, whether there is a need for legislation pertaining to the University of Nebraska Foundation and similar public entities existing primarily for the support of public higher education in Nebraska, and whether there is a need for Constitutional amendments pertaining to the University of Nebraska Foundation and similar public entities existing primarily for the support of higher education in Nebraska.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 255.**

Introduced by Beutler, 28th District; Pirsch, 10th District.

**PURPOSE:**

Develop a satisfactory Mechanic's Lien Law system which protects property owners from double liability on improvements due to the failure of contractors to pay subcontractors and materialmen, but which also reasonably protects the interests of the building trades. Hold public hearings on proposed legislation in Omaha, Lincoln and Greater Nebraska to assure public input and trade participation in the development of proposed solutions to the current inequities in this area.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 256.**

Introduced by Venditte, 7th District, Barrett, 39th District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Fitzgerald, 14th District; George, 16th District; Haberman, 44th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labeledz, 5th District; Lamb, 43rd District; Maresh, 32nd District; Merz, 1st District; Newell, 13th District; Pirsch, 10th District; Rumery, 42nd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Wagner, 41st District; Wesely, 26th District.

WHEREAS, there has been increasing public concern over the criteria used to determine when a patient or resident may be released from a mental hospital or correctional institution; and

WHEREAS, the public's concern and attention was focused on a recent incident where a resident of the Lincoln Regional Center who was acquitted by reason of insanity in the death of an Omaha woman, failed to return to the Center from a class which he attended unescorted; and

WHEREAS, the public has a right to feel safe and secure from potentially dangerous persons who have been committed to security institutions; and

WHEREAS, the criteria for placing mental patients in less-restrictive environments, or allowing their release to attend classes or outside activities unescorted, should be studied and investigated by a public body.

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

1. That a study be conducted as determined by the Public Health and Welfare Committee of the Legislature on (a) the criteria for releasing mental patients from the custody of the institution to which they are committed; (b) the expertise and judgment of the persons or groups responsible for determining such release; and (c) the procedure for releasing mental hospital patients for various rehabilitative and other purposes.

2. That the Public Health and Welfare Committee submit a report of its findings and recommendations to the next session of the Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 257.**

Introduced by Banking, Commerce and Insurance Committee:  
DeCamp, 40th District, Chairman.

**PURPOSE:**

This study would review existing Nebraska limited partnership statutes as well as examine and determine if the "Revised" Uniform Limited Partnership Act (1976) as adopted by the National Conference of Commissioners on Uniform State Laws should be introduced for consideration by the Nebraska Legislature.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH 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.

**MR. CLARK PRESIDING**

**MOTION - Place LB 754 on General File**

Mr. Simon renewed his pending motion found in the Journal on page 1094 to place LB 754 on General File pursuant to Rule 3, Sec. 10.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Simon requested a roll call vote on his motion.

Voting in the affirmative, 14:

|          |            |         |          |          |
|----------|------------|---------|----------|----------|
| Burrows  | Fitzgerald | Johnson | Labeledz | Simon    |
| Chambers | Fowler     | Kelly   | Landis   | Venditte |
| Dworak   | Hoagland   | Koch    | Merz     |          |

Voting in the negative, 29:

|            |          |         |         |         |
|------------|----------|---------|---------|---------|
| Barrett    | Cullan   | Kahle   | Murphy  | Sieck   |
| Beutler    | DeCamp   | Kennedy | Nichol  | Stoney  |
| Carsten    | George   | Kremer  | Pirsch  | Vickers |
| Chronister | Goodrich | Lamb    | Powers  | Wagner  |
| Clark      | Haberman | Marsh   | Reutzel | Warner  |
| Cope       | Hefner   | Marvel  | Rumery  |         |

Present and not voting, 2:

Newell      Wesely

Excused and not voting, 4:

Keyes      Lewis      Maresh      Schmit

The Simon motion lost with 14 ayes, 29 nays, 2 present and not voting, and 4 excused and not voting.

### SELECT COMMITTEE REPORTS Committee on Committees

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below, which were presented at a hearing on February 27, 1980. The Committee suggests the appointments be confirmed by the legislature and suggests a record vote.

John B. Cassell - Board of Educational Lands and Funds  
Roger Cross - Department of Economic Development  
Earl C. Hultman - Game and Parks Commission  
Wayne Schreurs - Board of Parole  
Jerry Sellentin - State Personnel Board

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Cullan, Simon, Nichol, Schmit, Labeledz (5). Absent: Lewis (1).

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below, which were presented at a hearing on March 12, 1980. The Committee suggests the

appointments be confirmed by the legislature and suggests a record vote.

Jody Asmussen, Nebraska Arts Council

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

Irvin S. Chesen, Department of Economic Development

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

James Kamas, Commission for the Hearing Impaired

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Schmit, Labeledz, Nichol (5). Absent: Lewis (1).

Lynn Moore, State Electrical Board

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

Dr. Patricia Sullivan, Commission for the Hearing Impaired

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

Beverly Thomas, Commission for the Hearing Impaired

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below, which were presented at a hearing on March 5, 1980. The Committee suggests the appointments be confirmed by the legislature and suggests a record vote.

Ron Elmshouser, Public Employees Retirement Board

VOTE: For: Marsh, Burrows, Kennedy, Newell, Reutzel, Wesely, Cope (7). Against: None (0). Excused: Cullan, Simon, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

Bernard R. Gyger, Advisory Comm. for Public Welfare, Institutions, and Corrections

VOTE: For: Marsh, Burrows, Kennedy, Newell, Reutzel, Wesely, Cope (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Nichol, Schmit (5). Absent: Lewis (1).

Berton Leavitt, Commission for the Hearing Impaired

VOTE: For: Marsh, Burrows, Kennedy, Newell, Reutzel, Wesely, Cope (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Nichol, Schmit (5). Absent: Lewis (1).

Duane Mines, RP, State Board of Health

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely, (7). Against: None (0). Excused: Cullan, Simon, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

Dr. George Propp, Commission for the Hearing Impaired

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely, (7). Against: None (0). Excused: Cullan, Simon, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

Wayne Sides, State Electrical Board

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely, (7). Against: None (0). Excused: Cullan, Simon, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

G. Herbert Seberg, DDS, State Board of Health

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely, (7). Against: None (0). Excused: Cullan, Simon, Labeledz, Schmit, Nichol (5). Absent: Lewis (1).

(Signed) Shirley Marsh, Chairperson

**STANDING COMMITTEE REPORTS**  
**Urban Affairs**

**LEGISLATIVE BILL 303.** Indefinitely postponed.  
**LEGISLATIVE BILL 702.** Indefinitely postponed.  
**LEGISLATIVE BILL 751.** Indefinitely postponed.  
**LEGISLATIVE BILL 836.** Indefinitely postponed.  
**LEGISLATIVE BILL 929.** Indefinitely postponed.  
**LEGISLATIVE BILL 980.** Indefinitely postponed.

(Signed) Walter George, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 258.**

Introduced by Judiciary Committee: Nichol, 48th District, Chairman; Wagner, 41st District; Chambers, 11th District; Venditte, 7th District; Chronister, 18th District; Pirsch, 10th District; Reutzel, 15th District; Stoney, 4th District.

**PURPOSE:**

Public works projects involving large construction frequently results in a substantial transient work force being temporarily located in or near rural communities. Such sporadic population growths impact small communities most heavily in those areas related to providing for public services and public safety. The purpose of this study proposal is to explore the law enforcement needs of such localities and review alternatives to the traditional methods of providing funding and manpower to meet such needs.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 259.**

Introduced by Fowler, 27th District.

**PURPOSE:**

The purpose of this resolution is to study the efforts of state and local governments in eliminating architectural barriers to the handicapped and disabled citizenry of Nebraska in public buildings, streets and other public facilities. The United States Congress enacted the Architectural Barriers Act of 1968 which required that any building constructed or leased in whole or in part with federal funds must be made accessible to and usable by the physically handicapped. LB 602, which was passed by the 1974 Legislature, broadened standards and specifications for construction or remodeling of public buildings in the state to accommodate the handicapped. Another law striving to build a barrier-free environment in Nebraska was passed in 1978. LB 233 provided that all polling places shall be accessible by 1984. The focus of this study shall be to determine the adequacy of inspections and certification of compliance with accessibility standards in construction and remodeling projects in Nebraska. The study shall also evaluate the adequacy of funding for renovation of public buildings at the state and local level.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 260.**

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Haberman, 44th District.

**PURPOSE:**

This study would review the existing taxation, assessment and allocation statutes relating to the funding of State Community and Vocational Technical Colleges and determine whether and what appropriate legislation may be drafted for consideration by the Nebraska Legislature. The study may also examine the operational and administrative activities of State Community and Vocational Technical Colleges.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **EXPLANATION OF VOTE**

Because of a clear conflict of interest on LB 754 I have had to refrain from voting.

(Signed) Dave Newell

### **VISITORS**

Visitors to the Chamber were 115 seniors and teachers from Burke High School, Omaha; 77 fourth grade students and teacher from Kearney; and 40 parents from Omaha.

### **RECESS**

At 11:46 a.m., on a motion by Mr. Rumery, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:39 p.m., Speaker Marvel presiding.

### **ROLL CALL**

The roll was called and all members were present except Messrs. Haberman, Keyes, and Maresh who were excused; and Mrs. Labeledz, Messrs. Cullan, Kelly, and Reutzel who were excused until they arrive.

### **RESOLUTIONS**

#### **LEGISLATIVE RESOLUTION 261.**

Introduced by Johnson, 8th District.

WHEREAS, for many years the Legislature has not examined in depth Nebraska's methods for taxing some insurance companies and exempting others and for allocating insurance tax dollars among state and local governments;

WHEREAS, this important source of revenue should be examined to determine whether it continues to be fair, just, and equitable to those paying these taxes as well as to those paying taxes in other forms;

WHEREAS, the allocation of insurance tax revenues to the Department of Insurance should be examined to determine whether cash fund revenues provide an adequate check on governmental expenditures, and the allocation of insurance tax revenues among county and city governments should be examined to determine if existing formulas for allocation of such monies are fair, just, and equitable;

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

1. That a 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.

### **LEGISLATIVE RESOLUTION 262.**

Introduced by Johnson, 8th District.

WHEREAS, standards of need, as used in welfare programs, are designed to establish the amounts of money poor persons and families require to obtain basic necessities;

WHEREAS, the Nebraska Department of Public Welfare for years has not undertaken any serious studies of the standards of need it uses in Nebraska welfare programs with the result that its standards no longer reflect the amounts of money such persons and families require for basic necessities;

WHEREAS, the research division of the Nebraska Department of Public Welfare has suggested that the Legislature establish the standards of need for use in the welfare programs;

WHEREAS, neither the Legislature nor the Department of Public Welfare can establish standards of need without first undertaking a study to determine the items necessary to maintain a poor person and family in health and decency and the amounts such items currently cost;

WHEREAS, the Legislature can make use of the resources at the University of Nebraska and the Department of Public Welfare, as well as its own research staff to undertake the requisite studies;

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

1. That the Executive Board of the Legislature shall appoint a Committee to undertake a comprehensive study of all standards of need used in the welfare programs in this state;
2. That the Study Committee shall determine those items that should be included in any standard of need to assure minimum health and decency to poor persons and families;
3. That the Study Committee shall determine the amounts of money required by poor persons and families to acquire such items;
4. That the Study Committee may retain such persons and organizations it reasonably believes it needs to prepare the study, provided that the Study Committee shall first obtain approval from the Executive Board of the Legislature for all contracted expenses;
5. That the Study Committee bring to the Eighty-Seventh Legislature, First Session, its recommendations regarding the standards of need in the welfare programs.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 263.**

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Beutler, 28th District; Goodrich, 20th District; Kennedy, 21st District; Clark, 47th District; Vickers, 38th District; Wesely, 26th District.

**PURPOSE:**

To address a number of topics related to water resources, including the following:

- a. Review of the preliminary report on the instream flows policy issue analysis submitted to the Legislature as part of the state water planning and review process.
- b. Review of the final report on the water quality policy issue analysis to be submitted to the Legislature in the near future as part of the state water planning and review process.
- c. Monitoring of the progress of the state water planning and review process.
- d. Review of the use of the power of eminent domain by natural resources districts to acquire land for recreational projects.
- e. Study of the advisability of placing responsibility on well drillers to obtain the permits required for wells in ground-water control areas.

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

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 264.**

Introduced by Nichol, 48th District.

#### **PURPOSE:**

Last year LR 94 was introduced and processed by the Judiciary Committee to facilitate the recodification of our Juvenile Code. Because of the comprehensive nature of the subject matter, the Judiciary Committee determined to extend this study another year. The purpose of this study resolution is to extend the current recodification effort through the next interim.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **UNANIMOUS CONSENT - Print in Journal**

Mr. Fowler asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

Req. #2263

2 1. In the White Copy (Request 2094) insert the  
3 following new section:

4 "Sec. 19. That section 66-424, Reissue Revised  
5 Statutes of Nebraska, 1943, be amended to read as  
6 follows:

7 66-424. The share of the Highway Allocation Fund  
8 allocated to the Department of Roads shall be transferred  
9 by the State Treasurer, on or before the last day of each  
10 month, to the Highway Cash Fund and shall be expended by  
11 the department in the following order of priority:

12 (1) ~~for~~ For acquiring ~~real-estate~~, road  
13 materials, equipment, and supplies to be used in the

14 ~~construction~~, reconstruction, improvement, and  
 15 maintenance of state highways;  
 16 (2) ~~for~~ For the ~~construction~~, reconstruction,  
 17 improvement, and maintenance of state highways, including  
 18 grading, drainage, structures, surfacing, roadside  
 19 development, landscaping, and other incidentals necessary  
 20 for proper ~~completion~~ maintenance and protection of state  
 21 highways as the department shall, after investigation,  
 22 find and determine shall be for the best interests of the  
 23 highway system of the state, either independent of or in  
 24 conjunction with federal aid money for highway purposes;

1 (3) ~~for~~ For the share of the department of the  
 2 cost of maintenance of state aid bridges as provided in  
 3 section 39-852;

4 (4) ~~for~~ For planning studies in conjunction with  
 5 federal highway funds for the purpose of analyzing  
 6 traffic problems, ~~and~~ financial conditions and problems,  
 7 and maintenance needs relating to state, county,  
 8 township, municipal, federal, and all other roads in the  
 9 state, and for incidental costs in connection with the  
 10 federal aid grade crossing program, for roads not on  
 11 state highways;

12 (5) ~~for~~ For tests and research by the department  
 13 or proportionate costs of membership, test, and research  
 14 of highway organizations when participated in by the  
 15 highway departments of other states; ~~and~~

16 (6) ~~for~~ For the payment of expenses and cost of  
 17 the Board of Examiners for County Highway and City Street  
 18 Superintendents as set forth in section 39-2310; and

19 (7) For acquiring real estate for and  
 20 construction of state highways, including grading,  
 21 drainage, structures, surfacing, roadside development,  
 22 landscaping, and other incidentals necessary for proper  
 23 completion of state highways as the department shall,  
 24 after investigation, find and determine shall be for the  
 25 best interests of the highway system of the state, either  
 26 independent of or in conjunction with federal aid money  
 27 for highway purposes.

1 Any money in the Highway Cash Fund not needed for  
 2 current operations of the department shall, as directed  
 3 by the Director-State Engineer to the State Treasurer, be  
 4 invested by the state investment officer pursuant to the  
 5 provisions of sections 72-1237 to 72-1259, subject to  
 6 approval by the board of each investment. All income  
 7 received as a result of such investment shall be placed  
 8 in the Highway Cash Fund.”.

9 2. In the White Copy (Request 2094) on page 21,  
 10 line 18 after the first comma insert “66-424.”.

11 3. In the White Copy (Request 2094) renumber  
 12 sections 19 and 20 as sections 20 and 21 respectively.

**GENERAL FILE**

**LEGISLATIVE BILL 627.** Title read.

Mr. Stoney asked unanimous consent to take up LB 609 on General File before LB 627.

Mr. Koch objected.

Mr. Stoney moved to change the Speaker's order, to consider LB 609 on General File before LB 627.

The motion lost with 10 ayes, 22 nays, 12 present and not voting, and 5 excused and not voting.

Standing Committee amendments found in the Journal on page 826 for the Twenty-Ninth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Burrows offered the following motion for Mr. Keyes: Indefinitely postpone LB 627.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Stoney requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 12:

|         |         |          |        |
|---------|---------|----------|--------|
| Burrows | Dworak  | Labeledz | Murphy |
| Carsten | Hefner  | Lamb     | Pirsch |
| Clark   | Kennedy | Merz     | Stoney |

Voting in the negative, 26:

|            |            |        |         |        |
|------------|------------|--------|---------|--------|
| Barrett    | Fitzgerald | Koch   | Newell  | Warner |
| Beutler    | Fowler     | Kremer | Powers  | Wesely |
| Chambers   | George     | Landis | Reutzel |        |
| Chronister | Goodrich   | Lewis  | Rumery  |        |
| Cullan     | Hoagland   | Marsh  | Simon   |        |
| DeCamp     | Johnson    | Marvel | Vickers |        |

Present and not voting, 7:

|       |        |          |        |
|-------|--------|----------|--------|
| Cope  | Nichol | Sieck    | Wagner |
| Kahle | Schmit | Venditte |        |

Excused and not voting, 4:

|          |       |       |        |
|----------|-------|-------|--------|
| Haberman | Kelly | Keyes | Maresh |
|----------|-------|-------|--------|

The motion to indefinitely postpone lost with 12 ayes, 26 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Burrows offered the following amendment:

- 1 1. On page 3, line 8 strike the second "the"
- 2 and insert "~~the~~ each"; in line 21 after the second "the"
- 3 insert "two" and strike "year" and insert "years"; in
- 4 line 22 reinstate "first"; in line 26 reinstate "budgets"
- 5 and strike "the budget"; and in line 27 reinstate "years"
- 6 and strike "year".
- 7 2. On page 4 line 17 after "the" insert "two",
- 8 strike "year" and insert "years", and reinstate "first".
- 9 3. On page 5, line 11 after "the" insert "two"
- 10 and strike "year" and insert "years".

Mr. Kelly offered the following amendment to the Burrows amendment:

strike "2 years"; insert "3 years"

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Kelly amendment lost with 6 ayes, 28 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

Mr. Burrows requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|         |        |          |         |        |
|---------|--------|----------|---------|--------|
| Beutler | Cullan | Kelly    | Marvel  | Stoney |
| Burrows | Dworak | Kennedy  | Murphy  | Wagner |
| Clark   | George | Labeledz | Reutzel | Warner |
| Cope    | Hefner | Lamb     | Schmit  |        |

Voting in the negative, 25:

|            |            |        |        |         |
|------------|------------|--------|--------|---------|
| Barrett    | Fitzgerald | Kahle  | Marsh  | Rumery  |
| Carsten    | Fowler     | Koch   | Newell | Sieck   |
| Chambers   | Goodrich   | Kremer | Nichol | Simon   |
| Chronister | Hoagland   | Landis | Pirsch | Vickers |
| DeCamp     | Johnson    | Lewis  | Powers | Wesely  |

Present and not voting, 1:

Merz

Excused and not voting, 4:

Haberman    Keyes            Maresh            Venditte

The Burrows amendment lost with 19 ayes, 25 nays, 1 present and not voting, and 4 excused and not voting.

Laid over.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

- 1            1. On page 4, line 18, after "from" insert
- 2            "the school bus stop nearest to his or her place of resi-
- 3            dence or"; in line 22 strike "Such" and insert "Such The
- 4            main purpose of such"; in line 23 strike "used for the sole
- 5            purpose of", show as stricken, and insert "for"; and in
- 6            line 25 after "may" insert "(a) with written consent of a
- 7            parent or guardian of any student being transported, car-
- 8            pool by the nearest highway or street from his or her place
- 9            of residence to and from the residence of the student
- 10            being carpooled to the school building or bus stop or (b)".
- 11            2. On page 5, line 5 after the period insert
- 12            "The written consent must be in the vehicle at all times
- 13            while such vehicle is being utilized for carpooling pur-
- 14            suant to this subsection."

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 605, 717, 741, 877, and 905.

(Signed) Don Wesely, Chairperson

**Title Change to LB 717**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 717:

1. In lines 2 and 3, "parking for handicapped or disabled persons" has been stricken and "motor vehicles" inserted; in line 5 "to change provisions for parking for handicapped or disabled persons" has been inserted after the first semicolon; and in line 11 "to provide an option for registration of certain motor vehicles;" has been inserted before "and".

**Title Change to LB 741**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 741:

In line 5, "township bands," has been stricken.

(Signed) Emory P. Burnett,  
E & R Attorney

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 265.**

Introduced by Performance Review and Audit Committee: Warner, 25th District, Chairman; Carsten, 2nd District.

**PURPOSE:**

Because state and federal confidentiality laws and regulations, and the Department of Revenue's interpretation thereof, have restricted the auditing and verification of certain records in the Department of Revenue's possession, it is necessary to conduct an interim study regarding the appropriateness of current state and federal confidentiality restrictions which limit public access, including governmental audit agencies, from reviewing Department of Revenue records.

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

1. That the Revenue 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.

#### **LEGISLATIVE RESOLUTION 266.**

Introduced by Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Chambers, 11th District; Pirsch, 10th District; Chronister, 18th District; Wagner, 41st District; Venditte, 7th District; Stoney, 4th District.

#### **PURPOSE:**

The purpose of this study resolution is to coordinate efforts being made by the Judiciary Committee and the Nebraska Bar Association to review the Nebraska Business Corporation Act.

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

1. That a 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.

#### **LEGISLATIVE RESOLUTION 267.**

Introduced by Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Chambers, 11th District; Pirsch, 10th District; Wagner, 41st District; Chronister, 18th District; Venditte, 7th District; Stoney, 4th District.

#### **PURPOSE:**

The purpose of this interim study is to examine the basic purposes, policies and goals of corrections and sentencing in Nebraska. To review the Model Sentencing and Corrections Act, and to facilitate

citizen input on corrections through a Nebraska Citizen Conference on Corrections.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 268.**

Introduced by Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Chambers, 11th District; Pirsch, 10th District; Chronister, 18th District; Wagner, 41st District; Venditte, 7th District; Stoney, 4th District.

**PURPOSE:**

The purpose of this interim study is to coordinate efforts being made by the Judiciary Committee and the various Nebraska Bar Association Drafting Committees with regard to problem areas in our laws governing civil procedure.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 269.**

Introduced by Burrows, 30th District; Sieck, 24th District.

**PURPOSE:**

To examine the desirability and feasibility of the State of Nebraska modifying its taxation structure and school finance structure to provide that K-12 public education be financed by means of a local school district income tax as the concept is expressed in LB 89,

Eighty-Sixth Legislature. The overall purpose of the study is to examine this concept, as well as any other concept, which would provide a substantial and permanent shift away from the present overburdening of the property tax as a means of raising revenue in this state.

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

1. That a 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.

#### **LEGISLATIVE RESOLUTION 270.**

Introduced by Landis, 46th District; Powers, 9th District.

#### **PURPOSE:**

The purpose of this resolution is to cause a study of driver training programs or courses of instruction for the operators or prospective operators of automobiles and motorcycles. The study should include the availability of such programs or courses of instruction to beginning operators of all ages as well as those operators desiring training to update and improve their knowledge and skills pertaining to the operation of vehicles on our public roads. The study should also include (1) the curriculum content and instructional methods of each such program or course of instruction, (2) the certification or accreditation of such programs and the entity or organization, both public and private, offering the same, (3) qualifications and certifications of persons instructing in such programs or courses of instruction, and (4) the costs and methods of funding driver training programs or courses of instruction, both in the public and private sectors. It is intended that special emphasis be placed on motorcycle drivers training.

In conducting such study and formulating necessary, if any, legislation the committee should enlist the support of both public and private entities or organizations including but not limited to the Department of Motor Vehicles, Department of Education, ABATE of Nebraska, Inc., Midwest Off-Road Riders Association, American Motorcycle Association, Motorcycle Safety Foundation, Nebraska Safety Center at Kearney, Safety Council of Nebraska, and the Technical Community Colleges.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 271.**

Introduced by Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Dworak, 22nd District; Rumery, 42nd District; Fowler, 27th District; Hoagland, 6th District.

**PURPOSE:**

The purpose of this study is to assess the need for the Lincoln campus of the University of Nebraska Medical Center College of Nursing or whether a single campus in Omaha is sufficient to meet the state need for nurses training.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 272.**

Introduced by Nebraska Retirement Systems Committee: Fowler, 27th District, Chairman; Lewis, 45th District; Goodrich, 20th District; Cullan, 49th District; Warner, 25th District.

**PURPOSE:**

This study would evaluate various aspects of public employee retirement programs offered by the State of Nebraska and its political subdivisions. Among the issues to be addressed by this study are an evaluation of the General Principles of Sound Retirement Planning, a review of current retirement plans including an evaluation of the

funding and benefits of such programs, alternatives for dealing with cost of living adjustments, an evaluation of the return on investment of public pension funds, and any other issues relating to retirement programs or proposals for improving the adequacy of the various retirement systems.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 273.**

Introduced by Fowler, 27th District.

#### **PURPOSE:**

The purpose of this resolution is to study child care needs in Nebraska. In the current session Governor Thone introduced LB 775, a child care tax credit bill, in response to the need for child care resulting from an increasing number of women entering the workforce. The focus of this study in light of the current uncertainty in Title XX funding will be to evaluate current policies regarding regulation of child care to promote the following goals, to wit: (1) to encourage the availability of quality child care, (2) to encourage employment and job training, and (3) to discourage welfare subsidy through ADC and protective services.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Appropriations 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.

### **LEGISLATIVE RESOLUTION 274.**

Introduced by Kahle, 37th District.

**PURPOSE:**

The Legislature is continually being confronted with the issue of adjusting the compensation and expenses provided to county officials. Legislation introduced to address this issue more often than not has provided a piecemeal and inconsistent approach to dealing with the problem. Thus it is the purpose of this resolution to provide for a comprehensive, thorough, and complete evaluation and review of the salaries and expenses provided to county officials to determine whether any inequities exist and to propose any needed legislation.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**STANDING COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

- LEGISLATIVE BILL 309.** Indefinitely postponed.
- LEGISLATIVE BILL 333.** Indefinitely postponed.
- LEGISLATIVE BILL 335.** Indefinitely postponed.
- LEGISLATIVE BILL 336.** Indefinitely postponed.
- LEGISLATIVE BILL 337.** Indefinitely postponed.
- LEGISLATIVE BILL 338.** Indefinitely postponed.
- LEGISLATIVE BILL 340.** Indefinitely postponed.
- LEGISLATIVE BILL 402.** Indefinitely postponed.
- LEGISLATIVE BILL 422.** Indefinitely postponed.
- LEGISLATIVE BILL 439.** Indefinitely postponed.
- LEGISLATIVE BILL 448.** Indefinitely postponed.
- LEGISLATIVE BILL 480.** Indefinitely postponed.
- LEGISLATIVE BILL 786.** Indefinitely postponed.
- LEGISLATIVE BILL 901.** Indefinitely postponed.
- LEGISLATIVE BILL 907.** Indefinitely postponed.
- LEGISLATIVE BILL 944.** Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

**Miscellaneous Subjects****LEGISLATIVE BILL 927.** Placed on General File.**LEGISLATIVE BILL 620.** Indefinitely postponed.

(Signed) Dave Newell, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 627.** Considered.

Mr. Newell offered the following amendment:

On line 12 on page 2 strike ~~fifteen~~ and insert seven.

The amendment was adopted with 32 ayes, 4 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Stoney requested a record vote on the motion to advance LB 627.

Voting in the affirmative, 26:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Barrett    | Fowler   | Koch   | Newell  | Warner |
| Beutler    | Goodrich | Kremer | Powers  | Wesely |
| Chambers   | Hefner   | Landis | Rumery  |        |
| Chronister | Hoagland | Lewis  | Sieck   |        |
| Cope       | Johnson  | Marsh  | Simon   |        |
| Fitzgerald | Kahle    | Merz   | Vickers |        |

Voting in the negative, 13:

|         |         |          |         |        |
|---------|---------|----------|---------|--------|
| Burrows | Dworak  | Labeledz | Murphy  | Stoney |
| Carsten | Kelly   | Lamb     | Pirsch  |        |
| Clark   | Kennedy | Marvel   | Reutzel |        |

Present and not voting, 6:

|        |        |        |
|--------|--------|--------|
| Cullan | George | Schmit |
| DeCamp | Nichol | Wagner |

Excused and not voting, 4:

|          |       |        |          |
|----------|-------|--------|----------|
| Haberman | Keyes | Maresh | Venditte |
|----------|-------|--------|----------|

Advanced to E &amp; R for Review with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

**VISITORS**

Visitors to the Chamber were 28 fourth grade students and teacher from Swanson School, Omaha.

**ADJOURNMENT**

At 3:59 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Friday, March 21, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**FORTY-SEVENTH DAY - MARCH 21, 1980**  
**LEGISLATIVE JOURNAL**

**FORTY-SEVENTH DAY - MARCH 21, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 21, 1980

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Clark presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Meet with us as we meet once more, O Lord our God, for we do need help. Even our small mistakes become obvious, and our proudest accomplishment but temporary...

Our little bills seem so trivial beside the great, breaking events of these times, and so uncertain in response to voices which urge: "do something about this," "do nothing about that"...

And those which complain: "Too little;" "Too much;" "Too soon;" "Too late".

We do need help. Lobby within our hearts and minds, O God, for everything that is right, lest we give in to anything that is easy. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Keyes and Maresh who were excused; and Mrs. Labeledz, Messrs. Chambers, Cullan, Fowler, Schmit, Venditte, and Wesely who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Forty-Sixth Day was approved.

**MESSAGE FROM THE GOVERNOR**

March 20, 1980

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

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 619 and 622.  
 These bills were signed by me on March 20, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
 CHARLES THONE  
 Governor

CT:mh

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 259  
March 18, 1980

Dear Senator DeCamp:

You have recently requested the opinion of this office regarding the constitutionality of the rule-making authority granted to the State Energy Office in LB 954 (Sections 73 through 88).

By the referenced provisions of the aforementioned act, the Nebraska Energy Office (referred to in the bill as the office) provides the administrative support necessary to implement LB 954. Specifically, the NEO is to provide technical assistance to counties, cities, and villages (Section 83), serve as an appeal board (Section 84), administer and implement these sections by adopting and promulgating rules and regulations, (Section 84), and grant equivalency variances from the established energy standard when proper (Section 87). Unlike LB 990, the NEO does not adopt the standards which it is to implement. In LB 954, this is left to the Energy Efficiency Standards Board.

The Energy Efficiency Standards Board is composed of members who are appointed by the Governor with approval of the Legislature. Its primary and practically only responsibility is to adopt energy standards under Chapter 84, article 9 based on one or both of the following:

- (1) The thermal performance of the building as a whole; or,
- (2) the thermal performance of the components of the building.

Subsections (2) and (3) of the bill further define each option, still leaving the decision of which is to be adopted to the Board. Violation of the standards adopted by the board is made a criminal act by Section 81. This we believe is an impermissible delegation of legislative authority to the executive.

As we discussed in reference to LB 990, opinion dated March 11, 1980:

“The public has a right to know what acts constitute crimes in this state and the punishments provided therefor. They may properly assume that crimes and punishment are purely a legislative function and that the definition of all crimes and the punishment therefor will be found in the duly enacted statutes of this state. . . .” Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960).

The analysis in our former opinion (Opinion No. 249, dated March 11, 1980) is equally applicable here. It is inconsequential that the Energy Efficiency Standards Board is adopting the standard as opposed to an administrative agency. The adoption of laws or standards relating to criminal conduct is properly the function of the legislature and it cannot be delegated to an executive board, administrative agency or any combination of the two.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Linda A. Akers  
Assistant Attorney General

LAA:kkh

cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 260  
March 20, 1980

Dear Senator DeCamp:

You have requested an opinion from this office on the constitutionality of a proposed amendment to LB 308, a bill authorizing an increase in the interest charges allowable on revolving credit transactions pursuant to section 45-207, R.R.S. 1943. Specifically, you ask whether the amendment would unconstitutionally impair one's right to enter into a revolving credit agreement where the interest to be charged is stated to be the maximum rate allowed by state law.

You do not specify whether there is any particular implication of the amendment that raises the constitutional problem you inquire of. However, you have framed your inquiry somewhat by asking us to review the amendment to LB 308 in the context of a revolving credit agreement which states that "maximum allowable interest rates would be charged as allowed by state law". The rate of interest to be charged is but one term or provision of such a revolving credit contract. Ostensibly, the parties are free to negotiate the interest rate, and we see no reason why they could not agree on a variable interest rate reflecting variations in the maximum allowed by the state, so long as at no time does the rate in effect exceed that which is allowed by state law at that particular time. You do not ask whether the language you have used to describe such an intention is legally sufficient to do so — that is valid contractually. We make no attempt here to determine the answer to that question.

With that possible source of confusion clarified, we note that the Nebraska Supreme Court recognized in Elder v. Doerr, 175 Neb. 43, 122 N.W.2d 528 (1963), that the Legislature's authority to fix interest rates is a classic example of the state's police power in the public interest. To that end, so long as such legislation guarantees equal protection of the laws in its application and is not "special" legislation:

" . . . It is established that the constitutional guarantees of personal liberty and freedom of contract are not unconstitutionally impaired by legislation which restricts the amount of interest which may be exacted in connection with loans of money." 45 Am.Jur.2d, Interest and Usury §6.

Mindful that we do not address the question of whether the language you use in your hypothetical is legally sufficient to bind the parties to variable interest charges, and construed in the light of the above-cited principles, we find nothing inherent in your letter, nor on the face of the amendment to LB 308, which would unconstitutionally impair one's right to enter into such a revolving credit contract. It seems to us that the amendment's intent is to clarify that for outstanding credit balances reflected after the enactment of LB 308, the portion reflecting indebtedness incurred prior to that date will be charged the old interest rates, and the portion reflecting subsequent indebtedness will be charged the new interest rates. We find no basis upon which to conclude that a statute which simply sets maximum allowable interest rates thereby impairs one's right to enter into a revolving credit agreement pursuant to which those rates will be charged.

Yours truly,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Shanler D. Cronk  
Assistant Attorney General

SDC:pjs

cc: Patrick O'Donnell  
Clerk of the Legislature

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 82, 616, 646, 660, 672, 672A, 725, 733, 769, 770, 771, 774, 798, 842, 884, 893, 903, and 966.

(Signed) Don Wesely, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 275.**

Introduced by Landis, 46th District.

**PURPOSE:**

An interim study shall be undertaken to review the process whereby accused persons are found incompetent to stand trial, and the subsequent treatment of persons so found. The purpose of the study shall be to confer with persons involved in mental health, mental retardation, criminal justice, and institutional care in order to amend section 29-1823, Reissue Revised Statutes of Nebraska, in a manner which could withstand constitutional challenge.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**SPEAKER MARVEL PRESIDING**

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 304.**

A BILL FOR AN ACT to amend sections 85-501 and 85-502, Reissue Revised Statutes of Nebraska, 1943, relating to tuition and fees at state educational institutions; to provide provisions relating to resident status as prescribed; and to repeal the original sections, and also sections 85-502.01 and 85-502.02, Reissue Revised Statutes of Nebraska, 1943.

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, 27:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Beutler    | Hoagland | Landis | Pirsch  | Stoney  |
| Chronister | Johnson  | Lewis  | Powers  | Vickers |
| Cope       | Kahle    | Marsh  | Reutzel | Warner  |
| DeCamp     | Kelly    | Merz   | Rumery  |         |
| George     | Koch     | Newell | Sieck   |         |
| Goodrich   | Kremer   | Nichol | Simon   |         |

Voting in the negative, 11:

|         |          |         |        |
|---------|----------|---------|--------|
| Barrett | Clark    | Hefner  | Marvel |
| Burrows | Dworak   | Kennedy | Murphy |
| Carsten | Haberman | Lamb    |        |

Present and not voting, 2:

Fitzgerald    Wagner

Excused and not voting, 9:

|          |        |          |          |        |
|----------|--------|----------|----------|--------|
| Chambers | Fowler | Labeledz | Schmit   | Wesely |
| Cullan   | Keyes  | Maresh   | Venditte |        |

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

**LEGISLATIVE BILL 346.** Laid over at the request of Mr. Murphy.

**LEGISLATIVE BILL 440.**

A BILL FOR AN ACT relating to the estates of decedents and other persons; to adopt the Nebraska Trustees' Powers Act; to adopt the Nebraska Principal and Income Act; to provide an operative date; and to provide severability.

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

Voting in the affirmative, 37:

|            |            |        |         |         |
|------------|------------|--------|---------|---------|
| Barrett    | DeCamp     | Kahle  | Merz    | Simon   |
| Beutler    | Dworak     | Koch   | Newell  | Stoney  |
| Burrows    | Fitzgerald | Kremer | Pirsch  | Vickers |
| Carsten    | George     | Lamb   | Powers  | Wagner  |
| Chambers   | Goodrich   | Landis | Reutzel | Warner  |
| Chronister | Hefner     | Lewis  | Rumery  |         |
| Clark      | Hoagland   | Marsh  | Schmit  |         |
| Cope       | Johnson    | Marvel | Sieck   |         |

Voting in the negative, 0.

Present and not voting, 6:

|          |         |        |
|----------|---------|--------|
| Fowler   | Kelly   | Murphy |
| Haberman | Kennedy | Nichol |

Excused and not voting, 6:

|        |          |          |
|--------|----------|----------|
| Cullan | Labeledz | Venditte |
| Keyes  | Maresh   | Wesely   |

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

**LEGISLATIVE BILL 662.**

A BILL FOR AN ACT to amend sections 16-312, 16-404, and 17-110, Reissue Revised Statutes of Nebraska, 1943, and section 16-503, Revised Statutes Supplement, 1978, relating to cities; to change when the mayor has a right to vote; 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, 42:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Dworak     | Kelly   | Merz    | Simon   |
| Beutler    | Fitzgerald | Kennedy | Newell  | Stoney  |
| Burrows    | Fowler     | Koch    | Nichol  | Vickers |
| Carsten    | George     | Kremer  | Pirsch  | Wagner  |
| Chambers   | Goodrich   | Lamb    | Powers  | Warner  |
| Chronister | Hefner     | Landis  | Reutzel | Wesely  |
| Clark      | Hoagland   | Lewis   | Rumery  |         |
| Cope       | Johnson    | Marsh   | Schmit  |         |
| DeCamp     | Kahle      | Marvel  | Sieck   |         |

Voting in the negative, 0.

Present and not voting, 2:

Haberman Murphy

Excused and not voting, 5:

|        |       |          |        |          |
|--------|-------|----------|--------|----------|
| Cullan | Keyes | Labeledz | Maresh | Venditte |
|--------|-------|----------|--------|----------|

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

**LEGISLATIVE BILL 680.** With Emergency.

A BILL FOR AN ACT to amend section 76-720, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to provide for an award of attorney's fees and costs as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 40:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | DeCamp     | Johnson | Lewis   | Rumery  |
| Beutler    | Fitzgerald | Kahle   | Marsh   | Schmit  |
| Burrows    | Fowler     | Kelly   | Marvel  | Sieck   |
| Carsten    | George     | Kennedy | Newell  | Simon   |
| Chambers   | Goodrich   | Koch    | Nichol  | Stoney  |
| Chronister | Haberman   | Kremer  | Pirsch  | Vickers |
| Clark      | Hefner     | Lamb    | Powers  | Warner  |
| Cope       | Hoagland   | Landis  | Reutzel | Wesely  |

Voting in the negative, 2:

Dworak Merz

Present and not voting, 2:

Murphy Wagner

Excused and not voting, 5:

Cullan Keyes Labeledz Maresh Venditte

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 730.**

A BILL FOR AN ACT relating to the selection of judges; to require an oath of voting members of nominating commissions; to provide standards for nominations; to authorize search for additional candidates; to change a privileged communication provision; to provide additional standards for rules; to require a report to be available to the public; to amend sections 24-810, 24-811.01, 24-812, and 24-812.01, Reissue Revised Statutes of Nebraska, 1943; 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, 33:

|            |            |        |         |         |
|------------|------------|--------|---------|---------|
| Barrett    | Fitzgerald | Kremer | Pirsch  | Stoney  |
| Beutler    | Fowler     | Landis | Powers  | Vickers |
| Burrows    | Hoagland   | Lewis  | Reutzel | Wagner  |
| Chambers   | Johnson    | Marsh  | Rumery  | Warner  |
| Chronister | Kahle      | Merz   | Schmit  | Wesely  |
| Cope       | Kelly      | Newell | Sieck   |         |
| DeCamp     | Koch       | Nichol | Simon   |         |

Voting in the negative, 10:

|         |        |          |         |        |
|---------|--------|----------|---------|--------|
| Carsten | Dworak | Goodrich | Kennedy | Marvel |
| Clark   | George | Hefner   | Lamb    | Murphy |

Present and not voting, 1:

Haberman

Excused and not voting, 5:

|        |       |          |        |          |
|--------|-------|----------|--------|----------|
| Cullan | Keyes | Labeledz | Maresh | Venditte |
|--------|-------|----------|--------|----------|

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

**LEGISLATIVE BILL 743.** Laid over at the request of Mr. Lewis.

**LEGISLATIVE BILL 782.**

A BILL FOR AN ACT to amend section 29-3523, Revised Statutes Supplement, 1978, relating to criminal history information; to define conditions when arrest records shall not be disseminated; to provide exceptions; 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:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Dworak     | Kennedy | Newell  | Stoney  |
| Beutler    | Fitzgerald | Koch    | Nichol  | Vickers |
| Burrows    | Fowler     | Kremer  | Pirsch  | Wagner  |
| Carsten    | Goodrich   | Lamb    | Powers  | Warner  |
| Chambers   | Hefner     | Landis  | Reutzel | Wesely  |
| Chronister | Hoagland   | Marsh   | Rumery  |         |
| Clark      | Johnson    | Marvel  | Schmit  |         |
| Cope       | Kahle      | Merz    | Sieck   |         |
| DeCamp     | Kelly      | Murphy  | Simon   |         |

Voting in the negative, 1:

George

Present and not voting, 2:

Haberman Lewis

Excused and not voting, 5:

Cullan Keyes Labeledz Maresh Venditte

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

**LEGISLATIVE BILL 808.**

A BILL FOR AN ACT relating to the Department of Correctional Services; to permit the transfer of prisoners to foreign countries as prescribed.

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:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Dworak     | Kelly   | Merz    | Sieck   |
| Beutler    | Fitzgerald | Kennedy | Murphy  | Simon   |
| Burrows    | Fowler     | Koch    | Newell  | Stoney  |
| Carsten    | George     | Kremer  | Nichol  | Vickers |
| Chambers   | Goodrich   | Lamb    | Pirsch  | Warner  |
| Chronister | Hefner     | Landis  | Powers  | Wesely  |
| Clark      | Hoagland   | Lewis   | Reutzel |         |
| Cope       | Johnson    | Marsh   | Rumery  |         |
| DeCamp     | Kahle      | Marvel  | Schmit  |         |

Voting in the negative, 0.

Present and not voting, 2:

Haberman Wagner

Excused and not voting, 5:

Cullan Keyes Labeledz Maresh Venditte

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

**LEGISLATIVE BILL 849.** Laid over.

**LEGISLATIVE BILL 849A.** Laid over.

**LEGISLATIVE BILL 862.**

A BILL FOR AN ACT to amend sections 77-3201, 77-3205, and 77-3206, Reissue Revised Statutes of Nebraska, 1943, relating to Land Reutilization Authorities; to change provisions relating to conveyances and transfers of property as prescribed; 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:

|            |            |         |          |         |
|------------|------------|---------|----------|---------|
| Barrett    | Fitzgerald | Kelly   | Merz     | Sieck   |
| Beutler    | Fowler     | Kennedy | Murphy   | Simon   |
| Burrows    | George     | Koch    | Newell   | Stoney  |
| Carsten    | Goodrich   | Kremer  | Nichol   | Vickers |
| Chronister | Hefner     | Lamb    | Powers   | Wagner  |
| Clark      | Hoagland   | Landis  | Reutzell | Warner  |
| Cope       | Johnson    | Lewis   | Rumery   | Wesely  |
| Dworak     | Kahle      | Marsh   | Schmit   |         |

Voting in the negative, 2:

Marvel Pirsch

Present and not voting, 3:

Chambers DeCamp Haberman

Excused and not voting, 5:

Cullan Keyes Labeledz Maresh Venditte

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

**LEGISLATIVE BILL 874.** With Emergency.

A BILL FOR AN ACT to amend section 53-168, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to prohibit a distributor or wholesaler from participating in a merchandising and coupon plan of any manufacturer involving alcoholic liquor and a redemption in

cash; to provide a method for redemption in cash; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 41:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Barrett    | Fowler   | Koch   | Newell  | Stoney  |
| Beutler    | George   | Kremer | Nichol  | Vickers |
| Burrows    | Goodrich | Lamb   | Pirsch  | Wagner  |
| Carsten    | Hefner   | Landis | Powers  | Warner  |
| Chambers   | Hoagland | Lewis  | Reutzel | Wesely  |
| Chronister | Johnson  | Marsh  | Rumery  |         |
| Clark      | Kahle    | Marvel | Schmit  |         |
| Cope       | Kelly    | Merz   | Sieck   |         |
| DeCamp     | Kennedy  | Murphy | Simon   |         |

Voting in the negative, 1:

Dworak

Present and not voting, 2:

Fitzgerald Haberman

Excused and not voting, 5:

Cullan Keyes Labedz Maresh Venditte

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 885.**

A BILL FOR AN ACT relating to the State Capitol; to state intent; to provide for the identification, return, preservation, and maintenance of original capitol furniture; and to provide duties.

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:

|            |            |         |         |        |
|------------|------------|---------|---------|--------|
| Barrett    | Fitzgerald | Kennedy | Merz    | Schmit |
| Beutler    | Fowler     | Koch    | Murphy  | Sieck  |
| Burrows    | George     | Kremer  | Newell  | Stoney |
| Chambers   | Hefner     | Lamb    | Nichol  | Wagner |
| Chronister | Hoagland   | Landis  | Pirsch  | Warner |
| Cope       | Johnson    | Lewis   | Powers  | Wesely |
| DeCamp     | Kahle      | Marsh   | Reutzel |        |
| Dworak     | Kelly      | Marvel  | Rumery  |        |

Voting in the negative, 4:

Carsten      Clark      Goodrich      Vickers

Present and not voting, 2:

Haberman      Simon

Excused and not voting, 5:

Cullan      Keyes      Labeledz      Maresh      Venditte

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

**MOTION - Return LB 887 to Select File**

Mr. DeCamp moved to return LB 887 to Select File for the following specific amendment:

- 2      1. Insert new sections as follows:
- 3      "Sec. 2. That section 2-3234, Reissue Revised
- 4      Statutes of Nebraska, 1943, be amended to read as
- 5      follows:
- 6      2-3234. Each district shall have the power and
- 7      authority to exercise the power of eminent domain, except
- 8      for projects undertaken pursuant to subdivision (1) of
- 9      section 2-3229, when necessary to carry out the purposes
- 10     of this act within the limits of the district or outside
- 11     its boundaries. Exercise of eminent domain shall be
- 12     governed by the provisions of sections 76-704 to 76-724;
- 13     Provided, that whenever any district seeks to acquire the
- 14     right to interfere with the use of any water being used
- 15     for power purposes in accordance with sections 46-204,
- 16     70-668, 70-669, and 70-672, and shall be unable to agree
- 17     with the user of such water upon the compensation to be
- 18     paid for such interference, the procedure to condemn
- 19     property shall be followed in the manner set forth in

20 sections 76-704 to 76-724, and no other property shall be  
 21 included in such condemnation. No district shall  
 22 contract for delivery of water to persons within the  
 23 corporate limits of any village, city, or metropolitan  
 24 utilities district, nor in competition therewith outside  
 25 such corporate limits, except by consent of and written  
 1 agreement with the governing body of such political  
 2 subdivision. A village, city, or metropolitan utilities  
 3 district may negotiate and, if necessary, exercise the  
 4 power of eminent domain for the acquisition of water  
 5 supply facilities of the district which are within its  
 6 boundaries.

7 Sec. 3. The restriction on the use of eminent  
 8 domain provided in section 2-3234 shall apply to all  
 9 proceedings which have not reached final adjudication  
 10 prior to the effective date of this act.

11 Sec. 4. If any section in this act or any part  
 12 of any section shall be declared invalid or  
 13 unconstitutional, such declaration shall not affect the  
 14 validity or constitutionality of the remaining portions  
 15 thereof.

16 Sec. 5. Since an emergency exists, this act  
 17 shall be in full force and take effect, from and after  
 18 its passage and approval, according to law.”.  
 19 Renumber original sections accordingly.

Mr. DeCamp withdrew his motion.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 887.

A BILL FOR AN ACT relating to natural resources district control areas; to designate certain control areas as new programs.

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:

|            |            |          |         |        |
|------------|------------|----------|---------|--------|
| Barrett    | Clark      | George   | Kelly   | Lewis  |
| Beutler    | Cope       | Goodrich | Kennedy | Marvel |
| Burrows    | DeCamp     | Hefner   | Koch    | Murphy |
| Carsten    | Dworak     | Hoagland | Kremer  | Nichol |
| Chambers   | Fitzgerald | Johnson  | Lamb    | Pirsch |
| Chronister | Fowler     | Kahle    | Landis  | Powers |

|         |        |        |         |        |
|---------|--------|--------|---------|--------|
| Reutzel | Schmit | Simon  | Vickers | Warner |
| Rumery  | Sieck  | Stoney | Wagner  | Wesely |

Voting in the negative, 1:

Newell

Present and not voting, 3:

|          |       |      |
|----------|-------|------|
| Haberman | Marsh | Merz |
|----------|-------|------|

Excused and not voting, 5:

|        |       |          |        |          |
|--------|-------|----------|--------|----------|
| Cullan | Keyes | Labeledz | Maresh | Venditte |
|--------|-------|----------|--------|----------|

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

**LEGISLATIVE BILL 915.** With Emergency.

A BILL FOR AN ACT to amend section 81-1506, Revised Statutes Supplement, 1978, relating to the Environmental Protection Act; to change provisions relating to public nuisances; to delete a restriction on the Department of Environmental Control's authority; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 28:

|            |          |         |         |         |
|------------|----------|---------|---------|---------|
| Barrett    | Dworak   | Kennedy | Nichol  | Stoney  |
| Carsten    | George   | Koch    | Pirsch  | Vickers |
| Chronister | Haberman | Kremer  | Powers  | Wagner  |
| Clark      | Hefner   | Lamb    | Reutzel | Warner  |
| Cope       | Kahle    | Lewis   | Rumery  |         |
| DeCamp     | Kelly    | Murphy  | Schmit  |         |

Voting in the negative, 13:

|            |          |        |        |        |
|------------|----------|--------|--------|--------|
| Beutler    | Fowler   | Landis | Newell | Wesely |
| Chambers   | Hoagland | Marsh  | Sieck  |        |
| Fitzgerald | Johnson  | Marvel | Simon  |        |

Present and not voting, 3:

Burrows      Goodrich      Merz

Excused and not voting, 5:

Cullan      Keyes      Labeledz      Maresh      Venditte

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question now is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

|            |          |         |         |         |
|------------|----------|---------|---------|---------|
| Barrett    | Dworak   | Kennedy | Pirsch  | Vickers |
| Carsten    | George   | Koch    | Powers  | Wagner  |
| Chronister | Haberman | Kremer  | Reutzel | Warner  |
| Clark      | Hefner   | Lamb    | Rumery  |         |
| Cope       | Kahle    | Murphy  | Schmit  |         |
| DeCamp     | Kelly    | Nichol  | Stoney  |         |

Voting in the negative, 10:

|          |          |         |        |        |
|----------|----------|---------|--------|--------|
| Beutler  | Fowler   | Johnson | Marsh  | Newell |
| Chambers | Hoagland | Landis  | Marvel | Wesely |

Present and not voting, 7:

|            |          |       |       |
|------------|----------|-------|-------|
| Burrows    | Goodrich | Merz  | Simon |
| Fitzgerald | Lewis    | Sieck |       |

Excused and not voting, 5:

Cullan      Keyes      Labeledz      Maresh      Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Mr. Carsten asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

**MOTION - Return LB 743 to Select File**

Mr. Haberman moved to return LB 743 to Select File for his specific amendment found in the Journal on page 1345.

Mr. Koch 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 Haberman motion prevailed with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Goodrich asked unanimous consent to be excused until he returns. No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 743.** The Haberman specific amendment found in the Journal on page 1345 was considered.

Mr. Hoagland requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

The Chair ruled the amendment germane.

Mr. Haberman moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Hoagland requested a roll call vote on the Haberman amendment.

Voting in the affirmative, 26:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Barrett    | George   | Keyes  | Powers  | Venditte |
| Chronister | Haberman | Kremer | Reutzel | Warner   |
| Clark      | Hefner   | Lewis  | Schmit  |          |
| Cope       | Kahle    | Merz   | Sieck   |          |
| DeCamp     | Kelly    | Murphy | Simon   |          |
| Fitzgerald | Kennedy  | Nichol | Stoney  |          |

Voting in the negative, 16:

|          |          |        |         |
|----------|----------|--------|---------|
| Beutler  | Fowler   | Landis | Pirsch  |
| Burrows  | Hoagland | Marsh  | Rumery  |
| Chambers | Johnson  | Marvel | Vickers |
| Dworak   | Lamb     | Newell | Wesely  |

Present and not voting, 2:

|      |        |
|------|--------|
| Koch | Wagner |
|------|--------|

Excused and not voting, 5:

Carsten      Cullan      Goodrich      Labeledz      Maresh

The Haberman amendment was adopted with 26 ayes, 16 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved to re-refer LB 743 to the appropriate committee.

Mr. Hoagland withdrew his motion.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 743 to Select File**

Mr. Haberman moved to return LB 743 to Select File for the following specific amendment:

Strike the Haberman specific amendment on page 1345 previously adopted today.

The motion prevailed with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 743.** The Haberman specific amendment found above to strike the Haberman specific amendment on page 1345 was adopted with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 261  
March 18, 1980

Dear Senator DeCamp:

You have requested the opinion of this office regarding the constitutionality of certain aspects of LB 831. Specifically, you inquire whether the failure to define such terms as resource and

shortage creates an ambiguity of constitutional proportion. Also, you are concerned about the failure of the bill to specify a time limitation on resource crises.

1. LB 831 amends the Nebraska Disaster and Civil Defense Act to add "resource crises" to the provisions of the act. Section 4, subsection (4) of the bill defines resource crisis to mean the shortage of a resource that seriously threatens the health, welfare, or safety of the people of the State of Nebraska. However, as you point out, nowhere are the terms resource or shortage defined. The question then becomes, "Does this omission render LB 831 unconstitutionally vague and indefinite?"

It is a fundamental requirement of due process that a statute must be reasonably clear and definite to be valid. Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672, 217 N.W.2d 166 (1974).

The due process command imposed by Amendment XIV to the Constitution of the United States, and Article I, Section 3, Constitution of Nebraska, translates into two basic requirements. First, the statute's language must be sufficiently specific that persons of ordinary intelligence must not have to guess at its meaning. Secondly, the statute must contain ascertainable standards by which it may be applied. State v. A.H., 198 Neb. 444, 253 N.W.2d 283 (1977).

Most decisions involving the constitutional void for vagueness doctrine concern statutes or ordinances imposing criminal sanctions. However, as the court stated in State v. A.H., supra, at p. 449, this doctrine applies equally to civil statutes.

In applying the aforementioned test to LB 831, we must determine if the words "shortage" and "resource" are terms of common understanding such that persons of ordinary intelligence would not have to guess at their meaning. Bridgeford v. U-Haul Company, 195 Neb. 308, 238 N.W.2d 443 (1976).

"Resource" is defined in Webster's New World Dictionary as "something that lies ready for use or that can be drawn upon for aid or to take care of a need." A "shortage" is defined as "a deficiency in the quantity or amount needed or expected or the extent of this; deficit." There is no indication in LB 831 that the Legislature intended another, more restrictive or technical meaning.

Considering the context in which the term "resource crisis" is used in LB 831, it would appear the Legislature was concerned with emergency functions in times of imminent natural disaster, such as tornadoes, floods, or hostile military action. At what point in time a deficiency of a needed thing reaches this level of imminent danger, we do not know, nor do we think that a person of normal intelligence would know. Likewise, it is not clear what "things" would constitute

a resource. It appears that persons of ordinary intelligence could differ concerning the meaning of these words. Further, without more precise definitions, we fail to find an ascertainable standard for the application of the act. When or what will result in a resource crisis which triggers the broad powers of this act is left entirely to conjecture. This indefiniteness is impermissible.

2. With regard to your second question concerning the failure of the bill drafters to place a time limitation on resource crises, we do not at this time find a due process problem in the referenced language. LB 831 provides that a resource crisis or other state of disaster shall expire at the end of 30 days unless renewed by the Governor. This bill also provides that the Legislature may by resolution require the Governor to terminate a resource crisis. Thus, the Legislature is providing a time limitation on the resource crises.

In Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 248 (1947), the court reviewed the requirements of the due process clause.

“The primary purpose of that constitutional guaranty is security of the individual from the arbitrary exercise of the powers of government unrestrained by the established principles of private rights and distributive justice. 12 Am. Jur., Constitutional Law, §575, p. 271.

“As related to legislation, it is generally held that due process is satisfied if the Legislature had the power to act on the subject matter, if that power was not exercised in an arbitrary, capricious, or unreasonably discriminatory manner, and if the act, being definite, had a reasonable relationship to a proper legislative purpose. In other words, if an act of the Legislature is authorized and promulgated by the inherent and reserved constitutional powers of the state, and is enforced with due regard to and observance of the rules established by our system of jurisprudence for the security of life, liberty, and property, it is not in conflict with due process of law. 16 C.J.S., Constitutional Law, §569, p. 1156.” Id. at 82.

As part of the broad police powers of the state, we believe the Legislature has the authority to provide for emergency procedures for resource crises, as long as those provisions do not contravene the Constitution. We cannot, however, determine if the act had a reasonable relationship to the proper legislative purpose. As discussed in part 1 of this opinion, the act is indefinite and therefore, we cannot determine if a reasonable relationship exists.

In conclusion, this bill is, in our opinion, unconstitutionally void for vagueness. Unless and until the terms of the act are more specifically defined, it will fail to pass the minimum requirements of due process.

Very truly yours,  
 PAUL L. DOUGLAS  
 Attorney General

(Signed) Linda A. Akers  
 Assistant Attorney General

LAA:ejg

cc Mr. Patrick J. O'Donnell  
 Clerk of the Legislature

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

**LEGISLATIVE BILL 627.** Placed on Select File as amended.  
 E & R amendment to LB 627:

1. In the title, line 2, strike "77-3401,"; and in lines 8 and 9 strike "to provide for the cost of an election;" and insert "to delete provisions for submission to the votes by resolution;".

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORTS**  
**Public Works**

**LEGISLATIVE BILL 611.** Placed on General File as amended.  
 Standing Committee amendments to LB 611:

Req. #2255

- 2 1. Strike original section 1.
- 3 2. Insert the following new sections:
- 4 "Section 1. That section 75-710, Reissue Revised
- 5 Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 75-710. If the voltage of any such electric line
- 8 exceeds or is being increased to exceed ~~seven hundred~~
- 9 ~~volts~~ fifteen kilovolts, and is within one-quarter mile
- 10 of any existing electrical, communication, or railroad
- 11 signal line, or if the voltage of such electric line
- 12 exceeds or is being increased to exceed seven hundred
- 13 volts and is within five hundred feet of the electrical
- 14 or communication line of any other person or corporation
- 15 or signal line of any railroad, application to construct
- 16 the same shall be made to the commission, except that no
- 17 application shall be required for any line not exceeding
- 18 fifteen kilovolts which does not exceed six hundred sixty
- 19 feet in length, and which is more than seventy-five feet
- 20 from any existing electrical or communication line of any
- 21 other person or corporation or signal line of any
- 22 railroad. The projectors of such line shall file with

23 their application (1) a map or drawing showing the route  
 24 of the proposed line and also the lines of any other  
 25 company upon, across, or contiguous to the route upon  
 1 which the proposed line is to be constructed, which  
 2 drawing shall give the names of the owners of such other  
 3 lines, (2) specifications showing the manner of the  
 4 construction of the proposed line, and (3) such other  
 5 information as the commission may prescribe. ~~Any person~~  
 6 ~~or company owning an existing line shall make a similar~~  
 7 ~~application before increasing the voltage on any such~~  
 8 ~~line, or before stringing any additional wires or~~  
 9 ~~circuits thereon to carry a voltage exceeding seven~~  
 10 ~~hundred volts, and shall be subject to all of the~~  
 11 ~~provisions of sections 75-708 to 75-724.~~

12 Sec. 6. That section 75-720, Reissue Revised  
 13 Statutes of Nebraska, 1943, be amended to read as  
 14 follows:

15 75-720. Provisions of law requiring filing of  
 16 applications with the commission and other procedures for  
 17 proposed construction of any electrical line for notice  
 18 and other procedure need not be complied with when the  
 19 electric transmission company has given written notice of  
 20 such proposed construction providing full information,  
 21 including line voltage, current, electrical and physical  
 22 configuration, length of parallel of, and proposed  
 23 separation from, other telephone, communication, or  
 24 railroad signal lines, to any persons or corporations  
 25 owning or operating electrical, telephone, or other  
 26 communication lines or railroad signal lines located  
 27 within one-quarter mile of the proposed construction, and  
 1 such persons or corporations have either failed to file  
 2 with such electric transmission company, within sixty  
 3 days of receipt of such notice, a written protest,  
 4 together with the reasons for objecting to the proposed  
 5 construction, or the electric transmission company  
 6 proposing the construction has filed with the commission  
 7 signed copies of agreements with any such person or  
 8 corporations, which have filed a timely protest to the  
 9 proposed construction, indicating the latter's  
 10 concurrence in the proposed construction. —telephone,  
 11 and telegraph companies have agreed in writing on the  
 12 details of the proposed construction, and have filed  
 13 signed copies of the agreement with the commission.”.

14 3. On page 5, line 3 strike “sections 75-709 to  
 15 75-724” and insert “section 75-710”; in line 4 strike  
 16 “such sections” and insert “sections section 75-710”; in  
 17 lines 20 and 21 reinstate “not to exceed one half mile in  
 18 length”; in line 21 after “length” insert an underscored  
 19 comma; in lines 21 and 22 strike “sections 75-709 to  
 20 75-724” and insert “section 75-710”; and in lines 25 to

- 21 27 strike the new matter and reinstate the stricken  
 22 matter.  
 23 4. On page 6, line 1 strike the new matter.  
 24 5. On page 7, lines 11 and 12 strike "sections  
 25 75-709 to 75-724" and insert "section 75-710"; and in  
 26 line 18 after "75-719," insert "75-720,".  
 1 6. Renumber remaining sections accordingly.

(Signed) Maurice A. Kremer, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Murphy asked unanimous consent to print the following amendment to LB 491 in the Journal. No objections. So ordered.

Req. #2271

- 2 1. Insert the following new sections:  
 3 "Sec. 2. The federal exemptions provided in 11  
 4 U.S.C. 522, subsection (d), are hereby rejected by the  
 5 State of Nebraska. The State of Nebraska elects to  
 6 retain the personal exemptions provided under Nebraska  
 7 statutes and the Nebraska Constitution as they existed  
 8 prior to the effective date of the Bankruptcy Reform Act  
 9 of 1978, P.L. 95-598, and to have such exemptions apply  
 10 to any bankruptcy petition filed in Nebraska after the  
 11 effective date of this act.  
 12 Sec. 3. That section 25-1552, Revised Statutes  
 13 Supplement, 1978, be amended to read as follows:  
 14 25-1552. All persons who have neither lands,  
 15 town lots, or houses subject to exemptions as a  
 16 homestead, under the laws of this state, shall have  
 17 exempt from forced sale on execution the sum of ~~fifteen~~  
 18 twenty-five hundred dollars in personal property, except  
 19 wages. The provisions of this section shall not, in any  
 20 manner, apply to the exemption of wages, that subject  
 21 being fully provided for by section 25-1558.  
 22 Sec. 4. That section 40-101, Reissue Revised  
 23 Statutes of Nebraska, 1943, be amended to read as  
 24 follows:  
 1 40-101. A homestead not exceeding in value ~~four~~  
 2 six thousand five hundred dollars, consisting of the  
 3 dwelling house in which the claimant resides, its  
 4 appurtenances, and the land on which the same is  
 5 situated, not exceeding one hundred and sixty acres of  
 6 land, to be selected by the owner thereof, and not in any  
 7 incorporated city or village, or instead thereof, at the  
 8 option of the claimant, a quantity of contiguous land not  
 9 exceeding two lots within any incorporated city or  
 10 village, shall be exempt from judgment liens, and from  
 11 execution or forced sale, except as provided in sections

12 40-101 to 40-117.

13 Sec. 5. That section 44-371, Reissue Revised  
14 Statutes of Nebraska, 1943, be amended to read as  
15 follows:

16 44-371. All Not to exceed five thousand dollars  
17 in money, avails, cash values, and all and every benefit  
18 accruing under any annuity contract or under any policy  
19 or certificate of life insurance payable to a beneficiary  
20 other than the estate of the insured, and under any  
21 accident or health insurance policy, heretofore or  
22 hereafter issued, shall be exempt from attachment,  
23 garnishment, or other legal or equitable process, and  
24 from all claims of creditors of the insured, and of the  
25 beneficiary if related to the insured by blood or  
26 marriage, in the absence of a written agreement or  
27 assignment to the contrary.”.

1 2. On page 8, line 4, strike “section” and  
2 insert “sections” and after “8-157,” insert “40-101, and  
3 44-371,”; and in line 5 strike “is” and insert “and  
4 section 25-1552, Revised Statutes Supplement, 1978, are”.

5 3. Renumber remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following  
amendment to LB 627 in the Journal. No objections. So ordered.

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

3 “Section 1. That sections 77-3401 to 77-3411,  
4 Revised Statutes Supplement, 1979, are repealed.

5 Sec. 2. Any limitation placed on current budgets  
6 pursuant to sections 77-3401 to 77-3411 shall remain in  
7 effect for the duration of such budgets, but any such  
8 limitation shall be removed for all budgets adopted  
9 after the effective date of this act.

10 Sec. 3. Since an emergency exists, this act  
11 shall be in full force and take effect, from and after  
12 its passage and approval, according to law.”.

13 2. In the title strike lines 2 through 12 and  
14 insert the following:

15 “FOR AN ACT to repeal sections 77-3401 to 77-3411, Re-  
16 vised Statutes Supplement, 1979, relating to  
17 revenue and taxation; to repeal the Local  
18 Option Tax Control Act; to remove limitations  
19 on certain budgets; and to declare an emergency.”.

Mr. Landis asked unanimous consent to print the following  
amendment to LB 722 in the Journal. No objections. So ordered.

Req. #2267

2 1. In the Standing Committee Amendments (White  
3 Copy Request 2094), insert the following new sections:  
4 "Sec. 19. That section 39-2402, Reissue Revised  
5 Statutes of Nebraska, 1943, be amended to read as  
6 follows:  
7 39-2402. The State Treasurer shall monthly  
8 transfer from the Highway Allocation Fund to (1) the  
9 Grade Crossing Protection Fund thirty thousand dollars,  
10 (2) ~~and to~~ the State Recreation Road Fund an amount equal  
11 to fifty cents for each motor vehicle registration during  
12 the preceding month, and (3) the Department of Roads an  
13 amount calculated pursuant to section 20 of this act for  
14 financing the operating costs of public transportation  
15 systems as provided in section 19-3909. For the years  
16 1970 and 1971, commencing January 1, 1970, the balance of  
17 the money in the Highway Allocation Fund shall be  
18 allocated fifty-three and one-third per cent to the  
19 Department of Roads, twenty-five and one-third per cent  
20 to the various counties for road purposes, and twenty-one  
21 and one-third per cent to the various municipalities for  
22 street purposes; for the years 1972 and 1973, commencing  
23 January 1, 1972, the balance of the money in the Highway  
24 Allocation Fund shall be allocated fifty-three and  
25 one-third per cent to the Department of Roads,  
1 twenty-four and one-third per cent to the various  
2 counties for road purposes, and twenty-two and one-third  
3 per cent to the various municipalities for street  
4 purposes; and for the year 1974 and thereafter,  
5 commencing January 1, 1974, the balance of the money in  
6 the Highway Allocation Fund shall be allocated  
7 fifty-three and one-third per cent to the Department of  
8 Roads, twenty-three and one-third per cent to the various  
9 counties for road purposes, and twenty-three and  
10 one-third per cent to the various municipalities for  
11 street purposes; Provided, that for the calendar years  
12 1970 and 1971, if it is determined by November 1 of each  
13 respective year that any county will receive from its  
14 allocation of state-collected highway revenue and from  
15 any funds relinquished to it by municipalities within its  
16 boundaries, an amount in such year which is less than  
17 such county received in state-collected highway revenue  
18 in the calendar year 1967, the Department of Roads shall  
19 notify the State Treasurer that an amount equal to the  
20 sum necessary to provide such county with funds equal to  
21 such county's 1967 highway allocation for such year shall  
22 be transferred from the Highway Allocation Fund to such  
23 county; provided further, for the calendar year 1972 and  
24 each year thereafter, if it is determined by November 1  
25 of each year that any county will receive from its

26 allocation of state-collected highway revenue and from  
 27 any funds relinquished to it by municipalities within its  
 1 boundaries an amount in such year which is less than such  
 2 county received in state-collected highway revenue in  
 3 calendar year 1969, based upon the 1976 tax rates for  
 4 highway user fuels and registration fees, the Department  
 5 of Roads shall notify the State Treasurer that an amount  
 6 equal to the sum necessary to provide such county with  
 7 funds equal to such county's 1969 highway allocation for  
 8 such year shall be transferred from the Highway  
 9 Allocation Fund to such county; and provided further,  
 10 that any such makeup funds must be matched by the county  
 11 as provided in sections 39-2501 to 39-2510. The portion  
 12 allocated to the Department of Roads shall be credited  
 13 monthly to the Highway Cash Fund. The portions allocated  
 14 to the counties and municipalities shall be distributed  
 15 monthly as provided by law.

16 Sec. 20. The Department of Roads shall annually  
 17 certify the amount of money which is necessary to fully  
 18 fund the state's portion of the Nebraska public  
 19 transportation assistance program established under  
 20 section 19-3909, Reissue Revised Statutes of Nebraska,  
 21 1943. The State Treasurer shall monthly transfer from  
 22 the Highway Allocation Fund one-twelfth of the difference  
 23 between the amount appropriated for the Nebraska public  
 24 transportation assistance program and the amount  
 25 necessary to fully fund the state's portion of the  
 26 Nebraska public transportation assistance program, except  
 27 that the annual amount transferred by the State Treasurer  
 1 pursuant to this section shall not exceed one million  
 2 dollars."

3 2. On page 21, line 17 after "sections" insert  
 4 "39-2402,".

5 3. Renumber remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following  
 amendment to LB 361 in the Journal. No objections. So ordered.

2 1. In the Standing Committee Amendments (White  
 3 Copy Request 2094), insert the following new sections:  
 4 "Sec. 19. That section 39-2402, Reissue Revised  
 5 Statutes of Nebraska, 1943, be amended to read as  
 6 follows:  
 7 39-2402. The State Treasurer shall monthly  
 8 transfer from the Highway Allocation Fund to (1) the  
 9 Grade Crossing Protection Fund thirty thousand dollars,  
 10 (2) ~~and to~~ the State Recreation Road Fund an amount equal  
 11 to fifty cents for each motor vehicle registration during  
 12 the preceding month, and (3) the Department of Roads an  
 13 amount calculated pursuant to section 20 of this act for

14 financing the operating costs of public transportation  
 15 systems as provided in section 19-3909. For the years  
 16 1970 and 1971, commencing January 1, 1970, the balance of  
 17 the money in the Highway Allocation Fund shall be  
 18 allocated fifty-three and one-third per cent to the  
 19 Department of Roads, twenty-five and one-third per cent  
 20 to the various counties for road purposes, and twenty-one  
 21 and one-third per cent to the various municipalities for  
 22 street purposes; for the years 1972 and 1973, commencing  
 23 January 1, 1972, the balance of the money in the Highway  
 24 Allocation Fund shall be allocated fifty-three and  
 25 one-third per cent to the Department of Roads,  
 1 twenty-four and one-third per cent to the various  
 2 counties for road purposes, and twenty-two and one-third  
 3 per cent to the various municipalities for street  
 4 purposes; and for the year 1974 and thereafter,  
 5 commencing January 1, 1974, the balance of the money in  
 6 the Highway Allocation Fund shall be allocated  
 7 fifty-three and one-third per cent to the Department of  
 8 Roads, twenty-three and one-third per cent to the various  
 9 counties for road purposes, and twenty-three and  
 10 one-third per cent to the various municipalities for  
 11 street purposes; Provided, that for the calendar years  
 12 1970 and 1971, if it is determined by November 1 of each  
 13 respective year that any county will receive from its  
 14 allocation of state-collected highway revenue and from  
 15 any funds relinquished to it by municipalities within its  
 16 boundaries, an amount in such year which is less than  
 17 such county received in state-collected highway revenue  
 18 in the calendar year 1967, the Department of Roads shall  
 19 notify the State Treasurer that an amount equal to the  
 20 sum necessary to provide such county with funds equal to  
 21 such county's 1967 highway allocation for such year shall  
 22 be transferred from the Highway Allocation Fund to such  
 23 county; provided further, for the calendar year 1972 and  
 24 each year thereafter, if it is determined by November 1  
 25 of each year that any county will receive from its  
 26 allocation of state-collected highway revenue and from  
 27 any funds relinquished to it by municipalities within its  
 1 boundaries an amount in such year which is less than such  
 2 county received in state-collected highway revenue in  
 3 calendar year 1969, based upon the 1976 tax rates for  
 4 highway user fuels and registration fees, the Department  
 5 of Roads shall notify the State Treasurer that an amount  
 6 equal to the sum necessary to provide such county with  
 7 funds equal to such county's 1969 highway allocation for  
 8 such year shall be transferred from the Highway  
 9 Allocation Fund to such county; and provided further,  
 10 that any such makeup funds must be matched by the county  
 11 as provided in sections 39-2501 to 39-2510. The portion

12 allocated to the Department of Roads shall be credited  
 13 monthly to the Highway Cash Fund. The portions allocated  
 14 to the counties and municipalities shall be distributed  
 15 monthly as provided by law.

16 Sec. 20. The Department of Roads shall annually  
 17 certify the amount of money which is necessary to fully  
 18 fund the state's portion of the Nebraska public  
 19 transportation assistance program established under  
 20 section 19-3909, Reissue Revised Statutes of Nebraska,  
 21 1943. The State Treasurer shall monthly transfer from  
 22 the Highway Allocation Fund one-twelfth of the difference  
 23 between the amount appropriated for the Nebraska public  
 24 transportation assistance program and the amount  
 25 necessary to fully fund the state's portion of the  
 26 Nebraska public transportation assistance program, except  
 27 that the annual amount transferred by the State Treasurer  
 1 pursuant to this section shall not exceed one million  
 2 dollars."

3 2. On page 21, line 17 after "sections" insert  
 4 "39-2402,".

5 3. Renumber remaining sections accordingly.

Mr. Kelly asked unanimous consent to print the following amendment  
 to LB 995 in the Journal. No objections. So ordered.

1 1. Insert the following new section:

2 "Sec. 43. To assist in carrying out the  
 3 provisions of Laws 1977, LB 309, there is hereby  
 4 appropriated \$18,950 from the State Building Fund  
 5 to the Building Renewal Allocation Fund for the  
 6 fiscal year ending June 30, 1980, which fund is  
 7 hereby appropriated to the Department of Administrative  
 8 Services Program 940 for the fiscal year ending June 30,  
 9 1980. Control of such funds shall remain with the  
 10 Governor in accordance with sections 81-173 to 81-191."

11 2. Renumber remaining sections accordingly.

Mr. Kelly asked unanimous consent to print the following amendment  
 to LB 992 in the Journal. No objections. So ordered.

1 1. On page 4, line 7, strike "7" and insert  
 2 "6".

3 2. On page 6, line 15 strike "and" and  
 4 insert "of".

5 3. In the Standing Committee amendments  
 6 (Request 2199) on page 4, strike beginning with  
 7 "15" in line 4 through "26" in line 5 and insert  
 8 "16, 25, and 27".

Mr. Schmit asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

- 1 1. On page 4, line 18, after "from" insert  
2 "the school bus stop nearest to his or her place of resi-  
3 dence or"; in line 22 strike "Such" and insert "Such The  
4 main purpose of such"; in line 23 strike "used for the sole  
5 purpose of", show as stricken, and insert "for"; and in  
6 line 25 after "may" insert "(a) with written consent of a  
7 parent or guardian of any student being transported, car-  
8 pool by the nearest highway or street from his or her place  
9 of residence to and from the residence of the student be-  
10 ing carpoled and to and from the school building or bus  
11 stop or (b)".  
12 2. On page 5, line 5 after the period insert  
13 "The written consent must be in the vehicle at all times  
14 while such vehicle is being utilized for carpooling pur-  
15 suant to this subsection.".

#### EXPLANATION OF VOTE

Had I been present I would have voted "No" on LB 782.

(Signed) Patrick Venditte

#### RESOLUTIONS

##### LEGISLATIVE RESOLUTION 276.

Introduced by Fowler, 27th District; Chambers, 11th District; Landis, 46th District; Dworak, 22nd District; Johnson, 8th District; DeCamp, 40th District; Reutzell, 15th District.

##### PURPOSE:

Efforts have been made by the LR 154 special committee in the past year to monitor and evaluate the effectiveness of law enforcement agencies in Nebraska. Continuation of this effort by the current members of that committee is suggested, focusing on the issues of investigative procedures of local law enforcement agencies, private agency investigative techniques and procedures and the responsiveness of public law enforcement agencies and private investigative agencies to complaints regarding these procedures.

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

1. That a 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.

### **LEGISLATIVE RESOLUTION 277.**

Introduced by DeCamp, 40th District; Kelly, 35th District; Johnson, 8th District; Fowler, 27th District.

#### **PURPOSE:**

The Business and Labor Committee investigation into the still-pending \$1.25 million claim Joseph James Soukup made against the State of Nebraska revealed that modern state-of-the-art psychiatric practices may leave the state liable to similar action.

This Legislature should acknowledge that a full and reassessing critique of Nebraska's psychiatric institutions by this body could pinpoint and prevent potential liability of state psychiatric and administrative policies. The Legislature should note that, left unattended, such policies could leave society little choice but to deal with the situation judicially rather than legislatively, causing the possibility of greater financial burden on the citizens of Nebraska.

It is well within legislative duty to focus on the propriety of using human beings, who happen to be wards of the state's psychiatric institutions, to research the effects of a variety of marketed chemicals and the prudence of a chemical-based philosophy for therapy and cure.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a committee of the Legislature research: (a) grants from pharmaceutical companies to state psychiatric institutions; (b) the long-lasting side effects of traditionally prescribed drugs on wards of the state; (c) a cost comparison between drug therapy and alternate effective therapy; (d) drug research programs as they apply to committed and non-committed people in state psychiatric institutions; (e) the financial transactions between pharmaceutical companies and institutional psychiatrists; (f) the training procedures for non-professional state-employed personnel; (g) the opportunities for legal assistance accessible to residents of state psychiatric institutions; (h) the availability of alternatives to institutional care; (i) the institutional breeding of institutionally-dependent people.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 278.**

Introduced by Administrative Rules and Regulations Review Committee: Kelly, 35th District, Chairman; DeCamp, 40th District; Fowler, 27th District; Haberman, 44th District; Johnson, 8th District; Kennedy, 21st District; Koch, 12th District.

**PURPOSE:**

LB 212 (1978) stipulates that the Jail Standards Board shall develop, and implement minimum standards for the construction, maintenance, and operations of criminal detention facilities on or before July 1, 1979.

In accordance with this and the other provisions of LB 212 (1978) the Jail Standards Board developed jail standards and forwarded them through the review process. Prior to July 1, 1979, the jail standards and administrative rules of the Jail Standards Board were approved by the Attorney General and forwarded to the Governor for his approval as required by Section 84-908 of the Revised Statutes. On or about March 14, 1980, said standards and rules were returned unsigned to the Jail Standards Board by the Governor with his request that the Board prepare an estimate of the cost to local government of implementing these standards. Therefore, the Jail Standards Board has not met the requirements of LB 212 (1978).

It is the intent and purpose of this proposed study to review and analyze the process, as detailed in Chapter 84, Article 9 of the Revised Statutes of Nebraska, by which administrative rules are reviewed, approved, or rejected by the Attorney General and the Governor in order to determine whether such a process impedes compliance with statutorily mandated deadlines and to determine what, if any, remedial action may be necessary when such statutorily mandated deadlines are not met.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 279.**

Introduced by Landis, 46th District.

**PURPOSE:**

The application of Nebraska's habitual criminal statute, section 29-2221, Reissue Revised Statutes of Nebraska, 1943, can result in imprisonment of up to sixty years for those offenders who have previously been convicted of a crime. Such a statute should be studied to determine its application and effectiveness, if any. An interim study conducted on the habitual criminal statute should research and collect data on the statute's application, frequency of use, the type of circumstances surrounding its application, and any possible discriminatory or selective uses and abuses. The study should propose alternate approaches, including recommended legislation, to more effectively handle persistent offenders.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 280.**

Introduced by Maresh, 32nd District; Burrows, 30th District; Merz, 1st District.

**PURPOSE:**

In recent years, the coverage of legislative activities by the Nebraska Educational Television Network has expanded. Since the network receives large amounts of contributions from private citizens and groups, some of which may be special interest groups, there is a need for a study to determine whether any contributions have an influence on the type and degree of legislative coverage offered by the network to the public. The study conducted shall determine whether or not such amounts should be reported to the Nebraska Legislature or the Nebraska Accountability and Disclosure Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 281.**

Introduced by Carsten, 2nd District; Hefner, 19th District; Newell, 13th District; Johnson, 8th District; Sieck, 24th District; Burrows, 30th District; Murphy, 17th District.

**PURPOSE:**

To monitor and evaluate the impact of the Political Subdivision Budget Limit Act of 1979. The study will focus on the effects of the Act on the taxing, spending, and provision of services by local governments and to what extent, if any, there may be a lack of compliance with the requirements of the Act by particular local governments. The study will also focus on whether there is a need for legislation in the areas of the budgetary restrictions imposed by the Act and mechanisms for enforcement of the Act.

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

1. That a 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.

**MOTION - Return LB 743 to Select File**

Mr. Lewis moved to return LB 743 to Select File for the following specific amendment:

Add new section following line 23 page 8.

The effective date of section 3 of this act shall be April 1, 1981.

The motion prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 743.** The Lewis specific amendment found in this day's Journal was renewed.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Lewis specific amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Lamb requested a machine vote to advance LB 743.

Advanced to E & R for Re-Engrossment with 25 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

The Committee on Committees asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 82, 616, 646, 660, 672, 672A, 725, 733, 769, 770, 771, 774, 798, 842, 884, 893, 903, and 966.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Murphy asked unanimous consent to print the following amendment to LB 689 in the Journal. No objections. So ordered.

Req. #2266

Section 77

- 2 1. Insert a new section as follows:
- 3 "Sec. 7. That section 77-1241.09, Revised
- 4 Statutes Supplement, 1979, be amended to read as follows:
- 5 77-1241.09. (1) As motor vehicle taxes and
- 6 registration fees are received by the Tax Commissioner
- 7 pursuant to sections 60-305.09 and 77-1241.07, the Tax
- 8 Commissioner shall transmit such taxes and fees to the
- 9 State Treasurer, less a collection fee consisting of
- 10 three per cent of motor vehicle taxes and three per cent
- 11 of the thirty per cent of those registration fees
- 12 collected pursuant to section 60-305.09 and deposited by
- 13 the State Treasurer as provided in this subsection. The
- 14 State Treasurer shall deposit all such taxes and thirty
- 15 per cent of the fees collected pursuant to section

16 60-305.09, except the collection fee, in the Motor  
17 Vehicle Tax Fund and all such fees, except thirty per  
18 cent of the fees collected pursuant to section 60-305.09,  
19 in the Highway Trust Fund. The collection fee shall be  
20 remitted to the State Treasurer for credit to the Tax  
21 Commissioner Revolving Fund.

22 (2) On or before the first day of April, 1970,  
23 and quarterly thereafter, the State Treasurer shall  
24 distribute all funds in the Motor Vehicle Tax Fund to the  
25 county treasurer of each county in the same proportion as  
1 the number of original motor vehicle registrations in  
2 each county bears to the total of all original  
3 registrations within the state in the registration year  
4 immediately preceding.

5 (3) Upon receipt of motor vehicle tax funds from  
6 the State Treasurer, the county treasurer shall ~~allocate~~  
7 ~~such funds to each taxing district of the county based on~~  
8 ~~the percentage which motor vehicle registrations in each~~  
9 ~~taxing district of the county bears to the total of all~~  
10 ~~registrations within the county in the preceding calendar~~  
11 ~~year, and distribute such funds to those political~~  
12 ~~subdivisions which levy taxes~~ taxing agencies within the  
13 county in the same proportion that the levy of each such  
14 taxing subdivision agency bears to the total of such  
15 levies within each taxing district of all taxing agencies  
16 in the county.

17 (4) In the event any taxing district has been  
18 annexed, merged, dissolved or in any way absorbed into  
19 another taxing district any apportionment of motor  
20 vehicle taxes to which such taxing district would have  
21 been entitled shall be apportioned to the successor  
22 taxing district which has assumed the functions of the  
23 annexed, merged, dissolved, or absorbed taxing district.

24 (5) On or before March 1 of each year, the  
25 Department of Motor Vehicles shall furnish to the State  
26 Treasurer a tabulation showing the total number of  
27 original motor vehicle registrations in each county for  
1 the immediately preceding calendar year, which shall be  
2 the basis for computing the distribution of motor vehicle  
3 tax funds as provided in subsection (2) of this  
4 section.”.

5 2. On page 11, line 15 strike “and”; and in line  
6 16 after “1978,” insert “and section 77-1241.09, Revised  
7 Statutes Supplement, 1979,”.

8 3. Renumber remaining sections accordingly.

**MR. CLARK PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 848.** Laid over.

**LEGISLATIVE BILL 789.** Mr. Vickers withdrew his pending amendment found in the Journal on page 1033.

Mr. Warner withdrew his pending amendment found in the Journal on page 1234.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 789A.** Mr. Warner withdrew his pending amendment found in the Journal on page 1234.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 592.** Mr. Warner offered the following amendment:

1. Strike original section 2.

The amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 649.** Mr. Vickers withdrew his pending amendment found in the Journal on page 1113.

Advanced to E & R for Engrossment.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 633.** E & R amendment found in the Journal on page 1172 for the Forty-First Day was adopted.

Mr. Murphy moved the adoption of the following Schmit amendment:

- 1 1. Insert the following new section:
- 2 "Sec. 11. Since an emergency exists, this act
- 3 shall be in full force and take effect, from and after
- 4 its passage and approval, according to law.'".

The amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 873.** E & R amendments found in the Journal on page 1172 for the Forty-First day were adopted.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1058.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

### **SPEAKER MARVEL PRESIDING**

The Hoagland amendment was adopted with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Kelly offered the following amendment:

LB 873 White Copy page 3 line 27 strike "or areas of scenic beauty".

The amendment lost with 8 ayes, 11 nays, 15 present and not voting, and 15 excused and not voting.

Mr. Kelly offered the following amendment:

page 3 line 25 after comma strike new language strike L 26 L 27 strike significance

The amendment lost with 15 ayes, 15 nays, 13 present and not voting, and 6 excused and not voting.

### **MR CLARK PRESIDING**

Mr. Haberman offered the following amendment:

Move to strike the Hoagland amendment page 1058 of the Journal

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The amendment lost with 11 ayes, 14 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Lewis, Merz, and DeCamp asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hoagland requested a roll call vote to advance LB 873.

Voting in the affirmative, 28:

|            |            |        |         |         |
|------------|------------|--------|---------|---------|
| Beutler    | Dworak     | Keyes  | Powers  | Vickers |
| Burrows    | Fitzgerald | Koch   | Reutzel | Wagner  |
| Carsten    | Fowler     | Landis | Rumery  | Warner  |
| Chambers   | Hoagland   | Marsh  | Schmit  | Wesely  |
| Chronister | Johnson    | Newell | Simon   |         |
| Cope       | Kennedy    | Pirsch | Stoney  |         |

Voting in the negative, 10:

|         |          |       |        |        |
|---------|----------|-------|--------|--------|
| Barrett | George   | Kahle | Lamb   | Murphy |
| Clark   | Haberman | Kelly | Marvel | Nichol |

Present and not voting, 3:

|        |       |          |
|--------|-------|----------|
| Hefner | Sieck | Venditte |
|--------|-------|----------|

Excused and not voting, 8:

|        |          |          |        |
|--------|----------|----------|--------|
| Cullan | Goodrich | Labeledz | Maresh |
| DeCamp | Kremer   | Lewis    | Merz   |

Advanced to E & R for Engrossment with 28 ayes, 10 nays, 3 present and not voting, and 8 excused and not voting.

#### **EXPLANATION OF VOTE**

Had I voted, I would have voted the following: 304 - no, 440 - yes, 662 - yes, 680 - yes, 730 - yes, 782 - no, 808 - yes, 862 - yes, 874 - yes, 885 - no, 887 - yes, 915 - yes.

(Signed) Rex Haberman

#### **RESOLUTIONS**

##### **LEGISLATIVE RESOLUTION 282.**

Introduced by Schmit, 23rd District; Haberman, 44th District; DeCamp, 40th District; Nichol, 48th District; Burrows, 30th District; Kahle, 37th District; Lamb, 43rd District.

**PURPOSE:**

The purpose and intent of this resolution is to give guidance to the Agriculture and Environment Committee in its interim activities when dealing with many of the issues of crucial importance to agriculture in the State of Nebraska.

Among matters of great concern to agriculture in Nebraska and the areas to which the committee should direct its activities, are:

1. The role of agriculture in Nebraska's economy and the impact of the national economy on Nebraska agriculture.
2. The impact of the scarcity, availability, and cost of credit upon Nebraska agriculture.
3. The relationship between irrigation and agriculture in the state.
4. The impact of rapidly increasing energy costs on agriculture in Nebraska.
5. The impact of various conservation practices on agriculture in the state.
6. The impact of water policy planning on agriculture in Nebraska.
7. The effect of land-use planning on agriculture.
8. The relationship between various environmental issues and the role of agriculture in Nebraska.

The committee which founded the gasohol program shall continue to monitor the development and implementation of gasohol activities in Nebraska and other states.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Agriculture and Environment 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.

**LEGISLATIVE RESOLUTION 283.**

Introduced by Powers, 9th District; DeCamp, 40th District; Clark, 47th District; Rumery, 42nd District; Goodrich, 20th District; Fowler, 27th District; Wesely, 26th District.

**PURPOSE:**

To study the services issues raised in LB 665, Nebraska Aging Services Act, 1980 Session concerning the provisions of community-based aging services and programs. The study committee

shall analyze the Commission on Aging, the Area Agencies on Aging, the impact of the 1978 amendments to the Older American's Act and the proper role of both State and local governments in financing of community care services and long term nursing home care services.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

That an interim study be conducted by eight senators, in addition to the Chairman of the Public Health & Welfare Committee who shall be appointed by the Legislature's Executive Board to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

#### **LEGISLATIVE RESOLUTION 284.**

Introduced by Carsten, 2nd District.

#### **PURPOSE:**

To develop a tax incidence data base in order to enable a comprehensive analysis of the overall state and local tax structure in Nebraska which determines the incidence and burden of the tax structure upon various categories of individuals, households, and businesses.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

#### **LEGISLATIVE RESOLUTION 285.**

Introduced by Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Lewis, 45th District; Simon, 31st District; Fitzgerald, 14th District; Powers, 9th District; Sieck, 24th District.

**PURPOSE:**

The purpose of this resolution is to authorize a study of the methods, procedures, and effectiveness of the Nebraska Safety Inspection Program for motor vehicles, and, to further study the incidence of faulty and/or unnecessary repairs to the vehicles within the State of Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 286.**

Introduced by Maresh, 32nd District; Merz, 1st District; Schmit, 23rd District.

**PURPOSE:**

The use of agricultural ethyl alcohols is becoming increasingly important to agriculture as an alternate energy source in Nebraska. The purpose of this study is to authorize and encourage the Institute of Agricultural and Natural Resources at the University of Nebraska-Lincoln to conduct research to determine what proof or percentage of alcohol in gasohol is best suited to use in internal combustion engines commonly used in farming and other agricultural related activities.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 287.**

Introduced by DeCamp, 40th District; Simon, 31st District.

**PURPOSE:**

Although churches, fraternal organizations and other non-profitable institutions presently conduct legal lotteries, Nebraska citizens are not aware of the fact that lotteries are legal in Nebraska. Because a recent poll shows that a majority of Nebraskans favor the state conducting a legal lottery to help broaden the tax base, there should be interim study of a lottery conducted by the state the proceeds of which would augment special education or a similar project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 288.**

Introduced by Business and Labor Committee: Fitzgerald, 14th District, Vice Chairman; DeCamp, 40th District; Powers, 9th District; Simon, 31st District; Landis, 46th District; Kahle, 37th District.

**PURPOSE:**

The National Commission on Unemployment Compensation will submit its final report July 1, 1980 in regard to a number of unemployment compensation issues which will have an effect on Nebraska unemployment statutes. The purpose of this study is to review the recommendations of the National Commission especially as it relates to the issues of taxation of unemployment compensation benefits, the coordination of retirement benefits and unemployments, restriction of the eligibility of substitute teachers and non-professional school employees, sex-discrimination in unemployment compensation laws and the continued utility of experience rating in the funding of unemployment benefits by employers. In light of the reconsideration of some of the basic tenets of unemployment insurance, the Nebraska Employment Security Law should be re-examined accordingly.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 289.**

Introduced by Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Lewis, 45th District; Fitzgerald, 14th District; Powers, 9th District; Sieck, 28th District.

**PURPOSE:**

The purpose of this resolution is to study the various fees that are charged by the Public Service Commission. To examine how appropriate the fees are to the regulated industry's work load on the commission, and, to further study all statutes related to the Public Service Commission's activities, functions, and regulatory activities.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 290.**

Introduced by Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Lewis, 45th District; Simon, 31st District; Powers, 9th District; Fitzgerald, 14th District; Sieck, 24th District.

**PURPOSE:**

The purpose of this resolution is to study the need for any improvement to the existing air transportation facilities in Nebraska which might improve the safety, service, and convenience provided to air transportation passengers.

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

1. That a 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.

#### **LEGISLATIVE RESOLUTION 291.**

Introduced by Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Powers, 9th District; Simon, 31st District; Venditte, 7th District; Sieck, 24th District; Lewis, 45th District.

#### **PURPOSE:**

The purpose of this resolution is to study the liquor industry's licensing structure as it applies to all retail sales of all alcoholic beverages. This study will also look at the Nebraska Liquor Commission's duties, responsibilities, fees, and charges with the purpose of suggesting modifications to modernize the commission and its activities.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

#### **LEGISLATIVE RESOLUTION 292.**

Introduced by Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Lewis, 45th District; Fitzgerald, 14th District; Sieck, 24th District; Powers, 9th District.

#### **PURPOSE:**

The purpose of this resolution is to authorize an interim study on the demographic changes in the State of Nebraska in the last ten years, as reflected in the 1980 census results. And, that guidelines be drawn for the process of the reapportionment. And, that these guidelines include a timetable by which the reapportionment is to be completed.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 293.**

Introduced by Simon, 31st District.

**PURPOSE:**

This Resolution is proposed to create an interim study of the nursing home industry in Nebraska. Following hearings on Legislative Bill 754 in 1980 and statewide hearings by the Department of Health, the need for such a study emerged. Contingent on availability of \$50,000 for the Department of Health's Bureau of Health Planning, the study will be conducted by the Bureau staff and such study techniques as the staff finds necessary.

The study will examine proper placement of patients, adequacy of care plans and frequency of review, discharge planning, education and experience of staff and staff training, pay rates, turnover rates of staff and staff-patient ratio during all shifts, adequacy of regulation in assuring quality of care, and the portion of patient charge directly attributable to state and federal regulation.

Before November of 1980 the Public Health and Welfare Committee shall recommend appropriate legislation to correct any deficiencies discovered by the study.

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

1. That the Public Health and Welfare 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.

**LEGISLATIVE RESOLUTION 294.**

Introduced by Simon, 31st District.

**PURPOSE:**

This Resolution is proposed to create an interim study of the nursing home industry in Nebraska. Following hearings on Legislative Bill 754 in 1980 and statewide hearings by the Department of Health, the need for such a study emerged. The study will be conducted by the Executive Board of the Unicameral using the resources of the Bureau of Health Planning in the Department of Health. The study will examine proper placement of patients, adequacy of care plans and frequency of review, discharge planning, education and experience of staff and staff-patient ratio during all shifts, adequacy of regulation in assuring quality care, and the portion of patient charge directly attributable to state and federal regulation.

The Executive Board will be authorized to use up to \$50,000 funding this study. Before November of 1980 the Board shall recommend any appropriate legislation to correct any deficiencies discovered by the study.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 295.**

Introduced by Appropriations Committee: Warner, 25th District, Chairman; Hoagland, 6th District; Marsh, 29th District; Rumery, 42nd District; Cope, 36th District; Fowler, 27th District; Kelly, 35th District; Dworak, 22nd District.

**PURPOSE:**

The intent and purpose of this resolution is to study current information and referral services provided by or in behalf of state government and develop alternatives or suggestions for the improvement of such services. The study would review the current activities of the various state agencies, boards, and commissions in this area, and the Midlands Information Referral Agency presently in

operation in Douglas County, and consider the feasibility of a unified information and referral service for all state government services.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 296.**

Introduced by Goodrich, 20th District.

**PURPOSE:**

The purpose of this study would be to examine the process by which records of persons under the age of twenty-one are sealed for drug and alcohol offenses. Criminal offenses and convictions of youth are often related to problems concerning controlled substances. The effect of such offenses follow a person, often with adverse professional and personal implications, long after the time of the youthful indiscretion has passed. This study would examine the current methods of sealing records of persons under the age of twenty-one. The study would develop any legislative changes to provide for a process to seal records involving controlled substances relative offenses.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 297.**

Introduced by Wesely, 26th District.

**PURPOSE:**

To study the need to develop a uniform health care financial reporting system of a comparative and current nature for all health care facilities receiving public funds in the State of Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 298.**

Introduced by Wesely, 26th District.

#### **PURPOSE:**

To study the programs, provided in the various counties of the state, serving juveniles who come in contact with law enforcement agencies and the criminal justice system, including: (1) the cost of such programs and the funding for the programs; (2) a comparison of the operation of county-financed juvenile courts with the operation of the juvenile justice system in those counties where county judges hear juvenile cases; (3) the consideration of community alternatives to the incarceration of juveniles at the State Youth Development Centers at Kearney and Geneva; and (4) a comparison of the costs for care at the State Youth Development Centers with the costs of community care alternatives for juveniles.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 299.**

Introduced by Wesely, 26th District.

**PURPOSE:**

To study programs and services for the handicapped, the disabled, and the elderly which are designed to maintain and assist such person in the natural home or the family setting, including: (1) the need to increase or improve in-home services to the disabled, the handicapped, and the elderly; (2) the need to provide additional financial support for such programs; and (3) a comparison of the costs of providing for the disabled, the handicapped, and the elderly in the home with the costs of providing for such persons in community residential facilities, private nursing homes, and state institutions.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 300.**

Introduced by Education Committee: Koch, 12th District, Chairman.

**PURPOSE:**

If statistics are correct, there will be an expanded need of employers for those who are educated in technical skills. Currently, in the State of Nebraska, secondary vocational education is not uniformly available to high school students. Recent public opinion shows the public wants more vocational education. Schools in the state are finding it difficult, due to various "lid" limitations, to maintain fiscal support for vocational education; without local fiscal support, federal vocational education funds can be limited.

There is, therefore, a need to study Secondary, Post-Secondary Vocational Education in order to determine methods by which all secondary and adult students in the state will be assured the opportunity to participate in vocational programs. Benefits could also be obtained in the consideration of strategies to provide for funding vocational education at the secondary level.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 301.**

Introduced by Education Committee: Koch, 12th District, Chairman.

#### **PURPOSE:**

Because there have been concerns regarding driver education programs in relation to reimbursement to private schools and agencies, the cost of administering the program at both the local and state level, incorporating motorcycle safety education in the current program, increasing the amount of reimbursement to schools, the steady decrease in the driver education fund, and the qualifications to teach driver education programs, there is a need to review and study the matter of driver education as it relates to schools.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 302.**

Introduced by Education Committee: Koch, 12th District, Chairman.

#### **PURPOSE:**

Before they actually graduate from high school, some high school students in the State of Nebraska reach a competency in their education where they are educationally ready to enter an institution of higher education. In studying this issue, the concept of allowing students to test out of high school should be considered, in addition to studying a testing mechanism, the educational costs involved, and the effect of the loss of these students in the particular schools. In addition, the question of early and initial entry into elementary schools is an essential concept that relates to this matter.

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

1. That a 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.

### LEGISLATIVE RESOLUTION 303.

Introduced by Education Committee: Koch, 12th District, Chairperson.

#### PURPOSE:

The transfer of land from one school district to another, freeholder transfers, and the annexation of a school district by a city or village are all issues which require study before effective legislation can be introduced to solve any problems found in these areas.

Taxes and valuations in school districts in Nebraska are not equal. Nebraska has over 1,000 individual school districts, and some of the taxes and valuations vary greatly. This becomes a strong factor in school district reorganization, transfer, and annexation.

In relation to the study of the transfer of land, the following areas need to be studied and considered: the amount of taxes and to which district they are paid; transfers between counties; transfers to or from city or village schools; the role of each school board involved; the roles of the County Superintendent and the petition request; the distances from the schools involved; the available transportation; the voting and other rights of parents involved in transfers; and all rights of the youth involved.

In relation to the study of freeholder transfers, the following areas need to be studied and considered: the effects and ramifications on all class schools, i.e. I, II, III, IV, V, VI; and transfers from accredited to nonaccredited schools.

In relation to the study of annexation, the following areas need to be studied and considered: the differences and similarities of school districts formed by the petition or election method; how and why schools are reorganized; how long a territory has been part of a school district in relation to its annexation; tax levies involved; per pupil costs involved; assessed valuations involved; the class of each school district involved, the law relating to each class; how the Supreme Court case School District of Bellevue V. Strawn 176 N.W. 2d 40, relates to all

aspects of annexation; and the original intent of all current statutes relating to annexation.

In addition, the underlying question and effects of County non-resident tuition free high school students also requires study and consideration in respect to many of the above areas.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a committee of the Legislature shall be designed 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.

**LEGISLATIVE RESOLUTION 304.**

Introduced by Education Committee: Koch, 12th District, Chairman.

**PURPOSE:**

The area of impact due to federal military installations, government owned installations, and major construction projects for state agencies, places an added burden upon the services and finances of school districts of the state.

The three Indian Schools in Nebraska, (Santee, Macy, and Winnebago), have traditionally received the major share of their revenue for financing education from the federal government. Within the past year, the federal government has terminated one major source of federal aid, (Johnson/O'Malley funds), and is now discussing the possibility of reducing federal import aid (P.L. 81-874) payments in future years.

Because of growing demand for electricity within the state, it has been necessary to construct additional power producing plants. The Nebraska Public Power District is currently building a new plant in the Sutherland area and is now planning the construction of a new plant in the Sargent area.

The military installations of Offut Air Force Base have a direct impact on several school districts in that area. A potential reduction in federal aid would have a negative impact upon these school districts.

Based upon these factors it would appear that the state must make a complete and accurate appraisal of the impact to these schools due to these factors.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 305.**

Introduced by DeCamp, 40th District; Fowler, 27th District; Wesely, 26th District.

**PURPOSE:**

The people of the State of Nebraska, the Nation and the World are in the midst of an era of decreasing energy supplies, growing reliance on sources of supply that are unreliable, and rapidly and uncontrollable price increases. This situation has, is, and will contribute to economic, social and environmental disruptions. Should the current crisis continue the potential deterioration of Nebraskans' health, safety, and welfare will be insured.

The Legislature and the Government of the State of Nebraska must know the current and future energy needs of the State. Furthermore, Nebraska must know the current and future energy resources and delivery technologies capability of meeting these needs. Finally, Nebraska must know the effectiveness or current and proposed local, State, and federal policies, programs, and regulatory rules intended to insure reliable supplies at fair prices to meet the State's energy needs.

It is essential that the State of Nebraska improve its ability to assess the State's energy needs, the resources and technologies capable of meeting them, and the current effectiveness of local, State, and federal policies, programs, and regulatory rules to insure these needs are met.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a special committee of the Legislature shall be designated to continue the research began by the LR 98 Committee, 86th Legislature, Second Session, and 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.

**LEGISLATIVE RESOLUTION 306.**

Introduced by Cullan, 49th District; Goodrich, 20th District; Simon, 31st District; Clark, 47th District; Kennedy, 21st District; Wesely, 26th District.

**PURPOSE:**

This study has as its purpose a study of the programs, organization, coordination, structure, funding, and services of the Department of Public Welfare. The Department of Public Welfare has a vital role in the provision of social services in the State of Nebraska and the responsibility for numerous programs and services. The Department operates on a budget of more than \$240,000,000. The study would also identify the level of social services and identify gaps in coordination and delivery of services.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 307.**

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; Vickers, 38th District; Beutler, 28th District; Wesely, 26th District.

**PURPOSE:**

Historically oversight of the public power industry has been a function of the Nebraska Legislature and particularly the Public Works Committee. It has, is, and will continue to be the intent of the Nebraska Legislature for public power districts to provide power as efficiently and at the lowest possible rates possible. Ultimately the primary obligation of Nebraska's public power districts is to insure the energy needs of Nebraskans are adequately met.

The public power industry has now grown to one-half billion dollars a year. During the past decade the industry has experienced fragmentation which has resulted in yet undetermined effects on the

people of Nebraska. It is becoming increasingly clear that the public power industry in Nebraska needs a mechanism for unified direction for achieving industrywide coordination and for introducing public purpose into formulating future policies.

The purpose of this study is to investigate and evaluate the organizational structures of Nebraska's public power industries and related problems as an aid to the enactment of future legislation.

Specifically, the purpose of this study shall address the following topics:

1. Indebtedness and financing agreements of each power entity and the terms of such indebtedness.
2. Existing multiparty contracts and their terms and conditions.
3. Information regarding the budget of the power entities.
4. Management and staff structure of the power entities, including areas of responsibilities.
5. Current transmission interconnections and future transmission and power supply plans.
6. Composition of all elected public power boards, election districts, and service area boundaries.
7. Data on costs of service to the different classes of customers as well as the rates charged such customers.
8. The appropriate role and scope of authority for the Power Review Board.
9. Ascertain the effectiveness of systemwide power supply planning and coordination.
10. Conduct an analysis of the industry's methods of estimating power supply needs and make recommendations.
11. Any other relevant information that the study committee may request.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 308.**

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; Vickers, 38th District; Beutler, 28th District; Wesely, 26th District.

WHEREAS, oversight of the public power industry has historically been a function of the Nebraska Legislature, and

WHEREAS, it is the intent of the Nebraska Legislature for the public power industry to provide power to the ultimate ratepayer as efficiently and at the lowest rate economically feasible, and

WHEREAS, the public power industry in Nebraska derives in excess of one-half billion dollars a year for its services, and

WHEREAS, it is desirable that the Legislature undertake a detailed study and evaluation of the structure of the public power entities and problems related thereto as an aid to the enactment of possible future legislation.

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

1. That the Public Works Committee of the Nebraska Legislature shall study whether a need exists to restructure public power in the State of Nebraska.

2. That the committee shall request information from the following entities and such entities shall satisfy the request to the extent that is practical:

A. Nebraska Rural Electric Association.

B. Loup River Public Power District, Norris Public Power District, and all rural public power districts which are not members of the Nebraska Rural Electric Association.

C. Central Nebraska Public Power and Irrigation District.

D. League of Nebraska Municipalities and the Nebraska Municipal Power Pool.

E. Tri-State Generation and Transmission Association.

F. Nebraska Public Power District.

G. Omaha Public Power District.

3. That the Committee conduct such hearings and use such staff as are deemed necessary to thoroughly conduct such study, and that the Committee is hereby given the authority to obtain information in the manner and form deemed necessary by the Committee.

4. That the information from the entities shall be provided by two representatives designated by each entity or group of entities listed in No. 2 above.

5. That the representatives shall be designated by each entity or group of entities and such designation shall be reported to the Legislature's Public Works Committee by August 15, 1980. If a representative is to be selected by a group of entities, selection shall be made by a majority vote of the entities in the group.

6. The representatives shall first meet, at the request of the chairperson of the Legislature's Public Works Committee, on or

before September 30, 1980, and as frequently thereafter as the Chairperson calls the representatives together.

7. The representatives shall provide information to the Committee which will aid the Committee in determining whether a need exists to restructure Nebraska's public power industry.

8. That information regarding the following areas shall be provided by the representatives of the power entities to the Committee upon request:

A. Indebtedness and financing agreements of each power entity and the terms of such indebtedness.

B. Existing multiparty contracts and their terms and conditions.

C. Information regarding the budget of the power entities, reported in a uniform manner as directed by the Public Works Committee.

D. Management and staff structure of the power entities, including areas of responsibilities.

E. Current and future loads and resources, reported in a uniform manner as prescribed by the Public Works Committee.

F. Current transmission interconnections and future transmission and power supply plans.

G. Composition of all elected public power boards, election districts, and service area boundaries.

H. Any other relevant information that the Committee may request.

9. That the information provided by the representatives shall be in the form and within any time limits required by the Legislature's Public Works Committee.

10. That the Legislature's Public Works Committee shall commence its study on or before August 15, 1980 and shall conclude its study and prepare any proposed legislation it deems appropriate on or before December 1, 1981.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 309.**

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; Vickers, 38th District; Clark, 47th District; Beutler, 28th District; Wesely, 26th District.

#### **PURPOSE:**

A. An examination into the condition of Nebraska's primary and secondary road system, including bridges, should be conducted so as to ascertain the extent of disrepair, the causes of structural damage and fatigue, the current methods of taxation and user fees, as well as the relationship of such fees to any damages caused by the user. New

revenue-producing mechanisms should be developed to supplement the present methods so as to assure an adequate source of funds for maintenance of Nebraska's monumental investment in its roads and bridges.

B. Increased vehicle weights reduce the serviceable life of Nebraska's roadways. Successful enforcement of weight limits has been extremely difficult and a study should be conducted to determine better methods of enforcing Nebraska's weight limit laws. Also, there is considerable disagreement over the extent of damage to roadways by the different classes of vehicles and whether each class of vehicles is taxed so as to recover the road maintenance costs necessitated by that class. A study of the damage/taxation issue should be conducted.

C. Combinations of two or three trailers behind one power unit may offer Nebraska true savings in the shipment of goods. Reduced fuel consumption and increased efficiency in the trucking industry, resulting in potential increases in rural truck shipments, should be studied and weighed against roadway safety for all users, road maintenance, and any required structural modifications of the roadway (associated with no more than four exit sites). Such study shall be limited to analysis of information obtained from the federal government, other states, and private groups. No new tests shall be conducted.

**NOW, THEREFORE, BE IT RESOLVED BY THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes listed in paragraphs A and B 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.

3. That the Nebraska Energy Office shall be designated to conduct a study to carry out the purposes listed in paragraph C of this resolution.

4. That the Nebraska Energy Office shall file in the office of the Clerk of the Legislature a written report on its findings and the pertinent data that has been made available to it on or before December 1, 1980. Such report shall include a summary of the data utilized and the findings of fact based thereon but shall contain no recommendations for action, legislative or otherwise.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 310.**

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; Vickers, 38th District; Clark, 47th District; Wesely, 26th District.

**PURPOSE:**

To study the advisability of Nebraska becoming a party to the Nonresident Violator Compact which is an agreement among states to assure the clearance of traffic court cases initiated against nonresidents. Procedures to accomplish this result in: offering the same privileges of later court appearance to nonresidents that presently are offered to state residents, issuance of traffic citations to nonresidents under most conditions in place of physical arrest and mandatory immediate court appearance, increased time for other duties by traffic police that formerly was devoted to arrest and arraignment of alleged traffic law offenders, and other advantages to motorists and state and local highway safety functions.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee report its findings, together with its recommendations, to the Legislature or the Legislative Council upon completion of the study.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 311.**

Introduced by Chambers, 11th District.

**PURPOSE:**

To study all aspects of the used car industry in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 312.**

Introduced by Johnson, 8th District.

**PURPOSE:**

To study real estate and mortgage lending practices in older neighborhoods of urban centers.

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

1. That the Executive Board appoint a special committee to carry out the purpose of this resolution; and
2. That the special committee report its findings, together with its recommendations to the Legislature or the Legislative Council upon conclusion of the study.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 313.**

Introduced by Keyes, 3rd District.

**PURPOSE:**

The purpose of this resolution is to carefully study the financing of education in Nebraska. This study is both timely and essential since it is likely that the state's share of Federal revenue sharing funds will be drastically reduced, if not totally eliminated. Since schools receive a large portion of these funds, it is important that we study the impact of such a reduction and begin taking the necessary steps to replace that which the state will lose.

This study shall also include the use of Federal funds for handicapped and special education programs and all forms of financing that the state receives for the purpose of educating its youth.

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

1. That the Revenue 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.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Chambers asked unanimous consent to print the following amendment to LR 233 in the Journal. No objections. So ordered.

To amend LR 233 (1980) to provide that the Executive Board shall appoint a committee to conduct the study authorized by LR 233.

**ANNOUNCEMENT**

Mr. Warner announced that the Appropriations Committee will meet upon adjournment today, March 21, 1980 in Room 1003.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 605 in the Journal. No objections. So ordered.

(Final Reading Copy)

1 1. On page 2, line 14 after the first comma  
2 insert "nor any member or representative of a labor organ-  
3 ization while acting in or during a legitimate labor acti-  
4 vity, nor any person engaged in concerted activities," and  
5 in line 17 after the period insert "For purposes of this  
6 section labor organization shall mean any organization,  
7 or any agency or employee representation commission or  
8 plan, in which employees participate and which exists for  
9 the purpose in whole or in part, of dealing with employers  
10 concerning grievances, labor disputes, wages, rates of pay,  
11 hours of employment, or conditions of work."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 739 in the Journal. No objections. So ordered.

Req. #2274

2 1. Insert new sections as follows:  
3 "Sec. 4. That section 2-3234, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:  
6 2-3234. (1) Subject to the provisions of  
7 subsection (2) of this section each ~~Each~~ district shall  
8 have the power and authority to exercise the power of  
9 eminent domain when necessary to carry out the purposes  
10 of this act within the limits of the district or outside  
11 its boundaries. Exercise of eminent domain shall be  
12 governed by the provisions of sections 76-704 to 76-724;  
13 Provided, that whenever any district seeks to acquire the

14 right to interfere with the use of any water being used  
 15 for power purposes in accordance with sections 46-204,  
 16 70-668, 70-669, and 70-672, and shall be unable to agree  
 17 with the user of such water upon the compensation to be  
 18 paid for such interference, the procedure to condemn  
 19 property shall be followed in the manner set forth in  
 20 sections 76-704 to 76-724, and no other property shall be  
 21 included in such condemnation. No district shall  
 22 contract for delivery of water to persons within the  
 23 corporate limits of any village, city, or metropolitan  
 24 utilities district, nor in competition therewith outside  
 25 such corporate limits, except by consent of and written  
 1 agreement with the governing body of such political  
 2 subdivision. A village, city, or metropolitan utilities  
 3 district may negotiate and, if necessary, exercise the  
 4 power of eminent domain for the acquisition of water  
 5 supply facilities of the district which are within its  
 6 boundaries.

7 (2) The power of eminent domain shall not be used  
 8 to acquire property, the primary purpose of which will be  
 9 for recreational or park facilities. Nothing in this  
 10 subsection is intended to preclude a district from using,  
 11 for recreational or park facilities, land acquired by  
 12 eminent domain for any of the purposes listed in section  
 13 2-3229 other than subsection (1) of such section.

14 Sec. 5. The restriction on the use of eminent  
 15 domain provided in section 2-3234 shall apply to all  
 16 proceedings which have not reached final adjudication  
 17 prior to the effective date of this act.

18 Sec. 6. If any section in this act or any part  
 19 of any section shall be declared invalid or  
 20 unconstitutional, such declaration shall not affect the  
 21 validity or constitutionality of the remaining portions  
 22 thereof.

23 Sec. 10. Since an emergency exists, this act  
 24 shall be in full force and take effect, from and after  
 25 its passage and approval, according to law."

26 2. On page 6, line 23 strike "section 46-634.01"  
 27 and insert "sections 2-3234 and 46-634.01".

1 3. In the committee amendments, page 1, line 11  
 2 strike "5" and insert "8"; and in line 18 strike "6" and  
 3 insert "9".

4 4. Renumber sections 4 and 5 added by the  
 5 standing committee as sections 7 and 8.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 314.

Introduced by Wesely, 26th District.

**PURPOSE:**

To study the need for a statewide uniform building code. According to a recent survey, over 300 model codes have been adopted by various subdivisions in Nebraska. At least 53 communities have amended the model codes they adopted, increasing the disparity among local building codes. Because of this diversity, building contractors are faced with a wide variety of codes. Additionally, the degree of enforcement of building codes vary widely from community to community. These disparities make it difficult to provide quality assurance to individuals wishing to build a new home, especially when the local building code is marginally enforced. Many local codes presently in effect are outdated versions of model codes which may limit the use of newer, more cost and energy efficient building materials and designs.

This study should: (1) examine the effectiveness of uniform state building codes adopted in other state; (2) develop a uniform state building code proposal most appropriate for Nebraska; and (3) review coordination among the various state and local agencies which license and regulate the building industry in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 315.**

Introduced by Wesely, 26th District.

**PURPOSE:**

To study the adequacy of current health education in the schools of Nebraska. Presently, schools in Nebraska are required to provide "a comprehensive health education program". Health education programs would be examined to determine if this requirement is being fulfilled. The study would also review health education needs and whether those needs are being met.

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

1. That a 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.

### **LEGISLATIVE RESOLUTION 316.**

Introduced by Landis, 46th District.

#### **PURPOSE:**

The purpose of this study resolution is to examine the use of preferences for products made in America and Nebraska in making state and local government purchases. The study should analyze the economic impact of a preferential bid law on state and local expenditures and the effect it would have on personal income, tax liabilities, additional tax revenues, stimulation of the economy, and job opportunities.

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

1. That a 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.

### **LEGISLATIVE RESOLUTION 317.**

Introduced by Wesely, 26th District; Landis, 46th District; Hoagland, 6th District; Johnson, 8th District; Beutler, 28th District.

#### **PURPOSE:**

To study the following issues:

(a) Limitation of the number of bills per session which can be introduced by a senator or a committee;

(b) Analysis of the present method of setting the agenda and proposals for alternate methods, if needed;

(c) Revision of the session meeting schedule to maximize time-use effectiveness within established time limits and consideration of removal of constitutional time restrictions;

(d) Comprehensive review of the Rules of the Nebraska Unicameral;

(e) Development of a code of ethics for senators;

(f) Development of a model committee structure designed for uniform procedure, full presentation of pertinent data, issue isolation, analysis of public policy, and historical perspective;

(g) Review of interim study procedures and consideration of the best means by which to conduct quality, comprehensive studies of issues;

(h) Review of the legislative staffing structure and policies, with recommendations for change, if needed;

(i) Analysis of the impact of lobbyists on the legislative process and consideration of public financing of legislative campaigns; and

(j) Any additional areas of concern which the study committee considers important to improve the work of the Legislature.

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

1. That a special committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the special 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.

### **LEGISLATIVE RESOLUTION 318.**

Introduced by Wesely, 26th District.

#### **PURPOSE:**

It is in the best interests of the State of Nebraska to develop means by which the Legislature can, through cooperation with various state and local agencies, and private and public college and university faculty, anticipate trends and future problems which this state will need to address. The intent is to, through the formation of a special legislative committee and a task force of appropriate community representatives, develop a picture of Nebraska's future. Experts in certain fields would be asked to prepare an analysis of what lies ahead in that issue area for Nebraska over the next ten and twenty years. These analyses would then be brought together to develop an overall picture of Nebraska's future. This effort should be coordinated with

any initiative on the part of the Governor to revitalize the Goals for Nebraska Project.

The Legislature should participate in a revitalized Goals for Nebraska Project in order to ascertain people's perceptions of Nebraska, what needs our state has, and what direction should be taken in order to meet those needs. The end result of this study and related projects and proposals should be to help the Legislature set state priorities for the next ten and twenty years. The intent is to help members of the Legislature identify the most important present and future issues of the State so that they are properly, comprehensively, and successfully addressed.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 319.**

Introduced by Wesely, 26th District.

#### **PURPOSE:**

Because of our country's economic crisis, some Nebraskans have lost and others will lose their jobs and livelihood. The State of Nebraska has a responsibility to keep as many Nebraskans as possible employed. One potential proposal to help accomplish that goal may be to enact "Buy American" legislation.

The purpose of this study is to review current state and federal legislation providing for purchase preferences for domestically-produced products. Consideration should be given to possible "Buy American" legislation for Nebraska, and the impact of such legislation if it would be enacted. The study should examine the advantages and disadvantages of providing for a preference for United States workers, builders, producers, and businesses, when procuring materials and equipment for public projects in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 320.**

Introduced by Wesely, 26th District.

**PURPOSE:**

To study the funding and pattern of use of the State Regional Centers and the Beatrice State Developmental Center, including: (1) the current funding system whereby the county of residence provides a greater share of the patient cost to a regional center for the first thirty days of care and its effect on the procedures utilized to grant admission to, and to determine the date of discharge from, the institutions; and (2) a re-examination of the respective roles of state and local governments pertaining to the financing of these institutions in view of the changing role of the county in financing community alternatives to institutional services.

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

1. That a 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.

**LEGISLATIVE RESOLUTION 321.**

Introduced by Haberman, 44th District.

**PURPOSE:**

Currently at least four state departments are inspecting private and public food sources, in schools, day care centers, camps, restaurants, jails, and other facilities. The Department of Health, the State Department of Education, and the Department of Public Welfare each have responsibility for various aspects of the preparation and sale of food in the schools. An interim study should be conducted to determine the effectiveness of having separate agencies involved in various phases of inspecting food facilities and the possibility of

assigning one state agency such duty. The study should include investigation to determine if one agency can inspect for sanitation, nutritional value, supply and inventory, and food service personnel.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 322.**

Introduced by Burrows, 30th District.

#### **PURPOSE:**

It is generally recognized that acupuncture treatment does provide relief from pain for ailments from which traditional therapies and drugs are not effective. Currently the use of acupuncture by other than licensed physicians is prohibited in the State of Nebraska. The purpose of this study would be to examine what should be the appropriate regulation of acupuncture in Nebraska. The study would also examine what professional training is appropriate in order for persons to provide acupuncture services. The purpose of this study is to protect the best health interests of the citizens of the State of Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Public Health and Welfare 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.

### **LEGISLATIVE RESOLUTION 323.**

Introduced by Hoagland, 6th District.

WHEREAS, it has been stated or implied in recent legislation that one of the functions of optometrists consists in diagnosing eye conditions; and

WHEREAS, competent medical testimony has questioned the safety of attempts by nonphysicians to perform this crucially important medical function; and

WHEREAS, citizens of Nebraska still suffer loss of vision from diseases some of which are treatable, especially if diagnosed early; and

WHEREAS, persons registered as blind represent a population that has not been selectively analyzed, which may cause medically incompetent care to be concealed.

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

1. That an interim study be conducted by the Public Health and Welfare Committee of the Legislature to review and accumulate information about diagnosis and treatment of blind persons in this state.

2. That the study include interviews with a number of Nebraska citizens who have recently qualified for public assistance through the state program for assistance to the aged, blind, or disabled, and with such persons' permission, reviews of their medical and optometric records.

3. The study should collect the opinions of the blind persons interviewed to determine their belief as to when they began to go blind and the cause of their blindness, and make a correlation of these opinions with the diagnosis given the patients in order to determine, in light of the present medical knowledge, whether accurate diagnoses were made.

4. The committee shall report its findings, along with its recommendations, at the conclusion of its study to the Legislature or Legislative Council.

Referred to the Executive Board.

### VISITORS

Visitors to the Chamber were 46 Girl Scouts and 10 adults from North Platte; 19 eighth grade students and principal from Lincoln Christian School, Lincoln; 28 fifth to eighth grade students and teachers from Unadilla Public Schools; Anne Hamersky, Tami Gade, and Michele Kromdak, 4-H group, Lincoln; 24 fourth grade students and teacher from Edison School, York; Delores, Jan, and Melvin Busboom, Lincoln; Robert, Eileen, and Dorothy Stovall; 29 seventh grade students and sponsors from Sandy Creek School, Fairfield; Ruth

Meyer, Lexington; and 23 students and teacher from Elmwood Public Schools, Elmwood.

**ADJOURNMENT**

At 1:51 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Monday, March 24, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-EIGHTH DAY - MARCH 24, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 24, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

O Lord, our God, in the midst of the perplexities which confuse us, doubts which torment us, and rivalries which divide us, give us a faith and a compassion which will unite us.

We are grateful for the differences represented in this legislature; differences which alone can focus new light on our issues. May we debate with fervor and disagree with understanding, but underneath our differences wilt Thou show us anew that a house that remains divided cannot stand, let alone lead our people to unity and peace and prosperity.

With all our differences, may we still be "one people under God, indivisible, with liberty and justice for all." Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Cullan, Keyes, and Lewis who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1406, line 11, delete "11" and insert "12".

The Journal for the Forty-Seventh Day was approved as corrected.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 21, 1980, at 2:02 p.m., were the following bills: 82, 616, 646, 660, 672, 672A, 725, 733, 769, 770, 771, 774, 798, 842, 884, 893, 903, and 966.

LEGISLATIVE JOURNAL

(Signed) Hazel Kaltenberger, Enrolling Clerk

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 686, 892, and 986.

**Correctly Engrossed**

The following bills were correctly engrossed: 423, 485, 485A, 696, 780, 843, 863A, and 912.

**Correctly Enrolled**

The following bills were correctly enrolled: 304, 440, 662, 680, 730, 782, 808, 862, 874, 885, 887, and 915.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 304, 440, 662, 680, 730, 782, 808, 862, 874, 885, 887, and 915.

**SELECT COMMITTEE REPORT**

**Enrollment and Review**

**Title Change to LB 892**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 892:

In the title, line 6, "to delete provisions for transfer to the regular docket;" has been inserted after the semicolon.

(Signed) Emory P. Burnett,  
E & R Attorney

**REPORT**

Received copy of proposed lease from the State Building Division regarding Department of Corrections property at Cedar Hill Professional Building, Kearney. (On file in the Clerk's Office.)

**STANDING COMMITTEE REPORT**  
**Business and Labor**

**LEGISLATIVE BILL 942.** Placed on General File as amended.  
Standing Committee amendments to LB 942:

Req. #2260

- 2 1. Strike the new matter on pages 4 and 5.  
3 2. Insert a new section as follows:  
4 "Sec. 2. That section 48-652, Reissue Revised  
5 Statutes of Nebraska, 1943, be amended to read as  
6 follows:  
7 48-652. (1) (a) A separate experience account  
8 shall be established for each employer who is liable for  
9 payment of contributions. Whenever and wherever in  
10 sections 48-601 to 48-669 the terms reserve account or  
11 experience account are used, unless the context clearly  
12 indicates otherwise, such terms shall be deemed  
13 interchangeable and synonymous and reference to either of  
14 such accounts shall refer to and also include the other;  
15 and (b) a separate reimbursement account shall be  
16 established for each employer who is liable for payments  
17 in lieu of contributions. All benefits paid with respect  
18 to service in employment for such employer shall be  
19 charged to his or her reimbursement account, and such  
20 employer shall be billed for and shall be liable for the  
21 payment of the amount charged when billed by the  
22 commissioner. Payments in lieu of contributions received  
23 by the commissioner on behalf of each such employer shall  
24 be credited to such employer's reimbursement account and  
25 two or more employers who are liable for payments in lieu  
1 of contributions may jointly apply to the commissioner  
2 for establishment of a group account for the purpose of  
3 sharing the cost of benefits paid that are attributable  
4 to service in the employ of such employers. The  
5 commissioner shall prescribe such regulations as he or  
6 she deems necessary with respect to applications for  
7 establishment, maintenance, and termination of group  
8 accounts authorized by this subdivision.  
9 (2) All contributions paid by an employer shall  
10 be credited to the experience account of such employer.  
11 In addition to such credits, each employer's account  
12 shall be credited as of June 30 of each calendar year  
13 with interest at a rate determined by the commissioner  
14 based on the average annual interest rate paid by the  
15 Secretary of the Treasury of the United States of America  
16 upon the account of the Nebraska Unemployment Trust Fund  
17 for the preceding calendar year, multiplied by the  
18 balance in his or her experience account at the beginning  
19 of such calendar year; Provided, that should the total  
20 credits as of such date to all employers' experience

21 accounts be equal to or greater than ninety per cent of  
22 the total amount in the Unemployment Compensation Fund,  
23 no interest shall be credited for that year to any  
24 employer's account. All voluntary contributions and  
25 contributions with respect to prior years which are  
26 received on or before January 31 of any year shall be  
27 considered as having been paid at the beginning of the  
1 calendar year.

2 (3) (a) Each experience account shall be charged  
3 only for benefits based upon wages paid by such employer;  
4 Provided, that no benefits shall be charged to the  
5 experience account of any employer, if such benefits were  
6 paid on the basis of a period of employment from which  
7 the claimant has left work voluntarily without good  
8 cause, employment from which the claimant has left in  
9 good faith for sole purpose of accepting other  
10 employment, which he or she did accept and it has been  
11 determined by the commissioner that such leaving was with  
12 good cause or employment from which he or she has been  
13 discharged for misconduct connected with his or her work  
14 and concerning which separation the employer has filed  
15 timely notice of the facts on which such exemption is  
16 claimed in accordance with regulations prescribed by the  
17 commissioner and no benefits shall be charged to the  
18 experience account of any employer if such benefits were  
19 paid on the basis of wages paid in the base period that  
20 are wages for insured work solely by reason of the  
21 provisions of section 48-627, subdivision (e) (2); (b)  
22 each reimbursement account shall be charged only for  
23 benefits paid that were based upon wages paid by such  
24 employer in the base period that were wages for insured  
25 work solely by reason of the provisions of section  
26 48-627, subdivision (e) (1); and (c) benefits paid to an  
1 eligible individual shall be charged against the account  
2 of his or her most recent employers within his or her  
3 base period against whose accounts the maximum charges  
4 hereunder have not previously been made, in the inverse  
5 chronological order in which the employment of such  
6 individual occurred. The maximum amount so charged  
7 against the account of any employer, other than an  
8 employer for which services in employment as provided in  
9 subdivision (4) (a) of section 48-604 are performed,  
10 shall not exceed the total number of benefit units to  
11 which such individual was entitled as set out in section  
12 48-626 with respect to base period wages of such  
13 individual paid by such employer plus one half the amount  
14 of extended benefits paid to such eligible individual  
15 with respect to base period wages of such individual paid  
16 by such employer. The commissioner shall by general  
rules prescribe the manner in which benefits shall be

17 charged against the account of several employers for whom  
18 an individual performed employment during the same  
19 quarter. Any benefit check duly issued and delivered or  
20 mailed to a claimant and not presented for payment within  
21 one year from the date of its issue may be invalidated  
22 and the amount thereof credited to the Unemployment  
23 Compensation Fund; Provided, that a substitute check may  
24 be issued and charged to the fund on proper showing at  
25 any time within the year next following. Any charge made  
26 to an employer's account for any such invalidated check  
27 shall stand as originally made.

1 (4) An employer's experience account shall be  
2 deemed to be terminated one calendar year after such  
3 employer has ceased to be subject to sections 48-601 to  
4 48-669; Provided, if the commissioner finds that an  
5 employer's business is closed solely because of the  
6 entrance of one or more of the owners, officers,  
7 partners, or the majority stockholder into the armed  
8 forces of the United States, or of any of its allies,  
9 after July 1, 1950, such employer's account shall not be  
10 terminated; and, if the business is resumed within two  
11 years after the discharge or release from active duty in  
12 the armed forces of such person or persons, the  
13 employer's experience account shall be deemed to have  
14 been continuous throughout such period.

15 (5) All money in the Unemployment Compensation  
16 Fund shall be kept mingled and undivided. The payment of  
17 benefits to an individual shall in no case be denied or  
18 withheld because the experience account of any employer  
19 does not have a total of contributions paid in excess of  
20 benefits charged to such experience account."

21 3. On page 9, line 23 after "section" insert  
22 "48-652, Reissue Revised Statutes of Nebraska, 1943, and  
23 section"; and in line 24 strike "is" and insert "are".

24 4. Renumber original section 2 as section 3.

(Signed) Richard Maresh, Chairperson

### ANNOUNCEMENT

Mr. Carsten announced an informational meeting in Room 1520 on Tuesday, March 25, 1980, immediately after adjournment, on the personal property bills, LB 691 and LB 882, and the homestead exemption bills, LB 608 and LB 647.

**MOTION - Return LB 916 to Select File**

Mr. Simon moved to return LB 916 to Select File for his specific amendment found in the Journal on page 1342.

Mr. Clark requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the Simon amendment not germane to the bill.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 916. With Emergency.**

A BILL FOR AN ACT to amend sections 8-120 and 8-122, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide requirements for mergers as prescribed; to provide a rebuttable presumption; 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, 43:**

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Kennedy  | Merz    | Simon    |
| Beutler    | George   | Koch     | Murphy  | Stoney   |
| Burrows    | Goodrich | Kremer   | Newell  | Venditte |
| Carsten    | Haberman | Labeledz | Nichol  | Vickers  |
| Chronister | Hefner   | Lamb     | Powers  | Wagner   |
| Clark      | Hoagland | Landis   | Reutzel | Warner   |
| Cope       | Johnson  | Maresh   | Rumery  | Wesely   |
| DeCamp     | Kahle    | Marsh    | Schmit  |          |
| Fitzgerald | Kelly    | Marvel   | Sieck   |          |

**Voting in the negative, 1:**

Dworak

**Present and not voting, 2:**

Chambers Pirsch

Excused and not voting, 3:

Cullan            Keyes            Lewis

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 923.**

A BILL FOR AN ACT to amend section 81-8,270, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,266, Revised Statutes Supplement, 1979, relating to the Commission on Mexican-Americans; to change meeting requirements; to authorize the director to employ personnel as prescribed; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marvel  | Sieck    |
| Beutler    | Fitzgerald | Kennedy  | Merz    | Simon    |
| Burrows    | Fowler     | Koch     | Newell  | Stoney   |
| Carsten    | Goodrich   | Kremer   | Nichol  | Venditte |
| Chambers   | Haberman   | Labeledz | Pirsch  | Vickers  |
| Chronister | Hefner     | Lamb     | Powers  | Wagner   |
| Clark      | Hoagland   | Landis   | Reutzel | Warner   |
| Cope       | Johnson    | Maresh   | Rumery  | Wesely   |
| DeCamp     | Kahle      | Marsh    | Schmit  |          |

Voting in the negative, 0.

Present and not voting, 2:

George            Murphy

Excused and not voting, 3:

Cullan            Keyes            Lewis

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

**LEGISLATIVE BILL 925.**

A BILL FOR AN ACT to amend section 3-239, Reissue Revised Statutes of Nebraska, 1943, relating to airports and landing fields; to restrict certain airport project applications and funding as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Murphy  | Stoney   |
| Beutler    | Fowler     | Koch     | Newell  | Venditte |
| Burrows    | George     | Kremer   | Nichol  | Vickers  |
| Carsten    | Goodrich   | Labeledz | Pirsch  | Wagner   |
| Chambers   | Haberman   | Lamb     | Powers  | Warner   |
| Chronister | Hefner     | Landis   | Reutzel | Wesely   |
| Clark      | Hoagland   | Maresh   | Rumery  |          |
| Cope       | Johnson    | Marsh    | Schmit  |          |
| DeCamp     | Kahle      | Marvel   | Sieck   |          |
| Dworak     | Kelly      | Merz     | Simon   |          |

Voting in the negative, 0.

Excused and not voting, 3:

|        |       |       |
|--------|-------|-------|
| Cullan | Keyes | Lewis |
|--------|-------|-------|

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

**LEGISLATIVE BILL 936.**

A BILL FOR AN ACT to amend section 81-885.17, Reissue Revised Statutes of Nebraska, 1943, and sections 81-885.13 and 81-885.14, Revised Statutes Supplement, 1978, relating to the State Real Estate Commission; to change provisions for nonresident licenses; 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, 45:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kelly    | Marvel  | Schmit   |
| Burrows    | Fowler     | Kennedy  | Merz    | Sieck    |
| Carsten    | George     | Koch     | Murphy  | Simon    |
| Chambers   | Goodrich   | Kremer   | Newell  | Stoney   |
| Chronister | Haberman   | Labeledz | Nichol  | Venditte |
| Clark      | Hefner     | Lamb     | Pirsch  | Vickers  |
| Cope       | Hoagland   | Landis   | Powers  | Wagner   |
| DeCamp     | Johnson    | Maresh   | Reutzel | Warner   |
| Dworak     | Kahle      | Marsh    | Rumery  | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Cullan            Keyes            Lewis

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

**LEGISLATIVE BILL 637.**

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 1, of the Constitution of Nebraska, relating to state indebtedness; to permit the Legislature to authorize the state to guarantee bonds for the construction and operation of gasohol plants in Nebraska as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

“Sec. 1. The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the

payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid; Provided, that if the Legislature determines by a three-fifths vote of the members elected thereto that the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees; provided further, that, if the Legislature determines by a three-fifths vote of the members that a public need exists therefor, it may authorize the state to guarantee bonds issued by any municipality or county of the state for the construction and operation in Nebraska of plants and facilities for the production, storage, and distribution of agricultural ethyl alcohol and related by-products. The Legislature shall provide by law for an excise or other appropriate tax on the products that may be utilized in the production of agricultural ethyl alcohol, as determined by the Legislature. The revenue raised by such tax shall be used for the purpose of guaranteeing bonds issued for the construction and operation of such plants; and provided further; that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase or otherwise acquire, extend, add to, remodel, repair, furnish and equip dormitories, residence halls, single or multiple dwelling units or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified and validated. Bonds for new construction shall be first approved as the Legislature shall provide.”

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the

Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“Constitutional amendment to permit the Legislature to authorize the state to guarantee bonds issued by any municipality or county of the state for the construction and operation of agricultural ethyl alcohol plants and facilities in Nebraska, and to provide for a tax on products that may be utilized.

For

Against”

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’”

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 26:

|            |          |          |          |        |
|------------|----------|----------|----------|--------|
| Burrows    | Goodrich | Labeledz | Nichol   | Wagner |
| Carsten    | Haberman | Lamb     | Rumery   | Wesely |
| Clark      | Hefner   | Landis   | Schmit   |        |
| Cope       | Kahle    | Maresh   | Sieck    |        |
| Fitzgerald | Koch     | Marvel   | Stoney   |        |
| George     | Kremer   | Merz     | Venditte |        |

Voting in the negative, 19:

|            |          |         |          |         |
|------------|----------|---------|----------|---------|
| Barrett    | Dworak   | Kelly   | Newell   | Simon   |
| Chambers   | Fowler   | Kennedy | Pirsch   | Vickers |
| Chronister | Hoagland | Marsh   | Powers   | Warner  |
| DeCamp     | Johnson  | Murphy  | Reutzell |         |

Present and not voting, 1:

Beutler

Excused and not voting, 3:

|        |      |       |
|--------|------|-------|
| Cullan | Keys | Lewis |
|--------|------|-------|

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass for the general election.

**LEGISLATIVE BILL 673.** With Emergency.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1980, to June 30, 1981; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Merz    | Stoney   |
| Beutler    | Fitzgerald | Kennedy  | Murphy  | Venditte |
| Burrows    | Fowler     | Kremer   | Newell  | Vickers  |
| Carsten    | Goodrich   | Labeledz | Nichol  | Wagner   |
| Chambers   | Haberman   | Lamb     | Pirsch  | Warner   |
| Chronister | Hefner     | Landis   | Reutzel | Wesely   |
| Clark      | Hoagland   | Maresh   | Rumery  |          |
| Cope       | Johnson    | Marsh    | Sieck   |          |
| DeCamp     | Kahle      | Marvel   | Simon   |          |

Voting in the negative, 2:

George      Koch

Present and not voting, 2:

Powers      Schmit

Excused and not voting, 3:

Cullan      Keyes      Lewis

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 674.** With Emergency.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1981; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kahle    | Marsh   | Schmit   |
| Beutler    | Fitzgerald | Kelly    | Marvel  | Sieck    |
| Burrows    | Fowler     | Kennedy  | Merz    | Simon    |
| Carsten    | George     | Koch     | Murphy  | Stoney   |
| Chambers   | Goodrich   | Kremer   | Newell  | Venditte |
| Chronister | Haberman   | Labeledz | Nichol  | Vickers  |
| Clark      | Hefner     | Lamb     | Pirsch  | Wagner   |
| Cope       | Hoagland   | Landis   | Reutzel | Warner   |
| DeCamp     | Johnson    | Maresh   | Rumery  | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Powers

Excused and not voting, 3:

Cullan            Keyes            Lewis

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

**MOTION - Return LB 689 to Select File**

Mr. Murphy moved to return LB 689 to Select File for his specific amendment found in the Journal on page 1406.

The motion prevailed with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 689.** The Murphy specific amendment found in the Journal on page 1406 was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 724.**

A BILL FOR AN ACT to amend section 79-1429, Revised Statutes Supplement, 1978, relating to schools; to authorize a training program for fire fighting personnel; to provide duties; to provide for creation of an advisory committee; to provide membership; to abolish the Commission on Fire Fighting Personnel Standards and Education; to provide severability; and to repeal the original section, and also sections 35-701 and 35-703 to 35-709, Reissue Revised Statutes of Nebraska, 1943, and section 35-702, Revised Statutes Supplement, 1979.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kahle    | Marsh   | Schmit   |
| Beutler    | Fitzgerald | Kelly    | Marvel  | Sieck    |
| Burrows    | Fowler     | Kennedy  | Merz    | Simon    |
| Carsten    | George     | Koch     | Newell  | Stoney   |
| Chambers   | Goodrich   | Kremer   | Nichol  | Venditte |
| Chronister | Haberman   | Labeledz | Pirsch  | Vickers  |
| Clark      | Hefner     | Lamb     | Powers  | Wagner   |
| Cope       | Hoagland   | Landis   | Reutzel | Warner   |
| DeCamp     | Johnson    | Maresh   | Rumery  | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Excused and not voting, 3:

Cullan            Keyes            Lewis

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

**LEGISLATIVE BILL 785. With Emergency.**

A BILL FOR AN ACT to amend sections 39-6,132, 39-6,180.01, and 39-6,185, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,179, Revised Statutes Supplement, 1979, relating to rules of the road; to permit an exception; to provide for shifting of load; to permit partial use of a weight table; 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, 41:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Kennedy  | Merz    | Simon    |
| Burrows    | George   | Koch     | Murphy  | Stoney   |
| Carsten    | Goodrich | Kremer   | Newell  | Venditte |
| Chronister | Haberman | Labeledz | Nichol  | Vickers  |
| Clark      | Hefner   | Lamb     | Powers  | Warner   |
| Cope       | Hoagland | Landis   | Reutzel |          |
| DeCamp     | Johnson  | Maresh   | Rumery  |          |
| Dworak     | Kahle    | Marsh    | Schmit  |          |
| Fitzgerald | Kelly    | Marvel   | Sieck   |          |

Voting in the negative, 2:

Pirsch            Wesely

Present and not voting, 3:

Beutler            Chambers            Wagner

Excused and not voting, 3:

Cullan            Keyes            Lewis

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 821.**

A BILL FOR AN ACT to amend section 39-614, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to provide for left turns in certain situations as prescribed; 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, 44:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kelly    | Merz    | Sieck    |
| Beutler    | Fowler     | Kennedy  | Murphy  | Simon    |
| Burrows    | George     | Kremer   | Newell  | Stoney   |
| Carsten    | Goodrich   | Labeledz | Nichol  | Venditte |
| Chambers   | Haberman   | Lamb     | Pirsch  | Vickers  |
| Chronister | Hefner     | Landis   | Powers  | Wagner   |
| Clark      | Hoagland   | Maresh   | Reutzel | Warner   |
| Cope       | Johnson    | Marsh    | Rumery  | Wesely   |
| Dworak     | Kahle      | Marvel   | Schmit  |          |

Voting in the negative, 0.

Present and not voting, 2:

DeCamp Koch

Excused and not voting, 3:

Cullan Keyes Lewis

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

**LEGISLATIVE BILL 835. With Emergency.**

A BILL FOR AN ACT to amend sections 81-173, 81-174, 81-176, 81-177, 81-180, 81-185, 81-186, 81-189, and 81-191, Revised Statutes Supplement, 1978, and section 81-178, Revised Statutes Supplement, 1979, relating to building maintenance; to redefine a term; to provide for a program of deferred maintenance of state buildings; to defer expiration 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:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Dworak     | Kahle   | Marvel  | Schmit   |
| Beutler    | Fitzgerald | Kelly   | Merz    | Sieck    |
| Burrows    | Fowler     | Kennedy | Murphy  | Simon    |
| Carsten    | George     | Koch    | Newell  | Stoney   |
| Chambers   | Goodrich   | Kremer  | Nichol  | Venditte |
| Chronister | Haberman   | Lamb    | Pirsch  | Vickers  |
| Clark      | Hefner     | Landis  | Powers  | Wagner   |
| Cope       | Hoagland   | Maresh  | Reutzel | Warner   |
| DeCamp     | Johnson    | Marsh   | Rumery  | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 3:

Cullan            Keyes            Lewis

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 855.**

A BILL FOR AN ACT to amend sections 43-662 and 43-666, Reissue Revised Statutes of Nebraska, 1943, relating to the care and education of handicapped children; to change provisions relating to the special education appeal procedure; and to repeal the original sections, and also section 43-663, Reissue Revised Statutes of Nebraska, 1943.

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:

|         |            |        |            |          |
|---------|------------|--------|------------|----------|
| Barrett | Chambers   | Cope   | Fitzgerald | Goodrich |
| Beutler | Chronister | DeCamp | Fowler     | Haberman |
| Carsten | Clark      | Dworak | George     | Hefner   |

|          |        |        |         |          |
|----------|--------|--------|---------|----------|
| Hoagland | Kremer | Marsh  | Pirsch  | Stoney   |
| Johnson  | Labedz | Marvel | Reutzel | Venditte |
| Kahle    | Lamb   | Merz   | Rumery  | Wagner   |
| Kelly    | Landis | Newell | Schmit  | Warner   |
| Koch     | Maresh | Nichol | Sieck   | Wesely   |

Voting in the negative, 0.

Present and not voting, 6:

|         |        |         |
|---------|--------|---------|
| Burrows | Murphy | Simon   |
| Kennedy | Powers | Vickers |

Excused and not voting, 3:

|        |       |       |
|--------|-------|-------|
| Cullan | Keyes | Lewis |
|--------|-------|-------|

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

#### **LEGISLATIVE BILL 896.**

A BILL FOR AN ACT to amend section 3-157, Revised Statutes Supplement, 1978, relating to the Department of Aeronautics; to change provisions relating to the rental of property held by such department as prescribed; and to repeal the original section.

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

Voting in the affirmative, 45:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Dworak     | Kahle   | Marsh   | Rumery   |
| Beutler    | Fitzgerald | Kelly   | Marvel  | Schmit   |
| Burrows    | Fowler     | Kennedy | Merz    | Sieck    |
| Carsten    | George     | Koch    | Murphy  | Simon    |
| Chambers   | Goodrich   | Kremer  | Newell  | Stoney   |
| Chronister | Haberman   | Labedz  | Nichol  | Venditte |
| Clark      | Hefner     | Lamb    | Pirsch  | Vickers  |
| Cope       | Hoagland   | Landis  | Powers  | Wagner   |
| DeCamp     | Johnson    | Maresh  | Reutzel | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 3:

Cullan            Keyes            Lewis

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

**LEGISLATIVE BILL 909.**

A BILL FOR AN ACT to amend sections 12-509, 12-512.03, and 12-516, Reissue Revised Statutes of Nebraska, 1943, relating to cemetery associations; to change provisions on investment of funds as prescribed; to change bonding requirements; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Merz    | Sieck    |
| Burrows    | Fowler     | Koch     | Murphy  | Simon    |
| Carsten    | George     | Kremer   | Newell  | Stoney   |
| Chambers   | Goodrich   | Labeledz | Nichol  | Venditte |
| Chronister | Haberman   | Lamb     | Pirsch  | Vickers  |
| Clark      | Hefner     | Landis   | Powers  | Wagner   |
| Cope       | Johnson    | Maresh   | Reutzel | Warner   |
| DeCamp     | Kahle      | Marsh    | Rumery  | Wesely   |
| Dworak     | Kelly      | Marvel   | Schmit  |          |

Voting in the negative, 1:

Beutler

Present and not voting, 1:

Hoagland

Excused and not voting, 3:

Cullan            Keyes            Lewis

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

**LEGISLATIVE BILL 853.** Laid over at the request of Mr. Goodrich.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 24, 1980, at 9:57 a.m., were the following bills: 304, 440, 662, 680, 730, 782, 808, 862, 874, 885, 887, and 915.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Mr. Beutler asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

1. On page 3, line 8 strike the second "the" and insert "~~the~~ each"; in line 21 after the second "the" insert "two" and strike "year" and insert "years"; in line 22 reinstate "first"; in line 26 reinstate "budgets" and strike "the budget"; and in line 27 reinstate "years" and strike "year".
2. On page 4 line 17 after "the" insert "two", strike "year" and insert "years", and reinstate "first".
3. On page 5, line 11 after "the" insert "two" and strike "year" and insert "years".

Messrs. Carsten and Merz asked unanimous consent to be excused for a short time. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 995.** E & R amendment found in the Journal on page 1296 for the Forty-Fifth Day was adopted.

Mr. Warner offered the following Appropriations Committee amendment:

1. PURPOSE: To amend LB 995 as amended by E & R amendment (see Journal, page 1269).

AMENDMENT:

On page 39, in line 25, strike "805,895" and insert "805,894".

On page 40, in line 2, strike "1,114,307" and insert "1,114,306".

2. **PURPOSE:** To increase the Board of Barber Examiners' personal service limit.

**AMENDMENT:**

On page 9, in line 1, add new section to read as follows:

"Sec. 7. That Laws 1979, LB 586, section 12, be amended to read as follows:

Section 12. Agency No. 45 — Board of Barber Examiners.

Program No. 080 — Enforcement of Standards - barbering.

Cash Fund 48,171

Program Total 48,171

Total expenditures for permanent and temporary salaries and per diems shall not exceed ~~30,891~~ 31,081, which shall be the basis for 1980-81 continuation funding."

Renumber remaining sections.

3. **PURPOSE:** To provide additional expenditure authority for the Task Force for Building Renewal to reflect the receipt of insurance funds obtained on a project previously funded by the Task Force.

**AMENDMENT:**

Add a new section as follows:

"To assist in carrying out the provisions of Laws 1977, LB 309. There is hereby \$18,950 from the State Building Fund to the Building Renewal Allocation Fund for the fiscal year ending June 30, 1980, which fund is hereby appropriated to Agency No. 65 — Department of Administrative Services for Program 940, for the fiscal year ending June 30, 1980. Control of such funds shall remain with the Governor in accordance with Sections 81-173 to 81-191."

Renumber remaining sections.

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

Mr. Kelly withdrew his pending amendment found in the Journal on page 1400.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 996.** Mr. Warner offered the following Appropriations Committee amendment:

1. **PURPOSE:** To insure amounts appropriated in LB 847A and section 11 of LB 996 to fund the State Board of Nursing are identical, to avoid appropriation discrepancies if the Board is merged with the Department of Health.

**AMENDMENT:**

On page 8, after line 9, insert:

“The unexpended appropriation to this program and the unexpended personal service limitation shall lapse on the effective date of Legislative Bill 847A, Eighty-Sixth Legislature, Second Session, 1980, if Legislative Bill 847A becomes law.

2. **PURPOSE:** To revise the appropriation in LB 958A for the State Board of Examiners of Psychologists to be consistent with the appropriation in LB 996.

**AMENDMENT:**

Insert the following new section, and renumber the remaining sections accordingly.

“Sec. 32. That Laws 1980, LB 958A, be amended to read as follows:

Section 1. There is hereby appropriated eleven thousand ~~nine~~ seven hundred ~~ninety-three~~ forty-eight dollars from the Psychologists Licensing Cash Fund for the period July 1, 1980, to June 30, 1981, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 958, Eighty-Sixth Legislature, Second Session, 1980.

Section 2. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this act shall not exceed four thousand ~~four~~ eight hundred ~~sixty-eight~~ twelve dollars.

Section 3. The unexpended appropriation to Agency No. 76 - State Board of Examiners of Psychologists, Program No. 087 in Sec. 19 of LB 996, Eighty-Sixth Legislature, Second Session, 1980, is hereby lapsed.”

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 997.** Mr. Warner offered the following Appropriations Committee amendment:

1. **PURPOSE:** To provide \$700 Cash Funds to the Secretary of State for Program 53 - Enforcement of Standards-Collection Agencies in order to meet additional workload costs associated with compliance with the Fair Debt Practices Act recently enacted by the U. S. Congress.

**AMENDMENT:**

On page 8, in lines 11 and 12, strike “7,728” and insert “8,428”; and on page 9, in line 7, strike “7,728” and insert “8,428”, in line 9, strike “885,199” and insert “885,899”.

2. **PURPOSE:** To adjust general fund appropriation and personal services limitations for Agency 6 — District Courts.

**AMENDMENT:**

On page 6, in line 15, strike "111,183" and insert "112,663"; in line 17, strike "122,183" and insert "123,663"; in line 19, strike "\$57,876" and insert "\$59,208"; in lines 23 and 24, strike "2,221,252" and insert "2,263,365"; and in line 26, strike "\$1,861,054" and insert "\$1,903,246".

On page 7, in line 3, strike "2,396,935" and insert "2,440,528"; in line 5, strike "2,413,935" and insert "2,462,528".

3. **PURPOSE:** To adjust general fund appropriation and personal services limitation for Agency 05 — Supreme Court - Program 396 - County Court System, and to provide \$6,000 for expenses for the Commission on Uniform State Laws.

**AMENDMENT:**

On page 5, in line 3, strike "800,950" and insert "806,950"; in line 5, strike "878,975" and insert "884,975"; in line 16, strike "4,845,915" and insert "4,915,246"; in line 18, strike "4,895,915" and insert "4,965,246"; in line 20, strike "4,340,488" and insert "4,403,449"; and after line 8, insert:

"There is included in the appropriation to this program \$6,000 for the expenses for the Commission on Uniform State Laws."

On page 6, in line 3, strike "7,059,208" and insert "7,134,539"; in line 5, strike "7,187,233" and insert "7,262,564".

The amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 998.** Mr. Warner offered the following Appropriations Committee amendment:

1. **PURPOSE:** Technical amendment to adjust program cash appropriation figure to agree with agency total figures.

**AMENDMENT:**

On page 28, line 27, strike "89,993" and insert "89,933". On page 29, line 1, strike "89,993" and insert "89,933".

2. **PURPOSE:** To provide for General Fund reappropriation in Department of Motor Vehicles, Highway Safety budget program due to reduction in 1980-81 request that was based on such reappropriation.

**AMENDMENT:**

On page 21, after line 13, insert: "The unexpended General Fund balance existing on June 30, 1980, is hereby reappropriated."

3. **PURPOSE:** To provide \$17,900 General Funds for salary increases in the Department of Education which were omitted in the original computation and \$24,220 General Funds at the Nebraska Diagnostic

Resource Center for which cash funds were included but expenses were not included in the appropriation.

AMENDMENT:

On page 3, in line 15, strike "764,742" and insert "772,016"; in line 19, strike "1,393,821" and insert "1,401,095"; in line 21, strike "778,796" and insert "786,070".

On page 4, in line 23, strike "538,998" and insert "563,218"; in line 26, strike "1,240,951" and insert "1,265,171".

On page 6, in line 15, strike "1,480,454" and insert "1,483,535"; in line 18, strike "1,850,463" and insert "1,853,544"; in line 20, strike "1,380,189" and insert "1,383,270".

On page 7, in line 6, strike "647,831" and "655,376"; in line 9, strike "2,183,028" and insert "2,190,573"; in line 11, strike "1,393,545" and insert "1,401,090".

On page 8, in line 15, strike "7,194,184" and insert "7,236,304"; in line 19, strike "15,934,861" and insert "15,976,981".

4. PURPOSE: To adjust General Fund appropriation between Adult Male Services and Community Services and to increase cash fund appropriation.

AMENDMENT:

On page 39, in line 20, strike "1,457,781" and insert "1,514,139"; in line 22, strike "1,936,205" and insert "1,992,563"; in line 27, strike "14,605,934" and insert "14,549,576".

On page 40, in line 1, strike "155,000" and insert "165,000"; in line 3, strike "14,982,793" and insert "14,936,435"; in line 11, strike "6,914,676" and insert "6,868,318"; in line 13, strike "7,059,676" and insert "7,013,318"; in line 16, strike "3,930,085" and insert "3,980,086"; in line 19, strike "4,112,334" and insert "4,162,335"; in line 22, strike "3,711,172" and insert "3,701,172" in line 23, strike "5,000" and insert "15,000".

On page 42, in line 3, strike "727,252" and insert "737,252"; in line 6, strike "28,009,011" and insert "28,019,011".

5. PURPOSE: To transfer \$160,000 general funds and \$420,000 federal funds from the Natural Resources Commission to the Department of Environmental Control to reflect the Governor's re-designation of the Department of Environmental Control as the agency responsible for water quality planning and implementation.

AMENDMENT:

On page 48, in line 17, strike "1,094,049" and insert "934,049"; in line 19, strike "596,500" and insert "176,500"; in line 20, strike "1,749,049" and insert "1,169,049"; in line 22, strike "764,943" and insert "704,943"; in line 26, strike "1,819,665" and insert "1,659,665".

On page 49, in line 1, strike "596,500" and insert "176,500"; in line 2, strike "2,474,665" and insert "1,894,665".

On page 60, in line 13, strike "524,298" and insert "684,298"; in line 15, strike "1,397,093" and insert "1,817,093"; in line 16, strike "2,298,391" and insert "2,878,391"; in line 18, strike "1,481,237" and insert "1,554,520".

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Sieck and Maresh offered the following amendment:

- 1 1. On page 49, line 27 strike "5,802,083"
- 2 and insert "6,261,683".
- 3 2. On page 50, line 2 strike "5,814,083"
- 4 and insert "6,273,683"; and in line 4 strike "2,001,943"
- 5 and insert "2,461,543".
- 6 3. On page 51, line 11 strike "15,110,560"
- 7 and insert "15,570,160"; and in line 14 strike "15,523,500"
- 8 and insert "15,983,100".

#### **MR. CLARK PRESIDING**

The amendment lost with 15 ayes, 18 nays, 13 present and not voting, and 3 excused and not voting.

#### **SPEAKER MARVEL PRESIDING**

Mr. Dworak asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Simon offered the following amendment:

Purpose: The purpose of this amendment is to transfer \$50,000 general funds from Agency 26 — Department of Welfare; Program No. 341 — Administration of Public Assistance to Agency 20 — Department of Health; Program No. 621 — Health and Medical Care Administration for a study to evaluate the performance and regulation of nursing homes using the criteria specified in Legislative Resolution 293 of 1980.

1. on page 17, in line 7, strike "777,684" and insert "827,684"; in line 10, strike "2,254,731" and insert "2,304,731"; in line 16, strike "2,767,123" and insert "2,817,123"; and in line 19, strike "8,406,641" and insert "8,456,641".

2. on page 17, after line 13, add the following:

"There is included in the appropriation to this program \$50,000 general funds to be used for a study to evaluate the performance and regulation of nursing homes using criteria specified in Legislative

Resolution 293 introduced in the Eighty-sixth Legislature, Second Session”.

3. on page 25, in line 9, strike “4,576,310” and insert “4,526,310”; in line 11, strike “12,708,572” and insert “12,658,572”; on page 26, in line 22, strike “7,993,094” and insert “7,943,094”; and on page 26, in line 25, strike “16,373,261” and insert “16,323,261”.

Mr. Simon moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Simon requested a roll call vote on his amendment.

Voting in the affirmative, 20:

|          |            |          |         |          |
|----------|------------|----------|---------|----------|
| Beutler  | Fitzgerald | Labeledz | Merz    | Sieck    |
| Burrows  | Johnson    | Lamb     | Powers  | Simon    |
| Chambers | Kahle      | Landis   | Reutzel | Venditte |
| DeCamp   | Koch       | Maresh   | Schmit  | Wesely   |

Voting in the negative, 21:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Barrett    | Fowler   | Kremer | Pirsch  | Warner |
| Carsten    | Haberman | Marsh  | Rumery  |        |
| Chronister | Hoagland | Marvel | Stoney  |        |
| Clark      | Kelly    | Murphy | Vickers |        |
| Cope       | Kennedy  | Nichol | Wagner  |        |

Present and not voting, 3:

|        |        |        |
|--------|--------|--------|
| George | Hefner | Newell |
|--------|--------|--------|

Excused and not voting, 4:

|        |        |       |       |
|--------|--------|-------|-------|
| Cullan | Dworak | Keyes | Lewis |
|--------|--------|-------|-------|

Absent and not voting, 1:

Goodrich

The Simon amendment lost with 20 ayes, 21 nays, 3 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner offered the following amendment:

- 1 1. On page 49, line 27 strike "5,802,083"
- 2 and insert "6,031,883".
- 3 2. On page 50, line 2 strike "5,814,083"
- 4 and insert "6,043,883"; and in line 4 strike "2,001,943"
- 5 and insert "2,231,743".
- 6 3. On page 51, line 11 strike "15,110,560"
- 7 and insert "15,340,360"; and in line 14 strike
- 8 "15,523,500" and insert "15,753,300".

Mr. Rumery moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|          |        |        |        |          |
|----------|--------|--------|--------|----------|
| Clark    | Hefner | Maresh | Powers | Venditte |
| George   | Kahle  | Merz   | Schmit | Wagner   |
| Goodrich | Kremer | Murphy | Sieck  | Wesely   |
| Haberman | Lamb   | Nichol | Simon  |          |

Voting in the negative, 25:

|          |            |          |        |         |
|----------|------------|----------|--------|---------|
| Barrett  | Chronister | Fowler   | Koch   | Reutzel |
| Beutler  | Cope       | Hoagland | Landis | Rumery  |
| Burrows  | DeCamp     | Johnson  | Marsh  | Stoney  |
| Carsten  | Dworak     | Kelly    | Marvel | Vickers |
| Chambers | Fitzgerald | Kennedy  | Newell | Warner  |

Present and not voting, 1:

Pirsch

Excused and not voting, 4:

|        |       |          |       |
|--------|-------|----------|-------|
| Cullan | Keyes | Labeledz | Lewis |
|--------|-------|----------|-------|

The Hefner amendment lost with 19 ayes, 25 nays, 1 present and not voting, and 4 excused and not voting.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Burrows asked unanimous consent to print the following amendment to LB 995 in the Journal. No objections. So ordered.

On page 40, in line 13, after "portion" insert the following:  
“, provided that an amount not to exceed \$2,000 from State funds shall be utilized to assist any one individual or corporation”

Mr. Landis asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

- 1 1. On page 3, line 5 after "77-1221," insert
- 2 "77-27,143 to 77-27,148,"; in line 6 strike "section"
- 3 and insert "sections" and after "77-1124" insert "and
- 4 77-27,142.01 to 77-27,142.05"; and in line 7 strike
- 5 "section" and insert "sections" and after "23-408"
- 6 insert "and 77-27,142". (Repeals Local Option Sales
- 7 Tax).

Mr. Johnson asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

Amend LB 741 (Final Reading Copy) by inserting after "39-912," in line 3, page 3 the following: "39-6,191," (Repeal the Guest Statute)

Mr. Fowler asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

On page 3, line 6 of the Final Reading copy, after the last comma insert "and sections 81-1534 to 81-1566,".

**VISITORS**

Visitors to the Chamber were 128 high school students and sponsor from Nebraska Farm Bureau Federation; John McDowell from McCook; and 52 ninth grade students and 5 adults from Aurora Junior High School, Aurora.

**RECESS**

At 12:00 noon, on a motion by Mr. Kelly, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:43 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Mrs. Labeledz, Messrs. Cullan, Keyes, Lewis, and Newell who were excused until they arrive.

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 916, 923, 925, 936, 673, 674, 724, 785, 821, 835, 855, 896, and 909.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 916, 923, 925, 936, 673, 674, 724, 785, 821, 835, 855, 896, and 909.

**EXPLANATION OF VOTE**

Had I been present on March 12 and March 13th, I would have voted Aye on the following Legislative Bills: 693, 94E, 655, 958, 958A, and 793.

(Signed) Carol M. Pirsch

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 324.**

Introduced by Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Lamb, 43rd District; Merz, 1st District; Haberman, 44th District; Barrett, 39th District; Schmit, 23rd District.

**PURPOSE:**

The purpose of this resolution is to study the flood control and prevention programs in and around the Omaha metropolitan area.

Although studies have been conducted relating to urban growth, none have focused on the problems facing Omaha with flood control.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

### **LEGISLATIVE RESOLUTION 325.**

Introduced by Education Committee: Koch, 12th District, Chairman.

#### **PURPOSE:**

The criteria for tenure in Class IV and V schools is different from that in Class I, II, III, and VI schools. The question of determining fair criteria for tenure in all Classes, and in all state post-secondary educational institutions, needs study and consideration. Areas which need study in relation to secondary and elementary teachers include: the number of probationary years a teacher should have before he/she is granted tenure; the definition of just cause and other terms in relation to termination; the procedure of notification of termination including written notices, time deadlines for notification, hearings, etc.; a mandatory retirement age; indefinite and continuing contracts; professional growth requirements; the role of school boards; the differences between part time employees, elementary teachers, secondary teachers, specialized teachers, administrators, superintendents; and the effect of Schultz V. School District of Dorchester 222 N.W. 2d 578 and other relevant Supreme Court cases.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**LEGISLATIVE RESOLUTION 326.**

Introduced by Education Committee: Koch, 12th District, Chairman.

**PURPOSE:**

Due to Nebraska's inequitable treatment of parents, of pupils, and of school districts relative to financial aid for and provision of school transportation, there is a direct need to study these problems and correct inequities. Concern must also be given to the total structure of state aid to education.

Such inequities can be found between those parents of multi-handicapped children who are reimbursed 100 percent for travel while those of the single-handicapped receive 12 cents a mile. Questionable situations arise when school districts are reimbursed 100 percent of special education pupil transportation costs but only fractionally or not at all for regular pupils. Several statutes pertaining to transportation are unclear as well as inconsistent with present treatment of pupils. Also, state aid for regular pupil transportation was denied to all but 147 school districts in 1977-78 due to its position in equalization section of the state aid formula.

Laws are also unclear concerning whether the government or parents are "ultimately responsible" for providing transportation for special education pupils except in the case of a pupil in the State's schools for the deaf or visually impaired. In comparison to national statistics, Nebraska school districts provide for about one-half the percent of pupil transportation at public expense nationally; in comparison to its six adjoining states, Nebraska has the most stringent distance requirements for state aid, transported the lowest percentage of pupils, and provided the lowest ratio of state aid for transportation.

When the State's role in funding aid for transportation to local districts is viewed separately from the total aid program for education, it is clearly inequitable. A study of inequities within the system of school transportation and a reevaluation of present laws, is the purpose of this resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That a 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.

**SELECT FILE**

**LEGISLATIVE BILL 998.** Mr. Schmit offered the following amendment:

1. On page 42, line 10 strike "3,818,256" and insert "3,105,974"; on line 11 strike "30,000" and insert "34,427" and on line 12 strike "3,848,256" and insert "3,140,401".

2. On page 42, strike lines 23 to 27 and on page 43, strike lines 1 to 7.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 13 nays, and 17 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 22:

|            |          |        |        |        |
|------------|----------|--------|--------|--------|
| Chronister | Haberman | Kremer | Murphy | Simon  |
| Clark      | Hefner   | Lamb   | Nichol | Wagner |
| DeCamp     | Johnson  | Maresh | Pirsch |        |
| Fitzgerald | Kahle    | Marvel | Schmit |        |
| George     | Kennedy  | Merz   | Sieck  |        |

Voting in the negative, 21:

|          |          |         |          |        |
|----------|----------|---------|----------|--------|
| Barrett  | Cope     | Landis  | Rumery   | Wesely |
| Beutler  | Dworak   | Marsh   | Stoney   |        |
| Burrows  | Fowler   | Newell  | Venditte |        |
| Carsten  | Hoagland | Powers  | Vickers  |        |
| Chambers | Koch     | Reutzel | Warner   |        |

Present and not voting, 3:

|          |       |          |
|----------|-------|----------|
| Goodrich | Kelly | Labeledz |
|----------|-------|----------|

Excused and not voting, 3:

Cullan            Keyes            Lewis

The Schmit amendment lost with 22 ayes, 21 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Nichol asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Beutler offered the following amendment:

1. On page 42, line 10 strike "3,818,256" and insert "3,618,256"; on line 11 strike "30,000" and insert "34,427" and on line 12 strike "3,848,256" and insert "3,652,683".

2. On page 42, strike lines 23 to 27 and on page 43, strike lines 1 to 7.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 22:

|            |          |        |          |         |
|------------|----------|--------|----------|---------|
| Beutler    | Haberman | Lamb   | Pirsch   | Vickers |
| Burrows    | Hefner   | Maresh | Schmit   | Wagner  |
| Clark      | Kahle    | Marvel | Sieck    |         |
| Fitzgerald | Kennedy  | Merz   | Simon    |         |
| George     | Kremer   | Murphy | Venditte |         |

Voting in the negative, 21:

|          |          |          |         |        |
|----------|----------|----------|---------|--------|
| Barrett  | Fowler   | Koch     | Powers  | Wesely |
| Carsten  | Goodrich | Labeledz | Reutzel |        |
| Chambers | Hoagland | Landis   | Rumery  |        |
| Cope     | Johnson  | Marsh    | Stoney  |        |
| Dworak   | Kelly    | Newell   | Warner  |        |

Present and not voting, 2:

Chronister DeCamp

Excused and not voting, 4:

Cullan Keyes Lewis Nichol

The Beutler amendment lost with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendment:

- 1 1. Insert a new section as follows:
- 2 "Sec. 60. No agency shall expend more than
- 3 ninety-five per cent of its General Fund appropriation
- 4 under this act and each agency shall take whatever action
- 5 is necessary to comply with this section, including the
- 6 reduction of programs and the number of employees."
- 7 2. Renumber remaining sections accordingly.

#### **MR. CLARK PRESIDING**

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

#### **SPEAKER MARVEL PRESIDING**

The DeCamp amendment lost with 21 ayes, 20 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

#### **MESSAGE FROM THE GOVERNOR**

March 24, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 82, 660, 672, 672A, 769, 771, 774, 798, 884, 893, and 903.

These bills were signed by me on March 24, 1980 and delivered to the Secretary of State.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

### UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

1 1. On page 3, line 14, strike "57,647,000"  
2 and insert "132,647,000"; in line 16 strike "71,227,000"  
3 and insert "146,227,000"; in lines 18, 20, and 25 strike  
4 "\$55,000,000" and insert "\$130,000,000"; in line 24  
5 after the period insert "Of the funds appropriated, the  
6 first sixty per cent shall be allocated pursuant to  
7 section 79-1334, then funds shall be allocated to meet  
8 the requirements of section 79-1340, and the remainder  
9 of the appropriated funds shall be allocated under section  
10 79-1339."

Mr. Lamb asked unanimous consent to print the following amendment to LB 765 in the Journal. No objections. So ordered.

(Final Reading Copy Second)

1 1. Strike section 2.  
2 2. On page 2, line 4 strike beginning with  
3 "Effective" through "the", show the old matter as  
4 stricken, and insert "The"; in line 6 strike "one hundred  
5 per cent of" and show the old matter as stricken; in  
6 line 10 after the period insert "Commencing on September  
7 1, 1979, the grants shall be one hundred per cent of  
8 the costs of such programs and shall continue to be one  
9 hundred per cent as long as the funding for such grants  
10 comes from federal funds, if the federal funding is  
11 inadequate at any time to pay one hundred per cent of  
12 the costs of such programs the amount of the grant  
13 provided by the department shall be ninety per cent of  
14 such costs.".  
15 3. On page 3 strike beginning with "and" in  
16 line 13 through "are" in line 14 and insert "is".  
17 4. Renumber original sections 3 and 4 as sections  
18 2 and 3 respectively.  
19 5. In the title strike beginning with "and"

20 in line 3 through line 4; strike beginning with "to"  
 21 in line 8 through the first semicolon in line 10; and  
 22 in line 10 strike "sections" and insert "section".

Mr. Lamb asked unanimous consent to print the following amendment to LB 486 in the Journal. No objections. So ordered.

(Amendments to White Copy Request 2168)

Req. #2282

3 1. On page 5, line 20 strike "which has been  
 4 appropriated as foundation" and insert "in the fund which  
 5 was not specifically appropriated for equalization or  
 6 incentive".

7 2. On page 7 strike the new matter in lines 10  
 8 through 13; and in line 19 strike "balance of such fund"  
 9 and insert "twenty million dollars appropriated to such  
 10 fund for equalization".

11 3. On page 10, line 25 strike "foundation"; show  
 12 as stricken, and insert "equalization"; and in line 27  
 13 after "79-1340" insert ", except that if funds  
 14 appropriated pursuant to section 79-1332 are inadequate  
 15 to totally fund such aid, payments shall be made on a  
 16 proportionate basis".

17 4. Insert new sections as follows:

18 "Sec. 2. That section 79-1332, Reissue Revised  
 19 Statutes of Nebraska, 1943, be amended to read as  
 20 follows:

21 79-1332. There is hereby established in the  
 22 state treasury a special fund to be known as the School  
 23 Foundation and Equalization Fund. Such fund shall  
 24 consist of such sums as the Legislature may appropriate,  
 25 and shall be administered by the State Board of  
 1 Education. Of the sums appropriated twenty million  
 2 dollars shall be utilized for equalization aid pursuant  
 3 to section 79-1336, three million six hundred thousand  
 4 dollars shall be utilized for incentive aid pursuant to  
 5 section 79-1340, Reissue Revised Statutes of Nebraska,  
 6 1943, and the balance of such sum shall be utilized for  
 7 foundation aid pursuant to section 79-1334. Any money in  
 8 the School Foundation and Equalization Fund available for  
 9 investment shall be invested by the state investment  
 10 officer pursuant to the provisions of sections 72-1237 to  
 11 72-1259.

12 Sec. 9. That section 79-1340, Reissue Revised  
 13 Statutes of Nebraska, 1943, be amended to read as  
 14 follows:

15 79-1340. Each district shall receive the  
 16 following additional incentive payments from the School  
 17 Foundation and Equalization Fund:

18 (1) Three hundred fifty dollars for each

19 certificated instructor holding a doctorate degree;  
 20 (2) Two hundred fifty dollars for each  
 21 certificated instructor having completed an approved  
 22 six-year college program, or holding a master's degree or  
 23 the equivalent;  
 24 (3) One hundred fifty dollars for each  
 25 certificated instructor holding a bachelor's degree; and  
 26 (4) Twenty cents per student hour for each  
 27 student participating in a summer school program.

1 If the sum appropriated for incentive aid is  
 2 sufficient to provide for funding at the rate set forth  
 3 in this section each district shall receive a  
 4 proportionate share of the sum it would otherwise  
 5 receive.

6 Sec. 10. That section 79-1342, Reissue Revised  
 7 Statutes of Nebraska, 1943, be amended to read as  
 8 follows:

9 79-1342. If money available in the School  
 10 Foundation and Equalization Fund for any aid program is,  
 11 at any particular time, inadequate to pay districts the  
 12 total amount due under such aid program pursuant to  
 13 sections 79-1330 to 79-1344, the State Board of Education  
 14 shall apportion money available among the qualifying  
 15 districts; Provided, the sum granted each district under  
 16 such aid program shall represent a proportionate  
 17 reduction from the sum that it would otherwise receive."

18 5. On page 11, line 1 after the comma insert  
 19 "79-1332,"; in line 2 after "79-1338," insert "79-1340,  
 20 79-1342,"; and in line 6 after "247," insert "and also  
 21 section 79-1343, Revised Statutes Supplement, 1978,".

Mr. Haberman asked unanimous consent to print the following  
 amendments to LB 954 in the Journal. No objections. So ordered.

WHITE COPY REQ 2233

(1)

1 1. On page 30, in line 11 strike "one year"  
 2 and insert "two years".

(2)

1 1. On page 30 in lines 13 and 14 strike "no  
 2 compensation but" and insert "thirty-five dollars per  
 3 diem and".

(3)

1 1. On page 36, in line 24 strike "sixty"  
 2 and insert "ninety"; and in line 27 strike "thirty"  
 3 and insert "sixty".

(4)

1 1. On page 38, in line 4 strike "and belief".

(5)

1 1. On page 39, in line 12 strike "he or she"  
 2 and insert "the director"; in line 13 strike "order the  
 3 owner to"; and in line 14 after the period insert "Such  
 4 actions shall be brought against the original or prime  
 5 contractor, owner, architect, or engineer.".

(6)

1 1. On page 42, in line 3 strike "five" and  
 2 insert "ten".

Mr. Chambers asked unanimous consent to print the following amendments to LB 741 in the Journal. No objections. So ordered.

(1)

1 1. On page 3, line 6 strike "section" and insert  
 2 "sections", and after "74-1124," insert "77-202.30, and  
 3 77-202.36 to 77-202.43,".

(2)

1 1. On page 3, line 6 strike "section" and  
 2 insert "sections 28-303 and".

Mr. Kelly asked unanimous consent to print the following amendment to LB 993 in the Journal. No objections. So ordered.

Req. #2264

2 1. Insert the following new section:  
 3 "Sec. 3. There is hereby appropriated from the  
 4 General Fund sixty-five thousand dollars to be paid to  
 5 the Hall County District Court, which shall establish a  
 6 fund for Joseph Soukup. The Director of Administrative  
 7 Services is hereby authorized and directed to draw a  
 8 warrant on or before June 30, 1981, upon the General Fund  
 9 in favor of the Hall County District Court. The amount  
 10 appropriated pursuant to this section shall be in full of  
 11 any and all claims of every character and kind owing by  
 12 the State of Nebraska to the beneficiary in whose favor  
 13 such appropriation is made. The Hall County District  
 14 Court shall appoint a conservator for Joseph Soukup to  
 15 supervise the rehabilitation of Mr. Soukup and provide  
 16 educational and vocational training and training in  
 17 social skills. Funds received pursuant to this section  
 18 shall be held in trust by the court and are to be  
 19 controlled and distributed by the district county court  
 20 judge to (1) supplement payments Mr. Soukup receives  
 21 from welfare or any other source and (2) pay excess costs

22 and expenses of rehabilitation not provided by other  
23 sources. Any money left in the fund established by the  
24 court after December 31, 1986, shall be returned to the  
25 General Fund.''.  
1

2. Renumber original section 2 as section 3.

## RESOLUTION

### LEGISLATIVE RESOLUTION 327.

Introduced by Nichol, 48th District; Pirsch, 10th District.

WHEREAS, the Rock and Roll Jamboree is a legally registered charitable activity conducted nation-wide which benefits the American Heart Association's battle against heart disease; and

WHEREAS, individual Nebraska nursing homes are organizing local Rock and Roll Jamborees during the first week of February through the end of March, in which residents will rock in rocking chairs for specified time periods and will roll in wheelchairs for specified distances for pledges made in the community and all money raised by Nebraska nursing homes will be turned over to the Nebraska Affiliate of the American Heart Association to further develop research and education programs on heart disease; and

WHEREAS, the Nebraska Health Care Association and its members sponsor this exciting and worthwhile program, with the cooperation of the Nebraska Affiliate of the American Heart Association, and encourage member and non-member nursing home facilities to participate in the 1980 Rock and Roll Jamborees; and

WHEREAS, seventy Nebraska Health Care Association member nursing homes conducted Rock and Roll Jamborees during 1979, raising over thirty thousand dollars for the heart association. The Nebraska Health Care Association's goal for 1980 is to raise over thirty-five thousand dollars for the heart association, and over ninety-five nursing homes registered as participants for the 1980 Rock and Roll Jamborees as of February 7, 1980.

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

1. That the Legislature extends its commendations and congratulations to the residents and staffs of the Nebraska nursing homes, the Nebraska Health Care Association, and the Nebraska Affiliate of the American Heart Association for their past success with the Rock and Roll Jamboree program, and also extends its best wishes to these groups for their success with the 1980 jamboree program.

2. That the Legislature encourages the support and participation by the citizens of this state in such a worthwhile program which has and will continue to help in the fight against heart disease and help to brighten the lives of this state's elderly and convalescent.

3. That the Clerk of the Legislature send a copy of this resolution to the Nebraska Health Care Association and the Nebraska affiliate of the American Heart Association. Laid over.

### **UNANIMOUS CONSENT - Withdraw Name**

Mr. DeCamp asked unanimous consent to withdraw his name from LR 226. No objections. So ordered.

### **SPEAKER'S ORDER**

The following bills have been scheduled for SPECIAL ORDER by subject:

REVENUE: Wednesday, March 26, 1980

LB 691

LB 882

LB 647

LB 608

ENERGY: Thursday, March 27, 1980

LB 954

WATER: Monday, March 31, 1980

LB 643

(Signed) Richard D. Marvel, Speaker

### **SELECT COMMITTEE REPORTS**

#### **Enrollment and Review**

#### **Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 743.

#### **Correctly Engrossed**

The following bills were correctly engrossed: 592, 633, 649, 789, 789A, and 873.

(Signed) Don Wesely, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 24, 1980 at 3:42 p.m., were the following bills: 909, 896, 855, 835, 821, 785, 724, 674, 673, 936, 925, 923, and 916.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Mr. Burrows asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

On page 19 after line 11 insert:

"There is included in the appropriation for Central Administration Services \$100,000 General Funds for the individual members of the Board of Regents to employ personal research staff. Such funds shall be made available to individual members of the Board at their request."

Mr. Warner asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

(White Copy Request 2094)

Req. #2281

- 3 1. On page 1, in line 8, strike "percentage"; in
- 4 line 9, strike "of the dealer's cost"; and in line 13
- 5 after the underscored period insert "Such tax shall be
- 6 paid on the total gallonage prior to adjustment for any
- 7 shrinkage allowance."
- 8 2. On page 2 strike lines 5 through 27.
- 9 3. On page 3 strike lines 1 through 5; in line
- 10 10 strike "percentage"; in line 11 strike "of the special
- 11 fuel importer's cost"; and in line 15 after the
- 12 underscored period insert "Such tax shall be paid on the
- 13 total gallonage prior to adjustment for any shrinkage
- 14 allowance."
- 15 4. On page 4, line 9, strike "section 66-409 and
- 16 section 14" and insert "section 10" in line 10 after
- 17 "cost" insert "by dividing the total amount paid for
- 18 motor vehicle fuels and special fuels by the State of
- 19 Nebraska, excluding any state and federal taxes, by the
- 20 total number of gallons of motor vehicle fuels and
- 21 special fuels purchased during the reporting period.";
- 22 strike lines 11 through 21; in line 22 strike "costs" and
- 23 insert "cost"; in line 24 strike "each"; in line 26 after
- 24 "act" insert an underscored period; and strike beginning
- 25 with the underscored comma in line 26 through line 27.
- 1 5. On page 5, line 4, strike "dealers"; in lines

2 9 and 10 strike "in subsection (2) of" and insert  
 3 "pursuant to"; in line 18 strike "section 66-409 and  
 4 section 14" and insert "section 10"; and strike beginning  
 5 with "wholesale" in line 19 through "fuels" in line 20  
 6 and insert "statewide average cost".

7 6. On page 7, line 20, strike "balance" and  
 8 insert "cash and investment balances"; in lines 23 and 24  
 9 strike "all sources for such fiscal year and shall" and  
 10 insert "each source which provides at least one million  
 11 dollars annually to such fund. The board shall then";  
 12 and in line 26 after the underscored period insert "Such  
 13 rate shall be set in increments of one-tenth of one per  
 14 cent.".

15 7. On page 8, strike beginning with "of" in line  
 16 2 through line 3 and insert "of the statewide average  
 17 cost."; and in line 11 after "Fund" insert ", under the  
 18 provisions of Chapter 66, articles 4 and 6,".

19 8. Strike original section 6.

20 9. On page 11, line 18, strike "or", show as  
 21 stricken, and after "66-605," insert "or section 1 or 2  
 22 of this act,".

23 10. Strike original sections 10, 12, 13, 14, 15,  
 24 16, and 17.

25 11. Insert a new section as follows:

26 "Sec. 10. (1) The materiel administrator of the  
 27 Department of Administrative Services shall on or before  
 28 the tenth day of each calendar month submit to the Tax  
 29 Commissioner a report providing the total cost and number  
 30 of gallons of motor vehicle fuels and special fuels  
 31 purchased by the State of Nebraska during the preceding  
 32 month. In providing such information to the Tax  
 33 Commissioner the materiel administrator shall total only  
 34 those purchases which were fifty or more gallons and  
 35 shall separately identify the amount of any state or  
 36 federal tax which was included in the price paid."

37 (2) The Tax Commissioner shall provide any  
 38 assistance the materiel administrator may need in  
 39 performing his or her duties under this section."

40 12. On page 21, strike beginning with "the" on  
 41 line 14 through line 16 and insert "October 1, 1980."; in  
 42 line 17 strike "66-409,"; and in line 18 strike the first  
 43 comma and insert "and", and strike "and 66-602,".

44 13. Renumber original sections 7, 8, 9, 11, 18,  
 45 19, and 20 as sections 6, 7, 8, 9, 11, 12, and 13  
 46 respectively.

**VISITORS**

Visitors to the Chamber were Mr. and Mrs. Duane Fleischman, Julie and Daren, Palmyra; Don Eret, Dorchester; and 15 students and teacher from Nebraska Wesleyan University, Lincoln.

**ADJOURNMENT**

Mr. Reutzel moved to adjourn. The motion prevailed with 18 ayes, 17 nays, and 14 not voting, and at 3:50 p.m., on a motion by Mr. Reutzel, the Legislature adjourned until 9:00 a.m., Tuesday, March 25, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**FORTY-NINTH DAY - MARCH 25, 1980**  
**LEGISLATIVE JOURNAL**

**FORTY-NINTH DAY - MARCH 25, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 25, 1980

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Almighty Father, may the members of this assembly never be overly oppressed by some bill of theirs that may be defeated, or unduly optimistic because other legislation is going their way. Give them the ground of courage to take defeat and victory as part of their office and to have spiritual and mental resilience to overcome depression and be willing to launch forth into new and needed areas. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Cullan, Koch, Lewis, Newell, Schmit, Wagner, and Wesely who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Forty-Eighth Day was approved.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 691A.** By Revenue Committee: Carsten, 2nd District, Chairman.

This bill introduced on behalf of: LB 691.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 691, Eighty-sixth Legislature, Second Session, 1980; and to repeal section 5, Legislative Bill 1002, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 211.** Read. Considered.

LR 211 was adopted with 30 ayes, 0 nays, and 19 not voting.

**UNANIMOUS CONSENT - Withdraw Amendment on LB 605**

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1433 to LB 605. No objections. So ordered.

**MOTION - Return LB 605 to Select File**

Mr. DeCamp moved to return LB 605 to Select File for the following specific amendment:

(Final Reading Copy)

- 1 1. On page 2, line 14 after the first comma
- 2 insert "nor any member or representative of a labor organ-
- 3 ization while acting in or during a legitimate labor acti-
- 4 vity,"; and in line 17 after the period insert "For purposes
- 5 of this section labor organization shall mean any organi-
- 6 zation, or any agency or employee representation commission
- 7 or plan, in which employees participate and which exists
- 8 for the purpose in whole or in part, of dealing with employ-
- 9 ers concerning grievances, labor disputes, wages, rates of
- 10 pay, hours of employment, or conditions of work."

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The DeCamp motion prevailed with 28 ayes, 15 nays, 1 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 605.** The DeCamp specific amendment found in this day's Journal was adopted with 26 ayes, 16 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Simon requested a machine vote to advance LB 605.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Advanced to E & R for Re-Engrossment with 25 ayes, 20 nays, and 4 excused and not voting.

### MR. CLARK PRESIDING

#### MOTION - Return LB 605 to Select File

Mr. Burrows moved to return LB 605 to Select File for the following specific amendment:

##### FINAL READING COPY

1       1. On page 2, line 14 after the comma insert  
 2 "nor any member or representative of a farm organization  
 3 while acting in or during a legitimate farm organization  
 4 activity,"; and in line 17 after the period insert "For  
 5 purposes of this section farm organization shall mean  
 6 any organization in which farmers participate and which  
 7 exists for the purpose in whole or in part, of dealing  
 8 with federal, state, and local governmental regulation  
 9 of farming activities, marketing of agricultural products,  
 10 the price received for agricultural products, technological  
 11 advances in farming operations, or other agricultural  
 12 related issues."

Mr. Reutzel 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 Burrows motion prevailed with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 605.** The Burrows specific amendment found in this day's Journal was renewed.

Laid over temporarily.

### SPEAKER MARVEL PRESIDING

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 717.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-310, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1736 to 18-1741 and 60-311.14, Revised Statutes Supplement, 1979; to change provisions for parking for handicapped or disabled persons; to define a term; to provide for designated parking spaces as prescribed; to authorize additional applications; to prescribe the permit form; to provide a fee; to provide for suspension of the permit; to eliminate a provision for rules and regulations; to provide for duplicate permits; to provide an option for registration of certain motor vehicles; and to repeal the original sections, and also section 18-1742, Revised Statutes Supplement, 1979.

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:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Dworak     | Kahle    | Maresh | Reutzel  |
| Beutler    | Fitzgerald | Kelly    | Marsh  | Rumery   |
| Burrows    | Fowler     | Kennedy  | Marvel | Sieck    |
| Carsten    | George     | Keyes    | Merz   | Simon    |
| Chambers   | Goodrich   | Koch     | Murphy | Stoney   |
| Chronister | Haberman   | Kremer   | Newell | Venditte |
| Clark      | Hefner     | Labeledz | Nichol | Vickers  |
| Cope       | Hoagland   | Lamb     | Pirsch | Warner   |
| DeCamp     | Johnson    | Landis   | Powers | Wesely   |

Voting in the negative, 0.

Excused and not voting, 4:

|        |       |        |        |
|--------|-------|--------|--------|
| Cullan | Lewis | Schmit | Wagner |
|--------|-------|--------|--------|

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

**LEGISLATIVE BILL 794. With Emergency.**

A BILL FOR AN ACT to amend sections 83-108.02, 83-108.03, and 83-905, Reissue Revised Statutes of Nebraska, 1943, and section 83-173, Revised Statutes Supplement, 1979, relating to the Department of Correctional Services; to change the duties of the director; to change provisions relating to prisoner classification; to substitute a term; to harmonize provisions; to provide for the issuance of warrants as prescribed; to provide duties for the Revisor of Statutes; 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:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Dworak     | Kahle    | Maresh | Reutzel  |
| Beutler    | Fitzgerald | Kelly    | Marsh  | Rumery   |
| Burrows    | Fowler     | Kennedy  | Marvel | Sieck    |
| Carsten    | George     | Keyes    | Merz   | Simon    |
| Chambers   | Goodrich   | Koch     | Murphy | Stoney   |
| Chronister | Haberman   | Kremer   | Newell | Venditte |
| Clark      | Hefner     | Labeledz | Nichol | Vickers  |
| Cope       | Hoagland   | Lamb     | Pirsch | Warner   |
| DeCamp     | Johnson    | Landis   | Powers | Wesely   |

Voting in the negative, 0.

Excused and not voting, 4:

|        |       |        |        |
|--------|-------|--------|--------|
| Cullan | Lewis | Schmit | Wagner |
|--------|-------|--------|--------|

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 908.**

A BILL FOR AN ACT relating to irrigation; to define terms; and to provide for ground water reuse pits as prescribed.

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:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Dworak     | Kahle    | Maresh | Reutzell |
| Beutler    | Fitzgerald | Kelly    | Marsh  | Rumery   |
| Burrows    | Fowler     | Kennedy  | Marvel | Sieck    |
| Carsten    | George     | Keyes    | Merz   | Simon    |
| Chambers   | Goodrich   | Koch     | Murphy | Stoney   |
| Chronister | Haberman   | Kremer   | Newell | Venditte |
| Clark      | Hefner     | Labeledz | Nichol | Vickers  |
| Cope       | Hoagland   | Lamb     | Pirsch | Warner   |
| DeCamp     | Johnson    | Landis   | Powers | Wesely   |

Voting in the negative, 0.

Excused and not voting, 4:

|        |       |        |        |
|--------|-------|--------|--------|
| Cullan | Lewis | Schmit | Wagner |
|--------|-------|--------|--------|

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

**LEGISLATIVE BILL 924.** Laid over at the request of Mr. Keyes.

**LEGISLATIVE BILL 945.**

A BILL FOR AN ACT relating to real estate; to adopt the Nebraska Time-Share Act; to provide severability; and to provide an operative date.

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

Voting in the affirmative, 42:

|            |            |          |          |          |
|------------|------------|----------|----------|----------|
| Barrett    | Fitzgerald | Kelly    | Marsh    | Simon    |
| Beutler    | Fowler     | Kennedy  | Merz     | Stoney   |
| Burrows    | George     | Keyes    | Newell   | Venditte |
| Carsten    | Goodrich   | Koch     | Nichol   | Vickers  |
| Chronister | Haberman   | Kremer   | Pirsch   | Warner   |
| Clark      | Hefner     | Labeledz | Powers   | Wesely   |
| Cope       | Hoagland   | Lamb     | Reutzell |          |
| DeCamp     | Johnson    | Landis   | Rumery   |          |
| Dworak     | Kahle      | Maresh   | Sieck    |          |

Voting in the negative, 2:

Marvel          Murphy

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Cullan          Lewis          Schmit          Wagner

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

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Withdraw LB 605**

Mr. Haberman moved to withdraw LB 605.

Mr. Haberman moved to suspend the rules to consider the motion today.

The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

The motion to withdraw LB 605 prevailed with 34 ayes, 4 nays, and 11 not voting.

**MR. CLARK PRESIDING**

**MOTION - Return LB 905 to Select File**

Mr. Johnson moved to return LB 905 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Venditte asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER MARVEL PRESIDING**

Mr. Johnson withdrew his motion.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 905.**

A BILL FOR AN ACT to amend section 77-907, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to exempt certain premiums from taxation as prescribed; 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, 29:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Barrett    | George   | Kennedy  | Maresh  | Rumery  |
| Beutler    | Goodrich | Koch     | Marsh   | Sieck   |
| Chronister | Haberman | Kremer   | Marvel  | Stoney  |
| Clark      | Hefner   | Labeledz | Nichol  | Vickers |
| Cope       | Kahle    | Lamb     | Powers  | Warner  |
| DeCamp     | Kelly    | Landis   | Reutzel |         |

Voting in the negative, 13:

|          |          |        |        |        |
|----------|----------|--------|--------|--------|
| Burrows  | Fowler   | Keyes  | Newell | Wesely |
| Carsten  | Hoagland | Merz   | Pirsch |        |
| Chambers | Johnson  | Murphy | Simon  |        |

Present and not voting, 1:

Fitzgerald

Excused and not voting, 6:

|        |        |          |
|--------|--------|----------|
| Cullan | Lewis  | Venditte |
| Dworak | Schmit | Wagner   |

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

**UNANIMOUS CONSENT - Print in Journal**

Mr. Nichol asked unanimous consent to print the following amendment to LB 882 in the Journal. No objections. So ordered.

- 1 1. Insert the following new section:
- 2 "Sec. 7. (1) Commencing January 1, 1981, all
- 3 persons required by sections 77-1201, Revised Statutes
- 4 Supplement, 1979, and 77-1229, Reissue Revised Statutes
- 5 of Nebraska, 1943, to list personal tangible property

6 subject to taxation shall be allowed an exemption for  
 7 all earthmoving equipment used primarily for agricultural  
 8 and soil conservation purposes. The Department of Revenue  
 9 shall prepare and provide any forms necessary to claim  
 10 such exemption. Such exemptions shall be applied for on  
 11 a yearly basis by the taxpayer.

12 Any person seeking an exemption under this  
 13 section shall apply to the county assessor by January  
 14 1. The county assessor shall examine the application  
 15 and recommend either taxable or exempt status for the  
 16 equipment, to the county board of equalization by February  
 17 1. The county board of equalization shall have the  
 18 authority to grant the exemption under this section.

19 (2) The provisions and penalties of section  
 20 77-1232, Revised Statutes Supplement, 1978, shall be  
 21 applicable to this section.”.

22 2. Renumber original sections 7 to 9, as  
 23 as sections 8 to 10, respectively.

Mr. George asked unanimous consent to print the following amendment to LB 882 in the Journal. No objections. So ordered.

1 1. Insert the following new sections:  
 2 “Sec. 7. There is hereby imposed a sales and  
 3 use tax of one per cent upon the same transactions on  
 4 which a tax is imposed under the Nebraska Revenue Act  
 5 of 1967, as amended. The revenue generated from such  
 6 sales and use tax shall be used to finance education  
 7 and is intended to relieve some of the burden placed  
 8 upon property by ad valorem taxes.  
 9 Sec. 8. The revenue generated under section  
 10 7 of this act shall be deposited in the School Foundation  
 11 and Equalization Fund.  
 12 Sec. 9. Sections 7 to 11 of this act are and  
 13 shall be construed to be independent from the Nebraska  
 14 Revenue Act of 1967, except that the provisions of such  
 15 act shall govern the administration, enforcement, and  
 16 collection of the tax imposed by section 7 of this act.  
 17 Sec. 10. The Tax Commissioner shall adopt  
 18 and promulgate rules and regulations, prescribe forms,  
 19 and perform all duties necessary to carry out the pro-  
 20 visions of sections 7 to 10 of this act.  
 21 Sec. 11. Sections 7 to 11 of this act shall  
 22 become operative on July 1, 1980, the other sections of  
 23 this act shall become operative on their effective date.”.  
 24 2. Renumber remaining sections accordingly.

Mr. George asked unanimous consent to print the following amendment to LB 691 in the Journal. No objections. So ordered.

(Amendments to White Copy Req. 2227)

- 1 1. Insert the following new sections:  
 2 "Sec. 16. There is hereby imposed a sales and  
 3 use tax of one per cent upon the same transactions on  
 4 which a tax is imposed under the Nebraska Revenue Act  
 5 of 1967, as amended. The revenue generated from such  
 6 sales and use tax shall be used to finance education  
 7 and is intended to relieve some of the burden placed  
 8 upon property by ad valorem taxes.  
 9 Sec. 17. The revenue generated under section  
 10 16 of this act shall be deposited in the School Foundation  
 11 and Equalization Fund.  
 12 Sec. 18. Sections 16 to 20 of this act are and  
 13 shall be construed to be independent from the Nebraska  
 14 Revenue Act of 1967, except that the provisions of such  
 15 act shall govern the administration, enforcement, and  
 16 collection of the tax imposed by section 16 of this act.  
 17 Sec. 19. The Tax Commissioner shall adopt  
 18 and promulgate rules and regulations, prescribe forms,  
 19 and perform all duties necessary to carry out the pro-  
 20 visions of sections 16 to 19 of this act.  
 21 Sec. 20. Sections 16 to 20 of this act shall  
 22 become operative on July 1, 1980, the other sections of  
 23 this act shall become operative on their effective date."  
 24 2. Renumber remaining sections accordingly.

**MOTION - Reconsider Action on LB 637**

Mr. DeCamp moved to reconsider action on LB 637 on Final Reading.

Motion pending.

**EXPLANATION OF VOTE**

Had I been present on March 19, 20, 21 and 24 I would have voted the following:

March 19  
 LB 733 yes

March 20 - yes on the following bills:  
 82, 616, 660, 672, 672A, 725, 769, 770, 771, 774, 798, 884, 903, and 966.

March 20 - no on the following bills:  
 646, 842, and 893.

March 21 - yes on the following bills:

440, 662, 680, 730, 782, 808, 862, 874, 885, and 887.

March 21 - no on the following bills:  
304 and 915.

March 24 - yes on the following bills:  
915, 923, 925, 936, 673E, 674, 724, 785, 821, 835E, 855, 896, and 909.

March 24 - no on the following bill:  
637

(Signed) Orval Keyes

### RESOLUTIONS

#### LEGISLATIVE RESOLUTION 328.

Introduced by Haberman, 44th District.

WHEREAS, difficult budget decisions are necessary in these inflationary times, and when budgets are cut, worthwhile activities are often curtailed; and

WHEREAS, such a difficult decision was recently made by the Board of Trustees of the Nebraska State Colleges who trimmed the Wayne State College budget, resulting in that college dropping six intercollegiate sports from its athletic program for next fall; and

WHEREAS, similar budget cuts in the schools and other public institutions of the state may be inevitable as inflation accelerates.

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

1. That the members of the Legislature commend the Board of Trustees of the Nebraska State Colleges for facing the difficult decision of evaluating a state college's budget and taking the necessary action.

2. That the members of the Legislature acknowledge that the decision made for Wayne State College was a difficult, and probably an unpopular one, but one which other schools and public institutions in this state may soon be facing.

3. That the Clerk of the Legislature send a copy of this resolution to the Board of Trustees.

Laid over.

#### LEGISLATIVE RESOLUTION 329.

Introduced by Burrows, 30th District.

WHEREAS, high interest rates typically result in increased income disparities; and

WHEREAS, high interest rates force extreme hardships upon businesses such as home builders, farmers, contractors, manufacturers, shippers, energy producers, and major processors, which require massive capital expenditures for efficiency and quality advancements; and

WHEREAS, high interest rates force extreme hardships upon consumers, add to the costs incurred by American businesses which are passed on to the American consumers, and cause the inflationary spiral to accelerate; and

WHEREAS, historically high interest rates have hastened major recessions and depressions.

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

1. That the Legislature encourages the President, Congress, and Federal Reserve Board of the United States to do all within their power to lower the rate of interest charged by any and all lending institutions.

2. That the members of the Legislature urge that the President, Congress, and Federal Reserve Board of the United States deal with the problem of inflation through means other than artificial increases in interest rates.

3. That the Legislature urges every other appropriate level of government do all within its power to support the President, Congress, and the Federal Reserve Board of the United States in the efforts to dampen the inflationary spiral through means other than artificial increases in interest rates.

Laid over.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 211.

Mr. Merz asked unanimous consent to be excused until he returns. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 999.** E & R amendments found in the Journal on page 1296 for the Forty-Fifth Day were adopted.

Mr. Warner offered the following Appropriations Committee amendment:

1. **PURPOSE:** Adjusts permanent salary base to reflect current levels of staffing in Central Administration. No additional funds are required.

**AMENDMENT:**

On page 19, in line 15, strike "\$862,133" and insert "\$896,357".

2. **PURPOSE:** To provide second year funding for the four-year biomass research project created by Laws 1978, LB 965, Section 10, funding which was not requested by the University of Nebraska in the 1980-81 budget request.

**AMENDMENT:**

On page 20, in lines 11 and 12, strike "69,510,702" and insert "69,560,702". On page 19, in line 25, strike "132,610,208" and insert "132,644,686".

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Burrows withdrew his pending amendment found in the Journal on page 1483.

Mr. Kahle offered the following amendment:

1 1. On page 19, line 25 strike "\$132,610,208"

2 and insert "\$132,698,208".

3 2. On page 20, lines 11 and 12 strike "69,510,702"

4 and insert "69,610,702"; and in lines 20 and 21 strike

5 "21,234,054" and insert "21,334,054".

The amendment lost with 11 ayes, 16 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment:

On page 21, lines 11 and 12, strike "19,630,231"

and insert "19,622,731"; and strike lines 16 - 18.

Purpose: this amendment eliminates the funding for a \$7,500 study in Paranormal Claims Research.

Amendment pending.

**VISITORS**

Visitors to the Chamber were 26 students and instructor from Deshler High School.

**RECESS**

At 11:59 a.m., on a motion by Mr. Kremer, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Mr. Wagner who was excused; and Mrs. Labeledz, Messrs. Cullan, Lewis, and Venditte who were excused until they arrive.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Newell asked unanimous consent to print the following amendment to LB 800 in the Journal. No objections. So ordered.

1. On page 8, line 10, strike "twenty-five dollars" and insert "one half of such benefit amount" and after the end of the sentence insert "In the event he or she has wages payable to him or her with respect to such week greater than one half of such benefit amount but less than his or her full weekly benefit amount, he or she shall be paid an amount equal to one half of such benefit amount." On line 13 strike "twenty-five dollars" and insert "an amount equal to one half of such benefit amount".

**RESOLUTION****LEGISLATIVE RESOLUTION 330.**

Introduced by Landis, 46th District.

WHEREAS, Laws 1979, LB 444, effective May 22, 1979, adopted provisions for mediation of industrial disputes between public employers, employees, and labor organizations in Nebraska so that to the greatest extent possible, industrial disputes can be resolved by voluntary agreement of the parties; and

WHEREAS, these provisions were implemented promptly with the provision of trained mediators by the Federal Mediation and Conciliation Service without cost to the State of Nebraska.

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

1. That the Legislature expresses its appreciation to the Federal Mediation and Conciliation Services, particularly the St. Louis and Omaha offices, for providing mediators for Nebraska public employment industrial disputes.

2. That the members of the Legislature encourage Nebraska public employers, employees, labor organizations, and the Commission of Industrial Relations to fully utilize the mediation procedures of LB 444 available to them for the settlement of industrial disputes.

Laid over.

#### SELECT FILE

**LEGISLATIVE BILL 999.** Mr. Schmit renewed his pending amendment found in this day's Journal.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Kelly requested a record vote on the Schmit amendment.

Mrs. Marsh requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 25:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Beutler    | George   | Kahle   | Maresh | Powers  |
| Burrows    | Goodrich | Kennedy | Marvel | Reutzel |
| Chronister | Haberman | Keyes   | Merz   | Schmit  |
| Clark      | Hefner   | Kremer  | Murphy | Sieck   |
| DeCamp     | Johnson  | Lamb    | Nichol | Simon   |

Voting in the negative, 16:

|         |            |        |         |
|---------|------------|--------|---------|
| Barrett | Fitzgerald | Koch   | Stoney  |
| Carsten | Fowler     | Landis | Vickers |
| Cope    | Hoagland   | Marsh  | Warner  |
| Dworak  | Kelly      | Rumery | Wesely  |

Present and not voting, 3:

Chambers      Newell      Pirsch

Excused and not voting, 5:

Cullan      Labeledz      Lewis      Venditte      Wagner

The Schmit amendment was adopted with 25 ayes, 16 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:

Page 20, line 11, strike: 69,510,702, insert: 68,510,702

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

|          |         |        |        |         |
|----------|---------|--------|--------|---------|
| Burrows  | Johnson | Merz   | Schmit | Vickers |
| Chambers | Maresh  | Murphy | Simon  |         |

Voting in the negative, 34:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | DeCamp     | Hefner   | Landis | Reutzel |
| Beutler    | Dworak     | Hoagland | Marsh  | Rumery  |
| Carsten    | Fitzgerald | Kahle    | Marvel | Sieck   |
| Chronister | Fowler     | Kennedy  | Newell | Stoney  |
| Clark      | George     | Koch     | Nichol | Warner  |
| Cope       | Goodrich   | Kremer   | Pirsch | Wesely  |
| Cullan     | Haberman   | Lamb     | Powers |         |

Present and not voting, 3:

Kelly      Keyes      Labeledz

Excused and not voting, 3:

Lewis      Venditte      Wagner

The Chambers amendment lost with 9 ayes, 34 nays, 3 present and not voting, and 3 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Johnson offered the following amendment:

On page 13, in line 22, strike "1,072,301" and insert "1,049,765"; strike "1,235,588" and insert "1,213,052".

On page 14, in line 11, strike "628,472" and insert "605,936"; strike "636,009" and insert "613,473".

On page 15, in line 5, strike "2,682,112" and insert; strike "3,992,119" and insert "3,969,583".

#### **MR. CLARK PRESIDING**

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 9 nays, and 16 not voting.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

#### **SPEAKER MARVEL PRESIDING**

Mr. Simon requested a record vote on the Johnson amendment.

Voting in the affirmative, 12:

|          |         |         |         |
|----------|---------|---------|---------|
| Beutler  | Johnson | Pirsch  | Simon   |
| Chambers | Lamb    | Reutzel | Vickers |
| George   | Murphy  | Schmit  | Wesely  |

Voting in the negative, 26:

|         |            |          |        |        |
|---------|------------|----------|--------|--------|
| Burrows | Fitzgerald | Kahle    | Marsh  | Stoney |
| Carsten | Fowler     | Kelly    | Merz   | Warner |
| Clark   | Goodrich   | Kremer   | Newell |        |
| Cope    | Haberman   | Labeledz | Powers |        |
| Cullan  | Hefner     | Landis   | Rumery |        |
| Dworak  | Hoagland   | Mareh    | Sieck  |        |

Present and not voting, 7:

Barrett      Kennedy      Koch      Nichol  
 Chronister   Keyes      Marvel

Excused and not voting, 4:

DeCamp      Lewis      Venditte      Wagner

The Johnson amendment lost with 12 ayes, 26 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 31 ayes, 5 nays, 10 present and not voting, and 3 excused and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 882A.** By Schmit, 23rd District; Lamb, 43rd District; Kahle, 37th District; Nichol, 48th District.  
 This bill introduced on behalf of: LB 882.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 882, Eighty-sixth Legislature, Second Session, 1980; to lapse an appropriation; and to declare an emergency.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Haberman asked unanimous consent to print the following amendment to LB 643 in the Journal. No objections. So ordered.

(Amendments to White Copy Request 2206)

- 1      1. On page 12, line 7 after "water" insert
- 2      "resulting from contamination by nitrates".
- 3      2. On page 17 strike lines 20 through 27.
- 4      3. On page 18 strike lines 1 through 12; strike
- 5      the new matter in lines 16 and 17; strike beginning with
- 6      "and" in line 23 through the underscored comma in line 24;
- 7      and strike the new matter in lines 26 and 27.
- 8      4. On page 19 strike the new matter in lines
- 9      1 and 2.

Mr. Chambers asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

- 1      1. On page 3, line 7, after "1978," insert
- 2      "subsection (2) of section 28-1409 and subdivision (2)
- 3      of section 28-1413, Revised Statutes Supplement, 1978,".

Mr. Goodrich asked unanimous consent to print the following amendment to LB 853 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1 1. Strike original section 15 and insert  
 2 the following:  
 3 "Sec. 15. After the effective date of this act,  
 4 no person shall establish within three thousand three  
 5 hundred feet of a residential area in a metropolitan  
 6 class city, (1) a new paunch manure plant or a new  
 7 rendering plant, unless any such plant is attached to  
 8 and an integral component in the operation of a live-  
 9 stock slaughtering facility, which is the source of the  
 10 renderable material, and such plant complies with applicable  
 11 municipal ordinances relating to the emission of objection-  
 12 able odors into the ambient air, (2) a new domestic  
 13 waste treatment works, (3) a new area where household  
 14 waste is disposed, or (4) a tannery. For purposes of  
 15 this section residential area shall mean an area desig-  
 16 nated as residential under the zoning authority of the  
 17 city."

Mr. Murphy asked unanimous consent to print the following amendment to LB 535 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2055.)

Mr. Newell asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

2 1. Strike the original sections and insert the  
 3 following new sections:  
 4 "Section 1. That section 77-3505, Revised  
 5 Statutes Supplement, 1979, be amended to read as follows:  
 6 77-3505. A qualified claimant shall mean an  
 7 owner of a homestead ~~during the calendar year for which~~  
 8 ~~the claim is made who shall be entitled to relief~~  
 9 pursuant to section 77-3507, (1) whose income is within  
 10 the limits prescribed by subsection (2) or (3) of section  
 11 77-3507, or (2) who is seventy-five years of age or over  
 12 during the calendar year for which the claim is made and  
 13 whose income is within the limits prescribed by  
 14 subsection (4), (5), or (6) of section 77-3507.  
 15 Sec. 2. That section 77-3507, Revised Statutes  
 16 Supplement, 1979, be amended to read as follows:  
 17 77-3507. (1) All homesteads in this state shall  
 18 be assessed for taxation the same as other property,  
 19 except that there shall be exempt from taxation a  
 20 percentage of the first ~~twenty-five~~ thirty-two thousand

21 dollars of the actual value of the homestead of qualified  
 22 claimants based on income and status as a claimant  
 23 pursuant to subsections (2) to (4) (6) of this section.

24 (2) For a single qualified claimant, ~~sixty-five~~  
 25 ~~years of age or older~~, the percentage of the exemption  
 1 for which the claimant shall be eligible shall be the  
 2 percentage in Column 3 which corresponds with the  
 3 claimant's income in Column A in the table found in this  
 4 subsection.

| 5 Column A   | Column B   |
|--|------------|
| 6 Household Income                                       | Percentage |
| 7 In Dollars   | of Relief  |
| 8 0 through <del>3,700</del> 4,300                       | 100        |
| 9 <del>3,701</del> 4,301 through <del>4,200</del> 4,800  | 80         |
| 10 <del>4,201</del> 4,801 through <del>4,700</del> 5,300 | 60         |
| 11 <del>4,701</del> 5,301 through <del>5,200</del> 5,800 | 40         |
| 12 <del>5,801</del> through 6,300                        | <u>20</u>  |

13 (3) For a married qualified claimant, ~~with one~~  
 14 ~~spouse sixty-five years of age or older~~, the percentage  
 15 of the exemption for which the claimant shall be eligible  
 16 shall be the percentage in Column B which corresponds  
 17 with the claimant's income in Column A in the table found  
 18 in this subsection.

| 19 Column A  | Column B   |
|--|------------|
| 20 Household Income                                      | Percentage |
| 21 In Dollars  | of Relief  |
| 22 0 through <del>5,450</del> 7,400                      | 100        |
| 23 <del>5,451</del> 7,401 through <del>5,950</del> 7,900 | 80         |
| 24 <del>5,951</del> 7,901 through <del>6,450</del> 8,400 | 60         |
| 25 <del>6,451</del> 8,401 through <del>6,950</del> 8,900 | 40         |
| 26 <del>8,901</del> through 9,400                        | <u>20</u>  |

1 (4) For a married qualified claimant with both  
 2 spouses ~~sixty-five years of age or older~~, the percentage  
 3 of the exemption for which the claimant shall be eligible  
 4 shall be the percentage in Column B which corresponds  
 5 with the claimant's income in Column A in the table found  
 6 in this subsection.

| 7 Column A                                   | Column B   |
|--|------------|
| 8 Household Income                           | Percentage |
| 9 In Dollars                                 | of Relief  |
| 10 0 through <del>6,200</del>                | 100        |
| 11 <del>6,201</del> through <del>6,700</del> | 80         |
| 12 <del>6,701</del> through <del>7,200</del> | 60         |
| 13 <del>7,201</del> through <del>7,700</del> | 40         |

14 (4) For a single qualified claimant seventy-five  
 15 years of age or older, the percentage of the exemption  
 16 for which the claimant shall be eligible shall be the  
 17 percentage in Column B which corresponds with the  
 18 claimant's income in Column A in the table found in this  
 19 subsection.

|    | <u>Column A</u>            | <u>Column B</u>   |
|----|----------------------------|-------------------|
|    | <u>Household Income</u>    | <u>Percentage</u> |
|    | <u>in Dollars</u>          | <u>of Relief</u>  |
| 20 | <u>0 through 5,300</u>     | <u>100</u>        |
| 21 | <u>5,301 through 5,800</u> | <u>80</u>         |
| 22 | <u>5,801 through 6,300</u> | <u>60</u>         |
| 23 | <u>6,301 through 6,800</u> | <u>40</u>         |
| 24 | <u>6,801 through 7,300</u> | <u>20</u>         |

25 (5) For a married qualified claimant with one  
 26 spouse seventy-five years of age or older, the percentage  
 27 of the exemption for which the claimant shall be eligible  
 28 shall be the percentage in Column B which corresponds  
 29 with the claimant's income in Column A in the table found  
 30 in this subsection.

|    | <u>Column A</u>            | <u>Column B</u>   |
|----|----------------------------|-------------------|
|    | <u>Household Income</u>    | <u>Percentage</u> |
|    | <u>in Dollars</u>          | <u>in Relief</u>  |
| 8  | <u>0 through 7,900</u>     | <u>100</u>        |
| 9  | <u>7,901 through 8,400</u> | <u>80</u>         |
| 10 | <u>8,401 through 8,900</u> | <u>60</u>         |
| 11 | <u>8,901 through 9,400</u> | <u>40</u>         |
| 12 | <u>9,401 through 9,900</u> | <u>20</u>         |

13 (6) For a married qualified claimant with both  
 14 spouses seventy-five years of age or older, the  
 15 percentage of the exemption for which the claimant shall  
 16 be eligible shall be the percentage in Column B which  
 17 corresponds with the claimant's income in Column A in the  
 18 table found in this subsection.

|    | <u>Column A</u>             | <u>Column B</u>   |
|----|-----------------------------|-------------------|
|    | <u>Household Income</u>     | <u>Percentage</u> |
|    | <u>in Dollars</u>           | <u>of Relief</u>  |
| 22 | <u>0 through 8,400</u>      | <u>100</u>        |
| 23 | <u>8,401 through 8,900</u>  | <u>80</u>         |
| 24 | <u>8,901 through 9,400</u>  | <u>60</u>         |
| 25 | <u>9,401 through 9,900</u>  | <u>40</u>         |
| 26 | <u>9,901 through 10,400</u> | <u>20</u>         |

27 Sec. 3. That section 77-3508, Revised Statutes  
 28 Supplement, 1979, be amended to read as follows:  
 29 77-3508. All homesteads in this state shall be  
 30 assessed for taxation the same as other property, except  
 31 that there shall be exempt from taxation the first  
 32 ~~twenty-five~~ thirty-two thousand dollars of the actual value of  
 33 any homestead of (1) veterans who are totally disabled by  
 34 a nonmilitary accident or illness, (2) individuals who  
 35 are paralyzed in both legs such as to preclude locomotion  
 36 without the aid of braces, crutches, canes, or  
 37 wheelchairs, (3) individuals who have undergone multiple  
 38 amputation of both lower extremities such as to preclude  
 39 locomotion without the aid of braces, crutches, canes,  
 40 wheelchairs, or artificial limbs, and (4) individuals

18 with progressive neuromuscular or neurological disease  
 19 such as to preclude locomotion without the aid of braces,  
 20 crutches, canes, wheelchairs, or artificial limbs.  
 21 Application for such exemption shall include the sworn  
 22 statement of a qualified medical physician or  
 23 certification from a Veterans Administration ~~Hospital~~  
 24 affirming that the homeowner is totally disabled.

25 Sec. 4. That section 77-3512, Revised Statutes  
 26 Supplement, 1979, be amended to read as follows:

1 77-3512. It shall be the duty of each owner who  
 2 applies for the homestead exemption provided in sections  
 3 77-3506 to 77-3509, to file an application therefor with  
 4 the county assessor of the county in which the real  
 5 estate is located on or before June 15, 1980, and on or  
 6 before April 1 of each year thereafter, and failure to do  
 7 so shall constitute a waiver of the exemption for that  
 8 year.

9 Sec. 5. That section 77-3513, Revised Statutes  
 10 Supplement, 1979, be amended to read as follows:

11 77-3513. (1) If an owner is granted a homestead  
 12 exemption as provided in section 77-3506 to 77-3509 or  
 13 subdivision (2), (3), or (4) of section 77-3508, the  
 14 homestead exemption as to such property shall remain in  
 15 full force and effect for each succeeding year without  
 16 reapplication, if the owner is in all respects entitled  
 17 to the exemption granted under the provisions of sections  
 18 77-3501 to 77-3523. Once a qualified claimant has filed  
 19 an application for homestead exemption and the exemption  
 20 has been granted for that year, no reapplication need be  
 21 filed for succeeding years, in which case the county  
 22 assessor and Tax Commissioner shall determine whether the  
 23 claimant shall qualify for the homestead exemption in  
 24 such succeeding years as otherwise provided in sections  
 25 77-3501 to 77-3523 as though a claim were made.

26 (2) It shall be the duty of each claimant who  
 1 wants the homestead exemption provided in subdivision (1)  
 2 of section 77-3508 to file an application therefor with  
 3 the county assessor on or before June 15, 1980, and on or  
 4 before April 1 of each year thereafter, and failure to do  
 5 so shall constitute a waiver of the exemption for such  
 6 year.

7 Sec. 6. That section 77-3516, Revised Statutes  
 Supplement, 1979, be amended to read as follows:

8 77-3516. The county assessor shall examine each  
 9 application for homestead exemption filed with him or her  
 10 for an exemption pursuant to section 77-3506, 77-3508, or  
 11 77-3509 and shall determine whether or not such  
 12 application should be approved or rejected and, if  
 13 approved, determine the amount of the exemption. If the  
 14 application is approved, the county assessor shall mark

15 the same approved and show thereon the amount of  
16 exemption allowed and make the proper deduction upon the  
17 assessment rolls. In case he or she finds that the  
18 exemption should not be allowed by reason of not being in  
19 conformity to law, the county assessor shall mark the  
20 application rejected and state thereon the reason for  
21 such rejection. In any case when the county assessor  
22 disallows or reduces an application for exemption, he or  
23 she shall notify the applicant of such action by mailing  
24 written notice to the applicant at the address shown in  
25 the application, which notice shall be mailed not later  
26 than the second Monday in July for 1980, and not later  
27 than the fourth Monday in April of each year thereafter  
1 and shall be on forms prescribed by the Tax Commissioner.  
2 All applications for exemption, showing thereon the  
3 action of the county assessor, shall be delivered to the  
4 county board of equalization on or before the second  
5 Monday in July for 1980, and not later than the fourth  
6 Monday of April of each year thereafter.

7 Sec. 7. That section 77-3517, Revised Statutes  
8 Supplement, 1979, be amended to read as follows:  
9 77-3517. The county assessor shall examine all  
10 applications for an exemption pursuant to section 77-3507  
11 to determine, except for the income test, if the  
12 application should be approved or rejected. On or before  
13 the first Monday in July, 1980, and on or before the  
14 third Monday in April of each year thereafter the county  
15 assessor shall forward the application to the Tax  
16 Commissioner who shall determine from the records of the  
17 Department of Revenue whether or not the applicant meets  
18 the required income standards. The Tax Commissioner  
19 shall, on or before August 15, certify his or her  
20 determinations to the county assessor. If the county  
21 assessor's and Tax Commissioner's determination is that  
22 the application should be accepted, then the county  
23 assessor shall process the application in the same manner  
24 as an approved application under section 77-3516. If the  
25 Tax Commissioner's determination is that the application  
26 does not meet the required income test or if the county  
27 assessor finds that the exemption should not be allowed  
1 or should be reduced, the county assessor shall proceed  
2 as in the case of a rejected or reduced application under  
3 section 77-3516.

4 Sec. 8. That section 77-3524, Revised Statutes  
5 Supplement, 1979, be amended to read as follows:  
6 77-3524. The Department of Revenue shall  
7 maintain statistics to demonstrate the number of  
8 claimants and the amount of relief granted for each  
9 category of homestead exemption. The categories shall  
10 include, but not be limited to, single claimants over

11 ~~sixty-five~~ seventy-five years of age, married claimant  
 12 with one spouse over ~~sixty-five~~ seventy-five years of  
 13 age, married claimant with both spouses over ~~sixty-five~~  
 14 seventy-five years of age, ~~for conventional homes and for~~  
 15 ~~mobile homes and homes on leased land,~~ single and married  
 16 claimants under ~~sixty-five~~ seventy-five years of age for  
 17 conventional homes and for mobile homes, and homes on  
 18 leased land, and claimants eligible due to disabilities.  
 19 The department shall provide such statistics to the Clerk  
 20 of the Legislature annually. Each member of the  
 21 Legislature shall receive a copy of such report by making  
 22 a request for it to the Tax Commissioner.  
 23 Sec. 9. This act shall become operative for all  
 24 taxable years commencing on or after January 1, 1980.  
 25 Sec. 10. That original sections 77-3505,  
 26 77-3507, 77-3508, 77-3512, 77-3513, 77-3516, 77-3517, and  
 27 77-3524, Revised Statutes Supplement, 1979, are repealed.  
 1 Sec. 11. Since an emergency exists, this act  
 2 shall be in full force and take effect, from and after  
 3 its passage and approval, according to law.”.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 1000.** E & R amendment found in the Journal on page 1296 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 1001.** E & R amendment found in the Journal on page 1296 for the Forty-Fifth Day was adopted.

Mr. Warner offered the following Appropriations Committee amendment:

PURPOSE: Technical Amendments.

AMENDMENT:

On page 3, strike beginning with “Such” in line 10 through the period in line 11.

On page 7, in line 10, strike “cash” and insert “each”.

PURPOSE: To correct the language regarding the University of Nebraska purchase and renovation of the Hattie B. Munroe facility.

AMENDMENT:

On page 15, in lines 9 and 12, after “purchase” insert “and make minor renovations to”.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 1002.** E & R amendment found in the Journal on page 1320 for the Forty-Sixth Day was adopted.

Mr. Warner offered the following Appropriations Committee amendment:

1. **PURPOSE:** To earmark increased general funds for distribution to the Nebraska Educational Television Commission for continued support of "The Grand Generation" program.

**AMENDMENT:**

On page 18, after line 27, add the following:

"There is included in this appropriation for this program \$61,200 General Funds to be used as aid to the Nebraska Education Television Commission for continuing "The Grand Generation" program."

2. **PURPOSE:** To provide an additional \$70,000 General Funds for second year funding of the Nebraska Medical Student Loan Program, as authorized in LB 884, 1978, and amended by LB 506, 1979.

The total general fund amount available would be \$140,000; \$70,000 for continuation of the 10 current loans, and \$70,000 for 10 new loans.

**AMENDMENT:**

On page 7, lines 3 and 4, strike "70,000" and insert "140,000"; on page 8, line 7, strike "730,987" and insert "800,987"; and on line 10, strike "7,351,621" and insert "7,421,621".

3. Insert the following new language on page 12 after line 24:

"If the Revenue Sharing federal funds appropriated under the provisions of Title I of the State and Local Fiscal Assistance Act of 1972, Public Law 92-152 as amended, are not appropriated during the 1980-81 federal fiscal year in an amount equal to the 1979-80 federal fiscal year appropriation, the Revenue Sharing Trust Fund appropriation to this program is hereby reduced by such reduction and there is hereby appropriated an amount equal to such reduction from the General Fund to this program, not to exceed \$7,500,000."

The amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Messrs. Merz and Keyes asked unanimous consent to be excused. No objections. So ordered.



Messrs. Kremer and Marvel asked unanimous consent to be excused. No objections. So ordered.

Mr. Murphy offered the following amendment:

On page 8 in line 19 strike "1,862,000" and insert "862,000".

Mr. Wesely requested a record vote on the Murphy amendment.

Voting in the affirmative, 13:

|         |          |         |        |        |
|---------|----------|---------|--------|--------|
| Barrett | George   | Johnson | Maresh | Schmit |
| Beutler | Haberman | Kennedy | Murphy |        |
| Clark   | Hefner   | Lamb    | Pirsch |        |

Voting in the negative, 21:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Carsten    | Fowler   | Landis  | Rumery | Wesely |
| Cope       | Hoagland | Marsh   | Sieck  |        |
| Cullan     | Kahle    | Nichol  | Simon  |        |
| Dworak     | Koch     | Powers  | Stoney |        |
| Fitzgerald | Labeledz | Reutzel | Warner |        |

Present and not voting, 8:

|          |            |          |         |
|----------|------------|----------|---------|
| Burrows  | Chronister | Goodrich | Newell  |
| Chambers | DeCamp     | Kelly    | Vickers |

Excused and not voting, 7:

|        |        |          |        |
|--------|--------|----------|--------|
| Keyes  | Lewis  | Merz     | Wagner |
| Kremer | Marvel | Venditte |        |

The Murphy amendment lost with 13 ayes, 21 nays, 8 present and not voting, and 7 excused and not voting.

### ANNOUNCEMENT

Mr. Kremer announced a number of senators have been asking for an explanation of LB 643, known as the water bill. An informational meeting will be held in Room 1517 on Wednesday, March 26, 1980, immediately upon adjournment, on this bill.

### UNANIMOUS CONSENT - Print in Journal

Mrs. Labeledz asked unanimous consent to print the following amendments to LB 647 in the Journal. No objections. So ordered.

(1)

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2216.)

(2)

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2237.)

(3)

Req. #2294

- 2 1. On page 2, strike lines 19 through 22, show  
 3 as stricken, and insert:  
 4 "0 through 4,300 100  
 5 4,301 through 4,800 80  
 6 4,801 through 5,300 60  
 7 5,301 through 5,800 40  
 8 5,801 through 6,300 20<sup>00</sup>.  
 9 2. On page 3, strike lines 5 through 8, show as  
 10 stricken, and insert:  
 11 "0 through 6,400 100  
 12 6,401 through 6,900 80  
 13 6,901 through 7,400 60  
 14 7,401 through 7,900 40  
 15 7,901 through 8,400 20<sup>00</sup>.  
 16 3. On page 3, strike lines 18 through 21, show  
 17 as stricken, and insert:  
 18 "0 through 7,400 100  
 19 7,401 through 7,900 80  
 20 7,901 through 8,400 60  
 21 8,401 through 8,900 40  
 22 8,901 through 9,400 20<sup>00</sup>.  
 23 4. Strike original sections 3 and 4.  
 24 5. Insert the following new sections:  
 1 "Sec. 3. That section 77-3512, Revised Statutes  
 2 Supplement, 1979, be amended to read as follows:  
 3 77-3512. It shall be the duty of each owner who  
 4 applies for the homestead exemption provided in sections  
 5 77-3506 to 77-3509, to file an application therefor with  
 6 the county assessor of the county in which the real  
 7 estate is located on or before ~~April 1~~ June 15, 1980, and  
 8 on or before April 1 of each year thereafter, and failure  
 9 to do so shall constitute a waiver of the exemption for  
 10 that year.  
 11 Sec. 4. That section 77-3513, Revised Statutes  
 12 Supplement, 1979, be amended to read as follows:  
 13 77-3513. (1) If an owner is granted a homestead  
 14 exemption as provided in section 77-3506 or 77-3509 or  
 15 subdivision (2), (3), or (4) of section 77-3508, the  
 16 homestead exemption as to such property shall remain in

17 full force and effect for each succeeding year without  
18 reapplication, if the owner is in all respects entitled  
19 to the exemption granted under the provisions of sections  
20 77-3501 to 77-3523. Once a qualified claimant has filed  
21 an application for homestead exemption and the exemption  
22 has been granted for that year, no reapplication need be  
23 filed for succeeding years, in which case the county  
24 assessor and Tax Commissioner shall determine whether the  
25 claimant shall qualify for the homestead exemption in  
26 such succeeding years as otherwise provided in sections  
27 77-3501 to 77-3523 as though a claim were made.

1 (2) It shall be the duty of each claimant who  
2 wants the homestead exemption provided in subdivision (1)  
3 of section 77-3508 to file an application therefor with  
4 the county assessor on or before ~~April 1 of each year~~  
5 June 15, 1980, and on or before April 1 of each year  
6 thereafter, and failure to do so shall constitute a  
7 waiver of the exemption for such year.

8 Sec. 5. That section 77-3516, Revised Statutes  
9 Supplement, 1979, be amended to read as follows:  
10 77-3516. The county assessor shall examine each  
11 application for homestead exemption filed with him or her  
12 for an exemption pursuant to section 77-3506, 77-3508, or  
13 77-3509 and shall determine whether or not such  
14 application should be approved or rejected and, if  
15 approved, determine the amount of the exemption. If the  
16 application is approved, the county assessor shall mark  
17 the same approved and show thereon the amount of  
18 exemption allowed and make the proper deduction upon the  
19 assessment rolls. In case he or she finds that the  
20 exemption should not be allowed by reason of not being in  
21 conformity to law, the county assessor shall mark the  
22 application rejected and state thereon the reason for  
23 such rejection. In any case when the county assessor  
24 disallows or reduces an application for exemption, he or  
25 she shall notify the applicant of such action by mailing  
26 written notice to the applicant at the address shown in  
27 the application, which notice shall be mailed not later  
1 than the second Monday in July for 1980, and not later  
2 than the fourth Monday in April of each year thereafter  
3 and shall be on forms prescribed by the Tax Commissioner.  
4 All applications for exemption, showing thereon the  
5 action of the county assessor, shall be delivered to the  
6 county board of equalization on or before the second  
7 Monday of July, 1980, and on or before the fourth Monday  
8 of April of each year thereafter.

9 Sec. 6. That section 77-3517, Revised Statutes  
10 Supplement, 1979, be amended to read as follows:  
11 77-3517. The county assessor shall examine all  
12 applications for an exemption pursuant to section 77-3507

13 to determine, except for the income test, if the  
 14 application should be approved or rejected. On or before  
 15 the first Monday in July, 1980, and on or before the  
 16 third Monday in April of each year thereafter the county  
 17 assessor shall forward the application to the Tax  
 18 Commissioner who shall determine from the records of the  
 19 Department of Revenue whether or not the applicant meets  
 20 the required income standards. The Tax Commissioner  
 21 shall, on or before August 15, certify his or her  
 22 determinations to the county assessor. If the county  
 23 assessor's and Tax Commissioner's determination is that  
 24 the application should be accepted, then the county  
 25 assessor shall process the application in the same manner  
 26 as an approved application under section 77-3516. If the  
 27 Tax Commissioner's determination is that the application  
 1 does not meet the required income test or if the county  
 2 assessor finds that the exemption should not be allowed  
 3 or should be reduced, the county assessor shall proceed  
 4 as in the case of a rejected or reduced application under  
 5 section 77-3516.

6 Sec. 7. That original sections 77-3507,  
 7 77-3508, 77-3512, 77-3513, 77-3516, and 77-3517, Revised  
 8 Statutes Supplement, 1979, are repealed.

9 Sec. 8. Since an emergency exists, this act  
 10 shall be in full force and take effect, from and after  
 11 its passage and approval, according to law."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2292.)

Mr. Johnson asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2270.)

Mr. Chronister asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

(Amendments to White Copy REQ 2158)

1 1. On page 6, line 9 strike "and" and show as  
 2 stricken; and in line 12 after "limbs" insert "and (5)  
 3 individuals who have undergone multiple amputation of  
 4 both arms above the elbow".

**VISITORS**

Visitors to the Chamber were Rev. and Mrs. Robert Trigger, Taree, Australia; Former Senator and Mrs. Stull, Alliance; and Jaynette Keim, Papillion.

**ADJOURNMENT**

At 4:38 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Wednesday, March 26, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTIETH DAY - MARCH 26, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 26, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

For ties that continue to bind us together, even when the going is rough; for common purposes we continue to recognize as larger than we are, even when the business at hand taxes our patience and our constituents; for the privilege of sharing in the inspirations - as well as the frustrations - of events which make headlines . . . causing folks back home to smile, or to stop smiling—for the conviction we share that what helps our district helps our state; and what helps our state helps people; and what helps people is always right; for anything that may happen during today's session to deepen this conviction, and give it practical application; we now ask Your help, O Lord our God. Amen.

**ROLL CALL**

The roll was called and all members were present except Mr. Wagner who was excused; and Mesdames Labeledz, Pirsch, Messrs. Beutler, Johnson, Lewis, Newell, Schmit, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Forty-Ninth Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 717, 794, 908, 945, and 905.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 717, 794, 908, 945, and 905.

**STANDING COMMITTEE REPORT**  
**Miscellaneous Subjects**

**LEGISLATIVE BILL 831.** Placed on General File as amended.  
 Standing Committee amendments to LB 831:

- 1 1. On page 7, line 1 after the second "a"
- 2 insert "vital"; after line 3 insert the following new
- 3 subsection: "(5) Vital resource shall mean food for
- 4 human consumption, water for domestic use, and any energy
- 5 source so designated by the Governor."; in line 4 strike
- 6 "(5)" and insert "(6)"; in line 10 strike "(6)" and
- 7 insert "(7)"; and in line 12 strike "(7)" and insert
- 8 "(8)".
- 9 2. On page 9, line 9 after "disaster" insert
- 10 "or resource crisis".

(Signed) Dave Newell, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Kahle asked unanimous consent to print the following amendment to LB 666 in the Journal. No objections. So ordered.

(4)

Req. #2293

- 2 1. Strike all amendments.
- 3 2. On page 5, line 4 strike the new matter; in
- 4 line 7 strike "or any orphanage", show as stricken, and
- 5 insert "any licensed child caring agency"; in line 8
- 6 after the period insert "The appointment of purchasing
- 7 agents shall be recognized for the purpose of altering
- 8 the status of the construction contractor as the ultimate
- 9 consumer of tangible personal property which is

10 physically incorporated into the structure and becomes  
11 the property of the owner of the organization or  
12 institution. The appointment of purchasing agents must  
13 be in writing and occur prior to purchasing any tangible  
14 personal property incorporated into the construction,  
15 improvement, or repair.”; strike beginning with “such” in  
16 line 11 through “I” in line 13, show as stricken, and  
17 insert “institution enumerated in this subdivision”; in  
18 line 18 strike “The” and insert “The Upon becoming  
19 licensed, the”; in line 21 after “repair” insert “and”;  
20 strike beginning with the period in line 21 through  
21 “profit” in line 26, and show as stricken.

22 3. On page 6, line 1 after “establish” insert  
23 “the total sales and use tax paid upon the tangible  
24 personal property physically incorporated into the  
25 construction, improvement, or repair. The Tax  
1 Commissioner shall allow a refund to the institution on  
2 any contract of construction, improvement, or repair  
3 entered into prior to the effective date of this act,  
4 whereby the person purchasing, storing, using, or  
5 otherwise consuming tangible personal property has paid  
6 the applicable sales and use tax thereon. The refund  
7 shall be calculated by multiplying the sales or use tax  
8 percentage rate times a sum equal to sixty per cent of  
9 the total contract price of such construction,  
10 improvement, or repair;”; strike beginning with “such” in  
11 line 1 through line 12, and show as stricken.

12 4. On page 7, line 4 after the period insert  
13 “The appointment of purchasing agents shall be recognized  
14 for the purpose of altering the status of the  
15 construction contractor as the ultimate consumer of  
16 tangible personal property which is physically  
17 incorporated into the structure and becomes the property  
18 of the state or the governmental unit. The appointment  
19 of purchasing agents must be in writing and occur prior  
20 to purchasing any tangible personal property incorporated  
21 into the construction, improvement, or repair;”; and  
22 strike beginning with “Any” in line 4 through line 23,  
23 and show as stricken.

24 5. On page 8, line 13 strike “and” and show as  
25 stricken; in line 18 strike the period, show as stricken,  
26 and insert “; and”; after line 18 insert a new  
27 subdivision as follows:

1 “(s) Any organization listed in subdivision (i)  
2 or any governmental unit listed in subdivision (m),  
3 except the state, which enters into a contract of  
4 construction, improvement, or repair upon real estate  
5 without first issuing a purchasing agent authorization to  
6 a contractor or repairman prior to purchasing tangible  
7 personal property to be incorporated into the project may

8 apply to the Tax Commissioner for a refund of any sales  
 9 and use tax paid by the contractor or repairman on the  
 10 tangible personal property physically incorporated into  
 11 the construction, improvement, or repair.”.

Mr. Vickers asked unanimous consent to print the following amendment to LB 889 in the Journal. No objections. So ordered.

Strike the new language on pg 4.

Insert after “distributed” on Line 20 pg 4 To the ultimate user

### REPORT

Received copy of request from the State Building Division for preliminary plan approval to construct a Control and Visitor Center and expand existing parking at the Nebraska Center for Women at York. (On file in the Clerk’s Office.)

### SELECT FILE

**LEGISLATIVE BILL 1002.** Mr. Vickers temporarily withdrew his pending amendment found in the Journal on page 1477.

Mr. Koch offered the following amendment:

- 1 1. On page 4, line 8 strike “4,730” and insert
- 2 “64,730”; and in line 10 strike “705,514” and insert
- 3 “765,514”.
- 4 2. On page 5, line 9 strike “86,337,257” and
- 5 insert “86,397,257”; and in line 12 strike “135,086,059”
- 6 and insert “135,146,059”.

Mr. Koch moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Chambers   | Haberman | Koch   | Nichol  | Simon   |
| Fitzgerald | Hefner   | Landis | Reutzel | Vickers |
| George     | Johnson  | Maresh | Schmit  | Wesely  |
| Goodrich   | Kahle    | Newell | Sieck   |         |

Voting in the negative, 23:

|         |            |        |          |        |
|---------|------------|--------|----------|--------|
| Barrett | Chronister | Cullan | Fowler   | Keyes  |
| Burrows | Clark      | DeCamp | Hoagland | Kremer |
| Carsten | Cope       | Dworak | Kennedy  | Lamb   |

|        |        |        |        |
|--------|--------|--------|--------|
| Marsh  | Merz   | Powers | Stoney |
| Marvel | Murphy | Rumery | Warner |

Present and not voting, 1:

Kelly

Excused and not voting, 6:

|         |        |          |
|---------|--------|----------|
| Beutler | Lewis  | Venditte |
| Labedz  | Pirsch | Wagner   |

The Koch amendment lost with 19 ayes, 23 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Hefner offered the following amendment:

- 1 1. On page 19, after line 10 insert:
- 2 "GENERAL FUND 80,000"; in line
- 3 12 strike "2,219,631" and insert "2,299,631"; in line
- 4 22 strike "10,000" and insert "90,000"; in line 24
- 5 strike "2,900,782" and insert "2,980,782"; and after
- 6 line 24 insert a new paragraph as follows:
- 7 "There is included in the appropriation to
- 8 this program \$80,000 in General Funds for assistance
- 9 to any law enforcement agency located on a reservation
- 10 which has not retroceded from state jurisdiction in
- 11 any county with at least 2500 acres of land held in
- 12 trust by the United States or subject to restriction
- 13 against alienation imposed by the United States."

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 21:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Chambers   | Goodrich | Lamb   | Powers  | Wesely |
| Chronister | Hefner   | Maresh | Reutzel |        |
| DeCamp     | Johnson  | Merz   | Schmit  |        |
| Fitzgerald | Kahle    | Newell | Sieck   |        |
| George     | Kremer   | Pirsch | Simon   |        |

Voting in the negative, 23:

|         |          |         |        |         |
|---------|----------|---------|--------|---------|
| Barrett | Dworak   | Kennedy | Marsh  | Stoney  |
| Carsten | Fowler   | Keyes   | Marvel | Vickers |
| Clark   | Haberman | Koch    | Murphy | Warner  |
| Cope    | Hoagland | Labedz  | Nichol |         |
| Cullan  | Kelly    | Landis  | Rumery |         |

Present and not voting, 1:

Burrows

Excused and not voting, 4:

|         |       |          |        |
|---------|-------|----------|--------|
| Beutler | Lewis | Venditte | Wagner |
|---------|-------|----------|--------|

The Hefner amendment lost with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

Laid over temporarily.

### STANDING COMMITTEE REPORTS Appropriations

**LEGISLATIVE BILL 987.** Placed on General File as amended.  
Standing Committee amendments to LB 987:

- 1 1. On page 5, line 6 after "creed," insert
- 2 "marital status, or physical or mental disability,".
- 3 2. On page 27, in lines 25 and 26 strike "of
- 4 all employees", and show as stricken; in line 27 strike
- 5 "covered by this act" and insert "of grievance decisions
- 6 of the director, as specified in the department's rules
- 7 and regulations".
- 8 3. On page 28, lines 1 and 4 strike "and
- 9 grievances"; and in lines 2 and 3 strike "and grievance".
- 10 4. On page 31, line 27 after "employment"
- 11 insert "within one year from the date of such termination".

**LEGISLATIVE BILL 767.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 987A.** By Warner, 25th District.  
This bill introduced on behalf of: LB 987.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Keyes asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

- 1 1. On page 3, line 7 strike "section" and
- 2 insert "sections" and after "23-408" insert "and 77-3412
- 3 to 77-3432,".

Mr. Dworak asked unanimous consent to print the following amendment to LB 824 in the Journal. No objections. So ordered.

- 1 Page 5, line 21, after "Sec. 3." insert "(1)"
- 2 Page 6, following line 1, insert the following subsections:
- 3 "(2) In order to assure adequate accomplishment of
- 4 the priorities established pursuant to subsections (1),
- 5 (2), and (3) of section 79-2648 before any further
- 6 expenditure of funds for capital construction or lease
- 7 purchase agreements or other new construction contracts,
- 8 each board shall appoint an Oversight Committee of
- 9 three persons based on ability to administer and
- 10 accomplish efficient building maintenance and knowledge
- 11 of and experience in the contracting of construction
- 12 projects and the maintaining of buildings. Committee
- 13 members shall be selected, where practical, so that each
- 14 member resides at a location that allows efficient
- 15 visitation of area buildings.
- 16 (3) Within ten days after the effective date of
- 17 this act, the board shall appoint a select committee of
- 18 three members, to be known as the Oversight Committee on
- 19 Building Maintenance (OCBM), to exercise oversight of the
- 20 deferred and preventive maintenance activities required
- 21 in section 1 of this act. The compensation of the
- 22 members of the Oversight Committee shall be established
- 23 by the board on a per diem basis. They shall be
- 24 reimbursed for their actual and necessary expenses
- 25 incurred in the performance of their duties in the same
- 26 manner and to the same extent as are full-time employees.
- 27 The members shall work the days and hours required to
- 1 accomplish the task.
- 2 (4) Within ninety (90) days after the effective
- 3 date of this act, each Oversight Committee shall make

4 a detailed inspection of facilities in its area to  
 5 determine accurately what renewal work items exist  
 6 and the probable cost and time required for doing the  
 7 work. A detailed report of the findings shall be made  
 8 to the area board by each committee listing individual  
 9 work items with estimated quantities and unit prices.  
 10 Such report shall also include a listing of projects  
 11 needed in area-owned structures to accommodate  
 12 persons with handicaps and projects needed to prevent  
 13 or correct a waste of energy, including measures to  
 14 utilize alternate energy sources. The report shall  
 15 state which work items are recommended to be done  
 16 under contract with an estimate of man hours and labor  
 17 costs. Each Oversight Committee shall refer its report  
 18 to its area board for study and recommendations pursuant  
 19 to section 1 of this act.

20 (5) Each area board shall with the advice of its  
 21 Oversight Committee allocate the sum necessary for  
 22 projects approved by such committee. Allocations shall  
 23 be made in a manner that assures accomplishment of the  
 24 priorities pursuant to section 1 of this act.

25 (6) The cost of administration of the provisions of  
 26 this section shall be paid from the capital improvement  
 27 fund and bond sinking fund as provided in subsection (2)  
 1 of section 2 of this act.

2 (7) Such Oversight Committees on Building Maintenance  
 3 shall meet as necessary to monitor the activities of the  
 4 area boards to accomplish the deferred and preventive  
 5 maintenance activities required in section 1 of this act."

### SELECT FILE

**LEGISLATIVE BILL 1002.** Mr. Haberman offered the following amendment:

Strike \$160,000 general funds from program #347 line 16 page 12 in LB 1002.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman moved for a Call of the House. The motion prevailed with 21 ayes, 4 nays, and 24 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 16:

|            |          |        |         |
|------------|----------|--------|---------|
| Chronister | George   | Koch   | Murphy  |
| Clark      | Haberman | Kremer | Nichol  |
| Cullan     | Hefner   | Lamb   | Schmit  |
| DeCamp     | Kennedy  | Maresh | Vickers |

Voting in the negative, 28:

|          |            |          |         |        |
|----------|------------|----------|---------|--------|
| Barrett  | Fitzgerald | Labeledz | Newell  | Simon  |
| Burrows  | Fowler     | Landis   | Pirsch  | Stoney |
| Carsten  | Goodrich   | Lewis    | Powers  | Warner |
| Chambers | Hoagland   | Marsh    | Reutzel | Wesely |
| Cope     | Johnson    | Marvel   | Rumery  |        |
| Dworak   | Kahle      | Merz     | Sieck   |        |

Present and not voting, 2:

Kelly            Keyes

Excused and not voting, 3:

Beutler          Venditte        Wagner

The Haberman amendment lost with 16 ayes, 28 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following Appropriations Committee amendment:

1        1. On page 4, after line 2 insert:  
 2        "In addition to the amount shown, there is  
 3 hereby appropriated from the General Fund to this program  
 4 for distribution under the provisions of section 79-4,160  
 5 to 79-4,169, Reissue Revised Statutes of Nebraska, 1943,  
 6 and amendments thereto, an amount equal to the General  
 7 Fund balance as of June 30, 1980, projected by the State  
 8 Board of Equalization and Assessment pursuant to section  
 9 77-2715.01, Revised Statutes Supplement, 1980, at the board  
 10 meeting held within fifteen days after adjournment at the  
 11 Eighty-sixth Legislature, Second Session, less four per  
 12 cent of the 1979-80 General Fund appropriation, including  
 13 reappropriated and encumbered amounts. The 1979-80 General  
 14 Fund appropriation shall be based upon state agencies, boards,  
 15 and commissions expending one hundred per cent of such  
 16 1979-80 appropriation. Such additional General Fund appropria-  
 17 tion shall not exceed \$32,000,000."

Mr. Keyes offered the following amendment to the Appropriations Committee amendment:

Insert the following language:

“Any such General Fund appropriation shall be direct property tax relief and for only the 1980-81 fiscal year.”

Mr. Reutzel moved the previous question. The question is, “Shall the debate now close?” The motion lost with 23 ayes, 4 nays, and 22 not voting.

Mr. DeCamp asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Newell moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Cullan requested a record vote on the Keyes amendment.

Voting in the affirmative, 13:

|          |         |        |        |        |
|----------|---------|--------|--------|--------|
| Carsten  | George  | Keyes  | Nichol | Stoney |
| Chambers | Hefner  | Maresh | Pirsch |        |
| Cullan   | Kennedy | Murphy | Sieck  |        |

Voting in the negative, 25:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Barrett    | Goodrich | Kelly    | Marsh   | Rumery  |
| Clark      | Haberman | Koch     | Marvel  | Simon   |
| Cope       | Hoagland | Labeledz | Newell  | Vickers |
| Dworak     | Johnson  | Landis   | Powers  | Warner  |
| Fitzgerald | Kahle    | Lewis    | Reutzel | Wesely  |

Present and not voting, 7:

|            |        |      |        |
|------------|--------|------|--------|
| Burrows    | Fowler | Lamb | Schmit |
| Chronister | Kremer | Merz |        |

Excused and not voting, 4:

|         |        |          |        |
|---------|--------|----------|--------|
| Beutler | DeCamp | Venditte | Wagner |
|---------|--------|----------|--------|

The Keyes amendment lost with 13 ayes, 25 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Newell moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Chair ruled the debate closed.

Mr. Lamb challenged the ruling of the Chair.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The question is, "Shall the Chair be overruled?" The motion lost with 19 ayes, 21 nays, and 9 not voting.

The Chair was sustained.

Mr. Simon requested a record vote on the Appropriations Committee amendment.

Voting in the affirmative, 30:

|            |          |          |        |         |
|------------|----------|----------|--------|---------|
| Barrett    | Cullan   | Hoagland | Lewis  | Reutzel |
| Beutler    | Dworak   | Kelly    | Maresh | Rumery  |
| Carsten    | Fowler   | Koch     | Marsh  | Simon   |
| Chronister | George   | Kremer   | Marvel | Stoney  |
| Clark      | Goodrich | Labeledz | Pirsch | Warner  |
| Cope       | Hefner   | Landis   | Powers | Wesely  |

Voting in the negative, 3:

|       |      |       |
|-------|------|-------|
| Kahle | Lamb | Sieck |
|-------|------|-------|

Present and not voting, 13:

|            |          |        |        |         |
|------------|----------|--------|--------|---------|
| Burrows    | Haberman | Keyes  | Newell | Vickers |
| Chambers   | Johnson  | Merz   | Nichol |         |
| Fitzgerald | Kennedy  | Murphy | Schmit |         |

Excused and not voting, 3:

|        |          |        |
|--------|----------|--------|
| DeCamp | Venditte | Wagner |
|--------|----------|--------|

The Appropriations amendment was adopted with 30 ayes, 3 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 1477.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 25:

|            |          |        |        |         |
|------------|----------|--------|--------|---------|
| Beutler    | Goodrich | Koch   | Merz   | Schmit  |
| Burrows    | Haberman | Kremer | Newell | Sieck   |
| Cullan     | Hoagland | Lamb   | Nichol | Simon   |
| Fitzgerald | Johnson  | Landis | Pirsch | Vickers |
| George     | Kahle    | Maresh | Powers | Wesely  |

Voting in the negative, 13:

|         |        |          |         |        |
|---------|--------|----------|---------|--------|
| Carsten | Dworak | Kennedy  | Reutzel | Warner |
| Clark   | Hefner | Labeledz | Rumery  |        |
| DeCamp  | Kelly  | Marvel   | Stoney  |        |

Present and not voting, 9:

|          |            |        |       |        |
|----------|------------|--------|-------|--------|
| Barrett  | Chronister | Fowler | Lewis | Murphy |
| Chambers | Cope       | Keyes  | Marsh |        |

Excused and not voting, 2:

|          |        |
|----------|--------|
| Venditte | Wagner |
|----------|--------|

The Vickers amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

Laid over temporarily.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

Indefinitely postpone LB 986.

Motion pending.

**EXPLANATION OF VOTE**

Had I been on the floor I would have voted yes on Warners amendment to LB 1002.

(Signed) Rex Haberman

**MOTION - Reconsider Action on LB 999**

Mrs. Labedz moved to reconsider our vote on Senator Schmit's amendment to LB 999, printed on page 1498 of the Legislative Journal. The vote is printed on page 1500 and 1501 of the Journal.

Motion pending.

**UNANIMOUS CONSENT - Members Excused**

The members of the Executive Board asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. George asked unanimous consent to be excused. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 1002.** Mr. Murphy offered the following amendment:

- 1 1. On page 8, after line 24 insert a new
- 2 paragraph as follows:
- 3 "There is included in the appropriation to
- 4 this program \$1,000,000 General Funds for alcohol edu-
- 5 cation programs in the schools aimed at teenage students.
- 6 Such programs shall be conducted with the assistance
- 7 of the State Department of Education."

Mr. Koch offered the following amendment to the Murphy amendment:

On line 5, after the word "aimed" insert "adolescent and"

The Koch amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Murphy moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

The Murphy amendment, as amended, was adopted with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 768.** E & R amendment found in the Journal on page 1314 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 26, 1980, at 11:37 a.m., were the following bills: 794, 717, 908, 945, and 905.

(Signed) Hazel Kaltenberger, Enrolling Clerk

### **MESSAGE FROM THE GOVERNOR**

March 26, 1980

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

As you begin the 50th day of this short sixty-day legislative session, you have several important issues yet before you.

Certainly, one of the more critical matters yet to be resolved is that of making necessary revisions to the Homestead Exemption Act.

To this end, I have recommended amendments to LB 647 introduced by Senator Labeledz, with Senator Labeledz's agreement and support.

In brief, these amendments propose the following:

(1) concurrence with Senator Labeledz and others that the actual value of the homestead exempted should be raised from the first \$25,000 to the first \$40,000;

(2) maintaining federal adjusted gross income as the basis for determining income eligibility;

(3) increasing the base income eligibility level to the federal minimum filing level;

(4) extending the current cut-off of eligibility of 40 percent an additional step to 20 percent of the first \$40,000 of actual value;

(5) extending the benefits of the above to all homeowners under the age of 75;

(6) creation of a special exemption for those homeowners 75 years of age and older in recognition of their special needs;

(7) and, extending the filing date this year to June 15, 1980 to allow all eligible homeowners an opportunity to apply for these benefits this year.

Your Revenue Committee has reported two bills: LB 647 amended in Committee and LB 609. Neither of these bills as currently composed fully meet the criteria I believe are necessary for effective legislation in this area. Both bills in their current form impose burdensome and complicated filing requirements on applicant homeowners and additional administrative requirements on the Department of Revenue. Therefore, I strongly urge you to consider the amendments to LB 647 that will be offered by Senator Labeledz. Your help will be most appreciated.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:dld

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 689.

**Correctly Engrossed**

The following bills were correctly engrossed: 995, 996, 997, and 998.

(Signed) Don Wesely, Chairperson

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

**Title Change to LB 689**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 689:

In line 4 of the Final Reading title, "to clarify a distribution formula;" has been inserted after the semicolon.

**Title Change to LB 996**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 996:

In line 5, "to provide for lapsing;" has been inserted after the semicolon.

(Signed) Emory P. Burnett,  
E & R Attorney

### **VISITORS**

Visitors to the Chamber were 35 government students from Millard Public Schools; Ray Winz from Holdrege; and 17 fifth and sixth grade students and teacher from Monroe School.

### **RECESS**

At 12:16 p.m., on a motion by Mr. Fitzgerald, the Legislature recessed until 1:15 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:29 p.m., Speaker Marvel presiding.

### **ROLL CALL**

The roll was called and all members were present except Mr. Wagner who was excused; and Mrs. Labeledz, Messrs. Beutler, Chambers, Kelly, Koch, Lewis, Sieck, Venditte, and Vickers who were excused until they arrive.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 715A.** By Wesely, 26th District.

This bill introduced on behalf of: LB 715.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 715, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

### **GENERAL FILE**

**LEGISLATIVE BILL 989A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 684A.** Title read. Considered.

Mr. Warner offered the following amendment:

1. on page 2, in line 2, strike "forty-eight thousand six hundred eighty-five" and insert "thirty-two thousand four hundred sixteen".

2. on page 2, in lines 3 and 4, strike "nine thousand" and insert "ten thousand eight hundred forty".

3. on page 2, in line 11, strike "three thousand three hundred twenty-one" and insert "eight thousand nine hundred forty-three".

4. Add a new section.

Sec. 2. On the effective date of this act, the unexpended appropriation to Agency 79 — Commission on Drugs, Program No. 198 — Commission on Drugs in Section 41 of LB 998, Eighty-sixth Legislature, Second Session, 1980, is hereby lapsed and the unexpended appropriation to Agency 79 — Commission on Drugs, Program No. 201 — Aid to Drug Programs in Section 31 of LB 1002, Eighty-sixth Legislature, Second Session, 1980, is hereby lapsed.

The amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 633A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 847A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 877A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

**ATTORNEY GENERAL'S OPINIONS**

Opinion No. 265  
March 26, 1980

Dear Senator Simon:

You have provided to us a copy of the set of proposed amendments to LB 991. You have asked whether these amendments would be sufficient to meet constitutional requirements in light of our previous opinion on LB 991, Opinion No. 243, March 7, 1980, to Senator Venditte.

Essentially the amendments that you have proposed strike substantial portions of LB 991 as they relate to the definitions of drug paraphernalia. Those sections which are stricken by the amendments primarily relate to the definitional provisions setting forth the scope of the drug paraphernalia act. In our previous opinion we referred to the breadth of the section 1 definitions and specifically to subsection 5 and subsection 10 which would be stricken by your amendments. However in our previous opinion we indicated that the examples given in the opinion were intended to indicate the substantial constitutional questions about vagueness and overbreadth which were raised. Additionally we stated in that opinion "we do not intend to engage in a section-by-section analysis of your bill." While several questionable areas would be stricken under the amendments as you proposed them, we still adhere to the views set forth in our previous opinion. Even if your amendments were adopted it would appear that LB 991 would be difficult to defend against constitutional attack. The essential deficiencies of LB 991 remain the same, and in fact under your amendments LB 991 would be very similar to Indiana Code, section 35-48-4-9, as amended by acts 1977 Public Law 340. That statute was under consideration by a three judge District Court for the District of Indiana. That court found the statute to be unconstitutionally vague. Essentially the same test was utilized by that court as was utilized in State v. Adkins, 196 Neb. 76, 81, 241 N.W.2d 655 (1976), which we cited in our opinion to Senator Venditte referred to above. The Indiana court in granting an injunction against the enforcement of the law stated:

"The definition of paraphernalia used in the possession of paraphernalia statute fails to meet the standard of sufficient clarity mandated by the guarantee of due process. It is unclear what is meant by an instrument 'designed' for drug use. The term 'designed' could signify only devices that have no use or function other than as a means to ingest a controlled substance. Alternatively, 'designed' could include any devices that have a legitimate function but could be used for ingestion of drugs. That is, the term 'designed' could sweep into the definition of paraphernalia any device that could be altered from its normal function to become a makeshift drug device, such as a paper clip, tie bar, hand mirror, spoon, or piece of aluminum foil. . . ."

. . . Indiana Chapter, N.O.R.M.L., et al. v. Sendak, et al.,

United States District Court for the Southern District of Indiana, No. 75-142-C, Unpublished Opinion.  
Other deficiencies were noted by that court. They are of similar import to those pointed out in our prior opinion.

Given these problems we must continue to adhere to our previously expressed views that LB 991 is of questionable constitutionality.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:pjs  
cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 266  
March 26, 1980

Dear Senator DeCamp:

You have provided to us a copy of Request No. 2217. This request is a set of amendments to LB 991. We have been informed that this set of amendments was secured from similar amendments proposed in the Colorado Legislature at the present time. We have subsequently learned that these amendments have been substantially amended from the form in which they are set forth in Request No. 2217. The Colorado bill has not been signed at the present time. You ask whether or not these amendments would be constitutional.

Request No. 2217 provides that:

“Drug paraphernalia shall mean any machine, instrument, tool, equipment or device which is primarily adapted, designed, or commonly used for one or more of the following:”

Thereafter, four separate items are listed which relate to the introduction of controlled substances into the body, to enhance the effect upon the body, to conceal controlled substances, to test the strength, effectiveness, or purity of controlled substances.

Section 2 sets forth criteria to be utilized by a court in determining whether a particular item is drug paraphernalia. These are essentially the same descriptions as were contained in the original sections of LB 991, section 2, subsections (1) through (13).

Section 3 of the request makes it a crime to possess drug paraphernalia and intend to use the paraphernalia in violation of the laws of the state.

Section 4 makes it a crime to sell, deliver, possess with intent to sell or deliver, or manufacture with intent to sell or deliver equipment, products, and materials knowing that they will be used as drug paraphernalia.

Section 5 prohibits advertising intended to promote the sale of drug paraphernalia.

In some degree the provisions of Request No. 2217 are more tightly drawn than those of LB 991. However, we believe that the request suffers from the same overbreadth and vagueness problems which we pointed out in our opinion to Senator Venditte, Opinion No. 243, March 7, 1980, and our opinion to Senator Simon, of an even date with this opinion, a copy of which is enclosed.

Section 2 includes, for example, any container that might be used to hide drugs. This could include breadboxes, safes, or any other container susceptible of being utilized to secrete drugs. It also includes any number of chemicals which might be used to make scientific evaluations of particular drugs. Such items, in and of themselves, are innocuous and, in fact, may in certain circumstances be beneficial. Yet, under this act an individual would have to guess whether or not the particular item which he was using or selling was such that it could be defined as drug paraphernalia. Thus, it would be unlawful for the individual to own, to sell, or to otherwise possess such items.

Without going into further detail, we would adhere to the views expressed in the two opinions previously referred to in this opinion and conclude that Request No. 2217 suffers from the same problems as pointed out in those opinions and would be difficult to defend against constitutional attack.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Patrick T. O'Brien  
Assistant Attorney General

(Signed)

PTO:ejg

enc.

cc Patrick J. O'Donnell  
Clerk of the Legislature

#### GENERAL FILE

**LEGISLATIVE BILL 691.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1198 for the Forty-Second Day and printed separate from the Journal (Req. #2227) were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Schmit moved to indefinitely postpone LB 691.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Simon requested a record vote on the motion to indefinitely postpone.

Mr. Newell requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 25:

|            |          |         |         |         |
|------------|----------|---------|---------|---------|
| Barrett    | DeCamp   | Kelly   | Marsh   | Rumery  |
| Chronister | George   | Kennedy | Merz    | Schmit  |
| Clark      | Haberman | Kremer  | Murphy  | Sieck   |
| Cope       | Hefner   | Lamb    | Nichol  | Vickers |
| Cullan     | Kahle    | Maresh  | Reutzel | Warner  |

Voting in the negative, 22:

|          |            |          |        |        |
|----------|------------|----------|--------|--------|
| Beutler  | Fitzgerald | Keyes    | Marvel | Stoney |
| Burrows  | Fowler     | Koch     | Newell | Wesely |
| Carsten  | Goodrich   | Labeledz | Pirsch |        |
| Chambers | Hoagland   | Landis   | Powers |        |
| Dworak   | Johnson    | Lewis    | Simon  |        |

Excused and not voting, 2:

Venditte      Wagner

The motion to indefinitely postpone prevailed with 25 ayes, 22 nays, and 2 excused and not voting.

**MR. CLARK PRESIDING**

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 999, 1000, and 1001.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. George asked unanimous consent to print the following amendment to LB 998 in the Journal. No objections. So ordered.

- 1 1. On page 55, line 21 strike "144,284" and
- 2 insert "140,912"; and in line 23 strike "155,798" and
- 3 insert "152,426".
- 4 2. On page 56, line 11 strike "1,817,327"
- 5 and insert "1,813,955"; and in line 14 strike "2,415,158"
- 6 and insert "2,411,786".

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 882.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1198 for the Forty-Second Day were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Nichol withdrew his pending amendment found in the Journal on page 1493.

Mr. George renewed his pending amendment found in the Journal on page 1494.

Mr. George moved for a Call of the House. The motion prevailed with 9 ayes, 4 nays, and 36 not voting.

Mr. George requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Beutler    | George   | Johnson | Landis | Newell |
| Clark      | Goodrich | Keyes   | Lewis  | Pirsch |
| Fitzgerald | Hoagland | Koch    | Murphy | Powers |

Simon            Vickers            Wesely

Voting in the negative, 26:

|            |          |          |          |        |
|------------|----------|----------|----------|--------|
| Burrows    | Dworak   | Kremer   | Merz     | Stoney |
| Carsten    | Haberman | Labeledz | Nichol   | Warner |
| Chronister | Hefner   | Lamb     | Reutzell |        |
| Cope       | Kahle    | Maresh   | Rumery   |        |
| Cullan     | Kelly    | Marsh    | Schmit   |        |
| DeCamp     | Kennedy  | Marvel   | Sieck    |        |

Present and not voting, 1:

Fowler

Excused and not voting, 3:

Barrett            Venditte            Wagner

Absent and not voting, 1:

Chambers

The George amendment lost with 18 ayes, 26 nays, 1 present and not voting, 3 excused and not voting, and 1 absent and not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Newell offered the following amendment:

Req. #2303

- 2            1. Strike original sections 3 and 4 and insert
- 3            the following new sections:
- 4            "Sec. 3. The money appropriated under section 2
- 5            of this act shall be distributed to the various county
- 6            treasurers as provided in sections 4 to 9 of this act.
- 7            Sec. 4. For fiscal year 1980-81, the money
- 8            shall be distributed on the basis of the ratio of the
- 9            actual valuation of real and personal property in the
- 10            particular county to the actual valuation of real and
- 11            personal property in the entire state, based upon the
- 12            values stated in the certificate of taxes levied
- 13            submitted by each county to the State Board of
- 14            Equalization and Assessment pursuant to section 77-628,
- 15            Reissue Revised Statutes of Nebraska, 1943.
- 16            Sec. 5. For fiscal year 1981-82, the money
- 17            shall be distributed as follows:
- 18            (1) Ten per cent on the basis of the ratio of the
- 19            population of the particular county to the population of
- 20            the entire state as determined by the latest federal

21 census; and

22 (2) Ninety per cent on the basis of the ratio of  
23 the actual valuation of real and personal property in the  
24 particular county to the actual valuation of real and  
25 personal property in the entire state, based upon the  
1 values stated in the certificate of taxes levied  
2 submitted by each county to the State Board of  
3 Equalization and Assessment pursuant to section 77-628,  
4 Reissue Revised Statutes of Nebraska, 1943.

5 Sec. 6. For fiscal year 1982-83, the money  
6 shall be distributed as follows:

7 (1) Twenty per cent on the basis of the ratio of  
8 the population of the particular county to the population  
9 of the entire state as determined by the latest federal  
10 census; and

11 (2) Eighty per cent on the basis of the ratio of  
12 the actual valuation of real and personal property in the  
13 particular county to the actual valuation of real and  
14 personal property in the entire state, based upon the  
15 values stated in the certificate of taxes levied  
16 submitted by each county to the State Board of  
17 Equalization and Assessment pursuant to section 77-628,  
18 Reissue Revised Statutes of Nebraska, 1943.

19 Sec. 7. For fiscal year 1983-84, the money  
20 shall be distributed as follows:

21 (1) Thirty per cent on the basis of the ratio of  
22 the population of the particular county to the population  
23 of the entire state as determined by the latest federal  
24 census; and

25 (2) Seventy per cent on the basis of the ratio of  
26 the actual valuation of real and personal property in the  
27 particular county to the actual valuation of real and  
1 personal property in the entire state, based upon the  
2 values stated in the certificate of taxes levied  
3 submitted by each county to the State Board of  
4 Equalization and Assessment pursuant to section 77-628,  
5 Reissue Revised Statutes of Nebraska, 1943.

6 Sec. 8. For fiscal year 1984-85, the money  
7 shall be distributed as follows:

8 (1) Forty per cent on the basis of the ratio of  
9 the population of the particular county to the population  
10 of the entire state as determined by the latest federal  
11 census; and

12 (2) Sixty per cent on the basis of the ratio of  
13 the actual valuation of real and personal property in the  
14 particular county to the actual valuation of real and  
15 personal property in the entire state, based upon the  
16 values stated in the certificate of taxes levied  
17 submitted by each county to the State Board of  
18 Equalization and Assessment pursuant to section 77-628,

- 19 Reissue Revised Statutes of Nebraska, 1943.  
 20 Sec. 9. For fiscal year 1985-86, and for each  
 21 fiscal year thereafter, the money shall be distributed as  
 22 follows:  
 23 (1) Fifty per cent on the basis of the ratio of  
 24 the population of the particular county to the population  
 25 of the entire state as determined by the latest federal  
 26 census; and  
 1 (2) Fifty per cent on the basis of the ratio of  
 2 the actual valuation of real and personal property in the  
 3 particular county to the actual valuation of real and  
 4 personal property in the entire state, based upon the  
 5 values stated in the certificate of taxes levied  
 6 submitted by each county to the State Board of  
 7 Equalization and Assessment pursuant to section 77-628,  
 8 Reissue Revised Statutes of Nebraska, 1943.  
 9 Sec. 10. The Tax Commissioner shall determine  
 10 the amount to be distributed to the various counties and  
 11 certify such amounts by voucher to the Director of  
 12 Administrative Services. Each amount shall be  
 13 distributed in twelve as nearly as possible equal monthly  
 14 payments between the fifth and twentieth day of each  
 15 month beginning July, 1980, and each July thereafter.  
 16 The State Treasurer shall, between the fifth and  
 17 twentieth day of each month, notify the Director of  
 18 Administrative Services of the amount of funds available  
 19 in the General Fund for payment purposes. The Director  
 20 of Administrative Services shall, upon receipt of such  
 21 notification and vouchers, draw warrants against funds  
 22 appropriated."  
 23 2. Renumber the remaining sections and correct  
 24 internal references accordingly.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 8 nays, and 20 not voting.

Mr. Kelly asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 10 ayes, 4 nays, and 35 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|          |            |          |        |        |
|----------|------------|----------|--------|--------|
| Beutler  | Fitzgerald | Hoagland | Landis | Powers |
| Burrows  | Fowler     | Johnson  | Lewis  | Simon  |
| Chambers | George     | Keyes    | Newell | Wesely |
| Dworak   | Goodrich   | Labeledz | Pirsch |        |

Voting in the negative, 23:

|            |          |        |        |         |
|------------|----------|--------|--------|---------|
| Barrett    | DeCamp   | Kremer | Merz   | Sieck   |
| Chronister | Haberman | Lamb   | Murphy | Stoney  |
| Clark      | Hefner   | Maresh | Nichol | Vickers |
| Cope       | Kahle    | Marsh  | Rumery |         |
| Cullan     | Kennedy  | Marvel | Schmit |         |

Present and not voting, 4:

|         |      |         |        |
|---------|------|---------|--------|
| Carsten | Koch | Reutzel | Warner |
|---------|------|---------|--------|

Excused and not voting, 3:

|       |          |        |
|-------|----------|--------|
| Kelly | Venditte | Wagner |
|-------|----------|--------|

The Newell amendment lost with 19 ayes, 23 nays, 4 present and not voting, and 3 excused and not voting.

Mr. Lewis offered the following amendment:

- 1 1. Insert the following new section:
- 2 "Sec. 7. There is hereby appropriated seventy-
- 3 five million dollars from the General Fund for the period
- 4 July 1, 1980, to June 30, 1981, to the School Foundation
- 5 and Equalization Fund, State Department of Education,
- 6 Program No. 143, which is hereby appropriated."
- 7 2. Renumber remaining sections accordingly.

### **MR. CLARK PRESIDING**

Mr. Lewis moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 22:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Beutler    | Fowler   | Koch     | Newell  | Simon  |
| Burrows    | Goodrich | Labeledz | Pirsch  | Wesely |
| Chambers   | Hoagland | Landis   | Powers  |        |
| Dworak     | Johnson  | Lewis    | Reutzel |        |
| Fitzgerald | Keyes    | Merz     | Rumery  |        |

Voting in the negative, 20:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Carsten    | Cullan   | Kennedy | Marsh  | Schmit  |
| Chronister | Haberman | Kremer  | Marvel | Stoney  |
| Clark      | Hefner   | Lamb    | Murphy | Vickers |
| Cope       | Kahle    | Maresh  | Nichol | Warner  |

Present and not voting, 4:

|         |        |        |       |
|---------|--------|--------|-------|
| Barrett | DeCamp | George | Sieck |
|---------|--------|--------|-------|

Excused and not voting, 3:

|       |          |        |
|-------|----------|--------|
| Kelly | Venditte | Wagner |
|-------|----------|--------|

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

The Chair declared the Call raised.

Mr. Newell offered the following amendment:

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2297.)

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Kahle requested a record vote on the Newell amendment.

Voting in the affirmative, 7:

|            |          |        |       |
|------------|----------|--------|-------|
| Fitzgerald | Hoagland | Newell | Simon |
| Fowler     | Johnson  | Pirsch |       |

Voting in the negative, 22:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | DeCamp   | Kennedy | Maresh | Nichol |
| Chronister | Haberman | Koch    | Marsh  | Rumery |
| Cope       | Hefner   | Lamb    | Marvel | Schmit |
| Cullan     | Kahle    | Landis  | Murphy | Stoney |

Warner           Wesely

Present and not voting, 17:

|          |          |          |         |         |
|----------|----------|----------|---------|---------|
| Beutler  | Clark    | Keyes    | Merz    | Vickers |
| Burrows  | Dworak   | Kremer   | Powers  |         |
| Carsten  | George   | Labeledz | Reutzel |         |
| Chambers | Goodrich | Lewis    | Sieck   |         |

Excused and not voting, 3:

Kelly           Venditte       Wagner

The Newell amendment lost with 7 ayes, 22 nays, 17 present and not voting, and 3 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns.No objections. So ordered.

Mr. Dworak offered the following amendment:

- 1       1. On page 5, line 2 after "1980-81" insert
- 2       "and each fiscal year thereafter"; in line 3 strike
- 3       "seventy" and insert "sixty-two" and after "million"
- 4       insert "five hundred thousand"; strike beginning with "and"
- 5       in line 3 through "section" in line 6; and strike lines
- 6       7 through 24.
- 7       2. On page 3, line 3 after "1980-81" insert
- 8       "and each year thereafter"; in line 7 after "1979-80"
- 9       insert "and each fiscal year thereafter"; and strike
- 10      beginning with "For" in line 8 through line 22.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 15 nays, and 17 not voting.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?"

Mr. Stoney moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The motion to close debate prevailed with 25 ayes, 14 nays, and 10 not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Dworak moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 21:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Beutler    | Hoagland | Landis | Sieck   | Wesely |
| Dworak     | Johnson  | Lewis  | Simon   |        |
| Fitzgerald | Keys     | Newell | Stoney  |        |
| Fowler     | Koch     | Pirsch | Vickers |        |
| Goodrich   | Labedz   | Powers | Warner  |        |

Voting in the negative, 22:

|         |          |         |         |        |
|---------|----------|---------|---------|--------|
| Burrows | George   | Kennedy | Marvel  | Rumery |
| Carsten | Haberman | Kremer  | Merz    | Schmit |
| Clark   | Hefner   | Lamb    | Murphy  |        |
| Cope    | Kahle    | Maresh  | Nichol  |        |
| Cullan  | Kelly    | Marsh   | Reutzel |        |

Present and not voting, 2:

Barrett      Chronister

Excused and not voting, 3:

DeCamp      Venditte      Wagner

Absent and not voting, 1:

Chambers

The Dworak amendment lost with 21 ayes, 22 nays, 2 present and not voting, 3 excused and not voting, and 1 absent and not voting.

Laid over temporarily.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 882 in the Journal. No objections. So ordered.

Req. #2300

- 2      1. Strike the original sections and all
- 3      amendments thereto.
- 4      2. Insert new sections as follows:
- 5      "Section 1. The Legislature hereby finds that:

6 (1) Within recent years the various political  
7 subdivisions have implemented and provided an increasing  
8 number of programs and services; (2) in some instances  
9 political subdivisions have added programs or services as  
10 a result of state action and have not received any  
11 additional assistance from the state to aid them in  
12 meeting these new responsibilities; (3) the limitation  
13 placed on the budgets of political subdivisions has made  
14 it difficult for the political subdivisions to continue  
15 to provide all the necessary programs and services; and  
16 (4) it is necessary for the state to assume the  
17 responsibility of providing financial assistance to the  
18 political subdivisions to insure the continuation of  
19 these vital programs and services.

20 Sec. 2. For fiscal year 1980-81 and each fiscal  
21 year thereafter the Legislature shall appropriate one  
22 hundred twelve million five hundred thousand dollars from  
23 the General Fund to a special fund, to be known as the  
24 Political Subdivision Property Tax Relief Fund which is  
25 hereby created. Any money in such fund available for  
1 investment shall be invested by the state investment  
2 officer pursuant to the provisions of sections 72-1237 to  
3 72-1259, Reissue Revised Statutes of Nebraska, 1943, and  
4 amendments thereto.

5 Sec. 3. Each county shall receive an amount  
6 from the Political Subdivision Property Tax Relief Fund  
7 based on the percentage figure obtained by dividing the  
8 total assessed value of real estate in the county by the  
9 total assessed value of real estate in the state. The  
10 Tax Commissioner shall determine the amount to be  
11 distributed to the various counties for distribution to  
12 the political subdivisions within such county and shall  
13 certify such amounts to the Director of Administrative  
14 Services. Each amount shall be distributed in seven as  
15 nearly as possible equal monthly payments between the  
16 fifth and twentieth day of each month beginning December  
17 1, 1980, and each December thereafter. The State  
18 Treasurer shall, between the fifth and twentieth day of  
19 each month, notify the Director of Administrative  
20 Services of the amount of funds available in the General  
21 Fund for payment purposes. The Director of  
22 Administrative Services shall, upon receipt of such  
23 notification, draw warrants against funds appropriated.

24 Sec. 4. Each political subdivision or portion  
25 of a political subdivision within a county, including the  
26 county itself, with authority to levy a tax or cause a  
27 tax to be levied shall receive a share of the funds given  
1 to the county in an amount equivalent to the percentage  
2 figure obtained by dividing the revenue to be received by  
3 the political subdivision during the current fiscal year

4 from property tax levied within the county by the total  
 5 revenue to be obtained from property tax within the  
 6 county during the current fiscal year. Each amount shall  
 7 be distributed by the county treasurer in seven as nearly  
 8 as possible equal monthly payments beginning December,  
 9 1980, and each December thereafter.

10 Sec. 5. (1) If two or more political  
 11 subdivisions within a county are merged, the share such  
 12 newly merged political subdivision shall receive shall be  
 13 the sum of the receipts each individual political  
 14 subdivision would have received had there been no merger.

15 (2) If a political subdivision authorized to levy  
 16 a tax or cause a tax to be levied is newly created, such  
 17 political subdivision shall receive, commencing the first  
 18 year such levy generates tax receipts, a share of the  
 19 funds distributed to political subdivisions within a  
 20 county computed pursuant to section 4 of this act.

21 Sec. 6. Any political subdivision which finds  
 22 it necessary to eliminate or cutback any program or  
 23 service as the result of a state or local budget  
 24 limitation shall establish a priority list of its  
 25 programs and services and shall first eliminate or cut  
 26 back those programs or services which are not of highest  
 27 priority. Highest priority shall be given to those  
 1 programs and services mandated by statute or necessary to  
 2 retain accreditation.

3 Sec. 7. That section 77-202, Revised Statutes  
 4 Supplement, 1978, be amended to read as follows:

5 77-202. (1) The following property shall be  
 6 exempt from taxes:

7 (a) The property of the state and its  
 8 governmental subdivisions;

9 (b) Property owned by and used exclusively for  
 10 agricultural and horticultural societies;

11 (c) Property owned and used exclusively for  
 12 educational, religious, charitable, or cemetery purposes,  
 13 when such property is not owned or used for financial  
 14 gain or profit to either the owner or user; and

15 (d) Household goods, including major appliances  
 16 either attached or detached to real property, and  
 17 personal effects when such property is not owned or used  
 18 for financial gain or profit to either the owner or user.

19 (2) The increased value of land by reason of  
 20 shade and ornamental trees planted along the highway  
 21 shall not be taken into account in the assessment of such  
 22 land.

23 (3) The premiums received by any insurance  
 24 company authorized to do business in this state on  
 25 pension, profit-sharing and other employee benefit plans  
 26 which are described in section 805 (d) (1) of the

27 Internal Revenue Code of 1954, as amended as of January  
1 1, 1965 shall be exempt from taxes.

2 (4) Life insurance and life insurance annuity  
3 contracts and any payment connected therewith and any  
4 right to pension or retirement payments shall be exempt  
5 from the intangible tax.

6 (5) Motor vehicles registered under section  
7 60-305.09 and paying a registration fee in lieu of taxes  
8 shall be exempt from payment of ad valorem taxes.

9 (6) Agricultural income-producing machinery and  
10 equipment shall be exempt from the personal property tax  
11 except:

12 (a) Motor vehicles, as provided in section  
13 77-1201, Revised Statutes Supplement, 1979;

14 (b) Property assessed by the State Board of  
15 Equalization and Assessment as provided in sections  
16 77-601 to 77-675, Reissue Revised Statutes of Nebraska,  
17 1943, and amendments thereto;

18 (c) Property owned by parties deemed public  
19 service companies subject to the provisions of sections  
20 77-801 to 77-803, Reissue Revised Statutes of Nebraska,  
21 1943; and

22 (d) Any building or fixture, whether permanently  
23 attached to the land or not.

24 (7) Business inventory as provided in section  
25 77-1201, Revised Statutes Supplement, 1979, shall be  
26 exempt from the personal property tax.

1 (8) Feed, fertilizer, and farm inventory subject  
2 to tax pursuant to section 77-1201, Revised Statutes  
3 Supplement, 1979, shall be exempt from the personal  
4 property tax.

5 (9) Grain, seed, livestock, poultry, fish, honey  
6 bees, and fur-bearing animals shall be exempt from the  
7 personal property tax.

8 (10) Earthmoving equipment used for agricultural  
9 and soil conservation purposes shall be exempt from the  
10 personal property tax.

11 Sec. 8. That section 77-3424, Revised Statutes  
12 Supplement, 1979, be amended to read as follows:  
13 77-3424. For the purposes of sections 77-3412 to  
14 77-3431, anticipated receipts from local tax sources  
15 shall not include: (1) Receipts for any fund used for  
16 retiring, refunding, or servicing bonded indebtedness;  
17 (2) funds used to pay for the first year's implementation  
18 and operation of any new program established by state law  
19 and specifically designated as a new program for the  
20 purposes of sections 77-3412 to 77-3431; ~~but such funds~~  
21 ~~shall be included in computing the combined receipts~~  
22 ~~budget base for each year following the first year;~~ (3)  
23 receipts from the increased tax levied or caused to be

24 levied pursuant to the authority granted under section  
 25 77-3428; (4) receipts from any tax levied pursuant to  
 26 section 79-506.01; and (5) funds used for payment of  
 27 employer contributions for the provisions of the Federal  
 1 Insurance Contributions Act, fuel for any purpose, and  
 2 electricity which are in excess of one hundred seven per  
 3 cent of the amount budgeted in the immediately preceding  
 4 fiscal year for such items.

5 Sec. 9. That section 77-3425, Revised Statutes  
 6 Supplement, 1979, be amended to read as follows:  
 7 77-3425. For purposes of sections 77-3412 to  
 8 77-3431, anticipated receipts from state tax sources  
 9 shall not include: (1) Receipts from nonrecurring  
 10 special grants, loans, or contracts intended to fully or  
 11 partially fund special projects or programs or to match  
 12 specific federal grants; and (2) funds used to pay for  
 13 the ~~first year's~~ implementation and operation of any new  
 14 program established by state law and specifically  
 15 designated as a new program for purposes of sections  
 16 77-3412 and 77-3431. ~~but such funds shall be included~~  
 17 ~~in computing the combined receipts budget base for each~~  
 18 ~~year following the first year.~~

19 Sec. 10. This act shall become operative on  
 20 July 1, 1980.

21 Sec. 11. That original section 77-202, Reissue  
 22 Revised Statutes of Nebraska, 1943, and sections 77-3424  
 23 and 77-3425, Revised Statutes Supplement, 1979, and also  
 24 sections 77-202.25 to 77-202.29, 77-202.31, 77-202.33,  
 25 77-1204, and 77-1205, Reissue Revised Statutes of  
 26 Nebraska, 1943, sections 77-202.30 and 77-202.36 to  
 27 77-202.43, Revised Statutes Supplement, 1978, and section  
 1 77-202.32, Reissue Revised Statutes of Nebraska, 1943, as  
 2 it exists in such reissue and as amended by section 192,  
 3 Legislative Bill 187, Eighty-sixth Legislature, First  
 4 Session, 1979, are repealed.

5 Sec. 12. Since an emergency exists, this act  
 6 shall be in full force and take effect, from and after  
 7 its passage and approval, according to law."

8 3. In the title, strike lines 2 through 18 and  
 9 insert as follows:

10 "FOR AN ACT to amend section 77-202, Reissue Revised  
 11 Statutes of Nebraska, 1943, and sections  
 12 77-3424 and 77-3425, Revised Statutes  
 13 Supplement, 1979, relating to political  
 14 subdivisions; to provide state financial  
 15 assistance to political subdivisions; to  
 16 create a fund; to provide for distribution of  
 17 state aid; to provide duties; to remove  
 18 certain funds from the limits set on the  
 19 budgets of political subdivisions; to provide

20 an operative date; to repeal the original  
 21 sections, and also sections 77-202.25 to  
 22 77-202.29, 77-202.31, 77-202.33, 77-1204, and  
 23 77-1205, Reissue Revised Statutes of Nebraska,  
 24 1943, sections 77-202.30 and 77-202.36 to  
 25 77-202.43 Revised Statutes Supplement, 1978,  
 26 and section 77-202.32, Reissue Revised  
 27 Statutes of Nebraska, 1943, as it exists in  
 1 such reissue and as amended by section 192,  
 2 Legislative Bill 187, Eighty-sixth  
 3 Legislature, First Session, 1979; and to  
 4 declare an emergency.”.

Mr. Cullan asked unanimous consent to print the following amendments to LB 824 in the Journal. No objections. So ordered.

(1)

On page 3, line 7, after the “.” insert “In all such elections the board shall hold a public forum in each county in the technical community college area as established by section 79-2638. The purpose of the forum shall be to present information regarding aspects of the proposed construction. Notice of such public forum must be published in a newspaper of general circulation in the county for three weeks prior to such public forum.”

(2)

On page 4, line 9, after “.” insert “Such tax levy shall not be used for any construction if such construction is for the purpose of adding new programs or for the expansion of existing programs if a similar program exists within sixty miles of an existing program.”

(3)

On page 4, line 2, strike “one and eight-tenths” and insert “nine-tenths”.

Mr. Murphy asked unanimous consent to print the following amendment to LB 824 in the Journal. No objections. So ordered.

On page 4, line 9, strike “1988” and reinsert “1980”.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 823 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk’s Office - Req. #2244.)

**ANNOUNCEMENT**

The informational meeting on the water bill, LB 643, which was to be held today upon adjournment, has been cancelled. A summary of the amendments adopted by the Public Works Committee is available from my office.

(Signed) Maurice A. Kremer, Chairperson

**MESSAGE FROM THE GOVERNOR**

March 26, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 936 and 945.

These bills were signed by me on March 26, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**GENERAL FILE**

**LEGISLATIVE BILL 882.** Considered.

Mr. Carsten offered the following amendment:

1. Strike original sections 2, 3 and 4 and insert the following new sections:

Sec. 2. (1) There is hereby created a fund to be known as the Local Government Revenue Fund - It is the intent of the Legislature that for fiscal year 1980-81 there shall be appropriated to the fund seventy million dollars. For fiscal year 1981-82, and each fiscal year thereafter, the amount appropriated to the fund shall equal the amount appropriated for the previous fiscal year plus an amount may be added to the fund less than or equal to the product derived by multiplying the amount of the appropriation for the previous fiscal year times the percentage change in total actual valuation for real and personal property for the state between the present and previous fiscal year, based upon the values stated in the certificate of taxes levied submitted by each county to the State Board of Equalization and Assessment pursuant to section 77-628, Reissue Revised Statutes of Nebraska, 1943.

(2) During December, 1980, and each December thereafter, the Tax Commissioner, upon receipt of the reports required by section 77-628, Reissue Revised Statutes of Nebraska, 1943, shall certify to the Governor and the Clerk of the Legislature the amount of money required to fund any increases pursuant to subsection (1) of this section.

4     “Sec. 3. The money appropriated under section 2  
5 of this act shall be distributed to the various county  
6 treasurers as provided in sections 4 to 9 of this act.

7     Sec. 4. For fiscal year 1980-81, the money  
8 shall be distributed on the basis of the ratio of the  
9 actual valuation of real and personal property in the  
10 particular county to the actual valuation of real and  
11 personal property in the entire state, based upon the  
12 values stated in the certificate of taxes levied  
13 submitted by each county to the State Board of  
14 Equalization and Assessment pursuant to section 77-628,  
15 Reissue Revised Statutes of Nebraska, 1943.

16     Sec. 5. For fiscal year 1981-82, the money  
17 shall be distributed as follows:

18     (1) Ten per cent on the basis of the ratio of the  
19 population of the particular county to the population of  
20 the entire state as determined by the latest federal  
21 census; and

22     (2) Ninety per cent on the basis of the ratio of  
23 the actual valuation of real and personal property in the  
24 particular county to the actual valuation of real and  
25 personal property in the entire state, based upon the  
1 values stated in the certificate of taxes levied  
2 submitted by each county to the State Board of  
3 Equalization and Assessment pursuant to section 77-628,  
4 Reissue Revised Statutes of Nebraska, 1943.

5     Sec. 6. For fiscal year 1982-83, the money  
6 shall be distributed as follows:

7     (1) Twenty per cent on the basis of the ratio of  
8 the population of the particular county to the population  
9 of the entire state as determined by the latest federal  
10 census; and

11     (2) Eighty per cent on the basis of the ratio of  
12 the actual valuation of real and personal property in the  
13 particular county to the actual valuation of real and  
14 personal property in the entire state, based upon the  
15 values stated in the certificate of taxes levied  
16 submitted by each county to the State Board of  
17 Equalization and Assessment pursuant to section 77-628,  
18 Reissue Revised Statutes of Nebraska, 1943.

19     Sec. 7. For fiscal year 1983-84, the money  
20 shall be distributed as follows:

21     (1) Thirty per cent on the basis of the ratio of  
22 the population of the particular county to the population  
23 of the entire state as determined by the latest federal

24 census; and

25 (2) Seventy per cent on the basis of the ratio of  
 26 the actual valuation of real and personal property in the  
 27 particular county to the actual valuation of real and  
 1 personal property in the entire state, based upon the  
 2 values stated in the certificate of taxes levied  
 3 submitted by each county to the State Board of  
 4 Equalization and Assessment pursuant to section 77-628,  
 5 Reissue Revised Statutes of Nebraska, 1943.

6 Sec. 8. For fiscal year 1984-85, the money  
 7 shall be distributed as follows:

8 (1) Forty per cent on the basis of the ratio of  
 9 the population of the particular county to the population  
 10 of the entire state as determined by the latest federal  
 11 census; and

12 (2) Sixty per cent on the basis of the ratio of  
 13 the actual valuation of real and personal property in the  
 14 particular county to the actual valuation of real and  
 15 personal property in the entire state, based upon the  
 16 values stated in the certificate of taxes levied  
 17 submitted by each county to the State Board of  
 18 Equalization and Assessment pursuant to section 77-628,  
 19 Reissue Revised Statutes of Nebraska, 1943.

20 Sec. 9. For fiscal year 1985-86, and for each  
 21 fiscal year thereafter, the money shall be distributed as  
 22 follows:

23 (1) Fifty per cent on the basis of the ratio of  
 24 the population of the particular county to the population  
 25 of the entire state as determined by the latest federal  
 26 census; and

1 (2) Fifty per cent on the basis of the ratio of  
 2 the actual valuation of real and personal property in the  
 3 particular county to the actual valuation of real and  
 4 personal property in the entire state, based upon the  
 5 values stated in the certificate of taxes levied  
 6 submitted by each county to the State Board of  
 7 Equalization and Assessment pursuant to section 77-628,  
 8 Reissue Revised Statutes of Nebraska, 1943.

9 Sec. 10. The Tax Commissioner shall determine  
 10 the amount to be distributed to the various counties and  
 11 certify such amounts by voucher to the Director of  
 12 Administrative Services. Each amount shall be  
 13 distributed in twelve as nearly as possible equal monthly  
 14 payments between the fifth and twentieth day of each  
 15 month beginning July, 1980, and each July thereafter.  
 16 The State Treasurer shall, between the fifth and  
 17 twentieth day of each month, notify the Director of  
 18 Administrative Services of the amount of funds available  
 19 in the General Fund for payment purposes. The Director  
 20 of Administrative Services shall, upon receipt of such

21 notification and vouchers, draw warrants against funds

22 appropriated.”.

23 2. Renumber the remaining sections and correct

24 internal references accordingly.

Mr. Koch moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 28 ayes, 9 nays, and 12 not voting.

Mr. Carsten moved for a Call of the House. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Lamb requested a record vote on the Carsten amendment.

Voting in the affirmative, 19:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Beutler    | Fowler   | Johnson  | Lewis  | Stoney |
| Carsten    | George   | Keyes    | Newell | Warner |
| Dworak     | Goodrich | Labeledz | Pirsch | Wesely |
| Fitzgerald | Hoagland | Landis   | Powers |        |

Voting in the negative, 26:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Barrett    | Haberman | Kremer | Murphy  | Simon   |
| Chronister | Hefner   | Lamb   | Nichol  | Vickers |
| Clark      | Kahle    | Maresh | Reutzel |         |
| Cope       | Kelly    | Marsh  | Rumery  |         |
| Cullan     | Kennedy  | Marvel | Schmit  |         |
| DeCamp     | Koch     | Merz   | Sieck   |         |

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Venditte      Wagner

Absent and not voting, 1:

Chambers

The Carsten amendment lost with 19 ayes, 26 nays, 1 present and not voting, 2 excused and not voting, and 1 absent and not voting.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell offered the following amendment:

- 1 1. Strike the standing committee amendments.
- 2 2. Strike original sections 2 through 7.
- 3 3. Insert a new section as follows:
- 4 "Sec. 2. That section 77-202.41, Revised
- 5 Statutes Supplement, 1978, be amended to read as follows:
- 6 ~~77-202.41.~~ Beginning with the fiscal year
- 7 1980-1981 and with each fiscal year thereafter, the
- 8 Legislature shall appropriate seventy million dollars
- 9 from funds collected by a general sales tax and income
- 10 tax to the ~~Personal Property Tax Relief Fund Highway~~
- 11 ~~Trust Fund.~~".
- 12 4. On page 11 strike beginning with "section"
- 13 in line 14 through "77-202" in line 16 and insert "sections
- 14 77-202 and 77-202.41"; in line 17 strike "and", and after
- 15 "77-202.31," insert "and 77-202.33,"; and in line 19
- 16 strike "and", and after "to" insert "77-202.40, and".
- 17 5. Renumber remaining sections accordingly.

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

The Newell amendment lost with 4 ayes, 23 nays, 17 present and not voting, and 5 excused and not voting.

### ADJOURNMENT

At 5:57 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Thursday, March 27, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**FIFTY-FIRST DAY - MARCH 27, 1980**  
**LEGISLATIVE JOURNAL**

**FIFTY-FIRST DAY - MARCH 27, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 27, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

We bow our heads, O Lord our God, for we would be stupid indeed to believe that our business is none of Your business. But we bow our heads also because we know that we need help. Tensions mount, and pressures build, and criticism sharpens, and each man and woman among us stands in need of special help this crowded day. And You only know what our special needs are, Heavenly Father, for You know us better than we know ourselves. So help us, we pray. Get our family and our House off to a good day, however long it may be, and give us all a good conscience at the day's end. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Kremer and Wagner who were excused; and Mrs. Labeledz, Messrs. Cullan, Lewis, Powers, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fiftieth Day was approved.

**NOTICE OF COMMITTEE HEARINGS**  
**Committee on Committees**

March 26, 1980

The Committee on Committees will meet at 12:10 p.m., Wednesday, April 2, 1980, in Room 1520, the Moses P. Kinkaid Hearing Room, for the purpose of hearing appointments or reappointments by Governor Charles Thone as follows:

Mike Carr - Nebraska Oil and Gas Commission  
Betty Matz - Advisory Comm. to Public Welfare,  
Institutions and Corrections  
E. A. Olson - Environmental Control Council  
Beverly Steskal - Commission for Hearing Impaired

(Signed) Shirley Marsh, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 26, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Joeckel, Mary Katherine - Lincoln (Withdrawn 3/25/80), Lombardi, McCullough and Associates  
Lombardi, McCullough & Associates - Lincoln, Maple Creek Concerned Citizens Association  
Merwick, Mike - Lincoln (Withdrawn 5/31/79), City of Lincoln  
Robinson, Leslie - Kearney (Withdrawn 3/22/80), Nebraska Agri-Water Council  
Wrehe, Harold E. - Omaha (Withdrawn 2/29/80), Western Capital Corporation

**UNANIMOUS CONSENT - Withdraw Amendment to LB 423**

Mr. Kelly asked unanimous consent to withdraw his pending amendment found in the Journal on page 1342 to LB 423. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 423.**

A BILL FOR AN ACT to amend section 2-1504, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Natural Resources Commission; to change the number of members; to change the procedure for filling vacancies; 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, 30:

|         |            |        |         |        |
|---------|------------|--------|---------|--------|
| Barrett | Fitzgerald | Kelly  | Marvel  | Rumery |
| Beutler | Fowler     | Keyes  | Merz    | Sieck  |
| Carsten | Goodrich   | Koch   | Newell  | Simon  |
| Clark   | Hoagland   | Landis | Nichol  | Stoney |
| DeCamp  | Johnson    | Maresh | Pirsch  | Warner |
| Dworak  | Kahle      | Marsh  | Reutzel | Wesely |

Voting in the negative, 7:

|        |          |         |         |
|--------|----------|---------|---------|
| Cope   | Haberman | Kennedy | Vickers |
| George | Hefner   | Lamb    |         |

Present and not voting, 5:

|         |          |            |        |        |
|---------|----------|------------|--------|--------|
| Burrows | Chambers | Chronister | Murphy | Schmit |
|---------|----------|------------|--------|--------|

Excused and not voting, 7:

|        |          |          |        |
|--------|----------|----------|--------|
| Cullan | Labeledz | Powers   | Wagner |
| Kremer | Lewis    | Venditte |        |

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

**LEGISLATIVE BILL 592.**

A BILL FOR AN ACT to repeal section 83-409, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Beutler    | Dworak     | Kahle   | Marsh   | Rumery  |
| Burrows    | Fitzgerald | Kelly   | Marvel  | Schmit  |
| Carsten    | Fowler     | Kennedy | Merz    | Simon   |
| Chambers   | George     | Keyes   | Murphy  | Stoney  |
| Chronister | Goodrich   | Koch    | Newell  | Vickers |
| Clark      | Hefner     | Lamb    | Nichol  | Warner  |
| Cope       | Hoagland   | Landis  | Pirsch  | Wesely  |
| DeCamp     | Johnson    | Maresh  | Reutzel |         |

Voting in the negative, 0.

Present and not voting, 3:

|         |          |       |
|---------|----------|-------|
| Barrett | Haberman | Sieck |
|---------|----------|-------|

Excused and not voting, 7:

|        |        |          |        |
|--------|--------|----------|--------|
| Cullan | Labedz | Powers   | Wagner |
| Kremer | Lewis  | Venditte |        |

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

**LEGISLATIVE BILL 649.** Laid over.

**LEGISLATIVE BILL 686.**

A BILL FOR AN ACT to amend sections 71-2041.01, 71-2042, 71-2045.01, 71-2045.02, and 71-2045.04 to 71-2045.08, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to delete a definition; to provide for suspension or revocation of a license as prescribed; to specify license fees; to delete a limitation; to provide for an examination; to provide conditions for reciprocity; to provide for provisional licenses; and to repeal the original sections, and also section 71-2044, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Dworak     | Kahle   | Marvel  | Schmit   |
| Beutler    | Fitzgerald | Kelly   | Merz    | Sieck    |
| Burrows    | Fowler     | Kennedy | Murphy  | Simon    |
| Carsten    | George     | Keyes   | Newell  | Stoney   |
| Chambers   | Goodrich   | Koch    | Nichol  | Venditte |
| Chronister | Haberman   | Lamb    | Pirsch  | Vickers  |
| Clark      | Hefner     | Landis  | Powers  | Warner   |
| Cope       | Hoagland   | Maresh  | Reutzel | Wesely   |
| DeCamp     | Johnson    | Marsh   | Rumery  |          |

Voting in the negative, 0.

Excused and not voting, 5:

|        |        |          |       |        |
|--------|--------|----------|-------|--------|
| Cullan | Kremer | Labeledz | Lewis | Wagner |
|--------|--------|----------|-------|--------|

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

#### **LEGISLATIVE BILL 696. With Emergency.**

A BILL FOR AN ACT to amend sections 28-401, 28-405, 28-416, 28-511, and 28-905, Revised Statutes Supplement, 1978, relating to crimes and punishments; to define terms; to change a schedule of controlled substances; to provide penalties relating to controlled substances; to change penalty provisions relating to the operation of a motor vehicle to avoid arrest as prescribed; to change provisions relating to theft; to repeal the original sections, and also section 60-430.07, Revised Statutes Supplement, 1979; 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:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | DeCamp     | Hoagland | Landis | Pirsch  |
| Beutler    | Dworak     | Johnson  | Maresh | Powers  |
| Burrows    | Fitzgerald | Kahle    | Marsh  | Reutzel |
| Carsten    | Fowler     | Kelly    | Marvel | Rumery  |
| Chambers   | George     | Kennedy  | Merz   | Schmit  |
| Chronister | Goodrich   | Keyes    | Murphy | Sieck   |
| Clark      | Haberman   | Koch     | Newell | Simon   |
| Cope       | Hefner     | Lamb     | Nichol | Stoney  |

Venditte      Vickers      Warner      Wesely

Voting in the negative, 0.

Present and not voting, 1:

Labeledz

Excused and not voting, 4:

Cullan      Kremer      Lewis      Wagner

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 743.**

A BILL FOR AN ACT relating to schools; to amend sections 60-1701 and 79-801, Reissue Revised Statutes of Nebraska, 1943, and section 79-488, Revised Statutes Supplement, 1978; to change provisions relating to motor vehicle safety inspections for school buses as prescribed; to change provisions relating to annexation of school district territory; 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?'"

Mr. Haberman requested a roll call vote.

Voting in the affirmative, 21:

|            |          |        |          |        |
|------------|----------|--------|----------|--------|
| Carsten    | Fowler   | Maresh | Pirsch   | Warner |
| Chronister | Haberman | Marsh  | Powers   |        |
| Clark      | Kelly    | Merz   | Reutzel  |        |
| Cope       | Labeledz | Newell | Schmit   |        |
| Fitzgerald | Lamb     | Nichol | Venditte |        |

Voting in the negative, 20:

|          |        |          |        |         |
|----------|--------|----------|--------|---------|
| Barrett  | DeCamp | Hoagland | Keyes  | Simon   |
| Beutler  | Dworak | Johnson  | Landis | Stoney  |
| Burrows  | George | Kahle    | Marvel | Vickers |
| Chambers | Hefner | Kennedy  | Rumery | Wesely  |

Present and not voting, 4:

Goodrich      Koch              Murphy              Sieck

Excused and not voting, 4:

Cullan              Kremer              Lewis              Wagner

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Mr. Kelly asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Return LB 780 to Select File**

Mr. Murphy moved to return LB 780 to Select File for the following specific amendment:

Section 1, line 1, after "County" insert "having a population of 150,000 or more, but less than 250,000."

The motion lost with 15 ayes, 20 nays, 9 present and not voting, and 5 excused and not voting.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 780.**

A BILL FOR AN ACT relating to the status of women; to authorize the establishment of a commission; and to state intent.

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

Voting in the affirmative, 28:

|          |            |          |         |         |
|----------|------------|----------|---------|---------|
| Barrett  | Fitzgerald | Koch     | Pirsch  | Stoney  |
| Beutler  | Fowler     | Labeledz | Powers  | Vickers |
| Chambers | Goodrich   | Landis   | Reutzel | Warner  |
| Cope     | Hoagland   | Marsh    | Rumery  | Wesely  |
| DeCamp   | Kahle      | Marvel   | Sieck   |         |
| Dworak   | Keyes      | Merz     | Simon   |         |

Voting in the negative, 13:

|         |          |         |        |          |
|---------|----------|---------|--------|----------|
| Carsten | Haberman | Kennedy | Murphy | Venditte |
| Clark   | Hefner   | Lamb    | Newell |          |
| George  | Johnson  | Mareh   | Nichol |          |

Present and not voting, 3:

|         |            |        |
|---------|------------|--------|
| Burrows | Chronister | Schmit |
|---------|------------|--------|

Excused and not voting, 5:

|        |       |        |       |        |
|--------|-------|--------|-------|--------|
| Cullan | Kelly | Kremer | Lewis | Wagner |
|--------|-------|--------|-------|--------|

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

**MOTION - Return LB 843 to Select File**

Mr. DeCamp moved to return LB 843 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. DeCamp withdrew his motion.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 843.**

A BILL FOR AN ACT relating to public power districts; to amend sections 70-620, 70-621, 70-639, and 70-643, Reissue Revised Statutes of Nebraska, 1943; to authorize certain leases as prescribed; to restrict the appointment of a treasurer as prescribed; to provide for rules and regulations; to provide additional considerations for the letting of certain contracts; to place restrictions on certain payments or expenditures as prescribed; to require certain contracts be filed as prescribed; 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?'"

Mr. Vickers requested a roll call vote.

Voting in the affirmative, 15:

|          |            |         |        |         |
|----------|------------|---------|--------|---------|
| Beutler  | Fitzgerald | Johnson | Marvel | Simon   |
| Burrows  | Fowler     | Koch    | Merz   | Vickers |
| Chambers | Hoagland   | Landis  | Newell | Wesely  |

Voting in the negative, 24:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Carsten    | Dworak   | Kahle    | Maresh  | Schmit   |
| Chronister | George   | Kennedy  | Nichol  | Stoney   |
| Clark      | Goodrich | Keyes    | Powers  | Venditte |
| Cope       | Haberman | Labeledz | Reutzel | Warner   |
| DeCamp     | Hefner   | Lamb     | Rumery  |          |

Present and not voting, 5:

|         |       |        |        |       |
|---------|-------|--------|--------|-------|
| Barrett | Marsh | Murphy | Pirsch | Sieck |
|---------|-------|--------|--------|-------|

Excused and not voting, 5:

|        |       |        |       |        |
|--------|-------|--------|-------|--------|
| Cullan | Kelly | Kremer | Lewis | Wagner |
|--------|-------|--------|-------|--------|

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

### **LEGISLATIVE BILL 863.**

A BILL FOR AN ACT to amend section 70-1003, Revised Statutes Supplement, 1978, relating to the Nebraska Power Review Board; to make such board independent of the Department of Water Resources; to provide for expenses; to provide for an executive director and other staff; to provide duties; 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, 35:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Beutler    | Fowler   | Kelly    | Marvel  | Sieck    |
| Burrows    | George   | Keyes    | Murphy  | Simon    |
| Carsten    | Goodrich | Koch     | Newell  | Stoney   |
| Chambers   | Haberman | Labeledz | Powers  | Venditte |
| Chronister | Hefner   | Lamb     | Reutzel | Vickers  |
| Dworak     | Hoagland | Landis   | Rumery  | Warner   |
| Fitzgerald | Johnson  | Marsh    | Schmit  | Wesely   |

Voting in the negative, 7:

|         |       |        |        |
|---------|-------|--------|--------|
| Barrett | Cope  | Maresh | Pirsch |
| Clark   | Kahle | Nichol |        |

Present and not voting, 3:

|        |         |      |
|--------|---------|------|
| DeCamp | Kennedy | Merz |
|--------|---------|------|

Excused and not voting, 4:

|        |        |       |        |
|--------|--------|-------|--------|
| Cullan | Kremer | Lewis | Wagner |
|--------|--------|-------|--------|

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

**LEGISLATIVE BILL 863A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 863, Eighty-sixth Legislature, Second Session, 1980.

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, 36:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Beutler    | George   | Koch     | Newell  | Venditte |
| Burrows    | Goodrich | Labeledz | Powers  | Vickers  |
| Carsten    | Haberman | Lamb     | Reutzel | Warner   |
| Chambers   | Hefner   | Landis   | Rumery  | Wesely   |
| Chronister | Hoagland | Marsh    | Schmit  |          |
| Dworak     | Johnson  | Marvel   | Sieck   |          |
| Fitzgerald | Kelly    | Merz     | Simon   |          |
| Fowler     | Keyes    | Murphy   | Stoney  |          |

Voting in the negative, 7:

|         |       |        |        |
|---------|-------|--------|--------|
| Barrett | Cope  | Maresh | Pirsch |
| Clark   | Kahle | Nichol |        |

Present and not voting, 2:

|        |         |
|--------|---------|
| DeCamp | Kennedy |
|--------|---------|

Excused and not voting, 4:

Cullan          Kremer          Lewis          Wagner

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

**LEGISLATIVE BILL 892.**

A BILL FOR AN ACT to amend sections 24-525 and 24-527, Reissue Revised Statutes of Nebraska, 1943, and section 24-524, Revised Statutes Supplement, 1979, relating to small claims court; to provide for appeal procedure as prescribed; to delete provisions for transfer to the regular docket; to authorize a jury trial on appeal as prescribed; to eliminate a fee; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Johnson  | Marvel  | Sieck    |
| Beutler    | Dworak     | Kahle    | Merz    | Simon    |
| Burrows    | Fitzgerald | Kelly    | Murphy  | Stoney   |
| Carsten    | Fowler     | Keyes    | Newell  | Venditte |
| Chambers   | George     | Koch     | Nichol  | Vickers  |
| Chronister | Goodrich   | Labeledz | Pirsch  | Warner   |
| Clark      | Hefner     | Landis   | Reutzel | Wesely   |
| Cope       | Hoagland   | Marsh    | Rumery  |          |

Voting in the negative, 6:

|          |        |        |
|----------|--------|--------|
| Haberman | Lamb   | Powers |
| Kennedy  | Maresh | Schmit |

Excused and not voting, 4:

Cullan          Kremer          Lewis          Wagner

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

**LEGISLATIVE BILL 912.**

A BILL FOR AN ACT to amend section 8-1110, Reissue Revised Statutes of Nebraska, 1943, relating to the Securities Act of Nebraska; to exempt certain securities and transactions from registration; and to repeal the original section.

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

Voting in the affirmative, 45:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kahle    | Marsh   | Rumery   |
| Beutler    | Fitzgerald | Kelly    | Marvel  | Schmit   |
| Burrows    | Fowler     | Kennedy  | Merz    | Sieck    |
| Carsten    | George     | Keyes    | Murphy  | Simon    |
| Chambers   | Goodrich   | Koch     | Newell  | Stoney   |
| Chronister | Haberman   | Labeledz | Nichol  | Venditte |
| Clark      | Hefner     | Lamb     | Pirsch  | Vickers  |
| Cope       | Hoagland   | Landis   | Powers  | Warner   |
| DeCamp     | Johnson    | Maresh   | Reutzel | Wesely   |

Voting in the negative, 0.

Excused and not voting, 4:

|        |        |       |        |
|--------|--------|-------|--------|
| Cullan | Kremer | Lewis | Wagner |
|--------|--------|-------|--------|

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

**MR. CLARK PRESIDING**

**UNANIMOUS CONSENT - Withdraw Motion on LB 986**

Mr. Haberman asked unanimous consent to withdraw his pending motion found in the Journal on page 1528 to indefinitely postpone LB 986. No objections. So ordered.

**MOTION - Return LB 986 to Select File**

Mr. Murphy moved to return LB 986 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

The Murphy motion lost with 17 ayes, 19 nays, 9 present and not voting, and 4 excused and not voting.

### **SPEAKER MARVEL PRESIDING**

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 986. With Emergency.**

A BILL FOR AN ACT to amend sections 18-2101.01, 18-2103, and 18-2107, Revised Statutes Supplement, 1979, relating to the Community Development Law; to change provisions relating to a community redevelopment agency; to redefine a term; to provide for an additional power of a redevelopment authority as prescribed; to provide for relocation; to provide for replacement of housing units; 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, 32:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Carsten    | Goodrich | Koch     | Pirsch  | Stoney   |
| Clark      | Haberman | Labeledz | Powers  | Venditte |
| Cope       | Hefner   | Lewis    | Reutzel | Vickers  |
| DeCamp     | Hoagland | Maresh   | Rumery  | Wesely   |
| Fitzgerald | Johnson  | Marsh    | Schmit  |          |
| Fowler     | Kahle    | Newell   | Sieck   |          |
| George     | Keyes    | Nichol   | Simon   |          |

Voting in the negative, 13:

|         |          |         |        |        |
|---------|----------|---------|--------|--------|
| Barrett | Chambers | Kennedy | Marvel | Warner |
| Beutler | Dworak   | Lamb    | Merz   |        |
| Burrows | Kelly    | Landis  | Murphy |        |

Present and not voting, 1:

Chronister

Excused and not voting, 3:

Cullan            Kremer            Wagner

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Carsten    | Goodrich | Labeledz | Pirsch  | Stoney   |
| Clark      | Hefner   | Lewis    | Powers  | Venditte |
| Cope       | Hoagland | Maresh   | Reutzel | Vickers  |
| DeCamp     | Johnson  | Marsh    | Rumery  | Wesely   |
| Fitzgerald | Kahle    | Merz     | Schmit  |          |
| Fowler     | Keyes    | Newell   | Sieck   |          |
| George     | Koch     | Nichol   | Simon   |          |

Voting in the negative, 11:

|         |          |         |        |
|---------|----------|---------|--------|
| Barrett | Chambers | Kennedy | Murphy |
| Beutler | Dworak   | Lamb    | Warner |
| Burrows | Kelly    | Landis  |        |

Present and not voting, 3:

Chronister    Haberman    Marvel

Excused and not voting, 3:

Cullan            Kremer            Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**MOTION - Introduce Bill**

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #1630).

The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1004.** By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Rumery, 42nd District; Dworak, 22nd District; Kelly, 35th District; Fowler, 27th District; Hoagland, 6th District; Marsh, 29th District; Labeledz, 5th District. This bill introduced on behalf of: committee.

A BILL FOR AN ACT to provide legislative intent for appropriations; to provide an operative date; to provide for repeal; and to declare an emergency.

### MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 6, Section 1 and place LB 1004 directly on General File.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 989A.** Placed on Select File.  
**LEGISLATIVE BILL 684A.** Placed on Select File.  
**LEGISLATIVE BILL 633A.** Placed on Select File.  
**LEGISLATIVE BILL 847A.** Placed on Select File.  
**LEGISLATIVE BILL 877A.** Placed on Select File.

### Correctly Engrossed

The following bills were correctly engrossed: 1002 and 768.

(Signed) Don Wesely, Chairperson

### STANDING COMMITTEE REPORT Urban Affairs

**LEGISLATIVE BILL 838.** Placed on General File as amended. Standing Committee amendment to LB 838:

Req. #2265

- 2 1. Strike original section 1 and insert the
- 3 following:
- 4 "Section 1. That section 18-1214, Reissue
- 5 Revised Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 18-1214. All metropolitan, primary, first-class,
- 8 and second-class cities and villages may, by a majority
- 9 vote of the city council or board of trustees or by
- 10 submitting the issue to the electors of the city or
- 11 village, levy a tax on all motor vehicles ~~owned or used~~

12 and require any person, business, or corporation in such  
 13 city or village, which tax shall be paid to pay such tax  
 14 to the county treasurer of the county in which such city  
 15 or village is located when the registration fees as  
 16 provided in sections 60-329 to 60-342 are paid. Such  
 17 taxes annual wheel tax shall be credited by the county  
 18 treasurer to the road fund of such city or village, such  
 19 funds to be used by such city or village exclusively for  
 20 constructing or resurfacing dustless-surface street  
 21 improvements on arterial rather than residential routes,  
 22 and for the amortization of bonded indebtedness when  
 23 created for such improvements, but not for maintenance  
 24 nor equipment purchases.

- 1 Sec. 2. That original section 18-1214, Reissue
- 2 Revised Statutes of Nebraska, 1943, is repealed.

(Signed) Walter George, Chairperson

**MR. CLARK PRESIDING**

Mr. Rumery asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

**UNANIMOUS CONSENT - Withdraw Amendment on LB 765**

Mr. Koch asked unanimous consent to withdraw his pending  
 amendment found in the Journal on page 1343 to LB 765. No  
 objections. So ordered.

**MOTION - Return LB 765 to Select File**

Mr. Lamb moved to return LB 765 for his specific amendment found  
 in the Journal on page 1477.

The motion prevailed with 27 ayes, 0 nays, 18 present and not voting,  
 and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 765.** The Lamb specific amendment found in  
 the Journal on page 1477 was adopted with 26 ayes, 0 nays, 19 present  
 and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

**SPEAKER MARVEL PRESIDING**

**EXPLANATION OF VOTE**

Correction on vote appearing the 49th day Journal, page 1496:  
Vote for March 24, had I been present:  
LB 915 should be LB 916.

(Signed) Orval A. Keyes

**MOTION - Return LB 741 to Select File**

Mr. DeCamp and Mrs. Labeledz moved to return LB 741 to Select File for the specific amendment found in the Journal on page 1267.

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane.

The Chair ruled the amendment not germane.

Mrs. Labeledz challenged the ruling of the Chair.

Mr. Newell 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 question is, "Shall the Chair be overruled?"

Mr. Landis requested a record vote.

Voting in the affirmative, 12:

|            |          |          |          |
|------------|----------|----------|----------|
| Clark      | Goodrich | Kelly    | Murphy   |
| DeCamp     | Haberman | Kennedy  | Nichol   |
| Fitzgerald | Kahle    | Labeledz | Venditte |

Voting in the negative, 23:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Barrett  | Cullan   | Johnson | Merz   | Stoney  |
| Beutler  | Dworak   | Koch    | Newell | Vickers |
| Burrows  | Fowler   | Lamb    | Pirsch | Wesely  |
| Chambers | George   | Landis  | Powers |         |
| Cope     | Hoagland | Marsh   | Simon  |         |

Present and not voting, 12:

|            |        |         |        |
|------------|--------|---------|--------|
| Carsten    | Keyes  | Marvel  | Schmit |
| Chronister | Lewis  | Reutzel | Sieck  |
| Hefner     | Maresh | Rumery  | Warner |

Excused and not voting, 2:

Kremer           Wagner

The motion lost with 12 ayes, 23 nays, 12 present and not voting, and 2 excused and not voting.

The Chair was sustained.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

**UNANIMOUS CONSENT - Withdraw Amendments to LB 741**

Mr. Landis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1470 to LB 741. No objections. So ordered.

Mr. Johnson asked unanimous consent to withdraw his pending amendment found in the Journal on page 1470 to LB 741. No objections. So ordered.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1470 to LB 741. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his pending amendments found in the Journal on page 1480 and 1503 to LB 741. No objections. So ordered.

Mr. Keyes asked unanimous consent to withdraw his pending amendment found in the Journal on page 1523 to LB 741. No objections. So ordered.

Mr. George asked unanimous consent to be excused. No objections. So ordered.

**MOTION - Suspend Rules**

Mrs. Labeledz and Mr. DeCamp moved to suspend the rules and adopt the following specific procedures and rules for this day with respect to the handling of LB 741.

1. To immediately consider the Labeledz/DeCamp amendment which guts the bill and inserts a repeal of the Omaha District Election law and allow 30 minutes for debate on this subject and immediately following debate vote on whether to return LB 741 to select file for the specific Labeledz/DeCamp amendment.

2. To consider no other amendments or motions on LB 741 and specifically to not allow LB 741, if amended by the Labeledz/DeCamp amendment, to be referred to a committee but seek to immediately vote on the advancement of LB 741 if the Labeledz/DeCamp amendment is adopted or if it is rejected without further debate.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mrs. Labeledz moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mrs. Labeledz requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 22:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Chronister | Hefner   | Lewis  | Reutzel | Venditte |
| Clark      | Kahle    | Merz   | Rumery  | Warner   |
| DeCamp     | Kelly    | Murphy | Schmit  |          |
| Goodrich   | Kennedy  | Nichol | Sieck   |          |
| Haberman   | Labeledz | Pirsch | Stoney  |          |

Voting in the negative, 21:

|          |            |         |         |        |
|----------|------------|---------|---------|--------|
| Beutler  | Cullan     | Johnson | Marvel  | Wesely |
| Burrows  | Dworak     | Lamb    | Newell  |        |
| Carsten  | Fitzgerald | Landis  | Powers  |        |
| Chambers | Fowler     | Maresh  | Simon   |        |
| Cope     | Hoagland   | Marsh   | Vickers |        |

Present and not voting, 2:

Keyes            Koch

Excused and not voting, 4:

Barrett        George        Kremer        Wagner

The motion to suspend the rules lost with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 741.**

A BILL FOR AN ACT relating to obsolete statutes; to eliminate provisions relating to manufacturing of synthetic rubber, hitching horses, posses, hucksters, county workhouses, licensing of ferries, the Nebraska Constitutional Revision Commission, toll mills, the anti-trust act of 1897, streetcars, personal property of stage companies, and poll tax; and to repeal sections 2-1701, 16-208, 17-116, 17-562, 23-401 to 23-407, 23-409 to 23-419, 39-901 to 39-912, 49-239 to 49-244, 56-201 to 56-207, 59-101, 74-1101 to 74-1123, 74-1125, 77-1221, and 80-110, Reissue Revised Statutes of Nebraska, 1943, section 74-1124, Revised Statutes Supplement, 1978, section 23-408, Revised Statutes Supplement, 1979, and sections 23-801, 23-802, and 23-804, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, sections 121, 122, and 123 respectively.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Beutler    | Dworak     | Kelly    | Marsh   | Rumery   |
| Burrows    | Fitzgerald | Kennedy  | Marvel  | Schmit   |
| Carsten    | Fowler     | Keyes    | Merz    | Sieck    |
| Chambers   | Goodrich   | Koch     | Murphy  | Simon    |
| Chronister | Haberman   | Labeledz | Newell  | Stoney   |
| Clark      | Hefner     | Lamb     | Nichol  | Venditte |
| Cope       | Hoagland   | Landis   | Pirsch  | Vickers  |
| Cullan     | Johnson    | Lewis    | Powers  | Warner   |
| DeCamp     | Kahle      | Maresh   | Reutzel | Wesely   |

Voting in the negative, 0.

Excused and not voting, 4:

|         |        |        |        |
|---------|--------|--------|--------|
| Barrett | George | Kremer | Wagner |
|---------|--------|--------|--------|

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

**MESSAGES FROM THE GOVERNOR**

March 27, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 616, 724, 725, 733, 770, 785, 842, and 862.

These bills were signed by me on March 27, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

March 27, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 673, 674, 717, 794, 835, 905, 908, 909, 916, and 966.

These bills were signed by me on March 27, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**MOTION - Reconsider Action on LB 743**

Mr. DeCamp moved to reconsider action on LB 743 on Final Reading.

Motion pending.

**VISITORS**

Visitors to the Chamber were 3 students and teacher from District #22 School, Frontier County; 16 seniors and sponsors from St. Ann's Catholic High School, Lexington; 17 representatives of Tri-Diocesean Council of Catholic Women; 10 students, teacher, and sponsors from Prairie Home School, Chadron; 29 tenth graders and teacher from Friend Public School; and 14 members of Dale-Ortello Extension Club from Merna and Anselmo.

**RECESS**

At 12:11 p.m., on a motion by Mr. Sieck, the Legislature recessed until 1:15 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:24 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Kremer and Wagner who were excused; and Mrs. Pirsch, Messrs. George, Kelly, Lewis, Simon, and Warner who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 882.** Considered.

Mrs. Labeledz moved to suspend the rules, Rule 6, Section 3, and Rule 7, Section 3, and vote on the advancement of LB 882 without further amendment or debate.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The motion to suspend the rules prevailed with 31 ayes, 7 nays, and 11 not voting.

Advanced to E & R for Review with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 882A.** Title read. Considered.

Mr. Cullan requested a record vote to advance LB 882A.

Voting in the affirmative, 27:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Barrett    | DeCamp   | Koch   | Murphy  | Vickers |
| Carsten    | Haberman | Lamb   | Nichol  | Warner  |
| Chronister | Hefner   | Landis | Reutzel | Wesely  |
| Clark      | Kahle    | Maresh | Rumery  |         |
| Cope       | Kelly    | Marsh  | Schmit  |         |
| Cullan     | Kennedy  | Merz   | Stoney  |         |

Voting in the negative, 12:

|          |            |          |        |
|----------|------------|----------|--------|
| Beutler  | Fitzgerald | Hoagland | Lewis  |
| Chambers | Fowler     | Johnson  | Marvel |
| Dworak   | Goodrich   | Keyes    | Newell |

Present and not voting, 6:

|         |          |          |
|---------|----------|----------|
| Burrows | Labeledz | Sieck    |
| George  | Powers   | Venditte |

Excused and not voting, 4:

|        |        |       |        |
|--------|--------|-------|--------|
| Kremer | Pirsch | Simon | Wagner |
|--------|--------|-------|--------|

Advanced to E & R for Review with 27 ayes, 12 nays, 6 present and not voting, and 4 excused and not voting.

### **MOTION - Reconsider Action on LB 743**

Mr. DeCamp renewed his pending motion found in this day's Journal to reconsider action on the Final Reading of LB 743.

The motion prevailed with 30 ayes, 7 nays, and 12 not voting.

Mr. Keyes moved to return LB 743 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 12 ayes, 23 nays, 11 present and not voting, and 3 excused and not voting.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall LB 743 pass?'"

Voting in the affirmative, 27:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Clark      | Goodrich | Lamb   | Newell  | Sieck  |
| Cope       | Haberman | Lewis  | Nichol  | Simon  |
| Cullan     | Hefner   | Maresh | Pirsch  | Warner |
| DeCamp     | Kahle    | Marsh  | Reutzel |        |
| Fitzgerald | Kelly    | Marvel | Rumery  |        |
| Fowler     | Labeledz | Merz   | Schmit  |        |

Voting in the negative, 12:

|          |          |         |         |
|----------|----------|---------|---------|
| Barrett  | Dworak   | Kennedy | Stoney  |
| Beutler  | Hoagland | Keyes   | Vickers |
| Chambers | Johnson  | Landis  | Wesely  |

Present and not voting, 8:

|         |            |        |          |
|---------|------------|--------|----------|
| Burrows | Chronister | Koch   | Powers   |
| Carsten | George     | Murphy | Venditte |

Excused and not voting, 2:

|        |        |
|--------|--------|
| Kremer | Wagner |
|--------|--------|

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

**UNANIMOUS CONSENT - Print in Journal**

Mr. Burrows asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

1. On page 4, after line 6, insert a new section as follows:

“Section 7. Agency 18 - Dept. of Agriculture  
Program 333 - Bureau of Plant Industry

It is the intent of the Legislature that of the appropriation for grasshopper control for fiscal year 1979-80, no more than \$2,000 of state funds shall be utilized to assist any one individual or corporation through the cooperative spraying program.”

2. Renumber original sections 7 to 22 as sections 8 to 23.

**GENERAL FILE**

**LEGISLATIVE BILL 647.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1143 for the Forty-First Day were considered.

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

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

Mr. Carsten moved for a Call of the House. The motion prevailed with 8 ayes, 3 nays, and 38 not voting.

The Standing Committee amendments lost with 9 ayes, 30 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labeledz renewed her pending amendment (1) referred to in the Journal on page 1513 (Req. #2216).

Messrs. Koch and Vickers asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Beutler offered the following amendment to the Labeledz amendment (1) (Req. #2216):

Req. #2087

- 2 1. Insert the following new sections:
- 3 "Section 1. That section 77-3502, revised
- 4 Statutes Supplement, 1979, be amended to read as follows:
- 5 77-3502. Homestead shall mean either (1) a
- 6 residence or mobile home, and the land surrounding it,
- 7 not exceeding one acre, in this state actually occupied
- 8 as such by a natural person who is the owner of record
- 9 thereof as of January 1 in each year, ~~or~~ (2) a residence
- 10 or mobile home located on land leased by the owner of the
- 11 residence or mobile home, which is located within this
- 12 state, and is actually occupied by the person who is the
- 13 owner of record as of January 1 in each year, or so
- 14 occupied by the surviving spouse and minor children, if
- 15 any, of such owner of record, or so much thereof as shall
- 16 be so occupied, or (3) a residential unit in a dwelling
- 17 complex, the record title owner of which is a
- 18 not-for-profit corporation, when the purchase for fair
- 19 market value of a life tenancy in a taxable unit of the
- 20 dwelling complex entitles the purchaser to exclusive
- 21 occupancy of that unit for life, actually occupied by a

22 natural person who has a life tenancy therein as of  
 23 January 1 in each year. For purposes of this section,  
 24 mobile home shall include a cabin trailer or mobile home  
 25 which has become attached to real estate and a mobile  
 1 home or cabin trailer whose owner is required to obtain a  
 2 permit pursuant to section 60-1602, for such cabin  
 3 trailer or mobile home.

4 Sec. 2. That section 77-3503, Revised Statutes  
 5 Supplement, 1979, be amended to read as follows:  
 6 77-3503. Owner shall mean the owner of record or  
 7 surviving spouse, the vendee in possession under a land  
 8 contract or surviving spouse, one of the joint tenants or  
 9 tenants in common or surviving spouse, or the beneficiary  
 10 of a trust of which the trustee is the record title owner  
 11 and the beneficiary-occupant (1) has a specific right to  
 12 occupy the premises as stated in the trust instrument,  
 13 (2) has the right to amend or revoke the trust to obtain  
 14 such power of occupancy or of title, or (3) has the power  
 15 to withdraw the homestead premises from the trust and  
 16 place the record title in such occupant's name. Owner  
 17 shall also mean a resident of a dwelling complex, the  
 18 record title owner of which is a not-for-profit  
 19 corporation, who has by purchase for fair market value  
 20 secured a life tenancy in a taxable unit of the complex.

21 Sec. 3. That section 77-3506, Revised Statutes  
 22 Supplement, 1979, be amended to read as follows:  
 23 77-3506. (1) All homesteads in this state shall  
 24 be assessed for taxation the same as other property,  
 25 except that there shall be exempt from taxation (a) the  
 26 first twenty-five per cent of the actual value of any  
 1 homestead having an actual value of fifteen hundred  
 2 dollars or less and (b) the first twenty per cent of the  
 3 first four thousand dollars of the actual value of any  
 4 homestead having an actual value in excess of fifteen  
 5 hundred dollars.

6 (2) The percentages in subdivisions (a) and (b)  
 7 of subsection (1) of this section shall be increased to  
 8 fifty and forty-five, respectively, in the case of any  
 9 veteran as defined in section 80-401.01, for the year in  
 10 which such veteran reaches seventy years of age and for  
 11 each subsequent year, or the unremarried widow or widower  
 12 of any such veteran or the husband or wife of any such  
 13 veteran when the veteran is not the owner. ~~of record.~~

14 Sec. 6. That section 77-3511, Revised Statutes  
 Supplement, 1979, be amended to read as follows:  
 15 77-3511. The application for homestead exemption  
 16 shall be signed and sworn to by the owner ~~of record~~ of  
 17 the property unless the owner is an incompetent, in which  
 18 case it shall be signed and sworn to by the guardian.  
 19 The county assessor, his or her duly appointed deputies,

20 and notaries public are authorized to administer such  
21 oaths.”.

### MR. CLARK PRESIDING

The Beutler amendment was adopted with 18 ayes, 1 nay, 24 present and not voting, and 6 excused and not voting.

Mr. Newell offered the following amendment to the Labeledz amendment (1) (Req. #2216):

1. On page 1, line 20 and on page 5, line 9, strike “forty” and insert “thirty-two”.

### SPEAKER MARVEL PRESIDING

Mr. Johnson moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|          |         |         |        |         |
|----------|---------|---------|--------|---------|
| Beutler  | Fowler  | Kelly   | Landis | Sieck   |
| Burrows  | George  | Kennedy | Marvel | Stoney  |
| Chambers | Hefner  | Keyes   | Murphy | Vickers |
| Dworak   | Johnson | Koch    | Newell |         |

Voting in the negative, 24:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Labeledz | Nichol  | Schmit   |
| Carsten    | Fitzgerald | Lamb     | Pirsch  | Simon    |
| Chronister | Goodrich   | Maresh   | Powers  | Venditte |
| Clark      | Haberman   | Marsh    | Reutzel | Warner   |
| Cope       | Kahle      | Merz     | Rumery  |          |

Present and not voting, 1:

Wesely

Excused and not voting, 4:

Cullan Hoagland Kremer Wagner

Absent and not voting, 1:

Lewis

The Newell amendment lost with 19 ayes, 24 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

The Labeledz amendment (1) as amended was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

Mrs. Labeledz withdrew her pending amendments referred to in the Journal on page 1513 (2)(Req. #2237) and (3)(Req. #2294).

Mr. Newell withdrew his pending amendment found in the Journal on page 1504.

Mr. Chronister withdrew his pending amendment found in the Journal on page 1515.

Mr. Chronister offered the following amendment:

- 1 1. On page 5, line 17 strike "and" and show as
- 2 stricken; and in line 20 after "limbs" insert ", and (5)
- 3 individuals who have undergone multiple amputation of
- 4 both arms above the elbow".
- 5 2. On page 6, line 13 strike "or" and show as
- 6 stricken and after "(4)" insert ", or (5)".

The amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Mrs. Labeledz moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

### SELECT COMMITTEE REPORTS Enrollment and Review

#### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 765.

**Correctly Enrolled**

The following bills were correctly enrolled: 423, 592, 686, 696, 780, 863, 863A, 892, 912, 986, and 741.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 423, 592, 686, 696, 780, 863, 863A, 892, 912, 986, and 741.

**MESSAGE FROM THE GOVERNOR**

March 27, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 646.

This bill was signed by me on March 27, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 656A.** By Simon, 31st District.  
This bill introduced on behalf of: LB 656.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 656, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were heard at a hearing on March 19, 1980. The Committee suggests the appointments be confirmed by the legislative body and suggests a record vote.

Phyllis Haberman, State Board of Health

VOTE: For: Marsh, Simon, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (8). Against: None (0). Excused: Cullan, Lewis, Labeledz, Schmit, Nichol (5).

Henry Barthuly, Commission for Hearing Impaired

VOTE: For: Marsh, Simon, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (8). Against: None (0). Excused: Cullan, Labeledz, Lewis, Schmit, Nichol (5).

Gerald Hoffmaster, Commission for Hearing Impaired

VOTE: For: Marsh, Simon, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (8). Against: None (0). Excused: Cullan, Labeledz, Lewis, Schmit, Nichol (5).

Virgil Rodgers, Accountability & Disclosure Commission

VOTE: For: Marsh, Simon, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (8). Against: None (0). Excused: Cullan, Labeledz, Lewis, Schmit, Nichol (5).

(Signed) Shirley Marsh, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Dworak asked unanimous consent to print the following amendment to LB 824 in the Journal. No objections. So ordered.

- 1 Page 4, line 7, strike "as provided in section 79-2648"
- 2 Page 4, line 7, then insert in place of "as provided in
- 3 section 79-2648" the following:
- 4 "which shall be used (1) first for the retirement of
- 5 bonds assumed by the board in accordance with the
- 6 provisions of such bonds, (2) then for renewal work
- 7 and deferred maintenance—as defined in section
- 8 81-173, Revised Statutes Supplement, 1978, handicapped
- 9 access and life safety improvements made to existing
- 10 structures or grounds, and projects designed to prevent or

- 11 correct a waste of energy—including measures taken to  
 12 utilize alternate energy sources, all in accordance with  
 13 the capital facilities plan of the area, and (3) then  
 14 for the retirement of bonds issued pursuant to 79-2648.”  
 15
- 16 Page 5, line 25, after “construction contracts”  
 17 insert “.”  
 18 Page 5, line 25, strike “the total cost of which to be  
 19 paid”  
 20 Page 5, lines 26 and 27, strike all new matter  
 21 Page 6, line 1, strike all new matter.

Mr. Kennedy asked unanimous consent to be excused. No objections.  
 So ordered.

**UNANIMOUS CONSENT - Expedite LB 882 and 882A**

Mr. Schmit asked unanimous consent to expedite LB 882 and  
 LB 882A.

Mr. Fowler objected.

Mr. Schmit moved to expedite LB 882 and LB 882A.

Mr. Schmit moved for a Call of the House. The motion prevailed with  
 11 ayes, 1 nay, and 37 not voting.

Mr. Schmit requested a roll call vote on his motion to expedite.

Voting in the affirmative, 23:

|          |          |          |         |          |
|----------|----------|----------|---------|----------|
| Barrett  | DeCamp   | Labeledz | Murphy  | Schmit   |
| Carsten  | Haberman | Lamb     | Nichol  | Sieck    |
| Christer | Hefner   | Maresh   | Powers  | Venditte |
| Clark    | Kahle    | Marsh    | Reutzel |          |
| Cope     | Kelly    | Merz     | Rumery  |          |

Voting in the negative, 13:

|          |            |        |         |        |
|----------|------------|--------|---------|--------|
| Beutler  | Fitzgerald | Keyes  | Pirsch  | Warner |
| Chambers | Fowler     | Landis | Simon   |        |
| Dworak   | Johnson    | Newell | Vickers |        |

Present and not voting, 7:

|         |          |        |        |
|---------|----------|--------|--------|
| Burrows | Goodrich | Marvel | Wesely |
| George  | Koch     | Stoney |        |

Excused and not voting, 5:

Cullan      Hoagland      Kennedy      Kremer      Wagner

Absent and not voting, 1:

Lewis

The Schmit motion lost with 23 ayes, 13 nays, 7 present and not voting, 5 excused and not voting, and 1 absent and not voting.

### ATTORNEY GENERAL'S OPINION

Opinion No. 267  
March 27, 1980

Dear Senator Chambers:

You have called our attention to LB 905, and you ask our opinion as to the constitutional validity of one of the amendments to be effected by that bill. In our opinion the problem you raise is a real one, but can be resolved by proper construction of the statute.

LB 905 would amend section 77-907, R.R.S. 1943. This section now defines "premiums" as follows:

"(3) Premiums shall mean the consideration paid to insurance companies for insurance and shall include policy fees, assessments, dues, or other similar payments except that premiums on pension, profit-sharing and other employee benefit plans which are described in section 805(d)(1) of the Internal Revenue Code of 1954, as amended as of January 1, 1965 shall be exempt from taxation;"

The bill would strike the words "as of January 1, 1965." You suggest that this would be an unlawful delegation of legislative authority to Congress by incorporating into our statute all amendments to the Internal Revenue Code since January 1, 1965, and on into the indefinite future. If the bill were so interpreted it would undoubtedly be subject to the objection you raise.

In Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935), the statute made reference to a federal act then pending before Congress, and provided for its having effect on the Nebraska legislation when passed. The court held this to be an unconstitutional delegation of legislative powers to Congress.

It is also clear, however, that the Legislature can adopt and incorporate by reference legislation previously passed by other legislative bodies, including Congress. See Anderson v. Tiemann, 182

Neb. 393, 155 N.W.2d 322 (1967). This, of course, is precisely what the Legislature did in the present version of section 77-907, when it made reference to section 805(d)(1) of the Internal Revenue Code of 1954, as amended as of January 1, 1965.

If we were to construe the elimination of the specified date to remove all restrictions and to incorporate future amendments into the statute, it would be clearly invalid. It is not, of course, covered by Article VIII, section 1B of the Nebraska Constitution, which permits state income tax laws to be based upon future laws of the United States. The tax we are here concerned with is a tax on premiums, not income, and so is not covered by that constitutional provision.

However, in Anderson v. Tiemann, *supra*, the court quoted with approval from State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 113 N.W.2d 63, to the effect that where a statute is susceptible of two constructions, one of which renders it constitutional and the other unconstitutional, it is the duty of the court to adopt the construction which, without doing violence to the fair meaning of the statute, will render it valid.

We believe that the bill, as now worded, can be interpreted to adopt the Internal Revenue Code, as amended, to the date of the passage and approval of LB 905. So construed, the amendment you inquire about presents no constitutional difficulties.

We recognize that the other construction is possible, but given the bias of the court toward constitutional, rather than unconstitutional interpretations of statutes, we believe the bill should be construed simply to incorporate Internal Revenue Code amendments adopted since January 1, 1965, to the date of passage and approval of the act. LB 905 does not contain the unequivocal language showing intention to incorporate future changes which was involved in Anderson v. Tiemann, nor does it refer to pending federal legislation, as in Smithberger v. Banning. It can be argued that had the Legislature intended the same result, it would have used language similar to that involved in Anderson v. Tiemann. Obviously, a few words added to the bill before passage would remove any doubts and eliminate the necessity for construction.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Ralph H. Gillan  
Assistant Attorney General

RHG:smb

cc: Patrick O'Donnell  
Clerk of the Legislature

**GENERAL FILE**

**LEGISLATIVE BILL 608.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1138 for the Forty-First Day were adopted with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment:

(White Copy Request # 2215)

1. On page 4, line 5, strike "adjusted gross" and insert "taxable".

The amendment lost with 18 ayes, 11 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Haberman moved to indefinitely postpone LB 608.

**MR. CLARK PRESIDING**

The motion to indefinitely postpone lost with 4 ayes, 23 nays, 17 present and not voting, and 5 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Maresh asked unanimous consent to print the following amendment to LB 800 in the Journal. No objections. So ordered.

Req. #2307

- 2 1. On page 14, line 3 strike "or"; in lines for
- 3 through 7 reinstate the stricken matter; in line 8 after
- 4 "other" insert "or retired pay, pension, annuity, or
- 5 other similar periodic payment under a plan maintained or
- 6 contributed to by a base period or chargeable employer,
- 7 or (5)"; in line 11 after "law." insert "Such payments
- 8 made in lump sums shall be prorated in an amount which is
- 9 reasonably attributable to such week.", and strike "such"
- 10 and insert "such the prorated"; strike beginning with
- 11 "In" in line 15 through the underscored semicolon in line
- 12 17, show the old matter as stricken, and insert "No
- 13 payment by the United States to veterans for
- 14 service-connected disabilities shall be deemed to be
- 15 disqualifying or deductible from the benefit amount and",
- 16 reinstate the stricken matter beginning with "no" in line
- 17 24 through line 26.
- 18 2. On page 17, line 13 after the semicolon
- 19 insert "and".
- 20 3. On page 18 in lines 10 through 27 strike the
- 21 new matter and reinstate the stricken matter.
- 22 4. Strike committee amendment 2.

Mr. Stoney asked unanimous consent to print the following amendment to LB 924 in the Journal. No objections. So ordered.

- 1 1. On page 5, line 27 after "1943" insert
- 2 " , and be qualified in civil engineering".

Mr. Stoney asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

- 1 1. Strike original sections 5, 6, and 9.
- 2 2. On page 3, reinstate the stricken matter
- 3 beginning with "and" in line 11 through "petition" in
- 4 line 13; insert an underscored period after reinstated
- 5 "petition"; strike the new matter and reinstate the
- 6 stricken matter in lines 21 through 27; and in line 24
- 7 strike reinstated "August" and insert "August July".
- 8 3. On page 5, in line 11, strike the new
- 9 matter and reinstate the stricken matter; in line 12
- 10 reinstate "majority of"; in line 14 after "subdivision"
- 11 insert "those voting on the question" and reinstate the
- 12 stricken matter beginning with "vote" in line 14 through
- 13 line 19.
- 14 4. On page 6, in line 3 strike "77-3406,
- 15 77-3409,".
- 16 5. Renumber remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

On page 1, line 20 and on page 5, line 9 strike "forty" and insert "thirty-five".

## **SPEAKER MARVEL PRESIDING**

### **ATTORNEY GENERAL'S OPINION**

Opinion No. 268  
March 27, 1980

Dear Senator Cope:

This is in reply to your letter dated March 26, 1980, concerning section 18-1214, R.R.S. 1943, and legislation which you have introduced.

Specifically, you ask our opinion whether or not section 18-1214, R.R.S. 1943, allows cities of the First Class to levy a wheel tax for the purpose of maintenance of streets.

Section 18-1214, R.R.S. 1943, provides in part:

“...Such taxes shall be credited by the county treasurer to the road fund of such city or village, such funds to be used by such city or village exclusively for constructing or resurfacing dustless-surface street improvements on arterial rather than residential routes, and for the amortization of bonded indebtedness when created for such improvements, but not for maintenance nor equipment purchases.”

In our opinion, the wording of the statute is so clear that it does not need interpretation. The statute clearly states that the funds are “to be used exclusively for ... constructing or resurfacing dustless-surface street improvements ... but not for maintenance, nor equipment purchases.” (Emphasis added).

The statute clearly states for what purposes the funds may be used and that they may not be used for maintenance.

In City of Grand Island v. County of Hall, 196 Neb. 282, 242 N.W.2d 868, (1976), at page 285, our court has stated:

“Where the words of a statute are plain, direct, and unambiguous, no interpretation is needed to ascertain their meaning and this court cannot read a meaning into a statute which is unrelated by legislative language, nor can it read plain, direct, and unambiguous language out of a statute...”

It is the opinion of this office that the provisions of section 18-1214, R.R.S. 1943, do not allow a city of any class nor a village to levy a wheel tax for the purpose of maintenance of streets.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) John P. Regan  
Assistant Attorney General

JPR/ta

cc: Patrick J. O'Donnell  
Clerk of the Legislature

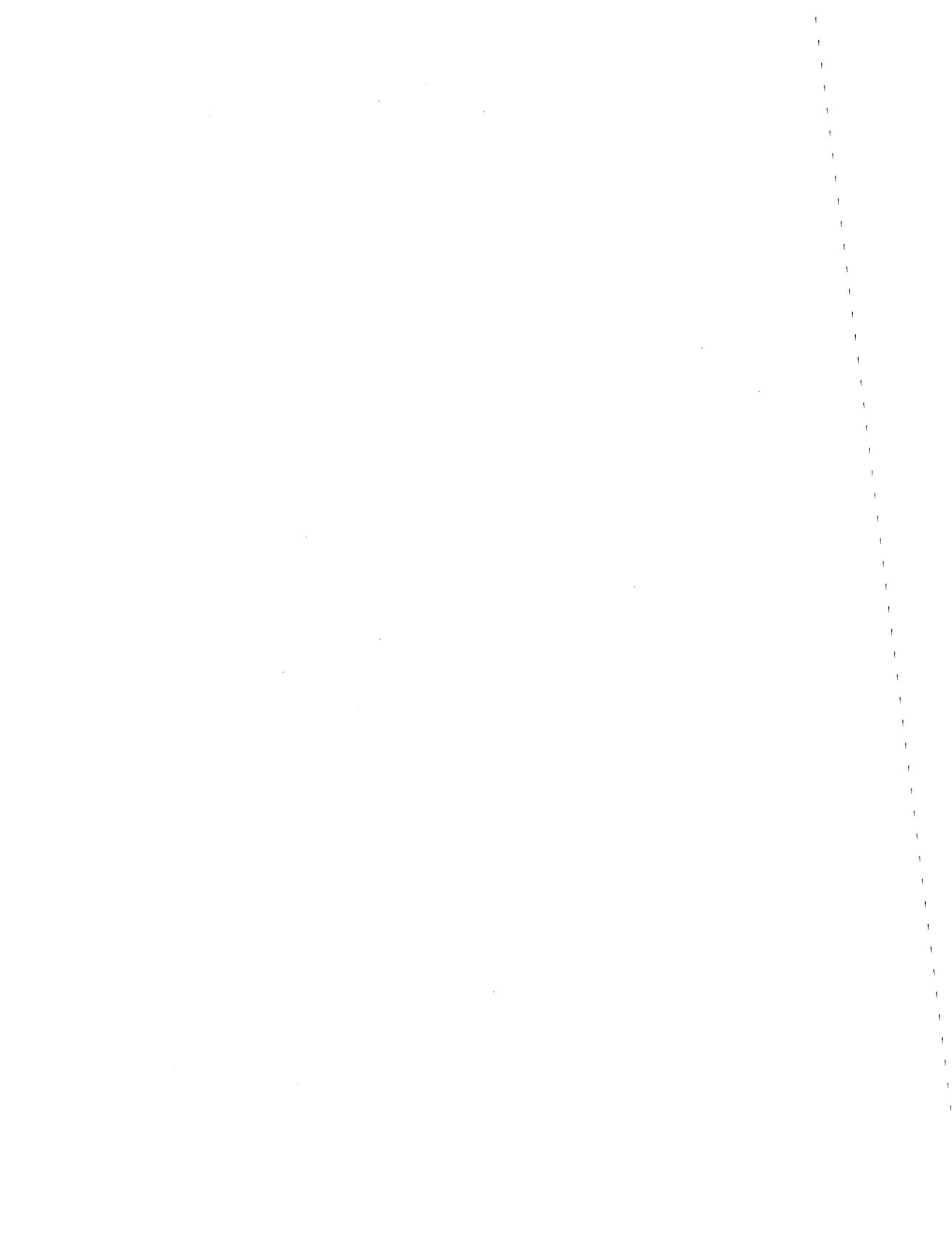
### VISITORS

Visitors to the Chamber were 8 FFA members, Ainsworth; 6 FFA members, Rushville; 5 FFA members, Bloomfield; and 12 members and instructor from the College of Hair Design, Lincoln.

### ADJOURNMENT

Mr. Goodrich moved to adjourn. The motion prevailed with 18 ayes, 12 nays, and 19 not voting, and at 4:46 p.m., the Legislature adjourned until 9:00 a.m., Monday, March 31, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SECOND DAY - MARCH 31, 1980**

**LEGISLATIVE JOURNAL**

**FIFTY-SECOND DAY - MARCH 31, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 31, 1980

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Dear God, As the days of Spring lengthen and the remaining days of our time together shorten, we pray both for the light of truth and a sense of urgency in everything done here. We thank You for the diversity and commitment present in our ranks, for the willingness to work and the desire to be faithful to our public trust; save us from any easy goal or cautious expectations, that we may stretch and reach and press to do what we attempt for the people of the State, not somehow, but triumphantly! So replenish us in this moment of meditation, that we may be a source of nourishment to others. So certify Your love to us that we may live above the need for praise or the fear of criticism. Help us to live in this place as those who have been called by You to serve in the face of the needs of the people. And may that vision be our strength until this Legislature is ended and our work is done. Amen.

**ROLL CALL**

The roll was called and all members were present except Mr. Merz who was excused; and Messrs. Beutler, Cullan, Fowler, Haberman, Venditte, and Wesely who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1589, line 2 of amendment, delete "for" at end of line and insert "4".

The Journal for the Fifty-First Day was approved as corrected.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 882.** Placed on Select File as amended.  
E & R amendments to LB 882:

1. For correlation purposes, on page 3, line 2, insert “, as amended by section 1, Legislative Bill 913, Eighty-sixth Legislature, Second Session, 1980” after “1978”; and in line 9, insert “by educational, religious, charitable, or cemetery organizations” after “owned”.
2. On page 4, line 7, strike the comma.
3. On page 6, line 17, insert an underscored comma after “act”; and in line 20, strike the comma.
4. On page 10, line 10, strike “, and” and insert “, and and,”.
5. On page 11, line 16, insert “, as amended by section 1, Legislative Bill 913, Eighty-sixth Legislature, Second Session, 1980” after “1978”; in line 17, strike “77-202.25” and insert “77-202.26”; and in line 20, insert “, section 77-202.25, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 636, Eighty-sixth Legislature, Second Session, 1980” after “1978”.
6. In the title, line 4, insert “, as amended by section 1, Legislative Bill 913, Eighty-sixth Legislature, Second Session, 1980” after “1978”; in line 8, insert “and” after the second semicolon; in line 10 strike “77-202.25” and insert “77-202.26”; in line 13 insert “, section 77-202.25, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 636, Eighty-sixth Legislature, Second Session, 1980” after “1978”; and in lines 17 and 18, strike “; and to declare an emergency”.

**LEGISLATIVE BILL 882A.** Placed on Select File.

**LEGISLATIVE BILL 647.** Placed on Select File as amended.  
E & R amendments to LB 647:

(Amendments are to Req. 2216 except as specified.)

1. In the Beutler amendments, renumber section 3 as section 4 and section 6 as section 7.
2. Renumber original section 1 as section 3, original sections 2 and 3 as sections 5 and 6, and original sections 4 to 11 as sections 8 to 15.
3. On page 9, line 25, insert “77-3502, 77-3503,” after “sections” and insert “77-3506,” at the end of the line; and in line 26, insert “77-3511,” after the second comma.
4. In the title, strike beginning with “77-3507” in line 2 through the second comma in line 3 and insert

“77-3502, 77-3503, 77-3505, 77-3506, 77-3507, 77-3508, 77-3511, 77-3512, 77-3513, 77-3516, 77-3517, and 77-3524, Revised Statutes Supplement, 1979,”; in line 6, strike “and”; and in line 7, insert “; and to declare an emergency” after “sections”.

**Correctly Enrolled**

The following bill was correctly enrolled: 743.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bill: 743.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 28, 1980, at 9:40 a.m., were the following bills: 986, 912, 892, 863A, 863, 780, 696, 686, 592, and 423.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**MESSAGES FROM THE GOVERNOR**

March 28, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 440, 662, 730, 782, 808, 821, 855, 874, 885, 887, 896, 915, 923, 925, and Reengrossed Legislative Bill 680.

These bills were signed by me on March 28, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

March 28, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 304.

This bill was signed by me on March 28, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

#### APPRECIATION

Received note of appreciation from the Orval Keyes family for expressions of condolences in memory of their mother and grandmother, Mary E. Keyes.

#### REPORT

Received status report from the State Board of Examiners in Medicine and Surgery on Physician's Assistants, in compliance with Section 77-1,107.22 R.R.S. of Neb. 1943.

#### RESOLUTIONS

**LEGISLATIVE RESOLUTION 197.** Read. Considered.

LR 197 was adopted with 25 ayes, 0 nays, and 24 not voting.

**LEGISLATIVE RESOLUTION 216.** Read. Considered.

LR 216 was adopted with 32 ayes, 0 nays, and 17 not voting.

**LEGISLATIVE RESOLUTION 217.** Read. Considered.

LR 217 was adopted with 34 ayes, 0 nays, and 15 not voting.

**LEGISLATIVE RESOLUTION 219.** Read. Considered.

LR 219 was adopted with 34 ayes, 0 nays, and 15 not voting.

**LEGISLATIVE RESOLUTION 220.** Read. Considered.

LR 220 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 221.** Read. Considered.

Mrs. Pirsch, Messrs. Stoney, Goodrich, and Venditte asked unanimous consent to add their names to LR 221. No objections. So ordered.

LR 221 was adopted with 35 ayes, 0 nays, and 14 not voting.

**LEGISLATIVE RESOLUTION 223.** Read. Considered.

LR 223 was adopted with 29 ayes, 0 nays, and 20 not voting.

**LEGISLATIVE RESOLUTION 224.** Read. Considered.

LR 224 was adopted with 31 ayes, 0 nays, and 18 not voting.

#### GENERAL FILE

**LEGISLATIVE RESOLUTION 43.** Read. Considered.

LR 43 was adopted with 28 ayes, 0 nays, and 21 not voting.

#### MOTION - Approve Appointments

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 1350 on the following appointments: John B. Cassel, Roger Cross, Earl C. Hultman, Wayne Schreurs, and Jerry Sellentin.

Voting in the affirmative, 34:

|            |         |          |         |          |
|------------|---------|----------|---------|----------|
| Barrett    | Fowler  | Keyes    | Marvel  | Schmit   |
| Burrows    | George  | Koch     | Murphy  | Simon    |
| Carsten    | Hefner  | Kremer   | Newell  | Stoney   |
| Chambers   | Johnson | Labeledz | Nichol  | Venditte |
| Chronister | Kahle   | Lewis    | Powers  | Wagner   |
| Clark      | Kelly   | Maresh   | Reutzel | Warner   |
| Cope       | Kennedy | Marsh    | Rumery  |          |

Voting in the negative, 0.

Not voting, 15:

|         |            |          |        |         |
|---------|------------|----------|--------|---------|
| Beutler | Dworak     | Haberman | Landis | Sieck   |
| Cullan  | Fitzgerald | Hoagland | Merz   | Vickers |
| DeCamp  | Goodrich   | Lamb     | Pirsch | Wesely  |

The appointments were confirmed with 34 ayes, 0 nays, and 15 not voting.

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on pages 1351 and 1352 on the following appointments: Ron Elmshouser, Bernard R. Gyger, Berton Leavitt, Duane Mines, Dr. George Propp, Wayne Sides, and G. Herbert Seberg.

Voting in the affirmative, 31:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | DeCamp   | Kennedy | Murphy | Simon  |
| Burrows    | George   | Koch    | Newell | Stoney |
| Carsten    | Haberman | Kremer  | Nichol | Wagner |
| Chambers   | Hefner   | Lewis   | Pirsch |        |
| Chronister | Hoagland | Maresh  | Powers |        |
| Clark      | Johnson  | Marsh   | Rumery |        |
| Cope       | Kahle    | Marvel  | Schmit |        |

Voting in the negative, 0.

Not voting, 18:

|            |          |          |          |        |
|------------|----------|----------|----------|--------|
| Beutler    | Fowler   | Labeledz | Reutzel  | Warner |
| Cullan     | Goodrich | Lamb     | Sieck    | Wesely |
| Dworak     | Kelly    | Landis   | Venditte |        |
| Fitzgerald | Keyes    | Merz     | Vickers  |        |

The appointments were confirmed with 31 ayes, 0 nays, and 18 not voting.

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on pages 1350 and 1351 on the following appointments: Jody Asmussen, Irvin S. Chesen, James Kamas, Lynn Moore, Dr. Patricia Sullivan, and Beverly Thomas.

Voting in the affirmative, 31:

|         |            |        |        |         |
|---------|------------|--------|--------|---------|
| Barrett | Chambers   | Cope   | George | Kelly   |
| Burrows | Chronister | Dworak | Hefner | Kennedy |
| Carsten | Clark      | Fowler | Kahle  | Keyes   |

|        |        |         |        |
|--------|--------|---------|--------|
| Kremer | Marvel | Pirsch  | Schmit |
| Lewis  | Murphy | Powers  | Stoney |
| Maresh | Newell | Reutzel | Wagner |
| Marsh  | Nichol | Rumery  | Warner |

Voting in the negative, 0.

Not voting, 18:

|            |          |          |          |         |
|------------|----------|----------|----------|---------|
| Beutler    | Goodrich | Koch     | Merz     | Vickers |
| Cullan     | Haberman | Labeledz | Sieck    | Wesely  |
| DeCamp     | Hoagland | Lamb     | Simon    |         |
| Fitzgerald | Johnson  | Landis   | Venditte |         |

The appointments were confirmed with 31 ayes, 0 nays, and 18 not voting.

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 1585 on the following appointments: Phyllis Haberman, Henry Barthuly, Gerald Hoffmaster, and Virgil Rodgers.

Voting in the affirmative, 33:

|            |         |        |         |          |
|------------|---------|--------|---------|----------|
| Barrett    | DeCamp  | Keyes  | Marvel  | Simon    |
| Burrows    | Dworak  | Koch   | Newell  | Stoney   |
| Carsten    | Fowler  | Kremer | Nichol  | Venditte |
| Chambers   | George  | Landis | Pirsch  | Wagner   |
| Chronister | Hefner  | Lewis  | Reutzel | Wesely   |
| Clark      | Kelly   | Maresh | Rumery  |          |
| Cope       | Kennedy | Marsh  | Sieck   |          |

Voting in the negative, 0.

Not voting, 16:

|            |          |          |         |
|------------|----------|----------|---------|
| Beutler    | Haberman | Labeledz | Powers  |
| Cullan     | Hoagland | Lamb     | Schmit  |
| Fitzgerald | Johnson  | Merz     | Vickers |
| Goodrich   | Kahle    | Murphy   | Warner  |

The appointments were confirmed with 33 ayes, 0 nays, and 16 not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 1004.** Title read. Considered.

Mr. Burrows renewed his pending amendment found in the Journal on page 1579.

Mr. Burrows moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Burrows requested a roll call vote on his amendment.

Voting in the affirmative, 15:

|          |            |        |        |         |
|----------|------------|--------|--------|---------|
| Burrows  | Fitzgerald | Keyes  | Murphy | Powers  |
| Chambers | Fowler     | Landis | Newell | Reutzel |
| Dworak   | Kennedy    | Lewis  | Pirsch | Simon   |

Voting in the negative, 24:

|            |          |        |        |          |
|------------|----------|--------|--------|----------|
| Barrett    | DeCamp   | Kahle  | Marsh  | Venditte |
| Carsten    | George   | Koch   | Marvel | Vickers  |
| Chronister | Goodrich | Kremer | Nichol | Wagner   |
| Clark      | Haberman | Lamb   | Rumery | Warner   |
| Cope       | Hefner   | Maresh | Stoney |          |

Present and not voting, 8:

|          |         |          |        |
|----------|---------|----------|--------|
| Beutler  | Johnson | Labeledz | Sieck  |
| Hoagland | Kelly   | Schmit   | Wesely |

Excused and not voting, 2:

Cullan            Merz

The Burrows amendment lost with 15 ayes, 24 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Messrs. Johnson, Newell, and Fitzgerald offered the following amendment:

- 1        1. On page 6, after line 1 insert the following
- 2 new paragraph:
- 3        "It is the intent of the Legislature that county
- 4 boards in counties utilizing the state pay plan shall grant
- 5 a salary increase for county welfare employees which complies
- 6 with the salary policy for state employees for fiscal

7 year 1980-81.”.

Mr. Kahle moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Johnson, Newell, and Fitzgerald amendment was adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Rumery asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Schmit offered the following amendment:  
Strike Section 10 from L.B. 1004.

Mr. Schmit withdrew his amendment.

Mr. Schmit offered the following amendment:  
Amend LB 1004, page 9, line 17, to strike “current” and insert “previous”; on line 25, strike “any report” and insert “all final and conclusionary reports”

The amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Lewis offered the following amendment:  
Page 18 Line 11 strike “or general” Line 12 strike “administrative sciences, or both;”  
and on pg. 21 line 27 strike “or general administrative services or both”

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Kremer offered the following amendment:  
Amend LB 1004 on page 25, to strike lines 17-21.

Mr. Kelly requested a record vote on the Kremer amendment.

Mr. Kremer moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

#### Vote on Kremer amendment

Voting in the affirmative, 25:

|         |          |        |        |          |
|---------|----------|--------|--------|----------|
| Barrett | Haberman | Keyes  | Marvel | Sieck    |
| Beutler | Hefner   | Koch   | Nichol | Stoney   |
| Carsten | Kahle    | Kremer | Pirsch | Venditte |
| Clark   | Kelly    | Lamb   | Powers | Vickers  |
| DeCamp  | Kennedy  | Maresh | Schmit | Wagner   |

Voting in the negative, 19:

|            |            |          |         |        |
|------------|------------|----------|---------|--------|
| Burrows    | Dworak     | Goodrich | Marsh   | Simon  |
| Chambers   | Fitzgerald | Hoagland | Newell  | Warner |
| Chronister | Fowler     | Johnson  | Reutzel | Wesely |
| Cope       | George     | Landis   | Rumery  |        |

Present and not voting, 3:

|        |       |        |
|--------|-------|--------|
| Labedz | Lewis | Murphy |
|--------|-------|--------|

Excused and not voting, 2:

|        |      |
|--------|------|
| Cullan | Merz |
|--------|------|

The amendment was adopted with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

### BIRTHDAY

The Chair announced today is Mr. Wesely's birthday.

### UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 899 in the Journal. No objections. So ordered.

(White Copy REQ 2224)

- 1 1. Strike sections 3 and 12.
- 2 2. On page 11, line 4 strike "10" and insert
- 3 "9"; and strike beginning with "Sections" in line 5 through
- 4 the underscored period in line 6.
- 5 3. Renumber original sections 4 to 11 and 13 as
- 6 sections 3 to 10 and 11, respectively.

**SPEAKER MARVEL PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 993.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1317 for the Forty-Sixth Day were considered.

Mr. Koch offered the following amendment to the Standing Committee amendments:

- 1 1. In Standing Committee amendment 1. strike
- 2 beginning with "strike" in line 1 through "and" in line 2.

The amendment lost with 11 ayes, 23 nays, 13 present and not voting, and 2 excused and not voting.

Standing Committee amendments were adopted with 27 ayes, 3 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Kelly withdrew his pending amendment found in the Journal on page 1480.

Advanced to E & R for Review with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

**VISITORS**

Visitors to the Chamber were 8 sophomores and teacher from Bethel College, St. Paul, Minnesota; seventh grade students and teacher from Zion Lutheran School, Bancroft; 51 eighth grade students and sponsors from Centura School, Dannebrog, Boelus, and Cairo; 11 seventh and eighth grade students and sponsors from St. Paul's Lutheran School, Utica; a group of League of Women Voters from Hastings; and 51 third grade students and teacher from Bedford School and Howard Kennedy School, Omaha.

**RECESS**

At 12:00 noon, on a motion by Mr. Lamb, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:20 p.m., Mrs. Marsh presiding.

**ROLL CALL**

The roll was called and all members were present except Mr. Merz who was excused; and Mrs. Labeledz, Messrs. Cullan, Kremer, and Lewis who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 361.** Title read. Considered.

Mr. Nichol offered the following amendment:

On pg 2 lines 6-21 and on pg 3 lines 3 & 15 strike "10 1/2" & insert "twelve".

**SPEAKER MARVEL PRESIDING**

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

Mr. Newell requested a record vote on the Nichol amendment.

Voting in the affirmative, 18:

|            |        |        |        |         |
|------------|--------|--------|--------|---------|
| Burrows    | George | Maresh | Pirsch | Vickers |
| Chronister | Hefner | Marvel | Sieck  | Wagner  |
| Cope       | Kahle  | Murphy | Simon  |         |
| Fitzgerald | Lamb   | Nichol | Stoney |         |

Voting in the negative, 20:

|          |          |         |         |          |
|----------|----------|---------|---------|----------|
| Beutler  | Dworak   | Johnson | Marsh   | Rumery   |
| Carsten  | Fowler   | Keyes   | Newell  | Venditte |
| Chambers | Haberman | Koch    | Powers  | Warner   |
| DeCamp   | Hoagland | Landis  | Reutzel | Wesely   |

Present and not voting, 7:

|         |          |         |        |
|---------|----------|---------|--------|
| Barrett | Goodrich | Kennedy | Schmit |
| Clark   | Kelly    | Kremer  |        |

Excused and not voting, 4:

|        |          |       |      |
|--------|----------|-------|------|
| Cullan | Labeledz | Lewis | Merz |
|--------|----------|-------|------|

The Nichol amendment lost with 18 ayes, 20 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment:  
increasing the gas tax by 2 cents to 12 1/2 cents.

Mr. Landis offered the following amendment to the Schmit amendment:  
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2286.)

Mr. Sieck asked unanimous consent to be excused for a short time. No objections. So ordered.

### **MR. CLARK PRESIDING**

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Landis amendment was adopted with 22 ayes, 9 nays, 15 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment to the Schmit amendment:  
increasing the gas tax a total of 5 cents.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The DeCamp amendment lost with 9 ayes, 25 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Schmit amendment, as amended, was adopted with 26 ayes, 9 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Landis withdrew his pending amendment found in the Journal on page 1398.

Advanced to E & R for Review with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

**SPEAKER MARVEL PRESIDING****PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 31, 1980, at 1:35 p.m., was the following bill: 743.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Mr. Haberman asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

(Final Reading Copy)

- 1 1. Insert the following new section:
- 2 "Sec. 31. No governmental subdivision shall
- 3 receive less revenue pursuant to sections 77-602 to
- 4 77-604, 77-606, and 77-621, Revised Statutes Supplement,
- 5 1979, after the effective date of this act than it did in
- 6 1979."
- 7 2. Renumber sections 31 and 32 as sections
- 8 32 and 33, respectively.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 643 in the Journal. No objections. So ordered.

(Amendments to White Copy REQ 2206)

- 1 1. Strike sections 1, 3, and 5.
- 2 2. On page 2 strike the new matter in lines 23
- 3 through 25.
- 4 3. On page 8 strike the new matter in lines 21
- 5 through 23.
- 6 4. On page 20, line 5 strike "22" and insert "19".
- 7 5. On page 21, strike beginning with "Each" in
- 8 line 14 through line 16.
- 9 6. On page 28, line 6 strike "2" and insert "23".
- 10 7. On page 29, line 4 strike "26 and 27" and
- 11 insert "23 and 24"; in line 7 strike "25 to 29" and insert
- 12 "22 to 26"; in line 9 strike "46-607," and in line 10
- 13 strike "46-612, 46-613.02,".
- 14 8. Renumber remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

## SPECIFIC AMENDMENT TO LB 999 AS AMENDED

On page 20, in lines 11 and 12, strike “69,560,702” and insert “69,634,702”; in lines 20 and 21, strike “21,234,054” and insert “21,308,054”.

On page 20, after line 27, insert a new paragraph as follows:

“There is included in the allocation to this program \$74,000 for the first year of a three year program for testing the use of alcohol-based and vegetable oil-based fuels in diesel and spark ignition engines.”

## GENERAL FILE

**LEGISLATIVE BILL 361A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 722.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 952 for the Thirty-Fourth Day (Req. #2094) were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

(White Copy Request 2094)

Req. #2299

- 3 1. On page 1, in line 8, strike “percentage”; in
- 4 line 9, strike “of the dealer’s cost”; and strike line 25
- 5 and insert “66, article 4.”
- 6 2. On page 2 strike lines 1 through 27.
- 7 3. On page 3, strike lines 1 through 5; in line
- 8 10 strike “percentage”; and in line 11 strike “of the
- 9 special fuel importer’s cost”.
- 10 4. On page 4, line 9, strike “section 66-409 and
- 11 section 14” and insert “section 10” in line 10 after
- 12 “cost” insert “by dividing the total amount paid for
- 13 motor vehicle fuels and special fuels by the State of
- 14 Nebraska, excluding any state and federal taxes, by the
- 15 total number of gallons of motor vehicle fuels and
- 16 special fuels purchased during the reporting period.”;
- 17 strike lines 11 through 21; in line 22 strike “costs” and
- 18 insert “cost”; in line 24 strike “each”; in line 26 after
- 19 “act” insert an underscored period; and strike beginning
- 20 with the underscored comma in line 26 through line 27.
- 21 5. On page 5, line 4, strike “dealers”; in lines
- 22 9 and 10 strike “in subsection (2) of” and insert

23 "pursuant to"; in line 18 strike "section 66-409 and  
 24 section 14" and insert "section 10"; and strike beginning  
 25 with "wholesale" in line 19 through "fuels" in line 20  
 1 and insert "statewide average cost".

2 6. On page 7, line 20, strike "balance" and  
 3 insert "cash and investment balances"; in lines 23 and 24  
 4 strike "all sources for such fiscal year and shall" and  
 5 insert "each source which provides at least one million  
 6 dollars annually to such fund. The board shall then";  
 7 and in line 26 after the underscored period insert "Such  
 8 rate shall be set in increments of one-tenth of one per  
 9 cent.".

10 7. On page 8, strike beginning with "of" in line  
 11 2 through line 3 and insert "of the statewide average  
 12 cost."; and in line 11 after "Fund" insert ", under the  
 13 provisions of Chapter 66, articles 4 and 6,".

14 8. Strike original section 6.

15 9. On page 11, line 18, strike "or", show as  
 16 stricken, and after "66-605," insert "or section 1 or 2  
 17 of this act,".

18 10. Strike original sections 10, 12, 13, 14, 15,  
 19 16, and 17.

20 11. Insert a new section as follows:

21 "Sec. 10. (1) The materiel administrator of the  
 22 Department of Administrative Services shall on or before  
 23 the tenth day of each calendar month submit to the Tax  
 24 Commissioner a report providing the total cost and number  
 25 of gallons of motor vehicle fuels and special fuels  
 26 purchased by the State of Nebraska during the preceding  
 27 month. In providing such information to the Tax  
 1 Commissioner the materiel administrator shall total only  
 2 those purchases which were fifty or more gallons and  
 3 shall separately identify the amount of any state or  
 4 federal tax which was included in the price paid.

5 (2) The Tax Commissioner shall provide any  
 6 assistance the materiel administrator may need in  
 7 performing his or her duties under this section."

8 12. On page 21, strike beginning with "the" on  
 9 line 14 through line 16 and insert "October 1, 1980."; in  
 10 line 17 strike "66-409,"; and in line 18 strike the first  
 11 comma and insert "and", and strike "and 66-602,".

12 13. Renumber original sections 7, 8, 9, 11, 18,  
 13 19, and 20 as sections 6, 7, 8, 9, 11, 12, and 13  
 14 respectively.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 8 nays, and 19 not voting.

The Warner amendment was adopted with 19 ayes, 2 nays, 25 present and not voting, and 3 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Warner withdrew his pending amendment found in the Journal on page 1483.

Mr. Landis withdrew his pending amendment found in the Journal on page 1397.

Mr. Warner re-offered the Landis amendment found in the Journal on page 1397.

Mr. Koch 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 Warner amendment was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 722A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 9 nays, 13 present and not voting, and 2 excused and not voting.

**MOTION - Reconsider Action on LB 741**

Mr. Hoagland moved to reconsider action on the Final Reading of LB 741.

Motion pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 940 in the Journal. No objections. So ordered.

(Final Reading Copy)

Req. #2315

3 1. Strike the original sections and insert the  
4 following:

5 "Section 1. The federal exemptions provided in

6 11 U.S.C. 522, subsection (d), are hereby rejected by

7 the State of Nebraska. The State of Nebraska elects to  
8 retain the personal exemptions provided under Nebraska  
9 statutes and the Nebraska Constitution and to have such  
10 exemptions apply to any bankruptcy petition filed in  
11 Nebraska after the effective date of this act.

12 Sec. 2. That section 25-1552, Revised Statutes  
13 Supplement, 1978, be amended to read as follows:

14 25-1552. All persons who have neither lands,  
15 town lots, or houses subject to exemptions as a  
16 homestead, under the laws of this state, shall have  
17 exempt from forced sale on execution the sum of ~~fifteen~~  
18 twenty-five hundred dollars in personal property, except  
19 wages. The provisions of this section shall not, in any  
20 manner, apply to the exemption of wages, that subject  
21 being fully provided for by section 25-1558.

22 Sec. 3. That section 40-101, Reissue Revised  
23 Statutes of Nebraska, 1943, be amended to read as  
24 follows:

1 40-101. A homestead not exceeding in value ~~four~~  
2 six thousand five hundred dollars, consisting of the  
3 dwelling house in which the claimant resides, its  
4 appurtenances, and the land on which the same is  
5 situated, not exceeding one hundred and sixty acres of  
6 land, to be selected by the owner thereof, and not in any  
7 incorporated city or village, or instead thereof, at the  
8 option of the claimant, a quantity of contiguous land not  
9 exceeding two lots within any incorporated city or  
10 village, shall be exempt from judgment liens, and from  
11 execution or forced sale, except as provided in sections  
12 40-101 to 40-117.

13 Sec. 4. That section 44-371, Reissue Revised  
14 Statutes of Nebraska, 1943, be amended to read as  
15 follows:

16 44-371. ~~All~~ Not to exceed five thousand dollars  
17 in money, avails, cash values, and all and every benefit  
18 accruing under any annuity contract or under any policy  
19 or certificate of life insurance payable to a beneficiary  
20 other than the estate of the insured, and under any  
21 accident or health insurance policy, heretofore or  
22 hereafter issued, shall be exempt from attachment,  
23 garnishment, or other legal or equitable process, and  
24 from all claims of creditors of the insured, and of the  
25 beneficiary if related to the insured by blood or  
26 marriage, in the absence of a written agreement or  
27 assignment to the contrary.

1 Sec. 5. That original sections 40-101, and  
2 44-371, Reissue Revised Statutes of Nebraska, 1943, and  
3 section 25-1552, Revised Statutes Supplement, 1978, are  
4 repealed.

5 Sec. 6. Since an emergency exists, this act

6 shall be in full force and take effect, from and after  
 7 its passage and approval, according to law.”.  
 8 2. In the title, strike lines 2 through 7 and  
 9 insert:  
 10 “FOR AN ACT relating to personal exemptions; to reject  
 11 the exemptions provided under the federal  
 12 bankruptcy act; to change exemptions provided  
 13 under Nebraska statutes; to amend sections  
 14 40-101 and 44-371, Reissue Revised Statutes of  
 15 Nebraska, 1943, and section 25-1552, Revised  
 16 Statutes Supplement, 1978; to repeal the  
 17 original sections; and to declare an  
 18 emergency.”.

### GENERAL FILE

**LEGISLATIVE BILL 954.** Title read. Considered.

Standing Committee amendments found in the Journal on page 742 for the Twenty-Seventh Day were rejected with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The DeCamp, Schmit, Carsten, and Dworak amendment referred to in the Journal on page 1345 (Req. #2233) was considered.

### MR. CLARK PRESIDING

Mr. Haberman withdrew his pending amendments 1 through 6 found in the Journal on pages 1479 and 1480.

Mr. DeCamp offered the following amendment to the DeCamp et al amendment (Req. #2233).

(Amendments to White Copy Req 2233)

- 1 1. Strike section 51.
- 2 2. Renumber remaining sections and correct
- 3 internal references.

The amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Schmit offered the following amendment to the DeCamp et al amendment (Req. #2233).

(Amendments to White Copy Request 2233)

Req. #2285

- 3 1. On page 29 strike beginning with “Lighting”
- 4 in line 20 through “35” in line 21 and insert “Nebraska
- 5 Building Energy Conservation Standard shall mean Standard
- 6 90-75 of the American Society of Heating, Refrigeration,

7 and Air-Conditioning Engineers, Inc. as it exists on the  
8 effective date"; in line 24 before "and" insert "coal";  
9 in line 26 after "the" insert "Building"; and in line 27  
10 strike "Efficiency" and insert "Conservation".

11 2. On page 30 strike beginning with "terms" in  
12 line 11 through "consecutive" in line 12 and insert "for  
13 terms of three years and shall not be appointed for more  
14 than two consecutive three-year terms, except that of the  
15 members first appointed, two shall be appointed for a  
16 one-year term, three for two-year terms, and three for  
17 three-year"; in lines 22 and 23 strike "lighting and  
18 thermal efficiency" and insert "equivalency"; in line 24  
19 strike "4 and 5" and insert "35 and 36"; in line 25  
20 strike "14" and insert "45".

21 3. Strike original section 35.

22 4. Insert a new section as follows:

23 "Sec. 35. The Legislature hereby adopts

24 Standard 90-75 of the American Society of Heating,  
25 Refrigeration, and Air-Conditioning Engineers, Inc., as  
1 it exists on the effective date of this act as the  
2 Nebraska Building Energy Conservation Standard. The  
3 State Energy Office may, with the approval of the board,  
4 adopt regulations specifying alternative standards for  
5 building systems, techniques, equipment designs, or  
6 building materials that will be considered equivalent to  
7 the Nebraska Building Energy Conservation Standard.  
8 Regulations specifying alternative standards may be found  
9 equivalent to the Nebraska Building Energy Conservation  
10 Standard and may be approved for general or limited use  
11 if the use of such alternative standards would not result  
12 in energy consumption greater than would result from the  
13 strict application of the Nebraska Building Energy  
14 Conservation Standard.".

15 5. On page 32 strike beginning with "ninety" in  
16 line 26 through "standards" in line 27 and insert  
17 "January 1, 1981".

18 6. On page 33, lines 5 and 6 strike "standards  
19 for lighting and thermal efficiency" and insert "Nebraska  
20 Building Energy Conservation Standard or equivalent  
21 standard"; in line 9 strike "standards" and insert  
22 "Nebraska Building Energy Conservation Standard or  
23 equivalent standard adopted by the office"; and in line  
24 12 strike "Standards adopted" and insert "The Nebraska  
25 Building Energy Conservation Standard or equivalent  
26 standard adopted by the office".

1 7. On page 34, line 25 strike "adopted  
2 standards" and insert "Nebraska Building Energy  
3 Conservation Standard or equivalent standard adopted by  
4 the office".

5 8. On page 35 strike beginning with "comply" in

- 6 line 1 through “public” in line 7 and insert “not result  
 7 in energy consumption greater than would result from the  
 8 strict application of the Nebraska Building Energy  
 9 Conservation Standard”; in lines 13 and 14 strike  
 10 “lighting and thermal efficiency standards” and insert  
 11 “Nebraska Building Energy Conservation Standard or  
 12 equivalent standard adopted by the office”; and strike  
 13 beginning with “is” in line 26 through “Energy” in line  
 14 27 and insert “would not result in energy consumption  
 15 greater than would result from the strict application of  
 16 the Nebraska Building Energy Conservation Standard”.
- 17 9. On page 36, line 1 strike “Office.”.
- 18 10. On page 38, line 5 strike “adopted  
 19 standards” and insert “Nebraska Building Energy  
 20 Conservation Standard or equivalent standard adopted by  
 21 the office”; and in line 10 strike “requirements of this  
 22 act” and insert “Nebraska Building Energy Conservation  
 23 Standard or equivalent standard adopted by the office”.
- 24 11. On page 39, line 12 strike “standards” and  
 25 insert “Nebraska Building Energy Conservation Standard or  
 26 equivalent standard adopted by the office”; and in line  
 27 22 strike “lighting and thermal efficiency standards” and  
 1 insert “Nebraska Building Energy Conservation Standard or  
 2 equivalent standard adopted by the office”.

The amendment was adopted with 24 ayes, 0 nays, 24 present and not voting, and 1 excused and not voting.

### **SPEAKER MARVEL PRESIDING**

Mr. Newell offered the following amendment to the DeCamp et al amendment (Req. #2233):

(Amendments to White Copy REQ 2233)

- 1 1. On page 27, line 27 after the underscored  
 2 period insert “Sections 25 to 31 of this act shall terminate  
 3 on December 31, 1983.”.

The amendment was adopted with 22 ayes, 4 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Kelly offered the following amendment to the DeCamp et al amendment (Req. #2233):

(Amendments to White Copy Req 2233)

- 1 1. Strike sections 1 to 13 and 62 to 64.  
 2 2. On page 52, lines 17 and 18 strike “sections  
 3 70-625, 70-704, and” and insert “section”; and in lines 19  
 4 and 20 strike “sections 76-1606, 76-1618, 76-1619, 76-1622,  
 5 76-1623, 76-1624, 76-1626, and” and insert “section”.  
 6 3. Renumber remaining sections accordingly and

7 correct internal references.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Kelly moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Kelly requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|         |          |          |          |        |
|---------|----------|----------|----------|--------|
| Barrett | Haberman | Kennedy  | Murphy   | Wagner |
| Clark   | Hefner   | Kremer   | Nichol   | Warner |
| Cope    | Kahle    | Labeledz | Pirsch   |        |
| Cullan  | Kelly    | Lamb     | Venditte |        |

Voting in the negative, 25:

|            |            |        |         |        |
|------------|------------|--------|---------|--------|
| Burrows    | Fitzgerald | Keyes  | Marsh   | Rumery |
| Carsten    | Fowler     | Koch   | Marvel  | Sieck  |
| Chronister | George     | Landis | Newell  | Simon  |
| DeCamp     | Hoagland   | Lewis  | Powers  | Stoney |
| Dworak     | Johnson    | Maresh | Reutzel | Wesely |

Present and not voting, 2:

Beutler      Vickers

Excused and not voting, 2:

Chambers      Merz

Absent and not voting, 2:

Goodrich      Schmit

The Kelly amendment lost with 18 ayes, 25 nays, 2 present and not voting, 2 excused and not voting, and 2 absent and not voting.

Mr. Haberman offered the following amendment to the DeCamp et al amendment (Req. #2233):

## (Amendments to White Copy REQ 2233)

- 1 1. On page 30, in line 13 after “board” insert  
 2 “, other than the Director of the State Energy Office,”;  
 3 in lines 13 and 14 strike “no compensation but” and insert  
 4 “thirty-five dollars per diem and all members”.  
 5 2. On page 38, line 4 strike “and belief”.  
 6 3. On page 39, in lines 12 and 13 strike “he or  
 7 she shall” and insert “the director may”.

The amendment was adopted with 16 ayes, 1 nay, 30 present and not voting, and 2 excused and not voting.

Mr. Haberman offered the following amendment to the DeCamp et al amendment (Req. #2233):

## Amendments to White Copy Req. 2233

1. On page 42, line 3 strike “five” and insert “ten”.

The amendment was adopted with 20 ayes, 1 nay, 26 present and not voting, and 2 excused and not voting.

The DeCamp et al amendment (Req. #2233) was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. DeCamp withdrew his pending amendments found in the Journal or referred to on pages 983, 984, and 985.

Advanced to E & R for Review with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 954A.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Newell asked unanimous consent to print the following amendment to LB 882 in the Journal. No objections. So ordered.

1. On page 5, line 16, insert:

“The report filed by the Tax Commissioner shall also show by county the total amount of all sales and use taxes levied within each county by incorporated municipalities during the current year and the immediately preceding year and the dollar amount of change.”

Mr. Powers asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

Purpose: To modify the Murphy amendment found on page 1529 of the Journal of March 26, 1980.

1. strike the Murphy amendment as amended by the Koch amendment on page 1529 of the Journal of March 26, 1980, and insert the following:

“There is included in the appropriation to this program a maximum of \$75,000 General Funds to be used by the Division on Alcoholism to develop educational programs on alcoholism for adolescent and teenage students pursuant to subdivision (9) of section 83-164, Reissue Revised Statutes of Nebraska, 1943. The educational programs developed by the Division on Alcoholism shall be submitted to the State Department of Education in sufficient time for the State Department of Education to require all school districts in the state to implement the educational programs for adolescent and teenage students during the 1981-82 school year.

Pursuant to sections 79-1270 and 79-1270.01, Reissue Revised Statutes of Nebraska, 1943, the State Department of Education shall incorporate the educational programs developed by the Division of Alcoholism as teaching aids and materials to be used by schools for educational programs for adolescents and teenagers.

As part of the educational programs for adolescents and teenagers, the Division on Alcoholism shall develop procedures to assist the State Department of Education in determining the compliance of school systems with section 79-1270.02, Reissue Revised Statutes of Nebraska, 1943.

The Division on Alcoholism, with the cooperation of the State Department of Education shall report to the Governor and the Clerk of the Legislature on or before January 1, 1981, indicating the educational programs for adolescents and teenagers developed by the Division on Alcoholism and the methods to be used by the State Department of Education in providing assistance to school systems for including as curriculum the developed educational programs for adolescents and teenagers pursuant to section 79-1270, Reissue Revised Statutes of Nebraska, 1943.

The Division on Alcoholism, with the cooperation of the State Department of Education, shall report to the Governor and the Clerk of the Legislature, on or before July 1, 1982, the school systems not implementing educational programs for adolescents and teenagers developed by the Division on Alcoholism. As part of the report, the State Department of Education shall indicate for each school system proper action taken pursuant to section 79-1270.02, Reissue Revised Statutes of Nebraska, 1943.”

Messrs. Keyes and Hoagland asked unanimous consent to print the following amendment to LB 873 in the Journal. No objections. So ordered.

1 1. On page 5, strike the new matter in lines 12  
2 through 17 and insert:  
3 “(4) Jurisdictional responsibility for all  
4 scenic-recreation roads and highways shall remain with  
5 the governmental subdivision which had jurisdictional  
6 responsibility for such road or highway prior to its  
7 change in classification to scenic-recreation made pur-  
8 suant to this act”.

### GENERAL FILE

**LEGISLATIVE BILL 643.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1107 for the Fortieth Day (Req. #2206) were considered.

Laid over.

### VISITORS

Visitors to the Chamber were Emi Nyman from Lincoln; Bob and Edie Batz from Baton Rouge, Louisiana; and Mrs. Michael Casuscelli from Sioux City, Iowa.

### ADJOURNMENT

At 5:24 p.m., on a motion by Mr. Kelly, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-THIRD DAY - APRIL 1, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 1, 1980

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Oh God, as we look at the calendar, we see there are only seven more days remaining in this session, and there is still so much to do, so many bills before us. And yet, in seven days you made the world, and had one day left over to rest, and then looked on what You had created and said, "It is good". So in these seven days that remain before us, help us to create form from chaos, turning light into darkness, to form a land in which people may stand and live together; and create the soil in which the good things of this earth may grow, and to provide the environment in which all Your creatures may live together, and the kind of society in which men and women may grow more into Your likeness, and then replenish and subdue and have dominion over the earth. Then when the end of our creating is done, may not only we, but Your people, enable You to look upon what we have created and say, "It is good". Amen.

**ROLL CALL**

The roll was called and all members were present except Mr. Simon who was excused; and Mr. Cullan, Fowler, Lewis, Newell, Venditte, and Wesely who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fifty-Second Day was approved.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

On page 2, line 7 strike "shall" and insert "may".

On page 2, line 21 strike "shall" and insert "may".

On page 3, line 10 strike "shall" and insert "may".

On page 3, line 22 strike "shall" and insert "may".

On page 4, line 8 strike "shall" and insert "may".

On page 4, line 21 strike "shall" and insert "may".

On page 5, line 1 insert a new Sec. 7 to read as follows:

"The salary guidelines set out in sections 1 through 6 of this act are designed to be advisory in nature and to recognize the importance of the office of county sheriff. Members of the county board are to take into consideration, when setting the salaries of county officers, the nature of their business and time spent performing the duties thereof."

Renumber original sections accordingly.

**MOTION - Return LB 940 to Select File**

Mr. DeCamp moved to return LB 940 to Select File for a specific amendment found in the Journal on page 1608.

Mr. Beutler requested a ruling of the Chair on whether the DeCamp amendment is germane.

The Chair ruled the amendment is not germane.

Mr. DeCamp withdrew his motion.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3d and Rule 5, Sec. 2b to allow the adoption of the amendment on page 1608 to LB 940.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The DeCamp motion to suspend the rules prevailed with 31 ayes, 9 nays, 5 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved to return LB 940 for his specific amendment found in the Journal on page 1608.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 7 nays, and 14 not voting.

The DeCamp motion prevailed with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 940.** The DeCamp specific amendment found in the Journal on page 1608 was renewed.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?"

Mr. Kelly requested a roll call vote.

Voting in the affirmative, 26:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Barrett    | Fitzgerald | Labeledz | Murphy   | Wagner |
| Carsten    | Haberman   | Lamb     | Nichol   | Warner |
| Chronister | Hefner     | Maresh   | Powers   |        |
| Clark      | Kahle      | Marsh    | Reutzell |        |
| Cope       | Kelly      | Marvel   | Rumery   |        |
| DeCamp     | Kremer     | Merz     | Stoney   |        |

Voting in the negative, 18:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Beutler  | Fowler   | Kennedy | Newell | Vickers |
| Burrows  | George   | Keyes   | Pirsch | Wesely  |
| Chambers | Hoagland | Koch    | Schmit |         |
| Dworak   | Johnson  | Landis  | Sieck  |         |

Present and not voting, 1:

Goodrich

Excused and not voting, 4:

|        |       |       |          |
|--------|-------|-------|----------|
| Cullan | Lewis | Simon | Venditte |
|--------|-------|-------|----------|

The motion to close debate prevailed with 26 ayes, 18 nays, 1 present and not voting, and 4 excused and not voting.

The DeCamp specific amendment found in the Journal on page 1608 was adopted with 31 ayes, 9 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTIONS - Return LB 940 to Select File**

Mr. Johnson moved to return LB 940 to Select File for the following specific amendment:

Striking Section 1 of the DeCamp amendment.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Johnson requested a record vote on his motion.

Voting in the affirmative, 12:

|            |          |         |         |
|------------|----------|---------|---------|
| Burrows    | Fowler   | Johnson | Newell  |
| Chambers   | George   | Landis  | Vickers |
| Fitzgerald | Hoagland | Marsh   | Wesely  |

Voting in the negative, 25:

|            |          |          |        |         |
|------------|----------|----------|--------|---------|
| Barrett    | Dworak   | Kennedy  | Maresh | Reutzel |
| Carsten    | Haberman | Keyes    | Murphy | Schmit  |
| Chronister | Hefner   | Kremer   | Nichol | Stoney  |
| Cope       | Kahle    | Labeledz | Pirsch | Wagner  |
| DeCamp     | Kelly    | Lamb     | Powers | Warner  |

Present and not voting, 8:

|         |          |        |        |
|---------|----------|--------|--------|
| Beutler | Goodrich | Marvel | Rumery |
| Clark   | Koch     | Merz   | Sieck  |

Excused and not voting, 4:

|        |       |       |          |
|--------|-------|-------|----------|
| Cullan | Lewis | Simon | Venditte |
|--------|-------|-------|----------|

The Johnson motion lost with 12 ayes, 25 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Beutler moved to return LB 940 to Select File for the following specific amendment:

Sec 2 of DeCamp amendment be amended to strike new language and replace it with "thirteen".

Mr. Beutler withdrew his motion.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 219, 43, 197, 216, 217, 220, 221, 223, and 224.

**UNANIMOUS CONSENT - Print in Journal**

Mr. George asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

- 1 1. Strike the Appropriations Committee amendment
- 2 on page 1525 of the Journal.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 649.**

A BILL FOR AN ACT to amend section 46-238, Revised Statutes Supplement, 1979, relating to water; to change procedures for the extension of water rights; and to repeal the original section.

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

Voting in the affirmative, 45:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | Dworak     | Kahle    | Maresh | Reutzel |
| Beutler    | Fitzgerald | Kelly    | Marsh  | Rumery  |
| Burrows    | Fowler     | Kennedy  | Marvel | Schmit  |
| Carsten    | George     | Keyes    | Merz   | Sieck   |
| Chambers   | Goodrich   | Koch     | Murphy | Stoney  |
| Chronister | Haberman   | Kremer   | Newell | Vickers |
| Clark      | Hefner     | Labeledz | Nichol | Wagner  |
| Cope       | Hoagland   | Lamb     | Pirsch | Warner  |
| DeCamp     | Johnson    | Landis   | Powers | Wesely  |

Voting in the negative, 0.

Excused and not voting, 4:

Cullan            Lewis            Simon            Venditte

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

**MOTION - Return LB 873 to Select File**

Messrs. Keyes and Hoagland moved to return LB 873 to Select File for the specific amendment found in the Journal on page 1616.

The motion prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 873.** The Keyes-Hoagland specific amendment found in the Journal on page 1616 was adopted with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 689.**

A BILL FOR AN ACT to amend sections 77-1318 and 77-1718, Reissue Revised Statutes of Nebraska, 1943, and section 77-1241.09, Revised Statutes Supplement, 1979, relating to revenue and taxation; to clarify a distribution formula; to provide penalties for late reporting or failure to report certain improvements; to increase the interest rate on distress warrants; 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:

|            |            |          |        |        |
|------------|------------|----------|--------|--------|
| Barrett    | Cope       | Haberman | Keyes  | Marvel |
| Beutler    | DeCamp     | Hefner   | Koch   | Merz   |
| Burrows    | Dworak     | Hoagland | Kremer | Murphy |
| Carsten    | Fitzgerald | Johnson  | Lamb   | Newell |
| Chambers   | Fowler     | Kahle    | Landis | Nichol |
| Chronister | George     | Kelly    | Maresh | Pirsch |
| Clark      | Goodrich   | Kennedy  | Marsh  | Rutzel |

Sieck            Stoney            Wagner            Warner            Wesely

Voting in the negative, 2:

Schmit            Vickers

Present and not voting, 3:

Labedz            Powers            Rumery

Excused and not voting, 4:

Cullan            Lewis            Simon            Venditte

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

**LEGISLATIVE BILL 996.** With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1980, to June 30, 1981; to recite limitations on expenditures; to provide for lapsing; to amend sections 1 and 2, Legislative Bill 958A, Eighty-sixth Legislature, Second Session, 1980; to provide severability; 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, 43:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Fitzgerald | Kelly   | Marvel  | Schmit  |
| Burrows    | Fowler     | Kennedy | Merz    | Sieck   |
| Carsten    | George     | Keys    | Murphy  | Stoney  |
| Chambers   | Goodrich   | Koch    | Newell  | Vickers |
| Chronister | Haberman   | Labedz  | Nichol  | Wagner  |
| Clark      | Hefner     | Lamb    | Pirsch  | Warner  |
| Cope       | Hoagland   | Landis  | Powers  | Wesely  |
| DeCamp     | Johnson    | Maresh  | Reutzel |         |
| Dworak     | Kahle      | Marsh   | Rumery  |         |

Voting in the negative, 0.

Present and not voting, 2:

Beutler        Kremer

Excused and not voting, 4:

Cullan        Lewis        Simon        Venditte

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 997. With Emergency.**

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1980, to June 30, 1981; to recite limitations on expenditures; to provide severability; and to declare an emergency.

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

Voting in the affirmative, 46:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Fitzgerald | Kennedy  | Marvel  | Sieck   |
| Beutler    | Fowler     | Keyes    | Merz    | Stoney  |
| Burrows    | George     | Koch     | Murphy  | Vickers |
| Carsten    | Goodrich   | Kremer   | Newell  | Wagner  |
| Chambers   | Haberman   | Labeledz | Nichol  | Warner  |
| Chronister | Hefner     | Lamb     | Pirsch  | Wesely  |
| Clark      | Hoagland   | Landis   | Powers  |         |
| Cope       | Johnson    | Lewis    | Reutzel |         |
| DeCamp     | Kahle      | Maresh   | Rumery  |         |
| Dworak     | Kelly      | Marsh    | Schmit  |         |

Voting in the negative, 0.

Excused and not voting, 3:

Cullan        Simon        Venditte

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 1000. With Emergency.**

A BILL FOR AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1978, LB 956, sections 4 and 35, as amended by Laws 1979, LB 593, sections 2 and 6 respectively, Laws 1978, LB 937, section 27, as amended by Laws 1979, LB 593, section 7, Laws 1979, LB 594, sections 20 and 31, and Laws 1978, LB 956, section 33, with an item disapproved by line item veto, as amended by Laws 1979, LB 593, section 5; to provide severability; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Marvel  | Stoney   |
| Burrows    | Fowler     | Keyes    | Merz    | Venditte |
| Carsten    | George     | Koch     | Newell  | Vickers  |
| Chambers   | Goodrich   | Kremer   | Nichol  | Wagner   |
| Chronister | Hefner     | Labeledz | Pirsch  | Warner   |
| Clark      | Hoagland   | Lamb     | Powers  | Wesely   |
| Cope       | Johnson    | Landis   | Reutzel |          |
| DeCamp     | Kahle      | Maresh   | Rumery  |          |
| Dworak     | Kelly      | Marsh    | Sieck   |          |

Voting in the negative, 2:

Haberman Schmit

Present and not voting, 3:

Beutler Lewis Murphy

Excused and not voting, 2:

Cullan Simon

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

Mr. Fowler asked unanimous consent to be excused. No objections. So ordered.

**MOTION - Reconsider Action on LB 637**

Mr. DeCamp renewed his pending motion found in the Journal on page 1495 to reconsider action on the Final Reading of LB 637.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. DeCamp requested a roll call vote on his motion.

Voting in the affirmative, 31:

|            |          |          |          |          |
|------------|----------|----------|----------|----------|
| Burrows    | Goodrich | Labeledz | Nichol   | Venditte |
| Carsten    | Haberman | Lamb     | Powers   | Wagner   |
| Clark      | Hefner   | Landis   | Reutzell | Wesely   |
| Cope       | Kahle    | Lewis    | Rumery   |          |
| DeCamp     | Kelly    | Maresh   | Schmit   |          |
| Fitzgerald | Keyes    | Merz     | Sieck    |          |
| George     | Kremer   | Newell   | Stoney   |          |

Voting in the negative, 14:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Barrett    | Dworak   | Kennedy | Marvel | Vickers |
| Chambers   | Hoagland | Koch    | Murphy | Warner  |
| Chronister | Johnson  | Marsh   | Pirsch |         |

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Cullan          Fowler          Simon

The motion to reconsider prevailed with 31 ayes, 14 nays, 1 present and not voting, and 3 excused and not voting.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, "Shall LB 637 pass?"

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 29:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Burrows    | George   | Kremer   | Merz    | Sieck    |
| Carsten    | Goodrich | Labeledz | Nichol  | Stoney   |
| Clark      | Haberman | Lamb     | Powers  | Venditte |
| Cope       | Hefner   | Landis   | Reutzel | Wagner   |
| DeCamp     | Kahle    | Lewis    | Rumery  | Wesely   |
| Fitzgerald | Keyes    | Maresh   | Schmit  |          |

Voting in the negative, 16:

|            |          |         |         |
|------------|----------|---------|---------|
| Barrett    | Dworak   | Kennedy | Newell  |
| Beutler    | Hoagland | Marsh   | Pirsch  |
| Chambers   | Johnson  | Marvel  | Vickers |
| Chronister | Kelly    | Murphy  | Warner  |

Present and not voting, 1:

Koch

Excused and not voting, 3:

Cullan      Fowler      Simon

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 331.**

Introduced by Wesely, 26th District.

WHEREAS, the Nebraska Advocacy Services was initiated through the cooperation of the State of Nebraska and the federal government; and

WHEREAS, the Nebraska Advocacy Services has served Nebraskans for two years; and

WHEREAS, developmentally disabled persons have a right to appropriate treatment, services, and habilitation; and

WHEREAS, the Nebraska Advocacy Services acts as an advocate for, and protects the rights of the developmentally disabled and provides information on various disabilities to the public; and

WHEREAS, numerous individuals have been aided by the Nebraska Advocacy Services.

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

1. That the Legislature commend the Nebraska Advocacy Services for outstanding service in the protection and advocacy of the developmentally disabled citizens of the State of Nebraska.

2. That the Clerk of the Legislature send a copy of this resolution to the Nebraska Advocacy Services Board of Directors.

Laid over.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2309.)

#### **VISITORS**

Visitors to the Chamber were Linda Pearson, Cathy Fidler, and Jo Miller from Kearney; 21 twelfth grade students and teacher from Adams High School; 24 students and teacher from Nebraska Christian High School, Central City; a group of the Welcome Wagon Group from Bellevue; and 54 second and third grade students and teacher from Hawthorne School, Lincoln.

#### **RECESS**

At 12:11 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:15 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:27 p.m., Speaker Marvel presiding.

#### **ROLL CALL**

The roll was called and all members were present except Mr. Simon who was excused; and Mesdames Labeledz, Pirsch, Messrs. Cullan, Chambers, Fowler, George, Johnson, Kelly, Lamb, Lewis, and Reutzel who were excused until they arrive.

**COMMUNICATION**

April 1, 1980

Mr. President, Mr. Speaker, and Members  
of the 86th Legislature  
State Capitol  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Section 81-1835, Revised Statutes, 1978 Cumulative Supplement, requires the Director of Administrative Services to notify the Legislature "when the amount of money in the Victim's Compensation Fund is not sufficient to pay any awards or judgments under Sections 81-1801 to 81-1841." The same Section also requires the Director of Administrative Services to "request an emergency appropriation to satisfy such awards and judgments."

Recently, the Crime Victim's Reparations Board approved eight awards totaling \$4,222.98. The current balance in the Victim's Compensation Fund (Agency 61, Program 359) is \$1,235.50. This leaves a shortfall of \$2,987.48 to cover all eight claims.

Pursuant to Section 81-1835, I respectfully request the Legislature to make an emergency appropriation of \$2,987.48 to the Victim's Compensation Fund.

Sincerely,  
(Signed) Brent R. Stevenson, Director  
Administrative Services

BRS:ms

cc: Senator Jerome Warner, Chairman  
Appropriations Committee

Attachments on file.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Warner asked unanimous consent to print the following amendment to LB 882 in the Journal. No objections. So ordered.

- 1 1. On page 4, line 23 strike "(1)".
- 2 2. On page 5, strike lines 1 through 24.
- 3 3. On page 6, line 10 after "year" insert an
- 4 underscored period; and strike beginning with "plus"
- 5 in line 10 through line 22.

**MOTION - Return LB 995 to Select File**

Mr. Warner moved to return LB 995 to Select File for the following Appropriations Committee specific amendment:

**PURPOSE:**

Technical Amendment to include agencies, including those appropriated funds only in "A" bills during 1979, under provision of 3% salary adjustment on May 1.

**AMENDMENT:**

On page 77, line 18, insert "101A; 412A;" after "LBs".

**PURPOSE:**

To provide \$24,683 increase in General Funds to Nebraska Library Commission due to retroactive rent adjustment based on adjustments for property tax and utility costs pursuant to the lease agreement.

**AMENDMENT:**

On page 56, line 19, strike "642,002" and insert "666,685", in line 22, strike "1,038,200" and insert "1,062,883".

On page 57, line 18, strike "940,366" and insert "965,049", in line 21, strike "1,615,398" and insert "1,640,081".

**PURPOSE:**

To increase the Victim's Compensation Fund, administered by the Crime Victim's Reparations Board, by \$10,000 General Fund, due to claims approved through March 31, 1980, in excess of the current appropriation to the fund.

**AMENDMENT:**

On page 65, lines 7 and 8, strike "10,000" and insert "20,000", in lines 24 and 25, strike "53,990" and insert "63,990".

The motion prevailed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 995.** The Appropriations specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 995 to Select File**

Mr. Wesely moved to return LB 995 to Select File for the following specific amendment:

- 1 1. On page 7, after line 16, insert
- 2 "Sec. 5. That Laws 1979, LB 586, section 6, be amended
- 3 to read as follows:"; and in line 17, strike "5." and insert "6."
- 4 2. On page 79, line 2, insert ", 18" after "17".

The motion prevailed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 995.** The Wesely specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

### UNANIMOUS CONSENT - Withdraw Amendment to LB 995

Mr. Burrows asked unanimous consent to withdraw his pending amendment found in the Journal on page 1470. No objections. So ordered.

### MOTIONS - Return LB 999 to Select File

Mr. Vickers moved to return LB 999 to Select File for his specific amendment found in the Journal on pages 1605 and 1606.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Vickers motion lost with 10 ayes, 18 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Lewis moved to return LB 999 to Select File for the following specific amendment:

- 1 1. On page 3, line 27 strike "496,640" and
- 2 insert "396,640".
- 3 2. On page 4, line 1 strike "496,640" and
- 4 insert "396,640"; strike lines 11 through 15 and insert
- 5 "No funds are included in the appropriation
- 6 to this program for the implementation of a cooperative
- 7 graduate program with the University of Nebraska in
- 8 business administration and/or general administrative
- 9 sciences. In addition the appropriation has been reduced
- 10 by \$100,000 which is to be restored if and when the Board
- 11 of Trustees demonstrates its intention to implement in
- 12 their entirety the applicable provisions of sections
- 13 85-917 to 85-967, particularly the provisions of
- 14 sections 85-940 and 85-955 and subsection (6) of section
- 15 21 of Laws 1979, LB 596."; and in lines 18 and 19
- 16 strike "658,971" and insert "558,971".

Mr. Lewis withdrew his motion.

**MR. CLARK PRESIDING**

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 332.**

Introduced by Carsten, 2nd District.

WHEREAS, ever since 1885 Arbor Day has been a legal state holiday and a day set aside to plant trees and to reflect on the contributions of trees and the need for conservation practices; and

WHEREAS, the idea for Arbor Day was presented to the State Board of Agriculture in January, 1872 and the first tree planting celebration took place in April, 1872; and

WHEREAS, Arbor Day was initiated in Nebraska by J. Sterling Morton and is now celebrated in every other state and in many other countries; and

WHEREAS, Arbor Day is on Tuesday, April 22, and celebrations are scheduled for April 19th and 20th at Nebraska City.

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

1. That the members of the Legislature acknowledge the continual need for citizens of this state to implement sound conservation practices to preserve our trees and our environment.

2. That the Legislature urges the citizens of this state to commemorate Arbor Day on April 22 by planting trees.

Laid over.

**LEGISLATIVE RESOLUTION 333.**

Introduced by Wesely, 26th District.

WHEREAS, the University of Nebraska-Lincoln had never won a Big Eight swimming and diving championship until this season and,

WHEREAS, the University of Nebraska had not won a conference championship in swimming since 1937 and,

WHEREAS, the dramatic turnaround in the Nebraska swimming and diving program has taken place in just two years.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY SIXTH LEGISLATURE OF NEBRASKA SECOND SESSION:

1. That the members of the Legislature extend congratulations to head coach Cal Bentz; his associates, Pat DiBiase, & Jeff Collen; and diving coach Jeff Huber and his assistant Joel Penne; and the thirty-six members of the swimming and diving team.

2. That Coach Cal Bentz and his staff be praised for their dedication and for the spirit they have generated in our collegiate athletes.

3. That the swimming and diving team be commended for qualifying seven members for the NCAA national championships, which is the most any team has ever qualified from Nebraska.

Laid over.

### UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendments to LB 882 in the Journal. No objections. So ordered.

(1)

1. On page 6, line 23, strike "ten" and insert "twenty"; On page 9, line 12, strike "five working" and insert "twenty".

(2)

1. On page 7, line 5, strike "seven" and insert "twelve"; On line 7, strike "December" each time it appears and insert "July".

(3)

1. On page 7, on lines 14 and 15, strike "shall retain one per cent thereof and then".

(4)

1. On page 5, line 16, after the end of the sentence, insert "The report shall also show by county the total amount of all sales and use taxes levied by incorporated municipalities within each county during the current year and the immediately preceding year and the dollar amount of such change."

2. On page 5, line 22, and on page 6, line 12, after "levied" insert "and all sales and use taxes levied by incorporated municipalities";

3. On page 8, lines 5 and 7, before "levied" insert "and sales and use taxes".

(5)

1. On page 4, line 6, after "Agricultural" insert "and business";

2. On page 6, strike beginning with the first "the" on line 7 through "1980-81" on line 8 and insert "seventy million dollars. Each county".

shall also receive an additional amount equal to the total tax revenue lost to all taxing agencies within the county from taxes levied in the preceeding year because of the exemption of business equipment allowed under subsection 6 of section 1 of this act as certified by the county assessor of each county on or before November 1, 1980."

3. On page 5, line 3, strike "seventy" and insert "eighty-nine".

(6)

Req. #2318

2 1. Insert the following new sections:

3 "Sec. 7. That section 77-2734, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6 77-2734. (1) A tax is hereby imposed for each  
7 taxable year on the taxable income derived from sources  
8 within this state of any corporation or any other entity  
9 taxed as a corporation under the Internal Revenue Code  
10 whose business within this state during the taxable year  
11 consists exclusively of foreign commerce, interstate  
12 commerce, or both, at a rate equal to ~~twenty five~~  
13 twenty-seven and one half per cent of the rate imposed on  
14 individuals under section 77-2715 on the first  
15 twenty-five thousand dollars of taxable income, and at  
16 the rate of ~~twenty seven and one half~~ thirty per cent of  
17 such rate on all taxable income in excess of twenty-five  
18 thousand dollars. For any taxpayer subject to this  
19 section whose fiscal year does not coincide with the  
20 calendar year, the rate initially set shall also apply  
21 for the period from January 1, 1968, to the last day of  
22 ~~his~~ its then current fiscal year.

23 (2) Except as provided in subsection (1) of this  
24 section, for the privilege of exercising its franchise or  
25 doing business in this state in a corporate capacity,  
1 there is hereby imposed a franchise tax on each  
2 corporation or any other entity taxed as a corporation  
3 under the Internal Revenue Code according to or measured  
4 by its entire net income derived from all sources within  
5 this state for the taxable year at the rates imposed  
6 under subsection (1) of this section. For the purposes  
7 of this subsection the taxpayer's entire net income shall  
8 be its federal taxable income derived from sources within  
9 this state as determined pursuant to sections 77-2735 to  
10 77-2749 without regard to the modification referred to in  
11 section 77-2741, the State of Nebraska hereby adopting  
12 method numbered (4) authorized by section 5219, United  
13 States Revised Statutes, as amended, 12 USC 548, for  
14 state taxation of national banking associations. The tax  
15 imposed by this subsection on national banking  
16 associations shall be in lieu of all taxes imposed by

17 this state on national banking associations to the extent  
18 it is not permissible to tax such associations under  
19 federal law. For the purpose of computing the franchise  
20 or income tax levied in this section, the net income of  
21 cooperative organizations shall be the entire net income  
22 derived from all sources within this state, excluding  
23 distributions of earnings and profits of the cooperative  
24 to members or patrons such as dividends paid on capital  
25 stock, nonpatronage income allocated to patrons, or  
26 patronage dividends attributable to this state as shall  
27 be excludible or deductible by such corporation for

1 federal income tax purposes. All provisions of sections  
2 77-2714 to 77-27,124 relating to taxation of corporations  
3 shall apply to franchise taxes or income taxes imposed  
4 under this section unless the context requires otherwise.

5 Any (a) corporation subject to tax under section  
6 44-1213, 77-908, 77-909, or 81-523, (b) corporations  
7 organized as cooperatives under Chapter 21, article 13,  
8 (c) electric cooperatives organized under Chapter 70,  
9 article 7, (d) nonstock cooperative marketing companies  
10 organized under Chapter 21, article 14, (e) savings and  
11 loan associations, (f) production credit associations,  
12 (g) persons licensed to engage in this state in the  
13 business of purchasing installment paper, (h) installment  
14 loan companies, (i) credit unions, (j) mutual investment  
15 companies, (k) banks for cooperatives, and (l) industrial  
16 loan and investment companies, shall be credited, in the  
17 computation of tax due under the provisions of this  
18 section, with the amount paid during the taxable year as  
19 taxes in lieu of intangible tax.

20 (3) (a) A small business corporation having an  
21 election in effect under subchapter S of the Internal  
22 Revenue Code shall not be subject to the Nebraska income  
23 tax or franchise tax on corporations.

24 (b) The shareholders of such corporation who are  
25 residents of Nebraska shall include in their incomes  
26 their proportionate share of such corporation's federal  
27 taxable income.

1 (c) If any shareholder of such corporation is a  
2 nonresident during any part of the corporation's taxable  
3 year, he or she shall file a Nebraska income tax return  
4 and shall include in Nebraska adjusted gross income that  
5 portion of the corporation's Nebraska income, as  
6 determined under the provisions of sections 77-2735 to  
7 77-2749, allocable to his or her interest in the  
8 corporation. He or she shall execute and forward to the  
9 corporation, before the original due date of the Nebraska  
10 corporate return, an agreement which states that he or  
11 she will file a Nebraska income tax return and pay income  
12 tax on all income derived from or connected with sources

13 in this state, and such agreement shall be attached to  
14 the corporation's Nebraska return for such taxable year.

15 (d) In the absence of the nonresident  
16 shareholder's executed agreement being attached to the  
17 Nebraska corporate return, the corporation shall remit a  
18 portion of his or her share of the corporation's taxable  
19 income which was derived from or attributable to this  
20 state, which portion shall be ten per cent of the  
21 nonresident shareholder's share of the corporation's  
22 income which was derived from or attributable to sources  
23 within this state.

24 (e) The Tax Commissioner may require a  
25 nonresident shareholder to file a Nebraska income tax  
26 return even though his or her only source of Nebraska  
27 income was his or her share of the corporation's income  
1 which was derived from or attributable to sources within  
2 this state, and the amount of remittance by the  
3 corporation on behalf of such nonresident shareholder  
4 shall be allowed as a credit against his or her Nebraska  
5 income tax liability.

6 Sec. 8. That section 77-27,132, Reissue Revised  
7 Statutes of Nebraska, 1943, be amended to read as  
8 follows:

9 77-27,132. (1) There is hereby created a fund to  
10 be designated Tax Refund Fund which shall be set apart  
11 and maintained by the State Treasurer for prompt payments  
12 of all tax refunds under the provisions of sections  
13 66-461, 77-2106, and 77-2701 to 77-27,135. Such fund  
14 shall be in such amount as the State Treasurer, with the  
15 advice of the Tax Commissioner, shall determine is  
16 necessary to meet current refunding requirements under  
17 the provisions of sections 66-461, 77-2106, and 77-2701  
18 to 77-27,135. Any money in the Tax Refund Fund available  
19 for investment shall be invested by the state investment  
20 officer pursuant to the provisions of sections 72-1237 to  
21 72-1259.

22 (2) The Tax Commissioner shall pay to a  
23 depository bank designated by the State Treasurer all  
24 amounts collected under the provisions of sections  
25 77-2701 to 77-27,135. The Tax Commissioner shall present  
26 to the State Treasurer bank receipts showing amounts so  
27 deposited in the aforementioned bank and of the amounts  
1 so deposited the State Treasurer shall (a) first credit  
2 to the Tax Refund Fund such amounts as are necessary to  
3 maintain such Tax Refund Fund at the level required by  
4 subsection (1) of this section, ~~and~~ (b) then credit to  
5 the Highway Allocation Fund all of the proceeds of the  
6 sales and use taxes derived from motor vehicles,  
7 trailers, and semitrailers, and (c) then credit to the  
8 Local Government Revenue Fund the increased revenue

9 generated by section 7 of this act. The balance of the  
10 amounts so paid shall be credited to the General Fund."

11 2. On page 11, line 14 strike "section" and  
12 insert "sections"; and after "77-202.33," insert  
13 "77-2734, and 77-27,132,".

14 3. Renumber remaining sections accordingly.

(7)

(Amendment printed separate from the Journal and on file in the  
Clerk's Office - Req. #2319.)

(8)

1 1. On page 5, line 2 after "1980-81" insert  
2 "and each fiscal year thereafter"; strike beginning with  
3 "and" in line 3 through "section" in line 6; and strike  
4 lines 7 through 27.

5 2. On page 6, strike lines 1 through 22 and  
6 insert a new paragraph as follows:

7 "Sec. 3. (1) Each county shall receive an  
8 amount from the Local Government Revenue Fund based on  
9 the percentage figure obtained by dividing the total  
10 assessed value of real estate in the county by the total  
11 assessed value of real estate in the state."

12 3. On page 6, line 23 before "Within" insert  
13 "(2)".

(9)

1 1. On page 5, line 2 after "1980-81" insert  
2 "and each fiscal year thereafter"; strike beginning with  
3 "and" in line 3 through "section" in line 6; and strike  
4 lines 7 through 27.

5 2. On page 6, strike lines 1 through 22 and  
6 insert a new paragraph as follows:

7 "Sec. 3. (1) Each county shall receive an  
8 amount from the Local Government Revenue Fund based on  
9 the percentage figure obtained by dividing the total  
10 population in the county by the total population in the  
11 state as determined by the latest federal census."

12 3. On page 6, line 23 before "Within" insert  
13 "(2)".

Mr. Newell asked unanimous consent to print the following  
amendment to LB 882A in the Journal. No objections. So ordered.

1. On page 2, line 1, strike "seventy" and insert "eighty-nine".

**UNANIMOUS CONSENT - Withdraw Motion on LB 999**

Mrs. Labeledz asked unanimous consent to withdraw her pending motion to reconsider action on the Schmit amendment to LB 999. No objections. So ordered.

**SPEAKER MARVEL PRESIDING****MOTION - Return LB 999 to Select File**

Mrs. Labeledz moved to return LB 999 to Select File for the following specific amendment:

To strike Senator Schmit's amendment to LB 999, printed on page 1498 of the Legislative Journal.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Clark, Haberman, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labeledz moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Labeledz requested a roll call vote on her motion.

Voting in the affirmative, 23:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Barrett    | DeCamp   | Keyes    | Maresh | Rumery |
| Chambers   | Dworak   | Koch     | Marsh  | Wagner |
| Chronister | Fowler   | Kremer   | Merz   | Warner |
| Cope       | Goodrich | Labeledz | Newell |        |
| Cullan     | Kelly    | Landis   | Powers |        |

Voting in the negative, 21:

|            |         |        |          |        |
|------------|---------|--------|----------|--------|
| Beutler    | Hefner  | Lewis  | Reutzel  | Wesely |
| Burrows    | Johnson | Marvel | Sieck    |        |
| Carsten    | Kahle   | Murphy | Stoney   |        |
| Fitzgerald | Kennedy | Nichol | Venditte |        |
| George     | Lamb    | Pirsch | Vickers  |        |

Present and not voting, 1:

Hoagland

Excused and not voting, 4:

Clark          Haberman    Schmit          Simon

The Labeledz motion lost with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

**MOTION - Return LB 998 to Select File**

Mr. George moved to return LB 998 to Select File for the specific amendment found in the Journal on page 1538.

Mr. Clark moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. George requested a roll call vote on his motion.

Voting in the affirmative, 18:

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Barrett    | Fitzgerald | Maresh | Powers  | Venditte |
| Beutler    | George     | Merz   | Reutzel | Vickers  |
| Chronister | Goodrich   | Murphy | Schmit  |          |
| DeCamp     | Kennedy    | Pirsch | Sieck   |          |

Voting in the negative, 26:

|          |          |          |        |        |
|----------|----------|----------|--------|--------|
| Burrows  | Hefner   | Koch     | Marsh  | Wagner |
| Carsten  | Hoagland | Kremer   | Marvel | Warner |
| Chambers | Johnson  | Labeledz | Newell |        |
| Cope     | Kahle    | Lamb     | Nichol |        |
| Cullan   | Kelly    | Landis   | Rumery |        |
| Fowler   | Keyes    | Lewis    | Stoney |        |

Present and not voting, 2:

Dworak          Wesely

Excused and not voting, 3:

Clark          Haberman    Simon

The George motion lost with 18 ayes, 26 nays, 2 present and not voting, and 3 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lewis asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

- 1       1. On page 19, line 4 strike "2,060,322"  
 2 and insert "1,801,160"; in line 6 strike "2,195,427" and  
 3 insert "1,936,265"; strike lines 7 to 11 and insert:  
 4        "No funds are included in the appropriation  
 5 for Central Administration Services for the implementation  
 6 of a cooperative graduate program with Kearney State College  
 7 in business administration and/or general administrative  
 8 sciences. In addition the appropriation has been reduced  
 9 by \$259,162 which is to be restored if and when the Board  
 10 of Regents demonstrates its intention to implement in their  
 11 entirety the applicable provisions of sections 85-917 to  
 12 85-967, particularly the provisions of sections 85-938 to  
 13 85-941 and subsection (10) of section 22, Laws 1979, LB 596."  
 14       2. On page 20, line 2 strike "2,060,322" and  
 15 insert "1,801,160"; and in line 6 strike "197,564,442" and  
 16 insert "197,305,280".

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 1004.** Placed on Select File as amended.  
 E & R amendments to LB 1004:

1. On page 8, line 11, strike "524" and insert "523".
2. On page 25, line 7, strike "(a)".

**LEGISLATIVE BILL 993.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**MOTION - Return LB 499 to Select File**

Mr. Nichol moved to return LB 499 to Select File for his specific amendment found in the Journal on page 880.

Mr. Lewis requested a record vote on the Nichol motion.

Voting in the affirmative, 16:

|         |         |        |          |
|---------|---------|--------|----------|
| Barrett | Kennedy | Lewis  | Rumery   |
| Cullan  | Kremer  | Marvel | Venditte |
| Johnson | Lamb    | Murphy | Vickers  |
| Kahle   | Landis  | Nichol | Warner   |

Voting in the negative, 14:

|            |            |        |        |        |
|------------|------------|--------|--------|--------|
| Beutler    | Cope       | George | Maresh | Pirsch |
| Carsten    | DeCamp     | Hefner | Marsh  | Stoney |
| Chronister | Fitzgerald | Koch   | Merz   |        |

Present and not voting, 16:

|          |          |          |        |
|----------|----------|----------|--------|
| Burrows  | Goodrich | Labeledz | Schmit |
| Chambers | Hoagland | Newell   | Sieck  |
| Dworak   | Kelly    | Powers   | Wagner |
| Fowler   | Keyes    | Reutzel  | Wesely |

Excused and not voting, 3:

Clark            Haberman    Simon

The Nichol motion lost with 16 ayes, 14 nays, 16 present and not voting, and 3 excused and not voting.

#### **MOTION - Return LB 773 to Select File**

Mr. Koch moved to return LB 773 to Select File for the following specific amendment:

by striking the Murphy Amendment on Page 1028 and reinserting the original language beginning on Page 5, line 14.

Mr. Murphy requested a ruling of the Chair on whether this is a reconsideration, pursuant to Rule 7, Sec. 7.

The Chair ruled since the bill is at a different stage of the process, it is not a reconsideration.

Mr. Murphy challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Venditte requested a record vote.

Voting in the affirmative, 14:

|         |         |        |        |          |
|---------|---------|--------|--------|----------|
| Barrett | Johnson | Kremer | Murphy | Stoney   |
| Beutler | Kelly   | Lamb   | Nichol | Venditte |
| George  | Kennedy | Merz   | Pirsch |          |

Voting in the negative, 20:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Carsten    | Fowler   | Koch   | Marvel  | Rumery  |
| Cullan     | Hoagland | Landis | Newell  | Vickers |
| Dworak     | Kahle    | Maresh | Powers  | Warner  |
| Fitzgerald | Keyes    | Marsh  | Reutzel | Wesely  |

Present and not voting, 12:

|            |          |          |        |
|------------|----------|----------|--------|
| Burrows    | Cope     | Hefner   | Schmit |
| Chambers   | DeCamp   | Labeledz | Sieck  |
| Chronister | Goodrich | Lewis    | Wagner |

Excused and not voting, 3:

|       |          |       |
|-------|----------|-------|
| Clark | Haberman | Simon |
|-------|----------|-------|

The motion to overrule the Chair lost with 14 ayes, 20 nays, 12 present and not voting, and 3 excused and not voting.

The Chair was sustained.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Koch requested a roll call vote on his motion.

Voting in the affirmative, 26:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Beutler    | Fowler   | Koch     | Marvel  | Vickers |
| Carsten    | George   | Kremer   | Newell  | Wesely  |
| Chambers   | Goodrich | Labeledz | Powers  |         |
| Cope       | Hoagland | Landis   | Reutzel |         |
| DeCamp     | Johnson  | Lewis    | Rumery  |         |
| Fitzgerald | Kahle    | Marsh    | Sieck   |         |

Voting in the negative, 17:

|            |         |        |          |        |
|------------|---------|--------|----------|--------|
| Barrett    | Dworak  | Maresh | Schmit   | Warner |
| Burrows    | Kennedy | Merz   | Stoney   |        |
| Chronister | Keyes   | Murphy | Venditte |        |
| Cullan     | Lamb    | Pirsch | Wagner   |        |

Present and not voting, 2:

Hefner Kelly

Excused and not voting, 4:

Clark Haberman Nichol Simon

The Koch motion to return LB 773 prevailed with 26 ayes, 17 nays, 2 present and not voting, and 4 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 773.** The Koch specific amendment found in this day's Journal was adopted with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

### UNANIMOUS CONSENT - Withdraw Amendments

Mr. Haberman asked unanimous consent to withdraw his pending amendments to LB 507 found in the Journal on pages 1085, 1194, and 1605. No objections. So ordered.

Mr. Kelly asked unanimous consent to withdraw his pending amendments to LB 847 found in the Journal on pages 1176 and 1188. No objections. So ordered.

### MOTION - Return LB 847 to Select File

Mr. Kelly moved to return LB 847 to Select File for the following specific amendment:

#### TO FINAL READING COPY

- 1 1. On page 7, line 20, strike "and of the",
- 2 show as stricken, and strike "department".
- 3 2. On page 10, in line 13, after "department"
- 4 insert ", based upon dates provided by the board,".
- 5 3. On page 16, line 16 after the comma insert
- 6 "the department shall make a preliminary investigation
- 7 of the allegations contained in the complaint. After
- 8 the investigation by the department an opportunity
- 9 shall be provided to the board to conduct a preliminary
- 10 investigational voluntary conference to determine if
- 11 grounds may exist for disciplinary action. Following
- 12 any such voluntary conference the board shall inform
- 13 the department of its findings and conclusions. If the
- 14 department determines that grounds may exist for disci-
- 15 plinary action, the department shall submit its findings
- 16 to the Attorney General for appropriate action. Upon
- 17 charges being filed by the Attorney General".

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 847.** The Kelly specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

#### **MOTION - Return LB 877 to Select File**

Mr. DeCamp moved to return LB 877 to Select File for the following specific amendment:

Page 21, line 7, after the word "on", strike the words "August 1" and insert in their place, the words "December 31".

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 877.** The DeCamp specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

#### **MOTION - Return LB 789 to Select File**

Mr. Warner moved to return LB 789 to Select File for the following specific amendment:

##### **Final Reading Copy**

1. on page 3, in line 2, strike "ninety-three" and insert "seventy".
2. on page 3, in line 4, strike "seventy-one" and insert "sixty-five".

#### **MR. CLARK PRESIDING**

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The Warner motion lost with 16 ayes, 18 nays, 13 present and not voting, and 2 excused and not voting.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 789A**

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1234 to LB 789A. No objections. So ordered.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 270  
April 1, 1980

Dear Senator Haberman:

This is in reply to your inquiry concerning the percent of the matching funds the counties and other local bodies should pay toward the mental health region's share of funding for alcoholism services. You are considering legislating in this field.

Part of the problem arises because of the wording in section 71-5027, R.S.Supp., 1978, as amended by LB 260, 1979. The portion of said section 71-5027 as it appears in LB 260 relating to funding as it is applicable to your question is as follows:

“ . . . The state shall provide seventy-five per cent of the funds required to provide services in each region, exclusive of any funds from federal programs. Regional governing boards shall provide twenty-five per cent of the funds required to provide services in each region, exclusive of any funds from federal programs, of which local, county, and other tax-generated sources shall account for at least ~~ten~~ five per cent of the funds. The remaining fifteen per cent of the funds may be accounted for from private sources, third-party payments, and fees collected for services rendered within the region. . . .”

As you can see, when the statute was amended to strike the ten and insert five percent of the funds to be furnished by local, county, and other tax-generated sources, the words “at least” were left in so that the local sources are still required to furnish “at least five per cent” of the twenty-five percent required to be provided by the regional governing boards. Obviously, if the local boards are required to furnish ten percent, they are furnishing “at least five per cent”.

We cannot point to any specific provision in the statutes which gives the Department of Public Institutions the specific authority to require the local share to be ten percent. However, the regional governing boards are given the authority to do so under their budget-making duties and the Director of Alcoholism of the Department of Public Institutions has a number of related responsibilities such as requiring the regional boards to meet various levels of services and standards

which may have the net effect of acceding to the Department's wishes in order to receive the desired budgetary level from the state.

An example is contained in section 71-5021, R.S.Supp., 1978, which requires the Director of Alcoholism of the Department of Public Institutions to be responsible for the development of a comprehensive and integrated state-wide plan; establishment of minimum standards requiring budgets to be submitted by the regional boards, which budgets shall detail expected expenditures, services, and revenue; evaluating submitted budgets to determine the state's share of funding requirements and services to be rendered, etc.

By use of the words "at least" in the portion of the statute quoted above, there is no upper level on the amount of funding that can be required of the local bodies other than the twenty-five percent limitation to be provided by the regions. The last sentence in the quote above relating to the "remaining fifteen per cent" no longer makes any sense but at one time undoubtedly referred to the difference between the statutory ten percent to be provided by the locals and the total of twenty-five percent to be provided by the region.

If you have any further questions in regard to this matter, please contact us.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Mel Kammerlohr  
Assistant Attorney General

MK:pjs

cc: Patrick O'Donnell  
Clerk of the Legislature

#### **SPEAKER MARVEL PRESIDING**

##### **MOTION - Return LB 924 to Select File**

Mr. Stoney moved to return LB 924 to Select File for his specific amendment found in the Journal on page 1590.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Stoney motion prevailed with 27 ayes, 10 nays, 11 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 924.** The Stoney specific amendment found in the Journal on page 1590 was adopted with 26 ayes, 12 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTIONS -Return LB 924 to Select File**

Mr. Newell moved to return LB 924 to Select File for the following specific amendment:

Strike Stoney amendment and insert Structural Engineer.

Mr. Newell withdrew his motion.

Mr. Fowler moved to return LB 924 to Select File for the following specific amendment:

to return LB 924 to remove Lancaster County from the effects of the Stoney amendment.

Mr. Fowler withdrew his motion.

Mr. Fowler asked unanimous consent to be excused until 4:50 p.m. No objections. So ordered.

**MOTION - Return LB 346 to Select File**

Mr. Johnson moved to return LB 346 to Select File for his specific amendment referred to in the Journal on page 1515 (Req. #2270).

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Johnson motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 346.** The Johnson specific amendment referred to in the Journal on page 1515 was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 615A to Select File**

Mr. Warner moved to return LB 615A to Select File for the following specific amendment:

Purpose: To make a correction in a program title and correct addition errors for certain programs.

1. on page 2, in line 23, strike "Coordination" and insert "Cooperation"; on page 11, in line 2, strike "1,020" and insert "1,019"; on page 14, in line 25, strike "2,644" and insert "1,702", in line 27, strike "4,748" and insert "5,173"; on page 15, in line 1, strike "11,868" and insert "11,351"; on page 16, in line 9, strike "2,737" and insert "3,737"; on page 17, in line 11, strike "673" and insert "674"; on page 18, in line 5, strike "5,828" and insert "5,830", in line 10, strike "1,492" and insert "1,491", in line 16, strike "4,672" and insert "4,682"; on page 22, in line 19, strike "2,450" and insert "2,451"; on page 27, in lines 22 and 23, strike "4,668" and insert "4,568"; on page 29, in line 17, strike "1,322" and insert "1,522".

The motion prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 615A.** The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

**SELECT COMMITTEE REPORT**  
**Enrollment and Review****Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 995.

(Signed) Don Wesely, Chairperson

**MOTION - Reconsider Action on LB 741**

Mr. Hoagland renewed his pending motion found in the Journal on page 1608 to reconsider action on the Final Reading of LB 741.

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

The Hoagland motion prevailed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**MOTION - Return LB 741 to Select File**

Mr. Hoagland moved to return LB 741 to Select File for the following specific amendment:

(Final Reading Copy)

- 1 1. On page 3, line 6 after "1978," insert "and";
- 2 and strike beginning with "and" in line 7 through the comma
- 3 in line 10.
- 4 2. In the title, line 16 after "1978," insert
- 5 "and"; and strike beginning with the second comma in line
- 6 17 through "respectively" in line 21.

The motion prevailed with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 741.** The Hoagland specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lamb asked unanimous consent to print the following amendments to LB 643 in the Journal. No objections. So ordered.

(1)

Amend committee amendments to LB 643 Page 24 Subsection 4 -  
Strike new language.

(2)

Amend committee amendments to LB 643.  
Page 20 Strike lines 11 and 12  
Page 23 Reinstate stricken language in lines 4 and 5.

Mr. Lamb asked unanimous consent to print the following amendment to LB 939 in the Journal. No objections. So ordered.

Amend LB 939

Page 6. Strike new language lines 12 thru 16.  
Reinstate stricken matter lines 16 thru 21.

**VISITORS**

Visitors to the Chamber were 7 students and teacher from Chappell High School; 14 eighth graders and teacher from Wolbach High School; Muthu Udayamurthy from India; and Russell Sawyer from Omaha.

**MOTION - Adjournment**

Mr. Venditte moved to adjourn until 9:00 a.m., April 2, 1980.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 12 ayes, 6 nays, and 31 not voting.

Mr. Reutzel requested a roll call vote on the Venditte motion.

Voting in the affirmative, 25:

|            |          |         |          |          |
|------------|----------|---------|----------|----------|
| Barrett    | Cullan   | Johnson | Labeledz | Pirsch   |
| Burrows    | DeCamp   | Kahle   | Lamb     | Schmit   |
| Carsten    | Goodrich | Kelly   | Maresh   | Sieck    |
| Chronister | Haberman | Kennedy | Murphy   | Venditte |
| Clark      | Hefner   | Kremer  | Nichol   | Wagner   |

Voting in the negative, 19:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Cope       | George   | Landis | Powers  | Vickers |
| Dworak     | Hoagland | Marsh  | Reutzel | Warner  |
| Fitzgerald | Keyes    | Marvel | Rumery  | Wesely  |
| Fowler     | Koch     | Newell | Stoney  |         |

Not voting, 5:

|         |          |       |      |       |
|---------|----------|-------|------|-------|
| Beutler | Chambers | Lewis | Merz | Simon |
|---------|----------|-------|------|-------|

The Venditte motion prevailed with 25 ayes, 19 nays, and 5 not voting.

At 5:00 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, April 2, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FOURTH DAY - APRIL 2, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 2, 1980

Pursuant to adjournment, the Legislature met at 9:07 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Lord, we pray your blessing upon these dear Senators, these men and women in our state upon whom the weight of responsibility falls most heavily: Some too old to be fired of the visions of their youth, some too young to enjoy the slackened pace of those who are winding down, others concerned alike for aging parents and growing children, hard pressed financially, highly taxed, many resentful of graying hair, softening muscles, reduced agility and lost youthfulness, stung by the remorse of unfulfilled intentions, disillusioned by the emptiness of goals already reached, and disturbed that favorite bills might not be passed. Minister to each of them out of Your infinite power to bless. Protect them against the destruction that wastes at noon, and the fatigue that dogs the passing years. As the outer nature alters and time takes its toll, let the inner person be renewed each day after the working of Your ageless and eternal Spirit. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Johnson and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fifty-Third Day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review****Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 873 and 940.

**Correctly Enrolled**

The following bills were correctly enrolled: 649, 689, 996, 997, and 1000.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 649, 689, 996, 997, and 1000.

**UNANIMOUS CONSENT - Print in Journal**

Mr. George asked unanimous consent to print the following amendment to LB 933 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2317.)

**RESOLUTION****LEGISLATIVE RESOLUTION 334.**

Introduced by Cope, 36th District; Kahle, 37th District; Barrett, 39th District; Beutler, 28th District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labeledz, 5th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Merz, 1st District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Pirsch, 10th District; Powers, 9th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District;

Stoney, 4th District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, college athletes constitute a segment of the Nebraska population which is worthy of praise and recognition by other citizens of this state; and

WHEREAS, Kearney State College men's basketball team has finished its 1979-1980 season by placing sixth in the National Association of Intercollegiate Athletics (NAIA) and first in both the 1980 Central State Intercollegiate Conference and the Nebraska State College Conference; and

WHEREAS, the Kearney State College "Lopers" led by Coach Jerry Hueser finished the 1979-1980 season with a postseason record of twenty-seven wins and four losses, contributing to a record for the past ten years of two hundred wins and seventy-eight losses; and

WHEREAS, the team and coaches have received numerous honors and recognition including the invitation to play in the NAIA tournament in Kansas City, Missouri for each of the past three years, placing second in such tournament in 1978, and an opportunity to play in an international tournament in Taiwan against sixteen other nations this May.

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

1. That the members of the Legislature congratulate each member of the Kearney State College men's basketball team, and Coach Hueser and the staff for their outstanding record and achievements during the present and past seasons.

2. That the Legislature extends its best wishes to the Kearney State College basketball team when it represents Nebraska and the nation in the competition at Taiwan this May.

3. That the Clerk of the Legislature send a copy of this resolution to the Kearney State College men's basketball team and coaching staff.

Laid over.

### **REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 2, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Brown, Jim L. - Lincoln (Withdrawn 3/28/80), The Martin Luther Home

Kunz, David N. - Hastings, Nebraska Cheese Manufacturing

Lee, Forrest - Lincoln (Withdrawn 3/31/80), Nebraska Stock Growers Association

Leitner, Ronald E. - McCook (Withdrawn 3/31/80), Brotherhood of Locomotive Engineers

Robinson, Leslie - Kearney (Withdrawn 3/22/80), Nebraska Agri-Water Council

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 643.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1107 for the Fortieth Day (Req. #2206) were considered.

Mr. Haberman withdrew his pending amendment to the Standing Committee amendments found in the Journal on page 1503.

Mr. Fitzgerald asked unanimous consent to be excused at 10:30 a.m. until he returns. No objections. So ordered.

Mr. Lamb renewed his pending amendment (2) to the Standing Committee amendments found in the Journal on page 1649.

### SPEAKER MARVEL PRESIDING

Mr. Lamb moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

### MR. CLARK PRESIDING

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 22:

|            |          |         |          |        |
|------------|----------|---------|----------|--------|
| Burrows    | Cullan   | Hefner  | Labeledz | Marvel |
| Carsten    | DeCamp   | Kahle   | Lamb     | Murphy |
| Chronister | Goodrich | Kelly   | Lewis    | Nichol |
| Clark      | Haberman | Kennedy | Maresh   | Schmit |

Venditte Wagner

Voting in the negative, 23:

|          |          |        |        |         |
|----------|----------|--------|--------|---------|
| Barrett  | Fowler   | Landis | Powers | Vickers |
| Beutler  | George   | Marsh  | Rumery | Warner  |
| Chambers | Hoagland | Merz   | Sieck  | Wesely  |
| Cope     | Johnson  | Newell | Simon  |         |
| Dworak   | Kremer   | Pirsch | Stoney |         |

Present and not voting, 3:

Keyes Koch Reutzel

Excused and not voting, 1:

Fitzgerald

The Lamb amendment lost with 22 ayes, 23 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Lamb withdrew his pending amendment (1) found in the Journal on page 1649.

Laid over temporarily.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 2, 1980, at 10:30 a.m., were the following bills: 649, 689, 996, 997, and 1000.

(Signed) Hazel Kaltengerger, Enrolling Clerk

**RESOLUTION**

**LEGISLATIVE RESOLUTION 335.**

Introduced by Schmit, 23rd District; Merz, 1st District; Maresh, 32nd District.

WHEREAS, Nebraska has been a leader in promoting the use of gasohol as an alternate energy source and research should be continued to further develop gasohol's potential; and

WHEREAS, increasing the efficiency of gasohol in internal combustion engines commonly used in farming and other agricultural related areas will help alleviate the energy crisis in this state; and

WHEREAS, the Institute of Agriculture and Natural Resources at the University of Nebraska-Lincoln has the facilities in which to conduct research to determine what proof or percentage of alcohol in gasohol is best suited for use in internal combustion engines used for farming.

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

1. That the Legislature encourages the University of Nebraska Institute of Agriculture and Natural Resources to conduct research on the percentage of alcohol in gasohol which will maximumize the efficiency of gasohol in internal combustion engines which are used in agricultural activities of the state.

2. That the members of the Legislature urge other Departments of the University of Nebraska, and other state and private enterprises to conduct research in order to fully explore the potential of gasohol as an alternate energy source.

Laid over.

#### GENERAL FILE

**LEGISLATIVE BILL 643.** Considered.

Mr. DeCamp withdrew his pending amendment to the Standing Committee amendments found in the Journal on page 1605.

#### SPEAKER MARVEL PRESIDING

Mrs. Labeledz and Mr. George asked unanimous consent to be excused for 30 minutes. No objections. So ordered.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Standing Committee amendments were renewed.

Mr. Kremer moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Kremer requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 24:

|          |          |        |        |         |
|----------|----------|--------|--------|---------|
| Barrett  | Dworak   | Koch   | Pirsch | Stoney  |
| Beutler  | Fowler   | Kremer | Powers | Vickers |
| Chambers | Hoagland | Landis | Rumery | Warner  |
| Cope     | Johnson  | Marsh  | Sieck  | Wesely  |
| Cullan   | Kennedy  | Newell | Simon  |         |

Voting in the negative, 21:

|            |          |        |          |        |
|------------|----------|--------|----------|--------|
| Burrows    | Goodrich | Keyes  | Merz     | Wagner |
| Carsten    | Haberman | Lamb   | Nichol   |        |
| Chronister | Hefner   | Lewis  | Reutzel  |        |
| Clark      | Kahle    | Maresh | Schmit   |        |
| DeCamp     | Kelly    | Marvel | Venditte |        |

Present and not voting, 1:

Murphy

Excused and not voting, 3:

Fitzgerald    George    Labedz

Standing Committee amendments lost with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

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

Mr. Cullan requested a record vote on the advancement of LB 643.

Voting in the affirmative, 31:

|          |          |        |          |         |
|----------|----------|--------|----------|---------|
| Beutler  | Dworak   | Koch   | Pirsch   | Vickers |
| Burrows  | Fowler   | Kremer | Reutzel  | Warner  |
| Carsten  | George   | Landis | Rumery   | Wesely  |
| Chambers | Hefner   | Maresh | Sieck    |         |
| Clark    | Hoagland | Marsh  | Simon    |         |
| Cope     | Johnson  | Murphy | Stoney   |         |
| Cullan   | Keyes    | Newell | Venditte |         |

Voting in the negative, 6:

|          |       |        |
|----------|-------|--------|
| Barrett  | Kahle | Lewis  |
| Haberman | Lamb  | Schmit |

Present and not voting, 10:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Chronister | Goodrich | Kennedy | Merz   | Powers |
| DeCamp     | Kelly    | Marvel  | Nichol | Wagner |

Excused and not voting, 2:

Fitzgerald    Labeledz

Advanced to E & R for Review with 31 ayes, 6 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 824.** Title read. Considered.

Standing Committee amendments found in the Journal on page 940 for the Thirty-Fourth Day were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**MR. CLARK PRESIDING**

Mr. Dworak withdrew his pending amendment found in the Journal on page 1523.

Messrs. Dworak and Cullan offered the following amendment:

- 1 Page 5, line 26, after "exceeds" insert
- 2 "one hundred thousand dollars."
- 3 Page 5, line 26, strike "the balance of the receipts"
- 4 Page 5, line 27, strike all new matter
- 5 Page 6, line 1, strike all new matter

The amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Cullan withdrew his pending amendments (1), (2), and (3) found in the Journal on page 1550.

Mr. Murphy renewed his pending amendment found in the Journal on page 1550.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Murphy amendment lost with 9 ayes, 24 nays, 15 present and not voting, and 1 excused and not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Dworak withdrew his pending amendment found in the Journal on page 1585.

Mr. Cullan requested a record vote to advance LB 824.

Voting in the affirmative, 32:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Barrett    | George   | Koch   | Newell  | Stoney  |
| Beutler    | Haberman | Kremer | Nichol  | Vickers |
| Carsten    | Hefner   | Lamb   | Pirsch  | Wagner  |
| Chronister | Kahle    | Landis | Powers  | Warner  |
| Clark      | Kelly    | Maresh | Reutzel |         |
| Cullan     | Kennedy  | Marsh  | Rumery  |         |
| Dworak     | Keyes    | Marvel | Sieck   |         |

Voting in the negative, 0.

Present and not voting, 16:

|          |          |          |          |
|----------|----------|----------|----------|
| Burrows  | Fowler   | Labeledz | Schmit   |
| Chambers | Goodrich | Lewis    | Simon    |
| Cope     | Hoagland | Merz     | Venditte |
| DeCamp   | Johnson  | Murphy   | Wesely   |

Excused and not voting, 1:

Fitzgerald

Advanced to E & R for Review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Haberman asked unanimous consent to print the following amendments to LB 739 in the Journal. No objections. So ordered.

(1)

- 1 1. In the DeCamp amendments, page 1433 of the
- 2 Journal (Req #2274), strike section 5 and insert:
- 3 "Sec. 5. The restriction on the use of eminent
- 4 domain provided in section 2-3234 shall not apply to any
- 5 project for which construction bids were let prior to the
- 6 operative date of this act."

(2)

1 1. In the DeCamp amendments, page 1304 of the  
 2 Journal (Req #2261), strike section 5 and insert the  
 3 following:  
 4 "Sec. 5. The restriction on the use of eminent  
 5 domain provided in section 2-3234 shall not apply to any  
 6 purpose or project for which construction bids were let  
 7 prior to the operative date of this act."

Mr. George asked unanimous consent to print the following amendment to LB 865 in the Journal. No objections. So ordered.

Page 2, Line 14 — strike the "period" and add the following language:

or from a showing that undue injury will not result to any properly conducted existing financial institution located in the area in which the certificate of approval of a building and loan association or a facility or such building and loan association shall be located.

Add a new Section 2 as follows:

Section 2. That section 8-331, Revised Statutes Supplement, 1978, be amended to read as follows:

8-331. Every association shall adopt articles of incorporation and by-laws. A copy of the articles of incorporation and by-laws of every such association shall be filed in the office of the Department of Banking and Finance, together with an application for a certificate of approval and payment of the examination fee prescribed by section 8-602. The application shall furnish and set forth facts and information desired by the Department of Banking and Finance. The department upon completion of its investigations and its examination of said articles, by-laws, and application for certificate of approval shall issue a certificate of its approval of such organization and articles of incorporation and by-laws; Provided, that no such certificate of approval shall be issued unless and until the department shall have determined:

(1) That said articles of incorporation and by-laws conform to the requirements of sections 8-301 to 8-349, and contain a just and equitable plan for the management of the association's business;

(2) That the persons organizing such association are of good character and responsibility;

(3) That in its judgment a need exists for such an institution in the community to be served;

(4) That there is a reasonable probability of its usefulness and success; and

(5) That the same can be established without undue injury to ~~properly conducted existing local building and loan associations~~

financial institutions located in the same area as the requested charter certificate of approval.

No such association shall transact any business, except the execution of its articles of incorporation, the adoption of by-laws, and the election of directors and officers, until it shall have procured the certificate of approval above provided for. No amendment of the articles of incorporation or by-laws of any such association shall become operative until a copy of the same has been filed and a certificate of approval obtained as is above provided in regard to original articles of incorporation and by-laws.

Re-number the original Section 2.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 608A.** By Revenue Commtee: Carsten, 2nd District, Chairman.

This bill introduced on behalf of: LB 608.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 608, Eighty-sixth Legislature, Second Session, 1980.

### VISITORS

Visitors to the Chamber were Mr. and Mrs. Dennis Marienau from Omaha; Mr. and Mrs. Leonard Kramer and Mr. and Mrs. Herschel Peters from Schuyler; 7 seniors and teacher from Blair High School; Senator Marvel's mother, Mrs. Lloyd Marti, his wife, Mrs. Oline Marvel, neices Sandy Shafernich and Beth Shafernich Bontsema, and sister Marilyn Marvel Shafernich; and Mrs. Slayton from Salem, Nebraska.

### RECESS

At 12:03 p.m., on a motion by Mr. Hefner, the Legislature recessed until 1:10 p.m.

### AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Barrett, Cullan, Lewis, Merz, Nichol, Schmit, and Mrs. Pirsch who were excused until they arrive.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Clark asked unanimous consent to print the following amendment to LB 899 in the Journal. No objections. So ordered.

To amend committee amendment (Req 2224) as follows:  
Strike Sections 1, and 3 to 12.

**GENERAL FILE**

**LEGISLATIVE BILL 608.** Considered.

Mr. Burrows moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Carsten moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Carsten requested a roll call vote to advance LB 608.

Voting in the affirmative, 22:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Beutler  | DeCamp   | Johnson | Newell | Vickers |
| Burrows  | Dworak   | Kahle   | Pirsch | Wesely  |
| Carsten  | Fowler   | Landis  | Sieck  |         |
| Chambers | Hefner   | Maresh  | Simon  |         |
| Cope     | Hoagland | Marvel  | Stoney |         |

Voting in the negative, 23:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Goodrich | Koch     | Murphy  | Venditte |
| Chronister | Haberman | Kremer   | Powers  | Wagner   |
| Clark      | Kelly    | Labeledz | Reutzel | Warner   |
| Fitzgerald | Kennedy  | Lamb     | Rumery  |          |
| George     | Keyes    | Marsh    | Schmit  |          |

Excused and not voting, 4:

Cullan            Lewis            Merz            Nichol

Failed to advance to E & R for Review with 22 ayes, 23 nays, and 4 excused and not voting.

**LEGISLATIVE BILL 609.** Title read. Considered.

Standing Committee amendments found in the Journal on page 825 for the Twenty-Ninth Day were considered.

Mr. Lamb offered the following amendment to the Standing Committee amendments:

- 1            1. In the Standing Committee amendments:
- 2            (a) On page 2, line 9, strike the underscored
- 3            period; reinstate the stricken matter in lines 10 through
- 4            13; in line 10 strike the reinstated "fiscal year", show
- 5            as stricken, and insert "of the one ensuing fiscal years";
- 6            in line 16 reinstate the stricken matter; in lines 18
- 7            through 22 strike the new matter and reinstate the stricken
- 8            matter; in line 23 reinstate "budgets" and strike "the
- 9            budget"; in line 24 strike the new matter and reinstate
- 10           the stricken matter.
- 11           (b) On page 3, line 14, strike "for the ensuing
- 12           year" and insert ", state that such limitation shall be in
- 13           effect for a total of two fiscal years.", and reinstate
- 14           "first"; and in line 15 strike the new matter and reinstate
- 15           the old matter; strike beginning with "not" in line 21 through
- 16           the underscored period in line 23 and insert "continue in
- 17           effect until it has been effective for a total of two
- 18           fiscal years. At the end of the second fiscal year the
- 19           limitation shall terminate."; in line 25 strike the new
- 20           matter and insert "for a total of two fiscal years.".
- 21           (c) On page 4, strike lines 3 and 4 and insert
- 22           "and in line 15 strike 'is' and insert 'are'".

Mr. Lamb moved for a Call of the House. The motion prevailed with 15 ayes, 7 nays, and 27 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 23:

|         |          |          |         |          |
|---------|----------|----------|---------|----------|
| Beutler | Dworak   | Kennedy  | Marvel  | Stoney   |
| Burrows | Haberman | Keyes    | Murphy  | Venditte |
| Clark   | Hefner   | Labeledz | Pirsch  | Wagner   |
| Cope    | Kahle    | Lamb     | Reutzel |          |
| DeCamp  | Kelly    | Maresh   | Schmit  |          |

Voting in the negative, 23:

|            |          |        |        |         |
|------------|----------|--------|--------|---------|
| Barrett    | Fowler   | Koch   | Newell | Vickers |
| Carsten    | George   | Kremer | Powers | Warner  |
| Chambers   | Goodrich | Landis | Rumery | Wesely  |
| Chronister | Hoagland | Lewis  | Sieck  |         |
| Fitzgerald | Johnson  | Marsh  | Simon  |         |

Excused and not voting, 3:

|        |      |        |
|--------|------|--------|
| Cullan | Merz | Nichol |
|--------|------|--------|

The Lamb amendment lost with 23 ayes, 23 nays, and 3 excused and not voting.

Standing Committee amendments lost with 8 ayes, 23 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Stoney withdrew his pending amendment found in the Journal on page 1291.

#### **MR. CLARK PRESIDING**

Mr. Burrows withdrew his pending amendment found in the Journal on page 1124.

Mr. Keyes offered the following amendment:

Repeal the provisions of LB 1, LB 2 from the 1978 Special Session, LB 285 passed in the 1979 session and any limitation placed on a budget pursuant to LB 2.

#### **SPEAKER MARVEL PRESIDING**

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Keyes requested a record vote on his amendment.

Voting in the affirmative, 14:

|            |        |        |        |       |
|------------|--------|--------|--------|-------|
| DeCamp     | Keyes  | Landis | Pirsch | Sieck |
| Fitzgerald | Koch   | Lewis  | Rumery | Simon |
| Kahle      | Kremer | Marsh  | Schmit |       |

Voting in the negative, 24:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Clark    | Hoagland | Marvel  | Venditte |
| Beutler    | Cope     | Johnson  | Murphy  | Vickers  |
| Burrows    | Dworak   | Labeledz | Newell  | Warner   |
| Carsten    | Goodrich | Lamb     | Powers  | Wesely   |
| Chronister | Hefner   | Maresh   | Reutzel |          |

Present and not voting, 7:

|          |          |        |        |
|----------|----------|--------|--------|
| Chambers | George   | Kelly  | Wagner |
| Fowler   | Haberman | Stoney |        |

Excused and not voting, 4:

|        |         |      |        |
|--------|---------|------|--------|
| Cullan | Kennedy | Merz | Nichol |
|--------|---------|------|--------|

Laid over temporarily.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 831A.** By Kremer, 34th District.  
This bill introduced on behalf of: LB 831.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 831, Eighty-sixth Legislature, Second Session, 1980.

**LEGISLATIVE BILL 647A.** By Labeledz, 5th District.  
This bill introduced on behalf of: LB 647.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 361.** Placed on Select File as amended.  
E & R amendments to LB 361:

1. Because of Laws 1979, LB 571, on page 2, lines 2 and 19, and page 3, line 13, strike "1978" and insert "1979"; on page 2, lines 6 and 21 and page 3, lines 3 and 15, strike "nine" and insert "ten"; on page 2, line 26, strike "~~August 1, 1977~~" and insert "~~June 1, 1979~~"; on page 2, line 26 as amended, strike "~~four five~~" and insert "five six"; and on page 2, line 13, insert ", except that commencing July 1, 1982, such five cent per gallon reduction

shall apply only to such a blend which contains agricultural ethyl alcohol produced in the State of Nebraska by an alcohol plant in operation or under construction prior to July 1, 1982" after "blend".

2. Pursuant to the Carsten amendment as found on page 1203 of the Journal, on page 2, line 26, and page 3, line 26, strike "October 1, 1979," and insert August 1, 1980,".

3. Pursuant to the Schmit amendment, on page 2, lines 6 and 21, and page 3, lines 3 and 15, strike the new matter and insert "twelve".

4. In the title, line 3, strike "1978" and insert "1979"; and in line 5, insert "to amend sections 19-3902, 19-3903, 19-3904, 19-3908, 19-3909, 19-3911, 39-2402, and 75-303, Reissue Revised Statutes of Nebraska, 1943, and section 19-3905, Revised Statutes Supplement, 1979; to modify the Nebraska Public Transportation Act of 1975 and provide for its partial funding;".

**LEGISLATIVE BILL 361A.** Placed on Select File.

**LEGISLATIVE BILL 722.** Placed on Select File as amended. E & R amendments to LB 722:

1. Renumber sections accordingly, sections 7 to 9 added by committee amendments as sections 6 to 8, section 11 added by committee amendments as section 9, new sections found in Req. 2267 as sections 11 and 12, and sections 18 to 20 added by committee amendments as sections 13 to 15.

2. In committee amendments, page 4, line 25, strike "in" and insert "pursuant to".

3. In Req. 2299, page 1, line 25, insert "the second" after "through".

4. For correlation purposes, in committee amendments, page 5, line 22, insert "as amended by section 1, Legislative Bill 876, Eighty-sixth Legislature, Second Session, 1980" after "66-452"; remove underscoring on page 5, line 27, and page 6, line 9; and on page 6, line 13, strike "one-eighth cent" and insert "one-fourth cents".

5. In committee amendments, page 7, line 10, insert an underscored comma after "Revenue".

6. In Req. 2267, page 1, line 13, strike "20" and insert "12".

7. In committee amendments, page 21, strike lines 17 to 21 and insert:

"Sec. 15. That original sections 39-2402 and 66-410.04, Reissue Revised Statutes of Nebraska, 1943, sections 66-410, 66-428, and 66-605, Revised Statutes Supplement, 1979, and section 66-452, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 876, Eighty-sixth Legislature, Second Session, 1980, are repealed."

8. In the title, strike lines 6 to 9 and insert "sections 39-2402 and 66-410.04, Reissue Revised Statutes of

Nebraska, 1943, sections 66-410, 66-428, and 66-605, Revised Statutes Supplement, 1979, and section 66-452, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 876, Eighty-sixth Legislature, Second Session, 1980; to provide”.

**LEGISLATIVE BILL 722A.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**MOTION - Suspend Rules**

Mr. DeCamp moved to suspend the rules, Rule 7, Section 7(a) and Rule 6, Sections 7 & 9 to provide that LB 637 shall be reconsidered and passed on Final Reading with this one vote.

Motion pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 336.**

Introduced by Stoney, 4th District.

WHEREAS, secretaries must be resolved to maintain the highest professional and personal ethics in their increasingly vital role in the modern complexities of business, industry, government, and education; and

WHEREAS, a secretarial career may attain the status of an exacting and highly qualified profession; and

WHEREAS, secretaries should diligently direct their efforts to obtain continuing education, efficiency, and loyalty in order to make an ever more valuable contribution to their place of employment; and

WHEREAS, the last full week in April is set aside each year to recognize all secretaries.

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

1. That the week of April 20 to April 26 is hereby declared as Secretaries Week and that Wednesday, April 23 is hereby declared to be Secretaries Day.

2. That the Legislature encourages all public and private enterprises in the state to recognize Secretaries Week and Secretaries Day, and urges the citizens of Nebraska to support this week and day set aside to honor secretaries.

Laid over.

**SELECT COMMITTEE REPORT**  
**Committee on Committees**

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor Charles Thone. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Hal Daub, Environmental Control Council

VOTE: For: Marsh, Simon, Cope, Cullan, Kennedy, Lewis, Nichol, Reutzel (8). Against: Newell (1). Not Voting: Labeledz, Wesely (2). Excused: Schmit, Burrows (2).

John Greenholtz, Chairman, Board of Parole

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Labeledz, Lewis, Nichol (8). Against: Wesely (1). Not Voting: Newell, Reutzel, Simon (3). Excused: Schmit (1).

Harold Dwyer, Manufactured Housing Advisory Board

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Labeledz, Lewis, Newell, Nichol, Reutzel, Wesely (11). Against: None (0). Excused: Schmit, Simon (2).

Linda B. Jaeckel, Board of Parole

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Labeledz, Lewis, Newell, Nichol, Reutzel, Wesely (11). Against: None (0). Excused: Simon, Schmit (2).

Phil Kaldahl, Public Employees Retirement Board

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Labeledz, Lewis, Newell, Nichol, Reutzel, Wesely (11). Against: None (0). Excused: Simon, Schmit (2).

Robert Krohn, Advisory Comm. to  
Department of Economic Development

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Labeledz, Lewis, Newell, Nichol, Reutzel, Wesely (11). Against: None (0). Excused: Simon, Schmit (2).

Betty Lof, Commission for the Hearing Impaired

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Labeledz, Newell, Reutzel, Wesely, Nichol (10). Against: None (0). Excused: Lewis, Simon, Schmit (3).

Dr. Robert C. Rosenlof, State Board of Health

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Labeledz, Newell, Nichol, Reutzel, Wesely (10). Against: None (0). Excused: Lewis, Simon, Schmit (3).

Tod Voss, Rural Health Manpower Commission

VOTE: For: Marsh, Burrows, Cope, Cullan, Kennedy, Labeledz, Newell, Nichol, Reutzel, Wesely (10). Against: None (0). Excused: Lewis, Simon, Schmit (3).

Mike Carr, Nebraska Oil and Gas Commission

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Lewis, Nichol, Schmit (6).

Betty Matz, Advisory Comm. to Public Welfare,  
Institutions, & Corrections

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Lewis, Nichol, Schmit (6).

E. A. Olson, Environmental Control Council

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Lewis, Nichol, Schmit (6).

Beverly Steskal, Commission for the Hearing Impaired

VOTE: For: Marsh, Burrows, Cope, Kennedy, Newell, Reutzel, Wesely (7). Against: None (0). Excused: Simon, Cullan, Labeledz, Lewis, Nichol, Schmit (6).

(Signed) Shirley Marsh, Chairperson

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 609.** Considered.

Mr. Fowler moved to indefinitely postpone LB 609.

Mr. Fowler requested a record vote on his motion.

Voting in the affirmative, 16:

|            |          |         |        |
|------------|----------|---------|--------|
| Beutler    | Fowler   | Johnson | Newell |
| Chambers   | George   | Koch    | Sieck  |
| DeCamp     | Goodrich | Landis  | Simon  |
| Fitzgerald | Hoagland | Lewis   | Wesley |

Voting in the negative, 22:

|         |          |        |          |        |
|---------|----------|--------|----------|--------|
| Burrows | Kahle    | Maresh | Pirsch   | Wagner |
| Carsten | Kelly    | Marsh  | Powers   | Warner |
| Cope    | Kremer   | Marvel | Reutzell |        |
| Dworak  | Labeledz | Merz   | Schmit   |        |
| Hefner  | Lamb     | Murphy | Stoney   |        |

Present and not voting, 7:

|            |          |        |          |
|------------|----------|--------|----------|
| Barrett    | Clark    | Keyes  | Venditte |
| Chronister | Haberman | Rumery |          |

Excused and not voting, 4:

|        |         |        |         |
|--------|---------|--------|---------|
| Cullan | Kennedy | Nichol | Vickers |
|--------|---------|--------|---------|

The motion to indefinitely postpone lost with 16 ayes, 22 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Johnson offered the following amendment:

Strike all sections therein and providing as follows:

“Sec. 1. 77-3401 through 77-3411, 1979 Supp. are repealed.”

“Sec. 2. Any limitation placed on a budget pursuant to the 77-3401 through 77-3411, 1979 Supp., otherwise known as the Local Option Tax Control Act, prior to the effective date of this act shall not apply to any budget for fiscal year commencing after the effective date of this act.”

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Johnson moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|            |          |        |        |        |
|------------|----------|--------|--------|--------|
| Beutler    | Fowler   | Koch   | Marsh  | Rumery |
| Chambers   | Goodrich | Kremer | Merz   | Sieck  |
| DeCamp     | Hoagland | Landis | Newell | Simon  |
| Fitzgerald | Johnson  | Lewis  | Powers |        |

Voting in the negative, 24:

|            |        |          |         |          |
|------------|--------|----------|---------|----------|
| Barrett    | Cope   | Kelly    | Marvel  | Venditte |
| Burrows    | Dworak | Keyes    | Murphy  | Wagner   |
| Carsten    | George | Labeledz | Pirsch  | Warner   |
| Chronister | Hefner | Lamb     | Reutzel | Wesely   |
| Clark      | Kahle  | Maresh   | Stoney  |          |

Excused and not voting, 5:

|        |          |         |        |         |
|--------|----------|---------|--------|---------|
| Cullan | Haberman | Kennedy | Nichol | Vickers |
|--------|----------|---------|--------|---------|

Absent and not voting, 1:

Schmit

The Johnson amendment lost with 19 ayes, 24 nays, 5 excused and not voting, and 1 absent and not voting.

Mr. Carsten requested a roll call vote to advance LB 609.

Voting in the affirmative, 21:

|         |          |        |          |        |
|---------|----------|--------|----------|--------|
| Burrows | Hefner   | Lamb   | Pirsch   | Wagner |
| Carsten | Kahle    | Maresh | Reutzel  |        |
| Clark   | Kelly    | Marvel | Schmit   |        |
| Cope    | Kremer   | Merz   | Stoney   |        |
| Dworak  | Labeledz | Murphy | Venditte |        |

Voting in the negative, 20:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Beutler    | Fowler   | Johnson | Marsh  | Sieck  |
| Chambers   | George   | Keyes   | Newell | Simon  |
| Chronister | Goodrich | Koch    | Powers | Warner |
| Fitzgerald | Hoagland | Landis  | Rumery | Wesely |

Present and not voting, 2:

Barrett      DeCamp

Excused and not voting, 5:

Cullan      Haberman      Kennedy      Nichol      Vickers

Absent and not voting, 1:

Lewis

Failed to advance to E & R for Review with 21 ayes, 20 nays, 2 present and not voting, 5 excused and not voting, and 1 absent and not voting.

#### ATTORNEY GENERAL'S OPINIONS

Opinion No. 271  
March 28, 1980

Dear Senator Newell:

You have called our attention to the fact that pursuant to section 81-195, R.S.Supp., 1978, the State Racing Commission is scheduled to terminate on July 1, 1980. You also point out that LB 939 is the bill which would apparently continue the commission in existence, but that it has not yet advanced off General File, and probably will not be enacted. You inquire as to what effect the failure to enact LB 939 would have on horse racing in Nebraska. We do not believe it will have any immediate effect, because of the provisions of section 81-199, R.S.Supp., 1978, which provides:

“Upon termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of the one year after termination, each respective agency shall cease all activities.”

Under that section it would appear that the commission could continue to perform its duties and regulate racing until July 1, 1981. It would then be required to cease all activities. Before that date, of

course, the Legislature will again convene, and could, if it chose, reestablish the commission. The legislation would have to be adopted with the emergency clause in order to be effective before the July 1, 1981, deadline.

Sections 2-1201 to 2-1221, R.R.S. 1943, as amended, make provision for horse racing in this state, but only at tracks operated by organizations licensed annually by the Racing Commission. Section 2-1207 authorizes parimutuel wagering within the enclosure of a licensee. Presumably, even if racing were permitted without a license from the nonexistent racing commission, the authorization for parimutuel wagering would be gone, and it would be illegal gambling.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Ralph H. Gillan  
Assistant Attorney General

RHG:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 272  
April 1, 1980

Dear Senator Cope:

This is in reply to your letter of March 28, 1980, concerning legislation which you have introduced and section 18-1214, R.R.S. 1943.

Specifically, you ask if section 18-1214, R.R.S. 1943, allows cities of the First Class to levy a wheel tax.

A "wheel tax" is the popular name given to ordinances by which cities and villages levy a tax such as is provided for in section 18-1214, R.R.S. 1943.

Clearly, section 18-1214, R.R.S. 1943, allows a city of the First Class and all other classes of cities and villages to levy what is popularly known as a "wheel tax". However, as stated in our letter of March 27, 1980, the tax is "to be used exclusively for...constructing or resurfacing dustless-surface street improvements...but not for maintenance, nor equipment purchases". (Emphasis added).

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) John P. Regan  
Assistant Attorney General

JPR/ta

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 273  
March 20, 1980

Re: LB 738, the Nebraska Dry Bean Resources Act

Dear Senator DeCamp:

In your letter of March 13, 1980, you requested our opinion with respect to certain proposed amendments to LB 738, a bill before the current session. Specifically, you asked our opinion as to whether or not the proposed amendments created any constitutional problems.

LB 738 is similar in form and design to certain other commodity and check-off programs enacted into law by the Legislature (e.g., the Nebraska Corn Resources Act, Neb.Rev.Stat. §§2-3601, et seq. (Cum.Supp. 1978)). The proposed bill is also quite similar to one enacted by the Legislature last year, known as LB 14, which bill, as you may know, was the subject of a declaratory judgment action before the District Court of Lancaster County, Nebraska. The controversial portion of LB 14, which ultimately resulted in a declaration of unconstitutionality, was section 34 of that bill which purported to authorize the Nebraska Department of Agriculture to conduct a special election to determine whether the other sections of the act should become operative. Because the district court's opinion in that litigation, State ex rel. Douglas v. Stewart (Docket 329, Page 22, November 7, 1979), is relevant, in our judgment, to the issues raised in your correspondence, we have enclosed a copy of the court's final decree and memorandum.

The amendments to LB 738, which you have asked us to address, do not affect the entire operation of the proposed act, which was the case in the litigation referenced above, but rather provide for a special election to determine the question of whether excise fees should be paid in accordance with section 22 of LB 738. The proposed amendments provide that, prior to December 31, 1980, the Nebraska Dry Bean Resources Commission ". . . shall conduct an election on the issue of implementing a fee pursuant to section 22 of this act." In defining how this election shall be implemented, the proposed amendment provides, in part, as follows:

"The commission shall mail a ballot to each person who would be personally liable for payment of fees pursuant to section 22 of this act if such fees are implemented for 1981. Persons receiving such ballots shall include, but not be limited

to, growers, first purchasers, landlords receiving a share of a dry bean crop, tenants personally engaged in growing dry beans, and spouses and other family members personally engaged in growing dry beans if such persons would be personally liable for the payment of fees pursuant to section 22 of this act. Each person . . . shall be allowed one vote and no individual shall, as a result of membership in any association, interest in any business entity, or for other reason be permitted to cast more than one ballot. Such ballot shall be returned to the commission within 14 days after being mailed by the commission."

The commission is then instructed to publish the results of the election, and implement a fee pursuant to section 22 if a majority so approves, but is precluded from implementing a fee if a majority of those voting disapprove. The assistance of the Nebraska Department of Agriculture may be requested to conduct this special election.

For the reasons we shall discuss below, we believe that the proposed amendments to LB 738 would be very difficult to defend on a number of constitutional grounds.

A. Delegation of Legislative Power. At section 22 of LB 738, the proposed legislation delegates to the Nebraska Dry Bean Resources Commission the authority to determine the amount of an excise fee to be charged in commercial transactions involving dry beans. This authority has been limited in a range set by the Legislature, not to exceed ten cents per hundredweight. The proposed amendments, however, essentially delegate to the voters involved in a special election the power to determine whether any such fee will be charged at all. The question now becomes whether this is an appropriate delegation of a power normally reserved to the Legislature, that of establishing the amounts or limits of taxation or excise fees.

As the Nebraska Supreme Court noted in the case of Lennox v. Housing Authority of Omaha, 137 Neb. 582, 290 N.W. 451 (1940):

" . . . The legislature cannot delegate its powers to make a law, but it can make a law to become operative on the happening of a certain contingency or on an ascertainment of a fact upon which the law intends to make its own action depend. . . ." *Id.* at 590.

While the vote purportedly authorized by the amendments under consideration would not affect all operative provisions of LB 738, the vote would delegate to a select group of voters the authority to determine the question of whether any excise tax would be charged. Such a question is normally reserved to the judgment of the Legislature. Campbell v. Area Vocational Technical School No. 2, 183 Neb. 318, 159 N.W.2d 817 (1968).

While our research has not disclosed any Nebraska Supreme Court decisions dealing with the type of special referendum involved here,

we do note that Article VIII, section 1 of the Nebraska Constitution confers the taxing power directly and exclusively on the Legislature. While the Constitution authorizes certain exceptions to the Legislature's exclusive authority in this area, such as assessments by school boards for education purposes, we have found no separate constitutional authority for the special election provisions of the proposed amendments to LB 738. Consequently, the amendments could be construed as an authorization to limited groups of voters to determine whether a tax can be imposed, which authorization could exceed these constitutional limitations.

B. Special Elections; Voting Limitations. It is clear that the proposed amendments envision a special election, as opposed to an election conducted under the general laws applicable thereto, such as set forth at Neb.Rev.Stat. §§32-101, et seq. (Reissue 1978). Consequently, such an election would not include the normal safeguards of notarized ballots when the vote is taken by mail, or other special safeguards to assure against fraud. Nonetheless, it may be arguable that the election falls within the definition of Neb.Rev.Stat. §32-106 (Reissue 1978), as an election to ". . . decide any public question and proposition lawfully submitted." As a result, the possibility exists of a challenge by any elector, or excluded elector, such as that facing the court in the case of Arends v. Whitten, 172 Neb. 297, 109 N.W.2d 363 (1961).

As noted on page 5 of the district court opinion enclosed herewith, the Nebraska Constitution, at Article III, section 18, provides, in part, as follows:

"The Legislature shall not pass local or special laws in any of the following cases, . . .

"The opening and conducting of any election, or designating the place of voting."

It would appear that the amendments at issue here could be found to constitute special legislation authorizing the Nebraska Dry Bean Resources Commission to conduct a special referendum or election, thereby violating the above referenced constitutional provision. Concerns over special interest elections have also been recognized by the United States Supreme Court in such cases as Kramer v. Union Free School District No. 15, 395 U.S. 621, 23 L.Ed.2d 583, 89 S.Ct. 1886 (1969). The Kramer decision struck down a New York law which limited eligibility to vote in school elections to property taxpayers or parents of children enrolled in the district's schools. In its opinion, the court denoted the standard by which courts are to review laws limiting the right to vote.

". . . Statutes granting the franchise to residents on a selective basis always pose the danger of denying some citizens any

effective voice in the governmental affairs which substantially affect their lives. Therefore, if a challenged statute grants the right to vote to some bona fide residents of requisite age and citizenship and denies the franchise to others, the Court must determine whether the exclusions are necessary to promote a compelling state interest. . . ." 395 U.S. at 626-627, 23 L.Ed.2d at 589, 89 S.Ct. at 889-890.

In our judgment, it would be difficult to find a compelling state interest to limit the voting franchise involved here. While it is understandable that the parties liable to pay the excise fees involved may have a significant interest in the outcome of the envisioned special election, it could also be argued, under the Kramer rationale, that all Nebraska resident voters have an interest in a proposition affecting the cost of production of an agricultural commodity and the general economic welfare of the state.

C. Due Process; Vagueness of Terms. The final constitutional problem we have with the amendments under consideration is the difficulty in interpreting the legislative standards to be applied in conducting the special election. Again, as the district court noted in its review of LB 14, the legislative language defining such standards must be definite and certain. A vague or uncertain statute, where persons of common intelligence must necessarily guess at the meaning or application, denies due process of law. Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947), cert.denied, 335 U.S. 814 (1947); Heywood v. Brainard, 181 Neb. 294, 147 N.W.2d 772 (1967).

The amendment provides that persons eligible to vote ". . . shall include, but not be limited to, growers, first purchasers, landlords receiving a share of dry bean crop, . . ." and other persons generally having an interest in dry bean farming. The first question which arises is what interpretation should be given to the phrase "but not be limited to?" Does this mean that the commission is free to allow ballots to other persons who may have an interest in the growing of dry beans?

The legislation also leaves open the question of whether the franchise to vote should be allowed to individuals who may have been liable in the past for the payment of fees pursuant to section 22 of the act, but may not have any liability in the future. How is the commission to determine whether or not a person may become a "first purchaser" of dry beans in 1981?

While the amendment appears to answer the question raised by the district court in its opinion regarding LB 14, "who gets to vote?", it appears to us that a number of other questions remain unanswered. For example, if a dry bean farm was jointly operated by a corporation and an individual, and the excise fee liability was divided between

these two parties, are both parties entitled to a ballot in the special election? It appears to us that both the lack of legislative guidelines, and the vagueness in the guidelines referenced above expose the proposed amendments to constitutional challenge on the grounds of due process and equal protection of the law. See e.g., Phoenix v. Kolodziejski, 399 U.S. 204, 26 L.Ed.2d 523, 90 S.Ct. 1990 (1970).

For the foregoing reasons, we would advise you that the proposed amendments to LB 738 present serious constitutional problems and would probably not survive a judicial review on the constitutional grounds we have discussed.

Sincerely yours,  
 PAUL L. DOUGLAS  
 Attorney General  
 Robert F. Bartle  
 Assistant Attorney General

(Signed)

RFB:sjr  
 Enc.

cc: Patrick O'Donnell  
 Clerk of the Legislature

#### UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

1. On page 19, after line 10 insert:

“GENERAL FUND 80,000”; in line 12 strike “2,219,631” and insert “2,299,631”; in line 22 strike “10,000” and insert “90,000”; in line 24 strike “2,900,782” and insert “2,980,782”; and after line 12 insert a new paragraph as follows:

“There is included in the appropriation to this program \$80,000 in General Funds for assistance to any law enforcement agency located on a reservation which has not retroceded from state jurisdiction in any county with at least 2500 acres of land held in trust by the United States or subject to restriction against alienation imposed by the United States. Prior to the use of such General Funds for assistance, the Nebraska Commission on Law Enforcement and Criminal Justice shall assure that all law enforcement staff, funded by such General Fund, have received the minimum certificate by the Nebraska Commission on Law Enforcement and Criminal Justice attesting to the satisfactory completion of the minimum curriculum of the Nebraska Law Enforcement Training Center.”

Mrs. Marsh asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

- 1 In the Beutler amendment beginning on page 1580  
 2 of the Journal:  
 3 1. On page 2, line 23 strike "(1)" and show  
 4 as stricken; in line 25 after "that" insert "for the  
 5 homestead of any veteran as defined in section 80-401.01,  
 6 for the year in which such veteran reaches seventy years  
 7 of age and for each subsequent year, or the unremarried  
 8 widow or widower of any such veteran or the husband or  
 9 wife of any such veteran when the veteran is not the owner,";  
 10 in line 25 strike "(a)", show as stricken, and insert "(1)".  
 11 2. On page 3, line 1 strike "(b)", show as  
 12 stricken and insert "(2)"; and strike lines 5 through 12  
 13 and show the old matter as stricken.

### MESSAGE FROM THE GOVERNOR

April 2, 1980

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

Dear Mr. O'Donnell:

We have received Reengrossed Legislative Bill 986.  
 This bill was signed by me on April 2, 1980 and delivered to the  
 Secretary of State.

Sincerely,  
 (Signed) CHARLES THONE  
 Governor

CT:mh

### SELECT COMMITTEE REPORTS Enrollment and Review

#### Correctly Re-Engrossed

The following bills were correctly re-engrossed: 346, 615A, 741, 773,  
 847, 877, and 924.

**LEGISLATIVE BILL 954.** Placed on Select File as amended.  
 E & R amendments to LB 954:

1. On page 18, line 14, insert an underscored comma

after "shall".

2. On page 19, line 25, strike "17 to 20" and insert "16 to 19".

3. On page 25, line 8, insert an underscored comma after "energy".

4. On page 26, line 10, strike the second comma.

5. In the Schmit amendments, page 1, line 7, insert an underscored comma after "Inc.".

6. On page 36, line 12, strike the comma.

7. On page 39, line 9, strike the comma and insert a comma after "finds"; and in lines 17 and 18 strike "However, a" and insert "A".

8. On page 40, line 12, page 41, line 1, and page 43, lines 4 and 9, strike "52 to 57" and insert "51 to 56".

9. On page 42, line 9, strike "54" and insert "53"; and in line 10 strike the second comma.

10. On page 46, line 2, insert an underscored comma after "thereafter"; and in line 24 strike "60 to 67" and insert "59 to 63".

11. In the title, strike all after line 1 and insert:

"FOR AN ACT relating to energy; to adopt programs for energy conservation and reaction to vital resource emergencies; to provide for loan programs; to provide penalties; to amend sections 70-625, 70-704, and 81-161, Reissue Revised Statutes of Nebraska, 1943, and sections 76-1606, 76-1618, 76-1619, 76-1622, 76-1623, 76-1624, 76-1626, and 81-1602, Revised Statutes Supplement, 1978; to provide severability; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 954A.** Placed on Select File.

(Signed) Don Wesely, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 939.** Title read. Considered.

Standing Committee amendments found in the Journal on page 747 for the Twenty-Seventh Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Sieck renewed his pending amendment found in the Journal on page 824.

The amendment was adopted with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Warner renewed his pending amendment (1) found in the Journal on page 931.

The amendment was adopted with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Warner renewed his pending amendment (2) found in the Journal on page 931.

Mr. Sieck offered the following amendment to the Warner amendment:

- 1 1. On page 931 of the Journal in the second
- 2 Warner amendment (Req. 2179) strike amendments 1, 2, 5,
- 3 and 6.

#### **MR. CLARK PRESIDING**

Mr. Simon asked unanimous consent to be excused. No objections. So ordered.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Sieck amendment was adopted with 21 ayes, 12 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Warner amendment (2), as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Laid over.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. Stoney asked unanimous consent to print the following amendment to LB 820 in the Journal. No objections. So ordered.

Req. #2320

- 2 1. Insert a new section to read:
- 3 "Sec. 2. That section 60-1701, Reissue Revised
- 4 Statutes of Nebraska, 1943, as amended by section 1,

5 Legislative Bill 743, Eighty-sixth Legislature, Second  
6 Session, 1980, be amended to read as follows:  
7 60-1701. Every motor vehicle, semitrailer  
8 weighing over five thousand pounds, trailer weighing over  
9 five thousand pounds, as defined in section 60-301, and  
10 school bus subject to the provisions of section 79-488,  
11 except motor vehicles and trailers registered pursuant to  
12 section 60-305.09, shall be inspected once each year  
13 beginning in 1969 at official inspection stations at  
14 times established by the Department of Motor Vehicles and  
15 an official certificate of inspection and approval shall  
16 be obtained for each such vehicle. The inspections shall  
17 be made with respect to the brakes, steering, lights,  
18 glass, and any other operating mechanism and equipment  
19 that shall be designated by the department and an  
20 official certificate of inspection and approval shall be  
21 issued only when the mechanism and the equipment meet  
22 standards prescribed by the department. No person shall  
23 operate any motor vehicle, semitrailer, or school bus  
24 subject to the provisions of section 79-488, except ~~motor~~  
25 ~~vehicles or semitrailers operated under the provisions of~~  
1 ~~section 60-320~~, implements of husbandry subject to  
2 section 60-333, and motor vehicles and trailers  
3 registered pursuant to section 60-305.09, without the  
4 required certificate of inspection and approval.

5 The required certificate of inspection and  
6 approval for vehicles subject to the provisions of  
7 section 60-320, Reissue Revised Statutes of Nebraska,  
8 1943, and owned by motor vehicle dealers subject to  
9 sections 60-1401 to 60-1435, Reissue Revised Statutes of  
10 Nebraska, 1943, shall consist of a temporary certificate  
11 of inspection that shall be carried in the vehicle at all  
12 times as proof of such approval. Such temporary  
13 certificate of inspection shall be valid for the same  
14 period as that provided in section 60-1703, Reissue  
15 Revised Statutes of Nebraska, 1943.

16 No motor vehicle dealer licensed under the  
17 provisions of Chapter 60, article 14, shall sell at  
18 retail any motor vehicle, semitrailer weighing over five  
19 thousand pounds, or trailer weighing over five thousand  
20 pounds until such motor vehicle, semitrailer, or trailer  
21 has been inspected and an official certificate of  
22 inspection and approval attached; **Provided**, that if  
23 approval is denied and the purchaser agrees to make the  
24 necessary repairs and adjustments to meet the standards  
25 prescribed by the department, then the motor vehicle  
26 dealer shall issue to such purchaser a permit setting  
27 forth the time of purchase and delivery to the purchaser,  
1 the needed repairs and adjustments, and the signature of  
2 the purchaser agreeing to make such repairs and

3 adjustments. The permit shall be in a form prepared by  
4 the department and attached to a conspicuous place on the  
5 motor vehicle or semitrailer. The motor vehicle dealer  
6 shall retain in his or her files a copy of such permit  
7 for a period of one year from the date of sale and the  
8 permit shall not be removed from such motor vehicle or  
9 semitrailer until it has been reinspected and meets the  
10 requirements prescribed by the department. Such motor  
11 vehicle or semitrailer shall not be operated on any  
12 public street or highway except to the place of repair or  
13 to the place of an official inspection station.”.  
14 2. Renumber original sections 2 and 3 as  
15 sections 3 and 4.

Mr. Simon asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2245.)

Messrs. Simon and DeCamp asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2308.)

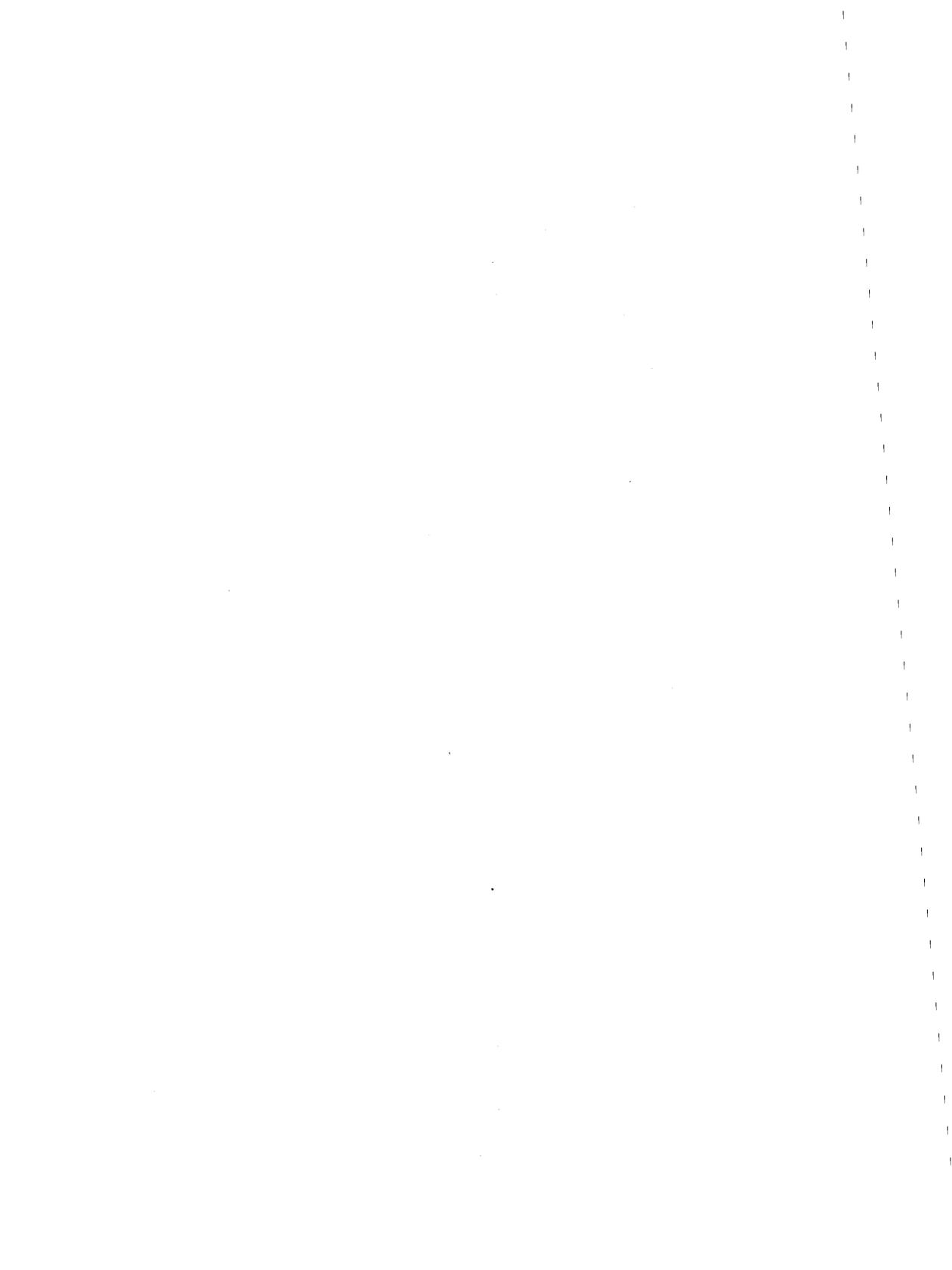
### VISITORS

Visitors to the Chamber were 35 fourth graders and teacher from Watson School, Hastings.

### ADJOURNMENT

At 5:03 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**FIFTY-FIFTH DAY - APRIL 8, 1980**

**LEGISLATIVE JOURNAL**

**FIFTY-FIFTH DAY - APRIL 8, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 8, 1980

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Lord, we have so many cares upon our minds this morning. Our verve has been sapped by problems that keep coming at us for which we have no answers. We know fulfillment only as a "sometime thing", for most of our waking hours are anxiously strung together. We live with the sense that all that we once prized is being inextricably diminished. And our hearts are heavy. And yet, You are never nearer to your children than when their systems quake and their idols fall; make us thankful that our ways are known to You; that faith outlasts the night; that Your judgments are redemptive; and Your mercies sure. Help us to rest in the joy of what has been done, and to work in the happy confidence that the values we are striving to serve in this place may some day be the laws that shall rule our state. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Labeledz, Messrs. Cullan, Koch, Lewis, Schmit, and Venditte who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fifty-Fourth Day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 643.** Placed on Select File as amended.  
E & R amendment to LB 643:  
1. On page 7, line 18, strike the comma.

**LEGISLATIVE BILL 824.** Placed on Select File as amended.  
E & R amendment to LB 824:  
1. On page 5, line 22, strike the comma.

(Signed) Don Wesely, Chairperson

**MESSAGES FROM THE GOVERNOR**

April 3, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 423, 592, 696, 780, 863, 863A, 912, as well as Reengrossed Legislative Bills 686, 743, and 892.

These bills were signed by me on April 2, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

April 3, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 649 and Reengrossed Legislative Bill 689.

These bills were signed by me on April 3, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

### REPORT

Received copy of request for architect and engineer contracts approval for the Indian Cave State Park Campground Development, Cedar Vue Area Campground, Lake McConaughy, and Nebraska Library Commission, Kearney from the State Building Division. (On file in the Clerk's Office.)

### ATTORNEY GENERAL'S OPINIONS

Opinion No. 274  
March 21, 1980

Dear Senator Sieck:

You have requested the opinion of this office regarding the constitutionality of LB 642, including the amendments recommended by its proponents, dated February 5, 1980.

Section 1 of LB 642 would require the sentencing court to order a defendant to pay restitution to the injured person as a part of the sentence imposed upon conviction of an offense involving property or personal injury. Further, said section would authorize an evidentiary hearing to determine the amount of restitution if disputed.

Pursuant to the proposed amendments, section 2 of the bill, which enumerates certain methods of enforcement of the restitution order, would be stricken.

The remaining methods of enforcement are set forth in section 3 of LB 642 (section 2 as renumbered by the proposed amendments) which would amend section 29-2206, R.S.Supp. 1979. Said statute as amended, would provide in essence that when a court has the power to order an offender ". . . to pay a fine, cost, or restitution . . . or any combination thereof, . . ." the court may provide as part of the sentence that the offender be imprisoned in county jail until ". . . such fine, cost, or both are paid. . .," secured or the offender is otherwise discharged by law. It thus appears that pursuant to the proposed amendments, the restitution order, unlike a fine and/or costs, would not be enforceable by imprisonment under this section. However,

pursuant to the general contempt provisions of section 25-2121, R.R.S. 1943, a court has the power to punish by fine and/or imprisonment persons guilty of willfully resisting or disobeying an order of said court, which would appear to include an order of restitution imposed as part of a sentence.

Subparagraph 2 of section 3 (renumbered as section 2) of LB 642 would require a court to establish an installment plan for payment of the restitution order which is suitable to the offender upon a showing that the offender is unable to make such restitution in one lump sum payment. Pursuant to section 29-2206.01, R.R.S. 1943, failure to comply with the terms of an order establishing installment payments is punishable as contempt, unless leave of court regarding noncompliance is granted.

Section 4 of LB 642 (renumbered as section 3) provides that nothing in this act shall affect whatever rights an injured person may be able to assert under any other law including the provisions of the Nebraska Crime Victim's Reparations Act.

Our research has revealed no cases considering the constitutionality of a statute authorizing an order of restitution as part of an active sentence. An order of restitution may be considered as an additional sanction imposed upon conviction of a criminal offense. In this regard, an analysis of the constitutionality of such an order must focus on the broad power of the Legislature to define crimes and fix the punishment therefore. In a prior opinion of this office, we explained:

"In Nebraska all crimes and penalties therefor are strictly statutory creations. The constitution of this state confers plenary legislative power upon the Unicameral; and if an act is within the legitimate exercise of that power, it is valid unless some express restriction or limitation can be found in the constitution itself. *State ex rel. Quinn v. Marsh*, 141 Neb. 436, 3 N. W. 2d 892. By virtue of these principles, the Legislature may statutorily define crimes and legislate with respect to matters pertaining thereto, except as may be forbidden by the constitution. Where the Legislature exercises its discretion to define crimes and determine their punishment within constitutional limits, its action is not subject to review by the courts . . . *State v. Smith*, 114 Neb. 653, 209 N.W. 328 . . ."

Attorney General's Opinion 1973-74, p. 162.

Despite the broad authority of the Legislature to fix the punishment for the commission of criminal acts, we are nevertheless troubled by the argument that an order of restitution to an injured victim is essentially civil in nature. See, Klein, Revitalizing Restitution, 20 Crim. Law Quarterly 383 (1977-78). Since such a

restitution order supplants, at least in part, a civil suit brought by a victim, it has been suggested that constitutional guarantees relating to civil proceedings, such as the right to trial by jury and prohibition against imprisonment for debt, must be provided in establishing and enforcing such restitution.

Based on the dearth of judicial authority regarding the validity of an order of restitution as part of an active criminal sentence, as well as the broad power of the Legislature to establish the punishment for criminal offenses, we are not convinced that LB 642, including recommended amendments, is constitutionally infirm on its face. However, in so advising, we are aware that substantial questions exist relating to the civil nature of the concept of restitution.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Lynne Rae Fritz  
Assistant Attorney General

LRF:kkh

cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 275  
April 2, 1980

Dear Senator Simon:

You have provided to us a copy of Request Number 2308. This request contains a set of amendments to LB 991. You ask whether the enclosed amendments meet constitutional requirements particularly with respect to the definition of drug paraphernalia contained therein.

Generally the act ties the regulation and sale of drug paraphernalia into those sections of the statutes which regulate the sale of tobacco products. The act requires that a license to sell drug paraphernalia be first obtained prior to the time it may be sold. The request in section 2 makes it a misdemeanor to sell, give or furnish drug paraphernalia to any minor under 18 years of age, specifies the manner of securing the license, limits the areas in which a license may be granted in section 5 to at least 100 meters distant from any church, school, hospital, home for indigent persons or orphans, playgrounds, sport facilities, parks, day-care centers, or community recreational centers, establishes the license fee to be required and provides certain criminal penalties for violation of the act. The definitional section which relates to drug paraphernalia is section 1. It defines drug paraphernalia generally as "materials which are used or manufactured for use in injecting,

ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this act or the Uniform Controlled Substances Act". That paraphernalia is specifically limited to specified objects where ingesting, inhaling, or introducing into the body the substances of marijuana, cocaine, hashish and hashish oil. Thereafter we listed a number of items which are generally contained in the various amendments to as well as the original LB 991. It includes such things as water pipes or bongs, ice pipes, carburetion tubes, miniature cocaine spoons and other items. The section also excepts hypodermic syringes, needles and other objects used by a licensed medical person or an individual injecting a prescribed drug authorized by a physician from the effect of the act.

While we are not entirely sure how broad the initial definition of drug paraphernalia to be used for introducing into the body substances other than marijuana, cocaine, hashish or hashish oil, we cannot point to specific areas in which the definition would clearly be over broad. With respect to those objects used in connection with the enumerated items we believe the definition is drawn with sufficiently narrow parameters to pass constitutional muster.

We believe that Request Number 2308 would be constitutionally defensible.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General  
Patrick T. O'Brien  
Assistant Attorney General

(Signed)

PTO:pjs

cc: Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 276  
April 2, 1980

Dear Senator Warner:

You have provided to us amendment to LB 1002. The amendment provides for the appropriation of "an amount equal to the General Fund balance as of June 30, 1980, projected by the State Board of Equalization and Assessment pursuant to section 77-2715.01, Revised Statutes Supplement, 1980, (sic) at the board meeting held within fifteen days after adjournment at (sic) the Eighty-Sixth Legislature, Second Session, . . ." Thereafter it provided certain deductions from that figure, specifically a 4% overlay and reappropriated and unencumbered amounts. Further the appropriation is limited to

\$32,000,000.00. You have asked whether the amendment would be a valid constitutional appropriation.

There are three problems essentially with the manner in which the amendment is written. We have already pointed out in the above quote one inaccuracy in the statutory citation. It should be the 1978 Supplement. Secondly we believe that the language "adjournment at the Eighty-Sixth Legislature" should be the "adjournment of." The primary difficulty that we envision with respect to this act is that there is at least arguably a delegation of authority to the State Board of Equalization to determine the amount of the appropriation.

Generally under section 77-2715.01, the State Board's duty at the meeting to be held pursuant to that statute is to determine the financial position of the state. A formula is established which the Board is to follow. Subsection 2 of section 77-2715.01, R.S.Supp., 1978 provides:

"The board shall meet within fifteen days after the adjournment of each regular session of the Legislature, . . . and shall determine whether the rates for sales tax and income tax must be changed. In making such determination the board shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for such special session, all miscellaneous claims, deficiency bills, and all emergency appropriations."

The formula established in subsection 1 does not provide for a precise mathematical determination of the General Fund balance as it will actually exist at the expiration of the current fiscal year. A number of factors go into the formula which require judgments and projections which may or may not be born out by later facts. To that extent there is an arguable delegation of authority to determine the level of appropriation to the Board of Equalization and Assessment. We believe however that that delegation is not so great as to be clearly indefensible from a constitutional attack.

There are a number of standards set forth in the section which guide the action of the State Board and we believe that such standards are at least arguably sufficient to overcome a delegation argument. In State ex rel. Meyer v. Duxbury, 183 Neb. 302, 160 N.W.2d 88 (1968), the Nebraska Supreme Court upheld a delegation of legislative power to the Nebraska Clean Waters Commission based upon the very narrow field of operations of the Commission. In this particular instance the State Board would be acting in a very narrow capacity and that is in determining the General Fund balance at the end of the fiscal year. We must caution however that this delegation does involve the appropriation function of the Legislature which is solely entrusted

to the Legislature and thus the scope of the delegation should be as severely circumscribed as possible. For instance it could simply come down to a mathematically formula to determine the amount appropriated based upon the actual amount in the General Fund balance not to exceed a set sum at the end of the fiscal year rather than an amount as determined by some other body.

A further problem which may be raised with respect to this amendment is whether or not it is a specific appropriation. Article III, Section 25 of the Constitution provides in part:

“ . . . No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, . . . ”

This appropriation is not specific to the extent that it cannot be determined from reading the statute exactly how much money is appropriated. However it is our view that it is sufficient to comply with the terms of the constitutional provision in that it leaves a simple mathematic calculation to determine the exact dollar amount of the appropriation. It is only where the appropriation is so indefinite that it cannot be readily determined exactly the amount of the appropriation that an appropriation fails by virtue of that constitutional provision. This problem of course is tied in with that we discussed above. To a certain extent the amount of the appropriation may depend upon the action taken by the State Board of Equalization and Assessment as the amendment is now written. On the other hand if the amendment were to provide that whatever money existed in a particular fund up to a specified amount was thereby appropriated and the sole question was to sit down and calculate that sum it would be a sufficient appropriation. Approaches such as this have been approved in early Nebraska cases. See State v. Moore, 50 Neb. 88, 69 N.W.2d 373 (1896). In that case the court said:

“ . . . It is true that at the time of the passage of this act the amount appropriated thereby was not in dollars ascertained. . . . The uncertainty in amount arose not in regard to demands of the claimant to the fund, but in regard to the amount of the fund itself. . . . ”

Thus where the limitation goes to the amount of the fund as it does here that is that money remaining up to a specified amount it is a sufficient appropriation in constitutional terms.

We hope that we have answered all of your questions in this letter. If you have others please feel free to contact us.

Sincerely,  
PAUL L. DOUGLAS  
Attorney General  
Patrick T. O'Brien  
Assistant Attorney General

(Signed)

PTO:pjs

cc: Patrick O'Donnell  
Clerk of the Legislature**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 768. With Emergency.**

A BILL FOR AN ACT to amend Laws 1979, LB 585, section 5, and Laws 1979, LB 596, section 5, relating to appropriations; to increase an appropriation; to restate an expenditure direction; 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, 39:

|            |            |         |         |         |
|------------|------------|---------|---------|---------|
| Barrett    | Dworak     | Johnson | Maresh  | Rumery  |
| Burrows    | Fitzgerald | Kahle   | Marsh   | Sieck   |
| Carsten    | Fowler     | Kelly   | Marvel  | Simon   |
| Chambers   | George     | Kennedy | Merz    | Stoney  |
| Chronister | Goodrich   | Keyes   | Newell  | Vickers |
| Clark      | Haberman   | Kremer  | Nichol  | Wagner  |
| Cope       | Hefner     | Lamb    | Pirsch  | Warner  |
| DeCamp     | Hoagland   | Landis  | Reutzel |         |

Voting in the negative, 0.

Present and not voting, 4:

|         |        |        |        |
|---------|--------|--------|--------|
| Beutler | Murphy | Powers | Wesely |
|---------|--------|--------|--------|

Excused and not voting, 6:

|        |          |          |
|--------|----------|----------|
| Cullan | Labeledz | Schmit   |
| Koch   | Lewis    | Venditte |

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

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 7 to read LB 995 on Final Reading today.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

**LEGISLATIVE BILL 995. With Emergency.**

A BILL FOR AN ACT to amend Laws 1977, LB 549, section 43, as amended by Laws 1978, LB 937, section 7, Laws 1979, LB 380A, section 3, Laws 1979, LB 500A section 1, Laws 1979, LB 585, sections 20 and 32, Laws 1979, LB 586, sections 4, 6, 11, 12, 13, and 17, Laws 1979, LB 587, sections 4, 5, 6, 7, 8, and 10, Laws 1979, LB 588, sections 8, 11, and 12, and Laws 1979, LB 589, sections 3, 4, 5, 6, 7, 9, 10, 11, 17, 18, 19, 22, 23, 26, 28, 29, 30, 34, 37, 38, 44, and 45; to make, increase, and reduce appropriations; to transfer and reappropriate funds; to repeal the original sections, and also Laws 1979, LB 591, section 8; 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, 37:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | DeCamp     | Johnson  | Marvel  | Sieck   |
| Beutler    | Dworak     | Kelly    | Merz    | Simon   |
| Burrows    | Fitzgerald | Keyes    | Newell  | Vickers |
| Carsten    | Fowler     | Kremer   | Nichol  | Warner  |
| Chambers   | George     | Labeledz | Powers  | Wesely  |
| Chronister | Goodrich   | Landis   | Reutzel |         |
| Clark      | Hefner     | Maresh   | Rumery  |         |
| Cope       | Hoagland   | Marsh    | Schmit  |         |

Voting in the negative, 7:

|          |         |        |        |
|----------|---------|--------|--------|
| Haberman | Kennedy | Pirsch | Wagner |
| Kahle    | Lamb    | Stoney |        |

Present and not voting, 1:

Murphy

Excused and not voting, 4:

|        |      |       |          |
|--------|------|-------|----------|
| Cullan | Koch | Lewis | Venditte |
|--------|------|-------|----------|

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

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 998.** With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1980, to June 30, 1981; 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:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Dworak     | Kahle   | Marsh   | Rumery   |
| Beutler    | Fitzgerald | Kelly   | Marvel  | Sieck    |
| Burrows    | Fowler     | Kennedy | Merz    | Simon    |
| Carsten    | George     | Keyes   | Murphy  | Stoney   |
| Chambers   | Goodrich   | Koch    | Newell  | Venditte |
| Chronister | Haberman   | Kremer  | Nichol  | Vickers  |
| Clark      | Hefner     | Lamb    | Pirsch  | Wagner   |
| Cope       | Hoagland   | Landis  | Powers  | Warner   |
| DeCamp     | Johnson    | Maresh  | Reutzel | Wesely   |

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Cullan      Labeledz      Lewis

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

**UNANIMOUS CONSENT - Withdraw Amendment to LB 999**

Mr. Lewis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1640 to LB 999. No objections. So ordered.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 999. With Emergency.**

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1980, to June 30, 1981; to provide severability; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kelly    | Marvel  | Sieck    |
| Beutler    | Fowler     | Kennedy  | Murphy  | Stoney   |
| Burrows    | George     | Koch     | Newell  | Venditte |
| Carsten    | Goodrich   | Kremer   | Nichol  | Vickers  |
| Chronister | Haberman   | Labeledz | Pirsch  | Wagner   |
| Clark      | Hefner     | Lamb     | Powers  | Warner   |
| Cope       | Hoagland   | Landis   | Reutzel | Wesely   |
| DeCamp     | Johnson    | Maresh   | Rumery  |          |
| Dworak     | Kahle      | Marsh    | Schmit  |          |

Voting in the negative, 2:

Chambers     Simon

Present and not voting, 2:

Keyes             Merz

Excused and not voting, 2:

Cullan             Lewis

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

**MOTION - Return LB 1001 to Select File**

Mr. Johnson moved to return LB 1001 to Select File for the following specific amendment:

- 1 1. In LB 1001, strike Sections 35, 36, and 37,
- 2 and insert a new section 35:
- 3 "Sec. 35. Program 798 - The Board of Regents
- 4 of the University of Nebraska is hereby authorized at their
- 5 discretion:
- 6 (1) To renovate Bessey Hall at the University of
- 7 Nebraska-Lincoln, at a total project cost not to exceed
- 8 \$3,317,110;
- 9 (2) To purchase the Hatie B. Monroe facility on
- 10 the campus of the University of Nebraska Medical Center
- 11 at a cost not to exceed \$472,000;
- 12 (3) To acquire property for the University of
- 13 Nebraska-Omaha, at a total cost not to exceed \$400,000,
- 14 provided such property shall be acquired at a reasonable
- 15 market value, and on a willing seller and willing buyer
- 16 basis;
- 17 (4) There is hereby appropriated \$1,072,000 from
- 18 the State Building Fund for the fiscal year ending June
- 19 30, 1981 to initiate the above projects. There is hereby
- 20 appropriated \$1,408,000 from the State Building Fund for
- 21 the fiscal year ending June 30, 1982 to continue the above
- 22 projects. There is hereby appropriated \$1,709,110 for the
- 23 fiscal year ending June 30, 1983 to complete above specified
- 24 projects;
- 25 (5) The Board of Regents of the University of
- 26 Nebraska may, at their discretion, utilize any portion of
- 27 the funds contained in subdivision (4) of this section
- 1 for the purpose of making either (a) such capital con-
- 2 struction expenditures which do not create a future funding
- 3 obligation to the State of Nebraska beyond June 30, 1981,
- 4 or (b) such operating budget expenditures deemed necessary
- 5 by the Board of Regents; Provided, that these funds shall
- 6 not be used for energy conservation projects, handicapped access
- 7 projects, or deferred maintenance projects without the prior
- 8 approval of the Task Force for Building Renewal; and
- 9 provided further, that these funds shall be transferred
- 10 into the appropriate operating or capital construction
- 11 programs at the discretion of the Board of Regents.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Johnson motion lost with 8 ayes, 26 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1001.** With Emergency.

A BILL FOR AN ACT to make appropriations for capital construction; to provide severability; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marvel  | Simon    |
| Beutler    | Fitzgerald | Keyes    | Merz    | Venditte |
| Burrows    | Fowler     | Koch     | Newell  | Vickers  |
| Carsten    | George     | Kremer   | Nichol  | Wagner   |
| Chambers   | Goodrich   | Labeledz | Pirsch  | Warner   |
| Chronister | Hefner     | Lamb     | Powers  | Wesely   |
| Cope       | Hoagland   | Landis   | Reutzel |          |
| Cullan     | Johnson    | Maresh   | Rumery  |          |
| DeCamp     | Kahle      | Marsh    | Sieck   |          |

Voting in the negative, 4:

|       |          |        |        |
|-------|----------|--------|--------|
| Clark | Haberman | Schmit | Stoney |
|-------|----------|--------|--------|

Present and not voting, 1:

Murphy

Excused and not voting, 2:

|         |       |
|---------|-------|
| Kennedy | Lewis |
|---------|-------|

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

**SPEAKER MARVEL PRESIDING****MOTION - Final Reading**

Speaker Marvel moved to proceed with the Final Reading of all bills bracketed on Final Reading pursuant to the Warner "A" bill motion.

The motion prevailed with 31 ayes, 5 nays, and 13 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

Mr. Warner announced all "A" bills bracketed will require 30 votes to pass on Final Reading.

**LEGISLATIVE BILL 184.**

A BILL FOR AN ACT to amend sections 80-302 and 80-304 to 80-308, Reissue Revised Statutes of Nebraska, 1943, section 80-301, Revised Statutes Supplement, 1979, and section 23-107.01, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, section 93, relating to Nebraska veterans' homes; to establish a new home; to delete obsolete material; to approve and recommend a lease agreement; to provide an exemption from restrictions on the sale or lease of certain property as prescribed; and to repeal the original sections, and also section 80-310, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kahle    | Marsh   | Schmit   |
| Beutler    | Fitzgerald | Kelly    | Marvel  | Sieck    |
| Burrows    | Fowler     | Keyes    | Merz    | Simon    |
| Carsten    | George     | Koch     | Murphy  | Stoney   |
| Chambers   | Goodrich   | Kremer   | Newell  | Venditte |
| Chronister | Haberman   | Labeledz | Nichol  | Vickers  |
| Clark      | Hefner     | Lamb     | Powers  | Wagner   |
| Cope       | Hoagland   | Landis   | Reutzel | Warner   |
| Cullan     | Johnson    | Maresh   | Rumery  |          |

Voting in the negative, 2:

Dworak      Wesely

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Kennedy      Lewis

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

**LEGISLATIVE BILL 184A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 184, Eighty-sixth Legislature, First Session, 1979.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kelly    | Marvel  | Sieck    |
| Beutler    | Fowler     | Keyes    | Merz    | Simon    |
| Burrows    | George     | Koch     | Murphy  | Stoney   |
| Carsten    | Goodrich   | Kremer   | Newell  | Venditte |
| Chronister | Haberman   | Labeledz | Nichol  | Vickers  |
| Clark      | Hefner     | Lamb     | Powers  | Wagner   |
| Cope       | Hoagland   | Landis   | Reutzel | Warner   |
| Cullan     | Johnson    | Maresh   | Rumery  |          |
| DeCamp     | Kahle      | Marsh    | Schmit  |          |

Voting in the negative, 2:

Dworak      Wesely

Present and not voting, 2:

Chambers      Pirsch

Excused and not voting, 2:

Kennedy      Lewis

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

**LEGISLATIVE BILL 228.**

A BILL FOR AN ACT relating to teachers' retirement; to provide for supplemental retirement benefits for teachers as prescribed; to determine the value of such benefits; and to establish the Retired Teachers Supplementary Benefits Fund.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kahle    | Marsh   | Sieck    |
| Beutler    | Fitzgerald | Kelly    | Marvel  | Simon    |
| Burrows    | Fowler     | Keyes    | Merz    | Stoney   |
| Carsten    | George     | Koch     | Newell  | Venditte |
| Chambers   | Goodrich   | Kremer   | Nichol  | Vickers  |
| Chronister | Haberman   | Labeledz | Powers  | Wagner   |
| Clark      | Hefner     | Lamb     | Reutzel | Warner   |
| Cope       | Hoagland   | Landis   | Rumery  | Wesely   |
| Cullan     | Johnson    | Maresh   | Schmit  |          |

Voting in the negative, 2:

Dworak      Murphy

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Kennedy      Lewis

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

**LEGISLATIVE BILL 228A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 228, Eighty-sixth Legislature, First Session, 1979.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kahle    | Marsh   | Sieck    |
| Beutler    | Fitzgerald | Kelly    | Marvel  | Simon    |
| Burrows    | Fowler     | Keyes    | Merz    | Stoney   |
| Carsten    | George     | Koch     | Newell  | Venditte |
| Chambers   | Goodrich   | Kremer   | Nichol  | Vickers  |
| Chronister | Haberman   | Labeledz | Powers  | Wagner   |
| Clark      | Hefner     | Lamb     | Reutzel | Warner   |
| Cope       | Hoagland   | Landis   | Rumery  | Wesely   |
| Cullan     | Johnson    | Maresh   | Schmit  |          |

Voting in the negative, 2:

Dworak      Murphy

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Kennedy      Lewis

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

**MOTION - Return LB 485 to Select File**

Mr. Nichol moved to return LB 485 to Select File for the following specific amendment:

- 1      1. On page 15, line 25, strike "shall" and
- 2      insert "may".

The motion prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 485.** The Nichol specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 499.**

A BILL FOR AN ACT to adopt the Nebraska Tourism and Economic Development Act; to impose a sales tax on lodging; to define terms; to permit counties to impose a sales tax on lodging; to provide for the collection of such taxes; to prescribe the use of the proceeds; to provide procedures; and to provide for termination.

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, 28:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Johnson  | Marsh   | Rumery   |
| Beutler    | George     | Kahle    | Merz    | Sieck    |
| Chronister | Goodrich   | Koch     | Newell  | Venditte |
| Cope       | Haberman   | Labeledz | Nichol  | Wagner   |
| Cullan     | Hefner     | Landis   | Powers  |          |
| DeCamp     | Hoagland   | Maresh   | Reutzel |          |

Voting in the negative, 17:

|          |        |        |         |        |
|----------|--------|--------|---------|--------|
| Burrows  | Dworak | Kremer | Simon   | Wesely |
| Carsten  | Fowler | Lamb   | Stoney  |        |
| Chambers | Kelly  | Marvel | Vickers |        |
| Clark    | Keyes  | Murphy | Warner  |        |

Present and not voting, 2:

|        |        |
|--------|--------|
| Pirsch | Schmit |
|--------|--------|

Excused and not voting, 2:

Kennedy      Lewis

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

**LEGISLATIVE BILL 499A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 499, Eighty-sixth Legislature, First Session, 1979.

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, 31:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kahle    | Newell  | Venditte |
| Beutler    | George     | Koch     | Nichol  | Warner   |
| Carsten    | Goodrich   | Labeledz | Powers  | Wesely   |
| Chronister | Haberman   | Landis   | Reutzel |          |
| Cope       | Hefner     | Maresh   | Rumery  |          |
| Cullan     | Hoagland   | Marsh    | Schmit  |          |
| DeCamp     | Johnson    | Merz     | Sieck   |          |

Voting in the negative, 14:

|          |        |        |        |         |
|----------|--------|--------|--------|---------|
| Burrows  | Dworak | Keyes  | Marvel | Stoney  |
| Chambers | Fowler | Kremer | Murphy | Vickers |
| Clark    | Kelly  | Lamb   | Simon  |         |

Present and not voting, 2:

Pirsch      Wagner

Excused and not voting, 2:

Kennedy      Lewis

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

**LEGISLATIVE BILL 507.**

A BILL FOR AN ACT to adopt the Agricultural and Industrial Branch Rail Revitalization Act of 1980; to define terms; to provide duties; to create a council; to provide for membership; to provide for issuance of bonds; to amend section 74-1320, Revised Statutes Supplement, 1979; to defer the date for levy of an excise tax; to provide severability; 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, 39:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kelly    | Marsh   | Schmit   |
| Beutler    | Fitzgerald | Keyes    | Merz    | Sieck    |
| Burrows    | Fowler     | Kremer   | Murphy  | Simon    |
| Carsten    | George     | Labeledz | Newell  | Venditte |
| Chronister | Goodrich   | Lamb     | Nichol  | Vickers  |
| Clark      | Haberman   | Landis   | Powers  | Wagner   |
| Cope       | Hefner     | Lewis    | Reutzel | Wesely   |
| Cullan     | Kahle      | Maresh   | Rumery  |          |

Voting in the negative, 6:

|         |        |        |
|---------|--------|--------|
| Dworak  | Koch   | Stoney |
| Johnson | Marvel | Warner |

Present and not voting, 3:

|          |          |        |
|----------|----------|--------|
| Chambers | Hoagland | Pirsch |
|----------|----------|--------|

Excused and not voting, 1:

Kennedy

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

#### **LEGISLATIVE BILL 507A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, Eighty-sixth Legislature, First Session, 1979.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Cullan     | Kahle    | Maresh  | Rumery   |
| Beutler    | DeCamp     | Kelly    | Marsh   | Schmit   |
| Burrows    | Fitzgerald | Keyes    | Merz    | Sieck    |
| Carsten    | Fowler     | Kremer   | Murphy  | Simon    |
| Chambers   | George     | Labeledz | Newell  | Venditte |
| Chronister | Goodrich   | Lamb     | Nichol  | Vickers  |
| Clark      | Haberman   | Landis   | Powers  | Wesely   |
| Cope       | Hefner     | Lewis    | Reutzel |          |

Voting in the negative, 7:

|          |         |        |        |
|----------|---------|--------|--------|
| Dworak   | Johnson | Marvel | Warner |
| Hoagland | Koch    | Stoney |        |

Present and not voting, 2:

Pirsch            Wagner

Excused and not voting, 1:

Kennedy

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

Mrs. Labeledz and Mr. Newell asked unanimous consent to be excused until they return. No objections. So ordered.

**MOTION - Return LB 615 to Select File**

Messrs. Dworak and Hoagland moved to return LB 615 to Select File for the following specific amendment:

- 1        1. On page 3, line 25 after "cents" insert
- 2        "or the rate permitted as a deductible expense for mileage
- 3        by the United States Internal Revenue Service, whichever
- 4        is less".
- 5        2. On page 7, line 4 after the first "mile"
- 6        insert "or at the rate permitted as a deductible expense
- 7        for mileage by the United States Internal Revenue Service,
- 8        whichever is less,".
- 9        3. On page 8, line 23 after "cents" insert
- 10       "or on the basis of the rate permitted as a deductible
- 11       expense for mileage by the United States Internal Revenue
- 12       Service, whichever is less,".
- 13       4. On page 9, line 12 after "mile" insert
- 14       "or the rate permitted as a deductible expense for mileage

15 by the United States Internal Revenue Service, whichever  
 16 is less".

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Cullan requested a record vote on the Dworak-Hoagland motion.

Voting in the affirmative, 15:

|         |          |        |        |         |
|---------|----------|--------|--------|---------|
| Burrows | George   | Kremer | Murphy | Stoney  |
| Carsten | Hoagland | Landis | Pirsch | Vickers |
| Dworak  | Kelly    | Marvel | Powers | Wesely  |

Voting in the negative, 28:

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Barrett    | Fitzgerald | Keyes  | Merz    | Simon    |
| Chronister | Fowler     | Koch   | Nichol  | Venditte |
| Clark      | Goodrich   | Lamb   | Reutzel | Wagner   |
| Cope       | Haberman   | Lewis  | Rumery  | Warner   |
| Cullan     | Hefner     | Maresh | Schmit  |          |
| DeCamp     | Kahle      | Marsh  | Sieck   |          |

Present and not voting, 3:

Beutler      Chambers      Johnson

Excused and not voting, 3:

Kennedy      Labeledz      Newell

The Dworak-Hoagland motion lost with 15 ayes, 28 nays, 3 present and not voting, and 3 excused and not voting.

### EXPLANATION OF VOTE

Had I been in the chamber, I would have voted "aye" on LB 999.

(Signed) Orval Keyes

### UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to have the following letter printed in the Journal. No objections. So ordered.

March 25, 1980

The Honorable Dave Newell  
State Senator  
State Capitol  
Lincoln, NE 68509

Dear Senator Newell:

By letter of March 24, 1980, you ask for a commission determination of the Potential Conflict of Interest Statement you filed with us on January 15, 1980.

It is my opinion that the financial benefit, if any, that might accrue to your employer [Nebraska Association of Homes for the Aging] by reason of LB184 is too indirect and remote to constitute any conflict of interest.

Finding no such conflict, there is no objection to your participation in or voting upon LB184.

Let me apologize for no immediate decision by this commission following the filing of your statement in January. I was under the impression that you had decided on your own not to participate in LB184.

Respectfully,  
(Signed) Thomas F. Burke  
Executive Director

TFB:pw

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

**Correctly Enrolled**

The following bills were correctly enrolled: 768, 995, 998, 999, and 1001.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 768, 995, 998, 999, and 1001.

**UNANIMOUS CONSENT - Member Excused**

Mr. Fowler asked unanimous consent to be excused from 1:00 p.m. to 2:30 p.m. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 85 eleventh grade students and teachers from Omaha Central High School; 50 twelfth grade students and teacher from St. Cecilia's School, Hastings; and 45 ladies of Pulaski Club Auxiliary from South Omaha.

**RECESS**

At 12:01 p.m., on a motion by Mr. Wesely, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:14 p.m., Mr. Clark presiding.

**ROLL CALL**

The roll was called and all members were present except Messrs. Barrett, Beutler, Chronister, Fowler, George, Goodrich, Hoagland, Lamb, Landis, Merz, Newell, Venditte, Vickers, Mesdames Labeledz, and Pirsch who were excused until they arrive.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Simon asked unanimous consent to print the following amendments to LB 899 in the Journal. No objections. So ordered.

(1)

(Amendments to white copy - 2224)

Req. #2337

- 3 1. Strike original section 2 and insert the
- 4 following:
- 5 "Sec. 2. That section 8-820, Reissue Revised
- 6 Statutes of Nebraska, 1943, as amended by section 4,
- 7 Legislative Bill 276, Eighty-sixth Legislature, Second
- 8 Session, 1980, be amended to read as follows:
- 9 8-820. Subject to the provisions of sections
- 10 8-815 to 8-829, any registered bank may contract for and
- 11 receive, on any personal loan, charges at a rate not
- 12 exceeding nineteen per cent simple interest per year,
- 13 except that, in the case of loans initiated by credit
- 14 card or other type of transaction card, the rate may not

15 exceed ~~eighteen~~ twenty-one per cent simple interest per  
 16 year ~~on the first one thousand dollars and twelve per~~  
 17 ~~cent simple interest per year on the balance over one~~  
 18 ~~thousand dollars~~ and a separate one-time charge, at the  
 19 time the card is issued, for the privilege of using such  
 20 a card may be made which charge shall not be construed as  
 21 interest. Notwithstanding the provisions of this  
 22 section, a bank may charge a minimum fee of ten dollars  
 23 in lieu of interest on small loans.”.

(2)

(Amendments to white copy - 2224)

Req. #2338

3 1. Strike original section 2 and insert the  
 4 following:  
 5 “Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed ~~eighteen~~ twenty-one per cent simple interest per  
 16 year ~~on the first one thousand dollars and twelve per~~  
 17 ~~cent simple interest per year on the balance over one~~  
 18 ~~thousand dollars~~ and an annual charge for the privilege  
 19 of using such a card may be made which charge shall be  
 20 construed as interest. Notwithstanding the provisions of  
 21 this section, a bank may charge a minimum fee of ten  
 22 dollars in lieu of interest on small loans.”.

(3)

(Amendments to white copy - 2224)

Req. #2339

3 1. Strike original section 2 and insert the  
 4 following:  
 5 “Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed ~~eighteen~~ twenty-one per cent simple interest per

16 ~~year on the first one thousand dollars and twelve per~~  
 17 ~~cent simple interest per year on the balance over one~~  
 18 ~~thousand dollars and a separate annual charge for the~~  
 19 ~~privilege of using such a card may be made which charge~~  
 20 ~~shall not be construed as interest. Notwithstanding the~~  
 21 ~~provisions of this section, a bank may charge a minimum~~  
 22 ~~fee of ten dollars in lieu of interest on small loans.~~  
 23 Such fee shall not exceed five dollars per year."

(4)

(White copy req. 2224)

Req. #2340

3 1. Strike original section 2 and insert the  
 4 following:  
 5 "Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed eighteen and one half per cent simple interest per  
 16 year and a separate annual charge for the privilege of  
 17 using such a card may be made which charge shall not be  
 18 construed as interest. ~~on the first one thousand dollars~~  
 19 ~~and twelve per cent simple interest per year on the~~  
 20 ~~balance over one thousand dollars.~~ Notwithstanding the  
 21 provisions of this section, a bank may charge a minimum  
 22 fee of ten dollars in lieu of interest on small loans."

(5)

(white copy req. 2224)

Req. #2341

3 1. Strike original section 2 and insert the  
 4 following:  
 5 "Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed ~~eighteen~~ twenty-one per cent simple interest per  
 16 year, ~~on the first one thousand dollars and twelve per~~

17 ~~cent simple interest per year on the balance over one~~  
 18 ~~thousand dollars.~~ Notwithstanding the provisions of this  
 19 section, a bank may charge a minimum fee of ten dollars  
 20 in lieu of interest on small loans.".

(6)

(white copy req. 2224)

Req. #2342

3 1. Strike original section 2 and insert the  
 4 following:  
 5 "Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed eighteen twenty-one per cent simple interest per  
 16 year and a separate annual charge for the privilege of  
 17 using such a card may be made which charge shall not be  
 18 construed as interest. on the first one thousand dollars  
 19 and twelve per cent simple interest per year on the  
 20 balance over one thousand dollars. Notwithstanding the  
 21 provisions of this section, a bank may charge a minimum  
 22 fee of ten seven dollars in lieu of interest on small  
 23 loans.".

(7)

(white copy req. 2224)

Req. #2343

3 1. Strike original section 2 and insert the  
 4 following:  
 5 "Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed eighteen twenty-one per cent simple interest per  
 16 year on the first one thousand five hundred dollars and  
 17 twelve eighteen per cent simple interest per year on the  
 18 balance over one thousand five hundred dollars and a  
 19 separate annual charge for the privilege of using such a

20 card may be made which charge shall not be construed as  
 21 interest. Notwithstanding the provisions of this  
 22 section, a bank may charge a minimum fee of ten dollars  
 23 in lieu of interest on small loans.''.

(8)

(White Copy Request 2224)

Req. #2344

3 1. Strike original section 2 and insert the  
 4 following:  
 5 "Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed ~~eighteen~~ twenty-one per cent simple interest per  
 16 year on the first ~~one thousand~~ five hundred dollars and  
 17 twelve per cent simple interest per year on the balance  
 18 over ~~one thousand~~ five hundred dollars and a separate  
 19 annual charge for the privilege of using such a card may  
 20 be made which charge shall not be construed as interest.  
 21 Notwithstanding the provisions of this section, a bank  
 22 may charge a minimum fee of ten dollars in lieu of  
 23 interest on small loans.''.

(9)

(White Copy Request 2224)

Req. #2345

3 1. Strike original section 2 and insert the  
 4 following:  
 5 "Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed ~~eighteen~~ twenty-one per cent simple interest per  
 16 year on the first one thousand dollars and ~~twelve~~  
 17 eighteen per cent simple interest per year on the balance  
 18 over one thousand dollars and a separate annual charge  
 19 for the privilege of using such a card may be made which

20 charge shall not be construed as interest.  
 21 Notwithstanding the provisions of this section, a bank  
 22 may charge a minimum fee of ten dollars in lieu of  
 23 interest on small loans.”.

(10)

(White Copy Request 2224)

Req. #2346

3 1. Strike original section 2 and insert the  
 4 following:  
 5 “Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed eighteen twenty-one per cent simple interest per  
 16 year on the first one thousand dollars and twelve per  
 17 cent simple interest per year on the balance over one  
 18 thousand dollars and a separate annual charge for the  
 19 privilege of using such a card may be made which charge  
 20 shall not be construed as interest. Notwithstanding the  
 21 provisions of this section, a bank may charge a minimum  
 22 fee of ten dollars in lieu of interest on small loans.  
 23 Such fee shall be refunded by the bank should the profit  
 24 from interest on loans made through the charge card  
 25 exceed average administrative expenses for processing  
 1 loans through credit cards or other type of transaction  
 2 cards.”.

(11)

(White Copy Request 2224)

Req. #2347

3 1. Strike original section 2 and insert the  
 4 following:  
 5 “Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative Bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, the rate may not  
 15 exceed eighteen twenty-one per cent simple interest per

16 ~~year on the first one thousand dollars and twelve per~~  
 17 ~~cent simple interest per year on the balance over one~~  
 18 ~~thousand dollars and a separate annual charge for the~~  
 19 privilege of using such a card may be made which charge  
 20 shall not be construed as interest. Notwithstanding the  
 21 provisions of this section, a bank may charge a minimum  
 22 fee of ten dollars in lieu of interest on small loans.  
 23 Such fee shall not exceed ten dollars per year.”.

(12)

(White Copy Request 2224)

Req. #2349

3 1. Strike original section 2 and insert the  
 4 following:  
 5 “Sec. 2. That section 8-820, Reissue Revised  
 6 Statutes of Nebraska, 1943, as amended by section 4,  
 7 Legislative bill 276, Eighty-sixth Legislature, Second  
 8 Session, 1980, be amended to read as follows:  
 9 8-820. Subject to the provisions of sections  
 10 8-815 to 8-829, any registered bank may contract for and  
 11 receive, on any personal loan, charges at a rate not  
 12 exceeding nineteen per cent simple interest per year,  
 13 except that, in the case of loans initiated by credit  
 14 card or other type of transaction card, (1) for any  
 15 balance existing on the effective date of this act the  
 16 rate may not exceed eighteen per cent simple interest per  
 17 year on the first one thousand dollars and twelve per  
 18 cent simple interest per year on the balance over one  
 19 thousand dollars, and (2) for any indebtedness incurred  
 20 after the effective date of this act the rate of interest  
 21 may not exceed twenty-one per cent simple interest per  
 22 year on the outstanding balance not attributable to  
 23 indebtedness incurred prior to the effective date of this  
 24 act. Payments made after the effective date of this act  
 25 shall be first applied to reduce or eliminate outstanding  
 1 balances existing on the effective date of this act. A  
 2 separate annual charge for the privilege of using such a  
 3 card may be made which charge shall not be construed as  
 4 interest. Notwithstanding the provisions of this  
 5 section, a bank may charge a minimum fee of ten dollars  
 6 in lieu of interest on small loans.”.

**GENERAL FILE**

**LEGISLATIVE BILL 939.** Considered.

Mr. Wesely requested a record vote to advance LB 939.

Voting in the affirmative, 26:

|         |            |        |         |        |
|---------|------------|--------|---------|--------|
| Burrows | Fitzgerald | Koch   | Nichol  | Wagner |
| Carsten | Haberman   | Kremer | Powers  | Wesely |
| Clark   | Hefner     | Lewis  | Reutzel |        |
| Cope    | Johnson    | Maresh | Rumery  |        |
| Cullan  | Kahle      | Marsh  | Schmit  |        |
| DeCamp  | Keyes      | Marvel | Sieck   |        |

Voting in the negative, 3:

Dworak      Kennedy      Warner

Present and not voting, 5:

Chambers      Kelly      Murphy      Simon      Stoney

Excused and not voting, 15:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Fowler   | Hoagland | Landis | Pirsch   |
| Beutler    | George   | Labeledz | Merz   | Venditte |
| Chronister | Goodrich | Lamb     | Newell | Vickers  |

Advanced to E & R for Review with 26 ayes, 3 nays, 5 present and not voting, and 15 excused and not voting.

**LEGISLATIVE BILL 939A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 820.** Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1083 for the Thirty-Ninth Day (Req. #2108) were considered.

**SPEAKER MARVEL PRESIDING**

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Standing Committee amendments lost with 8 ayes, 29 nays, 7 present and not voting, and 5 excused and not voting.

Mr. Stoney withdrew his pending amendment (Req. #2320) found in the Journal on page 1681.

Mr. Hoagland moved to pass over LB 820.

The motion lost with 3 ayes, 33 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:  
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2350.)

The amendment lost with 8 ayes, 24 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:  
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2351.)

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The Beutler amendment lost with 13 ayes, 24 nays, 10 present and not voting, and 2 excused and not voting.

## MR. CLARK PRESIDING

Mr. Beutler offered the following amendment:

Req. #2076

- 2 1. Strike original section 1 and insert 3 new
- 3 sections as follows:
- 4 "Section 1. That section 59-1617, Reissue
- 5 Revised Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 59-1617. Nothing in sections 59-1601 to 59-1622
- 8 shall apply to actions or transactions otherwise
- 9 permitted, prohibited, or regulated under laws
- 10 administered by the Director of Insurance, the Public
- 11 Service Commission, the federal power commission, or any
- 12 other regulatory body or officer acting under statutory
- 13 authority of this state or the United States, nor shall
- 14 the provisions of sections 59-1601 to 59-1622 extend to
- 15 or apply to any actions or transactions on the part of
- 16 any public power and irrigation district, public power

17 district, electric membership association, and  
 18 cooperatives or municipalities engaged in furnishing  
 19 electrical service to customers at retail or wholesale if  
 20 such actions or transactions are otherwise permitted by  
 21 law; Provided, that actions and transactions prohibited  
 22 or regulated under the laws administered by the Director  
 23 of Insurance shall be subject to the provisions of  
 24 section 59-1602 and all statutes which provide for the  
 25 implementation and enforcement of section 59-1602 and  
 1 actions and transactions prohibited or regulated under  
 2 the laws administered by the Nebraska Motor Vehicle  
 3 Industry Licensing Board shall be subject to the  
 4 provisions of Chapter 59, article 16.  
 5 No penalty or remedy shall result from a  
 6 violation of sections 59-1601 to 59-1622 except as  
 7 expressly provided therein.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

|          |          |        |        |         |
|----------|----------|--------|--------|---------|
| Beutler  | Fowler   | Koch   | Merz   | Vickers |
| Burrows  | Hoagland | Kremer | Newell | Warner  |
| Chambers | Johnson  | Landis | Pirsch | Wesely  |
| Dworak   | Kelly    | Marsh  | Simon  |         |

Voting in the negative, 24:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Cullan     | Kahle    | Maresh | Schmit   |
| Carsten    | Fitzgerald | Kennedy  | Murphy | Stoney   |
| Chronister | Goodrich   | Keyes    | Nichol | Venditte |
| Clark      | Haberman   | Labeledz | Powers | Wagner   |
| Cope       | Hefner     | Lewis    | Rumery |          |

Present and not voting, 6:

|        |        |         |
|--------|--------|---------|
| DeCamp | Lamb   | Reutzel |
| George | Marvel | Sieck   |

The Beutler amendment lost with 19 ayes, 24 nays, and 6 present and not voting.

Messrs. Wesely and Stoney offered the following amendment:  
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2353.)

The amendment was adopted with 32 ayes, 0 nays, and 17 present and not voting.

Mr. Hoagland offered the following amendment:

- 2 1. Insert one new section as follows:  
3 "Section 1. That section 60-1402, Reissue  
4 Revised Statutes of Nebraska, 1943, be amended to read as  
5 follows:  
6 60-1402. (1) There is hereby established the  
7 Nebraska Motor Vehicle Industry Licensing Board which  
8 shall consist of the Director of Motor Vehicles, who  
9 shall be ~~chairman~~ chairperson of the board, and ~~nine~~  
10 commencing January 1, 1981, six members appointed by the  
11 Governor, as follows: ~~One factory representative, one~~  
12 ~~member of the general public, and one motorcycle dealer,~~  
13 ~~all of whom shall be appointed from the state at large,~~  
14 ~~one new motor vehicle dealer from each of the three~~  
15 ~~congressional districts of the state as the districts are~~  
16 ~~constituted on October 19, 1963, and two used motor~~  
17 ~~vehicle dealers and one trailer dealer or combination~~  
18 ~~motor vehicle or trailer dealer, not more than one used~~  
19 ~~motor vehicle dealer being appointed from the same~~  
20 ~~congressional district as they are constituted on October~~  
21 ~~19, 1963, and the trailer dealer or combination motor~~  
22 ~~vehicle or trailer dealer being appointed from the state~~  
23 ~~at large; Provided, that no~~ No member of the board shall  
24 participate in any manner in a proceeding before the  
25 board involving his or her licensed business.  
1 (2) ~~On October 19, 1963, the Governor shall~~  
2 ~~appoint a new motor vehicle dealer and a trailer dealer~~  
3 ~~or combination motor vehicle or trailer dealer to the~~  
4 ~~board. In making the appointments, the Governor shall~~  
5 ~~appoint one of the new members for one year and one for~~  
6 ~~two years as designated by him in making the~~  
7 ~~appointments. On January 1, 1972, the Governor shall~~  
8 ~~appoint one factory representative and one member of the~~  
9 ~~general public to the board, designating one to serve for~~  
10 ~~a term of one year and one for a term of two years. On~~  
11 ~~January 1, 1974, the Governor shall appoint one~~  
12 ~~motorcycle dealer to serve for a term of three years. On~~  
13 January 1, 1981, the Governor shall appoint (a) three

14 members of the general public to the board, one to be  
15 appointed from each of the three congressional districts  
16 of the state as the districts are constituted on the  
17 effective date of this act, and (b) three members who are  
18 representative of the motor vehicle industry, but not  
19 more than one member shall be a factory representative,  
20 motorcycle dealer, new motor vehicle dealer, used motor  
21 vehicle dealer, trailer dealer, or combination motor  
22 vehicle or trailer dealer. The members serving on the  
23 effective date of this act shall continue their terms  
24 through December 31, 1980. When making the January 1,  
25 1981, appointments, the Governor shall appoint one member  
26 of the general public to serve for a term of one year,  
27 one for a term of two years, and one for a term of three  
1 years and one motor vehicle representative shall be  
2 appointed to serve for a term of one year, one for a term  
3 of two years, and one for a term of three years. At the  
4 expiration of the term of any appointed member of the  
5 board, the Governor shall appoint a successor for a term  
6 of three years. In the event of a vacancy on the board,  
7 the Governor shall fill such vacancy by appointing a  
8 member to serve during the unexpired term of the member  
9 whose office has become vacant. No member appointed  
10 shall serve more than two consecutive terms. The action  
11 of the majority of the members of the board shall be  
12 deemed the action of the board. All appointments made to  
13 the board, except the Director of Motor Vehicles, shall  
14 be confirmed by the Legislature if in session. In the  
15 event the Legislature is not in session all appointments  
16 including appointments to fill a vacancy shall be  
17 temporary appointments until the next meeting of the  
18 Legislature when the Governor shall nominate some person  
19 to fill the office. Any person so nominated who is  
20 confirmed by the Legislature shall hold his or her office  
21 during the remainder of the term. No appointed person  
22 may act as a member of the board while holding any other  
23 elective or appointive state or federal office except the  
24 Director of Motor Vehicles. All appointed members of the  
25 board shall be paid fifty dollars for each day actually  
26 engaged in the performance of their duties and be  
27 entitled to their reasonable traveling expenses in the  
28 performance of their duties.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Cullan requested a record vote on the Hoagland amendment.

Voting in the affirmative, 13:

|          |          |         |         |        |
|----------|----------|---------|---------|--------|
| Beutler  | Dworak   | Johnson | Newell  | Wesely |
| Burrows  | Fowler   | Koch    | Simon   |        |
| Chambers | Hoagland | Landis  | Vickers |        |

Voting in the negative, 24:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Barrett    | Cullan   | Kennedy  | Marsh  | Powers |
| Carsten    | Goodrich | Keyes    | Marvel | Rumery |
| Chronister | Haberman | Labeledz | Merz   | Schmit |
| Clark      | Hefner   | Lewis    | Murphy | Wagner |
| Cope       | Kelly    | Maresh   | Nichol |        |

Present and not voting, 12:

|            |        |         |          |
|------------|--------|---------|----------|
| DeCamp     | Kahle  | Pirsch  | Stoney   |
| Fitzgerald | Kremer | Reutzel | Venditte |
| George     | Lamb   | Sieck   | Warner   |

The Hoagland amendment lost with 13 ayes, 24 nays, and 12 present and not voting.

Mr. Cullan moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 820.

The motion prevailed with 31 ayes, 8 nays, and 10 present and not voting.

Mr. Lewis requested a record vote to advance LB 820.

Voting in the affirmative, 37:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Koch     | Merz    | Stoney   |
| Carsten    | Goodrich | Kremer   | Murphy  | Venditte |
| Chronister | Haberman | Labeledz | Nichol  | Wagner   |
| Clark      | Hefner   | Lamb     | Powers  | Warner   |
| Cope       | Kahle    | Lewis    | Reutzel | Wesely   |
| Cullan     | Kelly    | Maresh   | Rumery  |          |
| DeCamp     | Kennedy  | Marsh    | Schmit  |          |
| Fitzgerald | Keyes    | Marvel   | Sieck   |          |

Voting in the negative, 10:

|         |          |          |         |         |
|---------|----------|----------|---------|---------|
| Beutler | Chambers | Fowler   | Johnson | Simon   |
| Burrows | Dworak   | Hoagland | Landis  | Vickers |

Present and not voting, 2:

Newell            Pirsch

Advanced to E & R for Review with 37 ayes, 10 nays, and 2 present and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lamb asked unanimous consent to print the following amendment to LB 889 in the Journal. No objections. So ordered.

To amend LB 889 on Page 13, line 2 as follows:

1. Strike the period following "office" and add " , if he or she markets or distributes commercial fertilizer or soil conditioners in the state of Nebraska."

Mr. Venditte asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

(White Copy Request #2216)

In the Beutler amendment beginning on page 1580 of the Journal:

1. On page 3, line 2, strike "four" and show as stricken and insert "eight".

Mr. Warner asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

**APPROPRIATION COMMITTEE  
AMENDMENT TO LB 1004**

(1) On page 21, in line 4 after the period, insert the following:

"In addition, the Metropolitan Technical Community College Area shall provide a report to the Governor and the Clerk of the Legislature, not later than December 1, 1980, detailing reasons why a less than four-year degree in Criminal Justice is not currently offered by the Metropolitan Area either utilizing the resources of the University of Nebraska at Omaha, or the Metropolitan Area, or both."

(2) On page 16, strike lines 5 to 25 and insert the following:

“(3) It the intent of the Legislature that the Nebraska Coordinating Commission for Postsecondary Education provide whatever assistance is requested by the Task Force for Building Renewal during the development by the Task Force of a building inventory and building condition study. Such data collected shall be used in the development of the space utilization study provided for in subsection 4 of this section.

(4) It is the intent of the Legislature that the Nebraska Coordinating Commission for Postsecondary Education develop a space utilization study of the University of Nebraska and Nebraska State Colleges. The data collected for such space utilization study shall be consistent with and limited to the facility data elements and data definitions within the Final Edition Data Dictionary of the Nebraska Education Data System. In addition, any data requested by the Department of Administrative Services may also be included in the data collected for such study. It is further the intent of the Legislature that the Nebraska Coordinating Commission for Postsecondary Education shall be prepared to discuss, not later than December 1, 1980, with the Governor and the Appropriations Committee of the Nebraska State Legislature the results of the space utilization study in relation to each of the 1981-82 University of Nebraska and State Colleges capital construction budget requests.”

Mr. Murphy asked unanimous consent to print the following amendments to LB 939 in the Journal. No objections. So ordered.

Proposed Amendment No. 1 to LB 939

2-1201. There shall be and hereby is created a State Racing Commission consisting of ~~three~~ five members who shall be appointed and may be removed for cause ~~removed~~ by the Governor. Within ninety days of the effective date of this act each race track licensed in the state under section 2-1205 shall prepare and submit a list to the Governor of four candidates for membership on the commission. The Governor shall appoint one member from each list of candidates to serve on the commission. Members shall serve for terms of three years, except that of the members first appointed, two shall be appointed for terms of three years, two shall be appointed for terms of two years, and one shall be appointed for a term of one year. As the terms of the initial appointees to the commission expire, succeeding appointees shall be appointed to three-year terms, except appointees to vacancies occurring from unexpired terms, in which case the successor shall serve out the term of his or her predecessor. The current members of the commission shall serve until new

appointments have been made under this act. Members whose terms have expired shall continue to serve until their successors have been appointed. One member shall be appointed each year for a term of three years. The members shall serve until their successors are appointed and qualified. Not more than two three members of said the commission shall be of belong to the same political party. Any appointee shall have been registered as a member of the same party for at least two years prior to his appointment. ; no two of them shall reside, when appointed, in the same congressional district; and no two of said members shall reside in any one county. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties. The members of the commission shall each give bond to the state in the sum of ten thousand dollars, with surety or sureties to be approved by the Governor, conditioned for the faithful performance of their duties and to account for the money coming into the hands of the commission, the premiums on said bonds to be allowed and paid as other expenses of the commission.

Sec. 2. That original section 2-1201, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Proposed Amendment No. 2 to LB 939.

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the pari-mutuel method at each race meeting the following rates: (1) the first ~~one~~ three million dollars shall not be taxed, ~~and~~ ; (2) any amount in excess of ~~one~~ three million dollars shall be taxed at a rate of five per cent, and (3) in addition to the provisions of (2) there shall be imposed a tax of (a) one per cent on any amount in excess of twenty million dollars; (b) two per cent on any amount in excess of fifty million dollars, and (3) three per cent on any amount in excess of one hundred million dollars. The tax imposed by this section shall, within ten days after the close of each race meeting, be paid into the state treasury for deposit in the state General Fund.

2. That original section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 337.**

Introduced by Powers, 9th District.

WHEREAS, the Legislature is aware of the contribution made by the National Park Service and its employees to the Nation, State of Nebraska, and the Omaha Community; and

WHEREAS, the Midwest Regional Office of the National Park System has been located in Downtown Omaha for over 40 years. During this time its employees have served loyally the Nation, the State of Nebraska, and the City of Omaha; and

WHEREAS, there is currently a proposal by the Administration to close the Omaha based Midwest Regional Office of the National Park Service; and

WHEREAS, the closing of the Midwest Regional Office of the National Park Service will involve the loss of 130 jobs to Downtown Omaha and a loss to the Omaha economy of 3 to 4 million dollars annually.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE SECOND SESSION:

1. That the Legislature actively supports the retention of the Midwest Regional Office of the National Park Service in Omaha.

2. That the Legislature take such steps as necessary to convince the Administration and Congress that the closing of the Midwest Regional Office of the National Park Service would not serve the interests of the Nation, the State of Nebraska, or the City of Omaha.

Laid over.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 8, 1980, at 1:30 p.m., were the following bills: 768, 995, 998, 999, and 1001.

(Signed) Hazel Kaltenberger, Enrolling Clerk

### **SELECT COMMITTEE REPORT**

#### **Enrollment and Review**

#### **Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 485.

(Signed) Don Wesely, Chairperson

### **MOTION - Suspend Rules**

Mr. DeCamp reoffered his pending motion found in the Journal on page 1667 to suspend the rules, Rule 7, Sec. 7a, and Rule 6, Sec. 7 and 9 to provide that LB 637 shall be reconsidered and passed on Final Reading.

Mr. Chambers requested a ruling of the Chair on whether the DeCamp motion is in order.

The Legislature was at ease from 4:15 p.m. until 4:25 p.m.

The Chair ruled the DeCamp motion to suspend the rules in order.

Mr. Hoagland challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Haberman requested a record vote on the motion.

Voting in the affirmative, 17:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Barrett    | Dworak   | Koch   | Pirsch  | Wesely |
| Beutler    | Hoagland | Landis | Simon   |        |
| Chambers   | Johnson  | Murphy | Stoney  |        |
| Chronister | Kennedy  | Newell | Vickers |        |

Voting in the negative, 26:

|         |          |        |          |        |
|---------|----------|--------|----------|--------|
| Carsten | George   | Lamb   | Nichol   | Wagner |
| Clark   | Haberman | Lewis  | Powers   | Warner |
| Cope    | Hefner   | Maresh | Reutzel  |        |
| Cullan  | Kahle    | Marsh  | Rumery   |        |
| DeCamp  | Keyes    | Marvel | Schmit   |        |
| Fowler  | Kremer   | Merz   | Venditte |        |

Present and not voting, 6:

|            |          |          |
|------------|----------|----------|
| Burrows    | Goodrich | Labeledz |
| Fitzgerald | Kelly    | Sieck    |

The motion to overrule the Chair lost with 17 ayes, 26 nays, and 6 present and not voting.

The Chair was sustained.

Messrs. Kremer and Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp modified his original motion as follows, in three parts:

- (1) To suspend the rules, Rule 7, Sec. 7.
- (2) To reconsider the final vote on LB 637.
- (3) To vote on final passage of LB 637.

Mr. Haberman moved to adjourn until 9:00 a.m.

The motion lost with 10 ayes, 27 nays, and 12 not voting.

**MR. CLARK PRESIDING**

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

Mr. DeCamp requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 28:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Burrows    | George   | Keyes    | Marvel  | Schmit   |
| Carsten    | Goodrich | Koch     | Merz    | Sieck    |
| Cope       | Haberman | Labeledz | Nichol  | Venditte |
| Cullan     | Hefner   | Lamb     | Powers  | Wagner   |
| DeCamp     | Kahle    | Lewis    | Reutzel |          |
| Fitzgerald | Kelly    | Maresh   | Rumery  |          |

Voting in the negative, 19:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Barrett  | Dworak   | Kennedy | Newell | Vickers |
| Beutler  | Fowler   | Landis  | Pirsch | Warner  |
| Chambers | Hoagland | Marsh   | Simon  | Wesely  |
| Clark    | Johnson  | Murphy  | Stoney |         |

Excused and not voting, 2:

Chronister Kremer

The motion to suspend the rules lost with 28 ayes, 19 nays, and 2 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

Req. #2359

- 2 1. Insert the following new section:
- 3 "Sec. 7. That section 77-3424, Revised Statutes
- 4 Supplement, 1979, be amended to read as follows:
- 5 77-3424. For the purposes of sections 77-3412 to
- 6 77-3431, anticipated receipts from local tax sources
- 7 shall not include: (1) Receipts for any fund used for
- 8 retiring, refunding, or servicing bonded indebtedness;

9 (2) funds used to pay for the first year's implementation  
 10 of any new program established by state law and  
 11 specifically designated as a new program for the purposes  
 12 of sections 77-3412 to 77-3431, but such funds shall be  
 13 included in computing the combined receipts budget base  
 14 for each year following the first year; (3) receipts from  
 15 the increased tax levied or caused to be levied pursuant  
 16 to the authority granted under section 77-3428; (4)  
 17 receipts from any tax levied pursuant to section  
 18 79-506.01; and (5) funds used for payment of employer  
 19 contributions for the provisions of the Federal Insurance  
 20 Contributions Act, fuel for any purpose, and electricity,  
 21 and gravel, which are in excess of one hundred seven per  
 22 cent of the amount budgeted in the immediately preceding  
 23 fiscal year for such items."

24 2. On page 6, line 3 strike "and" and after  
 25 "77-3410," insert "and 77-3424,".

1 3. Renumber remaining sections accordingly.

2 4. In the title, line 3 strike "and" and after  
 3 "77-3410," insert "and 77-3424,"; in line 4 strike "the  
 4 Local Option Tax Control Act" and insert "budget  
 5 limitations of political subdivisions"; and in line 9  
 6 after the semicolon insert "to provide for the exclusion  
 7 of certain funds from the budget limitations;".

Mr. Koch asked unanimous consent to print the following amendment  
 to LB 627 in the Journal. No objections. So ordered.

1 1. Strike the Newell amendment.

2 2. On page 3, line 8 strike "year" and insert  
 3 "~~year~~ years"; in line 21 strike "year" and insert "two  
 4 years"; in line 22 reinstate "first"; in line 23 strike  
 5 "such" and show as stricken, and after "elections" insert  
 6 "held pursuant to section 77-3402 or 77-3410".

7 3. On page 4, line 4 strike "the" and insert  
 8 "~~the~~ an", and after "election" insert "held pursuant to  
 9 section 77-3402 or 77-3410"; and in line 17 strike "year"  
 10 and insert "two years", and reinstate "first".

11 4. On page 5, strike beginning with "The" in line  
 12 3 through the period in line 6 and show the old matter  
 13 as stricken; in line 11 after "ensuing" insert "two",  
 14 and strike "year" and insert "years, except that the governing  
 15 body of a political subdivision may, during the first  
 16 year of a two-year budget limitation, by a majority vote  
 17 place the issue of terminating the limitation after the  
 18 first year on the ballot at a primary or special election.  
 19 Such budget limitation shall be terminated at the end of  
 20 the first year if such termination is approved by a majority  
 21 of those voting on the issue. Such election shall be held  
 22 at least one hundred twenty days prior to the date on which

23 the second fiscal year subject to the limitation begins.”.

Mr. Warner asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

1 1. Strike original subsection (1) of section 6  
 2 of this act, and all amendments thereto, and insert the  
 3 following:  
 4 “(1) Program No. 143 - State Aid and School Food  
 5 Services and Reserve Teacher Act  
 6 GENERAL FUND 57,647,000  
 7 FEDERAL FUND est 13,580,000  
 8 PROGRAM TOTAL 71,227,000  
 9 (a) There is included in the amount shown \$55,000,000  
 10 General Funds for state aid to education. Of the \$55,000,000  
 11 General Funds, there is hereby appropriated to the School  
 12 Foundation and Equalization Fund, which fund is hereby  
 13 appropriated, an amount necessary to fully fund the pro-  
 14 visions of (i) section 79-1334, not to exceed sixty per  
 15 cent of the \$55,000,000, (ii) section 79-1340, and (iii)  
 16 section 79-1339. The remaining funds of the \$55,000,000  
 17 which are not appropriated to the School Foundation and  
 18 Equalization Fund shall be distributed under the provisions  
 19 of sections 79-4,160 to 79-4,169, Reissue Revised Statutes  
 20 of Nebraska, 1943, and amendments thereto.  
 21 (b) In addition to the amount shown, there is  
 22 hereby appropriated \$20,000,000 from the General Fund for  
 23 state aid to education. Of the additional \$20,000,000 General  
 24 Funds, there is hereby appropriated to the School Foundation  
 25 and Equalization Fund, which fund is hereby appropriated,  
 26 an amount necessary to fully fund the provisions of (i)  
 27 section 79-1334, not to exceed sixty per cent of such additional  
 1 \$20,000,000, and (ii) section 79-1339. The remaining  
 2 funds of the additional \$20,000,000 which are not appro-  
 3 priated to the School Foundation and Equalization Fund  
 4 shall be distributed under the provisions of sections  
 5 79-4,160 to 79-4,169, Reissue Revised Statutes of  
 6 Nebraska, 1943, and amendments thereto.”.

## RESOLUTION

### LEGISLATIVE RESOLUTION 338.

Introduced by Wesely, 26th District; Carsten, 2nd District; Barrett, 39th District; Beutler, 28th District; Burrows, 30th District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District;

Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labeledz, 5th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Merz, 1st District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Pirsch, 10th District; Powers, 9th District; Reutzell, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District.

WHEREAS, the University of Nebraska-Lincoln Gymnastics Team won its second straight NCAA National Championship on Saturday, April 5, 1980, and

WHEREAS, in winning the 1980 NCAA Gymnastics Championship, Nebraska's Gymnastics Team broke its own NCAA scoring record and Nebraska team member Jim Hartung broke an NCAA single session all-around record, and

WHEREAS, Nebraska Gymnastics Coach Francis Allen has been named 1980 National Coach of the year by the National Gymnastics Coaches Association, and

WHEREAS, approximately 22,427 people attended the four sessions of the NCAA Gymnastics Championships hosted at the Bob Devaney Sports Center by the University of Nebraska.

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

1. That the members of the Legislature extend congratulations to the University of Nebraska-Lincoln Gymnastics team and their Coach Francis Allen and his staff for their outstanding performance in winning the 1980 NCAA team gymnastics championship.

2. That the Clerk of the Legislature send a copy of this resolution to Coach Allen and members of the team.

Laid over.

#### UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

1 1. Insert new subdivisions to subsection (1)

2 of section 6 of this act as follows:

3 “(c) In addition to the amount shown, there is  
4 hereby appropriated \$20,000,000 from the General Fund for  
5 state aid to education. Of the additional \$20,000,000  
6 General Funds, there is hereby appropriated to the School  
7 Foundation and Equalization Fund, which fund is hereby  
8 appropriated, an amount necessary to fully fund the pro-  
9 visions of (i) section 79-1334, not to exceed sixty per cent  
10 of such additional \$20,000,000, and (ii) section 79-1339.  
11 The remaining funds of the additional \$20,000,000 which are  
12 not appropriated to the School Foundation and Equalization  
13 Fund shall be distributed under the provisions of sections  
14 79-4,160 to 79-4,169, Reissue Revised Statutes of Nebraska,  
15 1943, and amendments thereto.

16 (d) In addition to the amount shown, there is  
17 hereby appropriated \$20,000,000 from the General Fund for  
18 state aid to education. Of the additional \$20,000,000  
19 General Funds, there is hereby appropriated to the School  
20 Foundation and Equalization Fund, which fund is hereby  
21 appropriated, an amount necessary to fully fund the pro-  
22 visions of (i) section 79-1334, not to exceed sixty per cent  
23 of such additional \$20,000,000, and (ii) section 79-1339.  
24 The remaining funds of the additional \$20,000,000 which are  
25 not appropriated to the School Foundation and Equalization Fund  
26 shall be distributed under the provisions of sections 79-4,160  
27 to 79-4,169, Reissue Revised Statutes of Nebraska, 1943, and  
28 amendment thereto.”.

Mr. Koch asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

1 1. Insert a new subdivision to subsection (1) of

2 section 6 of this act as follows:

3 “(c) In addition to the amount shown, there is  
4 hereby appropriated \$20,000,000 from the General Fund  
5 for state aid to education. Of the additional \$20,000,000  
6 General Funds, there is hereby appropriated to the  
7 School Foundation and Equalization Fund, which fund is  
8 hereby appropriated, an amount necessary to fully fund  
9 the provisions of (i) section 79-1334, not to exceed  
10 sixty per cent of such additional \$20,000,000, and (ii)  
11 section 79-1339. The remaining funds of the additional  
12 \$20,000,000 which are not appropriated to the School Founda-  
13 tion and Equalization Fund shall be distributed under the  
14 provisions of sections 79-4,160 to 79-4,169, Reissue Re-  
15 vised Statutes of Nebraska, 1943, and amendments thereto.”.

**SPEAKER MARVEL PRESIDING**

**MOTION - Adjournment**

Mr. Simon moved to adjourn until 9:00 a.m.

The motion lost with 14 ayes, 25 nays, and 10 not voting.

**MOTION - Suspend Rules**

Mr. DeCamp moved to suspend all pertinent rules which are contrary to or prohibit the motion which I shall propose upon the suspension of such pertinent rules and to further suspend the rules so as to prohibit amendment of the said motion.

In support of my motion to suspend I will now advise you that upon your vote to suspend the rules with 30 votes I will then make the following motion.

I move that the following individual actions of the Legislature be taken by one vote without division of the question and without amendment.

I. LB 858, be advanced to E & R for review and that the Committee amendments found on page 834 of the Legislative Journal be adopted.

II. That the Koch Amendments to LB 627, be adopted and that LB 627 be advanced to E & R for Engrossment as amended.

III. That the DeCamp Amendments to LB 647, Req. # 2356 be adopted and that LB 647 be advanced to E & R for Engrossment as amended.

IV. That LB 865 be advanced from General File to E & R for Review.

V. That the Nichol Amendments found on page 1493 of the Legislative Journal to LB 882 be adopted and that LB 882 be advanced to E & R for Engrossment as amended.

VI. That the Committee amendments to LB 964 be stricken and that LB 964 be advanced to E & R for Review.

VII. That the Committee amendments to LB 965 found on page 867 of the Legislative Journal be adopted and that LB 965 be advanced to E & R for Review as amended.

VIII. That LB 1002 be returned to Select File for specific amendment, to wit: strike the Vickers amendment found on page 1477 of the Legislative Journal; that said amendment be stricken; and that the Bill be readvanced with the amendment stricken to E & R for Engrossment.

IX. That the Committee Amendments found on pages 954 and 955 of the Legislative Journal to LB 872 be adopted and that the Bill be advanced to E & R for Review as amended.

Mr. Beutler requested a ruling of the Chair on whether the DeCamp motion is in order by suspending all pertinent rules and not a specific rule.

The Chair sustained the Beutler point of order and ruled the DeCamp motion out of order.

### MESSAGES FROM THE GOVERNOR

April 7, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 996 and LB 997 with my line-item reductions and with my signature.

Since I have not yet received the major appropriation bills, I will outline my objections to LB 996 and LB 997 within the context of your apparent overall budget plan.

In my January 10, 1980 State of the State Address and Fiscal Year 1980-81 Budget Message, I committed myself to the goal of keeping state spending at a 7 percent increase for the 1980-81 fiscal year. We already have seen interest rates soar to record levels. Moreover, our agricultural economy, already reeling from the embargo on Soviet grain trade and the resulting decline in grain prices, is now faced with a credit crunch of critical proportions.

Federal budget cuts of which I warned you in January will most certainly occur. One of the more significant of these reductions will be the elimination of the state's share of the Federal Revenue Sharing Trust Fund. The responsible course of Nebraska State Government in these times is firm fiscal restraint.

My January 10th Executive Budget Recommendations proposed a self-imposed spending target of seven percent calculated on this year's current appropriation base. I believed that target to be prudent in January, I believe it to be responsible now.

Your April 8, 1980, Financial Status Report displays total general fund spending proposals of \$745.6 million. It appears your total spending proposals will exceed the guidelines I set forth in my January budget address. Moreover, these proposals as they now stand and if passed by your body will force substantial increases in state sales and income tax rates.

LB 996 and LB 997 are the first two large appropriation bills you have sent to me. Both bills provide for a total wage increase for state employees in excess of eleven percent - 3 percent as authorized by LB 995 effective May 11, 1980, compounded by 8 percent effective July 1, 1980. The University of Nebraska and the State Colleges are similarly budgeted at a 10 percent increase in wages and salaries for fiscal year 1981. The total cost of these proposals over the current fiscal year base is approximately \$39 million from all funds and \$20 million from the general fund.

Our dedicated state employees are losing economic ground due to continued high inflation — as are all Nebraskans. However, using the most recent information available, the United States Department of Labor reports that wages and salaries of all private non-farm workers rose by 7.7 percent in calendar year 1979. Wages of Nebraska State Employees rose by an average of seven percent through a general increase granted last July. Additionally, an across-the-board 1.5 percent increase was granted in January, 1979. It should not be our purpose — nor is it in line with national policy — to match increased inflation with automatic cost-of-living wage adjustments. Our concern ought to be with prevailing wage rates and benefits in the various labor markets in which we compete.

Further, LB 995 proposes that only those agencies that can afford 3 percent wage increases between May 1, 1980 and June 30, 1980 may grant them. LB 995 also directs that the State of Nebraska Classification and Pay Plan be amended on May 1, 1980 by increasing all pay rates by 3 percent. It is therefore apparent that not all state employees will receive this proposed increase at the same time. In addition, there is the possibility that the salaries of many new state employees will fall below the minimum rates specified in the amended pay plan. This is inequitable, will result in administrative chaos, and I will veto this provision when it comes before me.

Consequently, I have, through my line-item veto authority, reduced the appropriations in LB 996 and LB 997 to an amount equal to an average eight percent salary increase effective July 1, 1980. I will similarly line-item veto reduce other appropriation bills coming before me to a level consistent with the eight percent July 1, 1980 wage increase.

I will not, however, line-item veto reduce the personal services limitations that accompany each appropriation. Even though you did not accept my recommendation of reappropriating FY 1980 ending balances, I still feel it necessary to provide budget flexibility to make necessary adjustments in salaries for those state employees whose wage levels are unreasonably out of line with market rates. By leaving personal services ceilings at the higher level, agency savings through

employee reduction, increased efficiency, and in non-salary areas of their budget could then be applied to such adjustments. In addition, recognition of valuable state employees could be provided through merit increases and promotions.

In addition to these line-item veto reductions of personal services budgets, I have made other reductions to agency operating budgets in LB 996 and LB 997 totaling \$373,299. These reductions include \$310,000 from your own operating budget to bring it more in line with your original request. Other operating budget reductions are: Department of Banking - \$22,176; Department of Insurance - \$7,183; District Courts - \$19,815; and Public Service Commission - \$14,125.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:dld

April 8, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 1000.

This bill was signed by me on April 8, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**UNANIMOUS CONSENT - Expedite LB 820 and LB 939**

Mr. Cullan asked unanimous consent to expedite LB 820 and LB 939.

Mr. Chambers objected.

Mr. Cullan moved to expedite LB 820 and LB 939.

The Chair stated this motion will take 25 votes.

Mr. Cullan withdrew his motion.

**MESSAGE FROM THE GOVERNOR**

April 8, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

A clerical error in the Governor's message to the Legislature, regarding line-item reductions on LB 996 and LB 997 has been noted and should be corrected.

Page one of the letter is dated April 7, 1980, pages two and three are dated April 8, 1980. Page one should be corrected to read April 8, 1980.

We regret any inconvenience this error may have caused.

Yours truly,  
(Signed) Marilyn Hasselbalch  
Executive Secretary of  
Administrative Affairs

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 283 in the Journal. No objections. So ordered.

1. Add a new section after section 5 and before section 6 (Emergency Clause) as follows:

Section 6. Contributions to fund the increased benefits in sections 2 and 3, shall be established by periodic actuarial valuations and borne by employees of the pension system.

2. Renumber Section 6 (Emergency Clause) as Section 7.

Mr. Goodrich asked unanimous consent to print the following amendment to LB 283 in the Journal. No objections. So ordered.

Amend the Schmit amendment by adding "both prior and future service" between "3," and "shall" in the 2nd line.

Mr. Clark asked unanimous consent to print the following amendment to LB 899 in the Journal. No objections. So ordered.

Amend LB 899 (green copy) by striking sections 1 through 4, and 6 through 17.

**MOTION - Withdraw LB 918A**

Mr. Nichol moved to withdraw LB 918A.

Motion pending.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 918.** Title read. Considered.

Mr. Burrows offered the following amendment:

On page 2 line 24 insert new Sect. 3, The State Dept. of Agric. shall allow State Funds to be used on no more than 10,000 acres for any individual or corporation.

Renumber sections accordingly.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Burrows amendment lost with 14 ayes, 22 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 283.** Title read. Considered.

Standing Committee amendment found in the Journal on page 1376 for the Sixty-Third Day, First Session, was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Goodrich withdrew his pending amendment found in the Journal on page 1416, First Session.

Mr. Lewis renewed his pending amendment found in the Journal on page 592.

**MR. CLARK PRESIDING**

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Lewis amendment was adopted with 28 ayes, 5 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Schmit renewed his pending amendment found in this day's Journal.

The amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 865.** Title read. Considered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 740.** Title read. Considered.

Standing Committee amendments found in the Journal on page 868 for the Thirty-First Day were considered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

**SPEAKER MARVEL PRESIDING**

Standing Committee amendments were adopted with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

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

**LEGISLATIVE BILL 795.** Title read. Considered.

Standing Committee amendments found in the Journal on page 929 for the Thirty-Third Day were adopted with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review 28 ayes, 3 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 872.** Title read. Considered.

Standing Committee amendments found in the Journal on page 954 for the Thirty-Fourth Day were adopted with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 872A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

#### **UNANIMOUS CONSENT - Print in Journal**

Mr. Simon asked unanimous consent to print the following amendment to LB 899 in the Journal. No objections. So ordered.

To amend the committee amendments - to charge 18% interest on all amounts.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2356.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 899 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2354.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

- 1 1. Strike the Vickers amendments found on
- 2 page 1477 of the Journal.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

- 1 1. In the Chronister amendment on page 1583 of
- 2 the Journal in line 2 strike "and"; in line 4 after
- 3 "elbow" insert ", and (6) individuals who have been
- 4 certified as mentally disabled by the Social Security
- 5 Administration"; and in line 6 strike "or" and after
- 6 "(5)" insert ", or (6)".

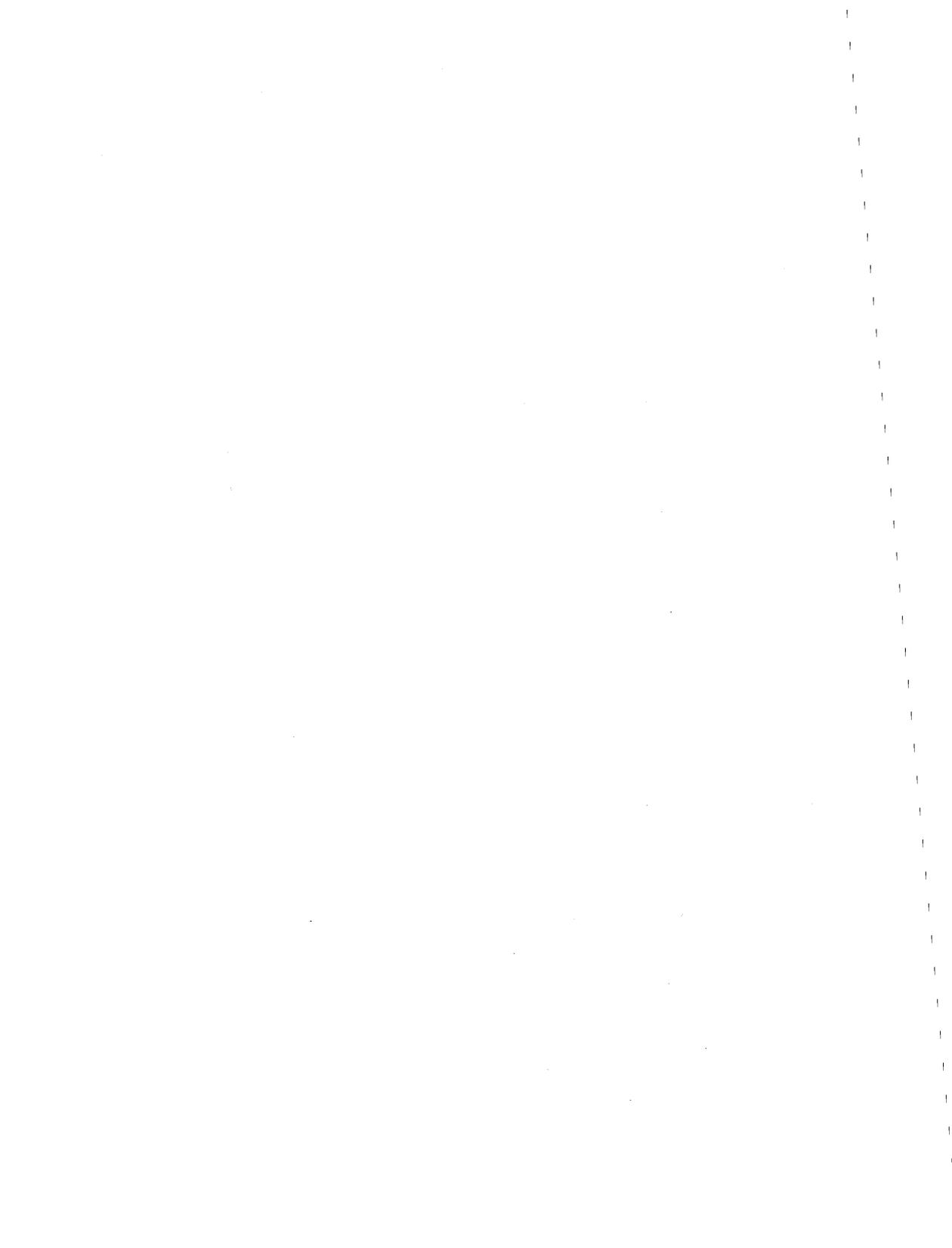
### VISITORS

Visitors to the Chamber were the Lt. Governor of Puerto Rico, Honorable Pedro Vazquez escorted by State Treasurer, Frank Marsh and Dr. Roberto Mayo; Senator Kennedy's wife LaVern, daughters Kimberlee Frauendorfer and Joan Anderson, son-in-law, Doctor Raymon Anderson, grandson, Eric Anderson, and granddaughter, Jill Anderson; and 6 nuns from St. Bernadette School in South Omaha.

### ADJOURNMENT

At 6:24 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Wednesday, April 9, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**FIFTY-SIXTH DAY - APRIL 9, 1980**

**LEGISLATIVE JOURNAL**

**FIFTY-SIXTH DAY - APRIL 9, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 9, 1980

Pursuant to adjournment, the Legislature met at 9:06 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Oh God, in Whose sight the fine print of our private history is as a billboard, whatever else we may lack in our praying help us at least to be as honest as we can. Deliver us from the need to build ourselves up by cutting others down. Free us from the pride that makes acknowledgment of wrong difficult. Give us the grace to back away from earlier positions with the coming of fresh light. Keep us at peace in the center of our being, however turbulent the causes we support. In these remaining days of this session give us the courage to admit when we are wrong; give us the strength to persevere when we are right; give us the wisdom to tell the difference; and give us the votes to carry the day for the bills which are good for the people and right in Your sight. Amen.

**ROLL CALL**

The roll was called and all members were present except Messrs. Hoagland, Schmit, and Mrs. Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fifty-Fifth Day was approved.

## UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 933 in the Journal. No objections. So ordered.

(white copy req 2317)

Req. #2328

3 1. Insert new sections as follows:  
4 "Section 1. That section 14-517, Reissue Revised  
5 Statutes of Nebraska, 1943, be amended to read as  
6 follows:  
7 14-517. Cities of the metropolitan class in the  
8 State of Nebraska are hereby authorized and empowered to  
9 issue and sell special assessment sewer bonds, said bonds  
10 not to exceed two hundred thousand dollars, without a  
11 vote of the electors, and to use the proceeds of such  
12 bonds for the purpose of constructing or reconstructing  
13 storm or sanitary sewers where at least five-sixths of  
14 the cost of same will be borne by some agency of the  
15 government of the United States of America. All  
16 principal and interest of such bonds shall be payable  
17 solely from the proceeds of special assessments levied  
18 and collected on real estate within special assessment  
19 sewer districts and, as shall be recited in such bonds,  
20 such city shall incur no liability, obligation or  
21 indebtedness of any kind or nature thereon, and the city  
22 shall not pledge its credit, its general taxing power or  
23 any part thereof to support or pay the same. Such bonds  
24 shall be sold or exchanged for not less than the par  
25 value thereof and shall bear interest at a rate not to  
1 ~~exceed three and one half per cent per annum the maximum~~  
2 rate of interest allowed per annum under section  
3 45-101.03, as such rate may from time to time be adjusted  
4 by the Legislature, payable semiannually. Special  
5 assessments levied for the purpose of paying such bonds  
6 shall be made payable in ten equal annual installments.  
7 The first installment shall be due and delinquent fifty  
8 days from the date of levy, the second, one year from  
9 date of levy, and a like installment shall be due and  
10 delinquent annually thereafter until all such  
11 installments are paid. Each of said installments, except  
12 such as are paid within fifty days from the date of levy,  
13 shall draw interest at ~~the rate of six per cent per annum~~  
14 a rate not to exceed the maximum rate of interest allowed  
15 per annum under section 45-101.03, as such rate may from  
16 time to time be adusted by the Legislature, from date of  
17 levy aforesaid until the same shall become delinquent,  
18 and after the same shall become delinquent, shall draw  
19 interest at ~~the rate of nine per cent per annum~~ a rate  
20 equal to the maximum rate of interest allowed per annum

21 under section 45-101.03, as such rate may from time to  
22 time be adjusted by the Legislature. Such assessment  
23 shall be collected and enforced as in other cases of  
24 special assessments. All such special assessments and  
25 all interest accruing thereon in any district in which  
26 such bonds are issued and sold shall constitute a sinking  
27 fund and shall be used solely for the purpose of paying  
1 the interest on the bonds so issued and sold as the same  
2 accrues and for paying the principal sum of such bonds at  
3 the maturity thereof. All powers herein granted are  
4 further and in addition to any other powers which may now  
5 have been or hereafter may be conferred upon any such  
6 city.

7 Sec. 2. That section 14-535, Reissue Revised  
8 Statutes of Nebraska, 1943, be amended to read as  
9 follows:

10 14-535. As soon as any such contract is let, the  
11 city council is thereupon authorized to issue and dispose  
12 of bonds of the city in amounts sufficient to pay for the  
13 total work to be done under such contract. Unless bonds  
14 are disposed of for such purpose, the contract shall not  
15 be performed and shall not be binding upon the city.  
16 Bonds issued under the provisions hereof shall be  
17 denominated grading bonds, and shall state upon the face  
18 thereof the street or part of street to be graded from  
19 the proceeds thereof. Such bonds shall be due and  
20 payable in five years from date thereof, shall draw  
21 interest at a rate not ~~exceeding six per cent per annum~~  
22 to exceed a rate not to exceed the maximum rate of  
23 interest allowed per annum under section 45-101.03, as  
24 such rate may from time to time be adjusted by the  
25 Legislature, payable semiannually, shall have interest  
26 coupons annexed, and shall not be sold or disposed of  
27 below par, and the proceeds therefrom shall be used only  
1 for the purpose of paying the costs of the grading for  
2 which issued. Such bonds may be sold or disposed of in  
3 the manner deemed best or advisable. As the work of  
4 grading progresses, partial estimates may be allowed  
5 paid and the final estimates paid as soon as allowed.

6 Sec. 3. That section 14-536, Reissue Revised  
7 Statutes of Nebraska, 1943, be amended to read as  
8 follows:

9 14-536. Upon the completion of any such grading,  
10 the council shall levy in the manner provided in this act  
11 special assessments, to the extent of the benefits to  
12 cover the total costs of such grading. Special  
13 assessments so levied shall be made payable in five equal  
14 annual installments. The first installment shall become  
15 due in fifty days from the date of the levy, the second  
16 in one year, the third in two years, the fourth in three

17 years, and the fifth in four years. All installments  
18 shall draw interest at ~~the rate of six per cent a rate~~  
19 not to exceed the maximum rate of interest allowed per  
20 annum under section 45-101.03, as such rate may from time  
21 to time be adjusted by the Legislature, from the time of  
22 levy until due, and ~~one per cent per month a rate equal~~  
23 to the maximum rate of interest allowed per annum under  
24 section 45-101.03, as such rate may from time to time be  
25 adjusted by the Legislature, whenever such become  
26 delinquent. All such special assessments and all  
27 interest accruing thereon shall constitute a sinking fund  
1 and shall be used only for the purpose of paying the  
2 interest on the bonds issued in that connection as the  
3 same accrues and of paying the principal sum of the bonds  
4 at the maturity thereof.

5 Sec. 4. That section 14-537, Reissue Revised  
6 Statutes of Nebraska, 1943, be amended to read as  
7 follows:

8 14-537. The assessments of special taxes for  
9 improving the streets, alleys, sewers and sidewalks  
10 within any improvement district, except where otherwise  
11 provided, shall be made as follows: The total cost of  
12 improvements shall be levied at one time upon the  
13 property and become delinquent as herein provided. If  
14 the total amount is more than one hundred dollars, then  
15 it shall become delinquent as follows: One-tenth of the  
16 total amount shall be delinquent in fifty days after such  
17 levy; one-tenth in one year; one-tenth in two years;  
18 one-tenth in three years; one-tenth in four years;  
19 one-tenth in five years; one-tenth in six years;  
20 one-tenth in seven years; one-tenth in eight years;  
21 one-tenth in nine years. Each of said installments  
22 except the first shall draw interest at ~~the rate of seven~~  
23 per cent per annum a rate not to exceed the maximum rate  
24 of interest allowed per annum under section 45-101.03, as  
25 such rate may from time to time be adjusted by the  
26 Legislature, from the time of levy aforesaid until the  
27 same shall become delinquent, and after the same shall  
1 become delinquent, shall draw interest at ~~the rate of~~  
2 nine per cent per annum a rate equal to the maximum rate  
3 of interest allowed per annum under section 45-101.03, as  
4 such rate may from time to time be adjusted by the  
5 Legislature, payable in advance, as in case of other  
6 special taxes. Such assessments shall be collected and  
7 enforced as in other cases of special assessments.

8 Sec. 5. That section 14-549, Reissue Revised  
9 Statutes of Nebraska, 1943, be amended to read as  
10 follows:

11 14-549. All special assessments except when  
12 payable in installments shall be deemed delinquent if not

13 paid within fifty days after the passage and approval of  
 14 the ordinance levying the same, and interest at ~~the rate~~  
 15 ~~of nine per cent per annum~~ a rate equal to the maximum  
 16 rate of interest allowed per annum under section  
 17 45-101.03, as such rate may from time to time be adjusted  
 18 by the Legislature, payable in advance, shall be paid on  
 19 all delinquent special assessments from the time the same  
 20 shall become delinquent.”.

21 2. On page 26, Line 8 after “sections” insert  
 22 “14-517, 14-535 to 14-537, 14-549,”.

23 3. On page 27, line 6 strike “21 and 22” and  
 24 insert “25- and 26”.

25 4. Renumber remaining sections accordingly.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Enrolled**

The following bills were correctly enrolled: 507, 507A, 499, 499A,  
 228, 228A, 184, and 184A.

(Signed) Don Wesely, Chairperson

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting  
 business, the President signed the following bills: 507, 507A, 499,  
 499A, 228, 228A, 184, and 184A.

Mr. Kennedy asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

#### **MOTION - Approve Appointments**

Mrs. Marsh moved the confirmation of the appointment of Hal Daub,  
 as found in the Committee on Committees report found in the Journal  
 on page 1668.

Mr. Goodrich moved the previous question. The question is, “Shall  
 the debate now close?” The motion prevailed with 26 ayes, 4 nays,  
 and 19 not voting.

#### Vote on Hal Daub

Voting in the affirmative, 34:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Cullan   | Kahle    | Maresh | Reutzel  |
| Beutler    | Dworak   | Kelly    | Marsh  | Simon    |
| Burrows    | George   | Koch     | Marvel | Stoney   |
| Carsten    | Goodrich | Labeledz | Murphy | Venditte |
| Chronister | Haberman | Lamb     | Newell | Wagner   |
| Clark      | Hefner   | Landis   | Nichol | Warner   |
| Cope       | Johnson  | Lewis    | Pirsch |          |

Voting in the negative, 1:

Keyes

Not voting, 14:

|            |          |        |        |         |
|------------|----------|--------|--------|---------|
| Chambers   | Fowler   | Kremer | Rumery | Vickers |
| DeCamp     | Hoagland | Merz   | Schmit | Wesely  |
| Fitzgerald | Kennedy  | Powers | Sieck  |         |

The appointment was confirmed with 34 ayes, 1 nay, and 14 not voting.

Mrs. Marsh moved the confirmation of the appointments of Harold Dwyer, Linda B. Jaeckel, Phil Kaldahl, Robert Krohn, Betty Lof, Dr. Robert C. Rosenlof, Tod Voss, Mike Carr, Betty Matz, E. A. Olson, and Beverly Steskal as found in the Committee on Committees report found in the Journal on pages 1668-1669.

Voting in the affirmative, 31:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Barrett    | Goodrich | Lamb   | Nichol  | Stoney   |
| Chronister | Haberman | Landis | Pirsch  | Venditte |
| Cope       | Hefner   | Maresh | Powers  | Vickers  |
| Cullan     | Johnson  | Marsh  | Reutzel |          |
| Dworak     | Keyes    | Marvel | Rumery  |          |
| Fowler     | Koch     | Murphy | Sieck   |          |
| George     | Labeledz | Newell | Simon   |          |

Voting in the negative, 0.

Not voting, 18:

|          |            |         |        |        |
|----------|------------|---------|--------|--------|
| Beutler  | Clark      | Kahle   | Lewis  | Warner |
| Burrows  | DeCamp     | Kelly   | Merz   | Wesely |
| Carsten  | Fitzgerald | Kennedy | Schmit |        |
| Chambers | Hoagland   | Kremer  | Wagner |        |

The appointments were confirmed with 31 ayes, 0 nays, and 18 not voting.

**MOTION - Reconsider Action**

Mr. Newell moved to reconsider action on the confirmation of Hal Daub.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Newell motion to reconsider action lost with 3 ayes, 26 nays, and 20 not voting.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Approve Appointment**

Mrs. Marsh moved the confirmation of the Committee on Committees report on the appointment of John Greenholtz as found in the Journal on page 1668.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Vote on John Greenholtz

Voting in the affirmative, 26:

|         |            |          |          |        |
|---------|------------|----------|----------|--------|
| Burrows | Fitzgerald | Labeledz | Nichol   | Wagner |
| Carsten | Goodrich   | Lamb     | Pirsch   | Warner |
| Clark   | Haberman   | Lewis    | Powers   |        |
| Cope    | Hefner     | Maresh   | Rumery   |        |
| Cullan  | Kahle      | Marsh    | Sieck    |        |
| DeCamp  | Kennedy    | Murphy   | Venditte |        |

Voting in the negative, 13:

|          |          |        |         |        |
|----------|----------|--------|---------|--------|
| Chambers | Hoagland | Kremer | Newell  | Wesely |
| Dworak   | Johnson  | Landis | Reutzel |        |
| Fowler   | Koch     | Merz   | Simon   |        |

Not voting, 10:

|         |            |       |        |         |
|---------|------------|-------|--------|---------|
| Barrett | Chronister | Kelly | Marvel | Stoney  |
| Beutler | George     | Keyes | Schmit | Vickers |

The appointment was confirmed with 26 ayes, 13 nays, and 10 not voting.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 9, 1980, at 9:54 a.m., were the following bills: 184, 184A, 228, 228A, 499, 499A, 507, and 507A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**SELECT FILE**

**LEGISLATIVE BILL 361.** E & R amendments found in the Journal on page 1665 for the Fifty-Fourth Day were adopted.

Mr. Landis offered the following amendment:

- 1 1. In the Landis amendments, page 14, line 3, insert
- 2 "to the Highway Cash Fund for purposes of the Nebraska Public
- 3 Transportation Act of 1975" after "Fund".

The amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Laid over temporarily at the request of Speaker Marvel.

Mr. Hefner moved to overrule the Speaker's change of order.

Mr. Fitzgerald moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

The Hefner motion lost with 14 ayes, 19 nays, and 16 not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 722.** E & R amendments found in the Journal on page 1666 for the Fifty-Fourth Day were adopted.

Mr. Maresh moved to indefinitely postpone LB 722.

Mr. Warner moved to suspend the rules, Rule 7, Sec. 3 to consider the motion to indefinitely postpone today.

Mr. Warner moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Warner requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 31:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Koch     | Nichol  | Venditte |
| Carsten    | George   | Kremer   | Pirsch  | Warner   |
| Chronister | Goodrich | Labeledz | Powers  | Wesely   |
| Clark      | Haberman | Landis   | Reutzel |          |
| DeCamp     | Hoagland | Lewis    | Rumery  |          |
| Dworak     | Kelly    | Marsh    | Schmit  |          |
| Fitzgerald | Keyes    | Marvel   | Stoney  |          |

Voting in the negative, 13:

|         |         |        |       |         |
|---------|---------|--------|-------|---------|
| Beutler | Cullan  | Kahle  | Merz  | Vickers |
| Burrows | Hefner  | Lamb   | Sieck |         |
| Cope    | Johnson | Maresh | Simon |         |

Present and not voting, 1:

Murphy

Excused and not voting, 1:

Kennedy

Absent and not voting, 3:

Chambers    Newell    Wagner

The Warner motion prevailed with 31 ayes, 13 nays, 1 present and not voting, 1 excused and not voting, and 3 absent and not voting.

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER MARVEL PRESIDING**

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a Call of the House. The motion prevailed with 15 ayes, 7 nays, and 27 not voting.

The motion to close debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Maresh requested a roll call vote on his motion to indefinitely postpone LB 722.

Voting in the affirmative, 18:

|         |         |        |         |         |
|---------|---------|--------|---------|---------|
| Burrows | Johnson | Lamb   | Powers  | Vickers |
| Clark   | Kahle   | Maresh | Reutzel | Wesely  |
| Cullan  | Kennedy | Merz   | Sieck   |         |
| Hefner  | Keyes   | Pirsch | Simon   |         |

Voting in the negative, 27:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Beutler    | Fitzgerald | Kelly    | Marsh  | Venditte |
| Carsten    | Fowler     | Koch     | Marvel | Wagner   |
| Chronister | George     | Kremer   | Nichol | Warner   |
| Cope       | Goodrich   | Labeledz | Rumery |          |
| DeCamp     | Haberman   | Landis   | Schmit |          |
| Dworak     | Hoagland   | Lewis    | Stoney |          |

Present and not voting, 3:

Chambers    Murphy    Newell

Excused and not voting, 1:

Barrett

The motion to indefinitely postpone lost with 18 ayes, 27 nays, 3 present and not voting, and 1 excused and not voting.

Laid over temporarily.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Fowler asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

(Final Reading Second Copy)

- 1 1. On page 6, line 11 strike "amount" and
- 2 insert "rate" and after "board" insert "and not more than
- 3 eight per cent of each employee's full-time salary or wage
- 4 earnings for any calendar year"; and in line 18 strike
- 5 "amount" and insert "rate".

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 820.** Placed on Select File as amended.  
E & R amendments to LB 820:

1. For correlation purposes, on page 9, line 12, insert ", as amended by section 4, Legislative Bill 709, Eighty-sixth Legislature, Second Session, 1980" after "1978"; strike lines 15 and 16; in line 17 strike "(2)" and insert "(1)"; at the end of line 18 insert "and"; strike lines 19 and 20; in line 21 strike "~~(4)~~" and insert "~~(2)~~"; in line 23 strike "~~(5)~~ (4)" and insert "~~(3)~~ (2)"; in line 24 strike the semicolon and insert a period; and strike the remainder of the section.

2. On page 10, line 5, insert ", as amended by section 4, Legislative Bill 709, Eighty-sixth Legislature, Second Session, 1980" after "1978".

3. In the title, line 3, strike "section" and insert "sections 60-320 and"; in line 5 strike "and"; in line 6 insert ", as amended by section 4, Legislative Bill 709, Eighty-sixth Legislature, Second Session, 1980, and section 60-1701, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 743, Eighty-sixth Legislature, Second Session, 1980" after "1978"; and in line 6 insert "to restrict the use of dealer number plates; to provide inspection requirements;" after the semicolon.

**LEGISLATIVE BILL 939.** Placed on Select File as amended.  
E & R amendments to LB 939:

1. In committee amendments, page 1, lines 9 and 10, strike the commas.

2. In the Warner amendments, REQ 2179, page 2, line 8, strike "section" and insert "sections".

3. Because of previous bills amending section 81-195 and the repeal of section 35-701 by Legislative Bill 724, in committee amendments strike new section 9; and strike amendment 5.

4. On page 8, line 8, insert ", and also section 81-195, Revised Statutes Supplement, 1978, as amended by section 4,

Legislative Bill 820, Eighty-sixth Legislature, Second Session, 1980" after "1943".

5. Renumber original section 7 as section 5, new section 8 added by committee amendments as section 6, original section 8 as section 7 and new section 11 added by committee amendments as section 8.

6. In the title, lines 2 and 3, strike "2-1208.02, 2-1210,"; strike beginning with the second "to" in line 6 through the semicolon in line 7; in line 9 strike "and" and insert "to create a cash fund as prescribed;"; and in line 10 insert ", and also section 81-195, Revised Statutes Supplement, 1978, as amended by section 4, Legislative Bill 820, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency" after "sections".

**LEGISLATIVE BILL 939A.** Placed on Select File.

**LEGISLATIVE BILL 918.** Placed on Select File as amended. E & R amendment to LB 918:

1. On page 2, line 10, strike the first "of" and insert "or".

**LEGISLATIVE BILL 283.** Placed on Select File as amended. E & R amendments to LB 283:

1. In new section 6, insert "provided for" at the end of line 1; in line 2 insert "of this act" after "3"; and in line 3 insert "or retirement" after "system".

2. In the title, strike line 2 and insert "FOR AN ACT relating to cities of the metropolitan class; to"; and in line 5 insert "; and to declare an emergency" after "city".

**LEGISLATIVE BILL 865.** Placed on Select File.

**LEGISLATIVE BILL 740.** Placed on Select File.

**LEGISLATIVE BILL 795.** Placed on Select File as amended. E & R amendment to LB 795:

1. In the title, line 7, strike "and"; and in line 8 insert "; and to declare an emergency" after "sections".

**LEGISLATIVE BILL 872.** Placed on Select File as amended. E & R amendment to LB 872:

1. In the title, strike beginning with "sections" in line 3 through line 6 and insert "relating to the Public Service Commission;"; and in line 8 strike "sections" and insert "section".

**LEGISLATIVE BILL 872A.** Placed on Select File.

(Signed) Don Wesely, Chairperson

**MOTHERS' OF THE YEAR**

Mrs. Marsh, Mr. Kahle, and Mr. Kennedy escorted the Young Mother of the Year, Mrs. Mary Jo Wentz of Lincoln, Nebraska and Senior Mother of the Year, Mrs. Addie Scheve of Battle Creek, Nebraska to the rostrum.

Mrs. Wentz and Mrs. Scheve spoke to the members briefly.

Messrs. DeCamp, Sieck, Kelly, and Mrs. Labeledz asked unanimous consent to be excused until they return. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 722.** Mr. Warner offered the following amendment:

**AMENDMENT TO LB 722 COMMITTEE AMENDMENTS  
(REQUEST #2094)**

Add the following new sections and re-number the original sections accordingly:

“Sec. 15. In addition to the tax imposed by 66-410, and section 1 of this act, each dealer shall pay an additional tax of one cent per gallon on all motor vehicle fuels received, imported, produced, refined, manufactured, blended or compounded, by such dealer within the state of Nebraska.

Sec. 16. In addition to the tax imposed by 66-428 and section 1 of this act, each dealer shall pay an additional tax of one cent per gallon on all motor vehicle fuel or special fuel used in the state of Nebraska.

Sec. 17. In addition to the tax imposed by 66-605 and section 2 of this act, each dealer shall pay an additional tax of one cent per gallon on all special fuels received, imported, produced, refined, manufactured, blended or compounded by such dealer within the state of Nebraska.

Sec. 18. The receipts from the tax established under sections 15, 16 and 17 of this act shall be credited to the City and County Road Fund which is hereby created except that the State Treasurer shall first transfer such amounts to the Tax Refund Fund as the Tax Commissioner shall determine to be equal to the credits and refunds allowed dealers under the provisions of sections 15 to 17.

Sec. 19. (1) The State Treasurer shall monthly distribute the receipts accruing to the City and County Road Fund. One-half of such receipts shall be distributed to the various counties for road purposes and one-half of such receipts shall be distributed to the various municipalities for street purposes.

(2) The distribution of funds to the respective cities and counties under subsection (1) of this section shall be based on the provisions of chapter 39, article 25.

2. On page 11, in line 16, and in white copy request 2299, page 2, line 16, strike "or 2" and insert "2, 15, 16, or 17".

3. On page 6, in line 19; page 10, line 10; and page 13, line 3, strike "section 1" and insert "sections 1, 15, and 16".

4. On page 16, line 12, strike "section 2" and insert "sections 2 and 17".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Warner amendment was adopted with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

Laid over.

### VISITORS

Visitors to the Chamber were 33 students, teacher, and principal from McMillan Junior High School, Omaha; 14 seniors and teacher from Rising City High School; 70 students and teachers from Schuyler Grade School; Mr. Bernard Lehideux from Paris, France, and his escort, Scott Slaybecker; 46 students and teacher from Jefferson Elementary School, Grand Island; and 18 students and teacher from Ord Public Schools.

### RECESS

At 12:03 p.m., on a motion by Mr. Landis, the Legislature recessed until 1:15 p.m.

### AFTER RECESS

The Legislature reconvened at 1:27 p.m., Speaker Marvel presiding.

### ROLL CALL

The roll was called and all members were present except Mr. Barrett who was excused; and Messrs. Beutler, Chambers, Cullan, DeCamp, George, Kahle, Kelly, Kennedy, Lamb, Lewis, Newell, Simon, and Vickers who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Warner offered the following amendment:

- 1 1. In the Warner amendments, which were previously
- 2 the Landis amendments (Req. 2267):
- 3 (a) On page 1, line 12 strike "Department of
- 4 Roads" and insert "Highway Cash Fund".
- 5 (b) On page 3, line 22 after "Fund" insert "to
- 6 the Highway Cash Fund".
- 7 2. In the white copy request (2094):
- 8 (a) On page 3, line 14 strike "importer" and
- 9 insert "dealer"; and in line 21 strike "importers" and
- 10 insert "dealers".
- 11 (b) On page 4 strike lines 1 through 4, and
- 12 insert "66, article 6."
- 13 (c) On page 5, lines 9 and 14 strike "rates"
- 14 and insert "rate"; in line 13, after "66-410.05"
- 15 insert "at least five days prior to the first day of
- 16 any month during which the tax is to be adjusted.".
- 17 (d) On page 6, in lines 15 and 16, strike
- 18 "For each taxable year commencing on and after January
- 19 1, 1981, such" and insert "Each".
- 20 (e) Insert two new sections as follows:
- 21 "Sec. 11. That section 66-411, Reissue Revised
- 22 Statutes of Nebraska, 1943, be amended to read as
- 23 follows:
- 24 66-411. Dealers or other persons having paid
- 25 said tax as provided in section 66-410, 66-428, or
- 26 section 1 of this act, or being liable for its payment,
- 27 shall collect the amount thereof from any person, firm,
- 28 or corporation to whom said motor vehicle fuel is sold in
- 1 this state within ninety days from the date of such sale.
- 2 Sec. 12. That section 66-620, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as
- 4 follows:
- 5 66-620. The monthly tax return shall be
- 6 accompanied by remittance covering the tax due on special
- 7 fuels, as provided by section 66-605 or section 2 of this
- 8 act, delivered during the preceding month into the fuel
- 9 supply tank or tanks of any motor vehicle.".
- 10 3. In E and R amendments of page 1666 of the Journal,
- 11 in amendment 7., line 3 after "39-2402" insert a comma, strike
- 12 "and", and after "66-410.04," insert "66-411, and 66-620,".
- 13 4. Renumber remaining sections accordingly.

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

Mr. Landis offered the following amendment:  
 (Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2371.)

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Landis requested a record vote on his amendment.

Voting in the affirmative, 13:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Chambers   | Hoagland | Labeledz | Reutzel | Wesely |
| Fitzgerald | Johnson  | Landis   | Rumery  |        |
| Fowler     | Keyes    | Merz     | Simon   |        |

Voting in the negative, 21:

|            |          |        |        |        |
|------------|----------|--------|--------|--------|
| Burrows    | George   | Kremer | Nichol | Warner |
| Carsten    | Goodrich | Lamb   | Pirsch |        |
| Chronister | Haberman | Maresh | Schmit |        |
| Clark      | Hefner   | Marsh  | Sieck  |        |
| Dworak     | Kelly    | Murphy | Stoney |        |

Present and not voting, 6:

|      |        |          |
|------|--------|----------|
| Cope | Marvel | Venditte |
| Koch | Powers | Wagner   |

Excused and not voting, 9:

|         |        |         |        |         |
|---------|--------|---------|--------|---------|
| Barrett | Cullan | Kahle   | Lewis  | Vickers |
| Beutler | DeCamp | Kennedy | Newell |         |

The Landis amendment lost with 13 ayes, 21 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Fowler renewed his pending amendment found in the Journal on page 1358.

Mr. Lewis offered the following amendment to the Fowler amendment:

The provision of the Fowler amendment shall not apply to the JFK Freeway in Douglas and Sarpy Co.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Lewis amendment lost with 9 ayes, 18 nays, 13 present and not voting, and 9 excused and not voting.

#### MR. CLARK PRESIDING

Mr. Koch 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 Fowler amendment lost with 13 ayes, 22 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment:

(White Copy Request 2094)

- 1 1. On page 8 after line 18 insert a new sub-
- 2 section as follows:
- 3 "(5) Nothing in this section shall be construed
- 4 to abrogate the duties of the Department of Roads or attempt
- 5 to change any highway improvement program schedule."

The amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

#### SPEAKER MARVEL PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Landis requested a record vote to advance LB 722.

Voting in the affirmative, 27:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Carsten    | George   | Labeledz | Murphy | Venditte |
| Chronister | Goodrich | Landis   | Nichol | Wagner   |
| Cope       | Hoagland | Lewis    | Powers | Warner   |
| DeCamp     | Johnson  | Marsh    | Sieck  |          |
| Dworak     | Kelly    | Marvel   | Simon  |          |
| Fitzgerald | Koch     | Merz     | Stoney |          |

Voting in the negative, 15:

|          |          |         |        |         |
|----------|----------|---------|--------|---------|
| Burrows  | Fowler   | Kahle   | Lamb   | Reutzel |
| Chambers | Haberman | Kennedy | Maresh | Vickers |
| Clark    | Hefner   | Keyes   | Pirsch | Wesely  |

Present and not voting, 4:

|        |        |        |        |
|--------|--------|--------|--------|
| Kremer | Newell | Rumery | Schmit |
|--------|--------|--------|--------|

Excused and not voting, 3:

|         |         |        |
|---------|---------|--------|
| Barrett | Beutler | Cullan |
|---------|---------|--------|

Advanced to E & R for Engrossment with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 722A.** Mr. Warner offered the following amendment:

- 1 1. Add a new section to read:
- 2 "Sec. 3. There is hereby appropriated from
- 3 the Highway Cash Fund to the Department of Roads, for
- 4 Program 305, the funds transferred thereto by the
- 5 State Treasurer pursuant to section 12, Legislative
- 6 Bill 722, Eighty-sixth Legislature, Second Session,
- 7 1980."
- 8 2. On page 2, in line 7 and 8, strike "sixteen million" and
- insert
- 9 "thirteen million nine hundred eighty-two thousand eight hundred".

The amendment was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

Advanced to E & R for Engrossment with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Haberman asked unanimous consent to print the following amendment to LB 643 in the Journal. No objections. So ordered.

Req. #2374

- 2 1. Insert the following new section:
- 3 "Sec. 6. That section 46-673, Revised Statutes
- 4 Supplement, 1979, as amended by Laws 1979, LB 187,
- 5 section 177, be amended to read as follows:

6 46-673. Each district encompassed in whole or in  
 7 part by a control area designated pursuant to section  
 8 46-658 shall have the power and authority to levy a tax  
 9 not to exceed ~~eight-tenths~~ one-half of one mill, and on  
 10 and after January 1, 1981, not to exceed one and  
 11 seven-tenths of one cent on each one hundred dollars  
 12 annually on all of the taxable property within the  
 13 portion of the district encompassed by such control area.

14 Such levy, which shall be in addition to that  
 15 authorized by section 2-3225, shall be utilized only for  
 16 the costs of carrying out the provisions of sections  
 17 46-656 to 46-674, within such control area.

18 Certification and collection of such levy shall be  
 19 administered by the district and by the county or  
 20 counties involved in the same manner as the levy  
 21 authorized by section 2-3225.”.

22 2. On page 9, line 14 strike “and”, and after  
 23 “1979,” insert “and section 46-673, Revised Statutes  
 24 Supplement, 1979, as amended by Laws 1979, LB 187,  
 25 section 177,”.

1 3. Renumber original section 6 as section 7.

2 4. In the title, in line 4 strike “and”; in line  
 3 5 after “1979,” insert “and section 46-673, Revised  
 4 Statutes Supplement, 1979, as amended by Laws 1979, LB  
 5 187, section 177,”; and in line 10 after the semicolon  
 6 insert “to change an authorized levy as prescribed;”.

Mr. Landis asked unanimous consent to print the following  
 amendment to LB 940 in the Journal. No objections. So ordered.

(FINAL READING SECOND)

1 1. On page 3, lines 9 and 10, strike the new  
 2 matter and reinstate the stricken matter; and in line  
 3 10 after “values,” insert “except five thousand dollars  
 4 of any cash value in the estate of a debtor in bankruptcy,”.”

**SELECT FILE**

**LEGISLATIVE BILL 361.** Mr. Fitzgerald asked unanimous consent  
 to have LB 361 passed over.

Mr. Kahle objected.

Mr. Fitzgerald moved to have LB 361 passed over.

Mr. Fitzgerald withdrew his motion.

Mr. Simon moved to indefinitely postpone LB 361.

Mr. Simon moved to suspend the rules, Rule 7, Sec. 3 to consider the motion to indefinitely postpone today.

Mr. Dworak 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 motion to suspend the rules lost with 12 ayes, 16 nays, and 21 not voting.

Motion to indefinitely postpone pending.

Laid over.

**LEGISLATIVE BILL 773A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 800.** Mr. Maresh renewed his pending amendment found in the Journal on page 1589.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**MR. CLARK PRESIDING**

Mr. Maresh offered the following amendment:

Amend LB 800 on page 23 strike section 6, and renumber the remaining sections.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Newell renewed his pending amendment found in the Journal on page 1499.

Mr. Newell moved for a Call of the House. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 22:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Burrows    | Fowler   | Koch     | Marsh  | Reutzel  |
| Chambers   | Goodrich | Labeledz | Merz   | Rumery   |
| DeCamp     | Hoagland | Landis   | Newell | Simon    |
| Fitzgerald | Johnson  | Lewis    | Powers | Venditte |

Vickers      Wesely

Voting in the negative, 22:

|         |          |         |        |        |
|---------|----------|---------|--------|--------|
| Beutler | George   | Kennedy | Murphy | Wagner |
| Carsten | Haberman | Kremer  | Pirsch | Warner |
| Clark   | Hefner   | Lamb    | Schmit |        |
| Cope    | Kahle    | Maresh  | Sieck  |        |
| Dworak  | Kelly    | Marvel  | Stoney |        |

Present and not voting, 2:

Chronister    Keyes

Excused and not voting, 3:

Barrett      Cullan      Nichol

The Newell amendment lost with 22 ayes, 22 nays, 2 present and not voting, and 3 excused and not voting.

#### **SPEAKER MARVEL PRESIDING**

Advanced to E & R for Engrossment with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 848.** Mr. DeCamp withdrew his pending amendments found in the Journal on page 881.

Mr. Newell withdrew his pending amendment found in the Journal on page 1083.

Messrs. Lewis, Fitzgerald, Fowler, and Landis offered the following amendment:

- 1      1. Insert the following new section:
- 2      "Sec. 23. The city council of any city may
- 3      permit the public streets and sidewalks within such city
- 4      to be occupied and used under a lease, license, or other per-
- 5      mission by a person, business, or others for the sale of
- 6      services or goods, and to permit the placement of nonper-
- 7      manent sidewalk cafes, tables, chairs, benches, and other
- 8      temporary improvements from which such sales can be trans-
- 9      acted on the public streets and sidewalks."
- 10     2. Reumber remaining sections accordingly.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Lewis et al amendment was adopted with 25 ayes, 5 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:

- 1 1. On page 19, line 12, strike "ten", added
- 2 by the amendment adopted on page 1162 of the Journal,
- 3 and insert "fifteen".

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Newell amendment lost with 16 ayes, 17 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 632.** E & R amendments found in the Journal on page 1182 for the Forty-Second Day were adopted.

Mr. Schmit renewed his pending amendment found in the Journal on page 1313.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 632A.** Mr. Schmit renewed his pending amendment found in the Journal on page 1314.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 651.** E & R amendments found in the Journal on page 1183 for the Forty-Second Day were adopted.

Mr. Merz renewed his pending amendment found in the Journal on page 1131.

The amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Messrs. DeCamp and Johnson offered the following amendment:

On page 5, line 6, in section 2, change "section" to "sections" and after the comma, add "and 39-6,191."

On page 5, line 6, change "is" to "are".

Mr. Haberman requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. George asked unanimous consent to be excused. No objections. So ordered.

Mr. Dworak offered the following amendment:

Add new section 2:

(a) No person who is related within the second degree of consanguinity or affinity to the owner or operator of a motor vehicle and who is being transported over the public highways of this State by the owner or operator of the motor vehicle as his guest without payment for such transportation, shall have a cause of action for damages against such owner or operator for injuries, death or loss, in case of accident, unless such accident shall have been intentional on the part of said owner or operator, or caused by operating the motor vehicle while under the influence of intoxicating liquor or caused by gross negligence in the operation of the motor vehicle. There shall be no such immunity for an owner or operator who is not so related to the guest.

(b) Nothing in this Act shall affect any judicially-developed and developing rules under which a person is or is not totally or partially immune from tort liability to another by virtue of a family relationship.

(c) When any liability claim is made by a guest against the owner or operator or his liability insurance carrier, the owner or operator or his liability insurance carrier shall be entitled to an offset, credit, or deduction against any award made to such guest in the amount of money equal to the amounts paid by the owner, operator or his automobile liability insurance carrier for medical expenses of such guest; provided, however, that nothing herein shall be construed to authorize a direct action against a liability insurance company if such right does not presently exist at law.

Renumber section 2 to 3.

Repeal section 39-6,191.

Mr. Haberman requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Dworak challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to overrule the Chair lost with 5 ayes, 25 nays, and 19 not voting.

The Chair was sustained.

Advanced to E & R for Engrossment.

#### ATTORNEY GENERAL'S OPINION

Opinion No. 277  
April 4, 1980

Dear Senator Johnson:

You have asked this office for an opinion as to whether certain amendments to LB 361 authorizing loans and grants of state moneys derived from gasoline taxes to private, not-for-profit organizations for public transportation purposes are constitutional. More particularly, you are concerned as to whether the amendments improperly extend the credit of the state or provide an impermissible special grant to a not-for-profit organization.

Relative to your first inquiry, we assume from your letter that you refer to the amendments' affect on section 19-3908, R.R.S. 1943, which would be to include "public purpose organizations" with municipalities and counties as entities which are entitled to apply for state loans for the purpose of providing public transportation. You note that the amendments define a public purpose organization as "any incorporated private not-for-profit group or agency." You apparently inquire as to whether a section 19-3908 state loan or any other form of giving of the credit of the state to such an organization implicit in the amendments violates Article XIII, section 3 of the State Constitution which reads in pertinent part:

“The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . .”

Early on the Nebraska Supreme Court interpreted that language of Article XIII, section 3 as intended to prevent the state from extending its credit to private enterprises. See Haberlan v. Love, 89 Neb. 149, 131 N.W. 196 (1912). However, the court has also stated that to determine whether a private enterprise is contemplated, we need look beyond an organization’s “private” or “public” label as a legal entity and examine its actual activities or purposes. In United Community Services v. Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956), the court said at page 800:

“ . . . The legislature cannot appropriate the public moneys of the state to encourage private enterprises.”

“But, as stated in City of Glendale v. White, 67 Ariz. 231, 194 P.2d 435: ‘No hard and fast rule can be laid down, for in determining whether a proposed expenditure of public funds is valid as devoted to a “public use or purpose” each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare. . . .’

“ . . . It is the province of the legislature to determine matters of policy. In appropriating the public funds, if there is reason for doubt or argument as to whether the purpose for which the appropriation is made is a public or a private purpose, and reasonable men might differ in regard to it, it is generally held that the matter is for the legislature; \* \* \*.” . . .

“ . . .  
“In exercising the authority we think the following has application: “These authorities clearly settle that the vital point in all such appropriations is whether the purpose is public; and that, if it is, it does not matter whether the agency through which it is dispensed is public or not; that the appropriation is not made for the agency, but for the object which it serves; the test is in the end, not in the means” . . .”

Thus, whether such public service organizations are deemed “private” for purposes of legal incorporation in the State of Nebraska, or for purposes of taxation pursuant to the Federal Internal Revenue Code, is not the issue central to your inquiry. Rather the important determinant is what activities will any such state loan fund; that is, for what purposes will the state funds be used. Viewed in this light, we think that the purpose and legislative intent which are clearly set out in the amendments you inquire of demonstrate that any state loan to such a public purpose organization will be used for a public purpose and would not be an extension of the credit of the state to private enterprise.

We note that the amendments to LB 361 would also authorize grants of state moneys derived from gasoline taxes to such public service organizations. We take your second concern to be whether any such grant to a public service organization derived from gasoline taxes would amount to an impermissible special law, privilege, or franchise by virtue of Article III, section 18 of the State Constitution. That provision states in pertinent part:

“The Legislature shall not pass local or special laws in any of the following cases, that is to say:

“ . . .  
 “Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; . . .”

On the basis of our review, we take the position that the amendments to LB 361 constitute a general, and not a special or local, law. The Nebraska Supreme Court quite recently has stated:

“An act is general, and not special or local, if it operates alike on all persons or localities of a class, or who are brought within the relations or circumstances provided for, if the classification so adopted by the legislature has a basis in reason, and is not purely arbitrary.\* \* \* “If a law affects equally all persons who come within its operation it cannot be local or special within the meaning of the Constitution.“ . . .”

State ex rel Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 454, \_\_\_ N.W.2d \_\_\_ (1979).

The amendments do not restrict state grants for public transportation purposes to only one, or any several specified “public service organizations”. Rather, all such organizations that might exist in the state would appear to be eligible for state grants for public transportation purposes when duly certified. The central question thus becomes whether the creation of private, not-for-profit corporations as a class is reasonable and is based on some relevant public policy, or upon real differences of situation and circumstances of the class relative to the subject of the legislation. United Community Services v. The Omaha National Bank at page 802.

It occurs to us that inherent in the nature of private, not-for-profit groups are several characteristics which uniquely suit them to undertake the kind of public service program contemplated by the amendments. We also are mindful that Legislature’s judgment relative to this question is given great weight and that when confronted with such questions the courts make a concerted effort to uphold the constitutionality of statutes. For these reasons, we cannot say that this classification is arbitrary and baseless, and thus, unconstitutional.

Very truly yours,  
PAUL L. DOUGLAS

(Signed) Shanler D. Cronk  
Assistant Attorney General

SDC:pes

cc: Patrick J. O'Donnell  
Clerk of the Legislature

### UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 824 in the Journal. No objections. So ordered.

- 1 1. On page 3, line 14 after the comma insert
- 2 "and section 16, Legislative Bill 599, Eighty-sixth
- 3 Legislature, Second Session, 1980,"; in line 17 delete
- 4 "~~mill~~", and remove the underscoring from "tax"; in line
- 5 20 after "dollars" insert "on the actual valuation of
- 6 all property within the area"; and in line 27 delete
- 7 "~~mill~~" and remove the underscoring from "tax".
- 8 2. On page 4, line 3 after "dollars" insert
- 9 "on the actual valuation of all property within the area";
- 10 in line 13 remove the underscoring from "seven"; in line
- 11 14 after "dollars" insert "on the actual valuation of
- 12 all property within the area"; and in line 26 delete
- 13 "~~mill~~" and remove the underscoring from "tax".
- 14 3. On page 5, line 3 delete "~~mill~~" and remove the
- 15 underscoring from "tax"; in lines 4 and 5 delete "to that
- 16 number of mills or cents of" and insert "so as not to
- 17 produce"; in line 6 after "sources" insert "in excess
- 18 of the total"; in line 11 delete "~~two and one half mills~~"
- 19 and insert "~~eight and seven tenths cents on each one~~
- 20 ~~hundred dollars on the actual valuation of all property~~
- 21 ~~within the area~~".
- 22 4. On page 6, line 5, and in the title, line 5
- 23 after "251," insert "and section 16, Legislative Bill
- 24 599, Eighty-sixth Legislature, Second Session, 1980,".

Mr. Keyes asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

- #1. Strike the entire bill.
- #2. Increase special fuels tax by 3\*.
- #3. Require that all common and contract carriers subject to the state sales tax.

#4. Increase all truck registration fees by 50%.

#5. Redraft the Keyes/Cullan amendment to LB 103 (1979, page 1256 of the Journal) and make it similar to the ton/mile tax on railroad freight.

Mr. Lewis asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

1 1. On page 5, line 4 strike "two and one half",  
 2 show as stricken, and insert "three and one-third";  
 3 and in line 9 after "service" insert "except that the  
 4 monthly benefits received shall not exceed sixty per cent  
 5 of the final average salary such judge was receiving when  
 6 he or she last served as such judge".

#### MOTION - Return LB 848 to Select File

Mr. Lewis moved to return LB 848 to Select File for a amendment: strike the enacting clause.

Motion pending.

#### SELECT FILE

**LEGISLATIVE BILL 844.** E & R amendments found in the Journal on page 1184 for the Forty-Second Day were adopted.

Mr. Murphy offered the following amendment:  
 (Line 7, after the word "unit", stike period and add)——but no certified public school employee shall be compelled to join any organization or association.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 989.** E & R amendment found in the Journal on page 1184 for the Forty-Second Day was adopted.

Mr. Haberman withdrew his pending amendment found in the Journal on page 1085.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 694.** E & R amendments found in the Journal on page 1199 for the Forty-Second Day were adopted.

Mr. Koch withdrew his pending amendments found in the Journal on page 1173.

Mr. Nichol offered the following amendment:

Page 1 of committee amendments, line 7, strike "for" and insert "bar".

The amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

### **MR. CLARK PRESIDING**

Mr. Koch renewed his pending amendment found in the Journal on page 1260.

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

Mr. Murphy offered the following amendment:

To strike committee amendments 1. and 2.  
(page 2 line 25)  
(page 11 lines 12 and 13)

The amendment lost with 23 ayes, 19 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 989A.** Mr. Goodrich offered the following amendment:

1. Strike section 1 and renumber sections 2 and 3 as sections 1 and 2.

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

Advanced to E & R for Engrossment.

### **UNANIMOUS CONSENT - Print in Journal**

Mr. Simon asked unanimous consent to print the following amendment to LB 175 in the Journal. No objections. So ordered.

Req. #2314

- 2 1. Strike the original sections and amendments  
 3 thereto and insert the following new sections:  
 4 "Section 1. That section 45-207, Reissue Revised  
 5 Statutes of Nebraska, 1943, as amended by section 1,  
 6 Legislative Bill 308, Eighty-sixth Legislature, Second  
 7 Session, 1980, be amended to read as follows:  
 8 45-207. Notwithstanding the provisions of any  
 9 other law the seller or assignee under a revolving charge  
 10 agreement may charge, receive and collect a time price  
 11 differential which shall not exceed the following rate:  
 12 (1) For any balance existing on March 19, 1980, one and  
 13 one half per cent per month on the outstanding balance of  
 14 five hundred dollars or less and one per cent per month  
 15 on that portion of the outstanding balance in excess of  
 16 five hundred dollars, and (2) for any indebtedness  
 17 incurred after March 19, 1980, one ~~One~~ and three-quarters  
 18 per cent per month on amounts less than five hundred  
 19 dollars, and one and one half per cent per month on  
 20 amounts of five hundred dollars or more on the  
 21 outstanding balance not attributable to indebtedness  
 22 incurred prior to March 19, 1980. Payments made after  
 23 March 19, 1980 shall be first applied to reduce or  
 24 eliminate outstanding balances existing on March 19,  
 25 1980. The rate shall be computed on the unpaid balance  
 1 under the agreement from month to month, which need not  
 2 be a calendar month, or other period as agreed. Such  
 3 time price differential shall be computed on not more  
 4 than the unpaid balance at the beginning of the period  
 5 for which the statement is rendered.  
 6 Sec. 2. That original section 45-207, Reissue  
 7 Revised Statutes of Nebraska, 1943, as amended by section  
 8 1, Legislative Bill 308, Eighty-sixth Legislature, Second  
 9 Session, 1980, is repealed.  
 10 Sec. 3. Since an emergency exists, this act  
 11 shall be in full force and take effect, from and after  
 12 its passage and approval, according to law."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 954A in the Journal. No objections. So ordered.

Req. #2375

- 2 1. Strike the original sections and any  
 3 amendments thereto and insert the following new sections:  
 4 "Section 1. That section 2-3234, Reissue Revised  
 5 Statutes of Nebraska, 1943, be amended to read as  
 6 follows:  
 7 2-3234. (1) Subject to the provisions of  
 8 subsection (2) of this section each ~~Each~~ district shall  
 9 have the power and authority to exercise the power of

10 eminent domain when necessary to carry out the purposes  
11 of this act within the limits of the district or outside  
12 its boundaries. Exercise of eminent domain shall be  
13 governed by the provisions of sections 76-704 to 76-724;  
14 Provided, that whenever any district seeks to acquire the  
15 right to interfere with the use of any water being used  
16 for power purposes in accordance with sections 46-204,  
17 70-668, 70-669, and 70-672, and shall be unable to agree  
18 with the user of such water upon the compensation to be  
19 paid for such interference, the procedure to condemn  
20 property shall be followed in the manner set forth in  
21 sections 76-704 to 76-724, and no other property shall be  
22 included in such condemnation. No district shall  
23 contract for delivery of water to persons within the  
24 corporate limits of any village, city, or metropolitan  
25 utilities district, nor in competition therewith outside  
1 such corporate limits, except by consent of and written  
2 agreement with the governing body of such political  
3 subdivision. A village, city, or metropolitan utilities  
4 district may negotiate and, if necessary, exercise the  
5 power of eminent domain for the acquisition of water  
6 supply facilities of the district which are within its  
7 boundaries.

8 (2) The power of eminent domain shall not be used  
9 to acquire property for a project when over fifty per  
10 cent of such project is for recreational or park  
11 facilities. Nothing in this subsection is intended to  
12 preclude a district from using, for recreational or park  
13 facilities, land acquired by eminent domain for any of  
14 the purposes listed in section 2-3229, Revised Statutes  
15 Supplement, 1978, other than subsection (1) of such  
16 section.

17 Sec. 2. The restriction on the use of eminent  
18 domain provided in section 2-3234 shall apply to all  
19 proceedings which have not reached final adjudication  
20 prior to the effective date of this act.

21 Sec. 3. If any section in this act or any part  
22 of any section shall be declared invalid or  
23 unconstitutional, such declaration shall not affect the  
24 validity or constitutionality of the remaining portions  
25 thereof.

26 Sec. 4. That section 2-3234, Reissue Revised  
27 Statutes of Nebraska, 1943, is repealed.

1 Sec. 5. Since an emergency exists, this act  
2 shall be in full force and take effect, from and after  
3 its passage and approval, according to law."

4 2. In the title strike lines 2 to 5 and insert  
5 the following:

6 "FOR AN ACT to amend section 2-3234, Reissue Revised  
7 Statutes of Nebraska, 1943, relating to

8 natural resources districts; to change  
 9 provisions relating to the power of eminent  
 10 domain; to provide for severability; to repeal  
 11 the original section; and to declare an  
 12 emergency.”.

Mr. Simon asked unanimous consent to print the following amendment to LB 627 in the Journal. No objections. So ordered.

Req. #2377

- 2 1. Insert new sections as follows:  
 3 “Sec. 10. That section 77-3423, Revised  
 4 Statutes Supplement, 1979, be amended to read as follows:  
 5 77-3423. (1) Except as otherwise provided in  
 6 sections 77-3412 to 77-3431 and section 11 of this act, no  
 7 governing body of any political subdivision shall adopt a  
 8 budget statement pursuant to section 23-925, or pursuant  
 9 to the charter or ordinances of a city with a home rule  
 10 charter, in which the anticipated combined receipts for  
 11 the ensuing fiscal year exceeds an increase of seven per  
 12 cent above the combined receipts budget base.  
 13 (2) In lieu of the limitation imposed by  
 14 subsection (1) of this section, any political subdivision  
 15 which has experienced or anticipates an increase in its  
 16 population, as measured pursuant to section 77-3427, of  
 17 five per cent or more above the population for the  
 18 immediately preceding year, may elect to increase its  
 19 anticipated combined receipts for the ensuing fiscal year  
 20 by a percentage which shall not exceed the average  
 21 percentage increase in the anticipated combined receipts  
 22 for the three immediately preceding fiscal years. If any  
 23 political subdivision qualifies for and elects to utilize  
 24 the limit provided for in this subsection, such political  
 25 subdivision shall not further increase the percentage  
 1 limit calculated pursuant thereto to compensate for any  
 2 population increases calculated pursuant to section  
 3 77-3427. If any political subdivision qualifies for and  
 4 elects to utilize the limit provided for in this  
 5 subsection, such limit shall be used only in the year or  
 6 years in which a population increase of five per cent or  
 7 more is experienced or anticipated.  
 8 Sec. 11. The provisions of sections 77-3412 to  
 9 77-3431, Revised Statutes Supplement, 1979, shall not  
 10 apply to: (1) A transit authority created under Chapter  
 11 14, article 18, or (2) any political subdivision which  
 12 has a combined receipts budget base under twenty-five  
 13 thousand dollars.”.  
 14 2. On page 6, line 3 strike “and”, and after  
 15 “77-3410,” insert “and 77-3423”.  
 16 3. Renumber original sections accordingly.

Mr. Warner asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

April 9, 1980

Members of the Nebraska Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Senators:

As required by Rule 6, Section 14 of the Rules of the Nebraska Legislature, the Appropriations Committee, by majority vote, has decided to recommend to the Legislature that Legislative Bills 996 and 997 become law notwithstanding the line item vetoes therein.

All line item vetoes in these appropriation bills are primarily due to Governor Thone's recommendation for an average eight per cent salary increase effective July 1, 1980. The Appropriations Committee's recommendation and these appropriation bills, as passed by the Legislature, authorize a three per cent salary base adjustment on May 1, 1980 and an eight per cent increase on July 1, 1980. The salary base adjustment of three per cent is specifically based on the findings of the 1979 state salary survey conducted by the Nebraska Department of Personnel pursuant to Section 81-1335. The survey reports that, as of July 1, 1979, (1) minimum hiring rates were 5.5% below the labor market surveyed, (2) maximum hiring rates were 5.6% below the labor market surveyed, and (3) average state employee salaries were 10.3% below the labor market surveyed. As stated in the Department of Personnel salary survey report, "Nearly all rates show that the state has slipped further behind its comparative markets during the past year."

The three per cent salary base adjustment on May 1, 1980 is based on bringing the state employee's salary closer to the "various labor markets in which we compete." It is not a "cost of living" salary increase.

Attached is a summary of the findings of the salary survey, and copy of the complete survey is on file with the Clerk of the Legislature.

The other operating budget vetoes identified by the Governor for the Legislative Council, Department of Banking, Department of Insurance, District Courts, and Public Service Commission cannot be separately overridden from the line item vetoes for salaries. Therefore, the Appropriations Committee recommends overriding all line item vetoes in Legislative Bills 996 and 997.

Sincerely,  
(Signed) Jerome Warner, Chairman  
Appropriations Committee

Section 1 of the Appropriations Committee Handout  
of November 19, 1979 regarding 1980-81  
Salary Policy Considerations

Finding of Salary Survey (Conducted by the Department of  
Personnel)

(1) Hiring Rates

As of July 1, 1979, the average hiring rates of employees within the State Personnel Classified System (representing approximately one-third of all state employees) were 5.5% below the average hiring rates of the surrounding labor market.

One year ago (July 1, 1978), the state was 3% below the labor market.

According to the salary survey findings, the labor market hiring rates increased by an average of 8% from July 1, 1978 to July 1, 1979. In comparison, the state hiring rates increased by 5.5% during this same period.

(2) Average Actual Salary

As of July 1, 1979, the average actual salaries paid to employees within the State Personnel Classified System was 10.3% below the average actual salaries of the surrounding labor market.

One year ago (July 1, 1978), the state was 7.9% below the labor market.

From July 1, 1978 to July 1, 1979, the labor market average actual salaries increased by 10.9%. In comparison, the state average actual salaries increased by approximately 8.5% during the same period.

**SELECT FILE**

**LEGISLATIVE BILL 889.** Mr. Schmit offered the following amendment:

- 1 1. Insert the following new section:
- 2 "Sec. 10. Since an emergency exists, this act
- 3 shall be in full force and take effect, from and after
- 4 its passage and approval, according to law."

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

**SPEAKER MARVEL PRESIDING**

Mr. Lamb renewed his pending amendment found in the Journal on page 1721.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Lamb amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Vickers withdrew his pending amendment found in the Journal on page 1520.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Messrs. Lewis, Schmit, Dworak, and Kelly asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 535.** The Barrett, Hoagland, and Newell specific amendment found in the Journal on page 1289 was renewed.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Barrett, Hoagland, and Newell amendment was adopted with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

#### **MOTION - Return LB 535 to Select File**

Mr. DeCamp moved to return LB 535 to Select File for the following Lewis specific amendment:

Add new section:

The provisions of LB 535 shall become effective on January 1, 1981.

The motion prevailed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 535.** The Lewis specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 535 to Select File**

Mr. Murphy moved to return LB 535 to Select File for his specific amendment referred to in the Journal on page 1504 (Req. #2055).

Mr. Hoagland requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment germane to the bill.

Mr. Cullan requested a record vote on the Murphy motion.

Voting in the affirmative, 16:

|            |          |          |          |
|------------|----------|----------|----------|
| Clark      | Haberman | Keyes    | Murphy   |
| Cope       | Hefner   | Kremer   | Nichol   |
| Cullan     | Kahle    | Labeledz | Sieck    |
| Fitzgerald | Kennedy  | Merz     | Venditte |

Voting in the negative, 18:

|          |          |         |         |        |
|----------|----------|---------|---------|--------|
| Beutler  | Hoagland | Maresh  | Rumery  | Warner |
| Carsten  | Johnson  | Marsh   | Simon   | Wesely |
| Fowler   | Koch     | Newell  | Stoney  |        |
| Goodrich | Landis   | Reutzel | Vickers |        |

Present and not voting, 8:

|          |            |        |        |
|----------|------------|--------|--------|
| Burrows  | Chronister | Lamb   | Powers |
| Chambers | DeCamp     | Marvel | Wagner |

Excused and not voting, 7:

|         |        |        |        |
|---------|--------|--------|--------|
| Barrett | George | Lewis  | Schmit |
| Dworak  | Kelly  | Pirsch |        |

The motion lost with 16 ayes, 18 nays, 8 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 486.** E & R amendments found in the Journal on page 1314 for the Forty-Fifth Day were adopted.

Mr. Koch offered the following amendment:

(White Copy Request 2168)

- 1 1. On page 6, after line 13 insert "The
- 2 county superintendent shall take into account all such
- 3 funds received when making the computations required
- 4 by section 79-4,103.".

The amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Lamb withdrew his pending amendment found in the Journal on page 1478.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 627.** E & R amendments found in the Journal on page 1393 for the Forty-Seventh Day were adopted.

Mr. Chambers withdrew his pending amendment found in the Journal on page 1396.

Mr. Beutler withdrew his pending amendment found in the Journal on page 1462.

Mr. Stoney withdrew his pending amendment found in the Journal on page 1590.

Mr. Koch withdrew his pending amendment found in the Journal on page 1727.

Mr. Koch offered the following amendment:

- 1 1. In the Newell amendment strike "seven" and insert "ten".
- 2 2. On page 3, line 8 strike "year" and insert
- 3 "year years"; in line 21 strike "year" and insert "two
- 4 years"; in line 22 reinstate "first"; in line 23 strike
- 5 "such" and show as stricken, and after "elections" insert
- 6 "held pursuant to section 77-3402 or 77-3410".
- 7 3. On page 4, line 4 strike "the" and insert
- 8 "the an", and after "election" insert "held pursuant to
- 9 section 77-3402 or 77-3410"; and in line 17 strike "year"
- 10 and insert "two years", and reinstate "first".
- 11 4. On page 5, strike beginning with "The" in line
- 12 3 through the period in line 6 and show the old matter
- 13 as stricken; in line 11 after "ensuing" insert "two",
- 14 and strike "year" and insert "years, except that the governing

15 body of a political subdivision may, during the first  
 16 year of a two-year budget limitation, by a majority vote  
 17 place the issue of terminating the limitation after the  
 18 first year on the ballot at a general, primary, or special election.  
 19 Such budget limitation shall be terminated at the end of  
 20 the first year if such termination is approved by a majority  
 21 of those voting on the issue. Such election shall be held  
 22 at least one hundred twenty days prior to the date on which  
 23 the second fiscal year subject to the limitation begins.”.

Messrs. Lamb and Dworak offered the following amendment to the Koch amendment:

Strike Line 1 of Koch Amendment

In the Koch amendment 4., line 23 strike the last period and insert “; and strike beginning with ‘not’ in line 26 through line 1 on page 5 of Bill, and insert ‘remain in effect for only the two fiscal years following the adoption of such limitation, except that the governing body of a political subdivision may, during the first year of such budget limitation, by a majority vote place the issue of terminating the limitation after the first year on the ballot at a primary or special election. Such budget limitation shall be terminated at the end of the first year if such termination is approved by a majority of those voting on the issue.’”.

Mr. Johnson moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb moved for a Call of the House. The motion prevailed with 20 ayes, 7 nays and 22 not voting.

Mr. Lamb requested a roll call vote on the amendment.

Voting in the affirmative, 16:

|            |          |          |        |
|------------|----------|----------|--------|
| Burrows    | Haberman | Labeledz | Murphy |
| Chronister | Hefner   | Lamb     | Sieck  |
| Clark      | Kahle    | Maresh   | Stoney |
| Cullan     | Kennedy  | Marvel   | Wagner |

Voting in the negative, 25:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Beutler    | Goodrich | Kremer | Nichol  | Simon    |
| Carsten    | Hoagland | Landis | Powers  | Venditte |
| Cope       | Johnson  | Lewis  | Reutzel | Vickers  |
| Fitzgerald | Keyes    | Marsh  | Rumery  | Warner   |
| Fowler     | Koch     | Newell | Schmit  | Wesely   |

Present and not voting, 2:

DeCamp      Merz

Excused and not voting, 6:

Barrett      Dworak      Kelly  
Chambers      George      Pirsch

The Lamb-Dworak amendment lost with 16 ayes, 25 nays, 2 present and not voting, and 6 excused and not voting.

Mr. Johnson asked unanimous consent to be excused. No objections. So ordered.

### **MR. CLARK PRESIDING**

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 11 nays, and 12 not voting.

The Koch amendment was adopted with 30 ayes, 5 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Simon renewed his pending amendment found in this day's Journal.

Mr. Simon requested a ruling on whether his amendment is germane.

The Chair ruled the amendment germane.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mr. Simon requested a record vote on his amendment.

Voting in the affirmative, 15:

|            |        |        |         |        |
|------------|--------|--------|---------|--------|
| Burrows    | Hefner | Kremer | Merz    | Schmit |
| Carsten    | Kahle  | Lamb   | Newell  | Sieck  |
| Fitzgerald | Keys   | Maresh | Reutzel | Simon  |

Voting in the negative, 23:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Beutler    | DeCamp   | Landis | Nichol  | Wagner |
| Chronister | Fowler   | Lewis  | Powers  | Warner |
| Clark      | Goodrich | Marsh  | Rumery  | Wesely |
| Cope       | Hoagland | Marvel | Stoney  |        |
| Cullan     | Koch     | Murphy | Vickers |        |

Present and not voting, 4:

|          |         |          |          |
|----------|---------|----------|----------|
| Haberman | Kennedy | Labeledz | Venditte |
|----------|---------|----------|----------|

Excused and not voting, 7:

|          |        |         |        |
|----------|--------|---------|--------|
| Barrett  | Dworak | Johnson | Pirsch |
| Chambers | George | Kelly   |        |

The Simon amendment lost with 15 ayes, 23 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Schmit renewed his pending amendment found in the Journal on page 1726.

Mr. Beutler requested a ruling on whether the Schmit amendment is germane.

The Chair ruled the amendment germane.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lewis offered the following amendment to the Schmit amendment:

“and including first class city”

Mrs. Marsh moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Lewis amendment lost with 16 ayes, 16 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 24:

|            |        |        |         |          |
|------------|--------|--------|---------|----------|
| Burrows    | DeCamp | Lamb   | Nichol  | Sieck    |
| Carsten    | Hefner | Landis | Powers  | Venditte |
| Chronister | Kahle  | Maresh | Reutzel | Wagner   |
| Clark      | Kremer | Merz   | Rumery  | Wesely   |
| Cullan     | Labedz | Newell | Schmit  |          |

Voting in the negative, 16:

|          |          |        |         |
|----------|----------|--------|---------|
| Beutler  | Haberman | Lewis  | Simon   |
| Cope     | Hoagland | Marsh  | Stoney  |
| Fowler   | Keyes    | Marvel | Vickers |
| Goodrich | Koch     | Murphy | Warner  |

Present and not voting, 1:

Fitzgerald

Excused and not voting, 8:

|          |        |         |         |
|----------|--------|---------|---------|
| Barrett  | Dworak | Johnson | Kennedy |
| Chambers | George | Kelly   | Pirsch  |

The Schmit amendment lost with 24 ayes, 16 nays, 1 present and not voting, and 8 excused and not voting.

Mr. Cullan requested a record vote to advance LB 627.

Voting in the affirmative, 29:

|            |            |        |         |         |
|------------|------------|--------|---------|---------|
| Beutler    | Fitzgerald | Keyes  | Marsh   | Sieck   |
| Carsten    | Fowler     | Koch   | Merz    | Simon   |
| Chronister | Goodrich   | Kremer | Nichol  | Vickers |
| Cope       | Hefner     | Landis | Powers  | Warner  |
| Cullan     | Hoagland   | Lewis  | Reutzel | Wesely  |
| DeCamp     | Kahle      | Maresh | Rumery  |         |

Voting in the negative, 7:

|         |          |        |        |
|---------|----------|--------|--------|
| Burrows | Labeledz | Newell | Stoney |
| Clark   | Marvel   | Schmit |        |

Present and not voting, 5:

|          |      |        |          |        |
|----------|------|--------|----------|--------|
| Haberman | Lamb | Murphy | Venditte | Wagner |
|----------|------|--------|----------|--------|

Excused and not voting, 8:

|          |        |         |         |
|----------|--------|---------|---------|
| Barrett  | Dworak | Johnson | Kennedy |
| Chambers | George | Kelly   | Pirsch  |

Advanced to E & R for Engrossment with 29 ayes, 7 nays, 5 present and not voting, and 8 excused and not voting.

**MOTION - Reconsider Action on LB 800**

Mr. Maresh moved to return LB 800 to Select File to reconsider our action on the Newell amendment.

Motion pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

- 1 1. On page 26 after line 15 insert a new paragraph
- 2 as follows: "The Legislature reaffirms its intent and
- 3 directs that all state agencies with interest or concern
- 4 in water resource matters participate and cooperate in
- 5 the work activities involved in the state water planning
- 6 and review process, including the issue analysis studies.
- 7 Such agencies shall include the Nebraska Natural Resources
- 8 Commission, the Department of Water Resources, the De-
- 9 partment of Agriculture, the Department of Environmental
- 10 Control, the Department of Health, the Game and Parks
- 11 Commission, the Conservation and Survey Division of the
- 12 University of Nebraska, the Water Resources Center of
- 13 the University of Nebraska, and the Policy Research Office.";
- 14 and in line 19 after "process" insert "and for the
- 15 direction and coordination of the policy issue analysis
- 16 studies which are a part of that process".
- 17 2. On page 29, in line 6 strike the second "and"
- 18 in line 8 after "obtained" insert "; and (6) recommending
- 19 the direction, content, and substance of the policy issue
- 20 analysis studies and actions on the various alternatives
- 21 identified in those studies"; in line 22 strike "and";
- 22 after line 22 insert two new subdivisions as follows:

23       “(b) Public hearings shall be held in different localities  
24 across the state to allow the greatest opportunity for  
25 the public to participate, and the results of those public  
26 hearings should be specifically included in the report  
27 or as an attachment to the report on each policy issue  
1 study submitted to the Legislature; and

2       (c) All individual citizens and interested persons  
3 in the State of Nebraska shall be entitled to receive  
4 at least one copy free of charge of all material produced  
5 by the state water planning and review process, and all  
6 statewide interest groups identified in representation on  
7 the Public Advisory Board shall be entitled to receive  
8 one hundred copies free of charge of all materials produced  
9 by the state water planning and review process for dissem-  
10 ination to their members. After the minimum numbers of  
11 copies of such materials have been provided to individuals  
12 and groups as prescribed herein, the commission or other  
13 agency providing such material may make a charge therefor  
14 which does not exceed fifteen cents per page.”; and strike  
15 lines 23 through 27.

16       3. On page 30 strike lines 1 through 3 and 15  
17 through 23.

18       4. On page 32, line 3 strike “and” and insert  
19 a comma, and before the period insert “, and stream pumping  
20 for adjacent lands irrigation”; in line 10 strike “and”;  
21 in line 14 strike the period and insert “; and”; after  
22 line 14 insert a new subdivision as follows:

23       “(3) A comparative analysis of stream ratings  
24 with flexible flow regimes for all instream flow purposes  
25 and values with all actual stream conditions, including  
26 fishery, outdoor recreation, and other values of impound-  
27 ments and other facilities on streams as well as those  
1 values in streams.”; in line 19 strike “and”; in line 21  
2 strike the period and insert “; and”; and after line 21  
3 insert a new subdivision as follows:

4       “(3) Consideration of the effects of increasing  
5 ground water qualities by surface impoundment, storage  
6 and diversion for recharge purposes, on the water quality.”.

Mr. Merz asked unanimous consent to print the following amendment  
to LB 643 in the Journal. No objections. So ordered.

Req. #2366

2       1. Insert the following new sections:

3       “Sec. 2. That section 46-638, Reissue Revised  
4 Statutes of Nebraska, 1943, be amended to read as  
5 follows:

6       46-638. (1) The Director of Water Resources of  
7 the State of Nebraska is hereby authorized to grant and  
8 administer permits to ~~cities, villages or to municipal~~

9 ~~corporations supplying water to cities and villages~~  
 10 ~~public water suppliers: (1) (a) To locate, develop, and~~  
 11 ~~maintain ground water supplies through wells or other~~  
 12 ~~means and to transport water into the area to be served~~  
 13 ~~by the city, village or municipal corporation, and (2)~~  
 14 ~~(b) to continue existing use of ground water and the~~  
 15 ~~transportation of ground water into the area served, by~~  
 16 ~~the city, village or municipal corporation.~~

17 (2) For the purposes of sections 46-638 to  
 18 46-655, public water supplier shall mean a city, village,  
 19 municipal corporation, metropolitan utilities district,  
 20 rural water district, natural resources district,  
 21 irrigation district, reclamation district, or sanitary  
 22 improvement district which supplies or intends to supply  
 23 water to inhabitants of cities, villages, or rural areas  
 24 for domestic or municipal purposes.

1 Sec. 3. That section 46-645, Reissue Revised  
 2 Statutes of Nebraska, 1943, be amended to read as  
 3 follows:

4 46-645. The Director of Water Resources may  
 5 grant to any public water supplier city, village or  
 6 municipal corporation which supplies water to the  
 7 inhabitants of any city or village permits to store  
 8 excess, unused, and unappropriated water for recharging  
 9 ground water reservoirs. The procedure to be followed in  
 10 granting permits to utilize excess, unuse, and  
 11 unappropriated water for recharging ground water  
 12 reservoirs shall, so far as applicable, be the same as  
 13 that required for granting permits for the use of ground  
 14 water as provided in sections 46-638 to 46-650.

15 Sec. 4. That section 46-647, Reissue Revised  
 16 Statutes of Nebraska, 1943, be amended to read as  
 17 follows:

18 46-647. Nothing in sections 46-638 to 46-650  
 19 shall be construed as limiting any right of an owner of  
 20 an estate or interest in or concerning land to recover  
 21 damage for any injury done to his or her land or to any  
 22 water rights appurtenant thereto; nor shall sections  
 23 46-638 to 46-650 limit rights of condemnation which  
 24 ~~cities, villages and municipal corporations~~ public water  
 25 suppliers have under the laws of the State of Nebraska.

26 Sec. 5. That section 46-650, Reissue Revised  
 27 Statutes of Nebraska, 1943, be amended to read as  
 1 follows:

2 46-650. Sections 46-638 to 46-650 shall be known  
 3 and cited as the City, Village and Municipal Corporation  
 4 Municipal and Rural Domestic Ground Water Transfers  
 5 Permit Act.

6 Sec. 6. That section 46-651, Revised Statutes  
 7 Supplement, 1979, be amended to read as follows:

8 46-651. Except as provided in section 46-653 or  
9 46-654, (1) after November 18, 1965, no irrigation or  
10 industrial well or well of any other ~~city or village~~  
11 public water supplier shall be drilled within one  
12 thousand feet of any well of any public water supplier  
13 ~~city or village used to supply such city or village and~~  
14 ~~its inhabitants with water~~, and no well of any such ~~city~~  
15 ~~or village~~ public water supplier shall be drilled within  
16 one thousand feet of any such irrigation or industrial  
17 well, and (2) after August 24, 1979 no irrigation well  
18 shall be drilled within one thousand feet of an  
19 industrial well and no industrial well shall be drilled  
20 within one thousand feet of an irrigation or industrial  
21 well. Such prohibitions shall not apply to wells owned  
22 by the same person.

23 Sec. 7. That section 46-652, Reissue Revised  
24 Statutes of Nebraska, 1943, be amended to read as  
25 follows:

26 46-652. (1) Protection under the provisions of  
27 section 46-~~651~~ shall extend to the owner of all wells now  
1 or in the future registered under section 46-602, and the  
2 owner of any irrigation or industrial well and each ~~city~~  
3 ~~or village~~ public water supplier shall, to obtain such  
4 protection, register any unregistered well now existing  
5 or drilled in the future with the Department of Water  
6 Resources, stating the use and precise location of such  
7 well. Such registration shall be made on forms  
8 prescribed and furnished by the Director of Water  
9 Resources. A separate registration shall be required for  
10 each such well, and each registration shall be  
11 accompanied by a fee of seven dollars and fifty cents,  
12 which the director shall transmit to the State Treasurer  
13 for deposit in the state treasury to the credit of the  
14 General Fund.

15 (2) The spacing protection of subsection (1) of  
16 this section shall apply to an unregistered well for a  
17 period of thirty days after completion of such well.

18 Sec. 8. That section 46-654, Reissue Revised  
19 Statutes of Nebraska, 1943, be amended to read as  
20 follows:

21 46-654. (1) Any ~~city or village~~ public water  
22 supplier having a permit under sections 46-638 to 46-650,  
23 is hereby granted the protection of the provisions of  
24 sections 46-651 to 46-655 for all wells for which a  
25 permit has been or in the future is granted by the  
26 Department of Water Resources under sections 46-638 to  
27 46-650.

1 (2) If in its application for a permit pursuant  
2 to sections 46-638 to 46-650, a public water supplier  
3 requests the protection of the spacing requirements of

4 section 46-651 for test holes and wells under  
 5 construction, and if the permit is granted, the director  
 6 shall identify in the permit the area to which the  
 7 spacing protection shall apply and the spacing protection  
 8 of section 46-651 shall then apply to such area for a  
 9 period of one year from the date the permit is granted.  
 10 The director shall notify, by registered mail, owners and  
 11 occupiers of land affected by the granting of such  
 12 spacing protection, according to information supplied by  
 13 the applicant. Costs of providing such notice shall be  
 14 borne by the applicant. Owners or occupiers of land not  
 15 receiving the notice required by this subsection shall  
 16 not be bound by the spacing requirements until the  
 17 applicant's wells are completed. Such protection may be  
 18 extended by the director, by a similar procedure, upon  
 19 application by the public water supplier and good cause  
 20 shown, for additional one-year periods."

21 2. On page 9, line 12 after "sections" insert  
 22 "46-638, 46-645, 46-647, 46-650, 46-652, 46-654,;" and in  
 23 line 14 strike "section" and insert "sections" and after  
 24 "46-602" insert "and 46-651".

25 3. Renumber original sections 2 to 6 as  
 26 sections 9 to 13, respectively.

Mr. Vickers asked unanimous consent to print the following amendment to LB 643 in the Journal. No objections. So ordered.

Req. #2368

2 1. Insert the following new sections:  
 3 "Sec. 2. That section 46-656, Reissue Revised  
 4 Statutes of Nebraska, 1943, be amended to read as  
 5 follows:  
 6 46-656. The Legislature finds, recognizes, and  
 7 declares that the management and conservation of ground  
 8 water and the beneficial use thereof are essential to the  
 9 economic prosperity and future well-being of the state  
 10 and that in geographic areas where ground water may  
 11 already be declining or ~~where shortages of ground water~~  
 12 ~~may occur~~ deteriorating in quality or in geographic areas  
 13 in which geologic or hydrologic conditions indicate that  
 14 unmanaged or uncontrolled development will result in  
 15 declines or deterioration of quality, the public interest  
 16 demands the implementation of management practices to  
 17 conserve and protect ground water supplies and to prevent  
 18 the inefficient or improper use thereof. To provide for  
 19 an orderly management system, particularly in areas where  
 20 changing present ground water conditions or potential  
 21 declining or deteriorating conditions require the  
 22 designation of control areas with special regulation of  
 23 future development and use, the Legislature recognizes

24 the need for this act.

1 Sec. 4. That section 46-658, Revised Statutes  
2 Supplement, 1979, be amended to read as follows:

3 46-658. (1) An area may be designated a control  
4 area by the director following a hearing initiated in  
5 accordance with subsection (3) of this section if it  
6 shall be determined, following evaluation of relevant  
7 hydrologic data, history of developments, and projection  
8 of effects of current and new development, that  
9 uncontrolled development and utilization of the ground  
10 water supply has caused or is likely to cause within the  
11 reasonably foreseeable future the existence of ~~either~~ any  
12 of the following conditions:

13 (a) An inadequate ground water supply to meet  
14 present or reasonably foreseeable needs for beneficial use  
15 of such water supply; or

16 (b) ~~Dewatering of an aquifer, resulting in a~~  
17 ~~deterioration of the quality of such ground water~~  
18 ~~sufficient to make~~ Pollution of ground water which makes  
19 such ground water unsuitable for the present purposes for  
20 which it is being utilized.

21 (2) When determining whether to designate a  
22 control area because of the existence of ~~either~~ any of  
23 the conditions listed in subsection (1) of this section,  
24 the director's considerations shall include, but not be  
25 limited to, a finding that conflicts between ground water  
26 users are occurring or may be reasonably anticipated, or  
27 that ground water users are experiencing, or will  
1 experience within the foreseeable future, substantial  
2 economic hardships as a direct result of current or  
3 anticipated ground water development or utilization.

4 (3) A hearing to designate a control area may be  
5 initiated by a district whenever it has information,  
6 sufficient in the opinion of the board of directors, to  
7 require that any portion of such district should be  
8 designated as a control area. The board of directors  
9 shall report such information to the director with a  
10 request that a hearing be held to determine if a control  
11 area should be established. The request shall be  
12 accompanied by a general description of the area proposed  
13 for inclusion in such control area.

14 (4) (a) Within thirty days after a hearing has  
15 been initiated pursuant to subsection (3) of this  
16 section, the director shall consult with the district and  
17 fix a time and place for a public hearing to consider the  
18 information supplied and to hear any other evidence. The  
19 hearing shall be held within one hundred twenty days  
20 after it has been initiated, shall be open to the public,  
21 and shall be located within, or in reasonable proximity  
22 to, the area proposed for designation as a control area.

23 If, from information submitted by the district or  
24 otherwise available to the director, the director has  
25 reason to believe that area other than that identified by  
26 the district should be considered for inclusion in any  
27 control area which would be established as a result of  
1 such request, he or she shall so notify the district or  
2 districts whose boundaries encompass such additional  
3 area. Notice of the hearing shall be published in such  
4 newspapers as are necessary to provide for general  
5 circulation within the geographic area at least once each  
6 week for three consecutive weeks, the last publication to  
7 be not less than seven days prior to the hearing. The  
8 notice shall provide a general description of all area  
9 which will be considered by the director for inclusion in  
10 the control area.

11 (b) After the hearing, which shall include  
12 testimony of representatives of the Conservation and  
13 Survey Division of the University of Nebraska and the  
14 Nebraska Natural Resources Commission, and the results of  
15 any studies or investigations conducted by the director  
16 as he or she deems necessary, the director shall  
17 determine whether a control area shall be designated. If  
18 the director determines that no control area shall be  
19 established, he or she shall issue an order declaring  
20 that no control area shall be designated.

21 (c) If the director determines that a control  
22 area shall be established within the area identified in  
23 the published notice required by subdivision (4) (a) of  
24 this section, he or she shall determine the boundaries of  
25 the control area after taking into account the  
26 considerations enumerated in subsection (1) of this  
27 section, the effect on political subdivisions and the  
1 socio-economic and administrative factors directly  
2 affecting the ability to implement and carry out local  
3 ground water management and control.

4 (d) If the director determines that contiguous  
5 area within the jurisdictional limits of one or more  
6 districts other than the district or districts which  
7 initiated the hearing is subject to the conditions  
8 identified in this section and therefore appropriate for  
9 inclusion in such control area, he shall so notify such  
10 other district or districts prior to issuance of the  
11 order designating the control area. Such additional area  
12 shall not be included in the control area unless any such  
13 other district consents in writing to such inclusion  
14 within sixty days of such notification by the director.

15 (e) When the boundaries of a control area have  
16 been determined, the director shall, following  
17 consultation with such state agencies as are named in  
18 subdivision (b) of this subsection and the district or

19 districts affected, issue an order designating the area  
 20 as a control area. Such an order shall include a  
 21 geographic and a stratographic definition of the control  
 22 area. Notice of the order shall be provided in the same  
 23 manner as that provided for the hearing.

24 (5) Modification in control area boundaries or  
 25 dissolution of a control area may be accomplished  
 26 utilizing the procedure established in this section for  
 27 the initial designation of such areas as control areas,  
 1 but hearings for designation, modification, or  
 2 dissolution of such control area may not be initiated  
 3 more often than once a year.

4 Sec. 7. That section 46-663, Revised Statutes  
 Supplement, 1979, be amended to read as follows:  
 6 46-663. Regardless of whether or not any portion  
 7 of a district has been designated as a control area  
 8 pursuant to the provisions of this act, in order to  
 9 administer and enforce this act, to reduce the likelihood  
 10 or severity of conditions developing which would require  
 11 designation of a ground water control area, and to  
 12 effectuate implement the policy of the state to conserve  
 13 ground water resources, a district may:

14 (1) Adopt, following public hearing, notice of  
 15 which shall have been given in the manner provided in  
 16 section 46-658, rules and regulations necessary to  
 17 discharge the administrative duties assigned in this act;

18 (2) Require, as may be necessary, the  
 19 installation on well systems of devices for measuring  
 20 ground water withdrawals;

21 (3) Adopt, in anticipation of a request for a  
 22 control area and while studies are scheduled or ongoing  
 23 to determine if such a request for designation should be  
 24 made, well-spacing requirements more restrictive than  
 25 those found in Chapter 46, article 6. Such well-spacing  
 26 requirements shall be periodically reviewed by the  
 27 district during the study for possible modification or  
 1 elimination;

2 (4) ~~(2)~~ Require such reports from ground water  
 3 users as may be necessary;

4 (5) ~~(3)~~ Conduct investigations, and cooperate or  
 5 contract with agencies of the United States, agencies or  
 6 political subdivisions of this state, public or private  
 7 corporations, or any association or individual on any  
 8 matter relevant to the administration of this act;

9 (6) ~~(4)~~ Report to and consult with the Department  
 10 of Environmental Control on all matters concerning the  
 11 entry of pollution or polluting materials into ground  
 12 water supplies; and

13 (7) ~~(5)~~ Issue cease and desist orders, following  
 14 ten days' notice to the person affected stating the

15 contemplated action and in general the grounds therefor  
 16 and following reasonable opportunity to be heard, to  
 17 restrain the construction of illegal wells or the  
 18 withdrawal or use of water from such wells, or to enforce  
 19 any of the provisions of this act or of orders or permits  
 20 issued pursuant hereto, and initiate suits to enforce the  
 21 provisions of orders issued pursuant to this act. ; and

22 ~~(6) Issue cease and desist orders, following ten~~  
 23 ~~days' notice to the person affected stating the~~  
 24 ~~contemplated action and in general the grounds therefor~~  
 25 ~~and following reasonable opportunity to be heard, to~~  
 26 ~~restrain the construction of illegal wells or the~~  
 27 ~~withdrawal or use of water from such wells."~~

1 2. On page 5 strike beginning with "of" in line  
 2 16 through "sewage" in line 19, show as stricken, and  
 3 insert "shall mean the presence or effect of any foreign  
 4 substance, organic, inorganic, radiological, biological,  
 5 or thermal, in water which tends to lower the quality of  
 6 groundwater or other resource to a point that it  
 7 constitutes a nuisance, creates a health hazard, or  
 8 impairs the usefulness of the resource".

9 3. On page 9, line 12 after "sections" insert  
 10 "46-656,"; in line 14 strike "section" and insert  
 11 "sections" and after "46-602," insert "46-658, and  
 12 46-663,".

13 4. Renumber remaining sections accordingly.

Mr. Sieck asked unanimous consent to print the following amendment  
 to LB 643 in the Journal. No objections. So ordered.

Req. #2365

2 1. On page 6, line 18 strike "director", show as  
 3 stricken, and insert "district in which the well will be  
 4 located"; in line 23 after the period insert: "The  
 5 district shall review such application and forward it to  
 6 the director, with any comments or recommendations the  
 7 district may have, within thirty days after the  
 8 application is filed."

9 2. On page 8, line 2 strike "and" and insert an  
 10 underscored comma; in line 4 after "made" insert ", and  
 11 whether, in the opinion of the district, the applicant  
 12 acted in good faith except for the failure to obtain a  
 13 timely permit"; in line 14 strike "or", and show as  
 14 stricken; and in line 16 before the period insert ", or  
 15 (c) in the case of a late permit only, that the applicant  
 16 did not act in good faith in failing to obtain a timely  
 17 permit".

18 3. Strike original section 5 and insert the  
 19 following two new sections:

20 "Sec. 5. Before any rule or regulation is

21 adopted pursuant to section 46-663, Revised Statutes  
22 Supplement, 1979, a public hearing shall be held within  
23 the district in reasonable proximity to the area to be  
24 affected. Notice of the hearing shall be published in  
25 such newspapers as are necessary to provide for general  
1 circulation within the geographic area at least once each  
2 week for three consecutive weeks, the last publication to  
3 be not less than seven days prior to the hearing. The  
4 notice shall provide a general description of all area to  
5 be affected by the proposed rule or regulation. The text  
6 of the proposed rule or regulation shall be made  
7 available to the public at least thirty days prior to any  
8 such hearing.

9 Sec. 6. That section 46-666, Revised Statutes  
10 Supplement, 1979, be amended to read as follows:

11 46-666. (1) The district shall by order, after a  
12 hearing conducted pursuant to subsection (2) of section  
13 46-665, the record of which shall include the testimony  
14 of a representative of the Conservation and Survey  
15 Division of the University of Nebraska and the Nebraska  
16 Natural Resources Commission, adopt one or more of the  
17 following controls:

18 (a) It may determine the permissible total  
19 withdrawal of ground water in the designated control area  
20 for each day, month, or year, and allocate such  
21 withdrawal among the ground water users within the area;

22 (b) It may adopt and enforce a system of rotation  
23 for use of ground water in the control area; and

24 (c) It may adopt well-spacing requirements more  
25 restrictive than those found in Chapter 46, article 6;  
26 and

1 (d) It may adopt such other reasonable  
2 regulations as are necessary to carry out the intent of  
3 this act.

4 (2) In adopting, amending, or repealing any  
5 control authorized by subsection (1) of this section, the  
6 district's considerations shall include, but not be  
7 limited to, whether it reasonably appears that such  
8 action will mitigate or eliminate the condition which led  
9 to designation of the control area, will encourage a high  
10 degree of water use efficiency, or will improve the  
11 administration of the control area.

12 (2) (3) The adoption, amendment, or repeal of any  
13 authorized control shall be subject to the approval of  
14 the director. The director may hold a public hearing to  
15 consider testimony regarding such controls prior to the  
16 issuance of an order approving or disapproving the  
17 adoption, amendment, or repeal of such controls. The  
18 director shall consult with the district and fix a time,  
19 place, and date for such hearing. In approving the

20 adoption, amendment, or repeal of an authorized control,  
 21 the director's considerations shall include, but not be  
 22 limited to, those enumerated in subsection (2) of this  
 23 section.

24 ~~(3)~~ (4) If because of varying climatic,  
 25 hydrologic, or geologic or soil conditions existing  
 26 within the control area, the uniform application  
 27 throughout such area of one or more controls would fail  
 1 to carry out the intent of this act in a reasonably  
 2 effective and equitable manner, the controls adopted by  
 3 the district pursuant to subsection (1) of this section  
 4 may contain different provisions for different portions  
 5 of the control area. Any differences in such provisions  
 6 shall recognize and be directed toward such varying  
 7 conditions. The provisions of all controls shall be  
 8 uniform for all portions of the control area which have  
 9 substantially similar climatic, hydrologic, geologic, and  
 10 soil conditions.

11 (4) (5) If the district determines, following a  
 12 public hearing conducted pursuant to section 46-665, that  
 13 depletion of the ground water supply in the control area  
 14 or any portion thereof is so excessive that the public  
 15 interest cannot be protected solely through  
 16 implementation of reasonable controls adopted pursuant to  
 17 subsection (1) of this section, it may, with the approval  
 18 of the director, close the control area or portion  
 19 thereof to the issuance of any additional permits for a  
 20 period of one calendar year. Such areas may be further  
 21 closed thereafter by a similar procedure for additional  
 22 one-year periods. Any such area may be reopened at any  
 23 time the district shall determine that conditions warrant  
 24 new permits, at which time the director shall consider  
 25 all previously submitted applications for permits in the  
 26 order in which they were received.

1 (5) (6) The district shall cause a copy of each  
 2 order adopted pursuant to this section to be published  
 3 once each week for three consecutive weeks in a local  
 4 newspaper published or of general circulation in the area  
 5 involved, the last publication of which shall be not less  
 6 than ten days prior to the date set for the effective  
 7 date of such order.

8 (6) (7) Whenever a control area, designated  
 9 pursuant to section 46-658, encompasses portions of two  
 10 or more districts, the responsibilities and authorities  
 11 delegated in this section and section 46-665 shall be  
 12 exercised jointly and uniformly by agreement of the  
 13 respective boards of directors of all districts so  
 14 affected.

15 (7) (8) If, at the end of eighteen months  
 16 following the designation of a control area pursuant to

17 section 46-658, the district or districts encompassed in  
 18 whole or in part by such control area have not adopted a  
 19 specific control or controls pursuant to subsection (1)  
 20 of this section, the power to specify such controls shall  
 21 vest in the director who shall, within ninety days  
 22 thereafter, adopt by rule and regulation such control or  
 23 controls as he or she shall deem necessary for carrying  
 24 out the intent of this act. Subject to section 46-677,  
 25 the enforcement of controls adopted pursuant to this  
 26 section shall be the responsibility of the district or  
 27 districts involved.

1       (8) (9) If the power to adopt a control or  
 2 controls shall be vested in the director, he or she shall  
 3 be provided with a copy of all information, testimony,  
 4 and data available to the district or districts as a  
 5 result of the public hearing for the adoption of a  
 6 control or controls. At his or her discretion, the  
 7 director may conduct one or more additional public  
 8 hearings prior to making his or her determination or  
 9 selection of controls. Notice of any such additional  
 10 hearings shall be given in the manner provided in section  
 11 46-658.”.

12       4. On page 9, line 14 strike “section” and  
 13 insert “sections”, and after “46-602” insert “and  
 14 46-666”.

15       5. Renumber original section 6 as section 7.

Mr. Beutler asked unanimous consent to print the following amendment to LB 643 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk’s Office - Req. #2362.)

#### SELECT FILE

**LEGISLATIVE BILL 684A.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 633A.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 847A.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 877A.** Advanced to E & R for Engrossment.  
**LEGISLATIVE BILL 690.** Advanced to E & R for Engrossment.

Messrs. Simon and Venditte asked unanimous consent to be excused. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 899.** Title read. Considered.

Passed over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 611.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1393 for the Forty-Seventh Day were adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 11 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 933.** Title read. Considered.

Mr. Koch moved the adoption of the George amendment referred to in the Journal on page 1652 (Req. #2317).

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 647A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

### **VISITORS**

Visitors to the Chamber 14 students and sponsors from Pleasanton; and 50 seventh grade students and sponsor from St. Paul.

### **ADJOURNMENT**

At 7:53 p.m., on a motion by Mr. Newell, the Legislature adjourned until 9:00 a.m., Thursday, April 10, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SEVENTH DAY - APRIL 10, 1980**  
**LEGISLATIVE JOURNAL**

**FIFTY-SEVENTH DAY - APRIL 10, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 10, 1980

Pursuant to adjournment, the Legislature met at 9:13 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Dear God, we pray this morning for ourselves, so varied in our aims that no one prayer can ever say it all. Some of us are in a hurry to promote the passage of a favored bill, wanting the big prize now, and yet we find ourselves because of others on a local train making every stop. Some of us are reeling from a recent defeat because of some vote or committee or action, and what was rock beneath our feet has turned to sand. Some of us are suffering from flagging self-esteem, where it seems that others who have made promises to us or supported us are now moving on in their own direction. Some of us are trying to rope a bucking conscience, for we find we can neither hate those whom we are expected to hate nor love those whom we are called upon to love. Oh God, for such as we is Your grace given, without measure and without price. May we be humble enough to receive Your grace, and glad enough to know that we can never go where You are not, nor sink beneath the level of Your loving purpose daily for our lives. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh and Mr. Lewis who were excused; and Mr. Newell who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fifty-Sixth Day was approved.

**UNANIMOUS CONSENT - Member Excused**

Mrs. Marsh asked unanimous consent to be excused April 10, 14, 15, and 18, 1980. No objections. So ordered.

**MOTION - Return LB 1002 to Select File**

Mr. Warner moved to return LB 1002 to Select File for the specific amendment found in the Journal on page 1728.

The motion prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**MR. CLARK PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 1002.** The Warner specific amendment found in the Journal on page 1728 was renewed.

Mr. Kelly asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 10 nays, and 15 not voting.

Mr. Venditte 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 Warner specific amendment was adopted with 28 ayes, 7 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

**SPEAKER MARVEL PRESIDING**

**UNANIMOUS CONSENT - Withdraw Amendment to LB 1002**

Mr. George asked unanimous consent to withdraw his pending amendment to LB 1002 found in the Journal on page 1621. No objections. So ordered.

**MOTION - Return LB 1002 to Select File**

Mr. Hefner moved to return LB 1002 to Select File for the specific amendment found in the Journal on page 1678.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Hefner motion prevailed with 26 ayes, 8 nays, 13 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1002.** The Hefner specific amendment found in the Journal on page 1678 was adopted with 27 ayes, 9 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 1002 to Select File**

Mr. Vickers moved to return LB 1002 to Select File for his specific amendment found in the Journal on page 1729.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Vickers motion prevailed with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1002.** The Vickers specific amendment found in the Journal on page 1729 was renewed.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Vickers specific amendment was adopted with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

**UNANIMOUS CONSENT - Withdraw Amendments to LB 1002**

Mr. Koch asked unanimous consent to withdraw his pending amendment to LB 1002 found in the Journal on page 1730. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment to LB 1002 found in the Journal on page 1739. No objections. So ordered.

**MR. CLARK PRESIDING**

**MOTION - Return LB 1002 to Select File**

Mr. Kahle moved to return LB 1002 to Select File for the following specific amendment:

Any money which is added to state aid to education shall be distributed on a per pupil basis.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 15 nays, and 17 not voting.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Kahle moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Kahle requested a roll call vote on his motion to return LB 1002.

Voting in the affirmative, 21:

|            |          |         |         |        |
|------------|----------|---------|---------|--------|
| Burrows    | Dworak   | Kennedy | Murphy  | Wagner |
| Chronister | Haberman | Kremer  | Rumery  |        |
| Clark      | Hefner   | Lamb    | Schmit  |        |
| Cullan     | Kahle    | Maresh  | Sieck   |        |
| DeCamp     | Kelly    | Merz    | Vickers |        |

Voting in the negative, 25:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Beutler    | Fowler   | Keyes    | Newell  | Simon    |
| Carsten    | George   | Koch     | Nichol  | Stoney   |
| Chambers   | Goodrich | Labeledz | Pirsch  | Venditte |
| Cope       | Hoagland | Landis   | Powers  | Warner   |
| Fitzgerald | Johnson  | Marvel   | Reutzel | Wesely   |

Present and not voting, 1:

Barrett

Excused and not voting, 2:

Lewis            Marsh

The Kahle motion lost with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

### MESSAGE FROM THE GOVERNOR

April 10, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 995 with my line item reduction and with my signature.

In sending LB 995 to me, you have outlined several areas that are in need of deficiency funding and for which I have no major objection. You have, however, included in this bill the salary provision to which I object. This bill provides for a 3 percent wage increase between May 1, 1980 and June 30, 1980 to be given by agencies that have sufficient funds to do so. LB 995 directs that the State of Nebraska Classification and Pay Plan be amended on May 1, 1980 by increasing all pay rates by 3 percent. It is clear that all state employees will not receive this increase at the same time. Further, the salaries of many employees will possibly fall below the minimum rates of the pay plan. Again I must say this is unfair.

A compromise figure of 8 percent for salary increases is recommended. This figure will result in a reduction of nearly \$12 million from the state's personal service base and save more than \$5 million from the state's general fund.

I ask that you sustain my vetoes so that we can provide the responsible government and fiscal restraint our constituents should expect from us.

Respectfully,  
(Signed) CHARLES THONE  
Governor

CT:d1m

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 611.** Placed on Select File as amended.  
E & R amendment to LB 611:

1. In the title, line 3, insert "75-720," after the second comma.

**LEGISLATIVE BILL 933.** Placed on Select File as amended.  
E & R amendments to LB 933:

1. For correlation purposes in the George amendments, page 21, line 5, insert "as amended by section 1, Legislative Bill 655, Eighty-sixth Legislature, Second Session, 1980" after "1943"; strike beginning with "as" in line 10 through "years" in line 14 and insert "in equal annual installments over a period of years of not less than four years and not more than ten years as the mayor and council or chairperson and board of trustees may determine at the time of making the levy. The first installment shall become delinquent fifty days after the making of such levy. Subsequent installments shall become delinquent on the anniversary date of the levy"; at the end of line 15 insert "or board of trustees, as the case may be,"; in line 16 strike "the aforesaid" and insert "such"; and at the end of line 26 insert "Should there be three or more of such installments delinquent and unpaid on the same property, the mayor and city council or the chairperson and board of trustees as the case may be may by resolution declare all future installments on such delinquent property to be due on a future fixed date. The resolution shall set forth the description of the property and the names of its record title owners and shall provide that all future installments shall become delinquent upon the date fixed. A copy of such resolution shall be published one time in a legal newspaper of general circulation published in the municipality and after the fixed date such future installments shall be deemed to be delinquent and the municipality may proceed to enforce and collect the total amount due including all future installments."

2. In the George amendments, page 26, line 11, strike "19-2404,"; in line 13, strike "and"; and in line 14 insert "and section 19-2404, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 655, Eighty-sixth Legislature,

Second Session, 1980" after "1979".

3. In the title, strike lines 2 to 8 and insert:  
 "FOR AN ACT relating to political subdivisions; to change maximum interest rates on various obligations as prescribed; to require notice prior to the creation of sanitary and improvement districts; to amend sections 15-271, 15-734, 15-821, 16-606, 16-622, 16-652, 16-664, 16-666, 16-669, 16-672.07, 16-672.09, 16-6,105, 17-515, 17-920, 17-923, 17-974, 18-406, 19-2418, 19-3316, 31-728, 31-753, and 39-1615, Reissue Revised Statutes of Nebraska, 1943, section 77-207, Revised Statutes Supplement, 1979, and section 19-2404, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 655, Eighty-sixth Legislature, Second Session, 1980; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 647A.** Placed on Select File.

(Signed) Don Wesely, Chairperson

### RESOLUTION

#### LEGISLATIVE RESOLUTION 339.

Introduced by Wesely, 26th District.

WHEREAS, it is the responsibility of the Nebraska Legislature to determine which occupations will be subject to the restrictions and privileges of professional licensure in order to protect the health, safety, and economic well-being of the public; and

WHEREAS, the requirements and evaluation procedures for obtaining a professional license should specifically relate to the qualifications of an applicant to effectively practice his or her profession; and

WHEREAS, procedures for evaluating applicants and disciplinary proceedings of practitioners, including the procedure for handling complaints by the public, should be fair and expeditious to the applicant, the practitioner, and the general public; and

WHEREAS, the purpose of regulation is to protect the public and not the economic interest of the occupational group, thus and to carry out this purpose, the public should be involved in the regulatory process; and

WHEREAS, professional licensing procedures should include assurances of the continued competency of each practitioner to the public he or she serves.

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

1. That the Nebraska Legislature approve professional licensure for an occupational group not previously licensed only when potential harm to the general public is easily recognizable or can be demonstrated.

2. That the Legislature, when determining whether a need for regulation exists in an occupation and when determining whether to grant professional licensure is the most appropriate mode of regulation, address the following issues:

(a) To what extent has the public's health, safety, or economic well-being been harmed because the occupational group has not been regulated?

(b) Is there a high degree of independent judgment required of practicing members of the occupation and how much skill and experience are required in making these judgments?

(c) Has the occupational group established a code of ethics?

(d) Have alternatives to licensure been considered?

(e) Could the use of applicable laws and current standards or the strengthening of such laws and standards resolve the problems confronting the public or the occupational group?

(f) How will regulation of the profession assure that those licensed are competent to practice and what standards are proposed for granting licensure?

(g) Will applicants for a license be required to pass an examination?

(h) What assurance will the public have that those licensed in the profession will maintain their competence through such methods as continuing education?

(i) How will complaints of the public against those licensed in the profession be addressed?

(j) Will professional licensing restrict competition by the professional group?

(k) Will regulation increase the costs of goods and services to the consumer?

(l) Will regulation decrease the availability of professionals in the group?

(m) How will membership of the regulatory agency be composed?

(n) What will be the powers of the regulatory agency and how will their actions be subject to review?

(o) What groups are supporting the licensure of the occupation?

(p) Is the occupational group seeking to enhance its status by requiring licensure to practice?

(q) Is the public seeking greater accountability of the occupational group?

Laid over.

Messrs. Barrett and Maresh asked unanimous consent to be excused. No objections. So ordered.

#### **MOTION - Return LB 1002 to Select File**

Mr. Powers moved to return LB 1002 to Select File for the specific amendment found in the Journal on page 1615.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Powers motion prevailed with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 1002.** The Powers specific amendment found in the Journal on page 1615 was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

#### **VISITORS**

Visitors to the Chamber were 9 eighth grade students and teacher from Lake Alice, Scotts Bluff County; 60 eighth grade students and teachers from Our Lady of Lourdes School, Omaha; 35 fourth grade students and teacher from Willard School, York; 12 twelfth grade students and teacher from Aurora High School, Aurora; 20 eighth grade students, teacher, and sponsors from West Catholic Elementary School, Menominee; 54 fourth grade students and teachers from Geneva Elementary, Geneva; and 26 fourth grade students and teacher from Willard Grade School, York.

#### **RECESS**

At 12:21 p.m., on a motion by Mr. Kremer, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh and Mr. Lewis who were excused; and Messrs. George, Johnson, and Powers who were excused until they arrive.

**SPEAKER'S ORDER**

Speaker Marvel announced we will spend two hours on General File with a limit of fifteen minutes for each bill.

**GENERAL FILE**

**LEGISLATIVE BILL 991.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1177 for the Forty-First Day were considered.

Mr. Nichol asked unanimous consent to vote on the advancement of LB 991.

Mr. Chambers objected.

Mr. Nichol moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 991.

Mr. Nichol moved for a Call of the House. The motion prevailed with 20 ayes, 14 nays, and 15 not voting.

Mr. Nichol requested a roll call vote on his motion to suspend the rules.

Mr. Barrett requested to start calling the roll at the end of the roll call.

Voting in the affirmative, 37:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Barrett    | Dworak     | Hoagland | Kremer   | Murphy |
| Carsten    | Fitzgerald | Johnson  | Labeledz | Newell |
| Chronister | George     | Kahle    | Lamb     | Nichol |
| Clark      | Goodrich   | Kelly    | Maresh   | Pirsch |
| Cope       | Haberman   | Keyes    | Marvel   | Powers |
| DeCamp     | Hefner     | Koch     | Merz     | Rumery |

1804

LEGISLATIVE JOURNAL

|        |        |          |        |
|--------|--------|----------|--------|
| Schmit | Simon  | Venditte | Warner |
| Sieck  | Stoney | Wagner   |        |

Voting in the negative, 8:

|          |        |         |         |
|----------|--------|---------|---------|
| Burrows  | Cullan | Kennedy | Reutzel |
| Chambers | Fowler | Landis  | Vickers |

Present and not voting, 2:

|         |        |
|---------|--------|
| Beutler | Wesely |
|---------|--------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

The motion prevailed with 37 ayes, 8 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Venditte requested a record vote to advance LB 991.

Voting in the affirmative, 33:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Carsten    | Goodrich | Keyes    | Newell | Simon    |
| Chronister | Haberman | Koch     | Nichol | Stoney   |
| Clark      | Hefner   | Kremer   | Pirsch | Venditte |
| Cope       | Hoagland | Labeledz | Powers | Wagner   |
| DeCamp     | Johnson  | Lamb     | Rumery | Warner   |
| Fitzgerald | Kahle    | Maresh   | Schmit |          |
| George     | Kelly    | Merz     | Sieck  |          |

Voting in the negative, 10:

|          |        |         |         |         |
|----------|--------|---------|---------|---------|
| Burrows  | Cullan | Fowler  | Landis  | Vickers |
| Chambers | Dworak | Kennedy | Reutzel | Wesely  |

Present and not voting, 4:

|         |         |        |        |
|---------|---------|--------|--------|
| Barrett | Beutler | Marvel | Murphy |
|---------|---------|--------|--------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

Advanced to E & R for Review with 33 ayes, 10 nays, 4 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 992.** Title read. Considered.

Standing Committee amendments found in the Journal on page 1263 for the Forty-Fourth Day were adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 784.** Title read. Considered.

Mr. Beutler moved to indefinitely postpone.

Mr. Beutler moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. Beutler requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 20:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Barrett    | Clark    | Haberman | Lamb   | Pirsch |
| Beutler    | Cope     | Hefner   | Maresh | Sieck  |
| Carsten    | George   | Kennedy  | Murphy | Stoney |
| Chronister | Goodrich | Koch     | Nichol | Warner |

Voting in the negative, 24:

|          |            |          |         |        |
|----------|------------|----------|---------|--------|
| Burrows  | Fitzgerald | Kelly    | Marvel  | Rumery |
| Chambers | Fowler     | Keyes    | Merz    | Schmit |
| Cullan   | Hoagland   | Kremer   | Newell  | Simon  |
| DeCamp   | Johnson    | Labeledz | Powers  | Wesely |
| Dworak   | Kahle      | Landis   | Reutzel |        |

Present and not voting, 2:

Venditte      Wagner

Excused and not voting, 3:

Lewis              Marsh              Vickers

The motion to indefinitely postpone lost with 20 ayes, 24 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Fowler moved to suspend the rules, Rule 6, Sec. 3, and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 748.

Mr. Fowler moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

### **MR. CLARK PRESIDING**

Mr. Fowler requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 27:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Burrows    | Fowler   | Kelly    | Merz    | Simon  |
| Carsten    | Goodrich | Keyes    | Newell  | Warner |
| Chambers   | Haberman | Kremer   | Powers  | Wesely |
| DeCamp     | Hoagland | Labeledz | Reutzel |        |
| Dworak     | Johnson  | Landis   | Rumery  |        |
| Fitzgerald | Kahle    | Marvel   | Schmit  |        |

Voting in the negative, 15:

|         |        |        |        |        |
|---------|--------|--------|--------|--------|
| Barrett | Cope   | Hefner | Maresh | Pirsch |
| Beutler | Cullan | Koch   | Murphy | Sieck  |
| Clark   | George | Lamb   | Nichol | Stoney |

Present and not voting, 3:

Chronister    Kennedy    Wagner

Excused and not voting, 3:

Lewis            Marsh            Vickers

Absent and not voting, 1:

Venditte

The motion to suspend the rules lost with 27 ayes, 15 nays, 3 present and not voting, 3 excused and not voting, and 1 absent and not voting.

**LEGISLATIVE BILL 965.** Title read. Considered.

Standing Committee amendments found in the Journal on page 867 for the Thirty-First Day were adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Hoagland withdrew his pending amendments found in the Journal on pages 1161 and 1246.

Messrs. Hoagland and Cullan offered the following amendment:  
Req. #2383

- 2 1. In the Standing Committee Amendments:  
3 (a) On page 1, line 7 after the semicolon insert  
4 "strike beginning with 'The' in line 11 through line 15  
5 and show as stricken;"; in lines 17 and 18 strike  
6 "seventy-five thousandths" and insert "one hundred fifty  
7 thousandths"; and in line 24 strike "a new section" and  
8 insert "two new sections".  
9 (b) On page 2 after the underscored period in  
10 line 3 insert the following:  
11 "Sec. 19. That section 81-1560, Revised  
12 Statutes Supplement, 1979, be amended to read as follows:  
13 81-1560. The fee imposed by section 81-1559  
14 shall be calculated only on the value of products or the  
15 gross proceeds of sales of products falling which  
16 directly contribute to litter as defined in section  
17 81-1541, Revised Statutes Supplement, 1979, and which  
18 fall into the following categories: (1) Food for human  
19 or pet consumption; (2) groceries; (3) cigarettes and  
20 other tobacco products; (4) soft drinks and carbonated  
21 waters; (5) liquor, wine, and beer and other malt  
22 beverages; (6) household paper and paper products,  
23 excluding magazines, periodicals, newspapers, and  
24 literary works; (7) glass containers; (8) metal  
25 containers; (9) plastic or fiber containers made of  
1 synthetic material; and (10) cleaning agents and  
2 toiletries."  
3 (c) Strike amendment 7 and insert the following  
4 new amendment:  
5 "7. On page 12, line 14 strike 'and'; and after  
6 the first comma in line 15 insert 'and 81-1560,'."

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Hoagland requested a roll call vote on the amendment.

Voting in the affirmative, 22:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Barrett    | Cullan   | Haberman | Landis  | Sieck  |
| Beutler    | Dworak   | Hoagland | Marvel  | Wesely |
| Chambers   | Fowler   | Johnson  | Pirsch  |        |
| Chronister | George   | Kremer   | Reutzel |        |
| Cope       | Goodrich | Lamb     | Rumery  |        |

Voting in the negative, 19:

|         |         |          |        |          |
|---------|---------|----------|--------|----------|
| Carsten | Kelly   | Labeledz | Nichol | Venditte |
| Clark   | Kennedy | Maresh   | Schmit | Wagner   |
| DeCamp  | Keyes   | Merz     | Simon  | Warner   |
| Kahle   | Koch    | Murphy   | Stoney |          |

Present and not voting, 5:

|         |            |        |        |        |
|---------|------------|--------|--------|--------|
| Burrows | Fitzgerald | Hefner | Newell | Powers |
|---------|------------|--------|--------|--------|

Excused and not voting, 3:

|       |       |         |
|-------|-------|---------|
| Lewis | Marsh | Vickers |
|-------|-------|---------|

The Hoagland-Cullan amendment lost with 22 ayes, 19 nays, 5 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 965.

The motion prevailed with 30 ayes, 6 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 10 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 965A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 535.

**Correctly Engrossed**

The following bills were correctly engrossed: 486, 633A, 651, 684A, 690, 773A, 800, 844, 847A, 877A, 889, 989, and 989A.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Wesely asked unanimous consent to print the following amendments to LB 647 in the Journal. No objections. So ordered.

(1)

1 1. In the Chronister amendment on page 1583 of  
 2 the Journal in line 2 strike "and"; in line 4 after "elbow"  
 3 insert ", and (6) individuals with progressive osteo-  
 4 arthritis"; and in line 6 strike "or" and after "(5)"  
 5 insert ", or (6)".

(2)

(Amendments to White Copy REQ 2216)

1 1. On page 1, line 24 after "For" insert  
 2 "(a)"; and in line 25 after "~~older~~" insert "or (b)  
 3 a single qualified claimant sixty years of age or  
 4 older who is the unremarried widow or widower of a  
 5 person who qualified for an exemption under subsection  
 6 (3) of this section" and reinstate the stricken comma.

(3)

(Amendments to White Copy REQ. 2216)

Req. #2389

3 1. Insert the following new section:  
 4 "Sec. 13. (1) The county board of equalization  
 5 may, after a hearing on ten days' notice to the  
 6 applicant, and after considering the recommendation of  
 7 the county assessor and any other information it may  
 8 obtain, defer any tax assessed on residential property  
 9 contained in any assessment book, and such property shall  
 10 not be sold for delinquent taxes if the owner is  
 11 indigent.

12 (2) All or a portion of the tax assessed on  
 13 residential property due from any person considered by

14 the county board of equalization to be indigent may be  
 15 deferred and accumulate as a lien against the property  
 16 until such time as the property is sold or otherwise  
 17 disposed of, either through a normal sale of it or any  
 18 other occurrence by which the title is vested in another.  
 19 The application for the deferral must be approved in  
 20 writing interest at the rate provided in section 77-207,  
 21 Revised Statutes Supplement, 1979, for delinquent taxes.

22 (3) Any person under sixty-five years of age  
 23 shall not be eligible for relief under this section  
 24 unless the county board of equalization finds that  
 25 extreme hardship would result should the relief not be  
 1 granted or such person is disabled. The county board of  
 2 equalization may act on matters of deferral at any time.

3 (4) Any person applying for deferral of taxes  
 4 shall each year file an application for the deferral with  
 5 the county assessor of the county in which the real  
 6 estate is located, which will give adequate facts setting  
 7 forth the applicant's eligibility to receive the  
 8 deferral. The application shall contain a signed  
 9 affidavit, setting forth the applicant's eligibility to  
 10 receive the deferral. Both husband and wife must sign  
 11 the application when the applicant is married.

12 (5) For the purpose of this section an indigent  
 13 person is any person whose total yearly income is less  
 14 than three thousand seven hundred dollars, who resides  
 15 for not less than ten months of each year in the  
 16 residence for which he or she requests a property tax  
 17 deferral, and who is unable to meet the tax assessed on  
 18 his or her residential property as this tax becomes due.  
 19 For a married couple the combined total income from all  
 20 sources shall not exceed five thousand four hundred fifty  
 21 dollars. Both parties' income shall be considered by the  
 22 board, as well as any assets transferred to relatives in  
 23 the prior three-year period in making its determination.

24 (6) The deferred tax shall have the same status  
 25 as a lien provided under section 77-203, Reissue Revised  
 26 Statutes of Nebraska, 1943.

1 (7) The Tax Commissioner shall prescribe rules  
 2 and regulations and forms under which this deferral shall  
 3 be claimed and applied."

4 2. Renumber remaining sections accordingly.

## VISITORS

Messrs. DeCamp, Hefner, Maresh, Kelly, and Wagner escorted the Saudi Arabian Ambassador to the United States, Sheikh Faisal Alhegla and his wife, Madame Nouha Alhegla to the rostrum. The Ambassador addressed the members.

The guests were escorted from the Chamber.

**SPEAKER MARVEL PRESIDING**

Messrs. Burrows and Maresh asked unanimous consent to be excused until they return. No objections. So ordered.

**MESSAGE FROM THE GOVERNOR**

April 10, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 768.

This bill was signed by me on April 10, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**GENERAL FILE**

**LEGISLATIVE BILL 964.** Title read. Considered.

Standing Committee amendments found in the Journal on page 868 for the Thirty-First Day were considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendments were adopted with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 964.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

The motion to suspend the rules prevailed with 30 ayes, 9 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

### **MOTION - Change Speaker's Order**

Mrs. Labeledz moved to change the Speaker's Order and continue on General File until 6:00 p.m. then proceed to Select File.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

Mrs. Labeledz requested a record vote on her motion.

Voting in the affirmative, 11:

|            |          |          |          |
|------------|----------|----------|----------|
| Chronister | George   | Keyes    | Newell   |
| DeCamp     | Goodrich | Labeledz | Venditte |
| Dworak     | Haberman | Merz     |          |

Voting in the negative, 27:

|          |          |         |         |        |
|----------|----------|---------|---------|--------|
| Barrett  | Cullan   | Kelly   | Reutzel | Wagner |
| Beutler  | Fowler   | Kennedy | Rumery  | Warner |
| Carsten  | Hefner   | Landis  | Sieck   | Wesely |
| Chambers | Hoagland | Murphy  | Simon   |        |
| Clark    | Johnson  | Nichol  | Stoney  |        |
| Cope     | Kahle    | Pirsch  | Vickers |        |

Present and not voting, 6:

|            |        |        |
|------------|--------|--------|
| Fitzgerald | Kremer | Marvel |
| Koch       | Lamb   | Schmit |

Excused and not voting, 5:

|         |       |        |       |        |
|---------|-------|--------|-------|--------|
| Burrows | Lewis | Maresh | Marsh | Powers |
|---------|-------|--------|-------|--------|

The Labeledz motion lost with 11 ayes, 27 nays, 6 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 628.** Mr. DeCamp renewed his pending amendment found in the Journal on page 1618.

Mr. Chambers offered the following amendment to the DeCamp amendment:

Strike all new language relative to the setting of minimum salaries for sheriffs, and reinstate original language which includes sheriffs among other county officials whose salaries are set by current law.

The Chambers amendment was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

The DeCamp amendment, as amended, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The Chambers-Vickers amendment found in the Journal on page 930 was withdrawn.

Mr. Landis offered the following amendment:

- 1 1. On page 9, line 9 strike "The" and insert
- 2 "Except in counties having a county board of corrections
- 3 pursuant to Chapter 23, article 28, the".
- 4 2. On page 11, line 18, after "board" insert
- 5 "or county board of corrections serving pursuant to
- 6 Chapter 23, article 28,".
- 7 3. On page 12, line 20 after the second "county"
- 8 insert "and the county board of corrections serving
- 9 pursuant to Chapter 23, article 28,"; and in line 23
- 10 strike "county".

The amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 991.** Placed on Select File.

**LEGISLATIVE BILL 992.** Placed on Select File as amended.  
E & R amendments to LB 992:

1. On page 10, line 10, strike "(1)".

2. In committee amendments, page 2, line 23, strike “and” and insert “of”.

3. On page 15, line 25, and in the title, line 6, strike “71-626.02” and insert “71-627.02”.

4. In the title, line 9, insert “to provide severability;” after the semicolon.

**LEGISLATIVE BILL 965.** Placed on Select File as amended. E & R amendments to LB 965:

1. In committee amendments, page 1, line 21, strike “page 5” and insert “page 12”.

2. On page 6, line 1, strike “towns” and insert “villages”; and in line 7, strike “and” and insert an underscored comma.

**LEGISLATIVE BILL 965A.** Placed on Select File.

**LEGISLATIVE BILL 964.** Placed on Select File as amended. E & R amendment to LB 964:

1. In the title, strike beginning with the second “to” in line 5 through the semicolon in line 6; and in line 8 after “education” insert “which does not impose an unfair and excessive property tax burden”.

(Signed) Don Wesely, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 959.** Mr. Warner withdrew his pending amendment found in the Journal on page 859.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 690A.** Mr. Chambers offered the following amendment:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Clark requested a machine vote to advance LB 690A.

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Engrossment with 25 ayes, 5 nays, and 19 not voting.

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 790.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 666.** The Keyes-Newell pending amendment found in the Journal on page 1085 was withdrawn.

The Kahle pending amendment found in the Journal on page 1306 was withdrawn.

The Schmit pending amendment referred to in the Journal on page 1085 was withdrawn.

Mr. Kahle renewed his pending amendment found in the Journal on page 1518.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:

- 1 1. On page 5, line 3 after "79" insert an
- 2 underscored comma, and strike "or 85," and show as stricken.
- 3 2. On page 6, line 26 after "state" insert
- 4 "including educational institutions recognized or estab-
- 5 lished under the provisions of Chapter 85."
- 6 3. In the Kahle amendment Req 2293, on page 2,
- 7 line 3 strike "effective" and insert "operative".
- 8 4. Insert new sections as follows:
- 9 "Sec. 2. This act shall become operative on
- 10 July 1, 1980.
- 11 Sec. 4. Since an emergency exists, this act
- 12 shall be in full force and take effect, from and after
- 13 its passage and approval, according to law."
- 14 5. Renumber original section 2 as section 3.

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

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 280.** Mr. Murphy offered the following amendment:

Amendments to White Copy Req. 2040

- 1 1. On page 5, line 14 before "shall" insert
- 2 "of an office using the designation or title certified
- 3 public accountant or the abbreviation C.P.A.", and

4 after "each" insert "such".

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 1002.

**Correctly Engrossed**

The following bills were correctly engrossed: 627, 722, 722A, 848.

(Signed) Don Wesely, Chairperson

**Title Change to LB 722**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 722:

The second to fifth lines have been amended to read:  
"FOR AN ACT relating to motor vehicle fuel taxes; to provide additional taxes as prescribed; to provide for their use; to provide duties of the State Board of Equalization and Assessment, the materiel administrator, and the Tax Commissioner; to create a fund; to amend".

**Title Change to LB 848**

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 848:

In the title, line 22 "to permit certain uses of public streets and sidewalks;" has been inserted after the first semicolon.

(Signed) Emory P. Burnett,  
E & R Attorney

**SELECT FILE**

**LEGISLATIVE BILL 882.** E & R amendments found in the Journal on page 1593 for the Fifty-Second Day were adopted.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 1545.

Mr. Newell withdrew his pending amendment found in the Journal on page 1614.

Mr. Newell renewed the previous Warner amendment found in the Journal on page 1629.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Newell moved for a Call of the House. The motion lost with 6 ayes, 15 nays, and 28 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 15:

|          |            |         |        |        |
|----------|------------|---------|--------|--------|
| Beutler  | Fitzgerald | Johnson | Landis | Simon  |
| Chambers | Fowler     | Keyes   | Newell | Warner |
| Dworak   | Hoagland   | Koch    | Pirsch | Wesely |

Voting in the negative, 26:

|            |          |         |         |        |
|------------|----------|---------|---------|--------|
| Barrett    | DeCamp   | Kennedy | Murphy  | Stoney |
| Carsten    | George   | Kremer  | Nichol  | Wagner |
| Chronister | Haberman | Lamb    | Reutzel |        |
| Clark      | Hefner   | Maresh  | Rumery  |        |
| Cope       | Kahle    | Marvel  | Schmit  |        |
| Cullan     | Kelly    | Merz    | Sieck   |        |

Present and not voting, 2:

Burrows      Vickers

Excused and not voting, 4:

Lewis          Marsh          Powers          Venditte

Absent and not voting, 2:

Goodrich      Labeledz

The Newell amendment lost with 15 ayes, 26 nays, 2 present and not voting, 4 excused and not voting, and 2 absent and not voting.

### **SPEAKER MARVEL PRESIDING**

Mr. Simon asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell renewed his pending amendment (1) found in the Journal on page 1633.

Mr. DeCamp requested a ruling of the Chair on whether the amendment is germane.

The Chair ruled the amendment germane.

Mr. DeCamp challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Murphy moved to adjourn until 9:00 a.m. Monday, April 14.

Mr. Keyes moved for a Call of the House. The motion prevailed with 11 ayes, 5 nays, and 33 not voting.

Mr. Murphy requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 18:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Barrett    | DeCamp   | Kennedy | Murphy | Vickers |
| Burrows    | George   | Keyes   | Schmit | Wagner  |
| Chronister | Haberman | Kremer  | Sieck  |         |
| Clark      | Hefner   | Lamb    | Simon  |         |

Voting in the negative, 24:

|          |            |        |         |        |
|----------|------------|--------|---------|--------|
| Carsten  | Fitzgerald | Kelly  | Marvel  | Rumery |
| Chambers | Fowler     | Koch   | Merz    | Stoney |
| Cope     | Hoagland   | Labedz | Nichol  | Warner |
| Cullan   | Johnson    | Landis | Pirsch  | Wesely |
| Dworak   | Kahle      | Maresh | Reutzel |        |

Present and not voting, 2:

|         |        |
|---------|--------|
| Beutler | Newell |
|---------|--------|

Excused and not voting, 4:

Lewis            Marsh            Powers            Venditte

Absent and not voting, 1:

Goodrich

The motion to adjourn lost with 18 ayes, 24 nays, 2 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Newell raised a point of order pursuant to Rule 7, Sec. 4 whether there has been sufficient debate on this matter.

The Chair ruled there has been sufficient debate.

The motion to close debate prevailed with 27 ayes, 7 nays, and 15 not voting.

The DeCamp motion to overrule the Chair was renewed.

Mr. Kelly requested a record vote on the DeCamp motion.

Mr. DeCamp requested a roll call vote on his motion.

Voting in the affirmative, 18:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Chronister | George   | Kelly    | Maresh | Stoney |
| Clark      | Haberman | Labeledz | Merz   | Wagner |
| Cope       | Hefner   | Lamb     | Murphy |        |
| DeCamp     | Kahle    | Landis   | Nichol |        |

Voting in the negative, 24:

|          |          |        |         |         |
|----------|----------|--------|---------|---------|
| Beutler  | Dworak   | Keyes  | Pirsch  | Simon   |
| Burrows  | Fowler   | Koch   | Reutzel | Vickers |
| Carsten  | Hoagland | Kremer | Rumery  | Warner  |
| Chambers | Johnson  | Marvel | Schmit  | Wesely  |
| Cullan   | Kennedy  | Newell | Sieck   |         |

Present and not voting, 2:

Barrett            Fitzgerald

Excused and not voting, 4:

Lewis          Marsh          Powers          Venditte

Absent and not voting, 1:

Goodrich

The motion to overrule the Chair lost with 18 ayes, 24 nays, 2 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Mr. Newell renewed his pending amendment (1) found in the Journal on page 1633.

The amendment lost with 12 ayes, 21 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Newell withdrew his remaining pending amendments found in the Journal on pages 1633, 1634, and 1637.

Mr. Nichol reoffered his amendment found in the Journal on page 1493.

Mr. Keyes offered the following amendment to the Nichol amendment:

Amend the Nichol amendment to remove all tools of production from industry and business from the tax rolls.

#### **MR. CLARK PRESIDING**

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Keyes amendment lost with 13 ayes, 24 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Fitzgerald asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

The Nichol amendment was adopted with 27 ayes, 12 nays, 5 present and not voting, and 5 excused and not voting.

Mr. Cullan moved to suspend the rules, Rule 6, Sec. 5 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 882.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 7 nays, and 14 not voting.

The Cullan motion prevailed with 30 ayes, 10 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Cullan requested a record vote to advance LB 882.

Voting in the affirmative, 30:

|            |          |         |         |         |
|------------|----------|---------|---------|---------|
| Barrett    | Cullan   | Kelly   | Maresh  | Schmit  |
| Burrows    | DeCamp   | Kennedy | Merz    | Sieck   |
| Carsten    | George   | Koch    | Murphy  | Stoney  |
| Chronister | Haberman | Kremer  | Nichol  | Vickers |
| Clark      | Hefner   | Lamb    | Reutzel | Wagner  |
| Cope       | Kahle    | Landis  | Rumery  | Warner  |

Voting in the negative, 13:

|          |            |          |        |        |
|----------|------------|----------|--------|--------|
| Beutler  | Fitzgerald | Keyes    | Newell | Wesely |
| Chambers | Fowler     | Labeledz | Pirsch |        |
| Dworak   | Johnson    | Marvel   | Simon  |        |

Present and not voting, 1:

Hoagland

Excused and not voting, 4:

|       |       |        |          |
|-------|-------|--------|----------|
| Lewis | Marsh | Powers | Venditte |
|-------|-------|--------|----------|

Absent and not voting, 1:

Goodrich

Advanced to E & R for Engrossment with 30 ayes, 13 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

**RESOLUTION****LEGISLATIVE RESOLUTION 340.**

Introduced by Pirsch, 10th District.

WHEREAS, the Legislature wishes to make known its care and concern for the victims of crime who may remain unknown or be forgotten; and

WHEREAS, the efforts by the State of Nebraska to provide compensation for victims of crimes deserve recognition; and

WHEREAS, public attention has often been focused upon the criminal defendants, but not upon their innocent victims; and

WHEREAS, the criminal justice system needs to be resensitized to the plight of the victims of crime; and

WHEREAS, the Legislature wishes to encourage public awareness of the needs of victims of crime.

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

1. That the members of the Legislature acknowledge the plight of crime victims, and that other states have expressed their concern by establishing the week of April 20th as Forgotten Victims Week.

2. That the Legislature hereby declares the week of April 20 to April 26, 1980, to be Forgotten Victims Week in Nebraska.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 882A.** Mr. Newell withdrew his pending amendment found in the Journal on page 1637.

Mr. Johnson requested a record vote to advance LB 882A.

Voting in the affirmative, 29:

|            |          |         |         |         |
|------------|----------|---------|---------|---------|
| Barrett    | DeCamp   | Kennedy | Merz    | Sieck   |
| Carsten    | George   | Koch    | Murphy  | Stoney  |
| Chronister | Haberman | Kremer  | Nichol  | Vickers |
| Clark      | Hefner   | Lamb    | Reutzel | Wagner  |
| Cope       | Kahle    | Landis  | Rumery  | Warner  |
| Cullan     | Kelly    | Maresh  | Schmit  |         |

Voting in the negative, 13:

|          |            |         |        |        |
|----------|------------|---------|--------|--------|
| Beutler  | Fitzgerald | Johnson | Newell | Wesely |
| Chambers | Fowler     | Keyes   | Pirsch |        |
| Dworak   | Hoagland   | Marvel  | Simon  |        |

Present and not voting, 2:

Burrows      Labeledz

Excused and not voting, 4:

Lewis          Marsh          Powers          Venditte

Absent and not voting, 1:

Goodrich

Advanced to E & R for Engrossment with 29 ayes, 13 nays, 2 present and not voting, 4 excused and not voting, and 1 absent and not voting.

#### VISITORS

Visitors to the Chamber were 25 fifth and sixth grade students and teacher from Garland; 19 students and teacher from Coleridge; and Senator Kennedy's grandson, Andy Anderson and fiancée, Kim Novotny.

#### ADJOURNMENT

Mr. DeCamp moved to adjourn. The motion prevailed with 22 ayes, 14 nays, and 13 not voting. At 7:27 p.m., the Legislature adjourned until 9:00 a.m., Monday, April 14, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature



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**FIFTY-EIGHTH DAY - APRIL 14, 1980**  
**LEGISLATIVE JOURNAL**

**FIFTY-EIGHTH DAY - APRIL 14, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 14, 1980

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

O God, we trusted in You when we committed our lives to this public trust; may we trust in You now and always, for this good land that we may maintain and preserve and enrich its potential; for the trusting people who elect us and whose causes we strive to serve; for the ties of service and memory and tradition that link us to one another across our differences; for the signs and gestures of love of friends that work their magic in our hearts and keep us from becoming like the machines we operate; for the sheer excitement of being present at this point and place in history when what is vital in the old struggles to connect with what is needed in the new; we thank You. So keep us going that we may rightly use the precious days, the action filled days, the swiftly passing days that yet remain before us. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Lewis and Simon who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1806, line 6, strike "748" insert "784".

The Journal for the Fifty-Seventh Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

April 11, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 184, 184A, 228, and 228A.

These bills were signed by me on April 11, 1980 and delivered to the Secretary of State.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 280, 628, 632, 632A, 666, 690A, 694, 790, 882, 882A, and 959.

(Signed) Don Wesely, Chairperson

Title Change to LB 628

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 628:

The effect of the Chambers amendment to the DeCamp amendment being to remove amendatory matter from sections 1 to 6, those sections and new section 7 have been removed from the bill and corresponding changes have been made to the bill, including the repeal section and the title.

Title Change to LB 694

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 694:

1. In the title, line 11, "to provide factors relating to attorney fees;" has been inserted after the semicolon.

Title Change to LB 882

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 882:

In the title, line 8, "to provide an exemption;" has been inserted after the first semicolon.

(Signed) Emory P. Burnett,  
E & R Attorney

**SELECT FILE**

**LEGISLATIVE BILL 647.** E & R amendments found in the Journal on page 1593 for the Fifty-Second Day were adopted.

Mr. DeCamp withdrew his pending amendment referred to in the Journal on page 1515 (Req. #2292).

Mr. Wesely withdrew his pending amendment found in the Journal on page 1590.

Mr. DeCamp withdrew his pending amendment referred to in the Journal on page 1628 (Req. #2309).

**MR. CLARK PRESIDING**

Mr. Wesely moved the adoption of the Marsh amendment found in the Journal on page 1679.

Mr. Simon asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

**SPEAKER MARVEL PRESIDING**

Mr. Wesely requested a roll call vote on the Marsh amendment.

Voting in the affirmative, 19:

|          |        |          |        |        |
|----------|--------|----------|--------|--------|
| Beutler  | Cullan | George   | Kahle  | Lamb   |
| Carsten  | Dworak | Hoagland | Koch   | Landis |
| Chambers | Fowler | Johnson  | Kremer | Pirsch |



- 18 5. On page 9, line 25 strike "77-3505," and in  
19 line 26 after "77-3516," insert "and"; and in lines 26  
20 and 27 strike "and 77-3524,".  
21 6. Renumber remaining sections accordingly.

### **MR. CLARK PRESIDING**

Mr. Venditte 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 Warner amendment was adopted with 29 ayes, 3 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Wesely renewed his pending amendment (1) found in the Journal on page 1809.

### **SPEAKER MARVEL PRESIDING**

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Wesely amendment lost with 7 ayes, 29 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Wesely withdrew his pending amendments (2) and (3) found in the Journal on page 1809.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1739.

Mrs. Labeledz offered the following amendment to the Hoagland amendment:

In line 4 strike the word "mentally"

Mr. Fitzgerald moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Labeledz amendment lost with 14 ayes, 17 nays, 15 present and not voting, and 3 excused and not voting.

The Hoagland amendment lost with 9 ayes, 26 nays, 11 present and not voting, and 3 excused and not voting.

Messrs. Wesely, DeCamp, Dworak, Lamb, George, and Hefner offered the following amendment:

On page 1, line 20 and on page 5, line 9 strike "forty" and insert "thirty-five."

Mrs. Labeledz requested a record vote on the Wesely et al amendment.

Voting in the affirmative, 25:

|            |          |         |        |         |
|------------|----------|---------|--------|---------|
| Beutler    | Dworak   | Kahle   | Landis | Stoney  |
| Carsten    | George   | Kelly   | Maresh | Vickers |
| Chronister | Haberman | Kennedy | Murphy | Wagner  |
| Cope       | Hefner   | Kremer  | Newell | Warner  |
| DeCamp     | Hoagland | Lamb    | Nichol | Wesely  |

Voting in the negative, 7:

|          |        |         |        |
|----------|--------|---------|--------|
| Fowler   | Marvel | Reutzel | Schmit |
| Labeledz | Powers | Rumery  |        |

Present and not voting, 14:

|          |            |          |        |          |
|----------|------------|----------|--------|----------|
| Barrett  | Clark      | Goodrich | Koch   | Sieck    |
| Burrows  | Cullan     | Johnson  | Merz   | Venditte |
| Chambers | Fitzgerald | Keyes    | Pirsch |          |

Excused and not voting, 3:

|       |       |       |
|-------|-------|-------|
| Lewis | Marsh | Simon |
|-------|-------|-------|

The Wesely et al amendment was adopted with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 647A.** Laid over temporarily.

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 1004.** E & R amendments found in the Journal on page 1640 for the Fifty-Third Day were adopted.

Mr. Warner renewed the Appropriations amendment found in the Journal on page 1721.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1781.

### **SPEAKER MARVEL PRESIDING**

Mr. Cullan offered the following amendment:

P. 19 starting on line 17 strike subsection 10 and on page 20 strike subsection (11)

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

Mr. Cullan requested a record vote on his amendment.

Voting in the affirmative, 6:

|        |          |        |
|--------|----------|--------|
| Cullan | Goodrich | Kremer |
| DeCamp | Kahle    | Newell |

Voting in the negative, 24:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Burrows    | Fowler   | Kelly  | Marvel  | Venditte |
| Carsten    | George   | Keyes  | Merz    | Vickers  |
| Clark      | Haberman | Labedz | Reutzel | Warner   |
| Dworak     | Hefner   | Landis | Rumery  | Wesely   |
| Fitzgerald | Johnson  | Maresh | Stoney  |          |

Present and not voting, 16:

|            |          |        |        |
|------------|----------|--------|--------|
| Barrett    | Cope     | Lamb   | Powers |
| Beutler    | Hoagland | Murphy | Schmit |
| Chambers   | Kennedy  | Nichol | Sieck  |
| Chronister | Koch     | Pirsch | Wagner |

Excused and not voting, 3:

|       |       |       |
|-------|-------|-------|
| Lewis | Marsh | Simon |
|-------|-------|-------|

The Cullan amendment lost with 6 ayes, 24 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Dworak offered the following amendment:

1 Page 36, line 13 after the period insert a new  
 2 paragraph as follows:  
 3 “It is the intent of the Legislature that no funds  
 4 appropriated to the Department of Personnel for purposes  
 5 of purchasing a contract of group health insurance or health  
 6 maintenance agreement pursuant to section 44-1623, Revised  
 7 Statutes Supplement, 1978, shall be used to provide coverage  
 8 for abortion, as defined in section 28-326, Revised Statutes  
 9 Supplement, 1979, in the basic or major medical coverage.  
 10 This limitation shall not apply to coverage for an abortion  
 11 which is verified in writing by the attending physician  
 12 as necessary to prevent the death of the woman or to coverage  
 13 for medical complications arising from an abortion.”

Mr. Fowler offered the following amendment to the Dworak amendment:

1 1. In the Dworak amendment, on page 1, line 9  
 2 after “coverage” insert “, except that the insurer shall  
 3 offer individual employees special coverage for abortion  
 4 and the costs of such coverage shall be borne solely by  
 5 the employee”.

Mr. Stoney moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 16 ayes, 12 nays, and 21 not voting.

Mr. Fowler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

|          |          |        |         |        |
|----------|----------|--------|---------|--------|
| Beutler  | Fowler   | Kahle  | Nichol  | Wesely |
| Burrows  | Haberman | Koch   | Reutzel |        |
| Chambers | Hoagland | Landis | Vickers |        |
| Dworak   | Johnson  | Murphy | Warner  |        |

Voting in the negative, 26:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | DeCamp     | Keyes    | Merz   | Venditte |
| Carsten    | Fitzgerald | Kremer   | Pirsch | Wagner   |
| Chronister | Goodrich   | Labeledz | Powers |          |
| Clark      | Hefner     | Lamb     | Rumery |          |
| Cope       | Kelly      | Maresh   | Schmit |          |
| Cullan     | Kennedy    | Marvel   | Stoney |          |

Present and not voting, 3:

George        Newell        Sieck

Excused and not voting, 3:

Lewis        Marsh        Simon

The Fowler amendment lost with 17 ayes, 26 nays, 3 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved to reconsider action on the Fowler amendment.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to reconsider prevailed with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

The Fowler amendment to the Dworak amendment was adopted with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment to the Dworak amendment:

(1) By adding after the word "woman" on line 12 the following language: "or which is verified in writing as necessary to terminate a pregnancy resulting from a sexual assault"

(2) By adding the following at the end of the amendment: "and further provided that all public employees who are presently covered for abortions prohibited from coverage hereunder shall be compensated in full for the cost of purchasing coverage for abortions."

#### **MR. CLARK PRESIDING**

Mr. Dworak requested a division of the Beutler amendment.

#### **SPEAKER MARVEL PRESIDING**

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 11 ayes, 9 nays, and 29 not voting.

Mr. Beutler requested a roll call vote on the first portion of his amendment.

Voting in the affirmative, 12:

|          |          |        |         |
|----------|----------|--------|---------|
| Beutler  | Fowler   | Koch   | Reutzel |
| Chambers | Hoagland | Landis | Sieck   |
| DeCamp   | Johnson  | Nichol | Wesely  |

Voting in the negative, 30:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | Dworak     | Kelly    | Maresh | Schmit   |
| Carsten    | Fitzgerald | Kennedy  | Marvel | Stoney   |
| Chronister | Goodrich   | Keyes    | Merz   | Venditte |
| Clark      | Haberman   | Kremer   | Pirsch | Vickers  |
| Cope       | Hefner     | Labeledz | Powers | Wagner   |
| Cullan     | Kahle      | Lamb     | Rumery | Warner   |

Present and not voting, 4:

|         |        |        |        |
|---------|--------|--------|--------|
| Burrows | George | Murphy | Newell |
|---------|--------|--------|--------|

Excused and not voting, 3:

|       |       |       |
|-------|-------|-------|
| Lewis | Marsh | Simon |
|-------|-------|-------|

The Beutler amendment portion one to the Dworak amendment lost with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The second portion of the Beutler amendment to the Dworak amendment lost with 10 ayes, 31 nays, 5 present and not voting, and 3 excused and not voting.

Messrs. George and Merz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Dworak amendment:

1. In the Dworak amendment, on page 1, line 8 after "for" insert "any form of blood transfusion or".

Mr. Chambers withdrew his amendment.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Stoney offered the following amendment to the Dworak amendment:

Amend the Fowler amendment to the Dworak amendment in line 2 strike the word "shall" and insert the word "may"

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Stoney amendment to the Dworak amendment was adopted with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 5 nays, and 14 not voting.

Mrs. Labeledz requested a record vote on the Dworak amendment, as amended.

Voting in the affirmative, 33:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Cullan     | Kelly    | Marvel  | Schmit   |
| Beutler    | Dworak     | Kennedy  | Murphy  | Stoney   |
| Burrows    | Fitzgerald | Keyes    | Newell  | Venditte |
| Carsten    | Haberman   | Kremer   | Nichol  | Wagner   |
| Chronister | Hefner     | Labeledz | Pirsch  | Warner   |
| Clark      | Johnson    | Lamb     | Reutzel |          |
| Cope       | Kahle      | Maresh   | Rumery  |          |

Voting in the negative, 5:

|          |        |      |        |        |
|----------|--------|------|--------|--------|
| Chambers | Fowler | Koch | Landis | Wesely |
|----------|--------|------|--------|--------|

Present and not voting, 5:

|        |          |          |        |         |
|--------|----------|----------|--------|---------|
| DeCamp | Goodrich | Hoagland | Powers | Vickers |
|--------|----------|----------|--------|---------|

Excused and not voting, 6:

|        |       |       |
|--------|-------|-------|
| George | Marsh | Sieck |
| Lewis  | Merz  | Simon |

The Dworak amendment, as amended, was adopted with 33 ayes, 5 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Kahle asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz requested a record vote to advance LB 1004.

Voting in the affirmative, 37:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | DeCamp     | Kennedy | Newell  | Venditte |
| Beutler    | Dworak     | Keyes   | Nichol  | Vickers  |
| Burrows    | Fitzgerald | Kremer  | Pirsch  | Wagner   |
| Carsten    | Goodrich   | Labedz  | Powers  | Warner   |
| Chronister | Haberman   | Lamb    | Reutzel | Wesely   |
| Clark      | Hefner     | Maresh  | Rumery  |          |
| Cope       | Johnson    | Marvel  | Schmit  |          |
| Cullan     | Kelly      | Murphy  | Stoney  |          |

Voting in the negative, 4:

|          |        |      |        |
|----------|--------|------|--------|
| Chambers | Fowler | Koch | Landis |
|----------|--------|------|--------|

Present and not voting, 1:

Hoagland

Excused and not voting, 7:

|        |       |       |       |
|--------|-------|-------|-------|
| George | Lewis | Merz  | Simon |
| Kahle  | Marsh | Sieck |       |

Advanced to E & R for Engrossment with 37 ayes, 4 nays, 1 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 647A.** Mr. Warner offered the following amendment:

1. Strike original Section 1 and re-number Sections 2 and 3 as 1 and 2, respectively.
2. On page 2 in lines 11 and 12 strike "fourteen million four hundred forty-eight" and insert "four million five hundred"

The amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 341.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Landis, 46th District; Kahle, 37th District; DeCamp, 40th District; Powers, 9th District; Fitzgerald, 14th District.

Whereas, agreements have been reached on collective bargaining contracts concerning various terms and conditions of employment for fiscal year 1980-81 between the following parties:

1. Nebraska Department of Roads and the Nebraska Association of Public Employees including an addendum providing for a three per cent salary adjustment;
2. Nebraska Game and Parks Commission and the Nebraska Association of Public Employees including an addendum providing for a three per cent salary adjustment;
3. Nebraska Department of Education and the Nebraska Association of Public Employees;
4. Nebraska Department of Labor and the American Federation of State, County and Municipal Employees;
5. Nebraska Department of Public Institutions and the American Federation of State, County and Municipal Employees;
6. Nebraska Department of Correctional Services and the Nebraska Correctional Officers Union;
7. Nebraska Department of Public Institutions and the State Code Agencies Teachers Association;
8. Nebraska Department of Education and the Nebraska School for the Deaf Education Association; and
9. Nebraska Department of Public Welfare and the State Code-Agencies Teachers Association.

Whereas, section 48-837, Reissue Revised Statutes of Nebraska, 1943, requires Legislative approval of such contracts; and

Whereas, such contracts represent the product of good faith bargaining between the state agencies and labor organization which are parties to the contracts.

Now, therefore be it resolved by the members of the Eighty-Sixth Legislature, Second Session, that the Legislature hereby approves such contracts, which approval shall be effective when such contracts are signed by the parties.

Laid over.

### **LEGISLATIVE RESOLUTION 342.**

Introduced by Simon, 31st District.

**PURPOSE:** This Resolution is proposed to create an interim study of drug abuse among Nebraska youth. The haste with which 1980's Legislative Bill 991 was processed, and the results of similar legislation in other states indicates that a full-scale study of drug abuse could result in more efficacious legislation.

The study would be conducted by the Legislature's Public Health and Welfare Committee using the resources of the Nebraska Commission on Drugs. The study will examine drug abuse laws of other states, and drug treatment and prevention programs which may be proposed by Nebraska organizations or agencies.

Before November of 1980 the Committee shall recommend appropriate legislation to address the drug abuse problem in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA SECOND SESSION.**

1. That the Public Health and Welfare 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.

### **VISITORS**

Visitors to the Chamber were Mr. and Mrs. Lloyd Potthoff and Sandra from McCook; 53 fourth grade students, teachers, and sponsors from Maywood & Seymour Grade Schools, Ralston; 49 fifth grade students and teachers from St. Cecilia's School, Omaha; 11 fourth grade students and teachers from Bennington Public School; and 41 eighth grade students and teachers from Christ The King School, Omaha.

**RECESS**

Mr. Clark moved to recess until 1:45 p.m. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

At 12:42 p.m., on a motion by Mr. Clark, the Legislature recessed until 1:45 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:49 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Chronister, Fowler, Hoagland, Kelly, Lewis, and Schmit who were excused until they arrive.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 279

April 9, 1980

Dear Senator DeCamp:

You have brought LB 643 to our attention and asked for our opinion with regard to its constitutionality. More specifically, you question the constitutionality of the proviso in line 20 of page 17 which, as you describe it, results in a situation where "an applicant for a late permit is required to in essence confess to any offenses he might have committed."

The amended portion of LB 643 to which you refer is presumably subsections (3), (4) and (5) of section 46-659. For purposes of clarity, those subsections as set forth in the bill provide:

"(3) Any person who has failed, or fails within two years after a control area has been designated, to obtain a permit required by subsection (1) of this section, shall make application for a late permit on forms provided by the director.

"(4) The application for a late permit shall be accompanied by a twenty-five dollar fee payable to the director and a two hundred fifty dollar fee payable to the district and shall contain the same information required in subsection (2) of this section.

The information required by section 46-659(2) [referred to in (4)] includes the applicant or applicants' name(s) and post office address(es), the nature of the proposed use, location, size, type, estimated depth (if known), capacity, the acreage and location by legal

description of the land involved (if said water is to be used for irrigation) and "such other information as the director may require."

On its face, we are unable to discern any "incriminating aspects" to the information required by section 46-659. Perhaps your concern arises over the penalties prescribed by section 46-607. That section provides for the imposition of penalties in the following language:

"Any person violating any of the provisions of sections 46-601 to 46-606, or knowingly furnishing false information hereunder, shall be guilty of a Class IV misdemeanor. Each day shall constitute a separate offense in cases of continued violation."

At the outset, it must be noted that the penalties provided in section 46-607 pertain only to the violation of sections 46-601 to 46-606 or, to those who knowingly furnish false information. The penal consequences of the latter requirement would flow not from providing the information required by section 46-659, but rather, from the falsification of such information. In that respect, the dishonest proclivities of the applicant — not the requirements of section 46-659 — would produce an incriminating result. A situation somewhat similar to that you apparently contemplate and question, was presented to our Supreme Court in State v. Soester, 199 Neb. 477, 259 N.W.2d 921 (1977). In that case the defendant refused to list personal property owned by him and subject to taxation on his personal property tax return form. Upon his prosecution for failure to file a personal property tax return in violation of section 77-1232, R.R.S. 1943, he contended that the constitutional privilege against compulsory self-incrimination excused his refusal to list the personal property which he owned on his tax return. Our high court observed that, ". . . it is not clear to us on what basis the defendant claimed the privilege. There must be some reasonable showing by the taxpayer as to how the disclosure could possibly incriminate him." Soester, supra, at 479.

With regard to the required information about which you inquire, like our Supreme Court in Soester, ". . . it is not clear to us on what basis" the privilege could be claimed. While there may be such a case, even conjecture does not carry us to it at this time. Accordingly, we are of the opinion that section 46-659 falls comfortably within constitutional confines.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Judy K. Hoffman  
Assistant Attorney General

cc: Mr. Patrick J. O'Donnell  
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Mr. Keyes asked unanimous consent to print the following amendments to LB 722 in the Journal. No objections. So ordered.

(1)

Req. #2379

- 2 1. Strike the original sections and all
- 3 amendments thereto and insert the following:
- 4 "Section 1. That section 66-605, Revised
- 5 Statutes Supplement, 1979, be amended to read as follows:
- 6 66-605. There is hereby levied and imposed an
- 7 excise tax of ~~ten~~ thirteen and one half cents per gallon
- 8 on the use, within the meaning of the word use as defined
- 9 in subdivision (5) of section 66-602, of special fuel in
- 10 any motor vehicle as defined in subdivision (7) of
- 11 section 66-602. The tax, with respect to all special
- 12 fuel delivered by a special fuel dealer into supply tanks
- 13 of motor vehicles in this state, shall attach at the time
- 14 of such delivery and shall be collected by such dealer
- 15 and be paid over to the motor fuel tax administrator as
- 16 provided by sections 66-601 to 66-640.
- 17 Sec. 2. That original section 66-605, Revised
- 18 Statutes Supplement, 1979, is repealed."

(2)

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2380.)

(3)

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2386.)

(4)

**(FINAL READING COPY)**

Req. #2382

- 2 1. Strike the original sections and all
- 3 amendments thereto and insert the following new sections:
- 4 "Section 1. That section 60-330, Reissue Revised
- 5 Statutes of Nebraska, 1943, be amended to read as
- 6 follows:
- 7 60-330. The registration fee on local and local
- 8 commercial trucks shall be based on the gross vehicle
- 9 weight as defined in section 60-331, and local and local
- 10 commercial trucks shall be registered at a fee of thirty
- 11 per cent of the commercial registration fee; Provided,
- 12 that no local or local commercial truck shall be

13 registered for a fee of less than ~~eighteen~~ twenty-seven  
14 dollars; and provided further, the registration fee for  
15 each pickup truck with a factory rated capacity of one  
16 ton or less shall be ~~eighteen~~ twenty-seven dollars,  
17 except that commercial pickup trucks with a gross load of  
18 over three tons shall be registered for the fee provided  
19 for commercial trucks. For the registration of farm  
20 trucks, the registration fee shall be for one ton or less  
21 factory rated carrying capacity, ~~eighteen~~ twenty-seven  
22 dollars, and in excess of one ton, ~~twenty-two~~  
23 thirty-three dollars. Truck-tractor and semitrailer  
24 combinations owned and used exclusively by irrigation  
25 districts, natural resources districts, or other  
1 political subdivisions of the State of Nebraska for the  
2 hauling of their draglines, bulldozers, caterpillar  
3 tractors, and ditchers shall pay the registration fee as  
4 provided in section 60-333. Pole and cable reel trailers  
5 owned and operated exclusively by public utility  
6 companies shall be licensed at a fee based on two dollars  
7 for each one thousand pounds load to be hauled or any  
8 fraction thereof and such load shall not exceed sixteen  
9 thousand pounds.

10 Sec. 2. That section 60-331, Revised Statutes  
11 Supplement, 1979, be amended to read as follows:

12 60-331. The registration fee on commercial  
13 trucks, except those trucks registered under section  
14 60-305.09, shall be based upon the gross vehicle weight,  
15 not to exceed the maximum authorized by section 39-6,180.  
16 Gross vehicle weight shall mean the sum of the empty  
17 weights of a truck or truck-tractor and the empty weights  
18 of any trailer, semitrailer, or combination thereof with  
19 which it is to be operated in combination at any one  
20 time, plus the weight of the maximum load to be carried  
21 thereon at any one time. The registration fee on  
22 commercial truck-tractors shall be based on the gross  
23 vehicle weight on such truck-tractors plus the gross  
24 vehicle weight of any semitrailer, trailer or combination  
25 thereof, connected therewith; Provided, that for the  
26 purpose of determining the registration fee, the gross  
27 weight of a truck or truck-tractor towing or hauling a  
1 disabled or wrecked motor vehicle properly registered for  
2 use on the highways shall be only the gross weight of the  
3 towing truck or truck-tractor fully equipped and not  
4 including the weight of the motor vehicle being towed or  
5 hauled. The registration fee on such commercial trucks  
6 and truck-tractors shall be at the following rates: For  
7 a gross weight of three tons or less, ~~eighteen~~  
8 twenty-seven dollars; for a gross weight exceeding three  
9 tons and not exceeding four tons, ~~twenty-five~~  
10 thirty-eight dollars; for a gross weight exceeding four

11 tons and not exceeding five tons, ~~thirty-five~~ fifty-three  
12 dollars; for a gross weight exceeding five tons and not  
13 exceeding six tons, ~~sixty~~ ninety dollars; for a gross  
14 weight exceeding six tons but not exceeding seven tons,  
15 ~~eighty-five~~ one hundred twenty-seven dollars; for a gross  
16 weight in excess of seven tons, the fee shall be that for  
17 a truck having a gross weight of seven tons and in  
18 addition thereto, ~~twenty-five~~ thirty-eight dollars for  
19 each ton of gross weight over seven tons; Provided, that  
20 the fee for thirty-six tons shall be ~~eight hundred ten~~  
21 one thousand two hundred fifteen dollars which shall  
22 permit a gross weight of seventy-three thousand two  
23 hundred eighty pounds which weight shall be inclusive of  
24 the tolerance permitted in section 39-6,182; provided  
25 further, that for fractional tons in excess of the twenty  
26 per cent or the tolerance of one thousand pounds, as  
27 provided in section 39-6,182, the fee shall be computed  
1 on the basis of the next higher bracket; provided  
2 further, that the fees provided by this section shall be  
3 reduced ten per cent for vehicles used exclusively for  
4 the transportation of livestock, poultry, unprocessed  
5 milk, grain, sugar beets, potatoes, and hay; and provided  
6 further, fees for trucks with a gross weight in excess of  
7 thirty-six tons shall be increased by twenty per cent for  
8 all such trucks operated on any road or highway not a  
9 part of the National System of Interstate and Defense  
10 Highways. Such fee may be paid one half at the time of  
11 registration and one half on the first day of the seventh  
12 month of the registration period when the license fee  
13 exceeds ~~two hundred ten~~ three hundred fifteen dollars.  
14 When the second half is paid, the treasurer shall furnish  
15 a certificate and plates furnished by the Department of  
16 Motor Vehicles which shall be displayed on such truck or  
17 truck-tractor in the manner provided by law. In addition  
18 to the registration fee the department shall collect a  
19 sufficient fee to cover the cost of issuing the  
20 certificate and plates. If such second half is not paid  
21 within thirty days following the first day of the seventh  
22 month, the registration of such truck or truck-tractor  
23 shall be canceled and the registration certificate and  
24 number plates shall be returned to the county treasurer.  
25 Any person who shall fail to return such registration  
26 certificate and number plate when required to do so shall  
27 be guilty of a misdemeanor and shall, upon conviction  
1 thereof, be punished as provided in section 60-331.02.

2 Sec. 3. That section 60-330, Reissue Revised  
3 Statutes of Nebraska, 1943, and section 60-331, Revised  
4 Statutes Supplement, 1979, are repealed.”

5 2. In the title, strike lines 2 to 11, and  
6 insert the following:

7 "FOR AN ACT to amend sections 60-330, Reissue Revised  
 8 Statutes of Nebraska, 1943, and section  
 9 60-331, Revised Statutes Supplement, 1979,  
 10 relating to motor vehicle registration; to  
 11 increase fees as prescribed; and to repeal the  
 12 original sections."

**SELECT FILE**

**LEGISLATIVE BILL 993.** Mr. Warner offered the following amendment:

Purpose: To delete the wildlife depredation and winter feeding program claims.

Amendment:

1. On page 9, strike lines 21 through 27; strike all of pages 10 through 19; on page 20 strike lines 1 and 2.
2. Strike item #3 of the Committee amendment. Claim No. 261

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

The Warner amendment was adopted with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

Mr. Kelly renewed his pending amendment found in the Journal on page 1480.

**MR. CLARK PRESIDING**

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

Mr. Kelly moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Kelly requested a roll call vote on his amendment.

Voting in the affirmative, 21:

|          |          |          |         |        |
|----------|----------|----------|---------|--------|
| Beutler  | Fowler   | Keyes    | Pirsch  | Wesely |
| Burrows  | George   | Koch     | Reutzel |        |
| Chambers | Hoagland | Labeledz | Schmit  |        |
| Cullan   | Johnson  | Landis   | Simon   |        |
| DeCamp   | Kelly    | Merz     | Vickers |        |

Voting in the negative, 24:

|         |            |         |        |          |
|---------|------------|---------|--------|----------|
| Barrett | Fitzgerald | Kennedy | Murphy | Stoney   |
| Carsten | Goodrich   | Kremer  | Nichol | Venditte |
| Clark   | Haberman   | Lamb    | Powers | Wagner   |
| Cope    | Hefner     | Maresh  | Rumery | Warner   |
| Dworak  | Kahle      | Marvel  | Sieck  |          |

Present and not voting, 2:

Chronister    Newell

Excused and not voting, 2:

Lewis            Marsh

The Kelly amendment lost with 21 ayes, 24 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 361.** Mr. Simon withdrew his pending motion found in the Journal on page 1759 to indefinitely postpone LB 361.

Mr. Keyes offered the following amendment:

Strike Sections 1-17 (REQ2201) and Section 10 (REQ2286) of the white copy amendments.

Sections 1 through 9 of the Landis amendment becomes the bill.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Keyes amendment lost with 10 ayes, 26 nays, 11 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3(d) and Rule 5, Section 2(b) to permit the following amendment to LB 361.

Strike the contents of LB 361 and insert the contents of LB 858.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The motion to suspend the rules lost with 15 ayes, 19 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Maresh offered the following amendment:

To amend LB 361 by increasing the gas tax by 3 cents to 13 1/2 cents

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Maresh requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|         |         |          |        |        |
|---------|---------|----------|--------|--------|
| Beutler | Hefner  | Labeledz | Merz   | Wagner |
| Burrows | Johnson | Lamb     | Pirsch | Wesely |
| Clark   | Kahle   | Landis   | Sieck  |        |
| Cullan  | Kennedy | Maresh   | Stoney |        |

Voting in the negative, 26:

|            |            |        |          |         |
|------------|------------|--------|----------|---------|
| Barrett    | Fitzgerald | Keyes  | Powers   | Vickers |
| Chambers   | Fowler     | Koch   | Reutzel  | Warner  |
| Chronister | George     | Kremer | Rumery   |         |
| Cope       | Goodrich   | Marvel | Schmit   |         |
| DeCamp     | Haberman   | Murphy | Simon    |         |
| Dworak     | Hoagland   | Newell | Venditte |         |

Present and not voting, 2:

Carsten      Kelly

Excused and not voting, 3:

Lewis              Marsh              Nichol

The Maresh amendment lost with 18 ayes, 26 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Fitzgerald moved to indefinitely postpone.

Motion pending. Laid over.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 647, 647A, and 1004.

(Signed) Don Wesely, Chairperson

**SPEAKER MARVEL PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 361A.** Mr. DeCamp reoffered the amendment found in the Journal on page 1769 previously printed to LB 954A.

Mr. Sieck requested a ruling on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec 3(d) and Rule 5, Section 2(b) to permit the amendment to LB 361A found in the Journal on page 1769.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The DeCamp motion to suspend the rules lost with 10 ayes, 27 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Haberman moved to indefinitely postpone 361A.

Motion pending. Laid over.

**LEGISLATIVE BILL 954.** E & R amendments found in the Journal on page 1679 for the Fifty-Fourth Day were adopted.

Mr. Schmit offered the following amendment:

P. 17, line 19: after "lien", insert "as hereafter provided".

P. 17, line 27: strike "and (3) notice of" and insert "Such lien shall take effect and be in force from and after the time of delivering the

same to the register of deeds for recording, and not before, as to all creditors and subsequent purchasers in good faith without notice; and such lien shall be adjudged void as to all such creditors and subsequent purchasers without notice whose deeds, mortgages or other instruments shall be first recorded, except that such lien shall be valid between the parties."

P. 18: strike lines 1 through 9.

P. 22, line 19: after "lien", insert "as hereafter provided".

p. 22, line 27: strike "," and (c) notice of such filing is" and insert "Such lien shall take effect and be in force from and after the time of delivering the same to the register of deeds for recording, and not before, as to all creditors and subsequent purchasers in good faith without notice; and such lien shall be adjudged void as to all such creditors and subsequent purchasers without notice whose deeds, mortgages or other instruments shall be first recorded, except that such lien shall be valid between the parties."

p. 23: strike lines 1 through 9.

p. 24, Section 26(3), line 27: strike the word "Creation" and insert "Utilization".

p. 25, Section 26(4), line 5: strike the word "creation" and insert utilization".

p. 25, Section 26(4), line 6: Strike the period and insert "and which has a useful life of at least three years."

p. 25, Section 26(5), line 16: Strike "designed to retain heat" and insert "for heating, cooling, or heating and cooling".

P. 27, line 14: strike "creation" and insert "utilization".

p. 30, Section 34(1), line 5: before the word "contractor" insert the word "non-residential".

P. 52, Section 66, line 21, after the word "1978," insert "and also sections 66-701 to 66-711, Reissue Revised Statutes of Nebraska, 1943,".

Mrs. Labeledz 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 Schmit amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Messrs. Beutler and Wesely offered the following amendment:

Page 16, line 4, after "fund," insert a period and the following "Except that one-third of the proceeds of any bond issue by the fund for a residential energy conservation loan program must be used exclusively for a period of 90 days for loans or mortgage loans to individuals or families whose gross income for the preceding year falls

30% or more below the median annual gross income for individuals or families of the same size for the State of Nebraska for the same year. The fund shall, using estimates prepared by the Department of Economic Development, establish income guidelines for mortgage lenders to follow in making such loans or mortgage loans to such individuals or families.”

Mr. Newell moved the previous question. The question is, “Shall the debate now close?” The motion lost with 17 ayes, 5 nays, and 27 not voting.

Mr. Stoney moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Beutler-Wesely amendment lost with 15 ayes, 21 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Beutler requested a record vote on the motion to advance LB 954.

Voting in the affirmative, 28:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Barrett    | Dworak   | Johnson  | Marvel  | Schmit |
| Carsten    | Fowler   | Kahle    | Merz    | Stoney |
| Chronister | George   | Keyes    | Newell  | Warner |
| Cope       | Haberman | Kremer   | Powers  | Wesely |
| Cullan     | Hefner   | Labeledz | Reutzel |        |
| DeCamp     | Hoagland | Landis   | Rumery  |        |

Voting in the negative, 9:

|         |          |        |        |         |
|---------|----------|--------|--------|---------|
| Beutler | Goodrich | Lamb   | Murphy | Vickers |
| Clark   | Kennedy  | Maresh | Nichol |         |

Present and not voting, 10:

|          |            |        |       |          |
|----------|------------|--------|-------|----------|
| Burrows  | Fitzgerald | Koch   | Sieck | Venditte |
| Chambers | Kelly      | Pirsch | Simon | Wagner   |

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

Advanced to E & R for Engrossment with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

**MESSAGE FROM THE GOVERNOR**

April 14, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 499, 499A, 507, and 507A.

These bills were signed by me on April 14, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**SELECT FILE**

**LEGISLATIVE BILL 954A.** Mr. DeCamp withdrew his pending amendment found in the Journal on page 1769.

Mrs. Labeledz and Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3(d) and Rule 5, Section 2(b) to permit the following amendment to LB 954A:

- 1 1. Strike the original sections and amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. That sections 14-201, 14-201.02,
- 4 14-201.03, 14-201.04, 14-204 to 14-209, 14-216, 14-217.01,
- 5 and 14-217.02, Revised Statutes Supplement, 1979, are
- 6 repealed."
- 7 2. In the title, strike lines 2 to 5 and insert:
- 8 "For An Act to repeal sections 14-201, 14-201.02,
- 9 14-201.03, 14-201.04, 14-204 to 14-209, 14-216, 14-217.01,
- 10 and 14-217.02, Revised Statutes Supplement, 1979, relating
- 11 to elections in cities of the metropolitan class."

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mrs. Labeledz moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mrs. Labeledz requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 17:

|          |          |        |          |        |
|----------|----------|--------|----------|--------|
| Clark    | Hefner   | Maresh | Rumery   | Warner |
| DeCamp   | Hoagland | Merz   | Schmit   |        |
| Goodrich | Labeledz | Nichol | Stoney   |        |
| Haberman | Lamb     | Pirsch | Venditte |        |

Voting in the negative, 23:

|          |            |         |          |         |
|----------|------------|---------|----------|---------|
| Barrett  | Cope       | Johnson | Landis   | Simon   |
| Beutler  | Cullan     | Kahle   | Marvel   | Vickers |
| Burrows  | Dworak     | Kennedy | Powers   | Wesely  |
| Carsten  | Fitzgerald | Koch    | Reutzell |         |
| Chambers | Fowler     | Kremer  | Sieck    |         |

Present and not voting, 7:

|            |       |        |        |
|------------|-------|--------|--------|
| Chronister | Kelly | Murphy | Wagner |
| George     | Keyes | Newell |        |

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

The motion to suspend the rules lost with 17 ayes, 23 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Simon moved to indefinitely postpone LB 954A.

Mr. Simon moved to suspend the rules, Rule 7, Sec. 3, to consider the indefinitely postpone motion today.

The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

The motion to indefinitely postpone LB 954A prevailed with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

Messrs. Kelly and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

**MOTION - Override Line-item Veto on LB 995**

Mr. Warner moved pursuant to Rule 6, Sec. 14, the Legislature override the Governor's line-item veto on LB 995.

Whereupon the President stated: "The question shall be, 'Shall LB 995 pass notwithstanding the line-item objections of the Governor?'"

Mr. Warner moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Warner requested a roll call vote on the motion to override.

Mr. Barrett requested to start the roll call in reverse.

Voting in the affirmative, 23:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Beutler    | Fowler   | Keyes    | Newell  | Vickers |
| Burrows    | Goodrich | Koch     | Reutzel | Warner  |
| Chambers   | Hoagland | Labeledz | Rumery  | Wesely  |
| Cope       | Johnson  | Landis   | Sieck   |         |
| Fitzgerald | Kahle    | Marvel   | Simon   |         |

Voting in the negative, 18:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | Dworak   | Kennedy | Merz   | Schmit |
| Chronister | George   | Kremer  | Nichol | Wagner |
| Clark      | Haberman | Lamb    | Pirsch |        |
| Cullan     | Hefner   | Maresh  | Powers |        |

Present and not voting, 4:

|         |        |        |          |
|---------|--------|--------|----------|
| Carsten | Murphy | Stoney | Venditte |
|---------|--------|--------|----------|

Excused and not voting, 4:

|        |       |       |       |
|--------|-------|-------|-------|
| DeCamp | Kelly | Lewis | Marsh |
|--------|-------|-------|-------|

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

**MOTION - Suspend Rules**

Mr. Koch moved to suspend the rules, Rule 7, Sec. 3(d) and Rule 6, Sec. 5 for the balance of the day on all bills on Select File so as to limit debate and amendments to a maximum of 15 minutes after which time there will be a vote on advancement without further debate or amendment.

Mr. Beutler raised a point of order on the motion.

The Chair ruled the Koch motion in order.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The motion lost with 11 ayes, 22 nays, and 16 not voting.

The Chair was sustained.

Mr. Chambers offered the following amendment to the Koch motion:

Amend the Koch motion to provide that one vote will be taken on all bills on Select File, from LB 643 through LB 964CA, with no debate or amendment on any individual bill in the group. Should the single vote to advance, fail, each and every bill on Select File will be I.P.P.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Dworak requested a record vote on the Chambers amendment.

Voting in the affirmative, 22:

|          |            |          |          |        |
|----------|------------|----------|----------|--------|
| Barrett  | DeCamp     | Kremer   | Nichol   | Wagner |
| Beutler  | Fitzgerald | Labeledz | Schmit   | Wesely |
| Chambers | Hefner     | Lamb     | Sieck    |        |
| Clark    | Kahle      | Landis   | Simon    |        |
| Cullan   | Kelly      | Merz     | Venditte |        |

Voting in the negative, 19:

|            |          |         |         |        |
|------------|----------|---------|---------|--------|
| Carsten    | Fowler   | Kennedy | Murphy  | Rumery |
| Chronister | George   | Koch    | Newell  | Stoney |
| Cope       | Goodrich | Maresh  | Pirsch  | Warner |
| Dworak     | Haberman | Marvel  | Reutzel |        |

Present and not voting, 6:

|          |         |         |
|----------|---------|---------|
| Burrows  | Johnson | Powers  |
| Hoagland | Keyes   | Vickers |

Excused and not voting, 2:

Lewis            Marsh

The Chambers amendment lost with 22 ayes, 19 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Cullan requested a record vote on the Koch motion to suspend the rules.

Voting in the affirmative, 29:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Burrows    | Fitzgerald | Kremer   | Nichol  | Simon    |
| Carsten    | George     | Labeledz | Powers  | Stoney   |
| Chronister | Goodrich   | Lamb     | Reutzel | Venditte |
| Clark      | Hefner     | Marvel   | Rumery  | Wagner   |
| Cope       | Kahle      | Merz     | Schmit  | Warner   |
| DeCamp     | Koch       | Newell   | Sieck   |          |

Voting in the negative, 16:

|         |          |         |         |
|---------|----------|---------|---------|
| Barrett | Fowler   | Kennedy | Murphy  |
| Beutler | Haberman | Keyes   | Pirsch  |
| Cullan  | Hoagland | Landis  | Vickers |
| Dworak  | Johnson  | Maresh  | Wesely  |

Present and not voting, 2:

Chambers    Kelly

Excused and not voting, 2:

Lewis            Marsh

The Koch motion to suspend the rules lost with 29 ayes, 16 nays, 2 present and not voting, and 2 excused and not voting.

**MOTION - Extend Session**

Mr. Keyes moved to extend the Legislative Session by 5 days.

**MR. CLARK PRESIDING**

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Keyes motion lost with 13 ayes, 21 nays, and 15 not voting.

**MOTION - Suspend Rules**

Mr. Kelly moved to suspend the rules, Rule 7, Section 3 and Rule 6, Section 5 to take one vote to advance each bill from Select File to E & R Engr. No debate no amendments.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 10 nays, and 12 not voting.

The Kelly motion lost with 19 ayes, 18 nays, and 12 not voting.

**SELECT COMMITTEE REPORT  
Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: 993.

(Signed) Don Wesely, Chairperson

**MESSAGE FROM THE GOVERNOR**

April 14, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Mr. President and Senators,

I am returning herewith LB 998, LB 999, and LB 1001 with my specific line-item reductions and with my signature.

LB 995, LB 996, and LB 997 have already been returned to you with my specific objections. I object to LB 998 and LB 999 because the 11 percent plus increase in salaries and wages you have proposed is not appropriate at a time when taxpayers are demanding economy and restraint in government spending. The 8 percent increase I am recommending will result in a reduction of approximately \$12 million from all funds — including more than \$5 million in general fund monies — from the State's personal services base. Further, these reductions and others I will make will bring the State fiscal year 1980/1981 general fund budget into line with the seven percent increase I recommended to you January 10, 1980.

I have reduced the appropriations in LB 998 by a total of over \$3.0 million from the general fund and \$1.0 million from cash funds. In addition to my reductions of \$2.2 million from your proposed salary plan, I have made other reductions of \$1.8 million to agency operating expenses. Major reductions to agency operating budgets include: Department of Health - \$51,997; Department of Motor Vehicles - \$428,400; Department of Public Institutions - \$295,160; ETV Commission - \$604,855; Department of Corrections - \$71,861; Library Commission - \$75,145; and State Historical Society - \$91,338.

I have line-item reduced total general fund appropriations in LB 999 by \$3.8 million.

The University of Nebraska - system-wide - has been reduced by \$3.0 million to a total general fund appropriation of \$126,740,918. In conjunction with the funding contained in LB 1001 and LB 1002, this represents a 9.96 percent increase or \$11.8 million over the current year's appropriation for operations, aid, and new capital construction.

These reductions are consistent with my original recommendations of January 10 and with my 8 percent salary and wage recommendations. You have rejected my proposal of a single, system-wide appropriation for the University of Nebraska. Nevertheless, I have attempted to provide the Board of Regents with maximum management flexibility by eliminating earmarked appropriations where possible. The two exceptions I have made are the specific appropriations for the William Brennan Institute of Labor Studies and the Veterinarian School study.

The Regents retain freedom to implement internal reallocations and other management decisions as they deem appropriate. Even though campus state general fund figures appear in the appropriations bills, the Regents may exercise their right to shift other revenue sources among the campuses and programs. However, it is assumed that net revenue generated from the use of the Omaha Downtown Center at UNO will be used to offset the \$304,174 in State General Funds provided in my recommendations for lease payments.

Your proposed appropriation to the State Colleges and the Board of Trustees has been reduced by \$718,559 to \$20.2 million. This results in an overall 9.6 percent increase over the current year's appropriation including the deficiency appropriation provided for in LB 995. Again, I have applied my 8 percent recommended salary plan. Further, I have line-item vetoed some proposed earmarks in the discretionary fund. This will allow the Board of Trustees additional needed management flexibility. It is my intent that the Board of Trustees and the Board of Regents continue the process of developing a cooperative Masters Degree Program at Kearney State College. Such planning, however, should and can be accomplished with existing staff and funds.

Your Appropriations Committee and I are in full agreement on the policy of deferring capital construction as a low priority item under a restrained budget. However, you have rejected my proposed lump-sum capital construction appropriation to the University of Nebraska which provided flexibility for use for operating costs at the Regent's discretion. In its place, you have substituted specific projects under the same general dollar limits. Nevertheless, I have specific objections to several of these projects in LB 1001 and have exercised my line-item veto authority accordingly.

My line-item veto reductions for the University of Nebraska allow the most critical projects to proceed, such as the renovation of the Agricultural Engineering Building at a modestly reduced cost. Planning for the Bessey Hall renovation project at UNL is approved at a reduced level to allow further evaluation of the scope of the project and the total cost. Further, I have allowed initial planning to proceed for a Laboratory Science Building at UNO. The purchase of the Hattie B. Munroe Pavilion is a project which is not a priority item. I recommend the University explore acquisition of this facility through non-state funding sources. Land acquisition at UNO is not a high priority at this time in my opinion, and I recommend deferral.

For the Department of Public Welfare, I concur with your proposal for the addition of one group home for status offenders. I have, however, objected to the remodeling expense for the proposed Lincoln board and room facility.

The actions I have taken will have the effect of providing sufficient funds for the agencies involved to carry out their missions during the next fiscal year. Through good management and marshaling of available resources, these units of government can continue to provide outstanding services to all Nebraskans and others who utilize them.

Respectfully,  
(Signed) CHARLES THONE  
Governor

CT:dld

**SPEAKER MARVEL PRESIDING**

**MOTION - Adjournment**

Mr. Haberman moved to adjourn until 8:30 a.m., Tuesday, April 14, 1980.

Mr. Haberman moved for a Call of the House. The motion prevailed with 20 ayes, 17 nays, and 12 not voting.

Mr. Haberman requested a roll call vote on his motion.

Voting in the affirmative, 14:

|          |            |          |         |         |
|----------|------------|----------|---------|---------|
| Barrett  | Chronister | George   | Johnson | Vickers |
| Beutler  | Cullan     | Haberman | Kennedy | Wagner  |
| Chambers | Dworak     | Hoagland | Keyes   |         |

Voting in the negative, 29:

|            |        |        |        |          |
|------------|--------|--------|--------|----------|
| Burrows    | Hefner | Lamb   | Nichol | Simon    |
| Carsten    | Kahle  | Landis | Pirsch | Stoney   |
| Clark      | Kelly  | Maresh | Powers | Venditte |
| Cope       | Koch   | Marvel | Rutzel | Warner   |
| Fitzgerald | Kremer | Merz   | Rumery | Wesely   |
| Goodrich   | Labedz | Newell | Sieck  |          |

Present and not voting, 4:

|        |        |        |        |
|--------|--------|--------|--------|
| DeCamp | Fowler | Murphy | Schmit |
|--------|--------|--------|--------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

The motion to adjourn lost with 14 ayes, 29 nays, 4 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 643.** E & R amendment found in the Journal on page 1685 for the Fifty-Fifth Day was adopted.

Mr. Sieck asked unanimous consent to substitute the amendment on page 1789 (Req. #2365) for the amendment found on the Clerk's desk. No objections. So ordered.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Sieck amendment was adopted with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Mr. Haberman renewed his pending amendment found in the Journal on page 1757.

The amendment lost with 17 ayes, 18 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Merz renewed his pending amendment found in the Journal on page 1782 (Req. #2366).

The amendment was adopted with 26 ayes, 12 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Vickers withdrew his pending amendment found in the Journal on page 1785 (Req. #2368).

Mr. Beutler withdrew his pending amendment referred to in the Journal on page 1792 (Req. #2362).

Messrs. Rumery, Beutler, and Hoagland offered an amendment to strike the Sieck amendment and insert new sections. (Amendment on file in the Clerk's Office.)

Mr. DeCamp raised a point of order on whether the amendment is germane.

The Chair ruled the amendment not germane.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 824.** E & R amendment found in the Journal on page 1685 for the Fifty-Fifth Day was adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 1766.

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

Advanced to E & R for Engrossment.

Messrs. Cullan, Chambers, Hoagland, Landis, Johnson, and Vickers moved to adjourn.

The motion lost with 12 ayes, 29 nays, and 8 not voting.

**LEGISLATIVE BILL 820.** E & R amendments found in the Journal on page 1750 for the Fifty-Sixth Day were adopted.

Mr. Hoagland offered the following amendment:  
(Amendment printed separate and on file in the Clerk's Office - Req. #2390).

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Hoagland amendment lost with 18 ayes, 23 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 820.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3, to consider the indefinitely postpone motion today.

The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

The motion to indefinitely postpone LB 820 lost with 8 ayes, 28 nays, 11 present and not voting, and 2 excused and not voting.

Messrs. Cullan and Beutler offered the following amendment:  
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2400.)

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

#### **MR. CLARK PRESIDING**

The Cullan-Beutler amendment was adopted with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 939.** E & R amendments found in the Journal on page 1750 for the Fifty-Sixth Day were adopted.

Mr. Lamb withdrew his pending amendment found in the Journal on page 1649.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1274.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Murphy renewed his pending amendment (1) found in the Journal on page 1722.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Murphy moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 18:

|            |        |        |         |        |
|------------|--------|--------|---------|--------|
| Barrett    | Cope   | Hefner | Maresh  | Stoney |
| Burrows    | Cullan | Kahle  | Murphy  | Warner |
| Carsten    | Dworak | Kelly  | Reutzel |        |
| Chronister | Fowler | Landis | Rumery  |        |

Voting in the negative, 19:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| DeCamp     | Hoagland | Koch     | Pirsch | Venditte |
| Fitzgerald | Johnson  | Labeledz | Powers | Vickers  |
| Goodrich   | Kennedy  | Lamb     | Sieck  | Wagner   |
| Haberman   | Keyes    | Newell   | Simon  |          |

Present and not voting, 9:

|         |        |        |        |        |
|---------|--------|--------|--------|--------|
| Beutler | George | Marvel | Nichol | Wesely |
| Clark   | Kremer | Merz   | Schmit |        |

Excused and not voting, 3:

Chambers    Lewis        Marsh

The Murphy amendment lost with 18 ayes, 19 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Murphy renewed his pending amendment (2) found in the Journal on page 1722.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Murphy amendment lost with 19 ayes, 18 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Schmit offered the following amendment:

I move that LB 939 be amended by adding the following as a new section:

Those corporations or associations eligible for licenses to conduct horse racing by the pari mutuel method as defined in Section 2-1204, RRS, 1943 shall be exempt from the provisions of the Nebraska Disposition of Unclaimed Property Act, Sections 69-301, Et. Seq. RRS 1943

Amend the title to conform.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The Schmit amendment was adopted with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 939A.** Advanced to E & R for Engrossment.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 918.** E & R amendment found in the Journal on page 1751 for the Fifty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 343.**

Introduced by DeCamp, 40th District.

WHEREAS, the Soviet Union has exploited United States peace initiatives to build-up its strategic and conventional warfare capabilities;

WHEREAS, this has given the Soviet Union the means to support increasingly bolder worldwide aggression;

WHEREAS, there is basis for concern that the Soviets may next use these forces in Pakistan, Iran, and Yugoslavia;

WHEREAS, the Soviet Union has demonstrated an unwillingness to live by international law; and

WHEREAS, the United States is the one world power that can stop Soviet expansionism.

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

1. That the United States adopt a National Strategy of Peace Through Strength, the general principles of which would be:

A. To inspire, focus, and unite the national will and determination to achieve this goal of peace and freedom;

B. To achieve overall military and technological superiority over the Soviet Union;

C. To create a strategic defense and a civil defense which would protect United States citizens against nuclear war at least as well as the Soviets defend their citizens;

D. To accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or locks the United States into a position of military inferiority;

E. To reestablish effective security and intelligence capabilities;

F. To pursue positive nonmilitary means to roll back the growth of Communism;

G. To help our allies and other noncommunist countries defend themselves against Communist aggressions; and

H. To maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

2. That the Legislature acknowledges it will take the combined efforts of hundreds of organizations to achieve the adoption of a National Strategy of Peace Through Strength.

3. That the Legislature will join the Coalition for Peace Through Strength to work with other organizations and entities for the adoption of a National Strategy of Peace Through Strength, except that this Legislature reserves to itself the right to make its own decisions as to how the principles shall be applied on individual issues.

4. That the Clerk of the Legislature transmit a copy of this resolution to each member of the Nebraska Congressional delegation.

Laid over.

**MOTION - Suspend Rules**

Mr. DeCamp moved to suspend the rules, Rule 6 Sec. 5 Subdivisions (a) (b) (c) (d) (e) (f) (g) (h) (i) and Rule 7 Sec. 3 and advance the following Bills with no amendments:

283, 865, 795, 872, 872A, 965, 965A, 740, 964, 611, 992, and LB 933 with the Hoagland & Newell amendment and LB 991, with the Nichol-Venditte amendment

Mr. Beutler offered to amend the DeCamp motion by including LB 306 and LB 175CA.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 3 nays, and 12 not voting.

The Beutler amendment lost with 13 ayes, 25 nays, and 11 not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Beutler raised a point of order on the DeCamp motion.

The Chair ruled the motion in order.

Mr. Newell requested a record vote on the DeCamp motion.

Voting in the affirmative, 12:

|         |          |         |          |
|---------|----------|---------|----------|
| Burrows | Kelly    | Nichol  | Rumery   |
| DeCamp  | Labeledz | Powers  | Simon    |
| Kahle   | Newell   | Reutzel | Venditte |

Voting in the negative, 30:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | Cullan     | Haberman | Kremer | Pirsch  |
| Beutler    | Dworak     | Hefner   | Lamb   | Sieck   |
| Carsten    | Fitzgerald | Hoagland | Landis | Stoney  |
| Chronister | Fowler     | Johnson  | Maresh | Vickers |
| Clark      | George     | Kennedy  | Marvel | Warner  |
| Cope       | Goodrich   | Koch     | Murphy | Wesely  |

Present and not voting, 4:

Keyes            Merz            Schmit            Wagner

Excused and not voting, 3:

Chambers    Lewis            Marsh

The DeCamp motion to suspend the rules lost with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 283.** E & R amendments found in the Journal on page 1751 for the Fifty-Sixth Day were adopted.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1735.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Murphy moved to indefinitely postpone LB 283.

Mr. Schmit moved to suspend the rules, Rule 7, Sec. 3 to consider the motion to indefinitely postpone today.

The motion prevailed with 30 ayes, 12 nays, and 7 not voting.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Murphy motion to indefinitely postpone lost with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

**MR. CLARK PRESIDING**

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 824 and 954.

(Signed) Don Wesely, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 865.** Mr. George renewed his pending amendment found in the Journal on page 1660.

Mr. DeCamp requested a ruling on whether the George amendment is germane.

The Chair ruled the amendment not germane.

Mr. George challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The George motion lost with 9 ayes, 17 nays, and 23 not voting.

The Chair was sustained.

Mr. Dworak moved to indefinitely postpone LB 865.

Mr. Goodrich moved to suspend the rules, Rule 7, Sec. 3 to consider the indefinitely postpone motion today.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The motion to suspend the rules prevailed with 30 ayes, 7 nays, and 12 not voting.

Mr. Dworak withdrew his motion to indefinitely postpone.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 740.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 795.** E & R amendment found in the Journal on page 1751 for the Fifty-Sixth Day was adopted.

Mr. George offered the following amendment:

- 1 1. On page 13, line 26, strike "or".
- 2 2. On page 14, line 2 after the underscored
- 3 semicolon insert "or"; and after line 2 insert "(h) Barges;"

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

The George amendment was adopted with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 872.** E & R amendment found in the Journal on page 1751 for the Fifty-Sixth Day was adopted.

Mr. Haberman withdrew his pending amendment found in the Journal on page 1062.

Mr. Haberman offered the following amendment:

Amend 872 Public Service Commission to read \$22,000

Mr. George offered the following amendment to the Haberman amendment:

Amend the Haberman amendment to \$25,000

Mr. Venditte moved the previous question, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The George amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

The Haberman amendment, as amended, was adopted with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Haberman requested a record vote to advance LB 872.

Voting in the affirmative, 27:

|            |        |          |        |          |
|------------|--------|----------|--------|----------|
| Barrett    | Cullan | Labeledz | Nichol | Venditte |
| Burrows    | DeCamp | Lamb     | Powers | Wagner   |
| Carsten    | Dworak | Landis   | Rumery | Warner   |
| Chronister | George | Marvel   | Sieck  |          |
| Clark      | Kelly  | Murphy   | Simon  |          |
| Cope       | Koch   | Newell   | Stoney |          |

Voting in the negative, 11:

|          |         |        |         |
|----------|---------|--------|---------|
| Haberman | Johnson | Kremer | Vickers |
| Hefner   | Kahle   | Maresh | Wesely  |
| Hoagland | Kennedy | Merz   |         |

Present and not voting, 9:

|          |            |          |         |        |
|----------|------------|----------|---------|--------|
| Beutler  | Fitzgerald | Goodrich | Pirsch  | Schmit |
| Chambers | Fowler     | Keyes    | Reutzel |        |

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

Advanced to E & R for Engrossment with 27 ayes, 11 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 872A.** Mr. Haberman moved to indefinitely postpone LB 872A.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3 to consider the indefinitely postpone motion today.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The motion to suspend the rules prevailed with 32 ayes, 5 nays, and 12 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 and not voting.

The motion to indefinitely postpone lost with 7 ayes, 26 nays, 14 present and not voting, and 2 excused and not voting.

Mr. George offered the following amendment:

Amend LB 872A to \$12,500

The amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, 2 excused and not voting.

Advanced to E & R for Engrossment.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 611.** E & R amendment found in the Journal on page 1799 for the Fifty-Seventh Day was adopted.

Mr. Sieck offered the following amendment:

P. 1394, Line 15 Leg. Journal 3/21/80:

After "75-720." Add:

"Except for applications relative to airports covered by sections 75-714 through 75-717 provisions."

Same line strike "Provisions".

P. 1394, Line 19 Leg. Journal 3/21/80:

after "notice" add "by certified mail, with a copy to the commission by certified mail"

The amendment was adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 933.** E & R amendments found in the Journal on page 1799 for the Fifty-Seventh Day were adopted.

Mr. Newell renewed his pending amendment found in the Journal on page 1741.

The amendment was adopted with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

Messrs. Newell, Hoagland, and George offered the following amendment:

In the George amendments, (White Copy Request 2317):

(a) Strike section 26.

(b) Strike amendment 2.

Mr. Newell moved for a Call of the House. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The Newell et al amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**MOTION - Recess**

Mr. Cullan moved to recess until 11:00 p.m. The motion lost with 11 ayes, 26 nays, and 12 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 991.** Mr. Nichol moved the adoption of the Standing Committee amendments found in the Journal on page 1177.

The Standing Committee amendments were adopted with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 1177.

Mr. Nichol offered the following amendment:

- 1 1. On page 7, line 14 after the underscored
- 2 period insert "For purposes of this section, to place
- 3 shall mean to purchase, order, or procure, but shall
- 4 not include providing the advertising medium.".

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 and not voting.

The Nichol amendment lost with 9 ayes, 29 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Nichol offered the following amendment:

Add Emergency Clause to LB 991.

The amendment was adopted with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Nichol offered the following amendment:

Pg. 3 line 21 change "or" to "and".

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Nichol amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Landis moved to indefinitely postpone LB 991.

Mr. Nichol moved to suspend the rules, Rule 7, Sec. 3 to consider the indefinitely postpone motion today.

Mr. Venditte requested a record vote on the motion to suspend the rules.

Voting in the affirmative, 33:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Goodrich | Kremer   | Newell  | Simon    |
| Burrows    | Haberman | Labeledz | Nichol  | Stoney   |
| Carsten    | Hefner   | Lamb     | Pirsch  | Venditte |
| Chronister | Kahle    | Maresh   | Powers  | Wagner   |
| Clark      | Kelly    | Marvel   | Reutzel | Warner   |
| Cope       | Kennedy  | Merz     | Rumery  |          |
| George     | Keyes    | Murphy   | Sieck   |          |

Voting in the negative, 10:

|          |        |            |         |         |
|----------|--------|------------|---------|---------|
| Beutler  | Cullan | Fitzgerald | Johnson | Vickers |
| Chambers | Dworak | Fowler     | Landis  | Wesely  |

Present and not voting, 4:

|        |          |      |        |
|--------|----------|------|--------|
| DeCamp | Hoagland | Koch | Schmit |
|--------|----------|------|--------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

The motion to suspend the rules prevailed with 33 ayes, 10 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Landis withdrew his motion to indefinitely postpone.

Messrs. Simon and DeCamp withdrew their pending amendments referred to in the Journal on page 1683 (Req. #2308) and (Req. #2245).

Mr. Stoney requested a record vote to advance LB 991.

Mr. Chambers requested a roll call vote to advance LB 991.

Voting in the affirmative, 36:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Clark      | Goodrich | Kahle   | Kremer   |
| Burrows    | Cope       | Haberman | Kelly   | Labeledz |
| Carsten    | Fitzgerald | Hefner   | Kennedy | Lamb     |
| Chronister | George     | Johnson  | Keyes   | Maresh   |

|        |         |        |          |
|--------|---------|--------|----------|
| Marvel | Nichol  | Rumery | Stoney   |
| Merz   | Pirsch  | Schmit | Venditte |
| Murphy | Powers  | Sieck  | Wagner   |
| Newell | Reutzel | Simon  | Warner   |

Voting in the negative, 6:

|          |        |        |
|----------|--------|--------|
| Chambers | Dworak | Landis |
| Cullan   | Fowler | Wesely |

Present and not voting, 5:

|         |        |          |      |         |
|---------|--------|----------|------|---------|
| Beutler | DeCamp | Hoagland | Koch | Vickers |
|---------|--------|----------|------|---------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

Advanced to E & R for Engrossment with 36 ayes, 6 nays, 5 present and not voting, and 2 excused and not voting.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 283, 643, 740, 820, 865, 918, 939, and 939A.

(Signed) Don Wesely, Chairperson

Title Change to LB 643

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 643:

In line 5 "to revise and rename the City, Village and Municipal Corporation Ground Water Permit Act as prescribed;" has been inserted after the semicolon; and in line 9 "to provide standards;" has been inserted after the semicolon.

(Signed) Emory P. Burnett,  
 E & R Attorney

**LEGISLATIVE BILL 992.** E & R amendments found in the Journal on page 1813 for the Fifty-Seventh Day were adopted.

The Newell-Kelly amendments found in the Journal on pages 1023 and 1024 were withdrawn.

Mr. Kelly renewed his pending amendment found in the Journal on page 1400.

The amendment was adopted with 28 ayes, 3 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Fitzgerald asked unanimous consent to be excused. No objections. So ordered.

### MR. CLARK PRESIDING

**LEGISLATIVE BILL 965.** E & R amendments found in the Journal on page 1814 for the Fifty-Seventh Day were adopted.

Messrs. Cullan and Hoagland offered the following amendment:  
Req. #2383

- 2 1. In the Standing Committee Amendments:
- 3 (a) On page 1, line 7 after the semicolon insert
- 4 "strike beginning with 'The' in line 11 through line 15
- 5 and show as stricken;"; in lines 17 and 18 strike
- 6 "seventy-five thousandths" and insert "one hundred fifty
- 7 thousandths"; and in line 24 strike "a new section" and
- 8 insert "two new sections".
- 9 (b) On page 2 after the underscored period in
- 10 line 3 insert the following:
- 11 "Sec. 19. That section 81-1560, Revised
- 12 Statutes Supplement, 1979, be amended to read as follows:
- 13 81-1560. The fee imposed by section 81-1559
- 14 shall be calculated only on the value of products or the
- 15 gross proceeds of sales of products ~~falling~~ which
- 16 directly contribute to litter as defined in section
- 17 81-1541, Revised Statutes Supplement, 1979, and which
- 18 fall into the following categories: (1) Food for human
- 19 or pet consumption; (2) groceries; (3) cigarettes and
- 20 other tobacco products; (4) soft drinks and carbonated
- 21 waters; (5) liquor, wine, and beer and other malt
- 22 beverages; (6) household paper and paper products,
- 23 excluding magazines, periodicals, newspapers, and
- 24 literary works; (7) glass containers; (8) metal
- 25 containers; (9) plastic or fiber containers made of
- 1 synthetic material; and (10) cleaning agents and
- 2 toiletries."
- 3 (c) Strike amendment 7 and insert the following
- 4 new amendment:

5 "7. On page 12, line 14 strike 'and'; and after  
6 the first comma in line 15 insert 'and 81-1560,'."

Mr. Merz moved to recess until 11:10 p.m.

The motion lost with 9 ayes, 21 nays, and 19 not voting.

The Cullan-Hoagland amendment was adopted with 26 ayes, 11 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 965A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 964.** E & R amendment found in the Journal on page 1814 for the Fifty-Seventh Day was adopted.

Mr. Koch withdrew his pending amendment found in the Journal on page 1231.

Advanced to E & R for Engrossment.

### **MOTION - Return LB 800 to Select File**

Mr. Maresh moved to return LB 800 to Select File for the following specific amendment:

1. On page 8, line 10, strike "twenty-five dollars" and insert "one half of such benefit amount" and after the end of the sentence insert "In the event he or she has wages payable to him or her with respect to such week greater than one half of such benefit amount but less than his or her full weekly benefit amount, he or she shall be paid an amount equal to one half of such benefit amount." On line 13 strike "twenty-five dollars" and insert "an amount equal to one half of such benefit amount".

The motion prevailed with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 800.** The Maresh specific amendment found in this day's Journal was renewed.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

1874

**LEGISLATIVE JOURNAL**

The Maresh specific amendment was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

**EASE**

The Legislature was at ease from 10:29 p.m. until 11:52 p.m.

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 800.

**Correctly Engrossed**

The following bills were correctly engrossed: 611, 795, 872, 872A, 991, 992, 933, 964, 965, and 965A.

(Signed) Don Wesely, Chairperson

**VISITORS**

Visitors to the Chamber were 22 seventh and eighth grade students and principal from St. Paul's Lutheran School, Arlington.

**ADJOURNMENT**

At 11:54 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 8:30 a.m., Tuesday, April 15, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-NINTH DAY - APRIL 15, 1980****LEGISLATIVE JOURNAL****EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 15, 1980

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Marvel presiding.

**PRAYER**

The prayer was offered by the Chaplain.

As we end this Legislative Session, we thank You, God, that there were among us those who grappled with issues of major import to the people of our State and did so with success.

We thank You for those who tried but failed, and who are ready to try again in a new day.

Help us to heal any wounds we have opened or remove any barriers we have erected between us.

Help us to go forth from here as people of peace and honor to leave rancor and discord to the scattering winds of spring. Amen.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh who was excused; and Mrs. Pirsch, Messrs. Burrows, George, Goodrich, Koch, Landis, Lewis, Newell, Reutzel, Schmit, Venditte, and Wesely who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the Fifty-Eighth Day was approved.

**MOTION - Rule Change**

Mr. Warner offered the following rule change:

- 1 1. Amend subsections (a), (e), and (g) of
- 2 Sec. 6. of Rule 5 to read as follows:
- 3 "(a) A copy of every bill introduced shall be
- 4 transmitted by the Clerk to the Legislative Fiscal

5 Analyst. The Legislative Fiscal Analyst shall review  
6 each bill and make an estimate of the anticipated  
7 change in state, county, or municipal expenditures or  
8 revenue under the provisions of the bill. The Legis-  
9 lative Fiscal Analyst shall prepare a statement to be  
10 known as a fiscal note to be attached to each bill  
11 prior to its public hearing by a committee, or its  
12 first consideration on General File if the bill is  
13 referred directly to General File. The fiscal note  
14 shall set forth the fiscal impact of the bill and the  
15 governmental subdivision affected by the fiscal impact  
16 as determined by the Legislative Fiscal Analyst. No  
17 bill which has a fiscal impact of ~~more than five thousand~~  
18 ~~dollars~~ shall be heard by a committee or considered on  
19 General File unless the fiscal note is attached.

20 (e) When amendments to a bill are adopted by  
21 ~~a committee of~~ the Legislature and such amendments  
22 would change the fiscal impact of the bill, the appro-  
23 priate changes shall be made in the fiscal note each  
24 time the bill is advanced to Enrollment and Review or  
25 upon the written request of any member of the Legislature.

26 (g) When any bill proposes adoption of a new  
27 program or change of an existing program either of  
1 which would require an appropriation of ~~\$50,000 or~~  
2 ~~more~~ to implement in the ensuing fiscal year, an  
3 appropriation bill for the purposes of funding the  
4 provisions of such bill shall be prepared from the  
5 information contained in the fiscal note. Such  
6 appropriation bill shall be prepared at the direction  
7 of the Chairman of the Appropriations Committee. Such  
8 bill shall be placed on General File and considered  
9 as introduced by the introducer of the original bill  
10 or by the committee which offered the amendments  
11 creating the expenditure, and shall bear the number  
12 of the original bill with the letter "A" added, and  
13 shall accompany the original bill through all stages  
14 of the legislative process. All bills for which an  
15 "A" bill is prepared shall be bracketed on Final Reading  
16 until the "A" bill is advanced to Final Reading."

17 2. Strike subsection (f) of Sec. 6 of Rule  
18 5 and renumber remaining subsections (g) to ( ) as  
19 subsections (f) to (k) respectively.

2 3. Insert Rule 8 as follows:

3 "Section 1. The purpose of this Rule is to  
4 provide a specific procedure for the Legislature to  
5 develop appropriations for all state agencies, boards,  
6 and commissions. Such procedure shall consider the need  
7 to (1) continue the services and financial assistance  
8 provided by state agencies and programs, and (2) restrict  
9 the growth in state appropriations.

10       Sec. 2. The Legislature's Appropriations  
11 Committee, by majority vote of its members, shall  
12 annually prepare a report summarizing the recommended  
13 total General Fund appropriation for each year of the  
14 following biennium. Such report shall include  
15 information based upon the committee's initial review of  
16 (1) state agency, board, and commission budget requests,  
17 (2) the Governor's budget, (3) the estimated revenue  
18 receipts for each year of the following biennium, (4)  
19 General Fund reserve requirements, (5) express  
20 obligations, and (6) economic conditions affecting the  
21 State of Nebraska.

22       Sec. 3. The report required in section 2 of  
23 this Rule shall be presented by the chairperson of the  
24 Appropriations Committee of the Legislature, or his or  
25 her designee, to the Legislature within ten legislative  
1 days after the Governor presents his or her budget.

2       Sec. 4. Whenever the Appropriations Committee  
3 of the Legislature recommends a total General Fund  
4 appropriation for any year of the biennium which is seven  
5 per cent more than the General Fund appropriation for the  
6 previous fiscal year, the report required in this Rule  
7 shall identify the specific factors that caused such  
8 increase.

9       Sec. 5. Based upon the Appropriations  
10 Committee's report, the Legislature shall adopt a  
11 resolution which specifically establishes a maximum  
12 General Fund appropriation for each year of the following  
13 biennium. Any resolution or amendment to the resolution  
14 which provides for a maximum General Fund appropriation  
15 in excess of the recommendation made under section 2 of  
16 this Rule shall require thirty-three votes for adoption.  
17 Any resolution to endorse the recommendation made under  
18 section 2 of this Rule or any amendment to the resolution  
19 to reduce the maximum General Fund appropriation shall  
20 require twenty-five votes for adoption.

21       Sec. 6. Not less than one per cent of the  
22 General Fund biennium appropriation provided for in  
23 section 5 of this Rule shall be allocated for the funding  
24 of "A" bills, legislative bills that result in the  
25 reduction of revenue to the General Fund, and amendments  
26 to the appropriation bills as reported to General File by  
27 the Appropriations Committee of the Legislature. All "A"  
1 bills which appropriate General Funds shall not be read  
2 on final reading until the Appropriations Committee has  
3 reported to General File the appropriation bills which  
4 provide for the ongoing appropriation to state agencies,  
5 boards, and commissions. The appropriation provided for  
6 in an "A" bill shall be for not less than two fiscal  
7 years.

8       Sec. 7. In order to provide a standard for  
9 reviewing competing appropriation requests within the  
10 same appropriation policy area and to provide a system  
11 for prioritizing appropriations, the priority for  
12 appropriations shall be: (1) Priority 1 - state  
13 appropriations to continue the services and financial  
14 assistance currently provided by state agencies, boards,  
15 and commissions; (2) Priority 2 - state appropriations  
16 for an increase to current appropriations due to (a) an  
17 increase in population or individuals served, (b) the  
18 cost of adding a new service, or (c) an increase in the  
19 quality of services currently provided; (3) Priority 3 -  
20 state appropriations for the continued payment of current  
21 aid to any political subdivision; (4) Priority 4 - state  
22 appropriations for increased aid to any political  
23 subdivisions pursuant to legislation passed prior to the  
24 effective date of this Rule; and (5) Priority 5 - state  
25 appropriations for legislation passed after the effective  
26 date of this Rule which requires the state to provide  
27 increased aid to political subdivisions or requires the  
1 state to assume financial responsibility for services or  
2 programs currently being provided by political  
3 subdivisions. Such appropriation priorities shall be  
4 used by the Appropriations Committee of the Legislature  
5 during the development of appropriation bills which  
6 provide for the ongoing operation of state agencies,  
7 boards, and commissions.”.

Referred to the Rules Committee.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 615.

A BILL FOR AN ACT to amend section 33-117, Reissue Revised Statutes of Nebraska, 1943, sections 23-1112, 23-1112.01, 83-337, and 83-424, Revised Statutes Supplement, 1978, and section 84-306.03, Revised Statutes Supplement, 1979, relating to mileage; to change the rates of mileage allowance; 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, 32:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | Cullan     | Kahle    | Merz   | Simon   |
| Beutler    | DeCamp     | Keyes    | Murphy | Vickers |
| Carsten    | Fitzgerald | Kremer   | Nichol | Wagner  |
| Chambers   | Fowler     | Labeledz | Powers | Warner  |
| Chronister | Haberman   | Lamb     | Rumery |         |
| Clark      | Hefner     | Lewis    | Schmit |         |
| Cope       | Johnson    | Maresh   | Sieck  |         |

Voting in the negative, 6:

|          |         |        |
|----------|---------|--------|
| Dworak   | Kelly   | Pirsch |
| Hoagland | Kennedy | Stoney |

Present and not voting, 1:

Marvel

Excused and not voting, 10:

|         |          |        |         |          |
|---------|----------|--------|---------|----------|
| Burrows | Goodrich | Landis | Newell  | Venditte |
| George  | Koch     | Marsh  | Reutzel | Wesely   |

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

Mr. Cope asked unanimous consent to be excused until he returns. No objections. So ordered.

Members of the Executive Board asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 615A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 615, Eighty-sixth Legislature, Second Session, 1980; and to provide severability.

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, 31:

|         |            |          |          |        |
|---------|------------|----------|----------|--------|
| Barrett | Chronister | Goodrich | Kahle    | Landis |
| Beutler | Cope       | Haberman | Koch     | Maresh |
| Burrows | Cullan     | Hefner   | Kremer   | Marvel |
| Carsten | George     | Johnson  | Labeledz | Merz   |

|        |         |         |        |
|--------|---------|---------|--------|
| Murphy | Reutzel | Sieck   | Wagner |
| Nichol | Rumery  | Simon   | Warner |
| Powers | Schmit  | Vickers |        |

Voting in the negative, 7:

|          |         |        |        |
|----------|---------|--------|--------|
| Dworak   | Kelly   | Keyes  | Stoney |
| Hoagland | Kennedy | Pirsch |        |

Excused and not voting, 11:

|          |            |        |          |
|----------|------------|--------|----------|
| Chambers | Fitzgerald | Lewis  | Venditte |
| Clark    | Fowler     | Marsh  | Wesely   |
| DeCamp   | Lamb       | Newell |          |

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

#### LEGISLATIVE BILL 618.

A BILL FOR AN ACT to amend sections 5-105 and 24-503, Reissue Revised Statutes of Nebraska, 1943, relating to judicial districts; to increase the number of judges as prescribed; 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, 29:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Carsten    | Dworak     | Johnson  | Lewis  | Sieck   |
| Chambers   | Fitzgerald | Kelly    | Merz   | Simon   |
| Chronister | George     | Koch     | Newell | Stoney  |
| Cope       | Goodrich   | Kremer   | Nichol | Vickers |
| Cullan     | Hefner     | Labeledz | Powers | Wagner  |
| DeCamp     | Hoagland   | Landis   | Schmit |         |

Voting in the negative, 18:

|         |          |        |         |        |
|---------|----------|--------|---------|--------|
| Barrett | Fowler   | Keyes  | Murphy  | Warner |
| Beutler | Haberman | Lamb   | Pirsch  | Wesely |
| Burrows | Kahle    | Maresh | Reutzel |        |
| Clark   | Kennedy  | Marvel | Rumery  |        |

Excused and not voting, 2:

Marsh            Venditte

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

**LEGISLATIVE BILL 618A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 618, Eighty-sixth Legislature, Second Session, 1980.

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

Mr. Cullan requested a roll call vote.

Voting in the affirmative, 31:

|            |          |        |        |          |
|------------|----------|--------|--------|----------|
| Carsten    | Goodrich | Kremer | Newell | Venditte |
| Chambers   | Haberman | Lamb   | Nichol | Vickers  |
| Chronister | Hefner   | Landis | Powers | Wagner   |
| Cope       | Hoagland | Lewis  | Schmit |          |
| Cullan     | Johnson  | Maresh | Sieck  |          |
| Dworak     | Kelly    | Marvel | Simon  |          |
| George     | Koch     | Merz   | Stoney |          |

Voting in the negative, 15:

|         |            |          |         |        |
|---------|------------|----------|---------|--------|
| Beutler | Fitzgerald | Kennedy  | Murphy  | Rumery |
| Burrows | Fowler     | Keyes    | Pirsch  | Warner |
| Clark   | Kahle      | Labeledz | Reutzel | Wesely |

Present and not voting, 2:

Barrett            DeCamp

Excused and not voting, 1:

Marsh

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

**MR. CLARK PRESIDING****LEGISLATIVE BILL 701.**

A BILL FOR AN ACT to amend section 2-1505, Revised Statutes Supplement, 1978, relating to the Nebraska Natural Resources Commission; to change compensation as prescribed; 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, 42:

|            |            |         |        |         |
|------------|------------|---------|--------|---------|
| Barrett    | Dworak     | Kahle   | Lewis  | Sieck   |
| Beutler    | Fitzgerald | Kelly   | Maresh | Simon   |
| Burrows    | Fowler     | Kennedy | Marvel | Vickers |
| Carsten    | George     | Keyes   | Merz   | Wagner  |
| Chronister | Goodrich   | Koch    | Newell | Warner  |
| Clark      | Haberman   | Kremer  | Nichol | Wesely  |
| Cope       | Hefner     | Labedz  | Powers |         |
| Cullan     | Hoagland   | Lamb    | Rumery |         |
| DeCamp     | Johnson    | Landis  | Schmit |         |

Voting in the negative, 4:

|        |        |         |        |
|--------|--------|---------|--------|
| Murphy | Pirsch | Reutzel | Stoney |
|--------|--------|---------|--------|

Present and not voting, 2:

Chambers    Venditte

Excused and not voting, 1:

Marsh

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

**SPEAKER MARVEL PRESIDING****LEGISLATIVE BILL 701A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 701, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | DeCamp     | Kahle    | Lewis  | Sieck    |
| Beutler    | Dworak     | Kelly    | Maresh | Simon    |
| Burrows    | Fitzgerald | Kennedy  | Marvel | Venditte |
| Carsten    | Fowler     | Keyes    | Merz   | Vickers  |
| Chambers   | Goodrich   | Koch     | Newell | Wagner   |
| Chronister | Haberman   | Kremer   | Nichol | Warner   |
| Clark      | Hefner     | Labeledz | Powers | Wesely   |
| Cope       | Hoagland   | Lamb     | Rumery |          |
| Cullan     | Johnson    | Landis   | Schmit |          |

Voting in the negative, 5:

|        |        |        |         |        |
|--------|--------|--------|---------|--------|
| George | Murphy | Pirsch | Reutzel | Stoney |
|--------|--------|--------|---------|--------|

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 712.**

A BILL FOR AN ACT relating to rules of administrative agencies; to provide duties for the Revisor of Regulations; to provide for a hearing on rules and amendments; to amend section 84-906.03, Reissue Revised Statutes of Nebraska, 1943; to provide for termination; 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, 38:

|            |            |          |          |         |
|------------|------------|----------|----------|---------|
| Barrett    | Cullan     | Haberman | Koch     | Marvel  |
| Burrows    | DeCamp     | Hefner   | Labeledz | Merz    |
| Carsten    | Dworak     | Kahle    | Lamb     | Murphy  |
| Chronister | Fitzgerald | Kelly    | Landis   | Nichol  |
| Clark      | George     | Kennedy  | Lewis    | Pirsch  |
| Cope       | Goodrich   | Keyes    | Maresh   | Reutzel |

|        |       |          |        |
|--------|-------|----------|--------|
| Rumery | Sieck | Venditte | Warner |
| Schmit | Simon | Wagner   | Wesely |

Voting in the negative, 8:

|         |          |        |         |
|---------|----------|--------|---------|
| Beutler | Hoagland | Kremer | Stoney  |
| Fowler  | Johnson  | Newell | Vickers |

Present and not voting, 2:

Chambers Powers

Excused and not voting, 1:

Marsh

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

#### **LEGISLATIVE BILL 712A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 712, Eighty-sixth Legislature, Second Session, 1980.

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

Voting in the affirmative, 37:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kelly    | Merz    | Simon    |
| Burrows    | Dworak     | Kennedy  | Murphy  | Venditte |
| Carsten    | Fitzgerald | Koch     | Nichol  | Wagner   |
| Chambers   | George     | Labeledz | Powers  | Warner   |
| Chronister | Goodrich   | Lamb     | Reutzel | Wesely   |
| Clark      | Haberman   | Lewis    | Rumery  |          |
| Cope       | Hefner     | Maresh   | Schmit  |          |
| Cullan     | Kahle      | Marvel   | Sieck   |          |

Voting in the negative, 9:

|          |         |        |        |         |
|----------|---------|--------|--------|---------|
| Beutler  | Johnson | Kremer | Newell | Vickers |
| Hoagland | Keyes   | Landis | Stoney |         |

Present and not voting, 2:

Fowler Pirsch

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 731.**

A BILL FOR AN ACT relating to criminal procedure; to provide for written, oral, and telephonic statements in support of an application for search warrants; to provide for procedures in issuing search warrants; and to repeal section 29-814, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Dworak   | Kelly    | Maresh  | Schmit   |
| Beutler    | Fowler   | Kennedy  | Marvel  | Sieck    |
| Burrows    | George   | Keyes    | Merz    | Simon    |
| Carsten    | Goodrich | Koch     | Newell  | Stoney   |
| Chronister | Haberman | Kremer   | Nichol  | Venditte |
| Clark      | Hefner   | Labeledz | Pirsch  | Vickers  |
| Cope       | Hoagland | Lamb     | Powers  | Wagner   |
| Cullan     | Johnson  | Landis   | Reutzel | Warner   |
| DeCamp     | Kahle    | Lewis    | Rumery  | Wesely   |

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Fitzgerald Murphy

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 731A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 731, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kahle    | Maresh  | Simon    |
| Beutler    | Fitzgerald | Kelly    | Marvel  | Stoney   |
| Burrows    | Fowler     | Kennedy  | Merz    | Venditte |
| Carsten    | George     | Koch     | Newell  | Vickers  |
| Chronister | Goodrich   | Kremer   | Nichol  | Wagner   |
| Clark      | Haberman   | Labeledz | Pirsch  | Warner   |
| Cope       | Hefner     | Lamb     | Powers  | Wesely   |
| Cullan     | Hoagland   | Landis   | Reutzel |          |
| DeCamp     | Johnson    | Lewis    | Sieck   |          |

Voting in the negative, 2:

Chambers    Keyes

Present and not voting, 3:

Murphy      Rumery      Schmit

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 789.**

A BILL FOR AN ACT to amend section 43-512, Reissue Revised Statutes of Nebraska, 1943, relating to aid to dependent children

payments; to increase the maximum aid as prescribed; 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, 29:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Beutler    | Fitzgerald | Keyes    | Merz    | Sieck    |
| Burrows    | Fowler     | Koch     | Newell  | Simon    |
| Chambers   | Goodrich   | Kremer   | Powers  | Venditte |
| Chronister | Hoagland   | Labeledz | Reutzel | Vickers  |
| Cullan     | Johnson    | Landis   | Rumery  | Wesely   |
| DeCamp     | Kelly      | Lewis    | Schmit  |          |

Voting in the negative, 17:

|         |          |        |        |        |
|---------|----------|--------|--------|--------|
| Barrett | Dworak   | Kahle  | Murphy | Warner |
| Carsten | George   | Lamb   | Nichol |        |
| Clark   | Haberman | Maresh | Pirsch |        |
| Cope    | Hefner   | Marvel | Stoney |        |

Present and not voting, 2:

Kennedy      Wagner

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 789A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 789, Eighty-sixth Legislature, Second Session, 1980.

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, 31:

1888

LEGISLATIVE JOURNAL

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Beutler    | Fitzgerald | Keyes    | Newell  | Venditte |
| Burrows    | Fowler     | Koch     | Powers  | Vickers  |
| Carsten    | Goodrich   | Kremer   | Reutzel | Wesely   |
| Chambers   | Haberman   | Labeledz | Rumery  |          |
| Chronister | Hoagland   | Landis   | Schmit  |          |
| Cullan     | Johnson    | Lewis    | Sieck   |          |
| DeCamp     | Kelly      | Merz     | Simon   |          |

Voting in the negative, 13:

|        |        |        |        |        |
|--------|--------|--------|--------|--------|
| Clark  | George | Lamb   | Nichol | Warner |
| Cope   | Hefner | Maresh | Pirsch |        |
| Dworak | Kahle  | Marvel | Stoney |        |

Present and not voting, 4:

|         |         |        |        |
|---------|---------|--------|--------|
| Barrett | Kennedy | Murphy | Wagner |
|---------|---------|--------|--------|

Excused and not voting, 1:

Marsh

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

**REPORT OF THE EXECUTIVE BOARD**

The Executive Board submits the following report on Resolutions approved by the Board for interim studies and recommends approval of the same by the Legislature.

(Signed) Frank Lewis, Chairperson

LR 195 - Study of American Bar Association Model Procurement Code. (Beutler) Appropriations

LR 218 - Study of interest rates and consumer credit; and specifically the impact of the adoption of the Uniform Commercial Credit Code. (Banking, Commerce & Insurance) Banking, Commerce & Insurance

LR 222 - Continuation of proposed power transmission facility study (MANDAN Line). (Lewis) Executive Board

LR 225 - Study of adequacy of all statutory benefits accruing to injured employees and their dependents under the workmen's compensation statutes. (Chambers) Business & Labor

LR 227 - Study of the Eppley Institute for Research in Cancer. (Chambers) Appropriations

LR 228 - Study of the procedures for filing vacancies in elective offices. (Government, Military & Veterans Affairs) Government, Military & Veterans Affairs

LR 229 - Study of mileage allowance for all public employees. (Government, Military & Veterans Affairs) Government, Military & Veterans Affairs

LR 230 - Study of impact and effects of electric generating plants on small communities. (Government, Military & Veterans Affairs) Intergovernmental Cooperation (combined with LR's 258 & 304)

LR 231 - Study of all aspects of state civil defense in the event that the Nebraska National Guard or Air Guard is called into active duty. (Government, Military & Veterans Affairs) Government, Military & Veterans Affairs

LR 232 - Study the use of small, energy efficient vehicles for the purpose of private transportation within cities and villages. (Government, Military & Veterans Affairs) Nebraska Transportation Advisory

LR 233 - Study of all aspects of the North Freeway Project in Omaha. (Chambers) Executive Board

LR 235 - Study to assess the need for a constitutional amendment which would provide the Legislature a measure of control over funds appropriated by it to the University of Nebraska. (Constitutional Revision & Recreation) Constitutional Revision & Recreation (combined with LR 254)

LR 236 - Study of existing provisions of the possible revisions to the Nebraska Constitution pertaining to the powers of initiative and referendum. (Constitutional Revision & Recreation) Constitutional Revision & Recreation

LR 237 - To study whether the Nebraska Supreme Court, by means of a constitutional amendment, should be authorized to issue opinions upon questions of law when requested by the Legislature or the Governor. (Constitutional Revision & Recreation) Constitutional Revision & Recreation

LR 238 - Review of current set of rules and regulations of state administrative agencies and organize the system in a manner which is easily accessible. (Administrative Rules & Regulations Review) Administrative Rules & Regulations Review

LR 239 - Review of the Administrative Procedures Act. (Administrative Rules & Regulations Review) Administrative Rules & Regulations Review

LR 240 - Study of the utilization of Attorney General opinions and the effects such opinions have on the legal system and legislative process. (Chambers) Judiciary

LR 241 - Study of the Nebraska housing authority statutes. (Urban Affairs) Urban Affairs

LR 242 - Study of the ability of cities to meet federally required water quality standards. (Goodrich) Urban Affairs

LR 244 - Examination of arson laws in Nebraska and the desirability of implementing the Model Arson Penal Law. (Stoney) Judiciary

LR 246 - Study of motor vehicle license plates production, materials, methods, etc. (Public Works) Public Works

LR 248 - Study of dealers' commission, shrinkage allowance and the Highway Allocation Fund distribution formulas. (Newell) Revenue

LR 249 - Review of criminal statutes to formulate uniform guidelines re: evidentiary status of mechanical and/or electronic devices. (Judiciary) Judiciary

LR 250 - Study to evaluate the operation of the merit system for selection and retention of judges. (Reutzell, Sieck) Constitutional Revision & Recreation

LR 251 - Study of the adequacy of this state's insurance laws and regulations. (Banking, Commerce & Insurance) Banking, Commerce & Insurance

LR 252 - Review of Nebraska's commerce and industry. (Banking, Commerce & Insurance) Banking, Commerce & Insurance

LR 253 - Study of financial markets, money-credit supply in Nebraska and impact of same on economy of the state, etc. (Banking, Commerce & Insurance) Banking, Commerce & Insurance

LR 254 - To study the relationship of the University of Nebraska Foundation to University of Nebraska fiscal administration, etc. (Landis) Constitutional Revision & Recreation (combined with LR 235)

LR 255 - Study of the Mechanic's Lien Law system. (Beutler, Pirsch) Judiciary

LR 256 - Study of the criteria for releasing mental patients from the custody of the institution to which they are committed, etc. (Venditte, et al.) Public Health & Welfare

LR 258 - Study to explore the law enforcement needs of localities impacted by public works projects involving large construction. (Judiciary) Intergovernmental Cooperation (combined with LR's 230 & 304)

LR 259 - Study of the efforts of state and local governments in eliminating architectural barriers to the handicapped and disabled citizenry of Nebraska in public buildings, streets and other public facilities. (Fowler) Building Maintenance

LR 262 - Study of all standards of need used in the welfare programs in this state, etc. (Johnson) Executive Board

LR 263 - Study of various aspects of water issues (stream flows, water quality, state water planning, NRD eminent domain, etc.) (Public Works) Public Works

LR 265 - Study the appropriateness of current state and federal confidentiality restrictions which limit public access, including governmental audit agencies, from reviewing Department of Revenue records. (Performance Review & Audit) Revenue

LR 266 - To coordinate efforts being made by the Judiciary Committee and the Nebraska Bar Association to review the Nebraska Business Corporation Act. (Judiciary) Judiciary

LR 267 - To examine corrections and sentencing in Nebraska, to review the Model Sentencing and Corrections Act, and to facilitate citizen input on corrections through a Nebraska Citizen Conference on Corrections. (Judiciary) Judiciary

LR 268 - To coordinate efforts being made by the Judiciary Committee and the various Nebraska Bar Association Drafting Committee with regard to problem areas in our laws governing civil procedure. (Judiciary) Judiciary

LR 269 - To examine the desirability and feasibility of the State of Nebraska modifying its taxation structure and school finance structure to provide that K-12 public education be financed by means of a local school district income tax. (Burrows, Sieck) Education (combined with LR 313)

LR 271 - A study to assess the need for the Lincoln campus of the University of Nebraska Medical Center College of Nursing. (Appropriations) Appropriations

LR 272 - Study of various aspects of public employee retirement programs offered by the State of Nebraska and its political subdivisions. (Nebraska Retirement Systems) Nebraska Retirement Systems

LR 273 - A study of child care needs in Nebraska. (Fowler) Public Health & Welfare

LR 274 - An evaluation and review of the salaries and expenses provided to county officials. (Kahle) Government, Military & Veterans Affairs

LR 276 - A study to monitor and evaluate the effectiveness of law enforcement agencies in Nebraska. (Fowler, et al.) Executive Board

LR 278 - To study the process by which administrative rules are reviewed, approved, or rejected by the Attorney General and the Governor. (Administrative Rules & Regulations Review) Administrative Rules & Regulations Review

LR 281 - To monitor and evaluate the impact of the Political Subdivision Budget Limit Act of 1979. (Carsten, et al.) Revenue

LR 282 - A study of issues of crucial importance to agriculture in the State of Nebraska. (Schmit, et al.) Agriculture & Environment

LR 283 - To study the services issues raised in LB 665, Nebraska Aging Services Act, 1980 Session concerning the provisions of community-based aging services and programs. (Powers, et al.) Executive Board

LR 284 - To develop a tax incidence data base. (Carsten) Revenue

LR 287 - A study of a lottery conducted by the state, the proceeds of which would augment special education or a similar project. (Simon, DeCamp) Miscellaneous Subjects

LR 288 - A study to review the recommendations of the National Commission on Unemployment Compensation; and a study of the Nebraska Employment Security Law. (Business & Labor) Business & Labor

LR 289 - A study of the various fees that are charged by the Public Service Commission. (Miscellaneous Subjects) Miscellaneous Subjects

LR 291 - A study of the liquor industry's licensing structure as it applies to all retail sales of all alcoholic beverages. (Miscellaneous Subjects) Miscellaneous Subjects

LR 292 - A study of the demographic changes in the state of Nebraska in the last 10 years as reflected in the 1980 census results; and that guidelines be drawn for the process of the reapportionment. (Miscellaneous Subjects) Executive Board

LR 293 - A study of the nursing home industry in Nebraska by staff of the Department of Health's Bureau of Health Planning. (Simon) Executive Board.

LR 295 - A study of current information and referral services provided by or in behalf of state government and develop alternatives or suggestions for the improvement of such services. (Appropriations) Appropriations

LR 300 - Study of Secondary, Post-Secondary Vocational Education in order to determine methods by which all secondary and adult students in the state will be assured the opportunity to participate in vocational programs. (Education) Education

LR 303 - Study of the transfer of land from one school district to another, freeholder transfers, and the annexation of a school district by a city or village. (Education) Education

LR 304 - A study of the added burden upon the services and finances of school districts of the state impacted by federal military installations, government owned installations, and major construction projects for state agencies. (Education) Intergovernmental Cooperation (combined with LR's 230 & 258)

LR 305 - That a special committee be designated to continue the research began by the LR 98 Committee (energy). (DeCamp, Fowler, Wesely) Energy

LR 306 - A review of the Mental Health Commitment Act. (Cullan, et al.) Public Health & Welfare

LR 307 - Study to investigate and evaluate the organizational structures of Nebraska's public power industries and related problems. (Public Works) Public Works (combined with LR 308)

LR 308 - A study of whether a need exists to restructure public power in Nebraska. (Public Works) Public Works (combined with LR 307)

LR 309 - An examination into the condition of Nebraska's primary and secondary road system, including bridges; weight limit laws and the damage/taxation issue; and an analysis of information obtained from the federal government, other states and private groups re: trucking regulations. (Public Works) Public Works

LR 312 - To study real estate and mortgage lending practices in older neighborhoods of urban centers. (Johnson) Urban Affairs

LR 313 - Study of the financing of education in Nebraska. (Keyes) Education (combined with LR 269)

LR 317 - To study matters relating to the Legislature (i.e. limitation of the number of bills, setting the agenda, revision of the session meeting schedule, etc.) (Wesely, et al.) Executive Board

LR 320 - To study the funding and pattern of use of the State Regional Centers and the Beatrice State Developmental Center. (Wesely) Public Health & Welfare

LR 321 - A study to determine the effectiveness of having separate agencies involved in various phases of inspecting food facilities. (Haberman) Agriculture & Environment

LR 324 - Study of the flood control and prevention programs in and around the Omaha metropolitan area. (Urban Affairs) Urban Affairs

LR 326 - Relating to schools; study of financial aid for and provision of school transportation. Also, total structure of state aid to education. (Education) Education

#### **UNANIMOUS CONSENT - Withdraw Amendment on LB 817**

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1750. No objections. So ordered.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 817.**

A BILL FOR AN ACT to amend section 85-320, Reissue Revised Statutes of Nebraska, 1943, and sections 85-106 and 85-195, Revised Statutes Supplement, 1978, relating to the university and state colleges; to change provisions relating to retirement plans and contracts; 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, 32:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Burrows    | Fitzgerald | Kahle    | Newell  | Stoney   |
| Carsten    | Fowler     | Keyes    | Pirsch  | Venditte |
| Chambers   | George     | Koch     | Powers  | Warner   |
| Chronister | Goodrich   | Kremer   | Reutzel | Wesely   |
| Cope       | Haberman   | Labeledz | Schmit  |          |
| Cullan     | Hoagland   | Maresh   | Sieck   |          |
| DeCamp     | Johnson    | Merz     | Simon   |          |

Voting in the negative, 14:

|         |        |         |        |         |
|---------|--------|---------|--------|---------|
| Barrett | Dworak | Kennedy | Marvel | Vickers |
| Beutler | Hefner | Lamb    | Murphy | Wagner  |
| Clark   | Kelly  | Landis  | Nichol |         |

Present and not voting, 2:

Lewis            Rumery

Excused and not voting, 1:

Marsh

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

**MR. CLARK PRESIDING****MOTION - Approve Report**

Mr. Lewis moved the approval of the Executive Board report found in this day's Journal on the Resolutions approved for interim study by the Executive Board.

The report was adopted with 29 ayes, 1 nay, and 19 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 818.**

A BILL FOR AN ACT to amend sections 79-1510, and 84-1301, Reissue Revised Statutes of Nebraska, 1943, relating to retirement systems; to provide for a change in retirement system membership as prescribed; to provide conditions; 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:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Keyes    | Newell  | Venditte |
| Burrows    | George   | Koch     | Nichol  | Vickers  |
| Carsten    | Goodrich | Kremer   | Pirsch  | Wagner   |
| Chambers   | Haberman | Labeledz | Reutzel | Warner   |
| Cope       | Hefner   | Lamb     | Rumery  | Wesely   |
| Cullan     | Hoagland | Landis   | Schmit  |          |
| DeCamp     | Johnson  | Lewis    | Sieck   |          |
| Dworak     | Kahle    | Maresh   | Simon   |          |
| Fitzgerald | Kelly    | Merz     | Stoney  |          |

Voting in the negative, 2:

Clark            Marvel

Present and not voting, 5:

Beutler        Chronister    Kennedy        Murphy        Powers

Excused and not voting, 1:

Marsh

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

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 818A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 818, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Johnson  | Maresh  | Sieck    |
| Burrows    | Fitzgerald | Keyes    | Merz    | Simon    |
| Carsten    | Fowler     | Koch     | Newell  | Stoney   |
| Chambers   | George     | Kremer   | Nichol  | Venditte |
| Chronister | Goodrich   | Labeledz | Pirsch  | Vickers  |
| Cope       | Haberman   | Lamb     | Reutzel | Warner   |
| Cullan     | Hefner     | Landis   | Rumery  | Wesely   |
| DeCamp     | Hoagland   | Lewis    | Schmit  |          |

Voting in the negative, 2:

Clark            Marvel

Present and not voting, 7:

|         |         |        |        |
|---------|---------|--------|--------|
| Beutler | Kelly   | Murphy | Wagner |
| Kahle   | Kennedy | Powers |        |

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 819.**

A BILL FOR AN ACT to amend section 79-1279, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the rate of salary for certain teachers as prescribed; 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, 42:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | DeCamp   | Kahle    | Maresh  | Simon    |
| Beutler    | Dworak   | Kelly    | Marvel  | Stoney   |
| Burrows    | Fowler   | Keyes    | Merz    | Venditte |
| Carsten    | George   | Koch     | Newell  | Vickers  |
| Chambers   | Goodrich | Kremer   | Nichol  | Warner   |
| Chronister | Haberman | Labeledz | Pirsch  | Wesely   |
| Clark      | Hefner   | Lamb     | Reutzel |          |
| Cope       | Hoagland | Landis   | Rumery  |          |
| Cullan     | Johnson  | Lewis    | Schmit  |          |

Voting in the negative, 2:

Murphy Sieck

Present and not voting, 4:

Fitzgerald Kennedy Powers Wagner

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 819A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 819, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | DeCamp     | Hoagland | Lamb   | Pirsch   |
| Beutler    | Dworak     | Johnson  | Landis | Reutzel  |
| Burrows    | Fitzgerald | Kahle    | Lewis  | Rumery   |
| Carsten    | Fowler     | Kelly    | Maresh | Schmit   |
| Chambers   | George     | Keyes    | Marvel | Simon    |
| Chronister | Goodrich   | Koch     | Merz   | Stoney   |
| Clark      | Haberman   | Kremer   | Newell | Venditte |
| Cullan     | Hefner     | Labeledz | Nichol | Vickers  |

Wagner      Wesely

Voting in the negative, 1:

Murphy

Present and not voting, 5:

Cope          Kennedy      Powers      Sieck          Warner

Excused and not voting, 1:

Marsh

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

#### **LEGISLATIVE BILL 485.**

A BILL FOR AN ACT to adopt the Licensing of Truth and Deception Examiner's Act; to provide penalties; and to provide severability.

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, 29:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Cullan     | Hoagland | Lewis   | Schmit  |
| Burrows    | DeCamp     | Kelly    | Marvel  | Simon   |
| Carsten    | Fitzgerald | Koch     | Newell  | Stoney  |
| Chambers   | Fowler     | Kremer   | Pirsch  | Vickers |
| Chronister | George     | Labeledz | Powers  | Warner  |
| Cope       | Haberman   | Landis   | Reutzel |         |

Voting in the negative, 14:

|         |          |         |        |          |
|---------|----------|---------|--------|----------|
| Beutler | Goodrich | Kennedy | Maresh | Venditte |
| Clark   | Hefner   | Keyes   | Nichol | Wesely   |
| Dworak  | Johnson  | Lamb    | Rumery |          |

Present and not voting, 5:

Kahle          Merz          Murphy      Sieck          Wagner

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 485A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, Eighty-sixth Legislature, First Session, 1979.

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, 31:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kremer   | Pirsch  | Venditte |
| Burrows    | Fitzgerald | Labeledz | Powers  | Vickers  |
| Carsten    | Fowler     | Landis   | Reutzel | Warner   |
| Chambers   | Goodrich   | Lewis    | Schmit  |          |
| Chronister | Haberman   | Marvel   | Sieck   |          |
| Cope       | Hoagland   | Merz     | Simon   |          |
| Cullan     | Koch       | Newell   | Stoney  |          |

Voting in the negative, 13:

|         |         |         |        |        |
|---------|---------|---------|--------|--------|
| Beutler | Hefner  | Kennedy | Maresh | Wesely |
| Clark   | Johnson | Keyes   | Nichol |        |
| Dworak  | Kelly   | Lamb    | Rumery |        |

Present and not voting, 4:

|        |       |        |        |
|--------|-------|--------|--------|
| George | Kahle | Murphy | Wagner |
|--------|-------|--------|--------|

Excused and not voting, 1:

Marsh

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

**SELECT COMMITTEE REPORTS****Enrollment and Review****Correctly Enrolled**

The following bills were correctly enrolled: 615, 615A, 618, 618A, 701, 701A, 712, 712A, 731, 731A, 789, and 789A.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 615, 615A, 618, 618A, 701, 701A, 712, 712A, 731, 731A, 789, and 789A.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 834.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-1208.02, 66-303, 66-304, 66-306, 66-308, 66-309, 66-310, 66-311, 66-317, 77-301, 77-302, 77-303.01 to 77-303.03, 77-304 to 77-319, 77-323, 77-324, 77-326 to 77-329, 77-332, 77-340 to 77-342, 77-344 to 77-346, 77-412, 77-1320.05, and 77-1327, Reissue Revised Statutes of Nebraska, 1943, section 88-518, Revised Statutes Supplement, 1978, sections 77-333.01, 77-348 to 77-359, and 81-1401, Revised Statutes Supplement, 1979, and section 81-195, Revised Statutes Supplement, 1978, as amended by section 26, Legislative Bill 797, Eighty-sixth Legislature, Second Session, 1980; to provide duties for the Department of Revenue as prescribed; to provide for continuation of the department; to provide employees of the department with powers as prescribed; to change provisions relating to violations of county officials; to provide for oil inspection certificates as prescribed; to transfer duties to the Department of Agriculture; to change penalties relating to personal tax returns; to eliminate references to the Division of Motor Fuels; to transfer sections; to provide duties for the Revisor of Statutes; to repeal the original sections, and also sections 66-301, 66-302, 66-511, 77-302.01, 77-303, 77-318.01, 77-320 to 77-322, 77-325, 77-330 to 77-333, 77-335 to 77-339, 77-343, 77-347, 77-2101, and 77-2107, Reissue Revised Statutes of Nebraska, 1943, and section 77-333.02, Revised Statutes Supplement, 1978; and to declare an emergency.

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

Voting in the affirmative, 48:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marvel  | Sieck    |
| Beutler    | Fitzgerald | Kennedy  | Merz    | Simon    |
| Burrows    | Fowler     | Keyes    | Murphy  | Stoney   |
| Carsten    | George     | Koch     | Newell  | Venditte |
| Chambers   | Goodrich   | Kremer   | Nichol  | Vickers  |
| Chronister | Haberman   | Labeledz | Pirsch  | Wagner   |
| Clark      | Hefner     | Lamb     | Powers  | Warner   |
| Cope       | Hoagland   | Landis   | Reutzel | Wesely   |
| Cullan     | Johnson    | Lewis    | Rumery  |          |
| DeCamp     | Kahle      | Maresh   | Schmit  |          |

Voting in the negative, 0.

Excused and not voting, 1:

Marsh

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 834A. With Emergency.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 834, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

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

Voting in the affirmative, 48:

|            |            |          |          |         |
|------------|------------|----------|----------|---------|
| Barrett    | Cullan     | Hefner   | Kremer   | Murphy  |
| Beutler    | DeCamp     | Hoagland | Labeledz | Newell  |
| Burrows    | Dworak     | Johnson  | Lamb     | Nichol  |
| Carsten    | Fitzgerald | Kahle    | Landis   | Pirsch  |
| Chambers   | Fowler     | Kelly    | Lewis    | Powers  |
| Chronister | George     | Kennedy  | Maresh   | Reutzel |
| Clark      | Goodrich   | Keyes    | Marvel   | Rumery  |
| Cope       | Haberman   | Koch     | Merz     | Schmit  |

|       |          |         |        |
|-------|----------|---------|--------|
| Sieck | Stoney   | Vickers | Warner |
| Simon | Venditte | Wagner  | Wesely |

Voting in the negative, 0.

Excused and not voting, 1:

Marsh

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 849.** With Emergency.

A BILL FOR AN ACT to amend sections 81-8,129 to 81-8,130, 81-8,132 to 81-8,139, and 81-8,141, Reissue Revised Statutes of Nebraska, 1943, section 81-8,142, Revised Statutes Supplement, 1978, section 81-8,140, Revised Statutes Supplement, 1979, and section 81-195, Revised Statutes Supplement, 1978, as amended by section 62, Legislative Bill 834, Eighty-sixth Legislature, Second Session, 1980, relating to the State Athletic Commissioner; to change provisions relating to the duties of the commissioner; to change license fees and bonds; to change referee duties as prescribed; to limit boxing and wrestling matches in the state as prescribed; to change the gross receipts tax collected; to provide for collection of such tax as prescribed; to provide for an Athletic Advisory Committee; to provide for appeal proceedings as prescribed; to provide a procedure for handling violations; to repeal the original sections, and also section 81-8,131, Reissue Revised Statutes of Nebraska, 1943; 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:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | DeCamp     | Hoagland | Lamb   | Nichol  |
| Burrows    | Dworak     | Johnson  | Landis | Pirsch  |
| Carsten    | Fitzgerald | Kahle    | Lewis  | Powers  |
| Chambers   | Fowler     | Kelly    | Maresh | Reutzel |
| Chronister | George     | Kennedy  | Marvel | Rumery  |
| Clark      | Goodrich   | Koch     | Merz   | Schmit  |
| Cope       | Haberman   | Kremer   | Murphy | Sieck   |
| Cullan     | Hefner     | Labeledz | Newell | Simon   |

Stoney      Venditte      Wagner      Warner      Wesely

Voting in the negative, 2:

Keyes      Vickers

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Marsh

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 849A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 849, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kahle    | Merz    | Sieck    |
| Burrows    | Fitzgerald | Kennedy  | Murphy  | Simon    |
| Carsten    | Fowler     | Koch     | Newell  | Stoney   |
| Chambers   | George     | Kremer   | Nichol  | Venditte |
| Chronister | Goodrich   | Labeledz | Pirsch  | Wagner   |
| Clark      | Haberman   | Landis   | Powers  | Warner   |
| Cope       | Hefner     | Lewis    | Reutzel | Wesely   |
| Cullan     | Hoagland   | Maresh   | Rumery  |          |
| DeCamp     | Johnson    | Marvel   | Schmit  |          |

Voting in the negative, 2:

Keyes      Vickers

Present and not voting, 3:

Beutler Kelly Lamb

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 709.** With Emergency.

A BILL FOR AN ACT to amend sections 57-104, 57-919, and 81-1011, Reissue Revised Statutes of Nebraska, 1943, section 57-905, Revised Statutes Supplement, 1979, and section 81-195, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 849, Eighty-sixth Legislature, Second Session, 1980, relating to the Nebraska Oil and Gas Conservation Commission; to provide for continued existence; to provide for an examiner and an appeal process as prescribed; to provide duties for the Tax Commissioner; to provide for continuation of the commission; 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, 47:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Merz    | Simon    |
| Beutler    | Fitzgerald | Kennedy  | Murphy  | Stoney   |
| Burrows    | Fowler     | Koch     | Newell  | Venditte |
| Carsten    | George     | Kremer   | Nichol  | Vickers  |
| Chambers   | Goodrich   | Labeledz | Pirsch  | Wagner   |
| Chronister | Haberman   | Lamb     | Powers  | Warner   |
| Clark      | Hefner     | Landis   | Reutzel | Wesely   |
| Cope       | Hoagland   | Lewis    | Rumery  |          |
| Cullan     | Johnson    | Maresh   | Schmit  |          |
| DeCamp     | Kahle      | Marvel   | Sieck   |          |

Voting in the negative, 1:

Keyes

Excused and not voting, 1:

Marsh

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 839. With Emergency.**

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1979, as amended by section 1, Legislative Bill 770, Eighty-sixth Legislature, Second Session, 1980, relating to schools; to provide for payment of educational costs as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Merz    | Stoney   |
| Beutler    | Fitzgerald | Kennedy  | Newell  | Venditte |
| Burrows    | Fowler     | Keyes    | Nichol  | Vickers  |
| Carsten    | George     | Kremer   | Pirsch  | Wagner   |
| Chambers   | Goodrich   | Labeledz | Powers  | Warner   |
| Chronister | Haberman   | Lamb     | Reutzel | Wesely   |
| Clark      | Hefner     | Landis   | Rumery  |          |
| Cope       | Hoagland   | Lewis    | Schmit  |          |
| Cullan     | Johnson    | Maresh   | Sieck   |          |
| DeCamp     | Kahle      | Marvel   | Simon   |          |

Voting in the negative, 1:

Murphy

Present and not voting, 1:

Koch

Excused and not voting, 1:

Marsh

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 839A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 839, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Merz    | Stoney   |
| Beutler    | Fitzgerald | Kennedy  | Newell  | Venditte |
| Burrows    | Fowler     | Koch     | Nichol  | Vickers  |
| Carsten    | George     | Kremer   | Pirsch  | Wagner   |
| Chambers   | Goodrich   | Labeledz | Powers  | Warner   |
| Chronister | Haberman   | Lamb     | Reutzel | Wesely   |
| Clark      | Hefner     | Landis   | Rumery  |          |
| Cope       | Hoagland   | Lewis    | Schmit  |          |
| Cullan     | Johnson    | Maresh   | Sieck   |          |
| DeCamp     | Kahle      | Marvel   | Simon   |          |

Voting in the negative, 2:

Keyes            Murphy

Excused and not voting, 1:

Marsh

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 867.**

A BILL FOR AN ACT relating to the transportation of children for educational purposes; to amend section 43-607, Reissue Revised Statutes of Nebraska, 1943, and section 79-490, Revised Statutes Supplement, 1979; to change rates of reimbursement for mileage as prescribed; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kahle    | Maresh  | Sieck    |
| Beutler    | Fitzgerald | Kelly    | Marvel  | Simon    |
| Burrows    | Fowler     | Kennedy  | Merz    | Stoney   |
| Carsten    | George     | Keyes    | Newell  | Venditte |
| Chambers   | Goodrich   | Koch     | Nichol  | Vickers  |
| Chronister | Haberman   | Labeledz | Pirsch  | Wagner   |
| Cope       | Hefner     | Lamb     | Powers  | Warner   |
| Cullan     | Hoagland   | Landis   | Reutzel | Wesely   |
| DeCamp     | Johnson    | Lewis    | Schmit  |          |

Voting in the negative, 0.

Present and not voting, 4:

|       |        |        |        |
|-------|--------|--------|--------|
| Clark | Kremer | Murphy | Rumery |
|-------|--------|--------|--------|

Excused and not voting, 1:

Marsh

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

**LEGISLATIVE BILL 867A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Newell  | Stoney   |
| Beutler    | Fowler     | Koch     | Nichol  | Venditte |
| Burrows    | George     | Labeledz | Pirsch  | Vickers  |
| Carsten    | Goodrich   | Lamb     | Powers  | Wagner   |
| Chambers   | Haberman   | Landis   | Reutzel | Warner   |
| Chronister | Hefner     | Lewis    | Rumery  | Wesely   |
| Cullan     | Hoagland   | Maresh   | Schmit  |          |
| DeCamp     | Johnson    | Marvel   | Sieck   |          |
| Dworak     | Kahle      | Merz     | Simon   |          |

1908

LEGISLATIVE JOURNAL

Voting in the negative, 0.

Present and not voting, 6:

|       |       |        |
|-------|-------|--------|
| Clark | Kelly | Kremer |
| Cope  | Keyes | Murphy |

Excused and not voting, 1:

Marsh

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

**MR. CLARK PRESIDING**

**UNANIMOUS CONSENT - Withdraw Amendments to LB 853**

Mr. Goodrich asked unanimous consent to withdraw his pending amendments found in the Journal on pages 1289 and 1504 to LB 853. No objections. So ordered.

**SPEAKER MARVEL PRESIDING**

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 853.**

A BILL FOR AN ACT to amend sections 81-1502, 81-1517, 81-1519, and 81-1528, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1504, 81-1505, and 81-1518, Revised Statutes Supplement, 1979, relating to environmental protection; to provide for management of hazardous wastes; to define terms; to provide procedure; to provide duties; to change license provisions as prescribed; to change provisions relating to solid waste disposal; to restrict the location of certain plants or facilities; 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, 45:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Kahle    | Marvel  | Schmit   |
| Beutler    | Dworak     | Kelly    | Merz    | Sieck    |
| Burrows    | Fitzgerald | Kennedy  | Murphy  | Simon    |
| Carsten    | Fowler     | Keyes    | Newell  | Stoney   |
| Chambers   | George     | Koch     | Nichol  | Venditte |
| Chronister | Goodrich   | Kremer   | Pirsch  | Vickers  |
| Clark      | Haberman   | Labeledz | Powers  | Wagner   |
| Cope       | Hefner     | Lamb     | Reutzel | Warner   |
| Cullan     | Johnson    | Landis   | Rumery  | Wesely   |

Voting in the negative, 0.

Present and not voting, 3:

Hoagland      Lewis              Maresh

Excused and not voting, 1:

Marsh

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

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

**MOTION - Return LB 853A to Select File**

Mr. Beutler moved to return LB 853A to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 10 ayes, 24 nays, 13 present and not voting, and 2 excused and not voting.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 853A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 853, Eighty-sixth Legislature, Second Session, 1980.

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, 36:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Koch     | Nichol  | Venditte |
| Burrows    | Goodrich | Kremer   | Powers  | Vickers  |
| Carsten    | Haberman | Labeledz | Reutzel | Wagner   |
| Chronister | Hefner   | Lamb     | Rumery  | Wesely   |
| Clark      | Johnson  | Landis   | Schmit  |          |
| Cope       | Kahle    | Maresh   | Sieck   |          |
| DeCamp     | Kelly    | Marvel   | Simon   |          |
| Fitzgerald | Kennedy  | Newell   | Stoney  |          |

Voting in the negative, 5:

|         |          |        |      |        |
|---------|----------|--------|------|--------|
| Beutler | Chambers | Dworak | Merz | Pirsch |
|---------|----------|--------|------|--------|

Present and not voting, 6:

|          |       |        |
|----------|-------|--------|
| Fowler   | Keyes | Murphy |
| Hoagland | Lewis | Warner |

Excused and not voting, 2:

|        |       |
|--------|-------|
| Cullan | Marsh |
|--------|-------|

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

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

#### Correctly Enrolled

The following bills were correctly enrolled: 817, 818, 818A, 819, 819A, 485, 485A, 834, 834A, 849, 849A, 709, 839, 839A, 867, and 867A.

(Signed) Don Wesely, Chairperson

#### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 817, 818, 818A, 819,

819A, 485, 485A, 834, 834A, 849, 849A, 709, 839, 839A, 867, and 867A.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 1980, at 10:58 a.m., were the following bills: 615, 615A, 618, 618A, 701, 701A, 712, 712A, 731, 731A, 789, and 789A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**RESOLUTION**

**LEGISLATIVE RESOLUTION 344.**

Introduced by Kremer, 34th District.

WHEREAS, the Nebraska Legislature in its Seventy-Third Session in 1963 passed Legislative Resolution 47 expressing concern over the aggressive policies of the State of Iowa in asserting ownership of lands lying east of the stabilized channel of the Missouri River, many of which lands were owned by residents of the State of Nebraska; and

WHEREAS, certain of these aggressive actions by the State of Iowa were in conflict with the solemn agreement between the State of Nebraska and the State of Iowa, the Iowa-Nebraska Boundary Compact effective July 12, 1943; and individual owners of Nebraska land ceded to Iowa's jurisdiction by said Compact were not in position to match the financial and legal resources of the State of Iowa in defending their ownership; and

WHEREAS, the Attorney General of the State of Nebraska was directed to examine such actions initiated or contemplated by the State of Iowa in its own courts, and where said Compact had been violated, to intervene on behalf of the State of Nebraska or to initiate any and all necessary original actions in the Supreme Court of the United States; and

WHEREAS, upon finding Compact violations by the State of Iowa, the Attorney General of the State of Nebraska did file an original action in 1964 in the Supreme Court of the United States asking the Court to enforce and construe the 1943 Compact, said action being entitled "State of Nebraska v State of Iowa, No. 17 Original"; and

WHEREAS, the Special Master in said action specifically found that the State of Iowa had violated the 1943 Compact, and the Court found that the State of Iowa did not own two areas of ceded Nebraska land involved in said action to prove Iowa's violations of said Compact; and

WHEREAS, an injunction sought by the State of Nebraska against the State of Iowa to prevent further Compact violations was denied by the United States Supreme Court, unless it could be shown that the State of Iowa will not abide by the determination of issues as stated in the Supreme Court's opinion of April 24, 1972, as reported in 406 U.S. 117; and

WHEREAS, the State of Iowa is not abiding by the Court's determination as stated in its opinion, and is continuing to violate the 1943 Compact by continuing its aggressive policies of claiming lands ceded by the State of Nebraska by said Compact, by instituting quiet title actions in certain instances against owners of said ceded land; and the State of Iowa is conducting little or no investigation or inquiry to determine whether titles to said ceded land were "good in Nebraska" on the Compact date of July 12, 1943;

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

1. That the State of Nebraska is deeply concerned on behalf of its citizens with the aggressive policies pursued by officers of the State of Iowa in the acquisition by that State of certain lands along the Missouri River.

2. That within the limits of appropriations specifically made for that purpose, the Attorney General of the State of Nebraska be directed to employ special counsel or assistant Attorneys General to examine into all such actions initiated or contemplated by the State of Iowa, and where such action appears to be justified to protect the legitimate interests of Nebraska citizens or the titles to Nebraska lands, or to assure compliance by Iowa officials with the 1943 Boundary Compact with the State of Iowa, that he intervene on behalf of the State of Nebraska in any such actions or proceedings initiated by officials of the State of Iowa, or that he initiate any and all necessary original actions in the Supreme Court of the United States to accomplish the objectives outlined herein.

Laid over.

### VISITORS

Visitors to the Chamber were 8 eighth grade students and teacher from Loomis Public Schools; members of an American Government Class and their teacher from Holdrege High School; 42 kindergarten students and teachers from Huntington School, Lincoln; 39 fourth grade students and teachers from Lincoln Christian School; 5 eighth grade students, teacher, and adults from Sacred Heart School, Omaha; 9 eighth grade students and teacher from St. Francis Assisi

School, Omaha; and 11 students and teacher from Emanuel Lutheran School, Beemer.

**RECESS**

At 11:59 a.m., on a motion by Mr. Reutzel, the Legislature recessed until 1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:12 p.m., Speaker Marvel presiding.

**ROLL CALL**

The roll was called and all members were present except Mrs. Marsh who was excused; and Mrs. Labeledz, Messrs. Goodrich, Koch, Lewis, Nichol, Schmit, and Warner who were excused until they arrive.

**MOTION - Return LB 765 to Select File**

Mr. Dworak moved to return LB 765 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Dworak withdrew his motion.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 765.** With Emergency.

A BILL FOR AN ACT to amend section 43-646.02, Reissue Revised Statutes of Nebraska, 1943, relating to the care and education of handicapped children; to provide reimbursement for the costs of certain special education programs; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 37:

|            |            |          |          |          |
|------------|------------|----------|----------|----------|
| Burrows    | Cope       | Fowler   | Hoagland | Kremer   |
| Carsten    | Cullan     | George   | Johnson  | Labeledz |
| Chambers   | DeCamp     | Haberman | Kahle    | Lamb     |
| Chronister | Fitzgerald | Hefner   | Kelly    | Landis   |

|        |         |        |          |        |
|--------|---------|--------|----------|--------|
| Maresh | Nichol  | Rumery | Stoney   | Wesely |
| Marvel | Pirsch  | Schmit | Venditte |        |
| Merz   | Powers  | Sieck  | Vickers  |        |
| Newell | Reutzel | Simon  | Wagner   |        |

Voting in the negative, 4:

|         |        |         |        |
|---------|--------|---------|--------|
| Beutler | Dworak | Kennedy | Murphy |
|---------|--------|---------|--------|

Present and not voting, 3:

|         |       |       |
|---------|-------|-------|
| Barrett | Clark | Keyes |
|---------|-------|-------|

Excused and not voting, 5:

|          |      |       |       |        |
|----------|------|-------|-------|--------|
| Goodrich | Koch | Lewis | Marsh | Warner |
|----------|------|-------|-------|--------|

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 765A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 765, Eighty-sixth Legislature, Second Session, 1980.

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

Voting in the affirmative, 35:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Burrows    | DeCamp     | Kremer   | Newell  | Sieck    |
| Carsten    | Fitzgerald | Labeledz | Nichol  | Simon    |
| Chambers   | Fowler     | Lamb     | Pirsch  | Stoney   |
| Chronister | Haberman   | Landis   | Powers  | Venditte |
| Clark      | Hefner     | Maresh   | Reutzel | Vickers  |
| Cope       | Hoagland   | Marvel   | Rumery  | Wagner   |
| Cullan     | Kelly      | Merz     | Schmit  | Wesely   |

Voting in the negative, 4:

|         |        |         |       |
|---------|--------|---------|-------|
| Beutler | Dworak | Kennedy | Keyes |
|---------|--------|---------|-------|

Present and not voting, 5:

Barrett      George      Johnson      Kahle      Murphy

Excused and not voting, 5:

Goodrich      Koch      Lewis      Marsh      Warner

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

**LEGISLATIVE BILL 346.**

A BILL FOR AN ACT to amend section 9-401, Uniform Commercial Code, as amended by section 24, Legislative Bill 621, Eighty-sixth Legislature, Second Session, 1980, and section 9-401, Uniform Commercial Code, as amended by section 1 of this act, relating to filing; to provide for the proper place of filing; to permit computer recording of financing statement information; to permit telephone inquiries; to exempt certain people from liability in furnishing information; 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, 41:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | DeCamp     | Kennedy  | Murphy  | Stoney  |
| Beutler    | Dworak     | Keyes    | Newell  | Vickers |
| Burrows    | Fitzgerald | Koch     | Nichol  | Wagner  |
| Carsten    | Fowler     | Kremer   | Pirsch  | Warner  |
| Chambers   | George     | Labeledz | Powers  | Wesely  |
| Chronister | Hefner     | Lamb     | Reutzel |         |
| Clark      | Hoagland   | Landis   | Schmit  |         |
| Cope       | Johnson    | Maresh   | Sieck   |         |
| Cullan     | Kelly      | Merz     | Simon   |         |

Voting in the negative, 1:

Marvel

Present and not voting, 4:

Haberman Kahle Rumery Venditte

Excused and not voting, 3:

Goodrich Lewis Marsh

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

#### LEGISLATIVE BILL 741.

A BILL FOR AN ACT relating to obsolete statutes; to eliminate provisions relating to manufacturing of synthetic rubber, hitching horses, posses, hucksters, county workhouses, licensing of ferries, the Nebraska Constitutional Revision Commission, toll mills, the anti-trust act of 1897, streetcars, personal property of stage companies, and poll tax; and to repeal sections 2-1701, 16-208, 17-116, 17-562, 23-401 to 23-407, 23-409 to 23-419, 39-901 to 39-912, 49-239 to 49-244, 56-201 to 56-207, 59-101, 74-1101 to 74-1123, 74-1125, 77-1221, and 80-110, Reissue Revised Statutes of Nebraska, 1943, section 74-1124, Revised Statutes Supplement, 1978, and section 23-408, Revised Statutes Supplement, 1979.

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:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | DeCamp     | Kelly    | Marvel  | Sieck   |
| Beutler    | Dworak     | Kennedy  | Merz    | Simon   |
| Burrows    | Fitzgerald | Keyes    | Newell  | Stoney  |
| Carsten    | George     | Koch     | Nichol  | Vickers |
| Chambers   | Haberman   | Kremer   | Pirsch  | Wagner  |
| Chronister | Hefner     | Labeledz | Powers  | Warner  |
| Clark      | Hoagland   | Lamb     | Reutzel | Wesely  |
| Cope       | Johnson    | Landis   | Rumery  |         |
| Cullan     | Kahle      | Maresh   | Schmit  |         |

Voting in the negative, 0.

Present and not voting, 3:

Fowler Murphy Venditte

Excused and not voting, 3:

Goodrich      Lewis              Marsh

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

**LEGISLATIVE BILL 873.** With Emergency.

A BILL FOR AN ACT to amend sections 39-2103, 39-2105, 39-2109, and 39-2113, Reissue Revised Statutes of Nebraska, 1943, relating to roads and highways; to provide for an additional class of roads; to provide jurisdictional responsibility for such roads; to change procedure as provided; to change provisions relating to state recreation roads; 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, 32:

|            |            |        |         |         |
|------------|------------|--------|---------|---------|
| Beutler    | DeCamp     | Keyes  | Pirsch  | Stoney  |
| Burrows    | Dworak     | Koch   | Powers  | Vickers |
| Carsten    | Fitzgerald | Kremer | Reutzel | Warner  |
| Chambers   | Fowler     | Landis | Rumery  | Wesely  |
| Chronister | Hoagland   | Maresh | Schmit  |         |
| Cope       | Johnson    | Merz   | Sieck   |         |
| Cullan     | Kennedy    | Newell | Simon   |         |

Voting in the negative, 14:

|         |          |          |        |          |
|---------|----------|----------|--------|----------|
| Barrett | Goodrich | Kahle    | Lamb   | Nichol   |
| Clark   | Haberman | Kelly    | Marvel | Venditte |
| George  | Hefner   | Labeledz | Murphy |          |

Present and not voting, 1:

Wagner

Excused and not voting, 2:

Lewis              Marsh

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

|            |            |         |         |        |
|------------|------------|---------|---------|--------|
| Beutler    | Cullan     | Johnson | Newell  | Stoney |
| Burrows    | DeCamp     | Kennedy | Pirsch  | Warner |
| Carsten    | Dworak     | Keyes   | Powers  | Wesely |
| Chambers   | Fitzgerald | Kremer  | Reutzel |        |
| Chronister | Fowler     | Landis  | Rumery  |        |
| Cope       | Hoagland   | Maresh  | Simon   |        |

Voting in the negative, 15:

|          |          |          |        |          |
|----------|----------|----------|--------|----------|
| Barrett  | Haberman | Kelly    | Marvel | Nichol   |
| Clark    | Hefner   | Labeledz | Merz   | Sieck    |
| Goodrich | Kahle    | Lamb     | Murphy | Venditte |

Present and not voting, 5:

|        |      |        |         |        |
|--------|------|--------|---------|--------|
| George | Koch | Schmit | Vickers | Wagner |
|--------|------|--------|---------|--------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

#### **MOTION - Return LB 924 to Select File**

Mr. Goodrich moved to return LB 924 to Select File for the following specific amendment:

Strike the enacting clause.

The motion prevailed with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 924.** The Goodrich specific amendment found in this day's Journal was adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

LB 924 stands indefinitely postponed.

**MOTIONS - Return LB 940 to Select File**

Mr. Landis moved to return LB 940 to Select File for the specific amendment found in the Journal on page 1758.

Mr. Landis withdrew his motion.

Mr. Johnson moved to return LB 940 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

**MR. CLARK PRESIDING**

Mr. Johnson withdrew his motion.

Mr. DeCamp moved to return LB 940 to Select File for the following specific amendment:

Strike section 1.

Mr. DeCamp withdrew his motion.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 940.** With Emergency.

A BILL FOR AN ACT relating to personal exemptions; to reject the exemptions provided under the federal bankruptcy act; to change exemptions provided under Nebraska statutes; to amend sections 40-101 and 44-371, Reissue Revised Statutes of Nebraska, 1943, and section 25-1552, Revised Statutes Supplement, 1978; 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, 39:

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Barrett    | Dworak     | Keyes  | Merz    | Sieck    |
| Beutler    | Fitzgerald | Koch   | Murphy  | Simon    |
| Carsten    | George     | Kremer | Nichol  | Stoney   |
| Chronister | Haberman   | Labedz | Pirsch  | Venditte |
| Clark      | Hefner     | Lamb   | Powers  | Wagner   |
| Cope       | Kahle      | Landis | Reutzel | Warner   |
| Cullan     | Kelly      | Maresh | Rumery  | Wesely   |
| DeCamp     | Kennedy    | Marvel | Schmit  |          |

Voting in the negative, 7:

|          |          |         |         |
|----------|----------|---------|---------|
| Burrows  | Fowler   | Johnson | Vickers |
| Chambers | Hoagland | Newell  |         |

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Lewis            Marsh

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

#### **MOTION - Suspend Rules**

Speaker Marvel moved to suspend the rules, Rule 6, Section 7(b) to take up LB's 486, 535, 627, 633, 633A, 651, 684, 684A, 722, 722A, 773, 773A, 844, 847, 847A, 848, 877, 877A, 889, 989, 989A, and 1002 on Final Reading today.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

#### **MOTION - Return LB 486 to Select File**

Mr. DeCamp moved to return LB 486 to Select File for the following specific amendment:

On page one, strike the Enacting Clause.

Mr. DeCamp withdrew his motion.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 486.**

A BILL FOR AN ACT to amend sections 79-1331, 79-1334, 79-1336, 79-1337, 79-1338, and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, section 79-1333, Revised Statutes Supplement, 1978, and section 79-1335, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1979, LB 187, section 247, relating to the School Foundation and Equalization Act; to change the methods of distributing funds; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kelly    | Merz    | Simon    |
| Beutler    | Fowler     | Keyes    | Newell  | Stoney   |
| Carsten    | George     | Koch     | Nichol  | Venditte |
| Chambers   | Goodrich   | Kremer   | Pirsch  | Vickers  |
| Chronister | Haberman   | Labeledz | Powers  | Wagner   |
| Clark      | Hefner     | Lamb     | Reutzel | Warner   |
| Cope       | Hoagland   | Landis   | Rumery  | Wesely   |
| Cullan     | Johnson    | Maresh   | Schmit  |          |
| DeCamp     | Kahle      | Marvel   | Sieck   |          |

Voting in the negative, 3:

Dworak      Kennedy      Murphy

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Lewis              Marsh

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

**LEGISLATIVE BILL 535.**

A BILL FOR AN ACT to amend sections 49-1409, 49-1410, 49-1413, 49-1427, 49-1445, 49-1446, 49-1449, 49-1451, 49-1454, 49-1459 to 49-1461, 49-1463, 49-1464, 49-1469, 49-1479, 49-1496, 49-14, 121, and 49-14, 129, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Political Accountability and Disclosure Commission; to define and redefine terms; to change and clarify provisions relating to committees and filings; to delete a salary limitation; to prohibit certain acts; to provide penalties; 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, 40:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kahle    | Maresh  | Sieck    |
| Beutler    | Fowler     | Kennedy  | Marvel  | Simon    |
| Burrows    | George     | Keyes    | Newell  | Stoney   |
| Carsten    | Goodrich   | Koch     | Pirsch  | Venditte |
| Chronister | Haberman   | Kremer   | Powers  | Vickers  |
| Cope       | Hefner     | Labeledz | Reutzel | Wagner   |
| DeCamp     | Hoagland   | Lamb     | Rumery  | Warner   |
| Dworak     | Johnson    | Landis   | Schmit  | Wesely   |

Voting in the negative, 5:

|       |        |       |        |        |
|-------|--------|-------|--------|--------|
| Clark | Cullan | Kelly | Murphy | Nichol |
|-------|--------|-------|--------|--------|

Present and not voting, 2:

|          |      |
|----------|------|
| Chambers | Merz |
|----------|------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

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

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE BILL 627.** With Emergency.

A BILL FOR AN ACT to amend sections 77-3402, 77-3404, 77-3405, 77-3406, 77-3409, and 77-3410, Revised Statutes Supplement, 1979, relating to the Local Option Tax Control Act; to change petition requirements; to change the period of time a budget limitation is applicable; to harmonize provisions; to delete provisions for submission to the voters by resolution; to repeal the original sections, and also section 77-3403, Revised Statutes Supplement, 1979; 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, 28:

|            |            |        |         |        |
|------------|------------|--------|---------|--------|
| Barrett    | Fitzgerald | Kahle  | Newell  | Schmit |
| Carsten    | Fowler     | Keyes  | Nichol  | Sieck  |
| Chronister | Goodrich   | Koch   | Pirsch  | Simon  |
| Cope       | Hefner     | Kremer | Powers  | Warner |
| Cullan     | Hoagland   | Lewis  | Reutzel |        |
| DeCamp     | Johnson    | Merz   | Rumery  |        |

Voting in the negative, 17:

|         |          |        |          |        |
|---------|----------|--------|----------|--------|
| Beutler | Haberman | Lamb   | Murphy   | Wesely |
| Burrows | Kelly    | Landis | Stoney   |        |
| Clark   | Kennedy  | Maresh | Venditte |        |
| Dworak  | Labedz   | Marvel | Vickers  |        |

Present and not voting, 3:

|          |        |        |
|----------|--------|--------|
| Chambers | George | Wagner |
|----------|--------|--------|

Excused and not voting, 1:

Marsh

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 33:

|         |            |            |          |          |
|---------|------------|------------|----------|----------|
| Barrett | Chambers   | Cullan     | Fowler   | Hefner   |
| Beutler | Chronister | DeCamp     | George   | Hoagland |
| Carsten | Cope       | Fitzgerald | Goodrich | Johnson  |

|        |        |         |         |        |
|--------|--------|---------|---------|--------|
| Kahle  | Landis | Nichol  | Schmit  | Warner |
| Keyes  | Lewis  | Powers  | Sieck   | Wesely |
| Koch   | Merz   | Reutzel | Simon   |        |
| Kremer | Newell | Rumery  | Vickers |        |

Voting in the negative, 13:

|         |          |          |        |          |
|---------|----------|----------|--------|----------|
| Burrows | Haberman | Labeledz | Marvel | Venditte |
| Clark   | Kelly    | Lamb     | Murphy |          |
| Dworak  | Kennedy  | Maresh   | Stoney |          |

Present and not voting, 2:

|        |        |
|--------|--------|
| Pirsch | Wagner |
|--------|--------|

Excused and not voting, 1:

Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Enrolled**

The following bills were correctly enrolled: 853, 853A, 765, 765A, 346, 741, and 873.

(Signed) Don Wesely, Chairperson

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 853, 853A, 765, 765A, 346, 741, and 873.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 1980, at 2:05 p.m., were the following bills: 817, 818, 818A, 819, 819A, 485, 485A, 834, 834A, 849, 849A, 709, 839, 839A, 867, and 867A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

## ANNOUNCEMENT

Mr. Warner announced a meeting of the Appropriations Committee on Thursday, April 17, 1980 at 7:30 p.m. in Room 1003 and on Friday, April 18, 1980 at 8:15 a.m. in Room 1003.

## EXPLANATION OF VOTE

Had I been present, I would have voted aye on 346.

(Signed) Rex Haberman

## MOTION - Rule Change

Mr. Maresh offered the following rule change:

- 1 1. In Rule 5, sec. 5 (subsections a and b)
- 2 make the following changes:
- 3 (a) Except as provided in Rule 5, Sec. 6, no bill
- 4 shall be introduced after the tenth legislative day during
- 5 sessions in odd-numbered ~~or even-numbered~~ years, except as
- 6 hereinafter provided.
- 7 (b) A bill may be introduced at the request of
- 8 the Governor at any time. ~~A~~ In odd-numbered years, a stand-
- 9 ing committee or special committee may introduce a bill for
- 10 any purpose including at the request of another senator pro-
- 11 vided said bill receives the endorsement of a majority of the
- 12 committee members, whose names shall be on the bill. After
- 13 the tenth legislative day in an odd-numbered year, any motion
- 14 by a standing committee or a special committee to introduce a
- 15 bill must receive a vote of three-fifths of the elected
- 16 members of the Legislature for such bill to be introduced.
- 17 2. Insert the following new subsection to Rule 5,
- 18 section 5:
- 19 “(f) In any regular session in an even-numbered
- 20 year, the Legislature shall only consider (1) bills under
- 21 consideration by the Legislature upon adjournment of a reg-
- 22 ular session held in an odd-numbered year, (2) appropriations
- 23 bills, and (3) bills introduced after receiving a vote of
- 24 four-fifths of the elected members of the Legislature.”.

Referred to the Rules Committee.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 633.** With Emergency.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-2104, 2-3103, 81-2,147.01 to 81-2,147.03, and 89-186, Reissue Revised Statutes of Nebraska, 1943, and section 89-187, Revised Statutes Supplement, 1979; to change procedures relating to rural rehabilitation corporate funds; to change fees as prescribed; to change labeling requirements for certain seeds; to provide for sale of seeds in certain containers; to provide for the use of federal measuring standards as prescribed; to provide for cooperation between agencies in their official services; to create a fund; to eliminate provisions relating to synthetic rubber production; to eliminate the Nebraska Swine Producers Association; to eliminate the supervision of hydraulic brake fluid; to eliminate the licensing of produce commission merchants; to repeal the Nebraska Dry Bean Resources Act; to repeal the original sections, and also sections 2-1701, 2-2201 to 2-2205, 39-6,173 to 39-6,175, and 81-276 to 81-279, Reissue Revised Statutes of Nebraska, 1943, section 81-280, Revised Statutes Supplement, 1978, and sections 2-3701 to 2-3734, Revised Statutes Supplement, 1979; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Merz    | Sieck    |
| Burrows    | Fitzgerald | Kennedy  | Murphy  | Simon    |
| Carsten    | Fowler     | Keyes    | Newell  | Stoney   |
| Chambers   | Goodrich   | Kremer   | Nichol  | Venditte |
| Chronister | Haberman   | Labeledz | Pirsch  | Vickers  |
| Clark      | Hefner     | Lamb     | Powers  | Wagner   |
| Cope       | Hoagland   | Landis   | Reutzel | Warner   |
| Cullan     | Johnson    | Maresh   | Rumery  | Wesely   |
| DeCamp     | Kahle      | Marvel   | Schmit  |          |

Voting in the negative, 0.

Present and not voting, 3:

|         |        |      |
|---------|--------|------|
| Beutler | George | Koch |
|---------|--------|------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

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 633A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 633, Eighty-sixth Legislature, Second Session, 1980; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Dworak   | Koch     | Newell  | Stoney   |
| Burrows    | Fowler   | Kremer   | Nichol  | Venditte |
| Carsten    | Goodrich | Labeledz | Pirsch  | Vickers  |
| Chambers   | Haberman | Lamb     | Powers  | Wagner   |
| Chronister | Hefner   | Landis   | Reutzel | Warner   |
| Clark      | Hoagland | Maresh   | Rumery  | Wesely   |
| Cope       | Johnson  | Marvel   | Schmit  |          |
| Cullan     | Kelly    | Merz     | Sieck   |          |
| DeCamp     | Kennedy  | Murphy   | Simon   |          |

Voting in the negative, 0.

Present and not voting, 5:

|         |            |        |       |       |
|---------|------------|--------|-------|-------|
| Beutler | Fitzgerald | George | Kahle | Keyes |
|---------|------------|--------|-------|-------|

Excused and not voting, 2:

|       |       |
|-------|-------|
| Lewis | Marsh |
|-------|-------|

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 651.**

A BILL FOR AN ACT to amend section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to make a suspension permissive rather than mandatory; to provide for an alcoholism treatment program as prescribed; 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, 43:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Kennedy  | Merz    | Sieck    |
| Beutler    | George   | Keyes    | Murphy  | Simon    |
| Burrows    | Goodrich | Koch     | Newell  | Stoney   |
| Carsten    | Haberman | Kremer   | Nichol  | Venditte |
| Cope       | Hefner   | Labeledz | Pirsch  | Vickers  |
| Cullan     | Hoagland | Lamb     | Powers  | Warner   |
| DeCamp     | Johnson  | Landis   | Reutzel | Wesely   |
| Dworak     | Kahle    | Maresh   | Rumery  |          |
| Fitzgerald | Kelly    | Marvel   | Schmit  |          |

Voting in the negative, 1:

Clark

Present and not voting, 3:

Chambers    Chronister    Wagner

Excused and not voting, 2:

Lewis        Marsh

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

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

#### **LEGISLATIVE BILL 684.**

A BILL FOR AN ACT to amend sections 42-917, 71-5002, 71-5003, 83-159, 83-160, 83-164, 83-165, and 83-167 to 83-169, Reissue Revised Statutes of Nebraska, 1943, sections 71-5016, 71-5018, 71-5019, and 71-5025, Revised Statutes Supplement, 1978, and sections 71-5027 and 83-163, Revised Statutes Supplement, 1979, relating to the creation of the Division of Alcoholism and Drug Abuse; to eliminate the Commission on Drugs; to establish the State Drug Abuse Advisory Committee; to provide for duties and powers; to authorize promulgation of rules and regulations; to consolidate the state drug abuse programs; and to repeal the original sections, and also sections

81-1430, 81-1431, 81-1433 to 81-1437, 83-161, and 83-162, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Beutler    | DeCamp     | Kelly  | Merz    | Simon    |
| Burrows    | Dworak     | Kremer | Murphy  | Stoney   |
| Carsten    | Fitzgerald | Labedz | Powers  | Venditte |
| Chronister | George     | Lamb   | Reutzel | Warner   |
| Clark      | Goodrich   | Landis | Rumery  | Wesely   |
| Cope       | Hefner     | Maresh | Schmit  |          |
| Cullan     | Kahle      | Marvel | Sieck   |          |

Voting in the negative, 10:

|          |          |       |        |         |
|----------|----------|-------|--------|---------|
| Fowler   | Hoagland | Keyes | Newell | Pirsch  |
| Haberman | Johnson  | Koch  | Nichol | Vickers |

Present and not voting, 3:

|         |          |         |
|---------|----------|---------|
| Barrett | Chambers | Kennedy |
|---------|----------|---------|

Excused and not voting, 3:

|       |       |        |
|-------|-------|--------|
| Lewis | Marsh | Wagner |
|-------|-------|--------|

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

#### **LEGISLATIVE BILL 684A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 684, Eighty-sixth Legislature, Second Session, 1980.

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, 34:

1930

LEGISLATIVE JOURNAL

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Beutler    | DeCamp     | Kelly  | Marvel  | Sieck    |
| Burrows    | Dworak     | Koch   | Merz    | Simon    |
| Carsten    | Fitzgerald | Kremer | Murphy  | Stoney   |
| Chronister | Goodrich   | Labedz | Powers  | Venditte |
| Clark      | Hefner     | Lamb   | Reutzel | Warner   |
| Cope       | Johnson    | Landis | Rumery  | Wesely   |
| Cullan     | Kahle      | Maresh | Schmit  |          |

Voting in the negative, 9:

|        |          |         |        |        |
|--------|----------|---------|--------|--------|
| Fowler | Haberman | Kennedy | Newell | Pirsch |
| George | Hoagland | Keyes   | Nichol |        |

Present and not voting, 3:

|         |          |         |
|---------|----------|---------|
| Barrett | Chambers | Vickers |
|---------|----------|---------|

Excused and not voting, 3:

|       |       |        |
|-------|-------|--------|
| Lewis | Marsh | Wagner |
|-------|-------|--------|

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

**UNANIMOUS CONSENT - Withdraw Amendments to LB 722**

Mr. Keyes asked unanimous consent to withdraw his pending amendment found in the Journal on page 1766 to LB 722. No objections. So ordered.

Mr. Powers asked unanimous consent to be excused until he returns. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 722.**

A BILL FOR AN ACT relating to motor vehicle fuel taxes; to provide additional taxes as prescribed; to provide for their use; to provide duties of the State Board of Equalization and Assessment, the materiel administrator, and the Tax Commissioner; to create a fund; to amend sections 39-2402, 66-410.04, 66-411, and 66-620, Reissue Revised Statutes of Nebraska, 1943, sections 66-410, 66-428, and 66-605, Revised Statutes Supplement, 1979, and section 66-452,

Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 876, Eightysixth Legislature, Second Session, 1980; 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, 29:

|            |            |         |        |        |
|------------|------------|---------|--------|--------|
| Barrett    | DeCamp     | Johnson | Marvel | Sieck  |
| Beutler    | Dworak     | Kelly   | Merz   | Simon  |
| Burrows    | Fitzgerald | Koch    | Murphy | Stoney |
| Carsten    | George     | Kremer  | Nichol | Wagner |
| Chronister | Hefner     | Landis  | Rumery | Warner |
| Cope       | Hoagland   | Lewis   | Schmit |        |

Voting in the negative, 16:

|          |          |          |         |
|----------|----------|----------|---------|
| Chambers | Goodrich | Labeledz | Pirsch  |
| Clark    | Haberman | Lamb     | Reutzel |
| Cullan   | Kennedy  | Maresh   | Vickers |
| Fowler   | Keyes    | Newell   | Wesely  |

Present and not voting, 2:

Kahle            Venditte

Excused and not voting, 2:

Marsh           Powers

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

**LEGISLATIVE BILL 722A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 722, Eighty-sixth Legislature, Second Session, 1980.

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, 30:

|            |            |          |        |        |
|------------|------------|----------|--------|--------|
| Barrett    | DeCamp     | Hoagland | Marvel | Sieck  |
| Beutler    | Dworak     | Johnson  | Merz   | Simon  |
| Burrows    | Fitzgerald | Koch     | Murphy | Stoney |
| Carsten    | Fowler     | Kremer   | Nichol | Wagner |
| Chronister | George     | Landis   | Rumery | Warner |
| Cope       | Hefner     | Lewis    | Schmit | Wesely |

Voting in the negative, 15:

|          |          |          |        |          |
|----------|----------|----------|--------|----------|
| Chambers | Goodrich | Keyes    | Maresh | Reutzel  |
| Clark    | Haberman | Labeledz | Newell | Venditte |
| Cullan   | Kennedy  | Lamb     | Pirsch | Vickers  |

Present and not voting, 2:

Kahle            Kelly

Excused and not voting, 2:

Marsh           Powers

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

### LEGISLATIVE BILL 773.

A BILL FOR AN ACT to amend sections 43-654 and 43-657, Reissue Revised Statutes of Nebraska, 1943, and section 43-656, Revised Statutes Supplement, 1979, relating to the Nebraska Coordinating Council for the Handicapped; to change membership; to provide duties; to provide for supervision; to change provisions for meetings; to require a single plan for certain programs as prescribed; and to repeal the original sections, and also sections 43-655 and 43-659, Reissue Revised Statutes of Nebraska, 1943, and section 43-658, Revised Statutes Supplement, 1979.

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:

|         |            |        |            |          |
|---------|------------|--------|------------|----------|
| Barrett | Carsten    | Cope   | Dworak     | George   |
| Beutler | Chronister | Cullan | Fitzgerald | Goodrich |
| Burrows | Clark      | DeCamp | Fowler     | Haberman |

|          |          |        |         |          |
|----------|----------|--------|---------|----------|
| Hefner   | Keyes    | Lewis  | Pirsch  | Stoney   |
| Hoagland | Koch     | Maresh | Reutzel | Venditte |
| Johnson  | Kremer   | Marvel | Rumery  | Vickers  |
| Kahle    | Labeledz | Merz   | Schmit  | Wagner   |
| Kelly    | Lamb     | Newell | Sieck   | Warner   |
| Kennedy  | Landis   | Nichol | Simon   | Wesely   |

Voting in the negative, 0.

Present and not voting, 2:

Chambers    Murphy

Excused and not voting, 2:

Marsh        Powers

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

**LEGISLATIVE BILL 773A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 773, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Beutler    | Dworak     | Kahle    | Lewis   | Sieck    |
| Burrows    | Fitzgerald | Kelly    | Maresh  | Simon    |
| Carsten    | Fowler     | Kennedy  | Marvel  | Stoney   |
| Chronister | George     | Koch     | Newell  | Venditte |
| Clark      | Goodrich   | Kremer   | Nichol  | Vickers  |
| Cope       | Hefner     | Labeledz | Reutzel | Wagner   |
| Cullan     | Hoagland   | Lamb     | Rumery  | Warner   |
| DeCamp     | Johnson    | Landis   | Schmit  | Wesely   |

Voting in the negative, 5:

Barrett        Haberman    Merz        Murphy        Pirsch

1934

LEGISLATIVE JOURNAL

Present and not voting, 2:

Chambers     Keyes

Excused and not voting, 2:

Marsh         Powers

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

**LEGISLATIVE BILL 844.** With Emergency.

A BILL FOR AN ACT relating to teachers; to provide for the continued employment of teachers in reorganized school districts; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kelly    | Marvel  | Simon    |
| Beutler    | Fowler     | Kennedy  | Merz    | Stoney   |
| Burrows    | George     | Keyes    | Newell  | Venditte |
| Carsten    | Goodrich   | Koch     | Nichol  | Vickers  |
| Chronister | Haberman   | Labeledz | Pirsch  | Wagner   |
| Clark      | Hefner     | Lamb     | Reutzel | Warner   |
| Cope       | Hoagland   | Landis   | Rumery  | Wesely   |
| Cullan     | Johnson    | Lewis    | Schmit  |          |
| Dworak     | Kahle      | Maresh   | Sieck   |          |

Voting in the negative, 0.

Present and not voting, 4:

Chambers     DeCamp     Kremer     Murphy

Excused and not voting, 2:

Marsh         Powers

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

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 1980, at 3:25 p.m., were the following bills: 853, 853A, 765, 765A, 346, 741, and 873.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 940, 486, 535, 627, 633, 633A, and 651.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 940, 486, 535, 627, 633, 633A, and 651.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

**MR. CLARK PRESIDING**

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 847.**

A BILL FOR AN ACT to amend sections 71-1,132.05, 71-1,132.13 to 71-1,132.16, 71-1,132.22, 71-1,132.24, 71-1,132.28 to 71-1,132.34, 71-1,132.37, 71-1,132.47, and 71-1,132.49 to 71-1,132.51, Reissue Revised Statutes of Nebraska, 1943, sections 71-1,132.11, 71-1,132.20, 71-1,132.36, and 71-1,132.52, Revised Statutes Supplement, 1978, and section 71-121.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 958, Eighty-sixth Legislature, Second Session, 1980, relating to professional and occupational licenses; to change provisions relating to the licensing of nurses as prescribed; to change the duties of the Department of Health, the Director of Health, and the Board of Nursing as prescribed; to make the Bureau of Examining Boards

responsible for administration of the activities of the Board of Nursing; 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, 33:

|            |          |        |        |          |
|------------|----------|--------|--------|----------|
| Beutler    | DeCamp   | Kahle  | Marvel | Venditte |
| Burrows    | Dworak   | Kelly  | Murphy | Vickers  |
| Carsten    | Fowler   | Koch   | Rumery | Wagner   |
| Chambers   | George   | Kremer | Schmit | Warner   |
| Chronister | Haberman | Lamb   | Sieck  | Wesely   |
| Cope       | Hefner   | Landis | Simon  |          |
| Cullan     | Hoagland | Maresh | Stoney |          |

Voting in the negative, 11:

|            |          |        |         |
|------------|----------|--------|---------|
| Clark      | Johnson  | Lewis  | Pirsch  |
| Fitzgerald | Keyes    | Newell | Reutzel |
| Goodrich   | Labeledz | Nichol |         |

Present and not voting, 2:

|         |         |
|---------|---------|
| Barrett | Kennedy |
|---------|---------|

Excused and not voting, 3:

|       |      |        |
|-------|------|--------|
| Marsh | Merz | Powers |
|-------|------|--------|

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

### **SPEAKER MARVEL PRESIDING**

#### **LEGISLATIVE BILL 847A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 847, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |          |        |        |          |
|------------|----------|--------|--------|----------|
| Beutler    | DeCamp   | Kahle  | Marvel | Venditte |
| Burrows    | Dworak   | Kelly  | Murphy | Vickers  |
| Carsten    | Fowler   | Koch   | Rumery | Wagner   |
| Chambers   | George   | Kremer | Schmit | Warner   |
| Chronister | Haberman | Lamb   | Sieck  | Wesely   |
| Clark      | Hefner   | Landis | Simon  |          |
| Cullan     | Hoagland | Mareh  | Stoney |          |

Voting in the negative, 10:

|            |         |          |        |         |
|------------|---------|----------|--------|---------|
| Fitzgerald | Johnson | Labeledz | Newell | Pirsch  |
| Goodrich   | Keyes   | Lewis    | Nichol | Reutzel |

Present and not voting, 3:

|         |      |         |
|---------|------|---------|
| Barrett | Cope | Kennedy |
|---------|------|---------|

Excused and not voting, 3:

|       |      |        |
|-------|------|--------|
| Marsh | Merz | Powers |
|-------|------|--------|

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

**UNANIMOUS CONSENT - Withdraw Motion on LB 848**

Mr. Lewis withdrew his pending motion found in the Journal on page 1767 to LB 848. No objections. So ordered.

**MOTION - Return LB 848 to Select File**

Mr. Beutler moved to return LB 848 to Select File for the following specific amendment:

- 1 Strike the new section 23 as found on page 1760 of the Journal.
- 2 Renumber remaining sections accordingly.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Lewis requested a record vote on the Beutler motion.

Voting in the affirmative, 15:

1938

LEGISLATIVE JOURNAL

|          |          |          |        |         |
|----------|----------|----------|--------|---------|
| Beutler  | Cullan   | Hoagland | Keyes  | Nichol  |
| Carsten  | Goodrich | Kelly    | Kremer | Stoney  |
| Chambers | Haberman | Kennedy  | Lewis  | Vickers |

Voting in the negative, 23:

|            |            |        |         |          |
|------------|------------|--------|---------|----------|
| Burrows    | Fitzgerald | Koch   | Newell  | Venditte |
| Chronister | Fowler     | Labedz | Reutzel | Warner   |
| Clark      | George     | Landis | Rumery  | Wesely   |
| Cope       | Hefner     | Maresh | Sieck   |          |
| Dworak     | Kahle      | Marvel | Simon   |          |

Present and not voting, 8:

|         |         |        |        |
|---------|---------|--------|--------|
| Barrett | Johnson | Murphy | Schmit |
| DeCamp  | Lamb    | Pirsch | Wagner |

Excused and not voting, 3:

|       |      |        |
|-------|------|--------|
| Marsh | Merz | Powers |
|-------|------|--------|

The Beutler motion lost with 15 ayes, 23 nays, 8 present and not voting, and 3 excused and not voting.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 848.**

A BILL FOR AN ACT to amend sections 53-117, 53-123.02, 53-123.03, 53-129, 53-131, 53-140, 53-146, 53-147, 53-151, 53-152, 53-153, 53-160.07, 53-180, 53-1,104, 53-1,114, and 53-1,116, Reissue Revised Statutes of Nebraska, 1943, sections 53-125, 53-142, and 53-176, Revised Statutes Supplement, 1979, and sections 53-103, 53-180.02, and 53-180.04, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 2, 3, and 4, respectively, Legislative Bill 221, Eighty-sixth Legislature, First Session, 1979, relating to the Liquor Control Act; to define terms; to change provisions relating to the powers and duties of the Nebraska Liquor Control Commission; to provide for audits as prescribed; to change provisions relating to license applications; to change certain fees; to provide a disqualification for a license; to change provisions relating to warehouse control; to eliminate a prohibition on liquor sales; to remove provisions for impounding motor vehicles; to harmonize a penalty provision; to eliminate certain provisions relating to retail beer

licenses; to permit certain uses of public streets and sidewalks; to provide an operative date; and to repeal the original sections, and also sections 53-141, 53-143, 53-145, and 53-1,115, Reissue Revised Statutes of Nebraska, 1943.

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, 32:

|            |            |          |          |         |
|------------|------------|----------|----------|---------|
| Barrett    | DeCamp     | Kelly    | Newell   | Vickers |
| Burrows    | Dworak     | Keyes    | Reutzel  | Wagner  |
| Carsten    | Fitzgerald | Koch     | Rumery   | Warner  |
| Chronister | Fowler     | Labeledz | Schmit   | Wesely  |
| Clark      | George     | Landis   | Sieck    |         |
| Cope       | Hefner     | Maresh   | Simon    |         |
| Cullan     | Kahle      | Murphy   | Venditte |         |

Voting in the negative, 13:

|          |          |        |        |        |
|----------|----------|--------|--------|--------|
| Beutler  | Haberman | Kremer | Marvel | Stoney |
| Chambers | Hoagland | Lamb   | Nichol |        |
| Goodrich | Kennedy  | Lewis  | Pirsch |        |

Present and not voting, 1:

Johnson

Excused and not voting, 3:

Marsh            Merz            Powers

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

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 1980, at 4:00 p.m., were the following bills: 940, 486, 535, 627, 633, 633A, and 651.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**SELECT COMMITTEE REPORTS****Enrollment and Review****Correctly Enrolled**

The following bills were correctly enrolled: 684, 684A, 722, 722A, 773, 773A, and 844.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 684, 684A, 722, 722A, 773, 773A, and 844.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 877.**

A BILL FOR AN ACT relating to insurance; to adopt the Individual Medicare Supplement and Sickness and Accident Insurance Minimum Standards Act; to provide for enforcement; to change provisions relating to unfair methods of competition; to amend sections 44-710.18 and 44-1525, Reissue Revised Statutes of Nebraska, 1943; to provide for severability; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marvel  | Stoney   |
| Beutler    | Fitzgerald | Kennedy  | Murphy  | Venditte |
| Burrows    | Fowler     | Keyes    | Newell  | Vickers  |
| Carsten    | George     | Koch     | Nichol  | Wagner   |
| Chambers   | Goodrich   | Kremer   | Pirsch  | Warner   |
| Chronister | Haberman   | Labeledz | Reutzel | Wesely   |
| Clark      | Hefner     | Lamb     | Rumery  |          |
| Cope       | Hoagland   | Landis   | Schmit  |          |
| Cullan     | Johnson    | Lewis    | Sieck   |          |
| DeCamp     | Kahle      | Maresh   | Simon   |          |

Voting in the negative, 0.

Excused and not voting, 3:

Marsh            Merz            Powers

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

**LEGISLATIVE BILL 877A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 877, Eighty-sixth Legislature, Second Session, 1980.

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

Voting in the affirmative, 39:

|          |            |          |         |          |
|----------|------------|----------|---------|----------|
| Barrett  | DeCamp     | Hoagland | Maresh  | Simon    |
| Beutler  | Dworak     | Kelly    | Murphy  | Stoney   |
| Burrows  | Fitzgerald | Koch     | Newell  | Venditte |
| Carsten  | Fowler     | Kremer   | Nichol  | Vickers  |
| Chambers | George     | Labeledz | Pirsch  | Wagner   |
| Clark    | Goodrich   | Lamb     | Reutzel | Warner   |
| Cope     | Haberman   | Landis   | Rumery  | Wesely   |
| Cullan   | Hefner     | Lewis    | Schmit  |          |

Voting in the negative, 1:

Keyes

Present and not voting, 6:

|            |         |        |
|------------|---------|--------|
| Chronister | Kahle   | Marvel |
| Johnson    | Kennedy | Sieck  |

Excused and not voting, 3:

Marsh            Merz            Powers

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

**LEGISLATIVE BILL 889.** With Emergency.

A BILL FOR AN ACT to amend sections 81-2,162.03, 81-2,162.07, 81-2,162.13, and 81-2,162.26, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,162.02, 81-2,162.05, 81-2,162.06, and 81-2,162.23, Revised Statutes Supplement, 1978, relating to commercial fertilizer and soil conditioners; to redefine a term; to change registration provisions as prescribed; to change provisions relating to inspection fees; to repeal the original sections, and also section 81-2,162.24, Reissue Revised Statutes of Nebraska, 1943; 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, 34:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kennedy  | Maresh  | Sieck    |
| Burrows    | Fitzgerald | Keyes    | Marvel  | Simon    |
| Carsten    | George     | Koch     | Murphy  | Stoney   |
| Chronister | Goodrich   | Kremer   | Nichol  | Venditte |
| Clark      | Haberman   | Labeledz | Pirsch  | Wagner   |
| Cope       | Hefner     | Lamb     | Reutzel | Warner   |
| DeCamp     | Kelly      | Lewis    | Rumery  |          |

Voting in the negative, 8:

|        |          |        |         |
|--------|----------|--------|---------|
| Cullan | Hoagland | Landis | Vickers |
| Fowler | Johnson  | Newell | Wesely  |

Present and not voting, 4:

|         |          |       |        |
|---------|----------|-------|--------|
| Beutler | Chambers | Kahle | Schmit |
|---------|----------|-------|--------|

Excused and not voting, 3:

|       |      |        |
|-------|------|--------|
| Marsh | Merz | Powers |
|-------|------|--------|

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 989.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Genetically Handicapped Person's Act; to provide a program for treating cystic fibrosis and other related conditions; to establish standards for providing treatment; to provide reimbursement for the costs of such treatment; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 42:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | DeCamp     | Johnson  | Maresh  | Stoney   |
| Beutler    | Dworak     | Kelly    | Murphy  | Venditte |
| Burrows    | Fitzgerald | Kennedy  | Newell  | Vickers  |
| Carsten    | Fowler     | Keyes    | Nichol  | Wagner   |
| Chambers   | George     | Koch     | Pirsch  | Warner   |
| Chronister | Goodrich   | Labeledz | Reutzel | Wesely   |
| Clark      | Haberman   | Lamb     | Rumery  |          |
| Cope       | Hefner     | Landis   | Sieck   |          |
| Cullan     | Hoagland   | Lewis    | Simon   |          |

Voting in the negative, 0.

Present and not voting, 4:

|       |        |        |        |
|-------|--------|--------|--------|
| Kahle | Kremer | Marvel | Schmit |
|-------|--------|--------|--------|

Excused and not voting, 3:

|       |      |        |
|-------|------|--------|
| Marsh | Merz | Powers |
|-------|------|--------|

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

#### **MR. CLARK PRESIDING**

**LEGISLATIVE BILL 989A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 989, Eighty-sixth Legislature, Second Session, 1980; 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:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Kennedy  | Murphy  | Venditte |
| Burrows    | George   | Koch     | Newell  | Vickers  |
| Carsten    | Goodrich | Kremer   | Nichol  | Wagner   |
| Chambers   | Haberman | Labeledz | Pirsch  | Warner   |
| Chronister | Hefner   | Lamb     | Reutzel | Wesely   |
| Clark      | Hoagland | Landis   | Rumery  |          |
| Cope       | Johnson  | Lewis    | Sieck   |          |
| Cullan     | Kahle    | Maresh   | Simon   |          |
| Dworak     | Kelly    | Marvel   | Stoney  |          |

Voting in the negative, 0.

Present and not voting, 5:

|         |        |            |       |        |
|---------|--------|------------|-------|--------|
| Beutler | DeCamp | Fitzgerald | Keyes | Schmit |
|---------|--------|------------|-------|--------|

Excused and not voting, 3:

|       |      |        |
|-------|------|--------|
| Marsh | Merz | Powers |
|-------|------|--------|

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

### MESSAGE FROM THE GOVERNOR

April 15, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 618, 618A, 701, 701A, 712, 712A, 731, 731A, 819, 819A, 834, 834A, 849, 849A, 485A, and Re-engrossed Legislative Bill 485.

These bills were signed by me on April 15, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
Charles Thone  
Governor

CT:mh

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 1980, at 5:00 p.m., were the following bills: 684, 684A, 722, 722A, 773, 773A, and 844.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**SPEAKER MARVEL PRESIDING**

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 847, 847A, 848, 877, and 877A.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 847, 847A, 848, 877, and 877A.

**MR. CLARK PRESIDING**

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1002. With Emergency.**

A BILL FOR AN ACT to make appropriations for state aid programs for the period of July 1, 1980, to June 30, 1981; to provide severability; 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:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Fitzgerald | Kelly   | Newell  | Venditte |
| Beutler    | Fowler     | Kennedy | Nichol  | Vickers  |
| Burrows    | George     | Koch    | Pirsch  | Wagner   |
| Carsten    | Goodrich   | Kremer  | Powers  | Warner   |
| Chronister | Haberman   | Lamb    | Reutzel | Wesely   |
| Clark      | Hefner     | Landis  | Rumery  |          |
| Cope       | Hoagland   | Lewis   | Schmit  |          |
| Cullan     | Johnson    | Maresh  | Sieck   |          |
| Dworak     | Kahle      | Marvel  | Simon   |          |

Voting in the negative, 1:

Stoney

Present and not voting, 5:

|          |        |       |          |        |
|----------|--------|-------|----------|--------|
| Chambers | DeCamp | Keyes | Labeledz | Murphy |
|----------|--------|-------|----------|--------|

Excused and not voting, 2:

|       |      |
|-------|------|
| Marsh | Merz |
|-------|------|

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

## RESOLUTION

### LEGISLATIVE RESOLUTION 345.

Introduced by Warner, 25th District; Dworak, 22nd District; Carsten, 2nd District; Fowler, 27th District; Koch, 12th District.

WHEREAS, the Governor of the State of Nebraska, in his Legislative Bill 996 and 997 line-item veto message, noted the impact of soaring interest rates and the embargo on Soviet grain trade on Nebraska's agricultural economy; and

WHEREAS, recent handouts of selected newspaper articles to the members of the Nebraska Legislature noted Iowa Governor Ray's statement that the national economy has gone "from bad to worse," retail sales decline, temporary or indefinite layoffs of workers in the Omaha-Fremont area, wheat futures show declines, both dollar and gold decline, lower hog market, and problems faced by farm families; and

WHEREAS, the State Tax Commissioner on April 3, 1980, notified the Chairman of the Appropriations Committee that "The revenue estimates for fiscal year 1980-81 and any revised estimates for fiscal year 1979-80 will not be prepared until the State Board of Equalization and Assessment meets after the Legislature adjourns."; and

WHEREAS, the members of the Nebraska Legislature have a need for the most current information on revenue estimates for fiscal years 1979-80 and 1980-81 prior to final consideration on April 18, 1980 of the 1979-80 and 1980-81 state appropriations; and

WHEREAS, the Nebraska Department of Revenue estimates for revenue currently are used by the Legislature in computing total funds available for appropriation based on existing sales and income tax rates.

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

That the Nebraska Tax Commissioner provide, to the Clerk of the Nebraska Legislature on or before 5:00 p.m. Thursday, April 17, 1980, revised fiscal year 1979-80 and 1980-81 General Fund receipt figures comprised of the sales and use, individual income, corporate income, and miscellaneous tax categories. If the estimates already provided to the Legislature are unchanged, then so state. Such estimates shall be based on (1) the most current economic data available and (2) the most recent estimate of 1979 tax refunds. Such revised estimates are expected to be consistent with the revised estimates to be provided to the State Board of Equalization and Assessment at their meeting to be held within fifteen days after the adjournment of the Legislature.

Mr. Warner moved to suspend the rules, Rule 4, Sec. 6, to consider LR 345 today.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

LR 345 was adopted with 39 ayes, 0 nays, and 10 not voting.

#### **MOTION - Withdraw LB 918A**

Mr. Nichol renewed his pending motion found in the Journal on page 1736 to withdraw LB 918A.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

1948

LEGISLATIVE JOURNAL

**SPEAKER MARVEL PRESIDING**

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 889, 989, 989A, and 1002.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 889, 989, 989A, and 1002.

**VISITORS**

Visitors to the Chamber were 24 fourth grade students and teachers from Hawthorne School, Lincoln; 22 fourth grade students and teacher from Stanton; and 27 exchange students from Kassel, Germany.

**ADJOURNMENT**

At 5:37 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 8:30 a.m., Friday, April 18, 1980.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTIETH DAY - APRIL 18, 1980**

**LEGISLATIVE JOURNAL**

**EIGHTY-SIXTH LEGISLATURE  
SECOND SESSION**

**SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 18, 1980

Pursuant to adjournment, the Legislature met at 8:31 a.m., President Luedtke presiding.

**PRAYER**

The prayer was offered by the Chaplain.

Dear Lord, an honest prayer some of us might make this morning is simply, "Thank God it's over." These many weeks have been such a drain on so many of us, taking us away from responsibilities and loved ones elsewhere, and demanding so much of us.

Lord, we are also grateful for these past months and for all the good that has been accomplished. May our decisions be for the benefit of the people of this State. Continue during the interim to give vision, courage, and integrity to each of the Senators. Bless them, their families and loved ones, till we meet again. Be with our Governor and Lieutenant Governor, the various officers and servants of this Legislature.

May the people of this State, who often hear only the unusual things which occur in this room, appreciate the ability and dedication of this Legislature. Implant again upon our minds the truth that greatness is found in serving, and success in helpfulness. May this Legislature continue to love You, their God, and serve all the people. Amen.

**ROLL CALL**

The roll was called and all members were present.

**CORRECTIONS FOR THE JOURNAL**

Page 1893, delete lines 5 and 6 and insert:

LR 306 - Review of programs, organization, coordination, structure, funding, and services of the Department of Public Welfare. (Cullan, et al) Public Health and Welfare.

The Journal for the Fifty-Ninth Day was approved as corrected.

### MESSAGES FROM THE GOVERNOR

April 16, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 627 without my signature and with my objections.

LB 627 represents bad government at its worst. While I am confident that it was not the intent of the Legislature, the effect of LB 627 is that virtually no Local Option Tax Control Act lids can be adopted for the upcoming fiscal year.

For instance, on May 13, 1980, the voters in the Allen, Nebraska, and Falls City, Nebraska School Districts will be voting on local option lids. If LB 627 becomes law and the voters approve these lids on May 13, the lids will not go into effect because Section 7 of LB 627 provides that any limitation placed on a budget pursuant to the Local Option Tax Control Act prior to the effective date of LB 627 (which will be mid-July) will not apply to any budget for next fiscal year.

This is intolerable. This is an insult to the people of these districts, and to the people of this State. I am opposed to this as strongly as it is possible to be opposed.

Equally as important, LB 627 removes the local option lids from the Omaha and Nebraska City School Districts after only one year and without a vote of the people. The Legislature earlier this year rejected an amendment offered by Senator Lamb at my request which would have limited these lids to two years and which would have allowed the local school boards to call an election this spring to raise the lids immediately if that were the will of a majority of the citizens voting in such an election.

I will not be a party to thwarting the expressed will of the local people as proposed by LB 627 in its present form. As I have stated previously, when the people speak, public officials should hear no other voice.

SIXTIETH DAY - APRIL 18, 1980

1951

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:dsd

April 16, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 615 and Reengrossed Legislative Bill 615A.

These bills were signed by me on April 16, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

April 16, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 633, 633A, 684, 684A, 722, 722A, 844, 877A and Reengrossed Legislative Bills 346, 877, and 940.

These bills were signed by me on April 16, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

April 17, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 709, 818, 818A, 839, 839A, 848, 867, 867A and Reengrossed Legislative Bills 741 and 873.

These bills were signed by me on April 17, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 1980, at 5:40 p.m., were the following bills: 847, 847A, 848, 877, 877A, 889, 989, 989A, and 1002.

(Signed) Hazel Kaltenberger, Enrolling Clerk

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 345.

**REPORT OF REGISTERED LOBBYISTS**

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 17, 1980. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Welsch, Ernest - Milford, (Withdrawn 3/1/80), Nebraska Farmers  
Organization

Mr. Warner asked unanimous consent to be excused until he returns.  
No objections. So ordered.

### MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 7, to consider the Final Reading Bills as listed on the agenda for today.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 632. With Emergency.

A BILL FOR AN ACT relating to milk; to adopt the Nebraska Pasteurized Milk Law and the Nebraska Manufacturing Milk Act; to adopt the Grade A Pasteurized Milk Ordinance by reference; to provide for the payment of permit and inspection fees; to provide for administration and enforcement; to provide for surveys; to amend sections 81-263.88 to 81-263.91, 81-263.94 to 81-263.101, 81-263.106 to 81-263.111, 81-263.114, 81-263.116, 81-263.118, and 81-263.119 to 81-263.121, Reissue Revised Statutes of Nebraska, 1943, and section 81-263.122, Revised Statutes Supplement, 1978; to repeal the original sections, and also sections 81-218 to 81-227, 81-230 to 81-256, 81-263.50 to 81-263.52, 81-263.54 to 81-263.78, 81-263.80, 81-263.87, 81-263.92, 81-263.93, 81-263.102 to 81-263.105, 81-263.112, 81-263.113, 81-263.115, 81-263.123, 81-264 to 81-266, 81-287 to 81-290, 81-292, 81-2,217 to 81-2,229, 81-2,231, and 81-2,232, Reissue Revised Statutes of Nebraska, 1943, and sections 81-228, 81-257, 81-263.53, 81-263.79, 81-267, 81-291, 81-293, and 81-2,230, Revised Statutes Supplement, 1978; and to declare an emergency.

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

Voting in the affirmative, 46:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Barrett    | DeCamp     | Hefner   | Koch     | Marsh  |
| Burrows    | Dworak     | Hoagland | Kremer   | Marvel |
| Carsten    | Fitzgerald | Johnson  | Labeledz | Merz   |
| Chronister | Fowler     | Kahle    | Lamb     | Murphy |
| Clark      | George     | Kelly    | Landis   | Newell |
| Cope       | Goodrich   | Kennedy  | Lewis    | Nichol |
| Cullan     | Haberman   | Keyes    | Maresh   | Pirsch |

1954

LEGISLATIVE JOURNAL

|          |        |          |        |
|----------|--------|----------|--------|
| Powers   | Schmit | Stoney   | Wagner |
| Reutzell | Sieck  | Venditte | Wesely |
| Rumery   | Simon  | Vickers  |        |

Voting in the negative, 0.

Present and not voting, 2:

Beutler          Chambers

Excused and not voting, 1:

Warner

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 632A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, Eighty-sixth Legislature, Second Session, 1980; 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:

|            |            |          |          |          |
|------------|------------|----------|----------|----------|
| Barrett    | Fitzgerald | Kennedy  | Marsh    | Rumery   |
| Burrows    | George     | Keyes    | Marvel   | Schmit   |
| Carsten    | Goodrich   | Koch     | Merz     | Sieck    |
| Chronister | Haberman   | Kremer   | Murphy   | Stoney   |
| Clark      | Hefner     | Labeledz | Newell   | Venditte |
| Cope       | Hoagland   | Lamb     | Nichol   | Vickers  |
| Cullan     | Johnson    | Landis   | Pirsch   | Wagner   |
| DeCamp     | Kahle      | Lewis    | Powers   | Wesely   |
| Dworak     | Kelly      | Maresh   | Reutzell |          |

Voting in the negative, 0.

Present and not voting, 4:

Beutler          Chambers          Fowler          Simon

Excused and not voting, 1:

Warner

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 280. With Emergency.**

A BILL FOR AN ACT to amend sections 1-108 to 1-110, 1-148, and 1-160, Reissue Revised Statutes of Nebraska, 1943, and sections 1-107 and 1-135, Revised Statutes Supplement, 1979, relating to accountants; to change the appointment date and number of members annually appointed to the Nebraska State Board of Public Accountancy; to provide for the election of a secretary to the board; to change the month of publication of the annual register of the board; to delete references to the Auditor of Public Accounts; to provide minimum staffing requirements for all public accounting offices; to authorize the board to levy fines for accounting violations; to change provisions relating to advertising as prescribed; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Marvel  | Sieck    |
| Beutler    | Fowler     | Keyes    | Merz    | Simon    |
| Burrows    | George     | Koch     | Murphy  | Stoney   |
| Carsten    | Goodrich   | Kremer   | Newell  | Venditte |
| Chronister | Haberman   | Labeledz | Nichol  | Vickers  |
| Clark      | Hefner     | Lamb     | Pirsch  | Wagner   |
| Cope       | Hoagland   | Landis   | Powers  | Warner   |
| Cullan     | Johnson    | Lewis    | Reutzel |          |
| DeCamp     | Kahle      | Maresh   | Rumery  |          |
| Dworak     | Kelly      | Marsh    | Schmit  |          |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

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 283. With Emergency.**

A BILL FOR AN ACT relating to cities of the metropolitan class; to establish minimum benefits of the pension or retirement plans for members of the fire and police departments of any such city; 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, 27:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Burrows    | Goodrich | Landis | Newell  | Stoney   |
| Chambers   | Hoagland | Lewis  | Pirsch  | Venditte |
| Cullan     | Kahle    | Maresh | Powers  | Wesely   |
| Fitzgerald | Keyes    | Marsh  | Reutzel |          |
| Fowler     | Koch     | Marvel | Sieck   |          |
| George     | Labeledz | Merz   | Simon   |          |

Voting in the negative, 19:

|         |          |         |        |         |
|---------|----------|---------|--------|---------|
| Barrett | Cope     | Hefner  | Lamb   | Vickers |
| Beutler | DeCamp   | Johnson | Murphy | Wagner  |
| Carsten | Dworak   | Kennedy | Nichol | Warner  |
| Clark   | Haberman | Kremer  | Schmit |         |

Present and not voting, 3:

|            |       |        |
|------------|-------|--------|
| Chronister | Kelly | Rumery |
|------------|-------|--------|

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

|            |          |          |        |         |
|------------|----------|----------|--------|---------|
| Burrows    | Fowler   | Kelly    | Lewis  | Pirsch  |
| Chambers   | George   | Keyes    | Maresh | Powers  |
| Cullan     | Goodrich | Koch     | Marsh  | Reutzel |
| DeCamp     | Hoagland | Labeledz | Marvel | Sieck   |
| Fitzgerald | Kahle    | Landis   | Newell | Simon   |

Stoney          Venditte          Wesely

Voting in the negative, 19:

|         |          |         |        |         |
|---------|----------|---------|--------|---------|
| Barrett | Cope     | Johnson | Merz   | Vickers |
| Beutler | Dworak   | Kennedy | Murphy | Wagner  |
| Carsten | Haberman | Kremer  | Nichol | Warner  |
| Clark   | Hefner   | Lamb    | Schmit |         |

Present and not voting, 2:

Chronister      Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**LEGISLATIVE BILL 611. With Emergency.**

A BILL FOR AN ACT to amend sections 75-710, 75-713, 75-715, 75-716, 75-719, 75-720, and 75-721, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to change provisions relating to transmission lines; to change provisions relating to construction or alteration of certain lines; to change duties; 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:

|            |            |          |        |          |
|------------|------------|----------|--------|----------|
| Barrett    | DeCamp     | Johnson  | Landis | Reutzel  |
| Beutler    | Dworak     | Kahle    | Lewis  | Rumery   |
| Burrows    | Fitzgerald | Kelly    | Maresh | Schmit   |
| Carsten    | Fowler     | Kennedy  | Marsh  | Sieck    |
| Chambers   | George     | Keyes    | Marvel | Simon    |
| Chronister | Goodrich   | Koch     | Murphy | Stoney   |
| Clark      | Haberman   | Kremer   | Newell | Venditte |
| Cope       | Hefner     | Labeledz | Nichol | Vickers  |
| Cullan     | Hoagland   | Lamb     | Pirsch | Wesely   |

Voting in the negative, 0.

Present and not voting, 4:

Merz            Powers            Wagner            Warner

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

### COMMUNICATION

#### DEPARTMENT OF REVENUE

April 17, 1980

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

Dear Mr. O'Donnell:

Pursuant to Legislative Resolution 345 adopted by the Legislature on April 15, 1980, the following information is provided for your use.

The estimated General Fund receipt figures for fiscal year 1979-80 have been revised since the November 15, 1979, meeting of the State Board of Equalization and Assessment. The individual income tax rate was lowered to 17 percent at that meeting. Our estimates were later revised to a total of \$704.9 million for the fiscal year.

The refund estimates for fiscal year 1979-80 are the same as reported in our April 3, 1980, letter to Senator Warner. However, we now feel that the individual income tax refund figures may be approximately \$12 million high. Using this information, our estimate of refunds including individual income, food sales tax credit and excluding the December 1979 withholding suspension will be approximately \$55 million. The November 1979 State Board of Equalization projected that the June 30, 1980 ending General Fund balance would be \$38.8 million. There has been appropriated and the Governor has approved approximately \$10 million in deficiency appropriations since that date. This reduces the projected June 30, 1980 ending balance to \$28.8 million. The addition of \$12 million (above) restores the ending General Fund balance to its earlier projected level if projected revenue collections are sustained for the balance of the fiscal year.

The estimates for fiscal year 1980-81 have been projected at \$759.7 million. The net general fund receipts were projected to range from \$619.9 million to \$632.1 million, depending on the outcome to the individual income tax refunds for tax year 1979. These figures have

been revised to reflect the \$28 food sales tax credit effective for tax year 1980.

We cannot guarantee that the above estimates will be consistent with the estimates to be provided to the State Board of Equalization and Assessment at their meeting after the Legislature adjourns. One factor to be considered is a regular monthly report from Chase Econometrics, Inc., which will not be received until next week. In addition, the current year refund figures may be affected by the individual income tax returns which are currently being received. The preliminary tabulation of any actual refund figures cannot be done for at least two weeks. Approximately 20 percent of all income tax returns filed this year have come in during the last three days and cannot be processed for several days.

If you have any questions, please contact me.

Sincerely,  
 (Signed) Fred A. Herrington  
 State Tax Commissioner

### ATTORNEY GENERAL'S OPINIONS

Opinion No. 280  
 April 17, 1980

Dear Senator Marsh:

You have asked this office whether an amendment to LB 968 which excludes "those organizations, corporations, and societies authorized to conduct horse racing" from the operation of Nebraska's Uniform Disposition of Unclaimed Property Act, is constitutional. You apparently inquire as to whether LB 968 in an amended form grants to that class of entities an impermissible special privilege or immunity.

Article III, section 18, of the Nebraska Constitution states in pertinent part:

"The Legislature shall not pass local or special laws in any of the following cases, that is to say:

". . . .  
 "Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever;  
 . . . ."

By statute, organizations conducting horse races in Nebraska must be either the State Board of Agriculture, a county society for the improvement of agriculture, or a corporation or association organized and carried on for civic purposes. It is our view that each of these entities is an "organization," or a "corporation," or a "society," as

contemplated by the amended LB 968. Thus, the central question is whether their classification and exclusion from the operation of the Unclaimed Property Act is tantamount to a special immunity violative of Article III, section 18, of the state Constitution.

That constitutional provision reflects the longstanding principle of American constitutional law that our Legislatures should enact laws of general application to the citizenry they serve, and that where a general law can be made applicable, no special law shall be enacted. At the same time, however, it is equally as well settled that Legislatures can make reasonable classifications in certain legislative provisions. In fact, we note that public corporations are already excluded from the operation of the Unclaimed Property Act.

The Nebraska Supreme Court stated in Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974):

“ ‘The Legislature may make a reasonable classification of persons, corporations, and property for purposes of legislation concerning them, but the classification must rest upon real differences in situations and circumstances surrounding the members of the class, relative to the subject of the legislation, which render appropriate its enactment; and to be valid the law must operate uniformly and alike upon every member of the class so designated.’ Rehkopf v. Board of Equalization, 180 Neb. 90, 141 N.W. 2d 462.” (192 Neb. at 69.)

Thus, the Legislature may classify the subjects, persons, or objects as to which it legislates if such classification rests upon differences in situations or circumstances between things dealt with in one class and those dealt with in another, and if those differences have some relevance to the subject of the legislation.

Viewed in this light, the exclusion of those organizations conducting horse races in Nebraska from the operation of the Unclaimed Property Act pursuant to LB 968 as amended, is constitutionally suspect. The purpose of the Unclaimed Property Act was to create one centralized authority in the State of Nebraska to gather all lost or abandoned property in the state and undertake a more vigorous effort in locating the rightful owners of said property. As a class, organizations conducting horse racing in Nebraska do have some unique, quasi-public characteristics — that is, they must be created for the purpose of improving agriculture or for civic purposes. However, while these characteristics would distinguish such organizations as holders of lost or abandoned property from the majority of other businesses, corporations, associations and individuals who also hold lost or abandoned property, and to whom the Unclaimed Property Act is clearly applicable, we are not convinced that the distinction has any genuine relevance to the purpose of the Unclaimed Property Act.

We would note that:

“The power of classification rests with the Legislature and it will not be interfered with by the courts if real and substantial differences exist which afford a rational basis for classification.’ . . .” State ex rel Douglas v. Gradwohl, 194 Neb. 745, 749, 235 N.W.2d 854 (1975).

Obviously, a classification intended by the Legislature carries with it what is akin to an initial presumption of validity, not lightly overcome. Thus, on the basis of information contained in your letter of inquiry and our reading of LB 968 as amended, we can say only that the bill is constitutionally suspect.

Yours very truly,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Shanler D. Cronk  
Assistant Attorney General

SDC:smb

cc: Mr. Patrick O'Donnell  
Clerk of the Legislature

Opinion No. 281  
April 17, 1980

Dear Senator DeCamp:

You write, calling our attention to Article XVI, Section 1, of the Constitution of Nebraska. You then state that you propose to introduce tomorrow, a motion to suspend the rules regarding the introduction, consideration and passage of resolutions to amend the State Constitution. You address three questions to this office concerning this procedure.

We are enclosing a copy of Opinion No. 210, dated August 8, 1966, Report of the Attorney General, page 339, which we believe is a complete answer to the three questions posed in your letter. You will note that the conclusion of that opinion is as follows:

“In summary, it is our conclusion that it would be constitutionally possible for the Legislature to meet, propose a constitutional amendment, and adjourn all in the same day.”

Since your question is primarily concerned with adopting and referring a proposed constitutional amendment in one day, we believe that this is a complete answer to your questions.

Yours very truly,  
PAUL L. DOUGLAS  
Attorney General

1962

LEGISLATIVE JOURNAL

(Signed) Gerald S. Vitamvas  
Deputy Attorney General

GSV:ejg

enc.

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 282  
April 17, 1980

Re: LB 1004

Dear Senator DeCamp:

In your letter of April 14, you request an opinion in regards to LB 1004, as amended by Senator Dworak's motion on April 14, 1980 (hereinafter referred to as Dworak Amendment unless otherwise stated). The time limitations imposed by the impending adjournment of the Unicameral makes it very difficult to adequately research and respond to your request, but we will attempt to address your general request to identify any constitutional problems raised by the Dworak Amendment.

LB 1004 provides in Section 1, that:

"It is the intent of the Legislature that in expending the appropriations provided by the Eighty-sixth Legislature, Second Session, 1980, for the period July 1, 1980, to June 30, 1981, specific objectives shall be accomplished. The expectations and desired accomplishments are reflected by agency and by program in sections 2 to 22 of this act."

The Dworak Amendment provides:

"It is the intent of the Legislature that no funds appropriated to the Department of Personnel for purposes of purchasing a contract of group health insurance or health maintenance agreement pursuant to section 44-1623, Revised Statutes Supplement, 1978, shall be used to provide coverage for abortion, as defined in section 28-326, Revised Statutes Supplement, 1979, in the basic or major medical coverage, except that the insurer may offer individual employees special coverage for abortion and the costs of such coverage shall be borne solely by the employee. This limitation shall not apply to coverage for an abortion which is verified in writing by the attending physician as necessary to prevent the death of the woman or to coverage for medical complications arising from an abortion."

Section 44-1623, R.R.S. 1943, provides:

“Out of appropriations made for that purpose, the Director of Personnel shall (1) first enter into a contract providing, entirely at state expense, five thousand dollars of basic life insurance protection, and (2) apply the balance to the purchase of a contract of group health insurance to be financed by the state to the extent that appropriations made for that purpose are available and, if necessary, by contributions from each employee. Each such contract shall provide insurance coverage for each employee specified in section 44-1620. Participation in the program of group health insurance shall be optional with the employee.”

LB 1004, Section 20, would now clearly appear to amend by implication section 44-1623, R.R.S. 1943. See, Ferry v. Ferry, 201 Neb. 595, 271 N.W.2d 450, which holds that where a legislative act is complete in itself, but is repugnant to or in conflict with an earlier statute, it repeals or modifies by implication the latter act, but only to the extent of repugnancy or conflict. If the Dworak Amendment is enacted into law, the Director of Personnel will be barred after July 1, 1980, from expending any funds for a contract of group insurance entered into by him pursuant to the provisions of section 44-1623, R.R.S. 1943, if said plan of group health insurance includes “abortion coverage”.

Absent its own initiative, there is most certainly no legal requirement that the State of Nebraska provide health care insurance for its employees. However, having elected to do so, 44-1621 to 44-1632, R.R.S. 1943, may it except out abortion coverage? Such action we believe might be challenged on two constitutional grounds: (1) denial of equal protection; and (2) denial of substantive due process via infringement of one's right of privacy (Roe v. Wade, 410 U.S. 113, 85 L.Ed.2d 147, 93 S.Ct. 705).

1. We believe that a challenge based upon a violation of the equal protection clause of the Fourteenth Amendment of the United States Constitution, would be without merit in light of the Supreme Court's holding in Maier v. Roe, 432 U.S. 464 at 480, where it stated:

“ . . . other medical procedures . . . do not involve the termination of a potential human life. . . .”

Nebraska Chief U.S. District Court Judge, Warren K. Urbom, in reviewing previous abortion legislation enacted by the Unicameral, addressed an equal protection challenge with these words:

“The applicable standard of review regarding classifications made between abortion and nonabortion surgery is whether the classifications in question are rationally related to a legitimate state interest.” Orr v. Thone, et al., U.S. District Court,

Nebraska, Case No. CV78-L-289, Slip Opinion issued November 9, 1979, at page 17. (Emphasis added.)

In that same opinion Judge Urbom then recognized the legitimacy of a state interest in the unborn child.

“Although the state’s interest in the potential life of the fetus is not compelling prior to viability, it is legitimate.” *Id.* Slip Opinion at page 17.

Furthermore, Judge Urbom accepted as valid the proposition that abortion control statutes enacted by the Unicameral (Section 28-325, et seq., R.S.Supp., 1979) were not the result of a particular religious viewpoint. He stated:

“The evidence before the court does not establish that religious considerations—theistic or nontheistic—were a significant motivating force in the passage of the legislation.” *Id.* Slip Opinion at page 11.

In light of previous abortion legislation and the clear intent expressed by the Legislature, section 28-325, R.S.Supp., 1978, we assume that the Dworak Amendment is based in part on an interest in unborn human life and we do not perceive that fact as raising a constitutional defect in light of Judge Urbom’s opinion in Orr v. Thone, supra.

Nor do we believe the Dworak Amendment, which excludes abortion coverage and therefore attaches only to coverage applicable to pregnant women, to amount to invidious discrimination under the equal protection clause of the Fourteenth Amendment in light of the Supreme Court’s decision in Geduldig v. Aiello, 417 U.S. 484, wherein the Court held that a California disability insurance program that excluded pregnancy coverage did not amount to invidious discrimination. See also, General Electric Co. v. Gilbert, 429 U.S. 125.

## 2. Denial of Substantive Due Process

Again turning to Judge Urbom’s decision in Orr v. Thone, we cite the following language as a starting point in examining the test of substantive due process:

“. . . The right of a woman to choose without unduly burdensome interference whether to terminate her pregnancy is fundamental;

“. . . The permissible degree of interference in that decision by the state depends upon the severity of the technique used by the state and the nature of the state’s interest, which interest grows with the duration of the pregnancy;

“. . . A state may not impose any direct obstacles—such as criminal penalties—to further its interest in the potential life of a fetus before viability; and

“. . . A state has no compelling interest in the potential life of the fetus prior to the fetus' viability." Orr v. Thone, supra, Slip Opinion at page 17.

The question which most likely will be presented in any constitutional challenge is: "Does the Dworak Amendment impose any 'direct obstacle' to the woman's right to choose to terminate her pregnancy?" The only consistent means of answering this question is to identify, examine and compare those statutes and regulations which the U.S. Supreme Court has found to be or not to be "direct obstacles" to the abortion decision-making process.

In Planned Parenthood of Missouri v. Danforth, 428 U.S. 52, the Supreme Court held that the State of Missouri, by requiring parental consent for minors seeking abortions, had placed a direct obstacle in the minors' path to obtaining an abortion. They reaffirmed this holding in Bellotti v. Baird, 47 U.S.L.W. 4969 (1979), while enjoining a Massachusetts statute that required parental notification for minors seeking abortions. Also, in Planned Parenthood of Missouri v. Danforth, supra, and Planned Parenthood Association v. Fitzpatrick, 401 F.Supp. 554 (U.S.D.C.E.D. Pa. 1975), affirmed sub nom Franklin v. Fitzpatrick, 428 U.S. 901 (1976), the Supreme Court gave approval (without opinion in Fitzpatrick), to the requirement of informed consent. In a trilogy of cases handed down on June 20, 1977, the court held that abortion funding restrictions enacted by the States of Connecticut, Maier v. Roe, supra, and Pennsylvania, Beal v. Doe, 432 U.S. 438, and the City of St. Louis, Poelker v. Doe, 432 U.S. 519, did not present "direct obstacles" to the abortion decision-making process. In Maier the court held:

"The Connecticut regulation before us is different in kind from the laws invalidated in our previous abortion decisions. The Connecticut regulation places no obstacles—absolute or otherwise—in the pregnant woman's path to an abortion. An indigent woman who desires an abortion suffers no disadvantage as a consequence of Connecticut's decision to fund childbirth; she continues as before to be dependent on private sources for the service she desires. The State may have made childbirth a more attractive alternative, thereby influencing the woman's decision, but it has imposed no restriction on access to abortions that was not already there. The indigency that may make it difficult—and in some cases, perhaps, impossible—for some women to have abortions is neither created nor in any way affected by the Connecticut regulation. We conclude that the Connecticut regulation does not impinge upon the fundamental right recognized in Roe." Maier v. Roe, supra, 432 U.S. at 474.

The court did, however, continually qualify its holding to denial of public funds for "nontherapeutic abortions;" a term yet to be defined by the court, but which is at issue now in a case before the court. McRae v. HEW, Supreme Court Docket 79-1268. We note though that the Dworak Amendment is substantially similar to the action of the City of St. Louis challenged in Poelker v. Doe, where St. Louis City Hospital facilities could not be used for abortion services unless "there was a threat of grave physiological injury or death to the mother." Poelker v. Doe, 432 U.S. at 520. Suffice it to say that we will know more when the Supreme Court issues its decision in McRae v. HEW, *supra*, wherein Congress' prohibition against use of federal funds for abortions is at issue.

Re-examining the guidelines set forth by Judge Urbom and the cases of the U.S. Supreme Court examined above, we find some difficulty in saying with any great degree of certainty that the Dworak Amendment will or will not be found to create a direct obstacle to the abortion decision-making process. The courts are still struggling with this newly developing area of law and this fact requires great hesitancy in trying to diagnose the constitutionality of any state abortion regulation. We note though that on the positive side of constitutionality for the Dworak Amendment we most certainly would look to the holdings in Maher v. Roe, *supra*, Beal v. Doe, *supra*, and Poelker v. Doe, *supra*. Also of importance to our examination of this issue is the existence of a federal statute which is nearly identical to the Dworak Amendment and which is applicable to the state's. That statute provides, in part:

" . . . This subsection [Pregnancy Discrimination Act, Public Law 95-555, Ninety-fifth Congress, 1978] shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion: **Provided**, that nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion." 42 U.S. C. 2000e

The State of Nebraska is an "employer" for purposes of Title VII of the Civil Rights Act and thus, would not violate federal statutory law in limiting abortion coverage in its basic health insurance program. In forming our opinion to your question, it is of no small importance that the federal statute cited above has not been judicially challenged or enjoined to our knowledge and this fact is stated after careful inquiry and research by our office.

It is thus our opinion that while the questioned amendment by Senator Dworak might be challenged on several constitutional grounds, it would most probably be found to be constitutional.

SIXTIETH DAY - APRIL 18, 1980

1967

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Jerold V. Fennell  
Assistant Attorney General

JVF/cmb

cc: Patrick J. O'Donnell  
Clerk of the Legislature

Opinion No. 283  
April 17, 1980

Dear Senator DeCamp:

You have called our attention to LB 283, which provides that in any city of the metropolitan class having a pension or retirement system for policemen and firemen the benefits, as a minimum, shall provide that any such policeman or fireman with 25 years of service may retire at age 50, and that the minimum pension for such a retiree shall be 50 percent of total compensation at the time of retirement.

The bill also provides that the additional contributions necessary to provide current funding for the increased benefits provided by the bill shall be borne by the employees.

Omaha, the only city of the metropolitan class, operates under a home rule charter. While we have not seen that charter, and, because your need for an immediate response has prevented our getting a copy of it, you inform us that the charter provides that retirement plans shall be contributed to in approximately equal proportions by the city and the employee. Your question is whether this conflict invalidates LB 283, presumably as being in conflict with Article XI, Sections 4 and 5, which provide that home rule charters may be amended or repealed only by electoral vote.

We believe there is no constitutional problem in the area you inquire about. In Axberg v. City of Lincoln, 141 Neb. 55, 2 N.W.2d 613 (1942), the court held that home rule cities were independent of state legislation only in matters of strictly local municipal concern, and that where the statute dealt with a matter of state concern, the statute took precedence over the charter. The court then said:

“We conclude that pensions for superannuated and disabled firemen are matters of state-wide concern and that a statute providing for their payment applies to cities governed by home rule charters the same as other cities in the designated class. . . .”

In Simpson v. City of Grand Island, 166 Neb. 393, 89 N.W.2d 117 (1958), the court held that a civil service act dealing with employees in

paid fire and police departments dealt with a matter of state-wide concern, and was therefore superior to provisions of a home rule charter in conflict therewith.

We therefore conclude that LB 283 is not invalid in the respect you inquire about. We have limited our response to the question you have asked, and have not explored any other constitutional questions.

Very truly yours,  
PAUL L. DOUGLAS

Attorney General

(Signed)

Ralph H. Gillan

Assistant Attorney General

RHG:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

Opinion 284  
April 18, 1980

Dear Senator Schmit:

You have asked our opinion as to the constitutional validity of LB 283. Your question, specifically, is whether the bill is so vague and uncertain as to be invalid. We conclude that the bill is certainly subject to that charge, and that a court might well hold it unenforceable for that reason.

The bill provides that in any city of the metropolitan class, the pension or retirement system for policemen and firemen shall provide, as a minimum, that a policeman or fireman with 25 years of service may retire at age 50. Section 3 provides that the minimum pension for a person so retiring shall be 50 percent of total compensation at the time of retirement.

Section 4 provides that contributions necessary to provide funding for increased benefits provided by sections 2 and 3 shall be borne by the employees in the pension system, and section 6 provides that contributions to fund the increased benefits, both prior service and future service, shall be established by periodic actuarial valuations and borne by the employees.

The first question that arises is, what is meant by "total compensation at the time of retirement?" Is it to be compensation paid for the last month of employment, the last year, or what? You inform us that the present Omaha system determines total compensation by the highest twelve month period during the last five years of employment. Section 3 does not, however, appear to continue that basis, since it speaks of compensation "at the time of retirement." We are uncertain as to what periods should be used.

Further, the act does not specify what shall be included as compensation. While we are not familiar with Omaha employment practices, most public employees have specified vacation and sick leave allowances, and provision is made for payment of unused vacation and sick leave at the time of retirement. The last month may also include overtime, and, if it is to his advantage, an employee might be able to put in considerable overtime just before retirement. If total compensation includes overtime and payment for accumulated vacation and sick leave, and if the period involved is the last month, it might amount to several times the employee's regular salary, so that 50 percent of it would be far in excess of what the employee received while he was working. The court might well hold that the failure to answer these questions was fatal to the bill.

The provisions about contributions by the employees also need clarification. We assume that the increased benefits to be paid create a deficit in the retirement fund for persons who have served prior to the effective date of the act, and who will hereafter retire without sufficient contributions having been made to fund the benefits to be paid to them. Over what period of time is that deficit to be made up by contributions by the employees? Section 6 says that the contribution shall be established by "periodic actuarial valuations," but does really answer our questions. Is the deficit to be paid the first month, the first year, the first ten years, or the first twenty years after the effective date of the act? The bill does not say.

In Safeway Stores, Inc. v. Nebraska Liquor Control Commission, 179 Neb. 817, 140 N.W.2d 668 (1968), the court quoted from State v. Nelson, 168 Neb. 394, 95 N.W.2d 678, to the effect that a legislative act which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law. While the void-for-vagueness doctrine is most commonly invoked in criminal statutes, it has also been applied as to civil statutes.

We believe there is serious doubt that the bill can be successfully defended against a void-for-vagueness attack.

Very truly yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Ralph H. Gillan  
Assistant Attorney General

RHG:ejg

cc Mr. Patrick J. O'Donnell  
Clerk of the Legislature

1970

LEGISLATIVE JOURNAL

EXPLANATION OF VOTE

Had my vote been recorded, I would have voted "aye" on Final Reading of LB 611.

(Signed) Don Wagner

EXPLANATION OF VOTE

Had I not been in an Appropriations Committee meeting, and had I been present I would have voted aye on LB 632 and LB 632A.

(Signed) Jerome Warner

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 628.

A BILL FOR AN ACT to amend section 33-117, Reissue Revised Statutes of Nebraska, 1943, relating to sheriffs; to provide for qualifications; to change provisions relating to the boarding of prisoners; to provide a penalty; to provide operative dates; and to repeal the original section, and also sections 3 and 4 of this act and sections 33-117.01, 47-113, and 47-113.01, Reissue Revised Statutes of Nebraska, 1943.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Koch     | Merz    | Stoney   |
| Beutler    | Fitzgerald | Kremer   | Newell  | Venditte |
| Burrows    | Fowler     | Labeledz | Nichol  | Vickers  |
| Carsten    | George     | Lamb     | Pirsch  | Wagner   |
| Chambers   | Goodrich   | Landis   | Powers  | Warner   |
| Chronister | Hoagland   | Lewis    | Reutzel | Wesely   |
| Clark      | Johnson    | Maresh   | Rumery  |          |
| Cope       | Kelly      | Marsh    | Sieck   |          |
| DeCamp     | Keyes      | Marvel   | Simon   |          |

Voting in the negative, 5:

Cullan          Haberman      Hefner          Kahle          Schmit

Present and not voting, 2:

Kennedy          Murphy

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

#### LEGISLATIVE BILL 643.

A BILL FOR AN ACT to amend sections 46-638, 46-645, 46-647, 46-650, 46-652, 46-654, 46-657, 46-659, and 46-660, Reissue Revised Statutes of Nebraska, 1943, and sections 46-602, 46-651, and 46-666, Revised Statutes Supplement, 1979, relating to ground water; to revise and rename the City, Village and Municipal Corporation Ground Water Permit Act as prescribed; to define a term; to change provisions relating to the construction of a well or replacement well as prescribed; to provide for a late permit; to provide standards; and to repeal the original sections.

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

Voting in the affirmative, 48:

|            |            |          |         |         |
|------------|------------|----------|---------|---------|
| Barrett    | Dworak     | Kelly    | Marsh   | Schmit  |
| Beutler    | Fitzgerald | Kennedy  | Marvel  | Sieck   |
| Burrows    | Fowler     | Keyes    | Merz    | Simon   |
| Carsten    | George     | Koch     | Murphy  | Stoney  |
| Chambers   | Goodrich   | Kremer   | Newell  | Vickers |
| Chronister | Haberman   | Labeledz | Nichol  | Wagner  |
| Clark      | Hefner     | Lamb     | Pirsch  | Warner  |
| Cope       | Hoagland   | Landis   | Powers  | Wesely  |
| Cullan     | Johnson    | Lewis    | Reutzel |         |
| DeCamp     | Kahle      | Maresh   | Rumery  |         |

Voting in the negative, 0.

Present and not voting, 1:

Venditte

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

**LEGISLATIVE BILL 647.** With Emergency.

A BILL FOR AN ACT to amend sections 77-3502, 77-3503, 77-3506, 77-3507, 77-3508, 77-3511, 77-3512, 77-3513, 77-3516, and 77-3517, Revised Statutes Supplement, 1979, relating to taxation; to change provisions relating to homestead exemptions as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | DeCamp     | Johnson | Maresh  | Rumery   |
| Beutler    | Dworak     | Kelly   | Marsh   | Schmit   |
| Burrows    | Fitzgerald | Kennedy | Marvel  | Simon    |
| Carsten    | Fowler     | Keyes   | Merz    | Stoney   |
| Chambers   | George     | Koch    | Newell  | Venditte |
| Chronister | Goodrich   | Kremer  | Nichol  | Wagner   |
| Clark      | Haberman   | Labedz  | Pirsch  | Warner   |
| Cope       | Hefner     | Lamb    | Powers  | Wesely   |
| Cullan     | Hoagland   | Landis  | Reutzel |          |

Voting in the negative, 4:

|       |        |       |         |
|-------|--------|-------|---------|
| Kahle | Murphy | Sieck | Vickers |
|-------|--------|-------|---------|

Present and not voting, 1:

Lewis

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 647A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Eighty-sixth Legislature, Second Session, 1980; 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:

|            |            |          |          |          |
|------------|------------|----------|----------|----------|
| Barrett    | DeCamp     | Johnson  | Maresh   | Rumery   |
| Beutler    | Dworak     | Kelly    | Marsh    | Schmit   |
| Burrows    | Fitzgerald | Kennedy  | Marvel   | Simon    |
| Carsten    | Fowler     | Keyes    | Merz     | Stoney   |
| Chambers   | George     | Koch     | Newell   | Venditte |
| Chronister | Goodrich   | Kremer   | Nichol   | Wagner   |
| Clark      | Haberman   | Labeledz | Pirsch   | Warner   |
| Cope       | Hefner     | Lamb     | Powers   | Wesely   |
| Cullan     | Hoagland   | Landis   | Reutzell |          |

Voting in the negative, 4:

|       |        |       |         |
|-------|--------|-------|---------|
| Kahle | Murphy | Sieck | Vickers |
|-------|--------|-------|---------|

Present and not voting, 1:

Lewis

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 666.** With Emergency.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1979, relating to taxation; to change provisions relating to sales and use tax exemptions as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Barrett    | Cope       | Goodrich | Kennedy  | Lewis  |
| Beutler    | Cullan     | Haberman | Keyes    | Maresh |
| Burrows    | DeCamp     | Hefner   | Koch     | Marsh  |
| Carsten    | Dworak     | Hoagland | Kremer   | Marvel |
| Chambers   | Fitzgerald | Johnson  | Labeledz | Merz   |
| Chronister | Fowler     | Kahle    | Lamb     | Newell |
| Clark      | George     | Kelly    | Landis   | Nichol |

|         |        |          |         |        |
|---------|--------|----------|---------|--------|
| Pirsch  | Rumery | Simon    | Vickers | Wesely |
| Powers  | Schmit | Stoney   | Wagner  |        |
| Reutzel | Sieck  | Venditte | Warner  |        |

Voting in the negative, 1:

Murphy

Not voting, 0.

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

**LEGISLATIVE BILL 690.** With Emergency.

A BILL FOR AN ACT relating to the Legislature; to provide intent; to provide for certain expenses; 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, 37:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Keyes    | Marvel  | Simon    |
| Beutler    | Fitzgerald | Koch     | Merz    | Venditte |
| Burrows    | Fowler     | Kremer   | Newell  | Wagner   |
| Carsten    | Haberman   | Labeledz | Nichol  | Warner   |
| Chambers   | Hoagland   | Lamb     | Powers  | Wesely   |
| Chronister | Johnson    | Landis   | Reutzel |          |
| Cope       | Kahle      | Lewis    | Rumery  |          |
| DeCamp     | Kennedy    | Marsh    | Schmit  |          |

Voting in the negative, 9:

|        |          |        |        |         |
|--------|----------|--------|--------|---------|
| Clark  | Goodrich | Maresh | Sieck  | Vickers |
| Cullan | Hefner   | Pirsch | Stoney |         |

Present and not voting, 3:

George      Kelly      Murphy

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 690A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, Eighty-sixth Legislature, Second Session, 1980; 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, 34:

|            |            |          |        |         |
|------------|------------|----------|--------|---------|
| Barrett    | DeCamp     | Kahle    | Lewis  | Reutzel |
| Beutler    | Fitzgerald | Kennedy  | Marsh  | Rumery  |
| Burrows    | Fowler     | Keyes    | Marvel | Schmit  |
| Carsten    | Goodrich   | Koch     | Merz   | Simon   |
| Chambers   | Haberman   | Labeledz | Newell | Warner  |
| Chronister | Hoagland   | Lamb     | Nichol | Wesely  |
| Cope       | Johnson    | Landis   | Powers |         |

Voting in the negative, 10:

|        |        |        |        |          |
|--------|--------|--------|--------|----------|
| Clark  | Dworak | Maresh | Sieck  | Venditte |
| Cullan | Hefner | Pirsch | Stoney | Vickers  |

Present and not voting, 5:

|        |       |        |        |        |
|--------|-------|--------|--------|--------|
| George | Kelly | Kremer | Murphy | Wagner |
|--------|-------|--------|--------|--------|

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 694.**

A BILL FOR AN ACT to amend sections 24-559, 30-2302, 30-2313, 30-2314, 30-2315, 30-2317, 30-2328, 30-2338, 30-2352, 30-2482, 76-118, and 77-2039, Reissue Revised Statutes of Nebraska, 1943, relating to estates; to delete a duty of the county judge; to change provisions relating to intestate share, augmented estates, holographic wills, renunciation of successors, severance of a joint tenancy, and property subject to any inheritance or Nebraska estate tax as prescribed; to provide factors relating to attorney fees; and to repeal the original sections, and also section 30-2466, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 47:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | Fowler   | Keyes    | Merz    | Simon    |
| Beutler    | George   | Koch     | Murphy  | Stoney   |
| Carsten    | Goodrich | Kremer   | Newell  | Venditte |
| Chronister | Haberman | Labeledz | Nichol  | Vickers  |
| Clark      | Hefner   | Lamb     | Pirsch  | Wagner   |
| Cope       | Hoagland | Landis   | Powers  | Warner   |
| Cullan     | Johnson  | Lewis    | Reutzel | Wesely   |
| DeCamp     | Kahle    | Maresh   | Rumery  |          |
| Dworak     | Kelly    | Marsh    | Schmit  |          |
| Fitzgerald | Kennedy  | Marvel   | Sieck   |          |

Voting in the negative, 0.

Present and not voting, 2:

Burrows      Chambers

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

### **SPEAKER MARVEL PRESIDING**

### **MESSAGE FROM THE GOVERNOR**

April 18, 1980

Mr. Patrick O'Donnell  
Clark of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 535.

This bill was signed by me on April 17, 1980 and delivered to the Secretary of State today.

Sincerely,  
(Signed) CHARLES THONE  
Governor

CT:mh

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 632, 632A, 280, 283, 611, 628, 643, 647, 647A, 666, 690, and 690A.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 632, 632A, 280, 283, 611, 628, 643, 647, 647A, 666, 690, and 690A.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 740.**

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to authorize the Legislature to provide a tax exemption for certain energy conservation improvements as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska.

Section 1. That at the general election in November, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature by general law may provide that the increased

value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation. The value of a home substantially contributed by the Veterans' Administration of the United States for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of his widow or her remarriage. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize the Legislature to provide a tax exemption on energy conservation improvements as prescribed.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 36:

|            |            |          |          |        |
|------------|------------|----------|----------|--------|
| Beutler    | Cope       | George   | Johnson  | Lewis  |
| Burrows    | DeCamp     | Goodrich | Keyes    | Maresh |
| Carsten    | Dworak     | Haberman | Koch     | Marsh  |
| Chronister | Fitzgerald | Hefner   | Labeledz | Marvel |
| Clark      | Fowler     | Hoagland | Landis   | Merz   |

|        |         |        |          |
|--------|---------|--------|----------|
| Newell | Reutzel | Sieck  | Venditte |
| Pirsch | Rumery  | Simon  | Wesely   |
| Powers | Schmit  | Stoney |          |

Voting in the negative, 11:

|         |         |         |        |
|---------|---------|---------|--------|
| Barrett | Kelly   | Lamb    | Wagner |
| Cullan  | Kennedy | Nichol  | Warner |
| Kahle   | Kremer  | Vickers |        |

Present and not voting, 2:

Chambers    Murphy

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

**LEGISLATIVE BILL 790.** With Emergency.

A BILL FOR AN ACT relating to county attorneys; to create the Nebraska County Attorney Standards Advisory Council; to provide for powers and duties for such council; to require county attorneys and deputy county attorneys to complete required continuing legal education to include instruction which will provide a working knowledge of electronic speed measurement principles as prescribed; to provide for powers and duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to provide for the removal from office of county attorneys and deputy county attorneys as prescribed; to provide for the payment of tuition, fees, and other expenses incurred for continuing legal education to include instruction which will provide a working knowledge of electronic speed measurement principles as prescribed; 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, 26:

|            |            |        |         |        |
|------------|------------|--------|---------|--------|
| Burrows    | Fitzgerald | Lewis  | Powers  | Wagner |
| Carsten    | Fowler     | Marsh  | Reutzel | Wesely |
| Chambers   | George     | Marvel | Rumery  |        |
| Chronister | Koch       | Merz   | Schmit  |        |
| Clark      | Lamb       | Nichol | Sieck   |        |
| DeCamp     | Landis     | Pirsch | Simon   |        |

1980

LEGISLATIVE JOURNAL

Voting in the negative, 20:

|          |          |         |          |          |
|----------|----------|---------|----------|----------|
| Cope     | Haberman | Kahle   | Kremer   | Stoney   |
| Cullan   | Hefner   | Kelly   | Labeledz | Venditte |
| Dworak   | Hoagland | Kennedy | Maresh   | Vickers  |
| Goodrich | Johnson  | Keyes   | Newell   | Warner   |

Present and not voting, 3:

Barrett      Beutler      Murphy

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 25:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Burrows    | Fowler   | Landis | Nichol  | Schmit |
| Carsten    | George   | Lewis  | Pirsch  | Sieck  |
| Chambers   | Hoagland | Marsh  | Powers  | Simon  |
| Chronister | Koch     | Marvel | Reutzel | Wagner |
| DeCamp     | Lamb     | Merz   | Rumery  | Wesely |

Voting in the negative, 18:

|          |          |          |          |         |
|----------|----------|----------|----------|---------|
| Cope     | Haberman | Kennedy  | Maresh   | Vickers |
| Cullan   | Hefner   | Keyes    | Newell   | Warner  |
| Dworak   | Kahle    | Kremer   | Stoney   |         |
| Goodrich | Kelly    | Labeledz | Venditte |         |

Present and not voting, 6:

Barrett      Clark      Johnson  
Beutler      Fitzgerald      Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**LEGISLATIVE BILL 790A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 790, Eighty-sixth Legislature, Second Session, 1980.

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, 30:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Burrows    | George   | Lamb   | Newell  | Schmit |
| Carsten    | Goodrich | Landis | Nichol  | Sieck  |
| Chambers   | Hoagland | Lewis  | Pirsch  | Simon  |
| Chronister | Johnson  | Marsh  | Powers  | Wagner |
| DeCamp     | Koch     | Marvel | Reutzel | Warner |
| Fowler     | Kremer   | Merz   | Rumery  | Wesely |

Voting in the negative, 13:

|        |          |          |          |         |
|--------|----------|----------|----------|---------|
| Cope   | Haberman | Kennedy  | Maresh   | Vickers |
| Cullan | Hefner   | Keyes    | Stoney   |         |
| Dworak | Kahle    | Labeledz | Venditte |         |

Present and not voting, 6:

|         |            |        |
|---------|------------|--------|
| Barrett | Clark      | Kelly  |
| Beutler | Fitzgerald | Murphy |

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

#### **LEGISLATIVE BILL 795. With Emergency.**

A BILL FOR AN ACT to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1979, relating to sales tax; to redefine a term; to change provisions relating to railroad rolling stock; to provide an exemption; 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, 36:

|            |          |         |          |         |
|------------|----------|---------|----------|---------|
| Barrett    | Cullan   | Kahle   | Labeledz | Merz    |
| Burrows    | DeCamp   | Kelly   | Lamb     | Nichol  |
| Carsten    | George   | Kennedy | Lewis    | Powers  |
| Chronister | Goodrich | Keyes   | Maresh   | Reutzel |
| Clark      | Haberman | Koch    | Marsh    | Rumery  |
| Cope       | Hefner   | Kremer  | Marvel   | Schmit  |

1982

LEGISLATIVE JOURNAL

|          |         |        |
|----------|---------|--------|
| Sieck    | Vickers | Warner |
| Venditte | Wagner  | Wesely |

Voting in the negative, 12:

|            |          |        |        |
|------------|----------|--------|--------|
| Beutler    | Fowler   | Landis | Pirsch |
| Dworak     | Hoagland | Murphy | Simon  |
| Fitzgerald | Johnson  | Newell | Stoney |

Present and not voting, 1:

Chambers

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

**MR. CLARK PRESIDING**

**LEGISLATIVE BILL 800.** With Emergency.

A BILL FOR AN ACT to amend sections 48-625, 48-626, and 48-652, Reissue Revised Statutes of Nebraska, 1943, and sections 48-602 and 48-628, Revised Statutes Supplement, 1979, relating to the Employment Security Law; to eliminate the benefit unit system; to change provisions relating to computation of weekly benefits; to eliminate a disqualification for benefits; to provide a disqualification for individuals receiving government payments as prescribed; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marvel  | Simon    |
| Beutler    | Fitzgerald | Kennedy  | Merz    | Stoney   |
| Burrows    | Fowler     | Keyes    | Newell  | Venditte |
| Carsten    | George     | Koch     | Nichol  | Vickers  |
| Chambers   | Goodrich   | Kremer   | Pirsch  | Warner   |
| Chronister | Haberman   | Labeledz | Powers  | Wesely   |
| Clark      | Hefner     | Lamb     | Reutzel |          |
| Cope       | Hoagland   | Landis   | Rumery  |          |
| Cullan     | Johnson    | Maresh   | Schmit  |          |
| DeCamp     | Kahle      | Marsh    | Sieck   |          |

Voting in the negative, 0.

Present and not voting, 3:

Lewis            Murphy            Wagner

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 820. With Emergency.**

A BILL FOR AN ACT relating to the Nebraska Motor Vehicle Industry Licensing Board; to amend sections 60-320, 60-1411.02, and 60-1411.03, Reissue Revised Statutes of Nebraska, 1943, section 81-195, Revised Statutes Supplement, 1978, as amended by section 4, Legislative Bill 709, Eighty-sixty Legislature, Second Session, 1980, and section 60-1701, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 743, Eighty-sixth Legislature, Second Session, 1980; to restrict the use of dealer number plates; to provide inspection requirements; to change provisions regarding unauthorized advertising; to provide for the continuation of the board; to change provisions relating to licenses as prescribed; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Marvel  | Schmit   |
| Beutler    | Fowler     | Keyes    | Merz    | Sieck    |
| Carsten    | George     | Koch     | Murphy  | Simon    |
| Chronister | Goodrich   | Kremer   | Newell  | Stoney   |
| Clark      | Haberman   | Labeledz | Nichol  | Venditte |
| Cope       | Hefner     | Lamb     | Pirsch  | Vickers  |
| Cullan     | Hoagland   | Lewis    | Powers  | Wagner   |
| DeCamp     | Kahle      | Maresh   | Reutzel | Warner   |
| Dworak     | Kelly      | Marsh    | Rumery  | Wesely   |

Voting in the negative, 2:

Johnson            Landis

Present and not voting, 2:

Burrows      Chambers

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

### **SPEAKER MARVEL PRESIDING**

#### **LEGISLATIVE BILL 824.**

A BILL FOR AN ACT to amend section 79-2648, Revised Statutes Supplement, 1978, and section 79-2650, Revised Statutes Supplement, 1978, as amended by Laws 1979, LB 187, section 251, and section 16, Legislative Bill 599, Eighty-sixth Legislature, Second Session, 1980, relating to technical community colleges; to change provisions relating to issuance of revenue and general obligation bonds and certification of mill levies as prescribed; to provide for the use of taxes levied; and to repeal the original sections, and also sections 79-2650.01, 79-2650.02, 79-2650.04, and 79-2650.05, Revised Statutes Supplement, 1978.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kelly    | Marsh   | Schmit   |
| Beutler    | Fowler     | Keyes    | Marvel  | Sieck    |
| Burrows    | George     | Koch     | Merz    | Simon    |
| Carsten    | Goodrich   | Kremer   | Newell  | Stoney   |
| Chronister | Haberman   | Labeledz | Nichol  | Venditte |
| Clark      | Hefner     | Lamb     | Pirsch  | Vickers  |
| Cope       | Hoagland   | Landis   | Powers  | Wagner   |
| Cullan     | Johnson    | Lewis    | Reutzel | Warner   |
| Dworak     | Kahle      | Maresh   | Rumery  | Wesely   |

Voting in the negative, 1:

Murphy

Present and not voting, 3:

Chambers DeCamp Kennedy

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

**LEGISLATIVE BILL 865.**

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1979, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; 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, 48:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Kennedy  | Marvel  | Sieck    |
| Beutler    | Fowler     | Keyes    | Merz    | Simon    |
| Burrows    | George     | Koch     | Murphy  | Stoney   |
| Carsten    | Goodrich   | Kremer   | Newell  | Venditte |
| Chronister | Haberman   | Labeledz | Nichol  | Vickers  |
| Clark      | Hefner     | Lamb     | Pirsch  | Wagner   |
| Cope       | Hoagland   | Landis   | Powers  | Warner   |
| Cullan     | Johnson    | Lewis    | Reutzel | Wesely   |
| DeCamp     | Kahle      | Maresh   | Rumery  |          |
| Dworak     | Kelly      | Marsh    | Schmit  |          |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

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

**LEGISLATIVE BILL 872.**

A BILL FOR AN ACT to amend section 75-104, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to increase salaries; 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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Murphy  | Simon    |
| Beutler    | Fitzgerald | Keyes    | Newell  | Stoney   |
| Burrows    | Fowler     | Koch     | Nichol  | Venditte |
| Carsten    | George     | Labeledz | Pirsch  | Wagner   |
| Chronister | Goodrich   | Lamb     | Powers  | Warner   |
| Clark      | Haberman   | Landis   | Reutzel |          |
| Cope       | Hefner     | Lewis    | Rumery  |          |
| Cullan     | Hoagland   | Marsh    | Schmit  |          |
| DeCamp     | Johnson    | Merz     | Sieck   |          |

Voting in the negative, 6:

|         |        |         |
|---------|--------|---------|
| Kahle   | Maresh | Vickers |
| Kennedy | Marvel | Wesely  |

Present and not voting, 2:

Chambers    Kremer

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

#### **LEGISLATIVE BILL 872A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, Eighty-sixth Legislature, Second Session, 1980.

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:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Cullan     | Hoagland | Marsh   | Rumery   |
| Beutler    | DeCamp     | Johnson  | Merz    | Schmit   |
| Burrows    | Dworak     | Kelly    | Murphy  | Sieck    |
| Carsten    | Fitzgerald | Keyes    | Newell  | Simon    |
| Chambers   | Fowler     | Koch     | Nichol  | Stoney   |
| Chronister | George     | Labeledz | Pirsch  | Venditte |
| Clark      | Goodrich   | Lamb     | Powers  | Wagner   |
| Cope       | Hefner     | Landis   | Reutzel | Warner   |

Voting in the negative, 7:

|          |         |         |        |
|----------|---------|---------|--------|
| Haberman | Kennedy | Marvel  | Wesely |
| Kahle    | Maresh  | Vickers |        |

Present and not voting, 2:

|        |       |
|--------|-------|
| Kremer | Lewis |
|--------|-------|

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

### LEGISLATIVE BILL 882.

A BILL FOR AN ACT to amend section 77-202.33, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 913, Eighty-sixth Legislature, Second Session, 1980, relating to taxation; to provide state assistance for property tax relief as prescribed; to provide duties; to create a fund; to provide an exemption; to provide for severability; and to repeal the original sections, and also sections 77-202.26 to 77-202.29, and 77-202.31, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.30, and 77-202.36 to 77-202.43, Revised Statutes Supplement, 1978, section 77-202.25, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 636, Eighty-sixth Legislature, Second Session, 1980, and section 77-202.32, Reissue Revised Statutes of Nebraska, 1943, as amended by section 192, Legislative Bill 187, Eighty-sixth Legislature, First Session, 1979.

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, 34:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Barrett    | DeCamp   | Keyes  | Marsh   | Sieck    |
| Burrows    | George   | Koch   | Merz    | Stoney   |
| Carsten    | Haberman | Kremer | Murphy  | Venditte |
| Chronister | Hefner   | Lamb   | Nichol  | Vickers  |
| Clark      | Kahle    | Landis | Reutzel | Wagner   |
| Cope       | Kelly    | Lewis  | Rumery  | Warner   |
| Cullan     | Kennedy  | Maresh | Schmit  |          |

Voting in the negative, 14:

1988

LEGISLATIVE JOURNAL

|          |            |          |        |        |
|----------|------------|----------|--------|--------|
| Beutler  | Fitzgerald | Hoagland | Marvel | Simon  |
| Chambers | Fowler     | Johnson  | Newell | Wesely |
| Dworak   | Goodrich   | Labeledz | Pirsch |        |

Present and not voting, 1:

Powers

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

**LEGISLATIVE BILL 882A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 882, Eighty-sixth Legislature, Second Session, 1980; to lapse an appropriation; 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, 34:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | DeCamp   | Koch     | Marsh   | Sieck    |
| Burrows    | George   | Kremer   | Merz    | Stoney   |
| Carsten    | Haberman | Labeledz | Murphy  | Venditte |
| Chronister | Hefner   | Lamb     | Nichol  | Vickers  |
| Clark      | Kahle    | Landis   | Reutzel | Wagner   |
| Cope       | Kelly    | Lewis    | Rumery  | Warner   |
| Cullan     | Kennedy  | Maresh   | Schmit  |          |

Voting in the negative, 12:

|          |            |         |        |
|----------|------------|---------|--------|
| Beutler  | Fitzgerald | Johnson | Pirsch |
| Chambers | Fowler     | Marvel  | Simon  |
| Dworak   | Hoagland   | Newell  | Wesely |

Present and not voting, 3:

Goodrich      Keyes      Powers

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

SIXTIETH DAY - APRIL 18, 1980

1989

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 18, 1980, at 10:28 a.m., were the following bills: 690A, 690, 666, 647A, 647, 643, 628, 611, 283, 280, 632A, and 632.

(Signed) Peggy Prey, Assistant Enrolling Clerk

**ATTORNEY GENERAL'S OPINION**

Opinion No. 285  
April 17, 1980

Dear Senator Wesely:

You have asked us to review LB 991 in light of the committee amendments. As you point out in your letter, 991 comes up for final reading on Friday, April 18, the last day of this legislative session. Due to the severe time constraints involving your question, we will not engage in a section by section analysis of this bill.

As you are aware, we have previously issued Opinion No. 243, March 10, 1980, to Senator Venditte in which we stated that the bill would be difficult to defend against a constitutional attack. In that opinion we pointed out several specific areas that were of concern to us.

We have reviewed the committee amendments in light of our previously expressed opinion and note that they narrow the scope of 991 to some degree. However, we must adhere to the views expressed in our previous opinion with respect to LB 991 as it now stands in its current form with the committee amendments.

Sincerely yours,  
PAUL L. DOUGLAS  
Attorney General

(Signed) Patrick T. O'Brien  
Assistant Attorney General

PTO:pes

cc: Patrick O'Donnell  
Clerk of the Legislature

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 694, 740, 790, 790A, 795, 800, 820, 824, 865, 872, and 872A.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 694, 740, 790, 790A, 795, 800, 824, 865, 872, and 872A.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 918.** With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Rangeland Grasshopper Control Act; to authorize certain contracts; to create a fund; 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, 39:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Koch     | Merz    | Sieck    |
| Carsten    | Goodrich | Kremer   | Newell  | Simon    |
| Chronister | Haberman | Labeledz | Nichol  | Stoney   |
| Clark      | Hefner   | Lamb     | Pirsch  | Venditte |
| Cope       | Johnson  | Lewis    | Powers  | Vickers  |
| Cullan     | Kahle    | Maresh   | Reutzel | Wagner   |
| DeCamp     | Kelly    | Marsh    | Rumery  | Warner   |
| Fitzgerald | Keyes    | Marvel   | Schmit  |          |

Voting in the negative, 6:

|         |         |        |
|---------|---------|--------|
| Beutler | Fowler  | Landis |
| Dworak  | Kennedy | Wesely |

Present and not voting, 4:

Burrows      Chambers      Hoagland      Murphy

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

**MOTION - Override Line-item Veto on LB 996**

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item vetoes of: 1) the Department of Banking, and Finance, Program No. 65 - Enforcement of Standards-Financial Institutions and Small Loan Companies, and Program No. 66 - Enforcement of Standards-Securities, in Section 4 on page 4; 2) Department of Insurance, Program No. 69 - Enforcement of Standards-Insurance, and Program No. 555 - Examination of Insurance Companies, in Section 5 on pages 4 and 5; 3) Nebraska Brand Committee, Program No. 75 - Enforcement of Standards-Brand Inspection and Theft Prevention, in Section 7 on page 6 of LB 996.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 2 nays, and 11 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 996 pass notwithstanding the line-item vetoes of the Governor as stated above?'"

Mr. Warner requested a roll call vote on his motion.

Mr. Barrett requested to start the roll call in reverse.

Voting in the affirmative, 27:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Beutler    | Fowler   | Koch     | Newell  | Vickers |
| Burrows    | Goodrich | Labeledz | Reutzel | Warner  |
| Carsten    | Hoagland | Landis   | Rumery  | Wesely  |
| Chambers   | Johnson  | Marsh    | Sieck   |         |
| Cope       | Kahle    | Marvel   | Simon   |         |
| Fitzgerald | Keyes    | Murphy   | Stoney  |         |

Voting in the negative, 22:

|            |          |         |        |          |
|------------|----------|---------|--------|----------|
| Barrett    | Dworak   | Kennedy | Merz   | Venditte |
| Chronister | George   | Kremer  | Nichol | Wagner   |
| Clark      | Haberman | Lamb    | Pirsch |          |
| Cullan     | Hefner   | Lewis   | Powers |          |
| DeCamp     | Kelly    | Maresh  | Schmit |          |

Not voting, 0.

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

#### **MOTION - Override Line-item Veto on LB 997**

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item vetoes of: 1) the Supreme Court, Program No. 40 - State Law Library, and Program No. 399 - Court Reporters, in Section 4 on page 5; 2) the District Courts, Program No. 397 - Statewide Probation Field Services, in Section 5 on page 6; 3) Governor, Program No. 21 - Office of Governor, in Section 6 on page 7; 4) Auditor of Public Accounts, Program No. 23 - Departmental Administration, Program No. 506 - State Agency and County Post Audits, and Program No. 635 - Nebraska Budget Act, in Section 9 on pages 9 and 10; 5) Board of Pardons, Program No. 354 - Board of Pardons, and Program 358 - Board of Parole, in Section 13 on page 13 in LB 997.

Whereupon the President stated: "The question shall be, 'Shall LB 997 pass notwithstanding the line-item vetoes of the Governor as stated above?'"

Voting in the affirmative, 24:

|          |          |          |         |        |
|----------|----------|----------|---------|--------|
| Beutler  | Goodrich | Koch     | Murphy  | Simon  |
| Burrows  | Hoagland | Labeledz | Newell  | Stoney |
| Chambers | Johnson  | Landis   | Reutzel | Warner |
| Cope     | Kahle    | Marsh    | Rumery  | Wesely |
| Fowler   | Keyes    | Marvel   | Sieck   |        |

Voting in the negative, 25:

|            |            |         |        |          |
|------------|------------|---------|--------|----------|
| Barrett    | DeCamp     | Hefner  | Lewis  | Powers   |
| Carsten    | Dworak     | Kelly   | Maresh | Schmit   |
| Chronister | Fitzgerald | Kennedy | Merz   | Venditte |
| Clark      | George     | Kremer  | Nichol | Vickers  |
| Cullan     | Haberman   | Lamb    | Pirsch | Wagner   |

Not voting, 0.

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

**MOTION - Override Line-item Veto on LB 998**

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item vetoes of: 1) Department of Health, Program No. 514 - Community Health Services and Program No. 589 - Developmental Disabilities in Section 7 on page 16; 2) the Department of Motor Vehicles, Program No. 032 - Departmental Administration and Program 070 - Enforcement of Standards-Motor Vehicles and Motor Vehicle Drivers in Section 10 on page 20; 3) the Department of Public Institutions, Program No. 355 - Blind Rehabilitation, Program No. 365 - Mental Health, Federal Fund line item only, Program No. 421 - Beatrice State Developmental Center, Federal Fund line item only, and Program No. 519 - Nebraska Veterans' Home in Section 11 on pages 23 and 24; 4) Game and Parks Commission, Program No. 336 - Wildlife Conservation, Cash Fund line item only, Program No. 550 - Special Federal Aid Programs, and Program 617 - Engineering and Area Maintenance, Cash Fund line item only, in Section 18 on pages 33, 34, and 35; 5) Nebraska Library Commission, Program No. 039 - Planning and Management, Program No. 253 - Blind and Physically Handicapped and Program 302 - Library Development in Section 19 on pages 35 and 36; 6) Department of Correctional Services, Program 366 - Juvenile Services and Program 386 - Jail Standards Board in Section 23 on pages 38 and 41; 7) Nebraska Educational Television Commission, Program No. 533 - Network Operation in Section 24 on page 42; 8) State Board of Agriculture, Program No. 042 - Departmental Administration in Section 25 on page 43; 9) Nebraska State Historical Society, Program No. 043 - Departmental Administration, Program No. 258 - Research Library and Program No. 541 - Museum Operations in Section 27 on pages 45 and 46; 10) Nebraska Arts Council, Program No. 326 - Promotion and Development of the Arts in Section 35 on pages 54 and 55; 11) Nebraska Commission on Aging, Program No. 570 - Administration in Section 36 on page 55; 12) Department of Personnel, Program No. 607 - Affirmative Action Program in Section 42 on page 59 of LB 998.

Mr. Johnson requested a division of the motion, to vote on all except the ETV portion (7) on the first vote.

Whereupon the President stated: "The question shall be, 'Shall LB 998 pass notwithstanding the line-item vetoes of the Governor as stated above?'"

Voting in the affirmative, 22:

|            |          |          |        |        |
|------------|----------|----------|--------|--------|
| Beutler    | Fowler   | Koch     | Nichol | Warner |
| Burrows    | Goodrich | Labeledz | Rumery | Wesely |
| Chambers   | Hoagland | Landis   | Sieck  |        |
| Cope       | Johnson  | Marsh    | Simon  |        |
| Fitzgerald | Kahle    | Marvel   | Stoney |        |

Voting in the negative, 27:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Barrett    | Dworak   | Keyes  | Murphy  | Venditte |
| Carsten    | George   | Kremer | Newell  | Vickers  |
| Chronister | Haberman | Lamb   | Pirsch  | Wagner   |
| Clark      | Hefner   | Lewis  | Powers  |          |
| Cullan     | Kelly    | Maresh | Reutzel |          |
| DeCamp     | Kennedy  | Merz   | Schmit  |          |

Not voting, 0.

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

#### ETV Portion of line-item

#### MR. CLARK PRESIDING

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Whereupon the President stated: "The question shall be, 'Shall the ETV portion line-item of LB 998 pass notwithstanding the line-item vetoes of the Governor as stated above?'"

Voting in the affirmative, 14:

|          |          |          |        |        |
|----------|----------|----------|--------|--------|
| Beutler  | Fowler   | Johnson  | Landis | Warner |
| Chambers | Goodrich | Koch     | Marsh  | Wesely |
| Cope     | Hoagland | Labeledz | Rumery |        |

Voting in the negative, 33:

|            |            |         |         |          |
|------------|------------|---------|---------|----------|
| Barrett    | Dworak     | Kennedy | Newell  | Simon    |
| Burrows    | Fitzgerald | Keyes   | Nichol  | Stoney   |
| Carsten    | George     | Kremer  | Pirsch  | Venditte |
| Chronister | Haberman   | Lamb    | Powers  | Vickers  |
| Clark      | Hefner     | Maresh  | Reutzel | Wagner   |
| Cullan     | Kahle      | Marvel  | Schmit  |          |
| DeCamp     | Kelly      | Merz    | Sieck   |          |

Present and not voting, 2:

Lewis            Murphy

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

#### **MOTION - Override Line-item Veto on LB 999**

Mr. Warner moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item vetoes of: 1) Nebraska Coordinating Commission for Postsecondary Education, Program No. 640 - Post-secondary Education Coordination in Section 3 on page 2; 2) the earmarking numbers line item vetoed in Section 4 in line 12 on page 4, referring to implementation of cooperative graduate programs; 3) Kearney State College, Program No. 846 - Academic Support and Student Services, including classifications No. 814 - Academic Support, No. 815 - Student Services, and Program No. 847 - Institutional Support, including classifications No. 816 - Institutional Support, No. 817 - Physical Plant Support, in Section 6 on pages 9 and 10; 4) Wayne State College, Program No. 853 - Instruction, Research and Public Service, including classifications No. 831 - Instruction, No. 832 - Organized Research, Program No. 854 - Academic Support and Student Services, including classifications No. 834 - Academic Support, and No. 835 - Student Services, and Program No. 855 - Institutional Support, including classifications No. 836 - Institutional Support and No. 837 - Physical Plant Support, in Section 8 on pages 15, 16, and 17; 5) the earmarking numbers line item vetoed in Section 9 in line 8 on page 19, referring to implementation of cooperative graduate programs; 6) University of Nebraska - Medical Center in Section 13 on page 21 of LB 999.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 999 pass notwithstanding the line-item vetoes of the Governor as stated above?'"

Voting in the affirmative, 22:

|            |          |          |         |        |
|------------|----------|----------|---------|--------|
| Beutler    | George   | Koch     | Pirsch  | Warner |
| Cope       | Goodrich | Labeledz | Rumery  | Wesely |
| Cullan     | Hoagland | Landis   | Sieck   |        |
| Fitzgerald | Johnson  | Marsh    | Stoney  |        |
| Fowler     | Kahle    | Murphy   | Vickers |        |

Voting in the negative, 27:

|            |          |        |         |          |
|------------|----------|--------|---------|----------|
| Barrett    | DeCamp   | Keyes  | Merz    | Simon    |
| Burrows    | Dworak   | Kremer | Newell  | Venditte |
| Carsten    | Haberman | Lamb   | Nichol  | Wagner   |
| Chambers   | Hefner   | Lewis  | Powers  |          |
| Chronister | Kelly    | Maresh | Reutzel |          |
| Clark      | Kennedy  | Marvel | Schmit  |          |

Not voting, 0.

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

### ANNOUNCEMENT

Mr. Warner announced pursuant to Rule 6, Sec. 14, the Appropriations Committee has not voted to override the line-item veto on LB 1001.

### MOTION - Override Veto on LB 627

Mr. Koch moved to override the Governor's veto on LB 627.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 21 nays, and 14 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays, and 11 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 627 pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 27:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Beutler    | Fowler   | Kremer | Pirsch  | Vickers |
| Carsten    | George   | Landis | Powers  | Warner  |
| Chambers   | Goodrich | Lewis  | Reutzel | Wesely  |
| Cope       | Hoagland | Marsh  | Rumery  |         |
| Cullan     | Johnson  | Newell | Sieck   |         |
| Fitzgerald | Koch     | Nichol | Simon   |         |

Voting in the negative, 22:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | Dworak   | Kennedy  | Marvel | Venditte |
| Burrows    | Haberman | Keyes    | Merz   | Wagner   |
| Chronister | Hefner   | Labeledz | Murphy |          |
| Clark      | Kahle    | Lamb     | Schmit |          |
| DeCamp     | Kelly    | Maresh   | Stoney |          |

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 933.

A BILL FOR AN ACT relating to political subdivisions; to change maximum interest rates on various obligations as prescribed; to require notice prior to the creation of sanitary and improvement districts; to amend sections 14-517, 14-535 to 14-537, 14-549, 15-271, 15-734, 15-821, 16-606, 16-622, 16-652, 16-664, 16-666, 16-669, 16-672.07, 16-672.09, 16-6105, 17-515, 17-920, 17-923, 17-974, 18-406, 19-2418, 19-3316, 31-728, 31-753, and 39-1615, Reissue Revised Statutes of Nebraska, 1943, section 77-207, Revised Statutes Supplement, 1979, and section 19-2404, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 655, Eighty-sixth Legislature, Second Session, 1980; 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:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Kennedy  | Maresh  | Rumery   |
| Carsten    | Goodrich | Keyes    | Marsh   | Schmit   |
| Chronister | Haberman | Koch     | Marvel  | Sieck    |
| Clark      | Hefner   | Kremer   | Merz    | Simon    |
| Cope       | Hoagland | Labeledz | Murphy  | Stoney   |
| Cullan     | Johnson  | Lamb     | Newell  | Venditte |
| Fitzgerald | Kahle    | Landis   | Nichol  | Vickers  |
| Fowler     | Kelly    | Lewis    | Reutzel | Wagner   |

Voting in the negative, 7:

|         |        |        |        |
|---------|--------|--------|--------|
| Beutler | DeCamp | Pirsch | Wesely |
| Burrows | Dworak | Warner |        |

Present and not voting, 1:

Powers

Excused and not voting, 1:

Chambers

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

**LEGISLATIVE BILL 939. With Emergency.**

A BILL FOR AN AN ACT to amend sections 2-1203, 2-1208, and 2-1219, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to state purpose; to provide duties; to change fees; to change provisions relating to conflicts of interest; to provide for enforcement; to create a cash fund as prescribed; to repeal the original sections, and also section 81-195, Revised Statutes Supplement, 1978, as amended by section 4, Legislative Bill 820, Eighty-sixth Legislature, Second Session, 1980; 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, 34:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Labeledz | Newell  | Sieck    |
| Carsten    | Goodrich | Lamb     | Nichol  | Simon    |
| Chronister | Haberman | Lewis    | Pirsch  | Stoney   |
| Cullan     | Hefner   | Maresh   | Powers  | Venditte |
| DeCamp     | Kahle    | Marvel   | Reutzel | Vickers  |
| Dworak     | Kelly    | Merz     | Rumery  | Wagner   |
| Fitzgerald | Keyes    | Murphy   | Schmit  |          |

Voting in the negative, 12:

|          |         |        |        |
|----------|---------|--------|--------|
| Beutler  | Cope    | Koch   | Marsh  |
| Chambers | Fowler  | Kremer | Warner |
| Clark    | Kennedy | Landis | Wesely |

Present and not voting, 3:

Burrows Hoagland Johnson

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 939A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 939, Eighty-sixth Legislature, Second Session, 1980.

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, 34:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Labeledz | Newell  | Simon    |
| Carsten    | Goodrich   | Lamb     | Nichol  | Stoney   |
| Chronister | Haberman   | Lewis    | Powers  | Venditte |
| Clark      | Hefner     | Maresh   | Reutzel | Vickers  |
| Cullan     | Kahle      | Marvel   | Rumery  | Wagner   |
| DeCamp     | Keyes      | Merz     | Schmit  | Warner   |
| Dworak     | Koch       | Murphy   | Sieck   |          |

Voting in the negative, 9:

|          |        |         |        |        |
|----------|--------|---------|--------|--------|
| Beutler  | Cope   | Kennedy | Landis | Wesely |
| Chambers | Fowler | Kremer  | Marsh  |        |

Present and not voting, 6:

|         |          |        |
|---------|----------|--------|
| Burrows | Hoagland | Kelly  |
| George  | Johnson  | Pirsch |

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

**LEGISLATIVE BILL 954.** With Emergency.

A BILL FOR AN ACT relating to energy; to adopt programs for energy conservation and reaction to vital resource emergencies; to provide for loan programs; to provide penalties; to amend sections 70-625, 70-704, and 81-161, Reissue Revised Statutes of Nebraska, 1943, and sections 76-1606, 76-1618, 76-1619, 76-1622, 76-1623, 76-1624, 76-1626, and 81-1602, Revised Statutes Supplement, 1978; to provide severability; to repeal the original sections, and also sections 66-701 to 66-711, Reissue Revised Statutes of Nebraska, 1943; 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, 38:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Keyes    | Marvel  | Schmit   |
| Beutler    | Fowler     | Koch     | Merz    | Sieck    |
| Burrows    | George     | Kremer   | Newell  | Simon    |
| Chambers   | Haberman   | Labeledz | Nichol  | Stoney   |
| Chronister | Hefner     | Lamb     | Pirsch  | Venditte |
| Cope       | Hoagland   | Landis   | Powers  | Wesely   |
| DeCamp     | Johnson    | Maresh   | Reutzel |          |
| Dworak     | Kahle      | Marsh    | Rumery  |          |

Voting in the negative, 8:

|         |          |         |         |
|---------|----------|---------|---------|
| Carsten | Cullan   | Kelly   | Vickers |
| Clark   | Goodrich | Kennedy | Warner  |

Present and not voting, 3:

Lewis            Murphy            Wagner

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

### MESSAGES FROM THE GOVERNOR

April 18, 1980

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 1002 with my line item veto reductions and with my signature.

LB 1002 contains over one half of the total proposed General Fund operating and state aid budget for fiscal year 1980-1981. My total General Fund line item veto reductions to LB 1002 are \$42,260,929. Included in this total is \$40 million of your proposed \$60 million for additional state aid to education.

My other line item veto reductions are: Department of Public Institutions - \$431,958; Department of Public Welfare - \$1,251,315; Department of Roads - \$217,525; Library Commission - \$13,980; Natural Resources Commission - \$300,000; and the Arts Council - \$46,151.

The Legislature has appropriated \$533,062 in LB 998 for the support of citizens moved from the Beatrice State Developmental Center into community-based programs during the 1978-79 fiscal year. This method is a reversal from previous practices of incorporating such monies into the current operating budgets and may create additional administrative problems. Nevertheless, I did not veto that amount. However, monies were included in the Executive Budget Recommendations to fund the same 78-79 movement as was provided by you in LB 998. Accordingly, I have now partially removed those amounts from the appropriation in LB 1002.

In addition, I object to the Legislature earmarking specific amounts for three regions to be used to upgrade salaries. The regions are entities of local government, and are under the control of local boards. These local boards should be allowed to determine their own policy regarding salary and wage increases. Therefore, I have stricken the extraordinary amounts so earmarked where they exceeded my original recommendations.

Community-Based Mental Retardation regions must provide services to individuals currently in the communities. While local governments must bear a part of the fiscal responsibility for providing these services, increased state support is indicated. Therefore, I support the amounts provided by the Legislature to ameliorate this problem. With these adjustments, the regions will receive a 12.6 percent increase in general fund support representing an additional \$1,182,459 when compared to the current year.

CBMR regions will receive an additional \$803,062 - a 53.5 percent increase over the current year - in earmarked funds for institutional movement. Combined with the increased amounts in LB 998, this will result in a total increase of \$1,985,521 or 18.3 percent in state support over the current year's level. It is expected that this increase will result in additional movement of BSDC residents into community programs as well as allow service provision to individuals residing in communities but currently not being served.

My reductions for the Department of Public Welfare total \$1,251,315 from the general fund. They include \$283,000 to reduce the state's share of the proposed salary increase for local welfare employees to a level consistent with my state recommendation of 8 percent; \$86,423 to bring the appropriation for social services in line with my original recommendation; and \$680,360 in expanded rent allowances for categorical recipients.

I have reduced Assistance to Local Transit Authorities in the Department of Roads by \$217,525 to my original recommendation of \$1,753,750 in light of the provisions of LB 722.

I have reduced the appropriation to the Water Conservation Fund and the Resources Development Fund by \$150,000 each. My original recommendation called for a dedicated fund source from the cigarette tax with full discretion to allocate funds between these two activities involving the conservation and development of our natural resources. The reduced appropriation of \$2.8 million will provide a 12 percent increase above the current fiscal year appropriation. Although this is less than the amount approved by your body, it represents a significant increase and will provide for accelerated activity in this important area.

Now, to a very special and priority matter with me - quality education and property tax relief. Because of their transcending importance, I am approving an increase in state aid to education from the current level of \$55,000,000 to \$75,000,000 so that skyrocketing property taxes can be reduced. This 20 million dollar increase can be funded under current tax rates, will allow for equitable funding of LB 486, and will alleviate the worst effects of recent property tax revaluations and tuition reimbursement on the distribution of school aid.

SIXTIETH DAY - APRIL 18, 1980

2003

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:dld

April 18, 1980

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning LB 789A with my signature and with my line-item reduction. As passed by your body, LB 789 increases the maximum payment levels in our Aid to Dependent Children program by 17 percent. This action would increase general fund appropriations by over four million dollars next fiscal year. In addition, it would require additional expenditures of over five million dollars from other funds.

While LB 789 establishes a "not to exceed" maximum level of payment, the Department of Public Welfare has the authority to set their need standards at levels below the statutory maximum. Therefore, I am directing John Knight, Director of the Department of Public Welfare, to establish a need standard that can be accommodated within a reduced appropriation for LB 789A and within his department's total budget for aid programs. It is estimated that these guidelines will allow an increase in the maximum payment for one dependent child and a caretaker from \$250 monthly to \$270 monthly. The estimated maximum payment for each additional eligible person would be increased from \$60 monthly to \$65 monthly. These improved payment levels represent an increase of 8 percent from the current statutory maximums.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:pmd

April 18, 1980

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 765 and LB 765A without my signature and with my objections.

LB 765 changes the reimbursement rate for special education programs for handicapped children less than five years of age from 90% reimbursement to 100% reimbursement.

What was said in my veto of LB 772 earlier this year, remains true today. In my opinion, we can maintain a more cost effective special education program by requiring the local school districts, which select special education programs for their students, to pay at least 10% of the excess cost of special education programs. To eliminate this requirement is to effectively remove an important fiscal monitoring device.

This principle is as true for federal funds as it is for state funds. In either event, these funds come from the taxpayer.

I urge you to sustain my veto of LB 765.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:dsd

April 18, 1980

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning LB 773A without my signature and with my objections. LB 773 reconstitutes the Nebraska Coordinating Council for the Handicapped and places this body in the Department of Education for management purposes. The stated goals of this legislation are not objectionable to me and I am signing the measure into law.

However, the appropriation proposed in LB 773A to "staff and meet the expenses of the council" is unnecessary. The departments included in the bill, Health, Welfare, Education and Institutions, have the resources to undertake the coordination required by LB 773, and an added layer of bureaucracy is not required for this effort. Therefore, I am returning LB 773A without my signature.

SIXTIETH DAY - APRIL 18, 1980

2005

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:pmd

April 17, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Mr. President and Senators,

I am returning herewith LB 853A with my line-item reduction and with my signature.

While I concur with the proper disposal of hazardous wastes as proposed in LB 853, it is difficult to know with any precision the type or quantity of materials in existence. I am therefore reducing the appropriation for this activity by \$100,000.

Section 14 provides that the Department of Environmental Control shall remove, upon request by a private citizen, hazardous wastes of appreciable and significant quantities. Until such time as the magnitude of the problem is determined with a greater degree of certainty, the level of appropriation appears excessive. Should the magnitude of the problem, or the cost for proper disposal, be greater than anticipated, federal funds may be available to conduct this type of program.

I urge that you sustain my veto.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:jrd

April 18, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 486, 651, 789, 847A, 889, 853, 989, 989A, and Reengrossed Legislative Bills 773, 817, and 847.

These bills were signed by me on April 18, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

### EXPLANATION OF VOTE

Had I been present in the chamber on April 8, 1980 I would have voted Aye on the following bills: 184, 184A, 228, 228A, 499, 499A. I would have voted Nay on the following bills: 507 and 507A.

(Signed) Carol M. Pirsch

### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1980, at 11:55 a.m., were the following bills: 694, 740, 790, 790A, 795, 800, 820, 824, 865, 872, and 872A.

(Signed) Jan Loder, Assistant Enrolling Clerk

### SELECT COMMITTEE REPORTS Enrollment and Review

#### Correctly Enrolled

The following bills were correctly enrolled: 882, 882A, 918, 933, 939, and 939A.

(Signed) Don Wesely, Chairperson

### PRESIDENT LUEDTKE PRESIDING

#### MOTION - Reconsider Action on LB 882

Mr. Warner moved to reconsider action on the final passage of LB 882.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 13 nays, and 9 not voting.

Mr. Warner withdrew the motion.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 882, 882A, 918, 933, 939, and 939A.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 959.** With Emergency.

A BILL FOR AN ACT to amend sections 48-704, 48-712, 48-714, and 48-714.02, Reissue Revised Statutes of Nebraska, 1943, relating to boiler inspection; to provide for a certificate fee; to change fees as prescribed; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Kelly    | Marsh   | Sieck    |
| Beutler    | Fitzgerald | Kennedy  | Marvel  | Simon    |
| Burrows    | Fowler     | Keyes    | Merz    | Stoney   |
| Carsten    | George     | Koch     | Newell  | Venditte |
| Chambers   | Goodrich   | Kremer   | Nichol  | Vickers  |
| Chronister | Haberman   | Labeledz | Pirsch  | Wagner   |
| Clark      | Hefner     | Lamb     | Powers  | Warner   |
| Cope       | Hoagland   | Landis   | Reutzel | Wesely   |
| Cullan     | Johnson    | Lewis    | Rumery  |          |
| DeCamp     | Kahle      | Maresh   | Schmit  |          |

Voting in the negative, 0.

Present and not voting, 1:

Murphy

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

**MOTION - Reconsider Action on LB 627**

Mr. Merz moved to reconsider action on the override vote on LB 627.

Mr. Murphy raised a point of order on the motion pursuant to Rule 7, Sec. 7 and the Constitution, Article IV, sec. 15.

The Chair ruled the motion in order.

Mr. Murphy challenged the ruling of the Chair.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The question is, "Shall the Chair be overruled?"

Mr. Dworak requested a record vote on the Murphy motion.

Voting in the affirmative, 20:

|            |        |          |         |         |
|------------|--------|----------|---------|---------|
| Barrett    | Cullan | Haberman | Kennedy | Reutzel |
| Beutler    | DeCamp | Hefner   | Lamb    | Schmit  |
| Burrows    | Dworak | Kahle    | Maresh  | Stoney  |
| Chronister | George | Kelly    | Murphy  | Wagner  |

Voting in the negative, 28:

|            |          |        |        |          |
|------------|----------|--------|--------|----------|
| Carsten    | Goodrich | Landis | Nichol | Venditte |
| Chambers   | Hoagland | Lewis  | Pirsch | Vickers  |
| Clark      | Keyes    | Marsh  | Powers | Warner   |
| Cope       | Koch     | Marvel | Rumery | Wesely   |
| Fitzgerald | Kremer   | Merz   | Sieck  |          |
| Fowler     | Labeledz | Newell | Simon  |          |

Present and not voting, 1:

Johnson

The Murphy motion lost with 20 ayes, 28 nays, and 1 present and not voting.

The Chair was sustained.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Simon requested a roll call vote on the Merz motion to reconsider action on LB 627.

Voting in the affirmative, 30:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Beutler    | Fowler   | Koch   | Merz    | Rumery  |
| Carsten    | George   | Kremer | Newell  | Sieck   |
| Chambers   | Goodrich | Landis | Nichol  | Simon   |
| Cope       | Hoagland | Lewis  | Pirsch  | Vickers |
| Cullan     | Johnson  | Marsh  | Powers  | Warner  |
| Fitzgerald | Kahle    | Marvel | Reutzel | Wesely  |

Voting in the negative, 19:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Barrett    | DeCamp   | Kelly    | Lamb   | Stoney   |
| Burrows    | Dworak   | Kennedy  | Maresh | Venditte |
| Chronister | Haberman | Keyes    | Murphy | Wagner   |
| Clark      | Hefner   | Labeledz | Schmit |          |

Not voting, 0.

The motion to reconsider action prevailed with 30 ayes, 19 nays, and 0 not voting.

Whereupon the President stated: "Shall LB 627 pass notwithstanding the objections of the Governor?"

Mr. Simon requested a roll call vote.

Mr. Barrett requested to start the roll call in reverse.

Voting in the affirmative, 28:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Beutler    | Fowler   | Kremer | Nichol  | Simon   |
| Carsten    | George   | Landis | Pirsch  | Vickers |
| Chambers   | Goodrich | Lewis  | Powers  | Warner  |
| Cope       | Hoagland | Marsh  | Reutzel | Wesely  |
| Cullan     | Johnson  | Merz   | Rumery  |         |
| Fitzgerald | Koch     | Newell | Sieck   |         |

Voting in the negative, 21:

|            |          |          |          |        |
|------------|----------|----------|----------|--------|
| Barrett    | Dworak   | Kennedy  | Marvel   | Wagner |
| Burrows    | Haberman | Keyes    | Murphy   |        |
| Chronister | Hefner   | Labeledz | Schmit   |        |
| Clark      | Kahle    | Lamb     | Stoney   |        |
| DeCamp     | Kelly    | Maresh   | Venditte |        |

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 964.**

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, of the Constitution of Nebraska, by the addition of a new section 18, relating to education; to provide that the Legislature enact a system for financing public education which does not impose an unfair and excessive property tax burden; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, of the Constitution of Nebraska, by the addition of a new section 18, which is hereby proposed by the Legislature:

“Sec. 18. The Legislature shall enact a method of financing public education in order to meet the state’s responsibility to provide maintenance and support of a thorough and efficient system of common schools. The method of financing the common schools shall not rely on property taxes to such an extent that an unfair and excessive burden is imposed on the state’s property owners.”

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“Constitutional amendment to provide that the Legislature enact a system of financing public education which does not impose an unfair and excessive property tax burden.

For

Against”

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’”

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 30:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Burrows    | George   | Kahle    | Marvel  | Rumery   |
| Carsten    | Goodrich | Keyes    | Merz    | Schmit   |
| Chronister | Haberman | Koch     | Newell  | Simon    |
| DeCamp     | Hefner   | Kremer   | Nichol  | Venditte |
| Fitzgerald | Hoagland | Labeledz | Powers  | Vickers  |
| Fowler     | Johnson  | Maresh   | Reutzel | Wesely   |

Voting in the negative, 17:

|         |         |        |        |        |
|---------|---------|--------|--------|--------|
| Barrett | Cullan  | Lamb   | Pirsch | Warner |
| Beutler | Dworak  | Landis | Sieck  |        |
| Clark   | Kelly   | Marsh  | Stoney |        |
| Cope    | Kennedy | Murphy | Wagner |        |

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Lewis

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

**LEGISLATIVE BILL 965.** Laid over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 965A.** Laid over at the request of Mr. DeCamp.

**LEGISLATIVE BILL 991.** With Emergency.

A BILL FOR AN ACT to amend sections 28-101 and 28-431, Revised Statutes Supplement, 1978, relating to drugs and narcotics; to define a term; to prohibit the sale and use of drug paraphernalia as prescribed; to provide a penalty; to provide duties for the Revisor of Statutes; to provide for severability; 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, 37:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Barrett    | George   | Koch     | Newell  | Simon    |
| Burrows    | Goodrich | Kremer   | Nichol  | Stoney   |
| Carsten    | Haberman | Labeledz | Pirsch  | Venditte |
| Chronister | Hefner   | Lamb     | Powers  | Wagner   |
| Clark      | Kahle    | Maresh   | Reutzel | Warner   |
| Cope       | Kelly    | Marvel   | Rumery  |          |
| Cullan     | Kennedy  | Merz     | Schmit  |          |
| Fitzgerald | Keyes    | Murphy   | Sieck   |          |

Voting in the negative, 7:

|          |        |         |        |
|----------|--------|---------|--------|
| Chambers | Fowler | Marsh   | Wesely |
| Dworak   | Landis | Vickers |        |

Present and not voting, 4:

|         |        |          |         |
|---------|--------|----------|---------|
| Beutler | DeCamp | Hoagland | Johnson |
|---------|--------|----------|---------|

Excused and not voting, 1:

Lewis

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

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

### **LEGISLATIVE BILL 992.**

A BILL FOR AN ACT relating to adoption; to define terms; to provide procedures for identification of relatives; to provide duties; to

amend sections 43-113, 71-626, 71-626.01, and 71-627.02, Reissue Revised Statutes of Nebraska, 1943; to provide for Nebraska birth certificates for foreign-born adopted persons; to harmonize provisions; to provide severability; 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, 36:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Fitzgerald | Labeledz | Nichol  | Venditte |
| Beutler    | George     | Lamb     | Pirsch  | Vickers  |
| Carsten    | Hoagland   | Landis   | Powers  | Wagner   |
| Chambers   | Johnson    | Maresh   | Reutzel | Wesely   |
| Chronister | Kelly      | Marsh    | Rumery  |          |
| Cope       | Kennedy    | Marvel   | Sieck   |          |
| Cullan     | Keyes      | Merz     | Simon   |          |
| DeCamp     | Kremer     | Newell   | Stoney  |          |

Voting in the negative, 8:

|        |          |        |        |
|--------|----------|--------|--------|
| Clark  | Goodrich | Hefner | Schmit |
| Dworak | Haberman | Murphy | Warner |

Present and not voting, 3:

|         |       |      |
|---------|-------|------|
| Burrows | Kahle | Koch |
|---------|-------|------|

Excused and not voting, 2:

|        |       |
|--------|-------|
| Fowler | Lewis |
|--------|-------|

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

#### **LEGISLATIVE BILL 993. With Emergency.**

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; 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, 38:

|            |            |          |         |          |
|------------|------------|----------|---------|----------|
| Barrett    | Dworak     | Keyes    | Murphy  | Stoney   |
| Beutler    | Fitzgerald | Kremer   | Newell  | Venditte |
| Burrows    | George     | Labeledz | Nichol  | Vickers  |
| Carsten    | Goodrich   | Lamb     | Pirsch  | Wagner   |
| Chronister | Haberman   | Maresh   | Powers  | Warner   |
| Clark      | Hefner     | Marsh    | Reutzel | Wesely   |
| Cope       | Hoagland   | Marvel   | Rumery  |          |
| DeCamp     | Kennedy    | Merz     | Schmit  |          |

Voting in the negative, 6:

|          |       |        |
|----------|-------|--------|
| Chambers | Kelly | Landis |
| Cullan   | Koch  | Simon  |

Present and not voting, 3:

|         |       |       |
|---------|-------|-------|
| Johnson | Kahle | Sieck |
|---------|-------|-------|

Excused and not voting, 2:

|        |       |
|--------|-------|
| Fowler | Lewis |
|--------|-------|

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 1004. With Emergency.**

A BILL FOR AN ACT to provide legislative intent for appropriations; to provide an operative date; to provide for repeal; 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:

|            |            |          |          |         |
|------------|------------|----------|----------|---------|
| Barrett    | DeCamp     | Hefner   | Labeledz | Nichol  |
| Beutler    | Dworak     | Hoagland | Lamb     | Pirsch  |
| Burrows    | Fitzgerald | Kahle    | Maresh   | Powers  |
| Carsten    | Fowler     | Kelly    | Marsh    | Reutzel |
| Chronister | George     | Kennedy  | Marvel   | Rumery  |
| Clark      | Goodrich   | Keyes    | Murphy   | Sieck   |
| Cope       | Haberman   | Kremer   | Newell   | Simon   |

Stoney        Vickers        Warner  
Venditte     Wagner        Wesely

Voting in the negative, 5:

Chambers    Cullan        Johnson       Landis        Schmit

Present and not voting, 2:

Koch         Merz

Excused and not voting, 1:

Lewis

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

**UNANIMOUS CONSENT - Members Excused**

The Appropriations Committee asked unanimous consent to be excused until they return. No objections. So ordered.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 954, 959, 964, 991, and 992.

(Signed) Don Wesely, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: 954, 959, 964, 991, and 992.

**SPEAKER MARVEL PRESIDING**

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 18, 1980, at 3:00 p.m., were the following bills: 882, 882A, 939A, 939, 933, and 918.

2016

LEGISLATIVE JOURNAL

(Signed) Peggy Prey, Assistant Enrolling Clerk

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Enrolled**

The following bills were correctly enrolled: 993 and 1004.

(Signed) Don Wesely, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 993 and 1004.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 198.** Mr. DeCamp asked unanimous consent to withdraw LR 198. No objections. So ordered.

**LEGISLATIVE RESOLUTION 226.** Laid over.

**LEGISLATIVE RESOLUTION 327.** Read. Considered.

LR 327 was adopted with 25 ayes, 0 nays, and 24 not voting.

**LEGISLATIVE RESOLUTION 328.** Read. Considered.

LR 328 was adopted with 25 ayes, 1 nay, and 23 not voting.

**LEGISLATIVE RESOLUTION 329.** Read. Considered.

LR 329 was adopted with 25 ayes, 0 nays, and 24 not voting.

**LEGISLATIVE RESOLUTION 330.** Read. Considered.

LR 330 was adopted with 28 ayes, 0 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 331.** Read. Considered.

LR 331 was adopted with 26 ayes, 0 nays, and 23 not voting.

**LEGISLATIVE RESOLUTION 332.** Read. Considered.

LR 332 was adopted with 26 ayes, 0 nays, and 23 not voting.

**LEGISLATIVE RESOLUTION 333.** Read. Considered.

LR 333 was adopted with 29 ayes, 0 nays, and 20 not voting.

**LEGISLATIVE RESOLUTION 334.** Read. Considered.

LR 334 was adopted with 29 ayes, 0 nays, and 20 not voting.

**LEGISLATIVE RESOLUTION 335.** Read. Considered.

LR 335 was adopted with 29 ayes, 0 nays, and 20 not voting.

**LEGISLATIVE RESOLUTION 336.** Read. Considered.

LR 336 was adopted with 32 ayes, 0 nays, and 17 not voting.

**LEGISLATIVE RESOLUTION 337.** Read. Considered.

LR 337 was adopted with 27 ayes, 0 nays, and 22 not voting.

**LEGISLATIVE RESOLUTION 338.** Read. Considered.

LR 338 was adopted with 30 ayes, 0 nays, and 19 not voting.

Mr. Nichol asked unanimous consent to be excused until he returns.  
No objections. So ordered.

**LEGISLATIVE RESOLUTION 339.** Read. Considered.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

LR 339 failed with 12 ayes, 21 nays, and 16 not voting.

**LEGISLATIVE RESOLUTION 340.** Laid over.

**LEGISLATIVE RESOLUTION 341.** Read. Considered.

LR 341 was adopted with 27 ayes, 0 nays, and 22 not voting.

**MR. CLARK PRESIDING**

**LEGISLATIVE RESOLUTION 343.** Read. Considered.

2018

LEGISLATIVE JOURNAL

Mr. Venditte requested a record vote on LR 343.

Voting in the affirmative, 29:

|            |          |          |        |          |
|------------|----------|----------|--------|----------|
| Carsten    | George   | Kremer   | Marvel | Rumery   |
| Chronister | Goodrich | Labeledz | Merz   | Schmit   |
| Clark      | Haberman | Lamb     | Murphy | Stoney   |
| Cullan     | Hefner   | Landis   | Nichol | Venditte |
| DeCamp     | Kahle    | Maresh   | Pirsch | Wagner   |
| Fitzgerald | Keyes    | Marsh    | Powers |          |

Voting in the negative, 3:

Chambers      Newell      Simon

Present and not voting, 16:

|         |          |         |         |
|---------|----------|---------|---------|
| Barrett | Dworak   | Kelly   | Sieck   |
| Beutler | Fowler   | Kennedy | Vickers |
| Burrows | Hoagland | Koch    | Warner  |
| Cope    | Johnson  | Reutzel | Wesely  |

Excused and not voting, 1:

Lewis

LR 343 was adopted with 29 ayes, 3 nays, 16 present and not voting, and 1 excused and not voting.

**SPEAKER MARVEL PRESIDING**

**LEGISLATIVE RESOLUTION 344.** Read. Considered.

Messrs. Merz, George, Carsten, Simon, and Mrs. Pirsch asked unanimous consent to add their names to LR 344. No objections. So ordered.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

LR 344 was adopted with 31 ayes, 0 nays, and 18 not voting.

**LEGISLATIVE RESOLUTION 346.**

Introduced by Pirsch, 10th District.

WHEREAS, the Legislature wishes to make known its care and concern for the victims of crime who may remain unknown or be forgotten; and

WHEREAS, the efforts by the State of Nebraska to provide compensation for victims of crimes deserve recognition; and

WHEREAS, public attention has often been focused upon the criminal defendants, but not upon their innocent victims; and

WHEREAS, the criminal justice system needs to be resensitized to the plight of victims of crime; and

WHEREAS, the Legislature wishes to encourage public awareness of the needs of victims of crime.

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

1. That the members of the Legislature acknowledge the plight of crime victims, and that other states have expressed their concern by establishing the week of April 20th as Victims Rights Week.

2. That the Legislature hereby declares the week of April 20 to April 26, 1980, to be Victims Rights Week in Nebraska.

Mrs. Pirsch moved to suspend the rules, Rule 4, Sec. 6, to consider LR 346 today.

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

LR 346 was adopted with 35 ayes, 0 nays, and 14 not voting.

#### **LEGISLATIVE RESOLUTION 347.**

Introduced by Maresh, 32nd District; Kremer, 34th District; Hefner, 19th District; Kelly, 35th District; Dworak, 22nd District; Goodrich, 20th District; Kennedy, 21st District; Koch, 12th District; Newell, 13th District; Murphy, 17th District; Simon, 31st District; Clark, 47th District; Marsh, 29th District; Wagner, 41st District; Barrett, 39th District; Haberman, 44th District; Chronister, 18th District; Burrows, 30th District; Warner, 25th District; Keyes, 3rd District; Lamb, 43rd District; Kahle, 37th District; Sieck, 24th District; Rumery, 42nd District; Beutler, 28th District; Schmit, 23rd District; Labedz, 5th District; Fowler, 27th District; Powers, 9th District; Fitzgerald, 14th District; Vickers, 38th District; Landis, 46th District; Cope, 36th District; Marvel, 33rd District; Venditte, 7th District; Chambers, 11th District; Cullan, 49th District; Pirsch, 10th District; Lewis, 45th District; Johnson, 8th District; Merz, 1st District; Carsten, 2nd

District; DeCamp, 40th District; George, 16th District; Wesely, 26th District; Stoney, 4th District; Nichol, 48th District; Reutzell, 15th District; Hoagland, 6th District.

WHEREAS, the Milligan Community is celebrating the fiftieth anniversary of the Milligan Auditorium; and

WHEREAS, a united effort of all concerned was necessary to fulfill the dream of those who envisioned a Community Center during those years of the late twenties encrusted in history as trying times; and

WHEREAS, the Milligan Auditorium became a reality and provided a center of community pride and a place to provide entertainment, culture and education; and

WHEREAS, over the years the Auditorium has been used for sundry beneficial purposes such as town dances including performances by the band of Lawrence Welk, Czech plays, education programs and speeches by dignitaries such as the brother of the former President of Czechoslovakia during the time that nation was threatened by the armies of Adolf Hitler, numerous former Governors of Nebraska and former U.S. Senator Roman Hruska, and finally in providing a movie theatre that was enjoyed not only by local residents but also by Air Corp personnel of the Bruning and Fairmont Airfields during World War II.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION that the Nebraska Unicameral join with others in congratulating the Milligan community for its efforts to offer a wholesome life by providing not only necessary services but also a sense of cohesiveness and unity among its citizens. The Nebraska Unicameral wishes the Milligan community continued success in the future.

Mr. Maresh moved to suspend the rules, Rule 4, Sec. 6, to consider LR 347 today.

The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

LR 347 was adopted with 33 ayes, 1 nay, and 15 not voting.

### **EXECUTIVE BOARD REPORT**

Amendment to Interim Study Resolutions Reference Report

LR 316 and LR 319 are to be combined as one study and referred to the committee on Business and Labor.

(Signed) Frank Lewis, Chairperson  
Legislative Council Executive Board

The report was adopted with 28 ayes, 2 nays, and 19 not voting.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 18, 1980, at 5:20 p.m., were the following bills: 954, 959, 964, 991, 992, 993, and 1004.

(Signed) Jan Loder, Assistant Enrolling Clerk

**MOTION - Override Line-item Veto on LB 789A**

Mr. Chambers moved that the line-item reduction in LB 789A be overridden and that LB 789A be enacted despite the objection of the Governor.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 789A pass notwithstanding the line-item vetoes of the Governor as stated above?'"

Voting in the affirmative, 24:

|            |          |          |         |         |
|------------|----------|----------|---------|---------|
| Beutler    | Fowler   | Keyes    | Marsh   | Sieck   |
| Burrows    | Goodrich | Koch     | Newell  | Simon   |
| Chambers   | Hoagland | Kremer   | Powers  | Vickers |
| Cullan     | Johnson  | Labeledz | Reutzel | Wesely  |
| Fitzgerald | Kelly    | Landis   | Rumery  |         |

Voting in the negative, 23:

|            |          |         |        |          |
|------------|----------|---------|--------|----------|
| Barrett    | DeCamp   | Kahle   | Merz   | Stoney   |
| Carsten    | Dworak   | Kennedy | Murphy | Venditte |
| Chronister | George   | Lamb    | Nichol | Warner   |
| Clark      | Haberman | Maresh  | Pirsch |          |
| Cope       | Hefner   | Marvel  | Schmit |          |

Present and not voting, 1:

Wagner

Excused and not voting, 1:

Lewis

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

**MOTION - Override Line-item Veto on LB773A**

Mr. Koch moved that pursuant to Rule 6, Sec. 11 the Legislature approve LB 773A, the Governor's objection notwithstanding.

Whereupon the President stated: "The question shall be, 'Shall LB 773A pass notwithstanding the line-item veto of the Governor as stated above.'"

Voting in the affirmative, 30:

|            |          |        |         |         |
|------------|----------|--------|---------|---------|
| Beutler    | Fowler   | Koch   | Merz    | Sieck   |
| Carsten    | George   | Kremer | Newell  | Simon   |
| Chambers   | Goodrich | Labedz | Powers  | Stoney  |
| Cope       | Hoagland | Landis | Reutzel | Vickers |
| Cullan     | Johnson  | Marsh  | Rumery  | Warner  |
| Fitzgerald | Kahle    | Marvel | Schmit  | Wesely  |

Voting in the negative, 16:

|            |          |         |        |
|------------|----------|---------|--------|
| Barrett    | DeCamp   | Kelly   | Murphy |
| Burrows    | Dworak   | Kennedy | Nichol |
| Chronister | Haberman | Keyes   | Pirsch |
| Clark      | Hefner   | Maresh  | Wagner |

Present and not voting, 2:

Lamb          Venditte

Excused and not voting, 1:

Lewis

A constitutional three-fifths majority having voted in the affirmative, LB 773A passed notwithstanding the line-item objection of the Governor.

**MOTION - Override Line-item Veto on LB 1002**

Mr. Koch moved that pursuant to Rule 6, Sec. 14, that the Legislature override the Governor line item veto of the State Department of Education, Program 143, State Aid and School Food Service and Reserve Teacher Act contained in subsections (C) and (D) of subsection (1) of Section 6 on pages 4 and 5 of LB 1002.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Whereupon the President stated, "The question shall be, 'Shall LB 1002 pass notwithstanding the line-item vetoes of the Governor as stated above.'"

Voting in the affirmative, 20:

|         |          |          |        |         |
|---------|----------|----------|--------|---------|
| Beutler | George   | Labeledz | Merz   | Sieck   |
| Burrows | Hoagland | Maresh   | Pirsch | Simon   |
| Clark   | Kahle    | Marsh    | Powers | Vickers |
| Cullan  | Koch     | Marvel   | Rumery | Wesely  |

Voting in the negative, 26:

|            |          |         |          |        |
|------------|----------|---------|----------|--------|
| Barrett    | Fowler   | Kennedy | Newell   | Wagner |
| Carsten    | Goodrich | Keyes   | Nichol   | Warner |
| Chronister | Haberman | Kremer  | Reutzel  |        |
| Cope       | Hefner   | Lamb    | Schmit   |        |
| DeCamp     | Johnson  | Landis  | Stoney   |        |
| Dworak     | Kelly    | Murphy  | Venditte |        |

Present and not voting, 2:

Chambers     Fitzgerald

Excused and not voting, 1:

Lewis

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

**MR. CLARK PRESIDING**

**MOTION - Override line-item Veto on LB 1002**

Mr. Vickers moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item vetoes of the State Department of Education, Program 143 - State Aid and School Fund Services and Reserve Teacher Act contained in subsection (c) of subsection (1) of Section 6 on pages 4 and 5 of LB 1002.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

**SPEAKER MARVEL PRESIDING**

Whereupon the President stated: "The question shall be, 'Shall LB 1002 pass notwithstanding the line-item vetoes of the Governor as stated above.'"

Voting in the affirmative, 33:

|            |          |          |         |          |
|------------|----------|----------|---------|----------|
| Beutler    | George   | Koch     | Merz    | Simon    |
| Burrows    | Goodrich | Kremer   | Newell  | Venditte |
| Carsten    | Hefner   | Labeledz | Pirsch  | Vickers  |
| Clark      | Hoagland | Landis   | Powers  | Warner   |
| Cope       | Johnson  | Maresh   | Reutzel | Wesely   |
| Fitzgerald | Kahle    | Marsh    | Rumery  |          |
| Fowler     | Keyes    | Marvel   | Sieck   |          |

Voting in the negative, 13:

|            |          |         |        |        |
|------------|----------|---------|--------|--------|
| Barrett    | DeCamp   | Kelly   | Murphy | Stoney |
| Chronister | Dworak   | Kennedy | Nichol |        |
| Cullan     | Haberman | Lamb    | Schmit |        |

Present and not voting, 2:

|          |        |
|----------|--------|
| Chambers | Wagner |
|----------|--------|

Excused and not voting, 1:

Lewis

A constitutional three-fifths majority having voted in the affirmative, the line-item veto on LB 1002 as stated above was passed notwithstanding the objections of the Governor.

**MOTION - Override line-item Vetoes on LB 1002**

Mr. Warner, Chairman of Appropriations Committee moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item vetoes of: (1) Department of Public Institutions, Program No. 424 - State Aid - Community Mental Retardation, including the Final budget for each mental retardation region shown, in Section 12, on pages 13 and 14, (2) Nebraska Library Commission, Program No. 302 - Library Development in Section 18 on page 18, (3) Nebraska Natural Resources Commission, Program No. 304 - Nebraska Water Conservation Fund and Program No. 307 - Resource Development Fund in Section 24 on pages 20 and 21, (4) Nebraska Arts Council, Program No. 327 - Aid to the Arts in Section 27 on page 22 (5) the earmarking numbers line item vetoed in Section 12 in lines 18, 21, and 24 on page 14, referring to General Funds for Mental Retardation Regions I, III, and IV of LB 1002.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1002 pass notwithstanding the line-item vetoes of the Governor as stated above?'"

Voting in the affirmative, 24:

|            |          |        |        |         |
|------------|----------|--------|--------|---------|
| Beutler    | Fowler   | Koch   | Merz   | Simon   |
| Chronister | Hoagland | Labedz | Newell | Vickers |
| Cope       | Johnson  | Landis | Rumery | Warner  |
| Dworak     | Kahle    | Marsh  | Schmit | Wesely  |
| Fitzgerald | Keyes    | Marvel | Sieck  |         |

Voting in the negative, 23:

|         |          |          |        |         |
|---------|----------|----------|--------|---------|
| Barrett | Cullan   | Haberman | Kremer | Nichol  |
| Burrows | DeCamp   | Hefner   | Lamb   | Pirsch  |
| Carsten | George   | Kelly    | Maresh | Powers  |
| Clark   | Goodrich | Kennedy  | Murphy | Reutzel |

Stoney      Venditte      Wagner

Excused and not voting, 1:

Lewis

Absent and not voting, 1:

Chambers

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections.

**MOTION - Reconsider Action on LB 1002**

Mr. Kremer moved to reconsider action on the override of the line-item veto in Section 24, Agency #55 of LB 1002.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Kremer motion to reconsider action lost with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

**MOTION - Override Veto on LB 765**

Mr. Lamb moved that LB 765 become law notwithstanding the objections of the Governor.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 765 pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 31:

|            |          |        |         |        |
|------------|----------|--------|---------|--------|
| Burrows    | Goodrich | Lamb   | Pirsch  | Wagner |
| Carsten    | Hefner   | Landis | Reutzel | Warner |
| Clark      | Kahle    | Maresh | Rumery  | Wesely |
| Cope       | Kennedy  | Marsh  | Sieck   |        |
| Cullan     | Koch     | Marvel | Simon   |        |
| Fitzgerald | Kremer   | Newell | Stoney  |        |
| George     | Labedz   | Nichol | Vickers |        |

Voting in the negative, 10:

|         |        |          |          |        |
|---------|--------|----------|----------|--------|
| Barrett | DeCamp | Fowler   | Hoagland | Murphy |
| Beutler | Dworak | Haberman | Kelly    | Schmit |

Present and not voting, 7:

|            |         |        |          |
|------------|---------|--------|----------|
| Chambers   | Johnson | Merz   | Venditte |
| Chronister | Keyes   | Powers |          |

Excused and not voting, 1:

Lewis

A constitutional three-fifths majority having voted in the affirmative, LB 765 passed notwithstanding the objections of the Governor.

#### **MOTION - Override Veto on LB 765A**

Mr. Lamb moved that LB 765A become law notwithstanding the objections of the Governor.

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

Voting in the affirmative, 31:

|          |         |        |          |        |
|----------|---------|--------|----------|--------|
| Burrows  | Hefner  | Landis | Powers   | Wagner |
| Carsten  | Kahle   | Maresh | Reutzel  | Warner |
| Clark    | Kennedy | Marsh  | Rumery   | Wesely |
| Cope     | Keyes   | Marvel | Sieck    |        |
| Cullan   | Kremer  | Newell | Simon    |        |
| George   | Labedz  | Nichol | Stoney   |        |
| Goodrich | Lamb    | Pirsch | Venditte |        |

Voting in the negative, 8:

|         |        |          |        |
|---------|--------|----------|--------|
| Beutler | Dworak | Haberman | Murphy |
| DeCamp  | Fowler | Hoagland | Schmit |

Present and not voting, 9:

|          |            |         |      |         |
|----------|------------|---------|------|---------|
| Barrett  | Chronister | Johnson | Koch | Vickers |
| Chambers | Fitzgerald | Kelly   | Merz |         |

Excused and not voting, 1:

Lewis

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

### RESOLUTION

#### LEGISLATIVE RESOLUTION 348.

Introduced by Powers, 9th District.

WHEREAS, a doctorate is one of the highest academic degrees conferred by an educational institution; and

WHEREAS, a person who earns a doctorate does so only after years of hard work and dedication; and

WHEREAS, a person who serves in the Nebraska Legislature must study many issues, must analyze what changes will best serve the citizens of this state, and is often challenged and tested in his or her beliefs; and

WHEREAS, a Senator must advocate the positions and propositions he or she offers by arguments and supporting evidence in much the same way a doctoral candidate works on a thesis; and

WHEREAS, academic research and discoveries are important to the development and growth of society as are decisions made by legislative bodies; and

WHEREAS, all citizens of this state and especially the Senators who have served with Senators J.R. Murphy, Ralph Kelly, Tom Kennedy, and Neil Simon, have benefited from such experience; and

WHEREAS, recognition for outstanding achievements, and an expression of gratitude for unselfish service to the state is sometimes overlooked.

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

1. That the Legislature hereby creates the honorary degree of Doctorate of Letters and Laws.
2. That the Legislature acknowledges the dedicated service and achievements of Senators J.R. Murphy, Ralph Kelly, Tom Kennedy, and Neil Simon.
3. That the Legislature hereby confers the Doctorate of Letters and Laws upon each of such Senators.

4. That the Clerk of the Legislature present a copy of this resolution to each of such Senators.

Mr. Powers moved to suspend the rules, Rule 4, Sec. 6 in order to consider LR 348 today. The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

LR 348 was adopted with 33 ayes, 1 nay, and 15 not voting.

Mr. Powers presented Messrs. Kennedy, Simon, Kelly, and Murphy with a copy of the Resolution and an honorary degree from the Legislature.

**PRESIDENT LUEDTKE PRESIDING**

**MOTION - Disposition of Bills**

Mr. Murphy moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the Chairmen of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

**MOTION - Session Laws and Journals**

Mr. Kennedy moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf Session Laws and of the permanent Journal and Session Laws.

The motion prevailed.

**MOTION - E & R Chairman**

Mr. Simon moved that we present Don Wesely with a briefcase, in appreciation of his serving as Chairman of Enrollment and Review.

The motion prevailed.

Mr. Simon presented the briefcase to Mr. Wesely.

**MOTION - Appreciation to Presiding Officer**

Mr. Kremer moved that as evidence of our sincere appreciation for our presiding officer, Lt. Governor Roland A. Luedtke, for the fair and impartial performance of his duties, that we present a plaque of Nebraska as an emblem of his having served as presiding officer.

The motion prevailed.

Mr. Kremer presented the plaque to Lt. Governor Luedtke.

**MOTION - Appreciation to Speaker**

Mr. Clark moved that as evidence of our sincere appreciation for our presiding officer, the Speaker Richard D. Marvel, for the fair and impartial performance of his duties, that we present a plaque of Nebraska as an emblem of his having served as Speaker.

The motion prevailed.

Mr. Clark presented the plaque to Speaker Marvel.

**VISITORS**

Visitors to the Chamber were 33 eighth grade students and teacher from Wakefield; 60 fifth and sixth grade students and teachers from St. Gerald's School, Ralston; 23 fourth grade students and teachers from Brownell-Talbot School, Omaha; 14 fifth, sixth, seventh, and eighth grade students and teacher from Gilead Public School; 34 fourth grade students and teachers from Tri-County Consolidated School, DeWitt; 22 first through eighth grade students and teacher from St. Peter's Lutheran School, Davenport; Assistant Sergeant at Arms, Jim Wynkoop and wife; Byron and Fern Johnson from Gering; and Dr. Herwig Hofer, of St. Veit an der Glan, Austria, his escort-interpreter, Max Kraus, and Andre M. Everett from Lincoln.

**MOTION - Advise Governor**

Mr. Kelly moved that a committee of four be appointed to advise the Governor that the Eighty-Sixth Legislature, Second Session of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Messrs. Kelly, Kennedy, Murphy, and Simon to serve on said committee.

The Committee returned and escorted Governor Charles Thone to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

**MOTION - Sine Die**

Speaker Marvel moved that the Journal for the Sixtieth Day, as prepared by the Clerk, be approved and that the Eighty-Sixth Legislature, Second Session of the Legislature having finished all business before it, now at 8:13 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature

2032

**COMMUNICATIONS**

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

RE: LB 765

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, of Nebraska, 1943, we are forwarding LB 765 with a Certificate attached thereto, signed by the presiding officer of the Legislature, certifying the passage of LB 765 notwithstanding the objections of the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosures  
c.c. Governor Charles Thone

CERTIFICATE

Legislative Bill 765 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980.

(Signed) Roland A. Luedtke, Lt. Governor  
President of the Legislature

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

RE: LB 765A

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, of Nebraska, 1943 we are forwarding LB 765A with a Certificate attached thereto, signed by the presiding officer of the Legislature, certifying the passage of LB 765A notwithstanding the objections of the Governor.

Very truly yours,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosures  
c.c. Governor Charles Thone

CERTIFICATE

Legislative Bill 765A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980.

(Signed) Roland A. Luedtke, Lt. Governor  
President of the Legislature

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

RE: LB 773A

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, of Nebraska, 1943, we are forwarding LB 773A with a Certificate attached thereto, signed by the presiding officer of the Legislature, certifying the passage of LB 773A notwithstanding the objections of the Governor.

Very truly yours,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosures  
c.c. Governor Charles Thone

CERTIFICATE

Legislative Bill 773A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980.

(Signed) Roland A. Luedtke, Lt. Governor  
President of the Legislature

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 789A, I am delivering the bill for filing in the form and amounts as approved by the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 853A, I am delivering the bill for filing in the form and amounts as approved by the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 995, I am delivering the bill for filing in the form and amounts as approved by the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 996, I am delivering the bill for filing in the form and amounts as approved by the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 997, I am delivering the bill for filing in the form and amounts as approved by the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 998, I am delivering the bill for filing in the form and amounts as approved by the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 999, I am delivering the bill for filing in the form and amounts as approved by the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 1001, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

April 23, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 1002 with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of certain line item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

Very truly yours,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO/pb  
Enclosure  
c.c. Governor Charles Thone

#### CERTIFICATE

Legislative Bill 1002 having been returned by the Governor with his signature, but with certain items therein having been line-item vetoed, the Legislature, by the constitutional majority, has overridden said line-item vetoes as follows:

State Department of Education, Program 143 - State Aid and School Fund Services and Reserve Teacher Act contained in subsection (c) of subsection (1) of Section 6 on pages 4 and 5 of LB 1002.

This provision has become law this 18th day of April, 1980.

(Signed) Roland A. Luedtke, Lt. Governor  
President of the Legislature

April 23, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 611, 628, 632, 632A, 643, 647, 647A, 795, 820, 824, 865, 872, 872A, 882, 882A, 918, 933, 939, 939A, 959, 991, 992, and Reengrossed Legislative Bill 800.

These bills were signed by me on April 23, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

April 23, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 280 without my signature and with my objections.

LB 280 provides that any office identified as being the office of a Certified Public Accountant must be served by at least one full-time CPA. This prevents a CPA from having offices in two or three towns and being in each a day or two per week. This has the potential for denying some rural communities of local CPA services. No persuasive arguments have been advanced to justify such a result.

LB 280 also allows the Nebraska State Board of Public Accountancy to "prescribe staffing requirements" for all CPA offices. Presumably this would allow the Board to dictate the number of secretaries and assistants a CPA must have. Again, no abuses to the present system have been cited which would justify such government sanctioned interference in the conduct of private business.

2040

LEGISLATIVE JOURNAL

Respectfully,  
(Signed) CHARLES THONE  
Governor

CT:dsd

April 23, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 283 without my signature and with my objections.

LB 283 addresses issues of police and firefighter retirement for the City of Omaha which are primarily matters of local concern. These issues have been addressed in the Omaha Home Rule Charter and have been recently considered by the City Council.

In addition, the Attorney General, in a letter to Senator Loran Schmit, dated April 18, 1980, has cited Constitutional problems with the bill. The Attorney General stated, "We believe there is serious doubt that the bill can be successfully defended against a void-for-vagueness attack."

I therefore veto LB 283.

Respectfully,  
(Signed) CHARLES THONE  
Governor

CT:dsd

April 23, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

In keeping with established policy, I have forwarded proposed Constitutional amendments, LB 740 and LB 964, to the Secretary of State without action.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:dsd

April 23, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Consistent with my position of last year, I am neither signing nor vetoing LB 1004. LB 1004 expresses legislative intent as regards to various state agencies and appropriations and does not have the force of law. My veto would not change your intent.

Please note that some items of intent may have been altered when your body sustained my vetoes and must, therefore, be given consideration with that in mind.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:dld

April 24, 1980

Mr. President, Mr. Speaker  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 690 and LB 690A without my signature and with my objections.

LB 690 provides that each member of the Legislature shall be allowed necessary expenses incurred while performing in the official capacity as a member of the Legislature.

The Attorney General has advised me that he is of the opinion that LB 690 violates Article III, Section 7, of the Constitution of the State of Nebraska.

I therefore veto LB 690 and 690A.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:dsm

April 24, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 666, 694, and 954.  
LB 954 was signed by me on April 23, 1980. LB 666 and LB 694  
were signed by me on April 24, 1980. These bills have been delivered  
to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

April 23, 1980

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 790A with my line-item reduction and  
with my signature.

LB 790 mandates continuing legal education for county attorneys  
and deputy county attorneys. It creates an Advisory Council which  
would set the number of hours of training needed. It also requires the  
Crime Commission to establish curricula, set tuition, and monitor  
compliance.

This program should be self-supporting through the collection of  
tuition and fees as provided for in LB 790. In my opinion, to minimize  
the costs of a new program and to avoid duplication, training  
conducted by universities or professional groups should be accepted

under the training requirements of LB 790. Therefore, I am applying my line-item veto to the general fund appropriation in LB 790A.

(Signed) Respectfully,  
CHARLES THONE  
Governor

CT:ssd

April 24, 1980

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 993.  
This bill was signed by me on April 24, 1980 and delivered to the Secretary of State.

(Signed) Sincerely,  
CHARLES THONE  
Governor

CT:mh

**MESSAGES FROM THE SECRETARY OF STATE**

April 24, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 280, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

I have received in my office LB 280. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 18, 1980.

I hereby acknowledge that LB 280 and the Governor's cover letter have all been filed in this office as a matter of public record.

Respectfully submitted,  
(Signed) RALPH ENGLERT  
Deputy Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received in my office LB 280. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 18, 1980.

I hereby acknowledge that LB 280 and the Governor's cover letter have all been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fourth day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State  
April 24, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 283, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

I have received in my office LB 283. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 18, 1980.

I hereby acknowledge that LB 283 and the Governor's cover letter have all been filed in this office as a matter of public record.

Respectfully submitted,  
(Signed) RALPH ENGLERT  
Deputy Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received in my office LB 283. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 18, 1980.

I hereby acknowledge that LB 283 and the Governor's cover letter have all been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fourth day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 24, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 690, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

I have received in my office LB 690. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 18, 1980.

I hereby acknowledge that LB 690 and the Governor's cover letter have all been filed in this office as a matter of public record.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received in my office LB 690. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 18, 1980.

I hereby acknowledge that LB 690 and the Governor's cover letter have all been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fourth day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 24, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 690A, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

I have received in my office LB 690A. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 18, 1980.

I hereby acknowledge that LB 690A and the Governor's cover letter have all been filed in this office as a matter of public record.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received in my office LB 690A. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 18, 1980.

I hereby acknowledge that LB 690A and the Governor's cover letter have all been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fourth day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 24, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 740, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of proposed Constitutional amendment LB 740 to the Secretary of State without the Governor's action.

I hereby acknowledge that proposed Constitutional amendment LB 740 has been filed in this office as a matter of public record.

(Signed) Respectfully submitted,  
RALPH ENGLERT  
Deputy Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I acknowledge receipt of proposed Constitutional amendment LB 740 to the Secretary of State without the Governor's action.

I hereby acknowledge that proposed Constitutional amendment LB 740 has been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fourth day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 765, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 23, 1980 at 2:35 p.m., LB 765. Along with LB 765, I hereby acknowledge receipt of your cover letter and a signed certificate by Roland Luedtke, Presiding Officer and President of the Legislature, the contents of which are as follows:

“Legislative Bill 765 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980.”

Further, I hereby acknowledge that LB 765, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,  
(Signed) RALPH ENGLERT  
Deputy Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 765 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980."

Further I hereby acknowledge that LB 765, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 765A, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 23, 1980 at 2:35 p.m., LB 765A. Along with LB 765A, I hereby acknowledge receipt of your cover letter and a signed certificate by Roland Luedtke, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 765A having been returned by the Governor with his objections thereto, and after reconsideration having

passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980.”

Further, I hereby acknowledge that LB 765A, cover letter, certificate and copy of the Governor’s message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,  
(Signed) RALPH ENGLERT  
Deputy Secretary of State

### CERTIFICATE

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that “Legislative Bill 765A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980.”

Further, I hereby acknowledge that LB 765A, cover letter, certificate and copy of the Governor’s message have all been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O’Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 773A, Eighty-Sixth Legislature, Second Session

Dear Mr. O’Donnell:

This letter is to acknowledge that I have received on April 23, 1980 at 2:30 p.m., LB 773A. Along with LB 773A, I hereby acknowledge receipt of your cover letter and a signed certificate by Roland Luedtke, Presiding Officer and President of the Legislature, the contents of which are as follows:

“Legislative Bill 773A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980.”

Further, I hereby acknowledge that LB 773A, cover letter, certificate and copy of the Governor’s message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,  
(Signed) RALPH ENGLERT  
Deputy Secretary of State

#### CERTIFICATE

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that “Legislative Bill 773A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 18th day of April, 1980.”

Further, I hereby acknowledge that LB 773A, cover letter, certificate and copy of the Governor’s message have all been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building

Lincoln, Nebraska

RE: LB 789A, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 789A.

(Signed) Respectfully submitted,  
RALPH ENGLERT  
Deputy Secretary of State

### CERTIFICATE

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 789A passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 18, 1980, but with certain items having been line item vetoed.

Further, I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 789A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL)

(Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 853A, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 853A.

Respectfully submitted,  
(Signed) RALPH ENGLERT  
Deputy Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 853A passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 18, 1980, but with certain items having been line item vetoed.

Further I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 853A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 24, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 964, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of proposed Constitutional amendment LB 964 to the Secretary of State without the Governor's action.

I hereby acknowledge that proposed Constitutional amendment LB 964 has been filed in this office as a matter of public record.

(Signed) Respectfully submitted,  
RALPH ENGLERT  
Deputy Secretary of State

### CERTIFICATE

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I acknowledge receipt of proposed Constitutional amendment LB 964 to the Secretary of State without the Governor's action.

I hereby acknowledge that proposed Constitutional amendment LB 964 has been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fourth day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 995, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 995.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 995 passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 10, 1980, but with certain items having been line item vetoed.

Further, I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 995 became law on April 10, 1980."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 996, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 996.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

## CERTIFICATE

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 996 passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 8, 1980, but with certain items having been line item vetoed.

Further, I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 996 became law on April 8, 1980."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 997, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 997.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 997 passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 8, 1980, but with certain items having been line item vetoed.

Further, I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 997 became law on April 8, 1980."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL)

(Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, NE 68508

RE: LB 998, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 998.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 998 passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 14, 1980, but with certain items having been line item vetoed.

Further, I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 998 became law on April 14, 1980."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL)

(Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 999, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 999.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 999 passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 14, 1980, but with certain items having been line item vetoed.

Further, I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 999 became law on April 14, 1980."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 1001, Eighty-sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 1001.

(Signed) Respectfully submitted,  
ALLEN J. BEERMANN  
Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 1001 passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 14, 1980, but with certain items having been line item vetoed.

Further I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 1001 became law on April 14, 1980."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 23, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Bldg.  
Lincoln, NE

RE: LB 1002, Eighty-sixth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 23, 1980 at 2:35 p.m., LB 1002. Along with LB 1002, I hereby acknowledge receipt of your cover letter and a signed certificate by Roland Luedtke, Presiding Officer and President of the Legislature, the contents of which are as follows:

"Legislative Bill 1002 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the constitutional majority, has overridden said line item vetoes as follows:

1) State Department of Education, Program 143 - State Aid and School Fund Services and Reserve Teacher Act contained in subsection (c) of subsection (1) of Section 6 on pages 4 and 5 of LB 1002.

Those provisions have become law this 18th day of April, 1980.”

Further, I hereby acknowledge that LB 1002, cover letter, certificate, and copy of the Governor’s message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,  
(Signed) RALPH ENGLERT  
Deputy Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that “Legislative Bill 1002 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the constitutional majority, has overridden said line item vetoes as follows:

1) State Department of Education, Program 143 - State Aid and School Fund Services and Reserve Teacher Act contained in subsection (c) of subsection (1) of Section 6 on pages 4 and 5 of LB 1002.

Those provisions have become law this 18th day of April, 1980.”

Further, I hereby acknowledge that LB 1002, cover letter, certificate, and copy of the Governor’s message have all been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Third day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL)

(Signed) Allen J. Beermann, Secretary of State

April 24, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 1004, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

This letter with the attached certification does hereby certify that:

“Legislative Bill 1004 passed by the Eighty-Sixth Legislature having been with the Governor at least five days, Sunday excepted, and the Governor having failed to sign the Bill, and the Bill having been presented to the Secretary of State without the Signature, it does hereby become law without the Governor's signature pursuant to the Constitution on this 24th day of April, 1980.”

Respectfully submitted,  
(Signed) RALPH ENGLERT  
Deputy Secretary of State

#### CERTIFICATE

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 1004 passed by the Eighty-Sixth Legislature having been with the Governor at least five days, Sunday excepted, and the Governor having failed to veto, and the Governor having failed to sign the bill, and the bill having been presented to the Secretary of State without the signature, it does hereby become law without the Governor's signature pursuant to the Constitution on this 24th day of April, 1980.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fourth day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL)

(Signed) Allen J. Beermann, Secretary of State

**COMMUNICATION**

April 25, 1980

The Honorable Allen Beermann  
Secretary of State  
State of Nebraska  
Room 2300  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not have the opportunity to consider the override of the line-item veto by Governor Thone on LB 790A, I am delivering LB 790 and 790A for filing in the form and amounts as approved by the Governor.

(Signed) Very truly yours,  
Patrick J. O'Donnell  
Clerk of the Legislature

PJO/lcr  
c/c Governor Charles Thone

**MESSAGE FROM THE SECRETARY OF STATE**

April 25, 1980

Patrick J. O'Donnell  
Clerk of the Legislature  
Unicameral Legislature  
State Capitol Building  
Lincoln, Nebraska

RE: LB 790A, Eighty-Sixth Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 790A.

(Signed) Respectfully submitted,  
RALPH ENGLERT  
Deputy Secretary of State

**CERTIFICATE**

State of Nebraska  
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that "Legislative Bill 790A passed by the Eighty-Sixth Legislature, Second Session, was signed by Governor Charley Thone on April 24, 1980, but with certain items having been line item vetoed.

Further, I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 790A will become effective as provided by law."

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fifth day of April in the year of our Lord, one thousand nine hundred and Eighty.

(SEAL)

(Signed) Allen J. Beermann, Secretary of State

**REPORT**

Received certified copy of the Grade A Pasteurized Milk Ordinance and Supplement I, from the Department of Agriculture, pursuant to LB 632, Section 1 (3), 1980. (On file in the Clerk's Office.)

**CERTIFICATE**

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-sixth Legislature, Second Session and other correspondence.

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

April 28, 1980  
Lincoln, Nebraska

**INDEXES FOR  
LEGISLATIVE JOURNAL  
EIGHTY-SIXTH  
LEGISLATURE  
SECOND SESSION  
1980**

**CONTENTS**

Chronology of Bills .....2067  
Legislative Bills Introduced  
    By Senators .....2247  
    By Committees .....2265  
Bills and Resolutions Heard by Committees .....2277  
Summary of Legislative Bills .....2281  
General Index .....2285  
Subject Index .....2313  
Section Index .....2401

Compiled by

**PATRICK J. O'DONNELL**

Clerk of the Legislature

2066

**CHRONOLOGY OF BILLS**  
**EIGHTY-SIXTH LEGISLATURE**  
**SECOND SESSION**  
**1980**

**LEGISLATIVE BILL 8 By Koch**

|         |                                    |     |
|---------|------------------------------------|-----|
| Jan. 9  | Title.....                         | 5   |
| Jan. 23 | Koch motion pending.....           | 380 |
| Feb. 5  | Koch pending motion withdrawn..... | 536 |
| Feb. 14 | Indefinitely postponed.....        | 702 |

**LEGISLATIVE BILL 16 By Newell**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 5    |
| Jan. 9  | Special order.....   | 130  |
| Jan. 21 | Newell amendment adopted.<br>Failed to advance for Review..... | 334  |
| Apr. 18 | Indefinitely postponed.....                                    | 2029 |

**LEGISLATIVE BILL 21 By Carsten**

|        |                             |     |
|--------|-----------------------------|-----|
| Jan. 9 | Title.....                  | 5   |
| Mar. 5 | Indefinitely postponed..... | 997 |

**LEGISLATIVE BILL 27 By Kremer**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 5   |
| Feb. 11 | Indefinitely postponed..... | 623 |

**LEGISLATIVE BILL 35 By Johnson**

|         |   |      |
|---------|---|------|
| Jan. 9  | Title.....  | 6    |
| Jan. 10 | Johnson pending amendment renewed.<br>Haberman motion to recommit lost.....   | 188  |
| Jan. 21 | Dworak amendment printed.....   | 329  |
| Jan. 24 | Johnson pending amendment withdrawn.<br>Johnson amendment adopted. Haberman motion<br>lost. Dworak pending motion renewed. Marsh<br>amendment to Dworak amendment printed.<br>Dworak and Marsh amendments withdrawn.<br>Failed to advance for Review..... | 403  |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 35A By Johnson**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 6    |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 44 By Maresh**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 6   |
| Jan. 9  | Keyes amendment printed .....   | 122 |
| Jan. 9  | Special order.....  | 130 |
| Jan. 10 | Attorney General's Opinion .....  | 191 |
| Jan. 17 | Maresh amendment printed.....   | 302 |
| Jan. 23 | Maresh pending amendment renewed. Newell<br>amendments to Maresh amendment lost. Marsh<br>amendment to Maresh amendment lost. Chambers<br>amendment to Maresh lost. Laid over.....  | 370 |
| Jan. 28 | Maresh pending amendment renewed. Newell<br>amendment to Maresh amendment adopted.<br>Maresh amendment adopted as amended.<br>Keyes and Marsh pending amendments<br>withdrawn. Keyes pending amendment<br>lost. Advanced for Review ..... | 434 |
| Jan. 30 | Placed on Select File .....   | 464 |
| Feb. 6  | Newell name added. Beutler amendment<br>printed. Murphy amendment to Beutler<br>amendment adopted. Newell amendment to<br>Beutler amendment lost .....  | 566 |
| Feb. 7  | Attorney General's Opinion .....  | 580 |
| Feb. 7  | Beutler pending amendment adopted as<br>amended. Chambers amendment lost.<br>Advanced for Engrossment .....   | 593 |
| Feb. 7  | Haberman explanation of vote.....   | 597 |
| Feb. 8  | Correctly Engrossed.....  | 613 |
| Feb. 13 | Beutler motion lost. Chambers motion lost .....   | 658 |
| Feb. 13 | Final Reading .....   | 659 |
| Feb. 14 | Correctly Enrolled. Speaker signed .....  | 684 |
| Feb. 14 | Presented to Governor .....   | 699 |
| Feb. 19 | Approved by Governor .....  | 726 |
| Feb. 20 | Koch explanation of vote .....  | 759 |

**LEGISLATIVE BILL 48 By Warner**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 6    |
| Mar. 10 | Indefinitely postponed..... | 1088 |

**LEGISLATIVE BILL 60 By Fowler**

Jan. 9 Title.....6  
 Jan. 11 Laid over.....215  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 61 By Marsh**

Jan. 9 Title.....6  
 Jan. 24 Placed on General File.....413  
 Jan. 28 Newell amendment printed .....439  
 Feb. 4 Newell pending amendment adopted.  
     Advanced for Review .....518  
 Feb. 6 Placed on Select File .....553  
 Feb. 7 Advanced for Engrossment.....592  
 Feb. 8 Correctly Engrossed.....613  
 Feb. 13 Final Reading .....659  
 Feb. 14 Correctly Enrolled. Speaker signed .....684  
 Feb. 14 Presented to Governor .....699  
 Feb. 20 Koch explanation of vote .....759  
 Feb. 21 Approved by Governor .....775

**LEGISLATIVE BILL 69 By DeCamp**

Jan. 9 Title.....6  
 Jan. 11 Laid over.....215  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 71 By Warner**

Jan. 9 Title.....7  
 Jan. 17 Laid over.....318  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 82 By Constitutional Revision and Recreation Committee**

Jan. 9 Title.....7  
 Jan. 16 Notice of hearing.....274  
 Feb. 11 Placed on General File.....637  
 Feb. 28 Special order.....919  
 Mar. 4 Committee amendments adopted. Chambers  
     amendment adopted. Vickers and Chambers  
     amendments lost. Advanced for Review .....970  
 Mar. 6 Placed on Select File .....1018  
 Mar. 11 Advanced for Engrossment.....1111

|         |                                   |      |
|---------|-----------------------------------|------|
| Mar. 17 | Correctly Engrossed.....          | 1235 |
| Mar. 20 | Final Reading.....                | 1323 |
| Mar. 20 | Haberman explanation of vote..... | 1341 |
| Mar. 21 | Correctly Enrolled.....           | 1376 |
| Mar. 21 | Speaker signed.....               | 1406 |
| Mar. 24 | Presented to Governor.....        | 1443 |
| Mar. 24 | Approved by Governor.....         | 1477 |
| Mar. 25 | Keyes explanation of vote.....    | 1495 |

**LEGISLATIVE BILL 88 By Koch, Hefner**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 7    |
| Mar. 17 | Indefinitely postponed..... | 1247 |

**LEGISLATIVE BILL 89 By Burrows**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 7    |
| Feb. 6  | Notice of hearing.....      | 554  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 94 By Public Health and Welfare Committee**

|         |   |      |
|---------|---|------|
| Jan. 9  | Title.....  | 8    |
| Feb. 14 | Placed on General File.....   | 694  |
| Feb. 20 | Special order.....  | 759  |
| Feb. 21 | Chambers pending amendment withdrawn.<br>Committee amendment adopted.<br>Advanced for Review..... | 783  |
| Feb. 21 | Merz explanation of vote.....   | 789  |
| Feb. 26 | Placed on Select File.....  | 863  |
| Mar. 5  | Advanced for Engrossment.....   | 1008 |
| Mar. 7  | Correctly Engrossed.....  | 1061 |
| Mar. 12 | Final Reading.....  | 1154 |
| Mar. 12 | Haberman explanation of vote.....   | 1158 |
| Mar. 13 | Correctly Enrolled. Speaker signed.....   | 1184 |
| Mar. 17 | Presented to Governor.....  | 1224 |
| Mar. 18 | Marsh explanation of vote.....  | 1256 |
| Mar. 18 | Approved by Governor.....   | 1265 |
| Mar. 24 | Pirsch explanation of vote.....   | 1471 |

**LEGISLATIVE BILL 104 By Cullan**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 8   |
| Jan. 15 | Indefinitely postponed..... | 253 |

**LEGISLATIVE BILL 106 By Agriculture and Environment Committee**

|        |                             |     |
|--------|-----------------------------|-----|
| Jan. 9 | Title.....                  | 8   |
| Mar. 5 | Indefinitely postponed..... | 993 |

**LEGISLATIVE BILL 108 By Business and Labor Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 8    |
| Jan. 15 | DeCamp pending amendment withdrawn.<br>Landis motion withdrawn.<br>Advanced for Engrossment..... | 261  |
| Jan. 17 | Replaced on Select File.....   | 305  |
| Jan. 25 | Advanced for Engrossment.....  | 423  |
| Jan. 28 | Correctly Engrossed.....   | 439  |
| Feb. 4  | Final Reading.....   | 513  |
| Feb. 6  | Haberman explanation of vote.....  | 559  |
| Feb. 7  | Hoagland motion to reconsider pending.....   | 587  |
| Feb. 14 | Hoagland pending motion lost.....  | 687  |
| Apr. 18 | Indefinitely postponed.....  | 2029 |

**LEGISLATIVE BILL 113 By Brennan**

|        |                             |     |
|--------|-----------------------------|-----|
| Jan. 9 | Title.....                  | 8   |
| Feb. 4 | Indefinitely postponed..... | 526 |

**LEGISLATIVE BILL 118 By Nebraska Retirement Systems Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 9    |
| Mar. 18 | Indefinitely postponed..... | 1268 |

**LEGISLATIVE BILL 121 By Agriculture and Environment Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 9    |
| Jan. 17 | Laid over.....              | 315  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 123 By Hefner**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 9    |
| Jan. 16 | Laid over.....              | 284  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 142 By Burrows**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 9   |
| Jan. 25 | Indefinitely postponed..... | 427 |

**LEGISLATIVE BILL 144 By Labeledz, Pirsch, Simon**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 9    |
| Jan. 30 | Simon motion pending.....   | 473  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 151 By Duis**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 10   |
| Jan. 11 | Laid over.....              | 216  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 153 By Fowler, Landis**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 10  |
| Jan. 24 | Indefinitely postponed..... | 413 |

**LEGISLATIVE BILL 166 By Miscellaneous Subjects Committee**

|         |   |      |
|---------|---|------|
| Jan. 9  | Title.....  | 10   |
| Jan. 17 | Committee amendments lost. Lewis amendment<br>pending. Laid over..... | 308  |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 171 By Public Health and Welfare Committee**

|        |                                 |     |
|--------|---------------------------------|-----|
| Jan. 9 | Title.....                      | 10  |
| Jan. 9 | Attorney General's Opinion..... | 75  |
| Mar. 5 | Indefinitely postponed.....     | 997 |

**LEGISLATIVE BILL 175 By Simon**

|         |                              |      |
|---------|------------------------------|------|
| Jan. 9  | Title.....                   | 10   |
| Apr. 9  | Simon amendment printed..... | 1768 |
| Apr. 18 | Indefinitely postponed.....  | 2029 |

**LEGISLATIVE BILL 177 By Kahle**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 10   |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 182 By Rumery**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 11   |
| Mar. 18 | Indefinitely postponed..... | 1268 |

**LEGISLATIVE BILL 184 By Venditte, Nichol, Labeledz, Fitzgerald**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 11   |
| Jan. 9  | Special order.....   | 148  |
| Jan. 15 | Fitzgerald amendment printed.....  | 255  |
| Jan. 16 | Merz name added. Committee amendments<br>adopted. Fitzgerald pending amendment<br>adopted. Wesely amendment withdrawn.<br>Advanced for Review..... | 279  |
| Jan. 21 | Placed on Select File.....   | 323  |
| Feb. 4  | Fitzgerald amendment printed.....  | 510  |
| Feb. 5  | Fitzgerald pending amendment adopted.<br>Wesely amendment adopted. Wesely<br>amendment lost. Advanced for<br>Engrossment.....                      | 537  |
| Feb. 5  | Wagner explanation of vote.....  | 539  |
| Feb. 6  | Reutzel explanation of vote.....   | 563  |
| Feb. 7  | Correctly Engrossed.....   | 591  |
| Apr. 8  | Final Reading.....   | 1698 |
| Apr. 8  | Letter printed.....  | 1706 |
| Apr. 9  | Correctly Enrolled. President signed.....  | 1744 |
| Apr. 9  | Presented to Governor.....   | 1747 |
| Apr. 14 | Approved by Governor.....  | 1825 |
| Apr. 18 | Pirsch explanation of vote.....  | 2006 |

**LEGISLATIVE BILL 184A By Labeledz, Fitzgerald, Venditte, Nichol**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time. Placed on General File.....            | 280  |
| Jan. 23 | Laid over.....  | 382  |
| Jan. 30 | Speaker's order.....                                    | 464  |
| Feb. 5  | Labeledz amendment adopted.<br>Advanced for Review..... | 538  |
| Feb. 6  | Reutzel explanation of vote.....                        | 563  |
| Feb. 7  | Placed on Select File.....                              | 586  |
| Feb. 11 | Advanced for Engrossment.....                           | 622  |
| Feb. 12 | Correctly Engrossed.....                                | 656  |
| Apr. 8  | Final Reading.....                                      | 1699 |
| Apr. 9  | Correctly Enrolled. President signed.....               | 1744 |
| Apr. 9  | Presented to Governor.....                              | 1747 |
| Apr. 14 | Approved by Governor.....                               | 1825 |
| Apr. 18 | Pirsch explanation of vote.....                         | 2006 |

**LEGISLATIVE BILL 185 By Miscellaneous Subjects Committee**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Title.....   | 11  |
| Jan. 17 | Advanced for Review.....   | 308 |
| Jan. 21 | Placed on Select File.....                                       | 325 |
| Jan. 22 | Cope amendment printed.....                                      | 346 |
| Jan. 30 | Cope pending amendment adopted.<br>Advanced for Engrossment..... | 475 |
| Feb. 5  | Correctly Engrossed.....   | 533 |
| Feb. 11 | Final Reading.....   | 625 |
| Feb. 13 | Correctly Enrolled.....  | 657 |
| Feb. 13 | Speaker signed.....  | 658 |
| Feb. 13 | Presented to Governor.....                                       | 675 |
| Feb. 19 | Approved by Governor.....  | 726 |
| Feb. 20 | Koch explanation of vote.....                                    | 759 |

**LEGISLATIVE BILL 186 By Miscellaneous Subjects Committee**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Title.....   | 11  |
| Jan. 17 | Failed to advance for Review.....                      | 308 |
| Jan. 24 | Johnson amendment adopted.<br>Advanced for Review..... | 408 |
| Jan. 28 | Placed on Select File.....                             | 431 |
| Jan. 29 | Advanced for Engrossment.....                          | 462 |
| Jan. 30 | Correctly Engrossed.....                               | 464 |
| Feb. 6  | Final Reading.....                                     | 555 |
| Feb. 8  | Correctly Enrolled. President signed.....              | 600 |
| Feb. 11 | Presented to Governor.....                             | 621 |
| Feb. 12 | Approved by Governor.....                              | 644 |

**LEGISLATIVE BILL 197 By Banking, Commerce and Insurance Committee**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 11  |
| Jan. 11 | Indefinitely postponed..... | 214 |

**LEGISLATIVE BILL 203 By Public Works Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 12  |
| Jan. 15 | Committee amendments rejected. Wesely<br>amendment adopted. Advanced for Review ... | 253 |
| Jan. 17 | Placed on Select File.....  | 307 |
| Jan. 25 | Advanced for Engrossment.....   | 422 |
| Jan. 28 | Correctly Engrossed.....  | 439 |
| Feb. 4  | Final Reading.....  | 514 |
| Feb. 6  | Correctly Enrolled. President signed.....   | 553 |

CHRONOLOGY OF BILLS

2075

Feb. 6 Haberman explanation of vote..... 559  
 Feb. 6 Presented to Governor ..... 563  
 Feb. 11 Approved by Governor ..... 621

**LEGISLATIVE BILL 218 By Nebraska Retirement Systems Committee**

Jan. 9 Title..... 12  
 Mar. 18 Indefinitely postponed..... 1268

**LEGISLATIVE BILL 221 By Kelly**

Jan. 9 Title..... 12  
 Jan. 9 DeCamp amendment printed..... 122  
 Jan. 9 Special order..... 130  
 Jan. 16 Hoagland et al amendment printed..... 282  
 Jan. 17 DeCamp pending amendment withdrawn.  
     Koch motion lost. Newell name  
     withdrawn from Hoagland et al amendment.  
     Hoagland et al pending amendment adopted.  
     Hoagland-Dworak-Wagner amendment  
     adopted. Advanced for Review ..... 299  
 Jan. 17 Koch amendment printed..... 307  
 Jan. 21 Placed on Select File ..... 325  
 Jan. 23 DeCamp-Reutzel amendment printed ..... 379  
 Jan. 24 Vickers amendment printed..... 414  
 Jan. 28 Hefner amendment printed ..... 439  
 Jan. 29 Attorney General's Opinion ..... 443  
 Jan. 29 DeCamp pending amendment p. 122 renewed.  
     Reutzel name added to DeCamp amendment.  
     DeCamp-Reutzel amendment adopted.  
     Koch pending amendment lost. Vickers  
     pending amendment adopted. Hefner pending  
     amendment lost. DeCamp-Reutzel pending  
     amendment p. 379 withdrawn. DeCamp-Reutzel  
     amendment adopted. Koch motion withdrawn.  
     DeCamp-Johnson-Hoagland amendment  
     lost. Advanced for Engrossment ..... 451  
 Jan. 30 Replaced on Select File ..... 472  
 Feb. 5 Advanced for Engrossment..... 537  
 Feb. 6 Correctly Engrossed..... 557  
 Feb. 12 Wesely motion withdrawn ..... 644  
 Feb. 12 Final Reading ..... 645  
 Feb. 13 Correctly Enrolled ..... 657  
 Feb. 13 Speaker signed ..... 658  
 Feb. 13 Presented to Governor ..... 675

|         |                                |     |
|---------|--------------------------------|-----|
| Feb. 14 | Approved by Governor .....     | 678 |
| Feb. 20 | Koch explanation of vote ..... | 759 |

**LEGISLATIVE BILL 222 By LR158 Study Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 12   |
| Jan. 9  | Special order.....   | 129  |
| Jan. 11 | DeCamp amendment printed.....  | 217  |
| Jan. 15 | Committee amendments lost. DeCamp<br>pending amendment adopted. Nichol<br>amendment withdrawn. Maresh amendment<br>lost. Advanced for Review .....                                     | 246  |
| Jan. 17 | Placed on Select File .....  | 306  |
| Mar. 17 | Fowler et al amendment printed .....   | 1243 |
| Mar. 18 | Fowler amendment printed .....   | 1276 |
| Mar. 19 | Vickers amendment to Fowler et al<br>pending amendment lost. Fowler et al<br>pending amendment adopted. Fowler<br>pending amendment adopted.<br>Failed to advance for Engrossment..... | 1293 |
| Apr. 18 | Indefinitely postponed.....  | 2029 |

**LEGISLATIVE BILL 222A By DeCamp**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 12   |
| Jan. 9  | Special order.....          | 129  |
| Jan. 15 | Advanced for Review .....   | 247  |
| Jan. 17 | Placed on Select File ..... | 306  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 228 By Fowler**

|         |   |      |
|---------|---|------|
| Jan. 9  | Title.....  | 12   |
| Jan. 17 | Special order.....  | 313  |
| Feb. 12 | Special order.....  | 650  |
| Feb. 13 | Fowler amendment printed .....  | 670  |
| Feb. 19 | Committee amendment adopted. Fowler<br>pending amendment adopted.<br>Advanced for Review .....          | 721  |
| Feb. 21 | Placed on Select File .....   | 774  |
| Feb. 25 | Fowler amendment printed .....  | 851  |
| Feb. 26 | Fowler et al amendment withdrawn.<br>Fowler pending amendment adopted.<br>Advanced for Engrossment..... | 874  |
| Feb. 28 | Correctly Engrossed.....  | 913  |
| Apr. 8  | Final Reading.....  | 1700 |

|         |   |      |
|---------|---|------|
| Apr. 9  | Correctly Enrolled. President signed..... | 1744 |
| Apr. 9  | Presented to Governor.....                | 1747 |
| Apr. 14 | Approved by Governor.....                 | 1825 |
| Apr. 18 | Pirsch explanation of vote.....           | 2006 |

**LEGISLATIVE BILL 228A By Fowler**

|         |   |      |
|---------|---|------|
| Jan. 9  | Title.....  | 13   |
| Jan. 17 | Special order.....  | 313  |
| Feb. 13 | Fowler amendment printed.....                                 | 671  |
| Feb. 19 | Fowler pending amendment adopted.<br>Advanced for Review..... | 721  |
| Feb. 21 | Placed on Select File.....                                    | 774  |
| Feb. 26 | Advanced for Engrossment.....                                 | 874  |
| Feb. 28 | Correctly Engrossed.....                                      | 913  |
| Apr. 8  | Final Reading.....  | 1701 |
| Apr. 9  | Correctly Enrolled. President signed.....                     | 1744 |
| Apr. 9  | Presented to Governor.....                                    | 1747 |
| Apr. 14 | Approved by Governor.....                                     | 1825 |
| Apr. 18 | Pirsch explanation of vote.....                               | 2006 |

**LEGISLATIVE BILL 229 By Nebraska Retirement Systems Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 13   |
| Mar. 18 | Placed on General File..... | 1267 |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 230 By Nebraska Retirement Systems Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 13   |
| Feb. 8  | Placed on General File..... | 610  |
| Mar. 3  | Laid over.....              | 952  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 231 By Nebraska Retirement Systems Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 13   |
| Mar. 18 | Indefinitely postponed..... | 1268 |

**LEGISLATIVE BILL 235 By Judiciary Committee**

|         |  |    |
|---------|--|----|
| Jan. 9  | Title.....   | 13 |
| Jan. 16 | Nichol amendment to Committee amendment<br>adopted. Committee amendment adopted as |    |

|         |   |     |
|---------|---|-----|
|         | amended. Advanced for Review.....                                   | 276 |
| Jan. 21 | Placed on Select File .....   | 323 |
| Jan. 25 | Nichol amendment printed .....                                      | 426 |
| Jan. 30 | Nichol pending amendment adopted.<br>Advanced for Engrossment ..... | 474 |
| Feb. 5  | Correctly Engrossed.....  | 533 |
| Feb. 11 | Final Reading .....   | 626 |
| Feb. 13 | Correctly Enrolled .....  | 657 |
| Feb. 13 | Speaker signed .....  | 658 |
| Feb. 13 | Presented to Governor .....   | 675 |
| Feb. 19 | Approved by Governor .....  | 712 |
| Feb. 20 | Koch explanation of vote .....                                      | 759 |

**LEGISLATIVE BILL 243 By Government, Military and Veterans Affairs Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 13   |
| Mar. 6  | Placed on General File..... | 1034 |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 254 By Venditte**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 14   |
| Jan. 17 | Laid over.....              | 315  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 256 By Wesely**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 14  |
| Jan. 29 | Notice of hearing.....      | 450 |
| Mar. 5  | Indefinitely postponed..... | 997 |

**LEGISLATIVE BILL 259 By Public Health and Welfare Committee**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 14  |
| Jan. 11 | Indefinitely postponed..... | 214 |

**LEGISLATIVE BILL 261 By Hoagland**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 14  |
| Jan. 11 | Committee amendment adopted.<br>Failed to advance for Review..... | 216 |
| Jan. 15 | Advanced for Review .....   | 255 |
| Jan. 17 | Placed on Select File .....                                       | 307 |
| Jan. 25 | Failed to advance for Engrossment.....                            | 422 |
| Feb. 5  | Warner amendment printed.....                                     | 548 |
| Feb. 8  | Attorney General's Opinion .....                                  | 606 |

CHRONOLOGY OF BILLS

2079

Feb. 12 Warner pending amendment lost.  
           Advanced for Engrossment.....652  
 Feb. 13 Correctly Engrossed.....657  
 Feb. 20 Murphy motion withdrawn .....755  
 Feb. 20 Final Reading.....756  
 Feb. 21 Correctly Enrolled.....774  
 Feb. 21 President signed.....775  
 Feb. 21 Presented to Governor.....789  
 Feb. 22 Became law without Governor's signature.  
           Letter.....804

**LEGISLATIVE BILL 264 By Kahle**

Jan. 9 Title.....14  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 266 By Merz**

Jan. 9 Title.....15  
 Mar. 6 Indefinitely postponed.....1027

**LEGISLATIVE BILL 267 By Newell**

Jan. 9 Title.....15  
 Jan. 15 Indefinitely postponed.....251

**LEGISLATIVE BILL 267A By Newell**

Jan. 9 Title.....15  
 Jan. 15 Indefinitely postponed.....251

**LEGISLATIVE BILL 276 By Banking, Commerce and Insurance Committee**

Jan. 9 Title.....15  
 Feb. 21 Placed on General File.....789  
 Feb. 22 Additional Committee amendments printed.....823  
 Feb. 26 Special order.....856  
 Feb. 27 Johnson and Schmit amendments to Committee  
           amendments lost. Landis amendments to  
           Committee amendments adopted.  
           Committee amendments pending as amended..900  
 Feb. 27 Goodrich amendment printed.....907  
 Feb. 27 Simon-Burrows amendment printed.....909  
 Mar. 3 Special order.....935  
 Mar. 4 Special order.....977  
 Mar. 5 Committee amendments adopted as amended.

|         |   |      |
|---------|---|------|
|         | Advanced for Review. Expedited.....   | 997  |
| Mar. 6  | Placed on Select File .....   | 1024 |
| Mar. 6  | Attorney General's Opinion .....  | 1029 |
| Mar. 6  | Burrows amendment printed .....   | 1032 |
| Mar. 6  | DeCamp amendment printed.....   | 1034 |
| Mar. 7  | Schmit amendment printed .....  | 1058 |
| Mar. 10 | Goodrich pending amendment p. 907 withdrawn.<br>Newell amendment lost. Simon-Burrows<br>pending amendment p. 909 withdrawn.<br>Johnson amendment lost. DeCamp pending<br>amendment p. 1034 adopted. Burrows pending<br>amendment p. 1032 withdrawn. Schmit pending<br>amendment p. 1058 adopted. Burrows amendment<br>lost. Burrows and Wesely amendments adopted.<br>Advanced for Engrossment..... | 1089 |
| Mar. 10 | DeCamp amendment printed.....   | 1098 |
| Mar. 11 | DeCamp pending amendment withdrawn.<br>Koch motion lost. Returned to Select File<br>for DeCamp amendment. DeCamp amendment<br>adopted. Advanced for Engrossment .....   | 1120 |
| Mar. 12 | Title change. Correctly Engrossed.....  | 1162 |
| Mar. 18 | Final Reading .....   | 1250 |
| Mar. 18 | Correctly Enrolled .....  | 1257 |
| Mar. 18 | Speaker signed .....  | 1258 |
| Mar. 18 | Presented to Governor .....   | 1260 |
| Mar. 18 | Approved by Governor .....  | 1265 |

**LEGISLATIVE BILL 279 By Banking, Commerce and Insurance  
Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 15   |
| Feb. 21 | Placed on General File.....  | 789  |
| Mar. 3  | Special order.....   | 935  |
| Mar. 4  | Special order.....   | 977  |
| Mar. 5  | Fitzgerald and Johnson amendments to<br>Committee amendments adopted. Committee<br>amendments adopted as amended.<br>Advanced for Review ..... | 1002 |
| Mar. 5  | Expedited .....  | 1011 |
| Mar. 6  | Placed on Select File .....  | 1025 |
| Mar. 6  | Lamb amendment printed .....   | 1034 |
| Mar. 10 | Lamb pending amendment adopted.<br>Burrows, Goodrich, and Johnson amendments<br>adopted. Advanced for Engrossment .....                        | 1095 |
| Mar. 11 | Returned to Select File for  |      |

CHRONOLOGY OF BILLS

2081

|         |  |      |
|---------|--|------|
|         | Fitzgerald amendment.....  | 1119 |
| Mar. 11 | Fitzgerald pending amendment adopted.<br>Advanced for Engrossment..... | 1120 |
| Mar. 12 | Correctly Engrossed.....   | 1162 |
| Mar. 18 | Final Reading.....   | 1251 |
| Mar. 18 | Correctly Enrolled.....  | 1257 |
| Mar. 18 | Speaker signed.....  | 1258 |
| Mar. 18 | Presented to Governor.....   | 1260 |
| Mar. 18 | Approved by Governor.....  | 1265 |

**LEGISLATIVE BILL 280 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 15   |
| Jan. 29 | Notice of hearing.....                                     | 447  |
| Jan. 31 | DeCamp amendment printed.....                              | 497  |
| Feb. 19 | Placed on General File.....                                | 730  |
| Feb. 22 | Committee amendments adopted.<br>Advanced for Review.....  | 818  |
| Feb. 27 | Placed on Select File.....                                 | 885  |
| Mar. 11 | DeCamp pending amendment withdrawn.<br>Laid over.....      | 1103 |
| Apr. 10 | Murphy amendment adopted.<br>Advanced for Engrossment..... | 1815 |
| Apr. 14 | Correctly Engrossed.....                                   | 1825 |
| Apr. 18 | Final Reading.....   | 1955 |
| Apr. 18 | Correctly Enrolled. Speaker signed.....                    | 1977 |
| Apr. 18 | Presented to Governor.....                                 | 1989 |
| Apr. 28 | Returned by Governor without approval.....                 | 2039 |
| Apr. 28 | Letter.....  | 2043 |
| Apr. 28 | Certificate.....   | 2044 |

**LEGISLATIVE BILL 283 By Nebraska Retirement Systems Committee**

|         |   |      |
|---------|---|------|
| Jan. 9  | Title.....  | 16   |
| Jan. 17 | Laid over.....  | 309  |
| Feb. 7  | Lewis amendment printed.....  | 592  |
| Mar. 11 | Speaker's order.....  | 1100 |
| Apr. 8  | Schmit and Goodrich amendments printed.....   | 1735 |
| Apr. 8  | Committee amendment adopted. Goodrich<br>amendment withdrawn. Lewis and Schmit<br>pending amendments adopted.<br>Advanced for Review..... | 1736 |
| Apr. 9  | Placed on Select File.....  | 1751 |
| Apr. 14 | Goodrich pending amendment adopted.   |      |

|         |  |      |
|---------|--|------|
|         | Murphy motion lost.                        |      |
|         | Advanced for Engrossment .....             | 1864 |
| Apr. 14 | Correctly Engrossed.....                   | 1871 |
| Apr. 18 | Final Reading .....                        | 1956 |
| Apr. 18 | Attorney General's Opinion .....           | 1967 |
| Apr. 18 | Attorney General's Opinion .....           | 1968 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....   | 1977 |
| Apr. 18 | Presented to Governor .....                | 1989 |
| Apr. 28 | Returned by Governor without approval..... | 2040 |
| Apr. 28 | Letter .....                               | 2044 |
| Apr. 28 | Certificate .....                          | 2045 |

#### **LEGISLATIVE BILL 284 By Stoney**

|         |                                  |     |
|---------|----------------------------------|-----|
| Jan. 9  | Title.....                       | 16  |
| Jan. 9  | Special order.....               | 129 |
| Jan. 11 | Committee amendments adopted.    |     |
|         | Advanced for Review .....        | 203 |
| Jan. 15 | Placed on Select File .....      | 242 |
| Jan. 25 | Laid over.....                   | 422 |
| Jan. 30 | Stoney-Kremer amendment adopted. |     |
|         | Advanced for Engrossment .....   | 468 |
| Feb. 5  | Correctly Engrossed.....         | 533 |
| Feb. 11 | Final Reading .....              | 627 |
| Feb. 13 | Correctly Enrolled .....         | 657 |
| Feb. 13 | Speaker signed .....             | 658 |
| Feb. 13 | Presented to Governor .....      | 675 |
| Feb. 19 | Approved by Governor .....       | 726 |
| Feb. 20 | Koch explanation of vote .....   | 759 |

#### **LEGISLATIVE BILL 299 By Public Health and Welfare Committee**

|        |                             |     |
|--------|-----------------------------|-----|
| Jan. 9 | Title.....                  | 16  |
| Mar. 5 | Indefinitely postponed..... | 997 |

#### **LEGISLATIVE BILL 303 By Johnson**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 16   |
| Mar. 20 | Indefinitely postponed..... | 1353 |

#### **LEGISLATIVE BILL 304 By Education Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....                                | 16  |
| Jan. 17 | Laid over.....                            | 307 |
| Feb. 26 | Passed over.....                          | 856 |
| Feb. 28 | Johnson amendment to Committee amendments |     |

lost. Vickers amendment to Committee  
 amendments adopted. Committee  
 amendments adopted as amended.  
 Advanced for Review .....922

Mar. 3 Koch amendment printed.....939

Mar. 3 Placed on Select File .....941

Mar. 11 Koch pending amendment adopted.  
 Murphy motion pending .....1104

Mar. 12 Murphy pending motion lost.  
 Advanced for Engrossment .....1162

Mar. 18 Correctly Engrossed.....1270

Mar. 21 Final Reading .....1377

Mar. 21 Haberman explanation of vote.....1410

Mar. 24 Correctly Enrolled. Speaker signed .....1444

Mar. 24 Presented to Governor .....1462

Mar. 25 Keyes explanation of vote.....1496

Mar. 31 Approved by Governor .....1595

**LEGISLATIVE BILL 306 By Beutler**

Jan. 9 Title.....16

Jan. 9 Special order.....129

Jan. 10 DeCamp amendment to Committee  
 amendment printed .....151

Jan. 11 Committee amendments adopted.  
 DeCamp amendment withdrawn. DeCamp  
 amendment lost. Chambers motion  
 lost. Advanced for Review .....203

Jan. 15 Placed on Select File .....242

Jan. 23 Landis amendment printed .....390

Jan. 30 Landis amendment withdrawn. Hoagland-  
 Marsh-Pirsch amendment lost. Beutler  
 amendment adopted. Fowler amendment  
 to Beutler amendment lost. Chambers  
 amendment adopted.  
 Advanced for Engrossment .....468

Feb. 4 Replaced on Select File .....505

Feb. 5 Attorney General's Opinion .....533

Feb. 5 Advanced for Engrossment .....537

Feb. 6 Correctly Engrossed.....557

Feb. 6 Hoagland amendment printed.....572

Feb. 12 Hoagland pending amendment withdrawn.  
 Marsh motion lost. Returned to  
 Select File for Beutler amendment .....646

Feb. 19 Attorney General's Opinion .....706

|         |   |      |
|---------|---|------|
| Feb. 20 | Koch explanation of vote .....  | 759  |
| Feb. 20 | Beutler pending amendment adopted.<br>Failed to advance for Re-Engrossment..... | 764  |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 308 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 17   |
| Feb. 21 | Placed on General File.....  | 791  |
| Mar. 3  | Special order.....   | 935  |
| Mar. 4  | Special order.....   | 977  |
| Mar. 5  | Committee amendments adopted.<br>Advanced for Review.....  | 1005 |
| Mar. 5  | Expedited.....   | 1011 |
| Mar. 6  | Placed on Select File .....  | 1025 |
| Mar. 11 | Burrows amendment lost. Simon amendment<br>adopted. Koch amendment lost. Simon<br>amendment to Koch amendment lost.<br>Simon motion pending..... | 1116 |
| Mar. 12 | Simon pending motion withdrawn.<br>Simon-Koch amendment adopted.<br>Advanced for Engrossment.....  | 1160 |
| Mar. 12 | Correctly Engrossed.....   | 1166 |
| Mar. 18 | Burrows motion withdrawn.<br>Final Reading .....   | 1252 |
| Mar. 18 | Simon motion to reconsider lost.....   | 1259 |
| Mar. 18 | Correctly Enrolled .....   | 1262 |
| Mar. 18 | Speaker signed .....   | 1263 |
| Mar. 18 | Presented to Governor .....  | 1267 |
| Mar. 18 | Approved by Governor .....   | 1281 |
| Mar. 21 | Attorney General's Opinion .....   | 1374 |

**LEGISLATIVE BILL 309 By Banking, Commerce and Insurance Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 17   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 314 By Banking, Commerce and Insurance Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 17   |
| Jan. 11 | Laid over.....              | 215  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

CHRONOLOGY OF BILLS

2085

**LEGISLATIVE BILL 317 By Wesely, Schmit**

Jan. 9 Title.....17  
 Jan. 30 Indefinitely postponed.....472

**LEGISLATIVE BILL 318 By Burrows**

Jan. 9 Title.....17  
 Jan. 9 Special order.....129  
 Jan. 15 Laid over.....246  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 319 By Schmit**

Jan. 9 Title.....18  
 Jan. 16 Dworak amendment printed .....276  
 Jan. 16 Committee amendments adopted. Schmit  
     pending amendment withdrawn.  
     Dworak pending amendment adopted.  
     Advanced for Review .....284  
 Jan. 21 Placed on Select File .....324  
 Jan. 29 Schmit amendments printed .....460  
 Feb. 6 Schmit amendments adopted as amended.  
     Marsh amendment to Schmit amendment lost.  
     Dworak amendment to Schmit amendment  
     adopted. Chambers amendment lost.  
     Advanced for Engrossment .....564  
 Feb. 11 Correctly Engrossed.....621  
 Feb. 11 Title change.....622  
 Feb. 19 Returned to Select File for Warner amendment ..714  
 Feb. 19 Warner pending amendment adopted.  
     Advanced for Re-Engrossment. Keyes motion  
     lost. Chambers motion lost.....715  
 Feb. 19 Correctly Re-Engrossed.....726  
 Feb. 25 Final Reading .....840  
 Mar. 3 Correctly Enrolled. President signed.....934  
 Mar. 3 Presented to Governor .....949  
 Mar. 7 Approved by Governor .....1063

**LEGISLATIVE BILL 324 By Hefner**

Jan. 9 Title.....18  
 Jan. 15 Committee amendment adopted.  
     Indefinitely postponed.....251

**LEGISLATIVE BILL 325 By Keyes**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 18  |
| Jan. 28 | Indefinitely postponed..... | 432 |

**LEGISLATIVE BILL 327 By Agriculture and Environment Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 18   |
| Jan. 16 | Wesely-Warner pending amendment<br>withdrawn. Laid over..... | 275  |
| Apr. 18 | Indefinitely postponed.....                                  | 2029 |

**LEGISLATIVE BILL 330 By Chambers**

|         |                               |      |
|---------|-------------------------------|------|
| Jan. 9  | Title.....                    | 19   |
| Jan. 11 | Laid over.....                | 215  |
| Jan. 24 | DeCamp amendment printed..... | 410  |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 333 By Banking, Commerce and Insurance Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 19   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 335 By Banking, Commerce and Insurance Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 19   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 336 By Banking, Commerce and Insurance Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 19   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 337 By Banking, Commerce and Insurance Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 19   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 338 By Banking, Commerce and Insurance Committee**

CHRONOLOGY OF BILLS

2087

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 20   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 340 By Banking, Commerce and Insurance Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 20   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 346 By Murphy**

|         |   |      |
|---------|---|------|
| Jan. 9  | Title.....  | 20   |
| Feb. 19 | Placed on General File.....   | 733  |
| Feb. 22 | Committee amendments adopted.<br>Advanced for Review .....  | 819  |
| Feb. 28 | Placed on Select File .....   | 912  |
| Mar. 7  | DeCamp amendment printed.....   | 1045 |
| Mar. 11 | DeCamp pending amendment adopted.<br>Advanced for Engrossment .....   | 1104 |
| Mar. 18 | Correctly Engrossed.....  | 1270 |
| Mar. 21 | Laid over .....   | 1377 |
| Mar. 25 | Johnson amendment printed.....  | 1515 |
| Apr. 1  | Returned to Select File for Johnson<br>amendment. Johnson amendment adopted.<br>Advanced for Re-Engrossment ..... | 1647 |
| Apr. 2  | Correctly Re-Engrossed.....   | 1679 |
| Apr. 15 | Final Reading .....   | 1915 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....  | 1924 |
| Apr. 15 | Haberman explanation of vote.....   | 1925 |
| Apr. 15 | Presented to Governor .....   | 1935 |
| Apr. 18 | Approved by Governor .....  | 1951 |

**LEGISLATIVE BILL 350 By Kelly**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 20   |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 361 By Nebraska Transportation Advisory Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 20   |
| Jan. 11 | Laid over.....   | 216  |
| Mar. 4  | Change of order .....  | 969  |
| Mar. 12 | Maresh amendments printed.....                               | 1179 |
| Mar. 13 | Carsten amendment to Committee<br>amendments adopted. Maresh |      |

|         |  |      |
|---------|--|------|
|         | amendment to Committee amendments<br>lost. Landis amendment withdrawn.<br>Johnson-Newell amendment ruled<br>out of order. Committee amendments<br>adopted as amended. Maresh pending<br>amendment withdrawn. Landis re-offered<br>amendment lost. Johnson-Newell<br>re-offered amendment lost. Bracketed . . . . . | 1203 |
| Mar. 21 | Landis amendment printed . . . . .   | 1398 |
| Mar. 31 | Nichol amendment lost. Schmit<br>amendment adopted as amended. Landis<br>amendment to Schmit amendment adopted.<br>DeCamp amendment to Schmit amendment<br>lost. Landis amendment withdrawn.<br>Advanced for Review . . . . .  | 1603 |
| Apr. 2  | Placed on Select File . . . . .  | 1665 |
| Apr. 9  | Landis amendment adopted.<br>Laid over . . . . .   | 1747 |
| Apr. 9  | Fitzgerald motion withdrawn.<br>Laid over . . . . .  | 1758 |
| Apr. 9  | Attorney General's Opinion . . . . .   | 1763 |
| Apr. 14 | Simon pending motion withdrawn.<br>Keyes amendment lost. DeCamp motion lost.<br>Maresh amendment lost. Fitzgerald motion<br>pending. Laid over . . . . .   | 1844 |
| Apr. 18 | Indefinitely postponed . . . . .   | 2029 |

**LEGISLATIVE BILL 361A By Nebraska Transportation Advisory  
Committee**

|         |  |      |
|---------|--|------|
| Mar. 19 | Read first time. Placed on General File . . . . .  | 1307 |
| Mar. 31 | Advanced for Review . . . . .  | 1606 |
| Apr. 2  | Placed on Select File . . . . .  | 1666 |
| Apr. 14 | DeCamp re-offered amendment ruled out of<br>order. DeCamp motion lost. Haberman<br>motion pending. Laid over . . . . . | 1846 |
| Apr. 18 | Indefinitely postponed . . . . .   | 2029 |

**LEGISLATIVE BILL 364 By Wesely**

|         |                                 |     |
|---------|---------------------------------|-----|
| Jan. 9  | Title . . . . .                 | 21  |
| Jan. 16 | Wesely motion pending . . . . . | 291 |
| Jan. 21 | Withdrawn . . . . .             | 333 |

**LEGISLATIVE BILL 366 By Dworak**

Jan. 9 Title.....21  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 371 By Stoney**

Jan. 9 Title.....21  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 374 By Judiciary Committee**

Jan. 9 Title.....21  
 Jan. 9 Failed to advance for Review.....145  
 Jan. 23 Advanced for Review.....382  
 Jan. 25 Placed on Select File.....416  
 Jan. 31 Chambers motion pending.....487  
 Feb. 6 Chambers pending motion prevailed.  
 Indefinitely postponed.....565

**LEGISLATIVE BILL 382 By Venditte**

Jan. 9 Title.....21  
 Jan. 9 Special order.....129  
 Jan. 11 White copy printed.....207  
 Jan. 14 DeCamp pending amendment withdrawn.  
 Stoney pending amendment adopted as  
 modified. Cullan pending amendment  
 withdrawn. Venditte motion to suspend  
 rules and advance lost. Simon pending  
 amendment withdrawn. Simon and Dworak  
 amendments adopted. Failed to  
 advance for Engrossment.....235  
 Jan. 25 Burrows amendment printed.....428  
 Feb. 6 DeCamp amendment printed.....572  
 Feb. 14 Attorney General's Opinions.....680  
 Mar. 4 Attorney General's Opinion.....972  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 382A By Venditte, Labedz, Kahle**

Jan. 9 Title.....21  
 Jan. 9 Special order.....129  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 383 By Judiciary Committee**

|         |                                   |      |
|---------|-----------------------------------|------|
| Jan. 9  | Title.....                        | 21   |
| Jan. 28 | Placed on General File.....       | 434  |
| Feb. 5  | Laid over.....                    | 550  |
| Feb. 28 | Change of order.....              | 919  |
| Mar. 4  | Failed to advance for Review..... | 976  |
| Apr. 18 | Indefinitely postponed.....       | 2029 |

**LEGISLATIVE BILL 388 By Judiciary Committee**

|         |                               |      |
|---------|-------------------------------|------|
| Jan. 9  | Title.....                    | 22   |
| Jan. 28 | DeCamp amendment printed..... | 435  |
| Jan. 31 | DeCamp amendment printed..... | 492  |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 389 By Nichol**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 22   |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 399 By Merz**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 22  |
| Jan. 9  | Special order.....  | 129 |
| Jan. 11 | Committee amendments adopted. Schmit<br>pending amendment adopted.<br>Indefinitely postponed..... | 211 |

**LEGISLATIVE BILL 402 By Rumery**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 22   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 405 By Banking, Commerce and Insurance Committee**

|         |                                |      |
|---------|--------------------------------|------|
| Jan. 9  | Title.....                     | 22   |
| Jan. 22 | DeCamp amendments printed..... | 352  |
| Jan. 28 | Laid over.....                 | 436  |
| Mar. 13 | Speaker's order.....           | 1210 |
| Apr. 18 | Indefinitely postponed.....    | 2029 |

**LEGISLATIVE BILL 406 By Hoagland**

CHRONOLOGY OF BILLS

2091

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 23   |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 409 By Johnson**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 23  |
| Jan. 11 | Committee amendments adopted.<br>Advanced for Review..... | 216 |
| Jan. 15 | Placed on Select File.....                                | 242 |
| Jan. 25 | Advanced for Engrossment.....                             | 422 |
| Jan. 28 | Correctly Engrossed.....                                  | 439 |
| Feb. 4  | Final Reading.....  | 515 |
| Feb. 6  | Correctly Enrolled. President signed.....                 | 553 |
| Feb. 6  | Haberman explanation of vote.....                         | 559 |
| Feb. 6  | Presented to Governor.....                                | 563 |
| Feb. 7  | Approved by Governor.....                                 | 581 |

**LEGISLATIVE BILL 410 By Nebraska Retirement Systems Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 23   |
| Mar. 18 | Indefinitely postponed..... | 1268 |

**LEGISLATIVE BILL 413 By Banking, Commerce and Insurance Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 23  |
| Jan. 16 | Placed on General File.....   | 281 |
| Jan. 23 | DeCamp amendment to Committee amendment<br>adopted. Dworak amendment to Committee<br>amendment lost. Committee amendment<br>adopted as amended.<br>Advanced for Review..... | 381 |
| Jan. 25 | Placed on Select File.....  | 416 |
| Jan. 29 | Advanced for Engrossment.....   | 462 |
| Jan. 30 | Correctly Engrossed.....  | 464 |
| Feb. 6  | Final Reading.....  | 556 |
| Feb. 8  | Correctly Enrolled. President signed.....   | 600 |
| Feb. 11 | Presented to Governor.....  | 621 |
| Feb. 19 | Approved by Governor.....   | 713 |

**LEGISLATIVE BILL 418 By Kelly**

|        |                             |     |
|--------|-----------------------------|-----|
| Jan. 9 | Title.....                  | 23  |
| Mar. 5 | Indefinitely postponed..... | 997 |

**LEGISLATIVE BILL 418A By Kelly**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 24   |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 422 By Goodrich**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 24   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 423 By Goodrich**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 24   |
| Jan. 11 | Laid over.....   | 215  |
| Mar. 11 | Speaker's order.....   | 1100 |
| Mar. 13 | Goodrich pending amendment withdrawn.<br>Lewis amendment withdrawn.<br>Advanced for Review ..... | 1198 |
| Mar. 17 | Placed on Select File .....  | 1248 |
| Mar. 19 | Advanced for Engrossment.....  | 1304 |
| Mar. 20 | Kelly amendment printed.....   | 1342 |
| Mar. 24 | Correctly Engrossed.....   | 1444 |
| Mar. 27 | Kelly pending amendment withdrawn.....   | 1557 |
| Mar. 27 | Final Reading .....  | 1558 |
| Mar. 27 | Correctly Enrolled. Speaker signed .....   | 1584 |
| Mar. 31 | Presented to Governor.....   | 1594 |
| Apr. 8  | Approved by Governor .....   | 1685 |

**LEGISLATIVE BILL 426 By Education Committee**

|        |                             |     |
|--------|-----------------------------|-----|
| Jan. 9 | Title.....                  | 24  |
| Feb. 7 | Indefinitely postponed..... | 590 |

**LEGISLATIVE BILL 430 By Lewis**

|         |                |     |
|---------|----------------|-----|
| Jan. 9  | Title.....     | 24  |
| Jan. 31 | Withdrawn..... | 497 |

**LEGISLATIVE BILL 436 By Constitutional Revision and Recreation Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 24  |
| Jan. 9  | Reutzel amendment adopted.<br>Advanced for Review ..... | 145 |
| Jan. 11 | Placed on Select File .....                             | 198 |
| Jan. 22 | Reutzel amendment printed.....                          | 359 |
| Jan. 25 | Reutzel pending amendment adopted.                      |     |

CHRONOLOGY OF BILLS

2093

Failed to advance for Engrossment.....423  
 Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 439 By Hoagland**

Jan. 9 Title.....24  
 Mar. 20 Indefinitely postponed..... 1369

**LEGISLATIVE BILL 440 By Hoagland**

Jan. 9 Title.....25  
 Feb. 19 Placed on General File..... 737  
 Mar. 4 Committee amendments adopted.  
     Advanced for Review..... 976  
 Mar. 6 Placed on Select File ..... 1018  
 Mar. 11 Hoagland-Goodrich amendment adopted.  
     Advanced for Engrossment..... 1112  
 Mar. 18 Correctly Engrossed..... 1270  
 Mar. 21 Final Reading..... 1378  
 Mar. 21 Haberman explanation of vote..... 1410  
 Mar. 24 Correctly Enrolled. Speaker signed..... 1444  
 Mar. 24 Presented to Governor..... 1462  
 Mar. 25 Keyes explanation of vote..... 1496  
 Mar. 31 Approved by Governor ..... 1594

**LEGISLATIVE BILL 442 By Goodrich**

Jan. 9 Title..... 25  
 Jan. 16 Committee amendments lost.  
     Advanced for Review..... 293  
 Jan. 21 Placed on Select File ..... 325  
 Jan. 25 Advanced for Engrossment..... 422  
 Jan. 28 Correctly Engrossed..... 439  
 Feb. 4 Returned to Select File for Goodrich amendment.  
     Goodrich amendment adopted.  
     Advanced for Re-Engrossment..... 512  
 Feb. 4 Motion to return to Select File for Beutler  
     amendment pending..... 517  
 Feb. 5 Beutler pending motion withdrawn.  
     Returned to Select File for Beutler  
     amendment. Beutler amendment adopted.  
     Advanced for Re-Engrossment..... 541  
 Feb. 5 Correctly Re-Engrossed..... 557  
 Feb. 12 Final Reading..... 647  
 Feb. 13 Correctly Enrolled..... 657  
 Feb. 13 Speaker signed ..... 658

|         |                                |     |
|---------|--------------------------------|-----|
| Feb. 13 | Presented to Governor .....    | 675 |
| Feb. 19 | Approved by Governor .....     | 712 |
| Feb. 20 | Koch explanation of vote ..... | 759 |

**LEGISLATIVE BILL 445 By Lamb**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 25   |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 448 By Banking, Commerce and Insurance Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 25   |
| Mar. 20 | Indefinitely postponed..... | 1369 |

**LEGISLATIVE BILL 453 By LR161 Study Committee**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 25  |
| Jan. 28 | Indefinitely postponed..... | 434 |

**LEGISLATIVE BILL 454 By LR161 Study Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 26   |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 457 By LR161 Study Committee**

|         |                              |      |
|---------|------------------------------|------|
| Jan. 9  | Title.....                   | 26   |
| Jan. 11 | Simon amendment printed..... | 207  |
| Jan. 11 | Laid over.....               | 214  |
| Apr. 18 | Indefinitely postponed.....  | 2029 |

**LEGISLATIVE BILL 458 By LR161 Study Committee**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 26  |
| Jan. 29 | Indefinitely postponed..... | 443 |

**LEGISLATIVE BILL 460 By LR161 Study Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 26   |
| Jan. 9  | Laid over.....              | 145  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 461 By LR161 Study Committee**

CHRONOLOGY OF BILLS

2095

Jan. 9 Title.....26  
Mar. 6 Indefinitely postponed..... 1027

**LEGISLATIVE BILL 462 By LR161 Study Committee**

Jan. 9 Title.....27  
Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 465 By Burrows**

Jan. 9 Title.....27  
Jan. 11 Laid over..... 215  
Jan. 29 Speaker's order..... 443  
Jan. 31 Burrows pending amendment lost.  
Lamb motion lost. Failed to  
advance for Review..... 494  
Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 471 By Venditte**

Jan. 9 Title.....27  
Jan. 17 Venditte motion pending ..... 316  
Jan. 22 Venditte pending motion prevailed.  
Withdrawn..... 347

**LEGISLATIVE BILL 473 By Agriculture and Environment Committee**

Jan. 9 Title.....27  
Mar. 5 Indefinitely postponed..... 993

**LEGISLATIVE BILL 480 By Banking, Commerce and Insurance Committee**

Jan. 9 Title.....27  
Mar. 20 Indefinitely postponed..... 1369

**LEGISLATIVE BILL 481 By Banking, Commerce and Insurance Committee**

Jan. 9 Title.....28  
Jan. 17 Committee amendments adopted. DeCamp  
amendment pending. Laid over ..... 309  
Jan. 29 Speaker's order..... 443  
Jan. 31 DeCamp pending amendment adopted.  
Dworak amendment adopted.  
Advanced for Review ..... 494

|         |   |     |
|---------|---|-----|
| Feb. 4  | Placed on Select File .....               | 506 |
| Feb. 7  | Advanced for Engrossment .....            | 592 |
| Feb. 11 | Correctly Engrossed.....                  | 621 |
| Feb. 19 | Final Reading .....                       | 716 |
| Feb. 20 | Correctly Enrolled. President signed..... | 740 |
| Feb. 20 | Presented to Governor .....               | 767 |
| Feb. 22 | Approved by Governor .....                | 804 |

**LEGISLATIVE BILL 483 By Newell**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Title.....   | 28  |
| Jan. 9  | Newell amendment printed .....   | 148 |
| Jan. 16 | Committee amendments adopted. Newell<br>pending amendment withdrawn. Newell<br>pending amendment p. 148 adopted.<br>Johnson amendment adopted.<br>Kelly amendment lost.<br>Advanced for Review ..... | 286 |
| Jan. 21 | Placed on Select File .....  | 325 |
| Jan. 25 | Vickers amendment printed.....   | 421 |
| Jan. 29 | Marsh amendment printed.....   | 449 |
| Jan. 30 | Vickers and Marsh pending amendments adopted.<br>Advanced for Engrossment .....  | 474 |
| Feb. 5  | Correctly Engrossed.....   | 533 |
| Feb. 7  | Marsh amendment printed.....   | 595 |
| Feb. 11 | Returned to Select File for Marsh amendment.<br>Marsh amendment adopted.<br>Advanced for Re-Engrossment .....  | 628 |
| Feb. 12 | Correctly Re-Engrossed .....   | 656 |
| Feb. 20 | Change of order .....  | 749 |
| Feb. 20 | Final Reading .....  | 753 |
| Feb. 20 | Koch explanation of vote .....   | 759 |
| Feb. 21 | Correctly Enrolled .....   | 774 |
| Feb. 21 | President signed .....   | 775 |
| Feb. 21 | Presented to Governor .....  | 789 |
| Feb. 25 | Returned by Governor without approval.....   | 854 |

**LEGISLATIVE BILL 484 By Miscellaneous Subjects Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 9  | Title.....                  | 28   |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 485 By Miscellaneous Subjects Committee**

CHRONOLOGY OF BILLS

2097

Jan. 9 Title..... 28  
 Jan. 17 Laid over.....308  
 Feb. 11 Newell amendment printed .....636  
 Feb. 28 Schmit amendment printed .....925  
 Mar. 13 Committee amendments rejected. Schmit  
 pending amendment to Newell pending  
 amendment adopted. Laid over.....1209  
 Mar. 17 Newell pending amendment adopted as amended.  
 Advanced for Review .....1244  
 Mar. 18 Placed on Select File .....1266  
 Mar. 19 Advanced for Engrossment .....1304  
 Mar. 24 Correctly Engrossed.....1444  
 Apr. 8 Returned to Select File for Nichol amendment..1701  
 Apr. 8 Nichol pending amendment adopted.  
 Advanced for Re-Engrossment.....1702  
 Apr. 8 Correctly Re-Engrossed.....1724  
 Apr. 15 Final Reading .....1898  
 Apr. 15 Correctly Enrolled .....1910  
 Apr. 15 Speaker signed .....1911  
 Apr. 15 Presented to Governor .....1924  
 Apr. 15 Approved by Governor .....1944

**LEGISLATIVE BILL 485A By Miscellaneous Subjects Committee**

Jan. 9 Title..... 28  
 Jan. 17 Laid over..... 309  
 Mar. 17 Newell amendment adopted.  
 Advanced for Review .....1244  
 Mar. 18 Placed on Select File .....1266  
 Mar. 19 Advanced for Engrossment .....1304  
 Mar. 24 Correctly Engrossed.....1444  
 Apr. 15 Final Reading .....1899  
 Apr. 15 Correctly Enrolled .....1910  
 Apr. 15 Speaker signed .....1911  
 Apr. 15 Presented to Governor .....1924  
 Apr. 15 Approved by Governor .....1944

**LEGISLATIVE BILL 486 By Koch, Reutzel**

Jan. 9 Title.....28  
 Jan. 16 Laid over.....274  
 Jan. 17 Koch amendment printed.....314  
 Feb. 12 Special order.....650  
 Feb. 20 Change of order .....759  
 Feb. 26 Special order.....856  
 Mar. 6 Koch amendment printed.....1027

|         |  |      |
|---------|--|------|
| Mar. 18 | Koch pending amendment p. 314 withdrawn.<br>Committee amendments rejected.<br>Dworak amendment to Koch pending<br>amendment withdrawn. Murphy amendment<br>to Koch pending amendment lost.<br>Koch pending amendment adopted.<br>Advanced for Review ..... | 1256 |
| Mar. 19 | Placed on Select File .....  | 1314 |
| Mar. 24 | Lamb amendment printed .....   | 1478 |
| Apr. 9  | Koch amendment adopted. Lamb<br>pending amendment withdrawn.<br>Advanced for Engrossment .....   | 1776 |
| Apr. 10 | Correctly Engrossed .....  | 1809 |
| Apr. 15 | DeCamp motion withdrawn .....  | 1920 |
| Apr. 15 | Final Reading .....  | 1921 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....   | 1935 |
| Apr. 15 | Presented to Governor .....  | 1939 |
| Apr. 18 | Approved by Governor .....   | 2006 |

**LEGISLATIVE BILL 487 By Schmit**

|         |                              |     |
|---------|------------------------------|-----|
| Jan. 9  | Title .....                  | 29  |
| Jan. 28 | Indefinitely postponed ..... | 432 |

**LEGISLATIVE BILL 488 By Newell, Brennan, Simon, Sieck, Fitzgerald**

|         |                              |     |
|---------|------------------------------|-----|
| Jan. 9  | Title .....                  | 29  |
| Jan. 17 | Indefinitely postponed ..... | 309 |

**LEGISLATIVE BILL 490 By Hoagland**

|         |                              |     |
|---------|------------------------------|-----|
| Jan. 9  | Title .....                  | 29  |
| Jan. 16 | Indefinitely postponed ..... | 284 |

**LEGISLATIVE BILL 491 By Banking, Commerce and Insurance Committee**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Title .....  | 29  |
| Jan. 24 | DeCamp motion lost .....   | 409 |
| Jan. 24 | Schmit amendment printed .....   | 414 |
| Jan. 28 | Wesely amendment printed .....   | 439 |
| Feb. 5  | Speaker's order .....  | 533 |
| Feb. 7  | Fowler amendment adopted. Wesely<br>pending amendment adopted. Schmit<br>pending amendment withdrawn. DeCamp |     |

CHRONOLOGY OF BILLS

2099

motion lost. Failed to  
advance for Review.....584

Mar. 21 Murphy amendment printed .....1395

Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 493 By Constitutional Revision and Recreation Committee**

Jan. 9 Title.....29

Jan. 15 Laid over .....253

Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 496 By Banking, Commerce and Insurance Committee**

Jan. 9 Title.....30

Jan. 16 DeCamp amendment printed.....265

Jan. 17 Laid over .....309

Jan. 25 DeCamp pending amendment adopted. Lamb  
motion to recommit lost.  
Advanced for Review .....426

Jan. 29 Placed on Select File .....443

Jan. 31 Advanced for Engrossment .....488

Feb. 4 Returned to Select File for  
Schmit-Vickers amendment .....528

Feb. 5 Schmit-Vickers pending amendment adopted.  
Advanced for Engrossment .....536

Feb. 6 Correctly Engrossed.....557

Feb. 27 Final Reading .....889

Feb. 27 DeCamp motion to reconsider pending .....896

Mar. 6 DeCamp pending motion prevailed .....1020

Mar. 6 Final Reading .....1021

Mar. 6 Haberman explanation of vote.....1024

Mar. 7 Correctly Enrolled. President signed.....1039

Mar. 7 Stoney explanation of vote .....1046

Mar. 7 Presented to Governor .....1062

Mar. 13 Approved by Governor .....1189

**LEGISLATIVE BILL 496A By Warner**

Feb. 8 Read first time. Placed on General File .....614

Feb. 11 Advanced for Review .....640

Feb. 12 Placed on Select File .....650

Feb. 13 Advanced for Engrossment .....675

Feb. 14 Correctly Engrossed.....704

Mar. 6 Final Reading .....1021

|         |   |      |
|---------|---|------|
| Mar. 6  | Haberman explanation of vote.....         | 1024 |
| Mar. 7  | Correctly Enrolled. President signed..... | 1039 |
| Mar. 7  | Stoney explanation of vote.....           | 1046 |
| Mar. 7  | Presented to Governor.....                | 1062 |
| Mar. 13 | Approved by Governor.....                 | 1189 |

**LEGISLATIVE BILL 497 By Agriculture and Environment Committee**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 30  |
| Jan. 17 | Indefinitely postponed..... | 307 |

**LEGISLATIVE BILL 498 By Judiciary Committee**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Title.....                               | 30  |
| Jan. 16 | Failed to advance for Review.....        | 275 |
| Jan. 17 | Nichol motion to reconsider pending..... | 315 |
| Jan. 22 | Indefinitely postponed.....              | 353 |

**LEGISLATIVE BILL 499 By Banking, Commerce and Insurance Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 30  |
| Jan. 21 | Placed on General File.....   | 326 |
| Jan. 25 | Dworak amendment to Committee amendments<br>lost. Committee amendments adopted.<br>Laid over.....   | 427 |
| Jan. 28 | Vickers motion lost. Kahle-Hoagland<br>amendment adopted. Dworak amendment<br>lost. Beutler amendment adopted.....                                  | 436 |
| Jan. 31 | Burrows motion to recommit lost.<br>Vickers, Wesely, and Merz amendments<br>lost. Nichol amendment adopted.<br>Failed to advance for Review.....    | 488 |
| Feb. 4  | Wesely amendment printed.....   | 519 |
| Feb. 5  | Speaker's order.....  | 533 |
| Feb. 6  | Wesely pending amendment withdrawn.<br>DeCamp-Fitzgerald amendment adopted.<br>Advanced for Review.....   | 558 |
| Feb. 6  | Burrows amendment printed.....  | 572 |
| Feb. 8  | Placed on Select File.....  | 603 |
| Feb. 11 | Wesely amendment printed.....   | 635 |
| Feb. 20 | DeCamp amendment to Burrows pending<br>amendment adopted. Burrows pending<br>amendment adopted as amended. Wesely<br>amendment lost. Wesely pending |     |

CHRONOLOGY OF BILLS

2101

amendment p. 635 lost.  
 Advanced for Engrossment ..... 761

Feb. 21 Correctly Engrossed..... 789  
 Feb. 22 Title change..... 807  
 Feb. 26 Nichol amendment printed ..... 880  
 Apr. 1 Nichol motion lost ..... 1640  
 Apr. 8 Final Reading ..... 1702  
 Apr. 9 Correctly Enrolled. President signed..... 1744  
 Apr. 9 Presented to Governor ..... 1747  
 Apr. 14 Approved by Governor ..... 1849  
 Apr. 18 Pirsch explanation of vote ..... 2006

**LEGISLATIVE BILL 499A By DeCamp**

Feb. 11 Read first time. Placed on General File ..... 635  
 Feb. 14 Advanced for Review ..... 688  
 Feb. 19 Placed on Select File ..... 710  
 Feb. 20 Advanced for Engrossment ..... 762  
 Feb. 21 Correctly Engrossed..... 789  
 Apr. 8 Final Reading ..... 1703  
 Apr. 9 Correctly Enrolled. President signed..... 1744  
 Apr. 9 Presented to Governor ..... 1747  
 Apr. 14 Approved by Governor ..... 1849  
 Apr. 18 Pirsch explanation of vote ..... 2006

**LEGISLATIVE BILL 501 By Warner**

Jan. 9 Title..... 31  
 Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 502 By Warner**

Jan. 9 Title..... 31  
 Mar. 6 Indefinitely postponed..... 1027

**LEGISLATIVE BILL 503 By Appropriations Committee**

Jan. 9 Title..... 31  
 Mar. 4 Indefinitely postponed..... 969

**LEGISLATIVE BILL 504 By Fowler**

Jan. 9 Title..... 31  
 Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 507 By Public Works Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Title.....   | 31   |
| Jan. 17 | Laid over.....   | 307  |
| Feb. 4  | Attorney General's Opinion .....   | 519  |
| Feb. 5  | Speaker's order.....   | 543  |
| Feb. 6  | Kremer amendment printed.....  | 576  |
| Feb. 11 | Committee amendments adopted. Kremer<br>pending amendment adopted.<br>Laid over.....                                     | 640  |
| Feb. 12 | Advanced for Review .....  | 655  |
| Feb. 14 | Placed on Select File .....  | 684  |
| Feb. 20 | Kremer amendment printed.....  | 749  |
| Feb. 20 | Vickers and DeCamp amendments printed .....  | 768  |
| Feb. 25 | Kremer, Vickers, and DeCamp pending<br>amendments adopted. Hoagland amendment<br>adopted. Advanced for Engrossment ..... | 846  |
| Feb. 28 | Correctly Engrossed. Title change.....   | 913  |
| Mar. 10 | Haberman amendment printed.....  | 1085 |
| Mar. 13 | Haberman amendment printed.....  | 1194 |
| Mar. 31 | Haberman amendment printed.....  | 1605 |
| Apr. 1  | Haberman pending amendments<br>p. 1085 and 1194 withdrawn .....  | 1642 |
| Apr. 8  | Final Reading.....   | 1703 |
| Apr. 9  | Correctly Enrolled. President signed.....  | 1744 |
| Apr. 9  | Presented to Governor.....   | 1747 |
| Apr. 14 | Approved by Governor .....   | 1849 |
| Apr. 18 | Pirsch explanation of vote .....   | 2006 |

**LEGISLATIVE BILL 507A By Kremer**

|         |   |      |
|---------|---|------|
| Feb. 20 | Read first time. Placed on General File ..... | 764  |
| Feb. 22 | Advanced for Review .....                     | 808  |
| Feb. 26 | Placed on Select File .....                   | 864  |
| Mar. 3  | Advanced for Engrossment .....                | 964  |
| Mar. 5  | Correctly Engrossed.....                      | 990  |
| Apr. 8  | Final Reading .....                           | 1704 |
| Apr. 9  | Correctly Enrolled. President signed.....     | 1744 |
| Apr. 9  | Presented to Governor .....                   | 1747 |
| Apr. 14 | Approved by Governor .....                    | 1849 |
| Apr. 18 | Pirsch explanation of vote .....              | 2006 |

**LEGISLATIVE BILL 515 By Agriculture and Environment Committee**

CHRONOLOGY OF BILLS

2103

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 32  |
| Jan. 29 | Notice of hearing.....      | 456 |
| Mar. 3  | Indefinitely postponed..... | 936 |

**LEGISLATIVE BILL 519 By Judiciary Committee**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 32  |
| Feb. 26 | Indefinitely postponed..... | 857 |

**LEGISLATIVE BILL 522 By Schmit**

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 9  | Title.....                  | 32  |
| Jan. 15 | Indefinitely postponed..... | 253 |

**LEGISLATIVE BILL 525 By Sieck**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 32  |
| Jan. 9  | Special order.....  | 129 |
| Jan. 15 | Committee amendments adopted.<br>Haberman pending amendment withdrawn.<br>Haberman amendment adopted.<br>Advanced for Review..... | 250 |
| Jan. 17 | Placed on Select File.....  | 306 |
| Jan. 25 | Sieck amendment adopted.<br>Advanced for Engrossment.....   | 426 |
| Jan. 28 | Venditte amendment printed.....   | 439 |
| Jan. 29 | Venditte motion withdrawn. Nichol and<br>Venditte motions lost. Nichol motion<br>withdrawn.....                                   | 447 |
| Jan. 29 | Correctly Engrossed.....  | 450 |
| Jan. 31 | Letter printed.....   | 493 |
| Feb. 4  | Attorney General's Opinion.....   | 507 |
| Feb. 4  | Returned to Select File for Sieck amendment.<br>Sieck amendment adopted.<br>Advanced for Re-Engrossment.....                      | 516 |
| Feb. 5  | Correctly Re-Engrossed.....   | 548 |
| Feb. 11 | Final Reading.....  | 629 |
| Feb. 13 | Correctly Enrolled.....   | 657 |
| Feb. 13 | Speaker signed.....   | 658 |
| Feb. 13 | Presented to Governor.....  | 675 |
| Feb. 19 | Approved by Governor.....   | 712 |
| Feb. 20 | Koch explanation of vote.....   | 759 |

**LEGISLATIVE BILL 526 By Education Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 32  |
| Jan. 15 | Koch pending amendment adopted.<br>Advanced for Review .....  | 253 |
| Jan. 17 | Placed on Select File .....   | 307 |
| Jan. 25 | Advanced for Engrossment .....  | 422 |
| Jan. 28 | Correctly Engrossed.....  | 439 |
| Jan. 30 | Returned to Select File for Koch amendment.<br>Koch amendment adopted.<br>Advanced for Re-Engrossment ..... | 467 |
| Jan. 30 | Returned to Select File for Koch amendment.<br>Koch amendment adopted.<br>Advanced for Re-Engrossment ..... | 468 |
| Jan. 31 | Replaced on Select File .....   | 479 |
| Feb. 5  | Advanced for Re-Engrossment .....   | 537 |
| Feb. 6  | Correctly Re-Engrossed.....   | 557 |
| Feb. 12 | Final Reading .....   | 648 |
| Feb. 13 | Correctly Enrolled .....  | 657 |
| Feb. 13 | Speaker signed .....  | 658 |
| Feb. 13 | Presented to Governor.....  | 675 |
| Feb. 19 | Approved by Governor .....  | 726 |
| Feb. 20 | Koch explanation of vote .....  | 759 |

**LEGISLATIVE BILL 530 By Marsh**

|        |                             |     |
|--------|-----------------------------|-----|
| Jan. 9 | Title.....                  | 32  |
| Mar. 4 | Indefinitely postponed..... | 969 |

**LEGISLATIVE BILL 533 By Nebraska Retirement Systems Committee**

|         |   |      |
|---------|---|------|
| Jan. 9  | Title.....  | 32   |
| Jan. 17 | Fowler amendment to Committee amendment<br>adopted. Committee amendment adopted<br>as amended. Laid over..... | 315  |
| Mar. 12 | Speaker's order.....  | 1153 |
| Mar. 13 | Carsten and Chambers amendments printed.....  | 1210 |
| Mar. 13 | Goodrich amendment pending. Lewis<br>amendment to Goodrich amendment lost ....                                | 1244 |
| Mar. 17 | Murphy amendments printed .....   | 1248 |
| Apr. 9  | Lewis amendment printed .....   | 1766 |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 533A By Fowler**

CHRONOLOGY OF BILLS

2105

Jan. 16 Read first time. Placed on General File .....278  
 Mar. 12 Speaker's order.....1153  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 535 By Miscellaneous Subjects Committee**

Jan. 9 Title..... 33  
 Jan. 24 Committee amendments adopted. Newell  
 amendment adopted. Advanced for Review ...408  
 Jan. 28 Placed on Select File .....431  
 Jan. 31 Hoagland amendment withdrawn.  
 Advanced for Engrossment .....488  
 Feb. 5 Correctly Engrossed.....533  
 Feb. 11 Final Reading .....630  
 Feb. 11 DeCamp motion to reconsider pending .....631  
 Feb. 19 DeCamp pending motion prevailed .....713  
 Feb. 20 Koch explanation of vote .....759  
 Mar. 19 Returned to Select File for Barrett-  
 Hoagland-Newell amendment .....1289  
 Mar. 25 Murphy amendment printed .....1504  
 Apr. 9 Barrett et al amendment adopted.  
 Advanced for Re-Engrossment.  
 Returned to Select File for  
 Lewis amendment .....1774  
 Apr. 9 Lewis amendment adopted.  
 Advanced for Re-Engrossment.  
 Murphy motion lost .....1775  
 Apr. 10 Correctly Re-Engrossed.....1809  
 Apr. 15 Final Reading .....1922  
 Apr. 15 Correctly Enrolled. Speaker signed .....1935  
 Apr. 15 Presented to Governor .....1939  
 Apr. 18 Approved by Governor .....1976

**LEGISLATIVE BILL 549 By Appropriations Committee**

Jan. 9 Title.....33  
 Feb. 28 Indefinitely postponed.....914

**LEGISLATIVE BILL 550 By Appropriations Committee**

Jan. 9 Title.....33  
 Jan. 10 Warner amendment printed.....194  
 Jan. 11 Committee amendments adopted. Warner  
 pending amendment withdrawn. Warner  
 amendment adopted. Advanced for Review ...215  
 Jan. 15 Placed on Select File .....242

Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 552 By Constitutional Revision and Recreation Committee**

Jan. 9 Title..... 33  
 Jan. 11 Laid over.....215  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 566 By Agriculture and Environment Committee**

Jan. 9 Title..... 34  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 572 By Judiciary Committee**

Jan. 9 Title..... 34  
 Jan. 16 Nichol pending amendment adopted.  
       Advanced for Review .....284  
 Jan. 21 Placed on Select File .....324  
 Jan. 25 Advanced for Engrossment.....422  
 Jan. 28 Correctly Engrossed.....439  
 Feb. 4 Final Reading .....512  
 Feb. 6 Correctly Enrolled. President signed .....553  
 Feb. 6 Haberman explanation of vote.....559  
 Feb. 6 Presented to Governor.....563  
 Feb. 7 Approved by Governor .....581

**LEGISLATIVE BILL 592 By Appropriations Committee**

Jan. 9 Title.....34  
 Jan. 17 Notice of hearing.....310  
 Feb. 28 Placed on General File.....914  
 Mar. 7 Advanced for Review .....1051  
 Mar. 11 Placed on Select File .....1130  
 Mar. 17 Laid over.....1233  
 Mar. 21 Warner amendment adopted.  
       Advanced for Engrossment .....1408  
 Mar. 24 Correctly Engrossed.....1482  
 Mar. 27 Final Reading .....1558  
 Mar. 27 Correctly Enrolled. Speaker signed .....1584  
 Mar. 31 Presented to Governor .....1594  
 Apr. 8 Approved by Governor .....1685

**LEGISLATIVE BILL 597 By Judiciary Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Title.....  | 34  |
| Jan. 17 | Committee amendments adopted.<br>Advanced for Review.....   | 315 |
| Jan. 21 | Placed on Select File .....   | 325 |
| Jan. 25 | Advanced for Engrossment.....   | 423 |
| Jan. 28 | Correctly Engrossed.....  | 439 |
| Jan. 31 | Nichol motion to return pending.....  | 487 |
| Feb. 4  | Returned to Select File for Nichol pending<br>amendment. Nichol pending amendment<br>adopted. Advanced for Re-Engrossment ..... | 513 |
| Feb. 5  | Correctly Re-Engrossed.....   | 548 |
| Feb. 11 | Final Reading.....  | 630 |
| Feb. 13 | Correctly Enrolled.....   | 657 |
| Feb. 13 | Speaker signed .....  | 658 |
| Feb. 13 | Presented to Governor.....  | 675 |
| Feb. 19 | Approved by Governor .....  | 712 |
| Feb. 20 | Koch explanation of vote .....  | 759 |

**LEGISLATIVE BILL 598 By Lewis**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Read first time.....   | 108 |
| Jan. 10 | Placed on General File.....  | 189 |
| Jan. 22 | Advanced for Review .....  | 360 |
| Jan. 24 | Placed on Select File .....  | 401 |
| Jan. 29 | Wesely amendment printed .....   | 461 |
| Jan. 31 | Maresh amendment adopted. Wesely pending<br>amendment adopted. Advanced<br>for Engrossment ..... | 484 |
| Feb. 4  | Replaced on Select File .....  | 506 |
| Feb. 5  | Advanced for Engrossment .....   | 537 |
| Feb. 6  | Correctly Engrossed.....   | 557 |
| Feb. 12 | Final Reading.....   | 649 |
| Feb. 13 | Correctly Enrolled.....  | 657 |
| Feb. 13 | Speaker signed .....   | 658 |
| Feb. 13 | Presented to Governor.....   | 675 |
| Feb. 19 | Approved by Governor .....   | 712 |
| Feb. 20 | Koch explanation of vote .....   | 759 |

**LEGISLATIVE BILL 599 By Warner**

|         |                                       |     |
|---------|---------------------------------------|-----|
| Jan. 9  | Read first time.....                  | 108 |
| Jan. 10 | Referred to Committee on Revenue..... | 189 |
| Jan. 15 | Notice of hearing.....                | 245 |
| Jan. 28 | Placed on General File.....           | 432 |

|         |  |     |
|---------|--|-----|
| Feb. 5  | Committee amendments adopted.<br>Advanced for Review ..... | 542 |
| Feb. 7  | Placed on Select File .....                                | 586 |
| Feb. 11 | Advanced for Engrossment .....                             | 622 |
| Feb. 12 | Correctly Engrossed .....                                  | 656 |
| Feb. 20 | Final Reading .....  | 750 |
| Feb. 21 | Correctly Enrolled .....                                   | 774 |
| Feb. 21 | President signed .....                                     | 775 |
| Feb. 21 | Presented to Governor .....                                | 789 |
| Feb. 22 | Approved by Governor .....                                 | 804 |

**LEGISLATIVE BILL 600 By Kahle**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time .....                      | 108  |
| Jan. 10 | Referred to Committee on Judiciary .....   | 189  |
| Jan. 16 | Notice of hearing .....                    | 274  |
| Feb. 14 | Placed on General File .....               | 693  |
| Feb. 22 | Advanced for Review .....                  | 808  |
| Feb. 26 | Placed on Select File .....                | 864  |
| Mar. 3  | Advanced for Engrossment .....             | 964  |
| Mar. 5  | Correctly Engrossed .....                  | 990  |
| Mar. 10 | Final Reading .....                        | 1069 |
| Mar. 10 | Haberman explanation of vote .....         | 1089 |
| Mar. 11 | Correctly Enrolled. President signed ..... | 1100 |
| Mar. 11 | Presented to Governor .....                | 1111 |
| Mar. 17 | Approved by Governor .....                 | 1215 |
| Mar. 18 | Marsh explanation of vote .....            | 1256 |

**LEGISLATIVE BILL 601 By Kahle**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time .....   | 108  |
| Jan. 10 | Referred to Committee on Government,<br>Military and Veterans Affairs ..... | 189  |
| Jan. 15 | Notice of hearing .....   | 256  |
| Feb. 6  | Placed on General File .....  | 560  |
| Feb. 14 | Committee amendments adopted.<br>Advanced for Review .....                  | 698  |
| Feb. 19 | Placed on Select File .....   | 711  |
| Feb. 26 | Keyes amendment adopted.<br>Advanced for Engrossment .....                  | 873  |
| Feb. 28 | Correctly Engrossed. Title change .....                                     | 913  |
| Mar. 6  | Final Reading .....   | 1016 |
| Mar. 6  | Haberman explanation of vote .....  | 1024 |
| Mar. 7  | Correctly Enrolled. President signed .....                                  | 1039 |
| Mar. 7  | Stoney explanation of vote .....  | 1046 |
| Mar. 7  | Presented to Governor .....   | 1062 |

CHRONOLOGY OF BILLS

2109

|         |                                |      |
|---------|--------------------------------|------|
| Mar. 12 | Koch explanation of vote ..... | 1161 |
| Mar. 17 | Approved by Governor .....     | 1215 |

**LEGISLATIVE BILL 602 By Marsh**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                                      | 109 |
| Jan. 10 | Referred to Committee on Urban Affairs.....               | 189 |
| Jan. 16 | Notice of hearing.....                                    | 290 |
| Jan. 29 | Placed on General File.....                               | 457 |
| Feb. 7  | Committee amendment adopted.<br>Advanced for Review ..... | 595 |
| Feb. 11 | Placed on Select File .....                               | 621 |
| Feb. 12 | Advanced for Engrossment .....                            | 653 |
| Feb. 13 | Correctly Engrossed.....                                  | 657 |
| Feb. 20 | Final Reading .....                                       | 757 |
| Feb. 21 | Correctly Enrolled .....                                  | 774 |
| Feb. 21 | President signed .....                                    | 775 |
| Feb. 21 | Presented to Governor .....                               | 789 |
| Feb. 22 | Approved by Governor .....                                | 803 |

**LEGISLATIVE BILL 603 By Marsh**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                        | 109 |
| Jan. 10 | Referred to Committee on Public Works ..... | 189 |
| Jan. 15 | Notice of hearing.....                      | 249 |
| Feb. 22 | Indefinitely postponed.....                 | 795 |

**LEGISLATIVE BILL 604 By Marsh**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....                        | 109  |
| Jan. 10 | Referred to Committee on Public Works ..... | 189  |
| Jan. 15 | Notice of hearing.....                      | 249  |
| Jan. 16 | Notice of hearing.....                      | 272  |
| Feb. 20 | Placed on General File.....                 | 764  |
| Feb. 22 | Advanced for Review .....                   | 809  |
| Feb. 26 | Placed on Select File .....                 | 865  |
| Mar. 3  | Advanced for Engrossment .....              | 965  |
| Mar. 5  | Correctly Engrossed.....                    | 990  |
| Mar. 10 | Final Reading .....                         | 1070 |
| Mar. 10 | Haberman explanation of vote.....           | 1089 |
| Mar. 11 | Correctly Enrolled. President signed.....   | 1100 |
| Mar. 11 | Presented to Governor .....                 | 1111 |
| Mar. 17 | Approved by Governor .....                  | 1215 |
| Mar. 18 | Marsh explanation of vote .....             | 1256 |

**LEGISLATIVE BILL 605 By Haberman**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....  | 109  |
| Jan. 10 | Referred to Committee on Judiciary .....  | 189  |
| Jan. 15 | Notice of hearing.....  | 256  |
| Jan. 16 | Haberman amendment printed.....   | 283  |
| Jan. 31 | Attorney General's Opinion .....  | 480  |
| Jan. 31 | Attorney General's Opinion .....  | 482  |
| Feb. 14 | Placed on General File.....   | 693  |
| Feb. 14 | Haberman amendment printed.....   | 699  |
| Feb. 28 | Special order.....  | 930  |
| Mar. 5  | Haberman pending amendment withdrawn.<br>Hoagland-Landis amendment to Committee<br>amendment adopted. Hoagland amendment to<br>Committee amendment adopted. Johnson<br>amendment to Committee amendment adopted.<br>DeCamp amendment to Committee<br>amendment lost.<br>Committee amendment adopted as amended.<br>Haberman pending amendment p. 283 withdrawn.<br>Chambers motion lost. Advanced for Review .995 |      |
| Mar. 7  | Placed on Select File .....   | 1039 |
| Mar. 12 | Laid over.....  | 1165 |
| Mar. 17 | Attorney General's Opinion .....  | 1221 |
| Mar. 17 | Haberman amendment adopted.<br>Advanced for Engrossment.....  | 1231 |
| Mar. 18 | Chronister explanation of vote.....   | 1250 |
| Mar. 20 | Correctly Engrossed.....  | 1363 |
| Mar. 21 | DeCamp amendment printed.....   | 1433 |
| Mar. 25 | DeCamp pending amendment p. 1433 withdrawn.<br>Returned to Select File for DeCamp<br>amendment. DeCamp amendment adopted.<br>Advanced for Re-Engrossment .....  | 1487 |
| Mar. 25 | Returned to Select File for Burrows amendment.<br>Burrows amendment pending. Laid over....  | 1488 |
| Mar. 25 | Withdrawn.....  | 1492 |

**LEGISLATIVE BILL 606 By Barrett**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....                    | 109  |
| Jan. 10 | Referred to Committee on Education..... | 189  |
| Jan. 15 | Notice of hearing.....                  | 257  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 607 By Merz**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Read first time.....   | 109 |
| Jan. 10 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 189 |
| Jan. 15 | Notice of hearing.....   | 249 |
| Jan. 25 | Placed on General File.....  | 429 |
| Feb. 5  | Advanced for Review.....   | 542 |
| Feb. 7  | Placed on Select File.....   | 586 |
| Feb. 11 | Advanced for Engrossment.....  | 622 |
| Feb. 12 | Correctly Engrossed.....   | 656 |
| Feb. 20 | Final Reading.....   | 750 |
| Feb. 21 | Correctly Enrolled.....  | 774 |
| Feb. 21 | President signed.....  | 775 |
| Feb. 21 | Presented to Governor.....   | 789 |
| Feb. 22 | Approved by Governor.....  | 803 |

**LEGISLATIVE BILL 608 By Revenue Committee**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....  | 110  |
| Jan. 10 | Referred to Committee on Revenue.....   | 189  |
| Feb. 6  | Notice of hearing.....  | 554  |
| Mar. 12 | Placed on General File.....   | 1138 |
| Mar. 24 | Speaker's order.....  | 1482 |
| Mar. 27 | Committee amendments adopted. Newell<br>amendment lost. Haberman motion lost..... | 1589 |
| Apr. 2  | Failed to advance for Review.....   | 1663 |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 608A By Revenue Committee**

|         |  |      |
|---------|--|------|
| Apr. 2  | Read first time. Placed on General File..... | 1661 |
| Apr. 18 | Indefinitely postponed.....                  | 2029 |

**LEGISLATIVE BILL 609 By Revenue Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time.....   | 110  |
| Jan. 10 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 189  |
| Jan. 15 | Notice of hearing.....   | 256  |
| Jan. 25 | Notice of hearing.....   | 425  |
| Feb. 22 | Special order.....   | 810  |
| Feb. 22 | Placed on General File.....  | 825  |
| Mar. 11 | Burrows amendment printed.....   | 1124 |
| Mar. 11 | Special order.....   | 1130 |
| Mar. 19 | Stoney amendment printed.....  | 1291 |

|         |   |      |
|---------|---|------|
| Mar. 26 | Message from Governor.....  | 1530 |
| Apr. 2  | Lamb amendment to Committee amendments<br>lost. Committee amendments lost.<br>Stoney pending amendment withdrawn.<br>Burrows pending amendment withdrawn.<br>Keyes amendment lost. Laid over..... | 1663 |
| Apr. 2  | Fowler motion lost. Johnson amendment<br>lost. Failed to advance for Review.....  | 1670 |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 610 By Revenue Committee**

|         |                                       |      |
|---------|---------------------------------------|------|
| Jan. 9  | Read first time.....                  | 110  |
| Jan. 10 | Referred to Committee on Revenue..... | 189  |
| Feb. 7  | Notice of hearing.....                | 590  |
| Mar. 12 | Indefinitely postponed.....           | 1149 |

**LEGISLATIVE BILL 611 By Sieck**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....                                      | 110  |
| Jan. 10 | Referred to Committee on Public Works.....                | 189  |
| Jan. 15 | Notice of hearing.....                                    | 250  |
| Mar. 21 | Placed on General File.....                               | 1393 |
| Apr. 9  | Committee amendments adopted.<br>Advanced for Review..... | 1793 |
| Apr. 10 | Placed on Select File.....                                | 1799 |
| Apr. 14 | Sieck amendment adopted.<br>Advanced for Engrossment..... | 1868 |
| Apr. 14 | Correctly Engrossed.....                                  | 1874 |
| Apr. 18 | Final Reading.....  | 1957 |
| Apr. 18 | Wagner explanation of vote.....                           | 1970 |
| Apr. 18 | Correctly Enrolled. Speaker signed.....                   | 1977 |
| Apr. 18 | Presented to Governor.....                                | 1989 |
| Apr. 28 | Approved by Governor.....                                 | 2039 |

**LEGISLATIVE BILL 612 By Simon**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                                    | 110 |
| Jan. 10 | Referred to Committee on Miscellaneous<br>Subjects..... | 189 |
| Jan. 16 | Notice of hearing.....                                  | 281 |
| Jan. 30 | Placed on General File.....                             | 476 |
| Feb. 12 | Special order.....                                      | 650 |
| Feb. 21 | Indefinitely postponed.....                             | 781 |
| Feb. 21 | DeCamp motion to reconsider pending.....                | 783 |
| Feb. 27 | DeCamp pending motion lost.....                         | 899 |

**LEGISLATIVE BILL 612A By Simon**

Feb. 12 Read first time. Placed on General File .....655  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 613 By Simon**

Jan. 9 Read first time.....111  
 Jan. 10 Referred to Committee on Revenue .....189  
 Jan. 22 Notice of hearing.....349  
 Feb. 19 Placed on General File.....727  
 Mar. 3 Committee amendments adopted. Keyes  
           amendment lost. DeCamp amendment to  
           Keyes amendment lost. Laid over. ....963  
 Mar. 3 Keyes-DeCamp amendment printed .....967  
 Mar. 4 DeCamp amendment printed.....971  
 Mar. 5 DeCamp amendment printed.....996  
 Mar. 7 Attorney General's Opinion .....1053  
 Mar. 12 Keyes amendment printed .....1176  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 614 By Simon**

Jan. 9 Read first time.....111  
 Jan. 10 Referred to Committee on Urban Affairs.....189  
 Jan. 16 Notice of hearing.....290  
 Jan. 17 Attorney General's Opinion .....298  
 Mar. 3 Indefinitely postponed.....949

**LEGISLATIVE BILL 615 By Wagner**

Jan. 9 Read first time.....111  
 Jan. 10 Referred to Committee on Government,  
           Military and Veterans Affairs.....189  
 Jan. 15 Notice of hearing.....249  
 Jan. 25 Placed on General File.....429  
 Feb. 5 Speaker's order.....533  
 Feb. 5 DeCamp amendment printed.....540  
 Feb. 11 DeCamp-Wagner amendment adopted. Warner  
           amendment lost. Laid over.....633  
 Feb. 19 Lewis amendment to Committee amendments  
           adopted. Committee amendments adopted as  
           amended. DeCamp pending amendment  
           withdrawn. Advanced for Review .....724  
 Feb. 22 Placed on Select File .....795  
 Mar. 5 Warner amendment adopted.

|         |  |      |
|---------|--|------|
|         | Advanced for Engrossment .....             | 1006 |
| Mar. 7  | Correctly Engrossed.....                   | 1061 |
| Apr. 8  | Dworak-Hoagland motion to return lost..... | 1705 |
| Apr. 15 | Final Reading .....                        | 1878 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....   | 1900 |
| Apr. 15 | Presented to Governor .....                | 1910 |
| Apr. 18 | Approved by Governor .....                 | 1951 |

#### **LEGISLATIVE BILL 615A By DeCamp, Wagner, Lewis**

|         |   |      |
|---------|---|------|
| Feb. 20 | Read first time. Placed on General File .....   | 767  |
| Feb. 22 | Advanced for Review .....   | 808  |
| Feb. 26 | Placed on Select File .....   | 864  |
| Mar. 5  | Wagner-Lewis-DeCamp amendment adopted.<br>Advanced for Engrossment .....  | 1006 |
| Mar. 7  | Correctly Engrossed.....  | 1061 |
| Apr. 1  | Returned to Select File for Warner amendment.<br>Warner amendment adopted.<br>Advanced for Re-Engrossment ..... | 1648 |
| Apr. 2  | Correctly Re-Engrossed.....   | 1679 |
| Apr. 15 | Final Reading .....   | 1878 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....  | 1900 |
| Apr. 15 | Presented to Governor .....   | 1911 |
| Apr. 18 | Approved by Governor .....  | 1951 |

#### **LEGISLATIVE BILL 616 By Revenue Committee**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....                                      | 111  |
| Jan. 10 | Referred to Committee on Revenue .....                    | 189  |
| Jan. 15 | Notice of hearing.....                                    | 245  |
| Feb. 8  | Placed on General File.....                               | 618  |
| Feb. 27 | Corrected committee statement.....                        | 906  |
| Mar. 3  | Committee amendment adopted.<br>Advanced for Review ..... | 959  |
| Mar. 5  | Placed on Select File .....                               | 988  |
| Mar. 10 | Advanced for Engrossment .....                            | 1068 |
| Mar. 17 | Correctly Engrossed.....                                  | 1214 |
| Mar. 20 | Final Reading .....                                       | 1326 |
| Mar. 20 | Haberman explanation of vote.....                         | 1341 |
| Mar. 21 | Correctly Enrolled .....                                  | 1376 |
| Mar. 21 | Speaker signed .....                                      | 1406 |
| Mar. 24 | Presented to Governor .....                               | 1443 |
| Mar. 25 | Keyes explanation of vote.....                            | 1495 |
| Mar. 27 | Approved by Governor .....                                | 1576 |

**LEGISLATIVE BILL 617 By Haberman**

|         |                                       |     |
|---------|---------------------------------------|-----|
| Jan. 9  | Read first time.....                  | 111 |
| Jan. 10 | Referred to Committee on Revenue..... | 189 |
| Jan. 22 | Notice of hearing.....                | 349 |
| Feb. 14 | Indefinitely postponed.....           | 702 |

**LEGISLATIVE BILL 618 By Cullan**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....                                      | 112  |
| Jan. 10 | Referred to Committee on Judiciary.....                   | 189  |
| Jan. 16 | Notice of hearing.....                                    | 274  |
| Jan. 30 | Placed on General File.....                               | 477  |
| Feb. 13 | Corrected committee statement.....                        | 669  |
| Feb. 21 | Committee amendments adopted.<br>Advanced for Review..... | 788  |
| Feb. 25 | Placed on Select File.....                                | 829  |
| Mar. 5  | Reutzell motion lost.<br>Advanced for Engrossment.....    | 1008 |
| Mar. 7  | Correctly Engrossed.....                                  | 1061 |
| Apr. 15 | Final Reading.....  | 1880 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....                   | 1900 |
| Apr. 15 | Presented to Governor.....                                | 1911 |
| Apr. 15 | Approved by Governor.....                                 | 1944 |

**LEGISLATIVE BILL 618A By Cullan**

|         |  |      |
|---------|--|------|
| Feb. 19 | Read first time. Placed on General File..... | 718  |
| Feb. 21 | Advanced for Review.....                     | 788  |
| Feb. 25 | Placed on Select File.....                   | 829  |
| Mar. 5  | Advanced for Engrossment.....                | 1008 |
| Mar. 7  | Correctly Engrossed.....                     | 1061 |
| Apr. 15 | Final Reading.....                           | 1881 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....      | 1900 |
| Apr. 15 | Presented to Governor.....                   | 1911 |
| Apr. 15 | Approved by Governor.....                    | 1944 |

**LEGISLATIVE BILL 619 By Miscellaneous Subjects Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                                    | 112 |
| Jan. 14 | Referred to Committee on Miscellaneous<br>Subjects..... | 234 |
| Jan. 16 | Haberman amendment printed.....                         | 287 |
| Jan. 16 | Notice of hearing.....                                  | 281 |
| Jan. 30 | Placed on General File.....                             | 476 |
| Feb. 7  | Haberman amendment printed.....                         | 596 |

|         |   |      |
|---------|---|------|
| Feb. 8  | George amendment printed .....  | 604  |
| Feb. 12 | Special order .....   | 650  |
| Feb. 13 | Committee amendments adopted. Haberman<br>pending amendments p. 287 and p. 596 lost.<br>George pending amendment p. 604 lost.<br>Maresh amendment printed. Beutler<br>amendment printed ..... | 671  |
| Feb. 19 | Maresh and Beutler pending amendments<br>withdrawn. Reutzel-Fitzgerald motion lost.....   | 724  |
| Feb. 21 | Newell amendment adopted.<br>Advanced for Review .....  | 785  |
| Feb. 25 | Placed on Select File .....   | 828  |
| Mar. 5  | Maresh amendment lost. Venditte<br>motion pending .....   | 1007 |
| Mar. 6  | Venditte pending motion lost.<br>Advanced for Engrossment .....   | 1026 |
| Mar. 10 | Correctly Engrossed.....  | 1080 |
| Mar. 13 | Bracketed .....   | 1191 |
| Mar. 18 | Final Reading .....   | 1253 |
| Mar. 18 | Correctly Enrolled .....  | 1262 |
| Mar. 18 | Speaker signed .....  | 1263 |
| Mar. 18 | Presented to Governor .....   | 1267 |
| Mar. 21 | Approved by Governor .....  | 1373 |

#### **LEGISLATIVE BILL 620 By Miscellaneous Subjects Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time.....                                     | 112  |
| Jan. 14 | Referred to Committee on Miscellaneous<br>Subjects ..... | 234  |
| Jan. 16 | Notice of hearing.....                                   | 281  |
| Mar. 20 | Indefinitely postponed.....                              | 1370 |

#### **LEGISLATIVE BILL 621 By Judiciary Committee**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Read first time.....                                       | 112 |
| Jan. 10 | Referred to Committee on Judiciary.....                    | 189 |
| Jan. 16 | Notice of hearing.....                                     | 274 |
| Jan. 30 | Placed on General File.....                                | 472 |
| Feb. 8  | Committee amendments adopted.<br>Advanced for Review ..... | 609 |
| Feb. 12 | Placed on Select File .....                                | 643 |
| Feb. 13 | Nichol amendment printed .....                             | 666 |
| Feb. 14 | Advanced for Engrossment .....                             | 675 |
| Feb. 14 | Correctly Engrossed.....                                   | 704 |
| Feb. 21 | DeCamp amendment printed.....                              | 788 |
| Feb. 25 | Nichol amendment printed .....                             | 841 |

CHRONOLOGY OF BILLS

2117

|         |   |      |
|---------|---|------|
| Feb. 26 | DeCamp pending amendment withdrawn.<br>Nichol pending amendment withdrawn.<br>Returned to Select File for Nichol<br>amendment. Nichol amendment adopted.<br>Advanced for Re-Engrossment ..... | 861  |
| Feb. 28 | Correctly Re-Engrossed.....   | 913  |
| Mar. 6  | Final Reading .....   | 1013 |
| Mar. 6  | Haberman explanation of vote.....   | 1024 |
| Mar. 7  | Correctly Enrolled. President signed .....  | 1039 |
| Mar. 7  | Stoney explanation of vote .....  | 1046 |
| Mar. 7  | Presented to Governor .....   | 1062 |
| Mar. 12 | Koch explanation of vote .....  | 1161 |
| Mar. 13 | Approved by Governor .....  | 1189 |

**LEGISLATIVE BILL 622 By Pirsch**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time .....                                      | 113  |
| Jan. 10 | Referred to Committee on Judiciary .....                   | 189  |
| Jan. 16 | Notice of hearing.....                                     | 274  |
| Feb. 14 | Placed on General File.....                                | 702  |
| Feb. 22 | Committee amendments adopted.<br>Advanced for Review ..... | 817  |
| Feb. 27 | Placed on Select File .....                                | 884  |
| Mar. 6  | Advanced for Engrossment .....                             | 1031 |
| Mar. 12 | Correctly Engrossed.....                                   | 1173 |
| Mar. 18 | Final Reading .....  | 1254 |
| Mar. 18 | Correctly Enrolled .....                                   | 1262 |
| Mar. 18 | Speaker signed .....                                       | 1263 |
| Mar. 18 | Presented to Governor .....                                | 1267 |
| Mar. 21 | Approved by Governor .....                                 | 1373 |

**LEGISLATIVE BILL 623 By Murphy**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Read first time .....                          | 113 |
| Jan. 10 | Referred to Committee on Business and Labor... | 189 |
| Jan. 16 | Notice of hearing.....                         | 273 |
| Feb. 12 | Indefinitely postponed.....                    | 656 |

**LEGISLATIVE BILL 624 By Murphy**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time .....                       | 113 |
| Jan. 10 | Referred to Committee on Public Works ..... | 189 |
| Jan. 15 | Murphy amendment printed .....              | 245 |
| Jan. 15 | Notice of hearing.....                      | 249 |
| Jan. 21 | Attorney General's Opinion .....            | 321 |
| Feb. 22 | Indefinitely postponed.....                 | 795 |

**LEGISLATIVE BILL 625 By Koch, Hefner, Kahle**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time.....   | 113  |
| Jan. 10 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 189  |
| Jan. 14 | Re-referred to Committee on Revenue.....                                   | 234  |
| Feb. 7  | Notice of hearing.....   | 590  |
| Mar. 12 | Indefinitely postponed.....  | 1149 |

**LEGISLATIVE BILL 626 By Koch**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Read first time.....                     | 114 |
| Jan. 10 | Referred to Committee on Judiciary ..... | 189 |
| Jan. 15 | Notice of hearing.....                   | 256 |
| Jan. 25 | Indefinitely postponed.....              | 424 |

**LEGISLATIVE BILL 627 By Koch**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time.....   | 114  |
| Jan. 10 | Referred to Committee on Government,<br>Military and Veterans Affairs.....   | 189  |
| Jan. 15 | Notice of hearing.....   | 256  |
| Jan. 25 | Notice of hearing.....   | 425  |
| Feb. 6  | Attorney General's Opinion .....   | 568  |
| Feb. 6  | Attorney General's Opinion .....   | 569  |
| Feb. 22 | Special order.....   | 810  |
| Feb. 22 | Placed on General File.....  | 826  |
| Mar. 11 | Speaker's order.....   | 1130 |
| Mar. 20 | Committee amendments adopted. Keyes motion<br>lost. Burrows and Kelly amendments<br>lost. Laid over.....   | 1360 |
| Mar. 20 | Newell amendment adopted.<br>Advanced for Review .....   | 1370 |
| Mar. 21 | Placed on Select File .....  | 1393 |
| Mar. 21 | Chambers amendment printed .....   | 1396 |
| Mar. 24 | Beutler amendment printed .....  | 1462 |
| Mar. 27 | Stoney amendment printed .....   | 1590 |
| Apr. 8  | Schmit amendment printed .....   | 1726 |
| Apr. 8  | Koch amendment printed.....  | 1727 |
| Apr. 9  | Simon amendment printed.....   | 1771 |
| Apr. 9  | Chambers, Beutler, Stoney, and<br>Koch pending amendments withdrawn.<br>Lamb-Dworak amendment to Koch amendment<br>lost. Koch amendment adopted.<br>Simon and Schmit pending amendments<br>lost. Lewis amendment lost. |      |

CHRONOLOGY OF BILLS

2119

Advanced for Engrossment ..... 1776  
 Apr. 10 Correctly Engrossed..... 1816  
 Apr. 15 Final Reading ..... 1922  
 Apr. 15 Correctly Enrolled. Speaker signed ..... 1935  
 Apr. 15 Presented to Governor ..... 1939  
 Apr. 18 Returned by Governor without approval..... 1950  
 Apr. 18 Motion to override lost ..... 1996  
 Apr. 18 Merz motion to reconsider prevailed.  
 Motion to override lost ..... 2008

**LEGISLATIVE BILL 628 By Chambers**

Jan. 9 Read first time ..... 114  
 Jan. 10 Referred to Committee on Government,  
 Military and Veterans Affairs..... 189  
 Jan. 15 Notice of hearing..... 249  
 Jan. 29 Placed on General File..... 446  
 Feb. 5 Speaker's order..... 533  
 Feb. 7 Committee amendment adopted.  
 Vickers amendment lost..... 588  
 Feb. 7 Hefner and Maresh amendments printed..... 591  
 Feb. 8 Kahle amendments printed ..... 616  
 Feb. 11 Vickers amendment printed..... 632  
 Feb. 12 Special order..... 650  
 Feb. 13 Hefner and Maresh pending amendments lost.  
 Kahle pending amendment 1 lost. Kahle  
 pending amendment 2 withdrawn. Vickers  
 pending amendment adopted.  
 Advanced for Review ..... 666  
 Feb. 19 Placed on Select File ..... 709  
 Feb. 25 Kahle re-offered amendment 2 lost.  
 Hefner amendment lost. Failed to  
 advance for Engrossment..... 848  
 Feb. 28 Attorney General's Opinion ..... 918  
 Feb. 28 Chambers-Vickers amendment printed ..... 930  
 Apr. 1 DeCamp amendment printed..... 1618  
 Apr. 10 DeCamp pending amendment adopted as amended  
 by Chambers. Chambers-Vickers pending  
 amendment withdrawn. Landis amendment  
 adopted. Advanced for Engrossment ..... 1813  
 Apr. 14 Correctly Engrossed. Title change..... 1825  
 Apr. 18 Final Reading ..... 1970  
 Apr. 18 Correctly Enrolled. Speaker signed ..... 1977  
 Apr. 18 Presented to Governor ..... 1989  
 Apr. 28 Approved by Governor ..... 2039

**LEGISLATIVE BILL 629 By Koch**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                        | 114 |
| Jan. 10 | Referred to Committee on Urban Affairs..... | 189 |
| Jan. 16 | Notice of hearing.....                      | 290 |
| Jan. 31 | Placed on General File.....                 | 487 |
| Feb. 8  | Advanced for Review.....                    | 602 |
| Feb. 12 | Placed on Select File.....                  | 642 |
| Feb. 13 | Advanced for Engrossment.....               | 674 |
| Feb. 14 | Correctly Engrossed.....                    | 704 |
| Feb. 21 | Final Reading.....                          | 776 |
| Feb. 21 | Haberman explanation of vote.....           | 783 |
| Feb. 22 | Correctly Enrolled. President signed.....   | 795 |
| Feb. 22 | Presented to Governor.....                  | 812 |
| Mar. 3  | Approved by Governor.....                   | 934 |

**LEGISLATIVE BILL 630 By Agriculture and Environment Committee**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....  | 123  |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare.....      | 189  |
| Jan. 16 | Re-referred to Committee on Agriculture<br>and Environment..... | 293  |
| Jan. 23 | Notice of hearing.....  | 379  |
| Feb. 22 | Placed on General File.....                                     | 813  |
| Apr. 18 | Indefinitely postponed.....                                     | 2029 |

**LEGISLATIVE BILL 630A By Agriculture and Environment Committee**

|         |  |      |
|---------|--|------|
| Mar. 5  | Read first time. Placed on General File..... | 1010 |
| Apr. 18 | Indefinitely postponed.....                  | 2029 |

**LEGISLATIVE BILL 631 By Agriculture and Environment Committee**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Read first time.....   | 124 |
| Jan. 10 | Referred to Committee on Agriculture<br>and Environment..... | 189 |
| Jan. 16 | Notice of hearing.....                                       | 290 |
| Feb. 11 | Placed on General File.....                                  | 623 |
| Feb. 14 | Advanced for Review.....                                     | 697 |
| Feb. 19 | Placed on Select File.....                                   | 710 |
| Feb. 19 | Schmit amendment printed.....                                | 720 |
| Feb. 26 | Schmit pending amendment adopted.                            |     |

CHRONOLOGY OF BILLS

2121

|         |  |      |
|---------|--|------|
|         | Advanced for Engrossment .....             | 873  |
| Feb. 28 | Correctly Engrossed. Title change .....    | 913  |
| Mar. 6  | Final Reading .....                        | 1017 |
| Mar. 6  | Haberman explanation of vote .....         | 1024 |
| Mar. 7  | Correctly Enrolled. President signed ..... | 1039 |
| Mar. 7  | Stoney explanation of vote .....           | 1046 |
| Mar. 7  | Presented to Governor .....                | 1062 |
| Mar. 12 | Koch explanation of vote .....             | 1161 |
| Mar. 17 | Approved by Governor .....                 | 1215 |

**LEGISLATIVE BILL 632 By Agriculture and Environment Committee**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time .....  | 124  |
| Jan. 10 | Referred to Committee on Public Health and Welfare .....         | 189  |
| Jan. 16 | Re-referred to Committee on Agriculture and Environment .....    | 293  |
| Jan. 23 | Notice of hearing .....  | 379  |
| Feb. 26 | Placed on General File .....                                     | 857  |
| Mar. 7  | Committee amendment adopted. Advanced for Review .....           | 1059 |
| Mar. 13 | Placed on Select File .....                                      | 1182 |
| Mar. 19 | Schmit amendment printed .....                                   | 1313 |
| Apr. 9  | Schmit pending amendment adopted. Advanced for Engrossment ..... | 1761 |
| Apr. 14 | Correctly Engrossed .....  | 1825 |
| Apr. 18 | Final Reading .....  | 1953 |
| Apr. 18 | Warner explanation of vote .....                                 | 1970 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....                         | 1977 |
| Apr. 18 | Presented to Governor .....                                      | 1989 |
| Apr. 28 | Approved by Governor .....                                       | 2039 |

**LEGISLATIVE BILL 632A By Agriculture and Environment Committee**

|         |  |      |
|---------|--|------|
| Mar. 5  | Read first time. Placed on General File .....                    | 1010 |
| Mar. 7  | Advanced for Review .....  | 1060 |
| Mar. 13 | Placed on Select File .....                                      | 1183 |
| Mar. 19 | Schmit amendment printed .....                                   | 1314 |
| Apr. 9  | Schmit pending amendment adopted. Advanced for Engrossment ..... | 1761 |
| Apr. 14 | Correctly Engrossed .....  | 1825 |
| Apr. 18 | Final Reading .....  | 1954 |
| Apr. 18 | Warner explanation of vote .....                                 | 1970 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....                         | 1977 |

|         |                             |      |
|---------|-----------------------------|------|
| Apr. 18 | Presented to Governor ..... | 1989 |
| Apr. 28 | Approved by Governor .....  | 2039 |

**LEGISLATIVE BILL 633 By Agriculture and Environment Committee**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time .....   | 124  |
| Jan. 10 | Referred to Committee on Agriculture<br>and Environment ..... | 189  |
| Jan. 16 | Notice of hearing .....                                       | 290  |
| Feb. 25 | Placed on General File .....                                  | 832  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review .....    | 1057 |
| Mar. 12 | Placed on Select File .....                                   | 1172 |
| Mar. 21 | Schmit amendment adopted.<br>Advanced for Engrossment .....   | 1408 |
| Mar. 24 | Correctly Engrossed .....                                     | 1482 |
| Apr. 15 | Final Reading .....   | 1925 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....                      | 1935 |
| Apr. 15 | Presented to Governor .....                                   | 1939 |
| Apr. 18 | Approved by Governor .....                                    | 1951 |

**LEGISLATIVE BILL 633A By Schmit**

|         |   |      |
|---------|---|------|
| Mar. 18 | Read first time. Placed on General File ..... | 1258 |
| Mar. 26 | Advanced for Review .....                     | 1533 |
| Mar. 27 | Placed on Select File .....                   | 1570 |
| Apr. 9  | Advanced for Engrossment .....                | 1792 |
| Apr. 10 | Correctly Engrossed .....                     | 1809 |
| Apr. 15 | Final Reading .....                           | 1627 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....      | 1935 |
| Apr. 15 | Presented to Governor .....                   | 1939 |
| Apr. 18 | Approved by Governor .....                    | 1951 |

**LEGISLATIVE BILL 634 By Merz**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time .....                       | 130  |
| Jan. 10 | Referred to Committee on Public Works ..... | 189  |
| Jan. 15 | Notice of hearing .....                     | 249  |
| Jan. 16 | Notice of hearing .....                     | 273  |
| Mar. 6  | Indefinitely postponed .....                | 1027 |

**LEGISLATIVE BILL 635 By Rumery**

CHRONOLOGY OF BILLS

2123

|         |  |     |
|---------|--|-----|
| Jan. 9  | Read first time.....                                       | 130 |
| Jan. 10 | Referred to Committee on Judiciary .....                   | 189 |
| Jan. 16 | Notice of hearing.....                                     | 274 |
| Jan. 30 | Placed on General File.....                                | 477 |
| Feb. 8  | Committee amendments adopted.<br>Advanced for Review ..... | 609 |
| Feb. 12 | Placed on Select File .....                                | 643 |
| Feb. 13 | Advanced for Engrossment .....                             | 675 |
| Feb. 14 | Correctly Engrossed.....                                   | 704 |
| Feb. 21 | Final Reading .....  | 777 |
| Feb. 21 | Haberman explanation of vote.....                          | 783 |
| Feb. 22 | Correctly Enrolled. President signed.....                  | 795 |
| Feb. 22 | Presented to Governor .....                                | 812 |
| Mar. 3  | Approved by Governor .....                                 | 934 |

**LEGISLATIVE BILL 636 By Kremer**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                        | 131 |
| Jan. 10 | Referred to Committee on Public Works ..... | 189 |
| Jan. 15 | Notice of hearing.....                      | 249 |
| Jan. 16 | Notice of hearing.....                      | 273 |
| Jan. 29 | Placed on General File.....                 | 443 |
| Feb. 5  | Advanced for Review .....                   | 550 |
| Feb. 7  | Placed on Select File .....                 | 587 |
| Feb. 11 | Advanced for Engrossment .....              | 622 |
| Feb. 12 | Correctly Engrossed.....                    | 656 |
| Feb. 20 | Final Reading .....                         | 751 |
| Feb. 21 | Correctly Enrolled .....                    | 774 |
| Feb. 21 | President signed .....                      | 775 |
| Feb. 21 | Presented to Governor .....                 | 789 |
| Feb. 22 | Approved by Governor .....                  | 803 |

**LEGISLATIVE BILL 637 By Maresh**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time.....   | 131  |
| Jan. 10 | Referred to Committee on Constitutional<br>Revision and Recreation.....  | 190  |
| Jan. 15 | Notice of hearing.....   | 249  |
| Feb. 12 | Placed on General File.....  | 652  |
| Feb. 28 | Special order.....   | 930  |
| Mar. 5  | Maresh and Reutzel amendments to Committee<br>amendments adopted. Committee amendments<br>adopted as amended.<br>Advanced for Review ..... | 991  |
| Mar. 7  | Placed on Select File .....  | 1038 |
| Mar. 7  | DeCamp amendment printed.....  | 1043 |

|         |   |      |
|---------|---|------|
| Mar. 12 | DeCamp pending amendment withdrawn.<br>Advanced for Engrossment ..... | 1166 |
| Mar. 19 | Correctly Engrossed.....  | 1291 |
| Mar. 24 | Final Reading .....   | 1451 |
| Mar. 25 | DeCamp motion to reconsider pending .....                             | 1495 |
| Mar. 25 | Keyes explanation of vote.....  | 1496 |
| Apr. 1  | DeCamp pending motion prevailed.<br>Final Reading .....               | 1626 |
| Apr. 2  | DeCamp motion pending.....  | 1667 |
| Apr. 8  | DeCamp pending motion lost.....                                       | 1724 |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 638 By Rumery**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                                | 131 |
| Jan. 10 | Referred to Committee on Public Works .....         | 190 |
| Jan. 14 | Rumery motion to withdraw pending.....              | 240 |
| Jan. 16 | Rumery pending motion prevailed.<br>Withdrawn ..... | 273 |

**LEGISLATIVE BILL 639 By Cullan**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....                          | 131  |
| Jan. 10 | Referred to Committee on Appropriations ..... | 190  |
| Jan. 17 | Notice of hearing.....                        | 312  |
| Mar. 17 | Indefinitely postponed.....                   | 1247 |

**LEGISLATIVE BILL 640 By Kremer**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....                    | 131  |
| Jan. 10 | Referred to Committee on Education..... | 190  |
| Jan. 15 | Notice of hearing.....                  | 257  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 641 By Public Health and Welfare Committee**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....  | 132 |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare.....  | 190 |
| Jan. 15 | Notice of hearing.....                                      | 260 |
| Jan. 24 | Placed on General File.....                                 | 406 |
| Feb. 4  | Advanced for Review .....                                   | 518 |
| Feb. 6  | Placed on Select File .....                                 | 553 |
| Feb. 7  | Cullan amendment adopted.<br>Advanced for Engrossment ..... | 594 |
| Feb. 8  | Correctly Engrossed.....                                    | 613 |

CHRONOLOGY OF BILLS

2125

|         |  |     |
|---------|--|-----|
| Feb. 13 | Final Reading .....                      | 660 |
| Feb. 14 | Correctly Enrolled. Speaker signed ..... | 684 |
| Feb. 14 | Presented to Governor .....              | 699 |
| Feb. 20 | Approved by Governor .....               | 740 |
| Feb. 20 | Koch explanation of vote .....           | 759 |

**LEGISLATIVE BILL 642 By Sieck**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time .....                    | 132  |
| Jan. 10 | Referred to Committee on Judiciary ..... | 190  |
| Jan. 16 | Notice of hearing .....                  | 274  |
| Apr. 8  | Attorney General's Opinion .....         | 1686 |
| Apr. 18 | Indefinitely postponed .....             | 2029 |

**LEGISLATIVE BILL 643 By Sieck**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time .....   | 132  |
| Jan. 10 | Referred to Committee on Public Works .....   | 190  |
| Jan. 15 | Notice of hearing .....   | 250  |
| Mar. 11 | Placed on General File .....  | 1107 |
| Mar. 24 | Speaker's order .....   | 1482 |
| Mar. 25 | Haberman amendment printed .....  | 1503 |
| Mar. 31 | DeCamp amendment printed .....  | 1605 |
| Mar. 31 | Laid over .....   | 1616 |
| Apr. 1  | Lamb amendments printed .....   | 1649 |
| Apr. 2  | Haberman pending amendment withdrawn.<br>Lamb pending amendment 2 lost.<br>Lamb pending amendment 1 withdrawn.<br>Laid over .....   | 1654 |
| Apr. 2  | DeCamp pending amendment withdrawn.<br>Committee amendments lost.<br>Advanced for Review .....  | 1656 |
| Apr. 8  | Placed on Select File .....   | 1685 |
| Apr. 9  | Haberman amendment printed .....  | 1757 |
| Apr. 9  | Merz amendment printed .....  | 1782 |
| Apr. 9  | Vickers amendment printed .....   | 1785 |
| Apr. 9  | Sieck amendment printed .....   | 1789 |
| Apr. 9  | Beutler amendment printed .....   | 1792 |
| Apr. 14 | Attorney General's Opinion .....  | 1838 |
| Apr. 14 | Sieck substitute amendment adopted.<br>Haberman pending amendment lost.<br>Merz pending amendment adopted.<br>Vickers and Beutler pending amendments<br>withdrawn. Rumery-Beutler-Hoagland<br>amendment ruled out of order.<br>Advanced for Engrossment ..... | 1857 |

|         |  |      |
|---------|--|------|
| Apr. 14 | Correctly Engrossed. Title change .....  | 1871 |
| Apr. 18 | Final Reading .....                      | 1971 |
| Apr. 18 | Correctly Enrolled. Speaker signed ..... | 1977 |
| Apr. 18 | Presented to Governor .....              | 1989 |
| Apr. 28 | Approved by Governor .....               | 2039 |

**LEGISLATIVE BILL 644 By Fowler**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time .....   | 132  |
| Jan. 10 | Referred to Committee on Agriculture<br>and Environment ..... | 190  |
| Jan. 16 | Notice of hearing .....                                       | 290  |
| Apr. 18 | Indefinitely postponed .....                                  | 2029 |

**LEGISLATIVE BILL 645 By Nichol**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time .....                                      | 143  |
| Jan. 10 | Referred to Committee on Urban Affairs .....               | 190  |
| Jan. 16 | Notice of hearing .....                                    | 290  |
| Jan. 29 | Placed on General File .....                               | 458  |
| Feb. 7  | Committee amendments adopted.<br>Advanced for Review ..... | 595  |
| Feb. 11 | Placed on Select File .....                                | 621  |
| Feb. 20 | Advanced for Engrossment .....                             | 762  |
| Feb. 21 | Correctly Engrossed .....                                  | 789  |
| Feb. 27 | Final Reading .....  | 890  |
| Feb. 27 | Haberman explanation of vote .....                         | 905  |
| Mar. 3  | Correctly Enrolled. President signed .....                 | 934  |
| Mar. 3  | Presented to Governor .....                                | 949  |
| Mar. 7  | Approved by Governor .....                                 | 1040 |

**LEGISLATIVE BILL 646 By Powers**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time .....  | 144  |
| Jan. 10 | Referred to Committee on Banking,<br>Commerce and Insurance .....  | 190  |
| Jan. 15 | Notice of hearing .....  | 245  |
| Feb. 20 | Placed on General File .....   | 740  |
| Feb. 22 | Committee amendments withdrawn. Substitute<br>Committee amendments adopted.<br>Advanced for Review ..... | 819  |
| Feb. 27 | Placed on Select File .....  | 885  |
| Mar. 10 | Advanced for Engrossment .....   | 1067 |
| Mar. 17 | Correctly Engrossed .....  | 1214 |
| Mar. 20 | Final Reading .....  | 1327 |
| Mar. 20 | Haberman explanation of vote .....   | 1341 |

CHRONOLOGY OF BILLS

2127

|         |                                |      |
|---------|--------------------------------|------|
| Mar. 21 | Correctly Enrolled .....       | 1376 |
| Mar. 21 | Speaker signed .....           | 1406 |
| Mar. 24 | Presented to Governor .....    | 1443 |
| Mar. 25 | Keyes explanation of vote..... | 1495 |
| Mar. 27 | Approved by Governor .....     | 1584 |

**LEGISLATIVE BILL 647 By Labeledz**

|         |   |      |
|---------|---|------|
| Jan. 9  | Read first time.....  | 144  |
| Jan. 10 | Referred to Committee on Revenue .....  | 190  |
| Feb. 6  | Notice of hearing.....  | 554  |
| Mar. 12 | Placed on General File.....   | 1143 |
| Mar. 24 | Speaker's order.....  | 1482 |
| Mar. 25 | Newell amendment printed .....  | 1504 |
| Mar. 25 | Labeledz amendments printed .....   | 1512 |
| Mar. 25 | DeCamp and Chronister amendments printed ...  | 1515 |
| Mar. 26 | Message from Governor.....  | 1530 |
| Mar. 27 | Committee amendments lost. Beutler<br>amendment to Labeledz pending amendment 1<br>adopted. Newell amendment to Labeledz<br>pending amendment 1 lost. Labeledz pending<br>amendment 1 adopted as amended. Labeledz<br>pending amendments 2 and 3 withdrawn.<br>Chronister and Newell pending amendments<br>withdrawn. Chronister amendment adopted.<br>Advanced for Review .....  | 1579 |
| Mar. 27 | Wesely amendment printed .....  | 1590 |
| Mar. 31 | Placed on Select File .....   | 1593 |
| Apr. 1  | DeCamp amendment printed.....   | 1628 |
| Apr. 2  | Marsh amendment printed.....  | 1679 |
| Apr. 8  | Venditte amendment printed.....   | 1721 |
| Apr. 8  | DeCamp amendment printed.....   | 1738 |
| Apr. 8  | DeCamp and Hoagland amendments printed ...  | 1739 |
| Apr. 10 | Wesely amendments printed .....   | 1809 |
| Apr. 14 | DeCamp pending amendment p. 1515 withdrawn.<br>Wesely pending amendment p. 1590 withdrawn.<br>DeCamp pending amendment p. 1628 withdrawn.<br>Marsh pending amendment lost. Venditte<br>pending amendment p. 1721 withdrawn.<br>DeCamp pending amendment p. 1738 withdrawn.<br>Warner amendment adopted. Wesely pending<br>amendment 1 p. 1809 lost. Wesely pending<br>amendments 2 and 3 p. 1809 withdrawn.<br>Labeledz amendment to Hoagland pending<br>amendment p. 1739 lost. Hoagland pending |      |

|         |   |      |
|---------|---|------|
|         | amendment p. 1739 lost. Wesely-DeCamp-Dworak-Lamb-George-Hefner amendment adopted. Advanced for Engrossment ..... | 1826 |
| Apr. 14 | Correctly Engrossed.....  | 1846 |
| Apr. 18 | Final Reading .....   | 1972 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....  | 1977 |
| Apr. 18 | Presented to Governor .....   | 1989 |
| Apr. 28 | Approved by Governor .....  | 2039 |

**LEGISLATIVE BILL 647A By Labeledz**

|         |   |      |
|---------|---|------|
| Apr. 2  | Read first time. Placed on General File .....               | 1665 |
| Apr. 9  | Advanced for Review .....                                   | 1793 |
| Apr. 10 | Placed on Select File .....                                 | 1800 |
| Apr. 14 | Laid over.....  | 1829 |
| Apr. 14 | Warner amendment adopted.<br>Advanced for Engrossment ..... | 1835 |
| Apr. 14 | Correctly Engrossed.....                                    | 1846 |
| Apr. 18 | Final Reading .....   | 1872 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....                    | 1977 |
| Apr. 18 | Presented to Governor .....                                 | 1989 |
| Apr. 28 | Approved by Governor .....                                  | 2039 |

**LEGISLATIVE BILL 648 By Wagner**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                        | 144 |
| Jan. 10 | Referred to Committee on Public Works ..... | 190 |
| Jan. 15 | Notice of hearing.....                      | 250 |
| Jan. 31 | Placed on General File.....                 | 497 |
| Feb. 8  | Advanced for Review .....                   | 603 |
| Feb. 12 | Placed on Select File .....                 | 642 |
| Feb. 13 | Advanced for Engrossment .....              | 674 |
| Feb. 14 | Correctly Engrossed.....                    | 704 |
| Feb. 21 | Final Reading .....                         | 778 |
| Feb. 21 | Haberman explanation of vote.....           | 783 |
| Feb. 22 | Correctly Enrolled. President signed.....   | 795 |
| Feb. 22 | Presented to Governor .....                 | 812 |
| Mar. 3  | Approved by Governor .....                  | 934 |

**LEGISLATIVE BILL 649 By Wagner**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time.....                        | 144 |
| Jan. 10 | Referred to Committee on Public Works ..... | 190 |
| Jan. 15 | Notice of hearing.....                      | 250 |
| Feb. 22 | Placed on General File.....                 | 795 |
| Mar. 7  | Committee amendment adopted.                |     |

CHRONOLOGY OF BILLS

2129

|         |  |      |
|---------|--|------|
|         | Advanced for Review .....  | 1056 |
| Mar. 11 | Vickers amendment printed .....  | 1113 |
| Mar. 12 | Placed on Select File .....  | 1172 |
| Mar. 21 | Vickers pending amendment withdrawn.<br>Advanced for Engrossment ..... | 1408 |
| Mar. 24 | Correctly Engrossed .....  | 1482 |
| Mar. 27 | Laid over .....  | 1559 |
| Apr. 1  | Final Reading .....  | 1621 |
| Apr. 2  | Correctly Enrolled. President signed .....                             | 1652 |
| Apr. 2  | Presented to Governor .....  | 1655 |
| Apr. 8  | Approved by Governor .....   | 1685 |

**LEGISLATIVE BILL 650 By Wagner**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time .....   | 144 |
| Jan. 10 | Referred to Committee on Banking,<br>Commerce and Insurance ..... | 190 |
| Jan. 15 | Notice of hearing .....   | 245 |
| Jan. 25 | Placed on General File .....                                      | 424 |
| Feb. 4  | Committee amendment adopted.<br>Advanced for Review .....         | 526 |
| Feb. 6  | Placed on Select File .....                                       | 553 |
| Feb. 7  | Advanced for Engrossment .....                                    | 592 |
| Feb. 8  | Correctly Engrossed .....   | 613 |
| Feb. 13 | Final Reading .....   | 661 |
| Feb. 14 | Correctly Enrolled. Speaker signed .....                          | 684 |
| Feb. 14 | Presented to Governor .....                                       | 699 |
| Feb. 19 | Approved by Governor .....  | 726 |
| Feb. 20 | Koch explanation of vote .....                                    | 759 |

**LEGISLATIVE BILL 651 By Merz**

|         |  |      |
|---------|--|------|
| Jan. 9  | Read first time .....  | 145  |
| Jan. 10 | Referred to Committee on Judiciary .....   | 190  |
| Jan. 16 | Notice of hearing .....  | 274  |
| Feb. 28 | Placed on General File .....   | 925  |
| Mar. 7  | Committee amendment adopted.<br>Advanced for Review .....  | 1060 |
| Mar. 11 | Merz amendment printed .....   | 1131 |
| Mar. 13 | Placed on Select File .....  | 1183 |
| Apr. 9  | Merz pending amendment adopted.<br>DeCamp, Johnson, and Dworak<br>amendments ruled out of order.<br>Advanced for Engrossment ..... | 1761 |
| Apr. 10 | Correctly Engrossed .....  | 1809 |
| Apr. 15 | Final Reading .....  | 1927 |

|         |  |      |
|---------|--|------|
| Apr. 15 | Correctly Enrolled. Speaker signed ..... | 1935 |
| Apr. 15 | Presented to Governor .....              | 1939 |
| Apr. 18 | Approved by Governor .....               | 2006 |

**LEGISLATIVE BILL 652 By Executive Board**

|         |   |     |
|---------|---|-----|
| Jan. 9  | Read first time .....                         | 146 |
| Jan. 10 | Referred to Committee on Appropriations ..... | 190 |
| Jan. 17 | Notice of hearing .....                       | 310 |
| Feb. 13 | Attorney General's Opinion .....              | 668 |
| Mar. 3  | Indefinitely postponed .....                  | 935 |

**LEGISLATIVE BILL 653 By Fowler, Reutzel**

|         |  |     |
|---------|--|-----|
| Jan. 9  | Read first time .....  | 146 |
| Jan. 14 | Referred to Committee on Constitutional<br>Revision and Recreation ..... | 234 |
| Jan. 28 | Notice of hearing .....  | 435 |
| Feb. 27 | Indefinitely postponed .....   | 897 |

**LEGISLATIVE BILL 654 By Nichol**

|         |   |     |
|---------|---|-----|
| Jan. 10 | Read first time .....                                       | 155 |
| Jan. 10 | Referred to Committee on Urban Affairs .....                | 190 |
| Jan. 16 | Notice of hearing .....                                     | 290 |
| Jan. 29 | Placed on General File .....                                | 460 |
| Feb. 7  | Committee amendment adopted.<br>Advanced for Review .....   | 595 |
| Feb. 11 | Placed on Select File .....                                 | 621 |
| Feb. 12 | Nichol amendment adopted.<br>Advanced for Engrossment ..... | 653 |
| Feb. 13 | Correctly Engrossed .....                                   | 657 |
| Feb. 20 | Final Reading .....   | 758 |
| Feb. 21 | Correctly Enrolled .....                                    | 774 |
| Feb. 21 | President signed .....                                      | 775 |
| Feb. 21 | Presented to Governor .....                                 | 789 |
| Feb. 22 | Approved by Governor .....                                  | 803 |

**LEGISLATIVE BILL 655 By Dworak**

|         |  |     |
|---------|--|-----|
| Jan. 10 | Read first time .....                        | 155 |
| Jan. 10 | Referred to Committee on Urban Affairs ..... | 190 |
| Jan. 16 | Notice of hearing .....                      | 290 |
| Feb. 19 | Placed on General File .....                 | 723 |
| Feb. 22 | Advanced for Review .....                    | 808 |
| Feb. 26 | Placed on Select File .....                  | 865 |

CHRONOLOGY OF BILLS

2131

|         |   |      |
|---------|---|------|
| Mar. 5  | Murphy amendment adopted.<br>Advanced for Engrossment ..... | 1009 |
| Mar. 7  | Correctly Engrossed.....                                    | 1061 |
| Mar. 12 | Final Reading .....   | 1155 |
| Mar. 13 | Correctly Enrolled. Speaker signed .....                    | 1184 |
| Mar. 17 | Presented to Governor .....                                 | 1224 |
| Mar. 18 | Marsh explanation of vote .....                             | 1256 |
| Mar. 18 | Approved by Governor .....                                  | 1265 |
| Mar. 24 | Pirsch explanation of vote .....                            | 1471 |

**LEGISLATIVE BILL 656 By Simon**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....                        | 155  |
| Jan. 10 | Referred to Committee on Public Works ..... | 190  |
| Jan. 15 | Notice of hearing.....                      | 249  |
| Jan. 25 | Notice of hearing.....                      | 425  |
| Mar. 10 | Placed on General File.....                 | 1086 |
| Mar. 19 | Kremer amendment printed.....               | 1313 |
| Apr. 18 | Indefinitely postponed.....                 | 2029 |

**LEGISLATIVE BILL 656A By Simon**

|         |   |      |
|---------|---|------|
| Mar. 27 | Read first time. Placed on General File ..... | 1584 |
| Apr. 18 | Indefinitely postponed.....                   | 2029 |

**LEGISLATIVE BILL 657 By Beutler**

|         |   |     |
|---------|---|-----|
| Jan. 10 | Read first time.....                    | 155 |
| Jan. 10 | Referred to Committee on Education..... | 190 |
| Jan. 22 | Notice of hearing.....                  | 360 |
| Feb. 7  | Indefinitely postponed.....             | 584 |

**LEGISLATIVE BILL 658 By Beutler**

|         |   |     |
|---------|---|-----|
| Jan. 10 | Read first time.....  | 155 |
| Jan. 10 | Referred to Committee on Revenue .....  | 190 |
| Jan. 15 | Notice of hearing.....  | 245 |
| Jan. 28 | Placed on General File.....   | 432 |
| Feb. 5  | Committee amendments adopted.<br>DeCamp amendment adopted.<br>Advanced for Review ..... | 542 |
| Feb. 7  | Placed on Select File .....   | 586 |
| Feb. 11 | Advanced for Engrossment.....   | 622 |
| Feb. 12 | Correctly Engrossed.....  | 656 |
| Feb. 20 | Final Reading .....   | 752 |
| Feb. 20 | Haberman explanation of vote.....   | 759 |

|         |                             |     |
|---------|-----------------------------|-----|
| Feb. 21 | Correctly Enrolled .....    | 774 |
| Feb. 21 | President signed .....      | 775 |
| Feb. 21 | Presented to Governor ..... | 789 |
| Feb. 22 | Approved by Governor .....  | 803 |

**LEGISLATIVE BILL 659 By Cope**

|         |   |     |
|---------|---|-----|
| Jan. 10 | Read first time.....                        | 156 |
| Jan. 10 | Referred to Committee on Urban Affairs..... | 190 |
| Jan. 16 | Notice of hearing.....                      | 290 |
| Mar. 3  | Indefinitely postponed.....                 | 949 |

**LEGISLATIVE BILL 660 By Cope**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....                                      | 156  |
| Jan. 10 | Referred to Committee on Urban Affairs.....               | 190  |
| Jan. 16 | Notice of hearing.....                                    | 290  |
| Feb. 19 | Placed on General File.....                               | 723  |
| Feb. 22 | Committee amendment adopted.<br>Advanced for Review ..... | 818  |
| Feb. 27 | Placed on Select File .....                               | 885  |
| Mar. 10 | Advanced for Engrossment.....                             | 1067 |
| Mar. 17 | Correctly Engrossed.....                                  | 1214 |
| Mar. 20 | Final Reading .....                                       | 1328 |
| Mar. 20 | Haberman explanation of vote.....                         | 1341 |
| Mar. 21 | Correctly Enrolled .....                                  | 1376 |
| Mar. 21 | Speaker signed .....                                      | 1406 |
| Mar. 24 | Presented to Governor.....                                | 1443 |
| Mar. 24 | Approved by Governor .....                                | 1477 |
| Mar. 25 | Keyes explanation of vote.....                            | 1495 |

**LEGISLATIVE BILL 661 By Haberman**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                   | 156  |
| Jan. 10 | Referred to Committee on Revenue ..... | 190  |
| Jan. 15 | Notice of hearing.....                 | 245  |
| Jan. 21 | Notice of hearing.....                 | 334  |
| Jan. 21 | Attorney General's Opinion .....       | 336  |
| Feb. 7  | Notice of hearing.....                 | 591  |
| Mar. 12 | Indefinitely postponed.....            | 1149 |

**LEGISLATIVE BILL 662 By Reutzel**

|         |   |     |
|---------|---|-----|
| Jan. 10 | Read first time.....                        | 156 |
| Jan. 10 | Referred to Committee on Urban Affairs..... | 190 |
| Jan. 25 | Notice of hearing.....                      | 427 |

CHRONOLOGY OF BILLS

2133

|         |   |      |
|---------|---|------|
| Feb. 5  | Notice of hearing.....                  | 539  |
| Mar. 3  | Placed on General File.....             | 949  |
| Mar. 7  | Advanced for Review.....                | 1055 |
| Mar. 11 | Placed on Select File.....              | 1131 |
| Mar. 13 | Advanced for Engrossment.....           | 1210 |
| Mar. 18 | Correctly Engrossed.....                | 1270 |
| Mar. 21 | Final Reading.....                      | 1378 |
| Mar. 21 | Haberman explanation of vote.....       | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed..... | 1444 |
| Mar. 24 | Presented to Governor.....              | 1462 |
| Mar. 25 | Keyes explanation of vote.....          | 1496 |
| Mar. 31 | Approved by Governor.....               | 1594 |

**LEGISLATIVE BILL 663 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....                      | 157  |
| Jan. 10 | Referred to Committee on Education.....   | 190  |
| Jan. 22 | Notice of hearing.....                    | 360  |
| Feb. 7  | Placed on General File.....               | 584  |
| Feb. 14 | Advanced for Review.....                  | 688  |
| Feb. 19 | Placed on Select File.....                | 710  |
| Feb. 20 | Advanced for Engrossment.....             | 766  |
| Feb. 22 | Correctly Engrossed.....                  | 795  |
| Feb. 27 | Final Reading.....                        | 890  |
| Feb. 27 | Haberman explanation of vote.....         | 905  |
| Mar. 3  | Correctly Enrolled. President signed..... | 934  |
| Mar. 3  | Presented to Governor.....                | 949  |
| Mar. 10 | Approved by Governor.....                 | 1067 |

**LEGISLATIVE BILL 664 By Marsh**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                                       | 158  |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare..... | 190  |
| Jan. 22 | Notice of hearing.....                                     | 352  |
| Mar. 18 | Placed on General File.....                                | 1268 |
| Apr. 18 | Indefinitely postponed.....                                | 2029 |

**LEGISLATIVE BILL 665 By Powers**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                                       | 175  |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare..... | 190  |
| Jan. 22 | Notice of hearing.....                                     | 352  |
| Apr. 18 | Indefinitely postponed.....                                | 2029 |

**LEGISLATIVE BILL 666 By Kahle**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....   | 175  |
| Jan. 10 | Referred to Committee on Revenue.....  | 190  |
| Jan. 15 | Notice of hearing.....   | 245  |
| Feb. 19 | Placed on General File.....  | 727  |
| Feb. 22 | Committee amendment adopted.<br>Advanced for Review.....   | 818  |
| Feb. 27 | Placed on Select File.....   | 884  |
| Feb. 28 | Kahle amendment printed.....   | 921  |
| Mar. 10 | Kahle pending amendment withdrawn.<br>Kahle and George amendments lost.<br>Schmit amendment printed.<br>Keyes-Newell amendment pending.....  | 1084 |
| Mar. 11 | Laid over.....   | 1103 |
| Mar. 19 | Kahle amendment printed.....   | 1306 |
| Mar. 26 | Kahle amendment printed.....   | 1518 |
| Apr. 10 | Keyes-Newell and Schmit pending<br>amendments withdrawn. Kahle pending<br>amendment p. 1306 withdrawn. Kahle<br>pending amendment p. 1518 adopted.<br>Warner amendment adopted.<br>Advanced for Engrossment..... | 1815 |
| Apr. 14 | Correctly Engrossed.....   | 1825 |
| Apr. 18 | Final Reading.....   | 1973 |
| Apr. 18 | Correctly Enrolled. Speaker signed.....  | 1977 |
| Apr. 18 | Presented to Governor.....   | 1989 |
| Apr. 28 | Approved by Governor.....  | 2042 |

**LEGISLATIVE BILL 667 By Goodrich**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                                       | 176  |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare..... | 190  |
| Jan. 15 | Notice of hearing.....                                     | 260  |
| Mar. 3  | Placed on General File.....                                | 961  |
| Apr. 18 | Indefinitely postponed.....                                | 2029 |

**LEGISLATIVE BILL 668 By Clark**

|         |   |     |
|---------|---|-----|
| Jan. 10 | Read first time.....                    | 176 |
| Jan. 10 | Referred to Committee on Education..... | 190 |
| Jan. 15 | Notice of hearing.....                  | 256 |
| Feb. 4  | Attorney General's Opinion.....         | 508 |
| Feb. 7  | Indefinitely postponed.....             | 584 |

**LEGISLATIVE BILL 669 By Speaker Marvel, Kremer, and Maresh at request of Governor**

Jan. 10 Read first time.....176  
 Jan. 10 Referred to Committee on Appropriations .....190  
 Jan. 17 Notice of hearing.....311  
 Mar. 4 Indefinitely postponed.....982

**LEGISLATIVE BILL 670 By Speaker Marvel at request of Governor**

Jan. 10 Read first time.....176  
 Jan. 10 Referred to Committee on Revenue .....190  
 Jan. 15 Notice of hearing.....245  
 Jan. 25 Indefinitely postponed.....427

**LEGISLATIVE BILL 671 By Speaker Marvel at request of Governor**

Jan. 10 Read first time.....176  
 Jan. 10 Referred to Committee on Public Works .....190  
 Jan. 15 Notice of hearing.....249  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 672 By Speaker Marvel at request of Governor**

Jan. 10 Read first time.....177  
 Jan. 10 Referred to Committee on Public Works .....190  
 Jan. 15 Notice of hearing.....249  
 Feb. 4 Placed on General File.....507  
 Feb. 28 Johnson amendment printed.....930  
 Mar. 3 Committee amendment rejected.  
     Johnson pending amendment adopted.  
     Advanced for Review.....951  
 Mar. 5 Placed on Select File .....988  
 Mar. 10 Advanced for Engrossment .....1068  
 Mar. 17 Correctly Engrossed.....1214  
 Mar. 20 Final Reading .....1329  
 Mar. 20 Haberman explanation of vote.....1341  
 Mar. 21 Correctly Enrolled .....1376  
 Mar. 21 Speaker signed .....1406  
 Mar. 24 Presented to Governor .....1443  
 Mar. 24 Approved by Governor .....1477  
 Mar. 25 Keyes explanation of vote.....1495

**LEGISLATIVE BILL 672A By Speaker Marvel**

|         |   |      |
|---------|---|------|
| Feb. 19 | Read first time. Placed on General File ..... | 718  |
| Mar. 3  | Advanced for Review .....                     | 951  |
| Mar. 5  | Placed on Select File .....                   | 988  |
| Mar. 10 | Advanced for Engrossment .....                | 1068 |
| Mar. 17 | Correctly Engrossed .....                     | 1214 |
| Mar. 20 | Final Reading .....                           | 1330 |
| Mar. 21 | Correctly Enrolled .....                      | 1376 |
| Mar. 21 | Speaker signed .....                          | 1406 |
| Mar. 24 | Presented to Governor .....                   | 1443 |
| Mar. 24 | Approved by Governor .....                    | 1477 |
| Mar. 25 | Keyes explanation of vote .....               | 1495 |

#### **LEGISLATIVE BILL 673 By Speaker Marvel at request of Governor**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time .....                         | 177  |
| Jan. 10 | Referred to Committee on Appropriations ..... | 190  |
| Jan. 17 | Notice of hearing .....                       | 313  |
| Mar. 4  | Placed on General File .....                  | 982  |
| Mar. 7  | Advanced for Review .....                     | 1056 |
| Mar. 12 | Placed on Select File .....                   | 1172 |
| Mar. 17 | Advanced for Engrossment .....                | 1224 |
| Mar. 19 | Correctly Engrossed .....                     | 1302 |
| Mar. 24 | Final Reading .....                           | 1454 |
| Mar. 24 | Correctly Enrolled. Speaker signed .....      | 1471 |
| Mar. 24 | Presented to Governor .....                   | 1483 |
| Mar. 25 | Keyes explanation of vote .....               | 1496 |
| Mar. 27 | Approved by Governor .....                    | 1576 |

#### **LEGISLATIVE BILL 674 By Speaker Marvel at request of Governor**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time .....                         | 177  |
| Jan. 10 | Referred to Committee on Appropriations ..... | 190  |
| Jan. 17 | Notice of hearing .....                       | 313  |
| Mar. 4  | Placed on General File .....                  | 982  |
| Mar. 7  | Advanced for Review .....                     | 1056 |
| Mar. 12 | Placed on Select File .....                   | 1172 |
| Mar. 17 | Advanced for Engrossment .....                | 1224 |
| Mar. 19 | Correctly Engrossed .....                     | 1302 |
| Mar. 24 | Final Reading .....                           | 1454 |
| Mar. 24 | Correctly Enrolled. Speaker signed .....      | 1471 |
| Mar. 24 | Presented to Governor .....                   | 1483 |
| Mar. 25 | Keyes explanation of vote .....               | 1496 |
| Mar. 27 | Approved by Governor .....                    | 1576 |

**LEGISLATIVE BILL 675 By Speaker Marvel at request of Governor**

Jan. 10 Read first time..... 177  
 Jan. 10 Referred to Committee on Appropriations ..... 190  
 Jan. 17 Notice of hearing..... 313  
 Mar. 17 Indefinitely postponed..... 1247

**LEGISLATIVE BILL 676 By Speaker Marvel at request of Governor**

Jan. 10 Read first time..... 177  
 Jan. 10 Referred to Committee on Appropriations ..... 190  
 Jan. 17 Notice of hearing..... 313  
 Mar. 19 Indefinitely postponed..... 1289

**LEGISLATIVE BILL 677 By Speaker Marvel at request of Governor**

Jan. 10 Read first time..... 178  
 Jan. 10 Referred to Committee on Appropriations ..... 190  
 Jan. 17 Notice of hearing..... 313  
 Mar. 17 Indefinitely postponed..... 1247

**LEGISLATIVE BILL 678 By Rumery**

Jan. 10 Read first time..... 178  
 Jan. 10 Referred to Committee on Constitutional  
                     Revision and Recreation..... 190  
 Jan. 16 Notice of hearing..... 274  
 Feb. 4 Indefinitely postponed..... 516

**LEGISLATIVE BILL 679 By Rumery**

Jan. 10 Read first time..... 178  
 Jan. 10 Referred to Committee on Government,  
                     Military and Veterans Affairs..... 190  
 Jan. 15 Notice of hearing..... 249  
 Mar. 3 Placed on General File..... 954  
 Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 680 By Agriculture and Environment Committee**

Jan. 10 Read first time..... 178  
 Jan. 10 Referred to Committee on Judiciary ..... 190  
 Jan. 16 Notice of hearing..... 274  
 Feb. 11 Placed on General File..... 632  
 Feb. 14 Schmit amendment printed ..... 691  
 Feb. 22 Committee amendment adopted.

|         |  |      |
|---------|--|------|
|         | Advanced for Review .....  | 816  |
| Feb. 26 | Placed on Select File .....  | 866  |
| Mar. 6  | Schmit pending amendment lost.<br>Advanced for Engrossment .....       | 1030 |
| Mar. 12 | Correctly Engrossed.....   | 1173 |
| Mar. 18 | Returned to Select File for Schmit amendment..                         | 1254 |
| Mar. 18 | Schmit pending amendment adopted.<br>Advanced for Re-Engrossment ..... | 1255 |
| Mar. 18 | Correctly Re-Engrossed.....  | 1270 |
| Mar. 21 | Final Reading .....  | 1379 |
| Mar. 21 | Haberman explanation of vote.....                                      | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed .....                               | 1444 |
| Mar. 24 | Presented to Governor .....  | 1462 |
| Mar. 25 | Keyes explanation of vote.....   | 1496 |
| Mar. 31 | Approved by Governor .....   | 1594 |

#### **LEGISLATIVE BILL 681 By Public Health and Welfare Committee**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....  | 178  |
| Jan. 10 | Referred to Committee on Judiciary .....                      | 190  |
| Jan. 16 | Notice of hearing.....  | 274  |
| Feb. 8  | Placed on General File.....                                   | 618  |
| Feb. 14 | Advanced for Review .....                                     | 697  |
| Feb. 19 | Placed on Select File .....                                   | 710  |
| Feb. 20 | Advanced for Engrossment .....                                | 766  |
| Feb. 22 | Correctly Engrossed.....                                      | 795  |
| Feb. 27 | Returned to Select File for Marsh amendment ..                | 891  |
| Feb. 27 | Marsh amendment adopted.<br>Advanced for Re-Engrossment ..... | 892  |
| Mar. 4  | Correctly Re-Engrossed.....                                   | 969  |
| Mar. 5  | Returned to Select File for Marsh amendment ..                | 990  |
| Mar. 5  | Marsh amendment adopted.<br>Advanced for Re-Engrossment ..... | 991  |
| Mar. 5  | Correctly Re-Engrossed.....                                   | 1010 |
| Mar. 10 | Final Reading .....   | 1071 |
| Mar. 10 | Haberman explanation of vote.....                             | 1089 |
| Mar. 11 | Correctly Enrolled. President signed.....                     | 1100 |
| Mar. 11 | Presented to Governor .....                                   | 1111 |
| Mar. 17 | Approved by Governor .....                                    | 1215 |
| Mar. 18 | Marsh explanation of vote .....                               | 1256 |

#### **LEGISLATIVE BILL 682 By Public Health and Welfare Committee**

|         |  |     |
|---------|--|-----|
| Jan. 10 | Read first time.....                                       | 179 |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare..... | 190 |

CHRONOLOGY OF BILLS

2139

|         |                             |      |
|---------|-----------------------------|------|
| Jan. 15 | Notice of hearing.....      | 260  |
| Apr. 18 | Indefinitely postponed..... | 2029 |

**LEGISLATIVE BILL 683 By Public Health and Welfare Committee**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                                       | 179  |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare..... | 191  |
| Jan. 15 | Notice of hearing.....                                     | 260  |
| Apr. 18 | Indefinitely postponed.....                                | 2029 |

**LEGISLATIVE BILL 684 By Public Health and Welfare Committee**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                                       | 179  |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare..... | 191  |
| Jan. 22 | Notice of hearing.....                                     | 352  |
| Feb. 14 | Placed on General File.....                                | 685  |
| Feb. 22 | Committee amendments adopted.<br>Advanced for Review.....  | 816  |
| Feb. 26 | Placed on Select File.....                                 | 866  |
| Mar. 6  | Advanced for Engrossment.....                              | 1031 |
| Mar. 12 | Correctly Engrossed.....                                   | 1173 |
| Apr. 15 | Final Reading.....   | 1928 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....                    | 1940 |
| Apr. 15 | Presented to Governor.....                                 | 1945 |
| Apr. 18 | Approved by Governor.....                                  | 1951 |

**LEGISLATIVE BILL 684A By Warner**

|         |   |      |
|---------|---|------|
| Mar. 17 | Read first time. Placed on General File.....          | 1248 |
| Mar. 26 | Warner amendment adopted.<br>Advanced for Review..... | 1533 |
| Mar. 27 | Placed on Select File.....                            | 1570 |
| Apr. 9  | Advanced for Engrossment.....                         | 1792 |
| Apr. 10 | Correctly Engrossed.....                              | 1809 |
| Apr. 15 | Final Reading.....                                    | 1929 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....               | 1940 |
| Apr. 15 | Presented to Governor.....                            | 1945 |
| Apr. 18 | Approved by Governor.....                             | 1951 |

**LEGISLATIVE BILL 685 By Public Health and Welfare Committee**

|         |  |     |
|---------|--|-----|
| Jan. 10 | Read first time.....                                       | 180 |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare..... | 191 |

|         |   |     |
|---------|---|-----|
| Jan. 15 | Notice of hearing.....                    | 260 |
| Feb. 5  | Placed on General File.....               | 550 |
| Feb. 8  | Advanced for Review.....                  | 607 |
| Feb. 12 | Placed on Select File.....                | 643 |
| Feb. 13 | Advanced for Engrossment.....             | 674 |
| Feb. 14 | Correctly Engrossed.....                  | 704 |
| Feb. 21 | Final Reading.....                        | 779 |
| Feb. 21 | Haberman explanation of vote.....         | 783 |
| Feb. 22 | Correctly Enrolled. President signed..... | 795 |
| Feb. 22 | Presented to Governor.....                | 812 |
| Mar. 3  | Approved by Governor.....                 | 934 |

#### **LEGISLATIVE BILL 686 By Public Health and Welfare Committee**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....   | 180  |
| Jan. 10 | Referred to Committee on Public<br>Health and Welfare.....   | 191  |
| Jan. 15 | Notice of hearing.....   | 260  |
| Feb. 14 | Placed on General File.....  | 695  |
| Feb. 22 | Committee amendments adopted.<br>Advanced for Review.....  | 816  |
| Feb. 26 | Placed on Select File.....   | 866  |
| Mar. 6  | Advanced for Engrossment.....  | 1031 |
| Mar. 12 | Correctly Engrossed.....   | 1173 |
| Mar. 19 | Returned to Select File for Cullan amendment.<br>Cullan amendment adopted.<br>Advanced for Re-Engrossment..... | 1292 |
| Mar. 24 | Correctly Re-Engrossed.....  | 1444 |
| Mar. 27 | Final Reading.....   | 1559 |
| Mar. 27 | Correctly Enrolled. Speaker signed.....  | 1584 |
| Mar. 31 | Presented to Governor.....   | 1594 |
| Apr. 8  | Approved by Governor.....  | 1685 |

#### **LEGISLATIVE BILL 687 By Agriculture and Environment Committee**

|         |  |     |
|---------|--|-----|
| Jan. 10 | Read first time.....   | 180 |
| Jan. 10 | Referred to Committee on Agriculture<br>and Environment..... | 191 |
| Jan. 16 | Notice of hearing.....                                       | 290 |
| Jan. 28 | Placed on General File.....                                  | 435 |
| Feb. 5  | Advanced for Review.....                                     | 550 |
| Feb. 7  | Placed on Select File.....                                   | 587 |
| Feb. 11 | Advanced for Engrossment.....                                | 622 |
| Feb. 12 | Correctly Engrossed.....                                     | 656 |
| Feb. 20 | Final Reading.....   | 754 |

CHRONOLOGY OF BILLS

2141

|         |                             |     |
|---------|-----------------------------|-----|
| Feb. 21 | Correctly Enrolled .....    | 774 |
| Feb. 21 | President signed .....      | 775 |
| Feb. 21 | Presented to Governor ..... | 789 |
| Feb. 22 | Approved by Governor .....  | 803 |

**LEGISLATIVE BILL 688 By Revenue Committee**

|         |   |     |
|---------|---|-----|
| Jan. 10 | Read first time .....   | 180 |
| Jan. 10 | Referred to Committee on Government,<br>Military and Veterans Affairs ..... | 191 |
| Jan. 15 | Notice of hearing .....   | 256 |
| Jan. 29 | Placed on General File .....  | 446 |
| Feb. 5  | Advanced for Review .....   | 551 |
| Feb. 6  | Corrected committee statement .....   | 559 |
| Feb. 7  | Placed on Select File .....   | 587 |
| Feb. 11 | Advanced for Engrossment .....  | 623 |
| Feb. 12 | Correctly Engrossed .....   | 656 |
| Feb. 20 | Final Reading .....   | 755 |
| Feb. 21 | Correctly Enrolled .....  | 774 |
| Feb. 21 | President signed .....  | 775 |
| Feb. 21 | Presented to Governor .....   | 789 |
| Feb. 22 | Approved by Governor .....  | 804 |

**LEGISLATIVE BILL 689 By Revenue Committee**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time .....  | 181  |
| Jan. 10 | Referred to Committee on Revenue .....   | 191  |
| Jan. 15 | Notice of hearing .....  | 245  |
| Feb. 12 | Placed on General File .....   | 650  |
| Feb. 14 | Sieck amendment printed .....  | 691  |
| Mar. 3  | Corrected committee statement .....  | 936  |
| Mar. 3  | Committee amendments adopted. Sieck<br>pending amendment adopted.<br>Advanced for Review .....   | 960  |
| Mar. 4  | Sieck amendment printed .....  | 977  |
| Mar. 5  | Placed on Select File .....  | 988  |
| Mar. 5  | Vickers amendment printed .....  | 1010 |
| Mar. 11 | Laid over .....  | 1104 |
| Mar. 11 | Sieck pending amendment p. 977 adopted.<br>Vickers amendment to pending amendment<br>p. 1010 adopted. Vickers amendment lost<br>as amended. Advanced for Engrossment ..... | 1111 |
| Mar. 19 | Correctly Engrossed .....  | 1291 |
| Mar. 21 | Murphy amendment printed .....   | 1406 |
| Mar. 24 | Returned to Select File for Murphy amendment .....   | 1455 |
| Mar. 24 | Murphy amendment adopted.  |      |

|         |   |      |
|---------|---|------|
|         | Advanced for Re-Engrossment.....          | 1456 |
| Mar. 26 | Correctly Re-Engrossed. Title change..... | 1531 |
| Apr. 1  | Final Reading.....                        | 1622 |
| Apr. 2  | Correctly Enrolled. President signed..... | 1652 |
| Apr. 2  | Presented to Governor.....                | 1655 |
| Apr. 8  | Approved by Governor.....                 | 1685 |

#### **LEGISLATIVE BILL 690 By Executive Board**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....                                    | 181  |
| Jan. 10 | Referred to Committee on Miscellaneous<br>Subjects..... | 191  |
| Jan. 24 | Notice of hearing.....                                  | 402  |
| Feb. 7  | Placed on General File.....                             | 588  |
| Feb. 14 | Chambers amendment adopted.<br>Advanced for Review..... | 689  |
| Feb. 19 | Placed on Select File.....                              | 710  |
| Feb. 26 | Laid over.....  | 871  |
| Apr. 9  | Advanced for Engrossment.....                           | 1792 |
| Apr. 10 | Correctly Engrossed.....                                | 1809 |
| Apr. 18 | Final Reading.....                                      | 1974 |
| Apr. 18 | Correctly Enrolled. Speaker signed.....                 | 1977 |
| Apr. 18 | Presented to Governor.....                              | 1989 |
| Apr. 28 | Returned by Governor without approval.....              | 2041 |
| Apr. 28 | Letter.....   | 2045 |
| Apr. 28 | Certificate.....  | 2046 |

#### **LEGISLATIVE BILL 690A By Executive Board**

|         |  |      |
|---------|--|------|
| Feb. 12 | Read first time. Placed on General File.....                 | 655  |
| Feb. 14 | Advanced for Review.....                                     | 689  |
| Feb. 19 | Placed on Select File.....                                   | 710  |
| Apr. 10 | Chambers amendment adopted.<br>Advanced for Engrossment..... | 1814 |
| Apr. 14 | Correctly Engrossed.....                                     | 1825 |
| Apr. 18 | Final Reading.....   | 1975 |
| Apr. 18 | Correctly Enrolled. Speaker signed.....                      | 1977 |
| Apr. 18 | Presented to Governor.....                                   | 1989 |
| Apr. 28 | Returned by Governor without approval.....                   | 2041 |
| Apr. 28 | Letter.....  | 2046 |
| Apr. 28 | Certificate.....   | 2047 |

#### **LEGISLATIVE BILL 691 By Revenue Committee**

CHRONOLOGY OF BILLS

2143

Jan. 10 Read first time.....181  
Jan. 10 Referred to Committee on Revenue .....191  
Feb. 7 Notice of hearing.....590  
Mar. 13 Placed on General File.....1198  
Mar. 24 Speaker's order.....1482  
Mar. 25 George amendment printed.....1494  
Mar. 26 Committee amendments adopted.  
Indefinitely postponed.....1536

**LEGISLATIVE BILL 691A By Revenue Committee**

Mar. 25 Read first time. Placed on General File .....1486  
Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 692 By Maresh**

Jan. 10 Read first time.....181  
Jan. 10 Referred to Committee on Urban Affairs.....191  
Jan. 25 Notice of hearing.....427  
Mar. 10 Placed on General File.....1094  
Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 693 By Clark**

Jan. 10 Read first time.....182  
Jan. 10 Referred to Committee on Public Works .....191  
Jan. 23 Notice of hearing.....389  
Feb. 20 Placed on General File.....764  
Feb. 22 Advanced for Review .....809  
Feb. 26 Placed on Select File .....865  
Mar. 3 Advanced for Engrossment .....965  
Mar. 5 Correctly Engrossed.....990  
Mar. 10 Clark motion to return to Select File  
for amendment pending .....1079  
Mar. 12 Clark pending motion withdrawn .....1153  
Mar. 12 Final Reading .....1154  
Mar. 12 Haberman explanation of vote.....1158  
Mar. 13 Correctly Enrolled. Speaker signed .....1184  
Mar. 17 Presented to Governor .....1224  
Mar. 18 Marsh explanation of vote .....1256  
Mar. 18 Approved by Governor .....1265  
Mar. 24 Pirsch explanation of vote .....1471

**LEGISLATIVE BILL 694 By Judiciary Committee**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....   | 182  |
| Jan. 10 | Referred to Committee on Judiciary .....   | 191  |
| Jan. 16 | Notice of hearing.....   | 274  |
| Feb. 22 | Placed on General File.....  | 802  |
| Feb. 28 | Special order.....   | 930  |
| Mar. 12 | Committee amendments adopted.<br>Wesely amendment lost.<br>Advanced for Review.....  | 1166 |
| Mar. 12 | Koch amendment printed.....  | 1173 |
| Mar. 13 | Placed on Select File .....  | 1199 |
| Mar. 18 | Koch amendment printed.....  | 1260 |
| Apr. 9  | Koch pending amendment withdrawn.<br>Nichol amendment adopted. Koch pending<br>amendment adopted. Murphy amendment<br>lost. Advanced for Engrossment ..... | 1767 |
| Apr. 14 | Correctly Engrossed. Title change .....  | 1825 |
| Apr. 18 | Final Reading .....  | 1975 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....   | 1990 |
| Apr. 18 | Presented to Governor .....  | 2006 |
| Apr. 28 | Approved by Governor .....   | 2042 |

#### **LEGISLATIVE BILL 695 By Judiciary Committee**

|         |  |     |
|---------|--|-----|
| Jan. 10 | Read first time.....                     | 182 |
| Jan. 10 | Referred to Committee on Judiciary ..... | 191 |
| Jan. 15 | Notice of hearing.....                   | 256 |
| Feb. 27 | Indefinitely postponed.....              | 905 |

#### **LEGISLATIVE BILL 696 By Judiciary Committee**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....  | 182  |
| Jan. 10 | Referred to Committee on Judiciary .....  | 191  |
| Jan. 15 | Notice of hearing.....  | 256  |
| Jan. 28 | Placed on General File.....   | 431  |
| Feb. 4  | Committee amendments adopted. Recommitted<br>to Judiciary Committee .....   | 527  |
| Feb. 6  | Notice of hearing.....  | 567  |
| Feb. 28 | Placed on General File.....   | 923  |
| Mar. 5  | Special order.....  | 1009 |
| Mar. 13 | DeCamp amendment to Committee amendments<br>adopted. Committee amendments adopted as<br>amended. Advanced for Review..... | 1193 |
| Mar. 17 | Placed on Select File .....   | 1247 |
| Mar. 19 | Advanced for Engrossment .....  | 1303 |
| Mar. 24 | Correctly Engrossed.....  | 1444 |
| Mar. 27 | Final Reading .....   | 1560 |

CHRONOLOGY OF BILLS

2145

|         |  |      |
|---------|--|------|
| Mar. 27 | Correctly Enrolled. Speaker signed ..... | 1584 |
| Mar. 31 | Presented to Governor .....              | 1594 |
| Apr. 8  | Approved by Governor .....               | 1685 |

**LEGISLATIVE BILL 697 By Judiciary Committee**

|         |  |     |
|---------|--|-----|
| Jan. 10 | Read first time .....                    | 183 |
| Jan. 10 | Referred to Committee on Judiciary ..... | 191 |
| Jan. 16 | Notice of hearing .....                  | 274 |
| Jan. 25 | Placed on General File .....             | 424 |
| Feb. 4  | Advanced for Review .....                | 526 |
| Feb. 6  | Placed on Select File .....              | 553 |
| Feb. 7  | Advanced for Engrossment .....           | 592 |
| Feb. 8  | Correctly Engrossed .....                | 613 |
| Feb. 13 | Final Reading .....                      | 662 |
| Feb. 14 | Correctly Enrolled. Speaker signed ..... | 684 |
| Feb. 14 | Presented to Governor .....              | 699 |
| Feb. 19 | Approved by Governor .....               | 726 |
| Feb. 20 | Koch explanation of vote .....           | 759 |

**LEGISLATIVE BILL 698 By Judiciary Committee**

|         |   |     |
|---------|---|-----|
| Jan. 10 | Read first time .....   | 183 |
| Jan. 10 | Referred to Committee on Judiciary .....                              | 191 |
| Jan. 16 | Notice of hearing .....   | 274 |
| Jan. 25 | Placed on General File .....  | 424 |
| Feb. 4  | Advanced for Review .....   | 527 |
| Feb. 5  | Goodrich amendment printed .....                                      | 540 |
| Feb. 6  | Placed on Select File .....   | 553 |
| Feb. 7  | Goodrich pending amendment adopted.<br>Advanced for Engrossment ..... | 594 |
| Feb. 11 | Correctly Engrossed .....   | 621 |
| Feb. 19 | Final Reading .....   | 717 |
| Feb. 20 | Correctly Enrolled. President signed .....                            | 740 |
| Feb. 20 | Presented to Governor .....   | 767 |
| Feb. 22 | Approved by Governor .....  | 804 |

**LEGISLATIVE BILL 699 By Judiciary Committee**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time .....                    | 183  |
| Jan. 10 | Referred to Committee on Judiciary ..... | 191  |
| Jan. 16 | Notice of hearing .....                  | 274  |
| Apr. 18 | Indefinitely postponed .....             | 2029 |

**LEGISLATIVE BILL 700 By Judiciary Committee**

|         |  |     |
|---------|--|-----|
| Jan. 10 | Read first time.....                     | 183 |
| Jan. 10 | Referred to Committee on Judiciary ..... | 191 |
| Jan. 16 | Notice of hearing.....                   | 274 |
| Jan. 24 | Placed on General File.....              | 403 |
| Feb. 4  | Advanced for Review.....                 | 518 |
| Feb. 6  | Placed on Select File .....              | 553 |
| Feb. 7  | Advanced for Engrossment.....            | 592 |
| Feb. 8  | Correctly Engrossed.....                 | 613 |
| Feb. 13 | Final Reading.....                       | 663 |
| Feb. 14 | Correctly Enrolled. Speaker signed.....  | 684 |
| Feb. 14 | Presented to Governor .....              | 699 |
| Feb. 19 | Approved by Governor .....               | 726 |
| Feb. 20 | Koch explanation of vote .....           | 759 |

**LEGISLATIVE BILL 701 By Kremer**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                       | 184  |
| Jan. 14 | Referred to Committee on Public Works..... | 234  |
| Jan. 23 | Notice of hearing.....                     | 389  |
| Feb. 5  | Placed on General File.....                | 530  |
| Feb. 8  | Advanced for Review.....                   | 603  |
| Feb. 12 | Placed on Select File .....                | 643  |
| Feb. 13 | Advanced for Engrossment.....              | 674  |
| Feb. 14 | Correctly Engrossed.....                   | 704  |
| Apr. 15 | Final Reading.....                         | 1882 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....    | 1900 |
| Apr. 15 | Presented to Governor .....                | 1911 |
| Apr. 15 | Approved by Governor .....                 | 1944 |

**LEGISLATIVE BILL 701A By Kremer**

|         |  |      |
|---------|--|------|
| Feb. 8  | Read first time. Placed on General File..... | 609  |
| Feb. 11 | Advanced for Review.....                     | 640  |
| Feb. 12 | Placed on Select File .....                  | 650  |
| Feb. 13 | Advanced for Engrossment.....                | 675  |
| Feb. 14 | Correctly Engrossed.....                     | 704  |
| Apr. 15 | Final Reading.....                           | 1882 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....      | 1900 |
| Apr. 15 | Presented to Governor.....                   | 1911 |
| Apr. 15 | Approved by Governor .....                   | 1944 |

**LEGISLATIVE BILL 702 By LR169 Study Committee**

CHRONOLOGY OF BILLS

2147

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....                        | 193  |
| Jan. 14 | Referred to Committee on Urban Affairs..... | 234  |
| Jan. 29 | Notice of hearing.....                      | 457  |
| Mar. 20 | Indefinitely postponed.....                 | 1353 |

**LEGISLATIVE BILL 703 By Goodrich**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                                     | 193  |
| Jan. 14 | Referred to Committee on Urban Affairs.....              | 234  |
| Jan. 16 | Notice of hearing.....                                   | 290  |
| Jan. 31 | Placed on General File.....                              | 487  |
| Feb. 8  | Committee amendment adopted.<br>Advanced for Review..... | 609  |
| Feb. 12 | Placed on Select File.....                               | 643  |
| Feb. 13 | Advanced for Engrossment.....                            | 675  |
| Feb. 14 | Correctly Engrossed.....                                 | 704  |
| Feb. 25 | Laid over.....   | 835  |
| Mar. 6  | Final Reading.....                                       | 1014 |
| Mar. 6  | Haberman explanation of vote.....                        | 1024 |
| Mar. 7  | Correctly Enrolled. President signed.....                | 1039 |
| Mar. 7  | Stoney explanation of vote.....                          | 1046 |
| Mar. 7  | Presented to Governor.....                               | 1062 |
| Mar. 12 | Koch explanation of vote.....                            | 1161 |
| Mar. 13 | Approved by Governor.....                                | 1189 |

**LEGISLATIVE BILL 704 By Keyes**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....                        | 193  |
| Jan. 14 | Referred to Committee on Urban Affairs..... | 234  |
| Jan. 25 | Notice of hearing.....                      | 427  |
| Mar. 3  | Placed on General File.....                 | 949  |
| Apr. 18 | Indefinitely postponed.....                 | 2029 |

**LEGISLATIVE BILL 705 By George**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....   | 193  |
| Jan. 14 | Referred to Committee on Agriculture<br>and Environment..... | 234  |
| Jan. 16 | Notice of hearing.....                                       | 290  |
| Feb. 26 | Placed on General File.....                                  | 866  |
| Mar. 12 | George amendment printed.....                                | 1173 |
| Apr. 18 | Indefinitely postponed.....                                  | 2029 |

**LEGISLATIVE BILL 706 By Sieck**

|         |  |      |
|---------|--|------|
| Jan. 10 | Read first time.....                                       | 193  |
| Jan. 14 | Referred to Committee on Public<br>Health and Welfare..... | 234  |
| Jan. 15 | Notice of hearing.....                                     | 260  |
| Apr. 18 | Indefinitely postponed.....                                | 2029 |

**LEGISLATIVE BILL 707 By Urban Affairs Committee**

|         |   |      |
|---------|---|------|
| Jan. 10 | Read first time.....                        | 194  |
| Jan. 14 | Referred to Committee on Urban Affairs..... | 234  |
| Feb. 5  | Notice of hearing.....                      | 539  |
| Mar. 7  | Placed on General File.....                 | 1039 |
| Apr. 18 | Indefinitely postponed.....                 | 2029 |

**LEGISLATIVE BILL 708 By Public Works Committee**

|         |  |      |
|---------|--|------|
| Jan. 11 | Read first time.....                       | 199  |
| Jan. 16 | Referred to Committee on Public Works..... | 291  |
| Jan. 23 | Notice of hearing.....                     | 389  |
| Apr. 18 | Indefinitely postponed.....                | 2029 |

**LEGISLATIVE BILL 709 By Public Works Committee**

|         |   |      |
|---------|---|------|
| Jan. 11 | Read first time.....                                      | 199  |
| Jan. 14 | Referred to Committee on Public Works.....                | 234  |
| Jan. 23 | Notice of hearing.....                                    | 389  |
| Feb. 25 | Placed on General File.....                               | 832  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review..... | 1057 |
| Mar. 12 | Placed on Select File.....                                | 1172 |
| Mar. 17 | Advanced for Engrossment.....                             | 1225 |
| Mar. 20 | Correctly Engrossed.....                                  | 1346 |
| Apr. 15 | Final Reading.....  | 1904 |
| Apr. 15 | Correctly Enrolled.....                                   | 1910 |
| Apr. 15 | Speaker signed.....                                       | 1911 |
| Apr. 15 | Presented to Governor.....                                | 1924 |
| Apr. 18 | Approved by Governor.....                                 | 1952 |

**LEGISLATIVE BILL 710 By Urban Affairs Committee**

|         |   |      |
|---------|---|------|
| Jan. 11 | Read first time.....                        | 199  |
| Jan. 14 | Referred to Committee on Urban Affairs..... | 234  |
| Feb. 5  | Notice of hearing.....                      | 539  |
| Mar. 10 | Placed on General File.....                 | 1080 |
| Apr. 18 | Indefinitely postponed.....                 | 2029 |

**LEGISLATIVE BILL 711 By DeCamp**

|         |                                       |      |
|---------|---------------------------------------|------|
| Jan. 11 | Read first time.....                  | 200  |
| Jan. 14 | Referred to Committee on Revenue..... | 234  |
| Feb. 7  | Notice of hearing.....                | 590  |
| Mar. 13 | Indefinitely postponed.....           | 1185 |

**LEGISLATIVE BILL 712 By Murphy**

|         |  |      |
|---------|--|------|
| Jan. 11 | Read first time.....   | 202  |
| Jan. 14 | Referred to Committee on Administrative<br>Rules and Regulations Review..... | 234  |
| Jan. 31 | Notice of hearing.....   | 492  |
| Feb. 8  | Placed on General File.....  | 600  |
| Feb. 14 | Committee amendments adopted.<br>Advanced for Review.....                    | 698  |
| Feb. 19 | Placed on Select File.....   | 711  |
| Feb. 20 | Advanced for Engrossment.....  | 766  |
| Feb. 22 | Correctly Engrossed.....   | 795  |
| Apr. 15 | Final Reading.....   | 1883 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....                                      | 1900 |
| Apr. 15 | Presented to Governor.....   | 1911 |
| Apr. 15 | Approved by Governor.....  | 1944 |

**LEGISLATIVE BILL 712A By Administrative Rules and Regulations Review Committee**

|         |  |      |
|---------|--|------|
| Feb. 21 | Read first time. Placed on General File..... | 783  |
| Feb. 28 | Advanced for Review.....                     | 922  |
| Mar. 3  | Placed on Select File.....                   | 940  |
| Mar. 10 | Advanced for Engrossment.....                | 1068 |
| Mar. 17 | Correctly Engrossed.....                     | 1214 |
| Apr. 15 | Final Reading.....                           | 1884 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....      | 1900 |
| Apr. 15 | Presented to Governor.....                   | 1911 |
| Apr. 15 | Approved by Governor.....                    | 1944 |

**LEGISLATIVE BILL 713 By LR154 Committee**

|         |   |      |
|---------|---|------|
| Jan. 11 | Read first time.....                    | 209  |
| Jan. 14 | Referred to Committee on Judiciary..... | 234  |
| Jan. 16 | Notice of hearing.....                  | 274  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 714 By George**

|         |  |     |
|---------|--|-----|
| Jan. 11 | Read first time.....   | 209 |
| Jan. 14 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 234 |
| Jan. 15 | Notice of hearing.....   | 245 |
| Feb. 19 | Indefinitely postponed.....                                      | 737 |

**LEGISLATIVE BILL 715 By Wesely**

|         |  |      |
|---------|--|------|
| Jan. 11 | Read first time.....                                       | 209  |
| Jan. 14 | Referred to Committee on Public<br>Health and Welfare..... | 234  |
| Jan. 22 | Notice of hearing.....                                     | 351  |
| Mar. 18 | Placed on General File.....                                | 1268 |
| Apr. 18 | Indefinitely postponed.....                                | 2029 |

**LEGISLATIVE BILL 715A By Wesely**

|         |  |      |
|---------|--|------|
| Mar. 26 | Read first time. Placed on General File..... | 1532 |
| Apr. 18 | Indefinitely postponed.....                  | 2029 |

**LEGISLATIVE BILL 716 By George**

|         |                                       |      |
|---------|---------------------------------------|------|
| Jan. 11 | Read first time.....                  | 209  |
| Jan. 14 | Referred to Committee on Revenue..... | 234  |
| Jan. 22 | Notice of hearing.....                | 349  |
| Feb. 14 | Attorney General's Opinion .....      | 683  |
| Mar. 13 | Indefinitely postponed.....           | 1185 |

**LEGISLATIVE BILL 717 By Urban Affairs Committee**

|         |   |      |
|---------|---|------|
| Jan. 11 | Read first time.....  | 209  |
| Jan. 14 | Referred to Committee on Urban Affairs.....   | 234  |
| Feb. 5  | Notice of hearing.....  | 539  |
| Mar. 3  | Placed on General File.....   | 949  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review.....   | 1055 |
| Mar. 11 | Placed on Select File .....   | 1131 |
| Mar. 13 | Wesely amendment printed .....  | 1211 |
| Mar. 17 | Lamb amendment to Wesely pending<br>amendment adopted. Wesely pending<br>amendment adopted as amended.<br>Advanced for Engrossment..... | 1235 |
| Mar. 20 | Correctly Engrossed. Title change.....  | 1363 |
| Mar. 25 | Final Reading .....   | 1489 |

CHRONOLOGY OF BILLS

Mar. 26 Correctly Enrolled. President signed .....1518  
 Mar. 26 Presented to Governor .....1530  
 Mar. 27 Approved by Governor .....1576

**LEGISLATIVE BILL 718 By Venditte**

Jan. 11 Read first time .....211  
 Jan. 14 Referred to Committee on Judiciary .....234  
 Jan. 16 Notice of hearing.....274  
 Feb. 28 Placed on General File.  
       Schmit amendment printed .....925  
 Mar. 18 Schmit amendment printed .....1258  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 719 By Business and Labor Committee**

Jan. 11 Read first time.....212  
 Jan. 14 Referred to Committee on Business and Labor...234  
 Jan. 16 Notice of hearing.....273  
 Feb. 8 Indefinitely postponed.....611

**LEGISLATIVE BILL 720 By George**

Jan. 11 Read first time.....213  
 Jan. 14 Referred to Committee on Judiciary .....234  
 Jan. 16 Notice of hearing.....274  
 Feb. 28 Indefinitely postponed.....929

**LEGISLATIVE BILL 721 By Fowler**

Jan. 11 Read first time.....213  
 Jan. 14 Referred to Committee on Judiciary .....234  
 Jan. 16 Notice of hearing.....274  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 722 By Warner**

Jan. 11 Read first time.....213  
 Jan. 14 Referred to Committee on Revenue .....234  
 Jan. 29 Notice of hearing.....456  
 Mar. 3 Placed on General File.....952  
 Mar. 20 Fowler amendment printed .....1358  
 Mar. 21 Landis amendment printed .....1396  
 Mar. 24 Warner amendment printed.....1483  
 Mar. 31 Warner amendment to Committee amendments  
       adopted. Committee amendments adopted as  
       amended. Warner and Landis pending

|         |  |      |
|---------|--|------|
|         | amendments withdrawn. Warner re-offered<br>Landis amendment adopted.<br>Advanced for Review .....                                      | 1606 |
| Apr. 2  | Placed on Select File .....  | 1666 |
| Apr. 9  | Maresh motion lost. Laid over .....  | 1747 |
| Apr. 9  | Warner amendment adopted. Laid over .....  | 1752 |
| Apr. 9  | Warner amendment adopted. Landis,<br>Fowler, and Lewis amendments lost.<br>Maresh amendment adopted.<br>Advanced for Engrossment ..... | 1754 |
| Apr. 9  | Keyes amendment printed .....  | 1766 |
| Apr. 10 | Correctly Engrossed. Title change .....  | 1816 |
| Apr. 14 | Keyes amendments printed .....   | 1840 |
| Apr. 15 | Keyes pending amendment p. 1766 withdrawn.<br>Final Reading .....  | 1930 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....   | 1940 |
| Apr. 15 | Presented to Governor .....  | 1945 |
| Apr. 18 | Approved by Governor .....   | 1951 |

#### **LEGISLATIVE BILL 722A By Warner**

|         |   |      |
|---------|---|------|
| Mar. 11 | Read first time. Placed on General File .....               | 1129 |
| Mar. 31 | Advanced for Review .....                                   | 1608 |
| Apr. 2  | Placed on Select File .....                                 | 1667 |
| Apr. 9  | Warner amendment adopted.<br>Advanced for Engrossment ..... | 1757 |
| Apr. 10 | Correctly Engrossed .....                                   | 1816 |
| Apr. 15 | Final Reading .....   | 1931 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....                    | 1940 |
| Apr. 15 | Presented to Governor .....                                 | 1945 |
| Apr. 18 | Approved by Governor .....                                  | 1951 |

#### **LEGISLATIVE BILL 723 By Constitutional Revision and Recreation Committee**

|         |  |     |
|---------|--|-----|
| Jan. 11 | Read first time .....  | 213 |
| Jan. 14 | Referred to Committee on Constitutional<br>Revision and Recreation ..... | 234 |
| Jan. 16 | Notice of hearing .....  | 274 |
| Feb. 4  | Placed on General File .....   | 527 |
| Feb. 8  | Committee amendment adopted.<br>Advanced for Review .....                | 612 |
| Feb. 12 | Placed on Select File .....  | 643 |
| Feb. 13 | Advanced for Engrossment .....   | 675 |
| Feb. 14 | Correctly Engrossed .....  | 704 |
| Feb. 25 | Final Reading .....  | 835 |

CHRONOLOGY OF BILLS

2153

|         |   |      |
|---------|---|------|
| Feb. 25 | Attorney General's Opinion .....          | 852  |
| Mar. 3  | Correctly Enrolled. President signed..... | 934  |
| Mar. 3  | Presented to Governor .....               | 949  |
| Mar. 7  | Approved by Governor .....                | 1040 |

**LEGISLATIVE BILL 724 By Government, Military and Veterans Affairs Committee**

|         |   |      |
|---------|---|------|
| Jan. 11 | Read first time.....  | 216  |
| Jan. 14 | Referred to Committee on Education.....   | 234  |
| Jan. 15 | Notice of hearing.....  | 257  |
| Feb. 21 | Placed on General File.....   | 784  |
| Feb. 26 | Lewis amendment printed .....   | 859  |
| Mar. 4  | Lewis pending amendment adopted.<br>Committee amendments adopted as amended.<br>Advanced for Review ..... | 985  |
| Mar. 6  | Placed on Select File .....   | 1020 |
| Mar. 12 | Hefner amendment lost.<br>Advanced for Engrossment.....   | 1165 |
| Mar. 19 | Correctly Engrossed.....  | 1291 |
| Mar. 24 | Final Reading .....   | 1456 |
| Mar. 24 | Correctly Enrolled. Speaker signed .....  | 1471 |
| Mar. 24 | Presented to Governor.....  | 1483 |
| Mar. 25 | Keyes explanation of vote.....  | 1496 |
| Mar. 27 | Approved by Governor .....  | 1576 |

**LEGISLATIVE BILL 725 By Kelly**

|         |  |      |
|---------|--|------|
| Jan. 14 | Read first time.....   | 228  |
| Jan. 14 | Referred to Committee on Public<br>Health and Welfare.....   | 234  |
| Jan. 15 | Notice of hearing.....   | 260  |
| Feb. 5  | Placed on General File.....  | 550  |
| Feb. 13 | Hoagland amendment to Committee<br>amendment pending.....  | 676  |
| Feb. 14 | Hoagland amendments printed.....   | 699  |
| Feb. 19 | Kelly amendment printed.....   | 726  |
| Feb. 19 | Hoagland amendment printed.....  | 727  |
| Feb. 20 | Hoagland-Johnson-Wesely-Simon motion pending.  | 767  |
| Mar. 3  | Committee amendments lost. Hoagland pending<br>amendments p. 676, 699, 701, and 727<br>withdrawn.<br>Kelly pending amendment adopted.<br>Advanced for Review ..... | 951  |
| Mar. 5  | Placed on Select File .....  | 988  |
| Mar. 10 | Advanced for Engrossment.....  | 1068 |

|         |                                   |      |
|---------|-----------------------------------|------|
| Mar. 17 | Correctly Engrossed.....          | 1214 |
| Mar. 20 | Final Reading.....                | 1330 |
| Mar. 20 | Haberman explanation of vote..... | 1341 |
| Mar. 21 | Correctly Enrolled.....           | 1376 |
| Mar. 21 | Speaker signed.....               | 1406 |
| Mar. 24 | Presented to Governor.....        | 1443 |
| Mar. 25 | Keyes explanation of vote.....    | 1495 |
| Mar. 27 | Approved by Governor.....         | 1576 |

**LEGISLATIVE BILL 726 By Rumery**

|         |  |      |
|---------|--|------|
| Jan. 14 | Read first time.....   | 229  |
| Jan. 14 | Referred to Committee on Nebraska<br>Retirement Systems..... | 234  |
| Jan. 22 | Notice of hearing.....                                       | 357  |
| Mar. 17 | Placed on General File.....                                  | 1233 |
| Apr. 18 | Indefinitely postponed.....                                  | 2029 |

**LEGISLATIVE BILL 727 By Warner**

|         |   |     |
|---------|---|-----|
| Jan. 14 | Read first time.....  | 229 |
| Jan. 14 | Referred to Committee on Constitutional<br>Revision and Recreation..... | 234 |
| Jan. 21 | Notice of hearing.....  | 326 |
| Feb. 26 | Indefinitely postponed.....   | 868 |

**LEGISLATIVE BILL 728 By Johnson**

|         |  |     |
|---------|--|-----|
| Jan. 14 | Read first time.....                                       | 231 |
| Jan. 14 | Referred to Committee on Public<br>Health and Welfare..... | 234 |
| Jan. 22 | Notice of hearing.....                                     | 352 |
| Feb. 8  | Indefinitely postponed.....                                | 609 |

**LEGISLATIVE BILL 729 By Constitutional Revision and Recreation Committee**

|         |   |     |
|---------|---|-----|
| Jan. 14 | Read first time.....  | 231 |
| Jan. 14 | Referred to Committee on Constitutional<br>Revision and Recreation..... | 234 |
| Jan. 21 | Notice of hearing.....  | 326 |
| Feb. 26 | Indefinitely postponed.....   | 868 |

**LEGISLATIVE BILL 730 By Johnson**

CHRONOLOGY OF BILLS

2155

|         |   |      |
|---------|---|------|
| Jan. 14 | Read first time.....  | 231  |
| Jan. 14 | Referred to Committee on Judiciary .....                            | 234  |
| Jan. 16 | Notice of hearing.....  | 274  |
| Feb. 7  | Johnson amendment printed.....                                      | 596  |
| Feb. 8  | Placed on General File.....   | 618  |
| Mar. 3  | Johnson pending amendment adopted.<br>Advanced for Review .....     | 952  |
| Mar. 5  | Placed on Select File .....   | 988  |
| Mar. 5  | Johnson amendment printed.....                                      | 1010 |
| Mar. 11 | Johnson pending amendment adopted.<br>Advanced for Engrossment..... | 1104 |
| Mar. 18 | Correctly Engrossed.....  | 1270 |
| Mar. 21 | Final Reading.....  | 1380 |
| Mar. 21 | Haberman explanation of vote.....                                   | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed .....                            | 1444 |
| Mar. 24 | Presented to Governor .....   | 1462 |
| Mar. 25 | Keyes explanation of vote.....                                      | 1496 |
| Mar. 31 | Approved by Governor .....  | 1594 |

**LEGISLATIVE BILL 731 By Beutler**

|         |   |      |
|---------|---|------|
| Jan. 14 | Read first time.....                                      | 232  |
| Jan. 14 | Referred to Committee on Judiciary .....                  | 234  |
| Jan. 16 | Notice of hearing.....                                    | 274  |
| Feb. 14 | Placed on General File.....                               | 703  |
| Mar. 3  | Committee amendment adopted.<br>Advanced for Review ..... | 963  |
| Mar. 5  | Placed on Select File .....                               | 989  |
| Mar. 10 | Advanced for Engrossment.....                             | 1068 |
| Mar. 17 | Correctly Engrossed.....                                  | 1214 |
| Apr. 15 | Final Reading .....                                       | 1885 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....                  | 1900 |
| Apr. 15 | Presented to Governor .....                               | 1911 |
| Apr. 15 | Approved by Governor .....                                | 1944 |

**LEGISLATIVE BILL 731A By Beutler**

|         |   |      |
|---------|---|------|
| Feb. 22 | Read first time. Placed on General File ..... | 811  |
| Mar. 3  | Advanced for Review .....                     | 963  |
| Mar. 5  | Placed on Select File .....                   | 989  |
| Mar. 10 | Advanced for Engrossment.....                 | 1068 |
| Mar. 17 | Correctly Engrossed.....                      | 1214 |
| Apr. 15 | Final Reading .....                           | 1886 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....      | 1900 |
| Apr. 15 | Presented to Governor .....                   | 1911 |
| Apr. 15 | Approved by Governor .....                    | 1944 |

**LEGISLATIVE BILL 732 By Miscellaneous Subjects Committee**

|         |  |      |
|---------|--|------|
| Jan. 14 | Read first time.....                                     | 232  |
| Jan. 14 | Referred to Committee on Miscellaneous<br>Subjects ..... | 234  |
| Jan. 24 | Notice of hearing.....                                   | 402  |
| Apr. 18 | Indefinitely postponed.....                              | 2029 |

**LEGISLATIVE BILL 733 By Koch**

|         |   |      |
|---------|---|------|
| Jan. 14 | Read first time.....  | 232  |
| Jan. 14 | Referred to Committee on Judiciary .....  | 234  |
| Jan. 16 | Notice of hearing.....  | 274  |
| Jan. 16 | DeCamp amendment printed.....   | 291  |
| Feb. 5  | Placed on General File.....   | 531  |
| Feb. 8  | Committee amendments adopted. DeCamp<br>pending amendment withdrawn. Koch<br>amendment lost ..... | 612  |
| Feb. 22 | Koch amendment adopted.<br>Advanced for Review .....  | 815  |
| Feb. 26 | Placed on Select File .....   | 865  |
| Feb. 28 | Attorney General's Opinion .....  | 914  |
| Mar. 3  | Laid over.....  | 965  |
| Mar. 6  | Reutzel amendment adopted.<br>Advanced for Engrossment.....                                       | 1031 |
| Mar. 12 | Correctly Engrossed.....  | 1173 |
| Mar. 19 | Final Reading .....   | 1292 |
| Mar. 19 | Haberman explanation of vote.....   | 1296 |
| Mar. 21 | Correctly Enrolled .....  | 1376 |
| Mar. 21 | Speaker signed .....  | 1406 |
| Mar. 24 | Presented to Governor .....   | 1443 |
| Mar. 25 | Keyes explanation of vote.....  | 1495 |
| Mar. 27 | Approved by Governor .....  | 1576 |

**LEGISLATIVE BILL 734 By Barrett**

|         |  |     |
|---------|--|-----|
| Jan. 14 | Read first time.....                     | 232 |
| Jan. 14 | Referred to Committee on Education.....  | 234 |
| Jan. 15 | Notice of hearing.....                   | 256 |
| Jan. 22 | Placed on General File.....              | 357 |
| Feb. 4  | Advanced for Review .....                | 518 |
| Feb. 6  | Placed on Select File .....              | 553 |
| Feb. 7  | Advanced for Engrossment.....            | 592 |
| Feb. 8  | Correctly Engrossed.....                 | 613 |
| Feb. 13 | Final Reading .....                      | 663 |
| Feb. 14 | Correctly Enrolled. Speaker signed ..... | 684 |

CHRONOLOGY OF BILLS

2157

Feb. 14 Presented to Governor ..... 699  
Feb. 20 Approved by Governor ..... 740  
Feb. 20 Koch explanation of vote ..... 759

**LEGISLATIVE BILL 735 By Barrett**

Jan. 14 Read first time..... 232  
Jan. 14 Referred to Committee on Education..... 234  
Jan. 15 Notice of hearing..... 256  
Jan. 22 Placed on General File..... 357  
Feb. 4 Advanced for Review..... 518  
Feb. 6 Placed on Select File ..... 553  
Feb. 7 Advanced for Engrossment..... 592  
Feb. 8 Correctly Engrossed..... 613  
Feb. 13 Final Reading ..... 664  
Feb. 14 Correctly Enrolled. Speaker signed ..... 684  
Feb. 14 Presented to Governor ..... 699  
Feb. 19 Approved by Governor ..... 726  
Feb. 20 Koch explanation of vote ..... 759

**LEGISLATIVE BILL 736 By Law Enforcement and Justice Advisory Committee**

Jan. 14 Read first time..... 233  
Jan. 16 Referred to Committee on Judiciary ..... 291  
Jan. 28 Notice of hearing..... 432  
Feb. 19 Marsh amendment printed..... 719  
Feb. 28 Indefinitely postponed..... 929

**LEGISLATIVE BILL 737 By Business and Labor Committee**

Jan. 14 Read first time..... 233  
Jan. 16 Referred to Committee on Judiciary ..... 291  
Jan. 28 Notice of hearing..... 432  
Feb. 28 Indefinitely postponed..... 929

**LEGISLATIVE BILL 738 By Agriculture and Environment Committee**

Jan. 14 Read first time..... 237  
Jan. 16 Referred to Committee on Agriculture  
and Environment ..... 291  
Jan. 29 Notice of hearing..... 456  
Feb. 19 Placed on General File..... 714  
Mar. 18 Clark amendment printed ..... 1276  
Apr. 2 Attorney General's Opinion ..... 1674

Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 738A By Nichol**

Jan. 23 Read first time. Placed on General File ..... 379

Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 739 By Kremer**

Jan. 14 Read first time..... 237

Jan. 16 Referred to Committee on Public Works ..... 291

Jan. 23 Notice of hearing..... 389

Feb. 11 Placed on General File..... 623

Mar. 11 Attorney General's Opinion .....1125

Mar. 13 DeCamp amendment printed.....1202

Mar. 18 Committee amendments adopted. Maresh  
amendment adopted. Laid over .....1261

Mar. 19 DeCamp amendment printed.....1304

Mar. 21 DeCamp amendment printed.....1433

Apr. 2 Haberman amendment printed .....1659

Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 740 By Reutzel**

Jan. 14 Read first time.....237

Jan. 16 Referred to Committee on Constitutional  
Revision and Recreation..... 291

Jan. 28 Notice of hearing.....435

Feb. 26 Placed on General File..... 868

Apr. 8 Committee amendment adopted.  
Advanced for Review .....1737

Apr. 9 Placed on Select File .....1751

Apr. 14 Advanced for Engrossment .....1865

Apr. 14 Correctly Engrossed.....1871

Apr. 18 Final Reading .....1977

Apr. 18 Correctly Enrolled. Speaker signed .....1990

Apr. 18 Presented to Governor .....2006

Apr. 28 Became law without Governor's signature.....2040

Apr. 28 Letter .....2047

Apr. 28 Certificate .....2048

**LEGISLATIVE BILL 741 By Hoagland**

Jan. 14 Read first time.....237

Jan. 16 Referred to Committee on Judiciary .....291

Jan. 28 Notice of hearing.....433

CHRONOLOGY OF BILLS

2159

|         |   |      |
|---------|---|------|
| Feb. 28 | Placed on General File.....   | 925  |
| Mar. 7  | Advanced for Review .....   | 1051 |
| Mar. 11 | Placed on Select File .....   | 1130 |
| Mar. 17 | Hoagland amendments adopted. DeCamp-<br>Labeledz amendment ruled out of order.<br>Advanced for Engrossment .....    | 1233 |
| Mar. 18 | Labeledz-DeCamp amendment printed.....  | 1267 |
| Mar. 19 | Attorney General's Opinion .....  | 1200 |
| Mar. 20 | Correctly Engrossed. Title change.....  | 1363 |
| Mar. 24 | Landis, Johnson, and Fowler<br>amendments printed .....   | 1470 |
| Mar. 24 | Chambers amendments printed.....  | 1480 |
| Mar. 25 | Chambers amendment printed .....  | 1503 |
| Mar. 26 | Keyes amendment printed .....   | 1523 |
| Mar. 27 | DeCamp-Labeledz motion lost.....  | 1572 |
| Mar. 27 | Landis, Johnson, Fowler, Chambers, and<br>Keyes pending amendments withdrawn.<br>Labeledz-DeCamp motion lost.....   | 1573 |
| Mar. 27 | Final Reading .....   | 1575 |
| Mar. 27 | Correctly Enrolled. Speaker signed .....  | 1584 |
| Mar. 31 | Hoagland motion to reconsider pending .....   | 1608 |
| Apr. 1  | Hoagland pending motion prevailed .....   | 1648 |
| Apr. 1  | Returned to Select File for Hoagland<br>amendment. Hoagland amendment adopted.<br>Advanced for Re-Engrossment ..... | 1649 |
| Apr. 2  | Correctly Re-Engrossed.....   | 1679 |
| Apr. 15 | Final Reading .....   | 1916 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....  | 1924 |
| Apr. 15 | Presented to Governor .....   | 1935 |
| Apr. 18 | Approved by Governor .....  | 1952 |

**LEGISLATIVE BILL 742 By Revenue Committee**

|         |   |     |
|---------|---|-----|
| Jan. 14 | Read first time.....  | 238 |
| Jan. 16 | Referred to Committee on Revenue .....  | 292 |
| Jan. 22 | Notice of hearing.....  | 349 |
| Jan. 31 | Placed on General File.....   | 492 |
| Feb. 8  | DeCamp amendment to Committee amendment<br>pending. Laid over .....                         | 611 |
| Feb. 13 | Committee amendment adopted.<br>Advanced for Review .....                                   | 675 |
| Feb. 19 | Placed on Select File .....   | 709 |
| Feb. 26 | DeCamp pending amendment lost. DeCamp<br>motion withdrawn.<br>Advanced for Engrossment..... | 862 |

|         |   |      |
|---------|---|------|
| Feb. 27 | Correctly Engrossed.....                  | 903  |
| Mar. 6  | Final Reading.....                        | 1014 |
| Mar. 6  | Haberman explanation of vote.....         | 1024 |
| Mar. 7  | Correctly Enrolled. President signed..... | 1039 |
| Mar. 7  | Stoney explanation of vote.....           | 1046 |
| Mar. 7  | Presented to Governor.....                | 1062 |
| Mar. 12 | Koch explanation of vote.....             | 1161 |
| Mar. 13 | Approved by Governor.....                 | 1189 |

### LEGISLATIVE BILL 743 By Haberman

|         |  |      |
|---------|--|------|
| Jan. 14 | Read first time.....   | 238  |
| Jan. 16 | Referred to Committee on Public Works.....   | 292  |
| Jan. 23 | Notice of hearing.....   | 389  |
| Feb. 20 | Placed on General File.....  | 764  |
| Feb. 22 | Advanced for Review.....   | 809  |
| Feb. 26 | Placed on Select File.....   | 865  |
| Feb. 27 | Cullan amendment printed.....  | 903  |
| Mar. 11 | Lewis amendment adopted. Cullan pending<br>amendment withdrawn.<br>Advanced for Engrossment.....                   | 1101 |
| Mar. 18 | Correctly Engrossed.....   | 1270 |
| Mar. 20 | Haberman amendment printed.....  | 1345 |
| Mar. 21 | Laid over.....   | 1381 |
| Mar. 21 | Returned to Select File for Haberman<br>amendment.....   | 1388 |
| Mar. 21 | Haberman pending amendment adopted.<br>Hoagland motion withdrawn.<br>Advanced for Re-Engrossment.....              | 1389 |
| Mar. 21 | Returned to Select File for Haberman<br>amendment. Haberman amendment adopted.<br>Advanced for Re-Engrossment..... | 1390 |
| Mar. 21 | Returned to Select File for Lewis amendment...   | 1405 |
| Mar. 21 | Lewis pending amendment adopted.<br>Advanced for Re-Engrossment.....   | 1406 |
| Mar. 24 | Correctly Re-Engrossed.....  | 1482 |
| Mar. 27 | Final Reading.....   | 1561 |
| Mar. 27 | DeCamp motion to reconsider pending.....   | 1576 |
| Mar. 27 | DeCamp pending motion prevailed.<br>Keyes motion lost.<br>Final Reading.....                                       | 1578 |
| Mar. 31 | Correctly Enrolled. President signed.....  | 1594 |
| Mar. 31 | Presented to Governor.....   | 1605 |
| Apr. 8  | Approved by Governor.....  | 1685 |

**LEGISLATIVE BILL 744 By LR169 Study Committee**

|         |  |     |
|---------|--|-----|
| Jan. 14 | Read first time.....                               | 238 |
| Jan. 16 | Referred to Committee on Urban Affairs.....        | 292 |
| Feb. 13 | Newell motion to withdraw pending.....             | 670 |
| Feb. 14 | Newell pending motion prevailed.<br>Withdrawn..... | 687 |

**LEGISLATIVE BILL 745 By Miscellaneous Subjects Committee**

|         |  |      |
|---------|--|------|
| Jan. 14 | Read first time.....                                     | 238  |
| Jan. 16 | Referred to Committee on Miscellaneous<br>Subjects ..... | 292  |
| Jan. 24 | Notice of hearing.....                                   | 402  |
| Apr. 18 | Indefinitely postponed.....                              | 2029 |

**LEGISLATIVE BILL 746 By DeCamp, Labeledz**

|         |  |      |
|---------|--|------|
| Jan. 14 | Read first time.....   | 239  |
| Jan. 23 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 363  |
| Feb. 5  | Notice of hearing.....   | 543  |
| Mar. 12 | Attorney General's Opinion .....   | 1151 |
| Mar. 12 | DeCamp-Labeledz motion pending.....  | 1180 |
| Mar. 13 | Indefinitely postponed.....  | 1189 |

**LEGISLATIVE BILL 747 By Miscellaneous Subjects Committee**

|         |  |      |
|---------|--|------|
| Jan. 14 | Read first time.....                                       | 239  |
| Jan. 16 | Referred to Committee on Appropriations.....               | 292  |
| Jan. 17 | Notice of hearing.....                                     | 310  |
| Jan. 31 | Placed on General File.....                                | 480  |
| Feb. 8  | Advanced for Review.....                                   | 601  |
| Feb. 12 | Placed on Select File .....                                | 642  |
| Feb. 20 | Warner amendment adopted.<br>Advanced for Engrossment..... | 762  |
| Feb. 22 | Correctly Engrossed.....                                   | 795  |
| Feb. 22 | Title change.....  | 807  |
| Feb. 27 | Final Reading .....  | 892  |
| Feb. 27 | Haberman explanation of vote.....                          | 905  |
| Mar. 3  | Correctly Enrolled. President signed.....                  | 934  |
| Mar. 3  | Presented to Governor .....                                | 949  |
| Mar. 7  | Approved by Governor .....                                 | 1063 |

**LEGISLATIVE BILL 748 By Wagner**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....                                     | 243  |
| Jan. 16 | Referred to Committee on Miscellaneous<br>Subjects ..... | 292  |
| Jan. 24 | Notice of hearing.....                                   | 402  |
| Feb. 7  | Placed on General File.....                              | 588  |
| Feb. 14 | Advanced for Review.....                                 | 689  |
| Feb. 19 | Placed on Select File .....                              | 710  |
| Feb. 20 | Advanced for Engrossment.....                            | 766  |
| Feb. 22 | Correctly Engrossed.....                                 | 795  |
| Feb. 27 | Final Reading.....                                       | 893  |
| Feb. 27 | Haberman explanation of vote.....                        | 905  |
| Mar. 3  | Correctly Enrolled. President signed.....                | 934  |
| Mar. 3  | Presented to Governor.....                               | 949  |
| Mar. 7  | Approved by Governor .....                               | 1040 |

**LEGISLATIVE BILL 749 By Stoney, Nichol**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....   | 244  |
| Jan. 16 | Referred to Committee on Judiciary .....   | 292  |
| Jan. 28 | Notice of hearing.....   | 432  |
| Feb. 7  | Placed on General File.....  | 596  |
| Feb. 14 | Advanced for Review.....   | 689  |
| Feb. 19 | Placed on Select File .....  | 710  |
| Feb. 26 | Johnson amendment adopted. Hoagland and<br>Beutler amendments lost. Hoagland<br>motion pending ..... | 871  |
| Mar. 5  | Indefinitely postponed.....  | 1006 |

**LEGISLATIVE BILL 750 By Warner**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....                                     | 244  |
| Jan. 31 | Referred to Committee on Miscellaneous<br>Subjects ..... | 504  |
| Feb. 6  | Notice of hearing.....                                   | 567  |
| Feb. 25 | Placed on General File.....                              | 841  |
| Apr. 18 | Indefinitely postponed.....                              | 2029 |

**LEGISLATIVE BILL 751 By Powers**

|         |   |      |
|---------|---|------|
| Jan. 15 | Read first time.....                        | 245  |
| Jan. 16 | Referred to Committee on Urban Affairs..... | 292  |
| Feb. 25 | Notice of hearing.....                      | 851  |
| Mar. 20 | Indefinitely postponed.....                 | 1353 |

**LEGISLATIVE BILL 752 By Simon**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....                                       | 247  |
| Jan. 16 | Referred to Committee on Public<br>Health and Welfare..... | 292  |
| Jan. 29 | Notice of hearing.....                                     | 450  |
| Mar. 11 | Indefinitely postponed.....                                | 1119 |

**LEGISLATIVE BILL 753 By Simon**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....                                       | 247  |
| Jan. 16 | Referred to Committee on Public<br>Health and Welfare..... | 292  |
| Jan. 29 | Notice of hearing.....                                     | 450  |
| Mar. 11 | Indefinitely postponed.....                                | 1119 |

**LEGISLATIVE BILL 754 By Simon**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....                                       | 247  |
| Jan. 16 | Referred to Committee on Public<br>Health and Welfare..... | 292  |
| Jan. 29 | Notice of hearing.....                                     | 450  |
| Mar. 10 | Simon motion pending.....                                  | 1094 |
| Mar. 11 | Indefinitely postponed.....                                | 1119 |
| Mar. 20 | Simon pending motion lost.....                             | 1350 |
| Mar. 20 | Newell explanation of vote.....                            | 1355 |

**LEGISLATIVE BILL 755 By Kremer**

|         |  |     |
|---------|--|-----|
| Jan. 15 | Read first time.....   | 248 |
| Jan. 16 | Referred to Committee on Agriculture<br>and Environment..... | 292 |
| Jan. 29 | Notice of hearing.....                                       | 456 |
| Feb. 25 | Indefinitely postponed.....                                  | 832 |

**LEGISLATIVE BILL 756 By George, Kahle**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....   | 248  |
| Jan. 16 | Referred to Committee on Agriculture<br>and Environment..... | 292  |
| Jan. 23 | Notice of hearing.....                                       | 379  |
| Mar. 17 | Attorney General's Opinion.....                              | 1216 |
| Apr. 18 | Indefinitely postponed.....                                  | 2029 |

**LEGISLATIVE BILL 757 By Dworak**

|         |  |     |
|---------|--|-----|
| Jan. 15 | Read first time.....                       | 248 |
| Jan. 16 | Referred to Committee on Public Works..... | 292 |
| Jan. 23 | Notice of hearing.....                     | 389 |
| Feb. 20 | Indefinitely postponed.....                | 764 |

**LEGISLATIVE BILL 758 By Hoagland**

|         |   |     |
|---------|---|-----|
| Jan. 15 | Read first time.....                    | 248 |
| Jan. 16 | Referred to Committee on Education..... | 292 |
| Jan. 22 | Notice of hearing.....                  | 360 |
| Feb. 20 | Indefinitely postponed.....             | 767 |

**LEGISLATIVE BILL 759 By Maresh**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....   | 248  |
| Jan. 23 | Referred to Committee on Agriculture<br>and Environment.....       | 363  |
| Jan. 29 | Notice of hearing.....   | 456  |
| Feb. 11 | Placed on General File.....  | 623  |
| Feb. 14 | Carsten, Hefner, and Merz names added.<br>Advanced for Review..... | 697  |
| Feb. 19 | Placed on Select File.....   | 710  |
| Feb. 20 | George name added.....   | 766  |
| Feb. 20 | Advanced for Engrossment.....                                      | 767  |
| Feb. 22 | Correctly Engrossed.....   | 795  |
| Feb. 27 | Final Reading.....   | 894  |
| Feb. 27 | Haberman explanation of vote.....                                  | 905  |
| Mar. 3  | Correctly Enrolled. President signed.....                          | 934  |
| Mar. 3  | Presented to Governor.....   | 949  |
| Mar. 7  | Approved by Governor.....  | 1063 |

**LEGISLATIVE BILL 760 By LR137 Study Committee**

|         |  |     |
|---------|--|-----|
| Jan. 15 | Read first time.....   | 252 |
| Jan. 16 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 292 |
| Jan. 25 | Notice of hearing.....   | 425 |
| Feb. 28 | Indefinitely postponed.....  | 929 |

**LEGISLATIVE BILL 761 By Business and Labor Committee**

|         |  |     |
|---------|--|-----|
| Jan. 15 | Read first time.....                             | 252 |
| Jan. 16 | Simon name withdrawn.....                        | 276 |
| Jan. 16 | Referred to Committee on Business and Labor..... | 292 |
| Jan. 31 | Notice of hearing.....                           | 491 |
| Feb. 19 | Indefinitely postponed.....                      | 712 |

**LEGISLATIVE BILL 762 By Chambers**

Jan. 15 Read first time.....252  
 Jan. 16 Referred to Committee on Judiciary .....292  
 Jan. 28 Notice of hearing.....433  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 763 By Cope, Goodrich**

Jan. 15 Read first time.....257  
 Jan. 16 Referred to Committee on Public  
           Health and Welfare.....292  
 Jan. 22 Notice of hearing.....351  
 Feb. 4 Indefinitely postponed.....526

**LEGISLATIVE BILL 764 By Lamb**

Jan. 15 Read first time.....257  
 Jan. 16 Referred to Committee on Education.....292  
 Jan. 22 Notice of hearing.....360  
 Feb. 12 Placed on General File.....652  
 Feb. 14 Advanced for Review .....698  
 Feb. 19 Placed on Select File .....711  
 Feb. 20 Advanced for Engrossment .....766  
 Feb. 22 Correctly Engrossed.....795  
 Feb. 27 Final Reading .....895  
 Feb. 27 Haberman explanation of vote.....905  
 Mar. 3 Correctly Enrolled. President signed.....934  
 Mar. 3 Presented to Governor .....949  
 Mar. 7 Approved by Governor .....1040

**LEGISLATIVE BILL 765 By Lamb**

Jan. 15 Read first time.....257  
 Jan. 16 Referred to Committee on Education.....292  
 Jan. 22 Notice of hearing.....360  
 Feb. 7 Placed on General File.....584  
 Feb. 14 Advanced for Review .....689  
 Feb. 19 Placed on Select File .....710  
 Feb. 26 Lamb, Fowler, and Warner amendments adopted.  
           Advanced for Engrossment.....869  
 Feb. 28 Correctly Engrossed. Title change.....913  
 Mar. 7 Warner amendment printed.....1062  
 Mar. 12 Returned to Select File for Warner amendment.  
           Warner amendment adopted.  
           Advanced for Re-Engrossment .....1156

|         |   |      |
|---------|---|------|
| Mar. 17 | Correctly Re-Engrossed.....   | 1235 |
| Mar. 20 | Koch amendment printed.....   | 1343 |
| Mar. 24 | Lamb amendment printed.....   | 1477 |
| Mar. 27 | Koch pending amendment withdrawn. Returned<br>to Select File for Lamb pending amendment<br>p. 1477. Lamb amendment adopted.<br>Advanced for Re-Engrossment..... | 1571 |
| Mar. 27 | Correctly Re-Engrossed.....   | 1583 |
| Apr. 15 | Dworak motion withdrawn.<br>Final Reading.....  | 1913 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....   | 1924 |
| Apr. 15 | Presented to Governor.....  | 1935 |
| Apr. 18 | Returned by Governor without approval.....  | 2004 |
| Apr. 18 | Motion to override prevailed.....   | 2026 |
| Apr. 28 | Letter. Certificate.....  | 2033 |
| Apr. 28 | Letter.....   | 2048 |
| Apr. 28 | Certificate.....  | 2049 |

#### LEGISLATIVE BILL 765A By Lamb

|         |  |      |
|---------|--|------|
| Feb. 14 | Read first time. Placed on General File.....             | 690  |
| Feb. 22 | Advanced for Review.....                                 | 808  |
| Feb. 26 | Placed on Select File.....                               | 864  |
| Mar. 5  | Lamb amendment adopted.<br>Advanced for Engrossment..... | 1008 |
| Mar. 7  | Correctly Engrossed.....                                 | 1061 |
| Apr. 15 | Final Reading.....                                       | 1914 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....                  | 1924 |
| Apr. 15 | Presented to Governor.....                               | 1935 |
| Apr. 18 | Returned by Governor without approval.....               | 2004 |
| Apr. 18 | Motion to override prevailed.....                        | 2027 |
| Apr. 28 | Letter. Certificate.....                                 | 2033 |
| Apr. 28 | Letter.....  | 2049 |
| Apr. 28 | Certificate.....   | 2050 |

#### LEGISLATIVE BILL 766 By Keyes

|         |  |     |
|---------|--|-----|
| Jan. 15 | Read first time.....   | 257 |
| Jan. 16 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 292 |
| Jan. 25 | Notice of hearing.....   | 425 |
| Feb. 6  | Placed on General File.....  | 560 |
| Feb. 8  | Advanced for Review.....   | 608 |
| Feb. 12 | Placed on Select File.....   | 643 |
| Feb. 13 | Advanced for Engrossment.....  | 675 |
| Feb. 14 | Correctly Engrossed.....   | 704 |

CHRONOLOGY OF BILLS

2167

|         |   |      |
|---------|---|------|
| Feb. 25 | Final Reading .....                       | 836  |
| Mar. 3  | Correctly Enrolled. President signed..... | 934  |
| Mar. 3  | Presented to Governor .....               | 949  |
| Mar. 7  | Approved by Governor .....                | 1040 |

**LEGISLATIVE BILL 767 By Speaker Marvel at request of Governor**

|         |   |      |
|---------|---|------|
| Jan. 15 | Read first time.....                          | 258  |
| Jan. 16 | Referred to Committee on Appropriations ..... | 292  |
| Jan. 17 | Notice of hearing.....                        | 310  |
| Mar. 26 | Indefinitely postponed.....                   | 1522 |

**LEGISLATIVE BILL 768 By Speaker Marvel at request of Governor**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....                                       | 258  |
| Jan. 16 | Referred to Committee on Appropriations .....              | 292  |
| Jan. 17 | Notice of hearing.....                                     | 310  |
| Mar. 12 | Placed on General File.....                                | 1137 |
| Mar. 18 | Committee amendments adopted.<br>Advanced for Review ..... | 1266 |
| Mar. 19 | Placed on Select File .....                                | 1314 |
| Mar. 26 | Advanced for Engrossment .....                             | 1530 |
| Mar. 27 | Correctly Engrossed.....                                   | 1570 |
| Apr. 8  | Final Reading .....  | 1692 |
| Apr. 8  | Correctly Enrolled. Speaker signed .....                   | 1707 |
| Apr. 8  | Presented to Governor .....                                | 1724 |
| Apr. 10 | Approved by Governor .....                                 | 1811 |

**LEGISLATIVE BILL 769 By Education Committee**

|         |   |      |
|---------|---|------|
| Jan. 15 | Read first time.....                                      | 261  |
| Jan. 16 | Referred to Committee on Education.....                   | 292  |
| Jan. 22 | Notice of hearing.....                                    | 360  |
| Feb. 21 | Placed on General File.....                               | 784  |
| Mar. 4  | Committee amendment adopted.<br>Advanced for Review ..... | 985  |
| Mar. 6  | Placed on Select File .....                               | 1020 |
| Mar. 12 | Advanced for Engrossment .....                            | 1164 |
| Mar. 17 | Correctly Engrossed.....                                  | 1235 |
| Mar. 20 | Final Reading .....                                       | 1331 |
| Mar. 21 | Correctly Enrolled .....                                  | 1376 |
| Mar. 21 | Speaker signed .....                                      | 1406 |
| Mar. 24 | Presented to Governor .....                               | 1443 |
| Mar. 24 | Approved by Governor .....                                | 1477 |
| Mar. 25 | Keyes explanation of vote.....                            | 1495 |

**LEGISLATIVE BILL 770 By Education Committee**

|         |   |      |
|---------|---|------|
| Jan. 15 | Read first time.....                    | 261  |
| Jan. 16 | Referred to Committee on Education..... | 292  |
| Jan. 22 | Notice of hearing.....                  | 360  |
| Feb. 21 | Placed on General File.....             | 784  |
| Mar. 4  | Advanced for Review.....                | 983  |
| Mar. 6  | Placed on Select File.....              | 1020 |
| Mar. 12 | Advanced for Engrossment.....           | 1164 |
| Mar. 17 | Correctly Engrossed.....                | 1235 |
| Mar. 20 | Final Reading.....                      | 1332 |
| Mar. 21 | Correctly Enrolled.....                 | 1376 |
| Mar. 21 | Speaker signed.....                     | 1406 |
| Mar. 24 | Presented to Governor.....              | 1443 |
| Mar. 25 | Keyes explanation of vote.....          | 1495 |
| Mar. 27 | Approved by Governor.....               | 1576 |

**LEGISLATIVE BILL 771 By Education Committee**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....                                 | 262  |
| Jan. 16 | Referred to Committee on Education.....              | 292  |
| Jan. 22 | Notice of hearing.....                               | 360  |
| Feb. 20 | Placed on General File.....                          | 767  |
| Mar. 4  | Lewis amendment adopted.<br>Advanced for Review..... | 983  |
| Mar. 6  | Placed on Select File.....                           | 1020 |
| Mar. 12 | Advanced for Engrossment.....                        | 1164 |
| Mar. 17 | Correctly Engrossed.....                             | 1235 |
| Mar. 20 | Final Reading.....                                   | 1333 |
| Mar. 21 | Correctly Enrolled.....                              | 1376 |
| Mar. 21 | Speaker signed.....                                  | 1406 |
| Mar. 24 | Presented to Governor.....                           | 1443 |
| Mar. 24 | Approved by Governor.....                            | 1477 |
| Mar. 25 | Keyes explanation of vote.....                       | 1495 |

**LEGISLATIVE BILL 772 By Education Committee**

|         |   |      |
|---------|---|------|
| Jan. 15 | Read first time.....                    | 262  |
| Jan. 16 | Referred to Committee on Education..... | 292  |
| Jan. 22 | Notice of hearing.....                  | 360  |
| Feb. 20 | Placed on General File.....             | 767  |
| Feb. 22 | Advanced for Review.....                | 815  |
| Feb. 26 | Placed on Select File.....              | 865  |
| Mar. 3  | Advanced for Engrossment.....           | 965  |
| Mar. 5  | Correctly Engrossed.....                | 990  |
| Mar. 10 | Final Reading.....                      | 1072 |

CHRONOLOGY OF BILLS

2169

|         |  |      |
|---------|--|------|
| Mar. 10 | Haberman explanation of vote.....          | 1089 |
| Mar. 11 | Correctly Enrolled. President signed.....  | 1100 |
| Mar. 11 | Presented to Governor.....                 | 1111 |
| Mar. 17 | Returned by Governor without approval..... | 1239 |
| Mar. 18 | Marsh explanation of vote.....             | 1256 |

**LEGISLATIVE BILL 773 By Education Committee**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....   | 262  |
| Jan. 16 | Referred to Committee on Education.....                              | 292  |
| Jan. 22 | Notice of hearing.....   | 360  |
| Feb. 7  | Placed on General File.....  | 590  |
| Feb. 22 | Committee amendments adopted.<br>Advanced for Review.....            | 816  |
| Feb. 26 | Placed on Select File.....   | 866  |
| Mar. 6  | Murphy and Koch amendments adopted.<br>Advanced for Engrossment..... | 1028 |
| Mar. 10 | Correctly Engrossed.....   | 1080 |
| Apr. 1  | Returned to Select File for Koch amendment...                        | 1641 |
| Apr. 1  | Koch amendment adopted.<br>Advanced for Re-Engrossment.....          | 1643 |
| Apr. 1  | Correctly Re-Engrossed.....  | 1679 |
| Apr. 15 | Final Reading.....   | 1932 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....                              | 1940 |
| Apr. 15 | Presented to Governor.....   | 1945 |
| Apr. 18 | Approved by Governor.....  | 2004 |

**LEGISLATIVE BILL 773A By Koch, George**

|         |  |      |
|---------|--|------|
| Feb. 21 | Read first time. Placed on General File..... | 783  |
| Feb. 28 | Advanced for Review.....                     | 922  |
| Mar. 3  | Placed on Select File.....                   | 940  |
| Mar. 11 | Laid over.....                               | 1104 |
| Apr. 9  | Advanced for Engrossment.....                | 1759 |
| Apr. 10 | Correctly Engrossed.....                     | 1809 |
| Apr. 15 | Final Reading.....                           | 1933 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....      | 1940 |
| Apr. 15 | Presented to Governor.....                   | 1945 |
| Apr. 18 | Returned by Governor without approval.....   | 2004 |
| Apr. 18 | Motion to override prevailed.....            | 2022 |
| Apr. 28 | Letter.....                                  | 2033 |
| Apr. 28 | Certificate.....                             | 2034 |
| Apr. 28 | Letter.....                                  | 2050 |
| Apr. 28 | Certificate.....                             | 2051 |

**LEGISLATIVE BILL 774 By Education Committee**

|         |  |      |
|---------|--|------|
| Jan. 15 | Read first time.....                                     | 262  |
| Jan. 16 | Referred to Committee on Education.....                  | 292  |
| Jan. 22 | Notice of hearing.....                                   | 360  |
| Feb. 21 | Placed on General File.....                              | 784  |
| Mar. 4  | Committee amendment adopted.<br>Advanced for Review..... | 985  |
| Mar. 6  | Placed on Select File.....                               | 1020 |
| Mar. 12 | Advanced for Engrossment.....                            | 1164 |
| Mar. 17 | Correctly Engrossed.....                                 | 1235 |
| Mar. 20 | Final Reading.....                                       | 1334 |
| Mar. 21 | Correctly Enrolled.....                                  | 1376 |
| Mar. 21 | Speaker signed.....                                      | 1406 |
| Mar. 24 | Presented to Governor.....                               | 1443 |
| Mar. 24 | Approved by Governor.....                                | 1477 |
| Mar. 25 | Keyes explanation of vote.....                           | 1495 |

**LEGISLATIVE BILL 775 By Carsten**

|         |                                       |      |
|---------|---------------------------------------|------|
| Jan. 16 | Read first time.....                  | 273  |
| Jan. 16 | Referred to Committee on Revenue..... | 292  |
| Jan. 22 | Notice of hearing.....                | 349  |
| Feb. 27 | Placed on General File.....           | 905  |
| Apr. 18 | Indefinitely postponed.....           | 2029 |

**LEGISLATIVE BILL 775A By Carsten**

|         |  |      |
|---------|--|------|
| Mar. 4  | Read first time. Placed on General File..... | 976  |
| Apr. 18 | Indefinitely postponed.....                  | 2029 |

**LEGISLATIVE BILL 776 By Rumery**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....                       | 277  |
| Jan. 16 | Referred to Committee on Public Works..... | 292  |
| Jan. 23 | Notice of hearing.....                     | 389  |
| Feb. 22 | Placed on General File.....                | 796  |
| Feb. 26 | Corrected Committee amendment printed..... | 879  |
| Apr. 18 | Indefinitely postponed.....                | 2029 |

**LEGISLATIVE BILL 777 By Constitutional Revision and Recreation Committee**

|         |   |     |
|---------|---|-----|
| Jan. 16 | Read first time.....  | 277 |
| Jan. 16 | Referred to Committee on Constitutional<br>Revision and Recreation..... | 292 |

CHRONOLOGY OF BILLS

2171

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 21 | Notice of hearing.....      | 326 |
| Feb. 26 | Indefinitely postponed..... | 868 |

**LEGISLATIVE BILL 778 By Vickers**

|         |   |     |
|---------|---|-----|
| Jan. 16 | Read first time.....  | 278 |
| Jan. 16 | Referred to Committee on Public Works.....                          | 292 |
| Jan. 23 | Notice of hearing.....  | 389 |
| Jan. 30 | Vickers motion to withdraw pending.....                             | 473 |
| Jan. 31 | Notice of hearing. Vickers pending motion prevailed. Withdrawn..... | 497 |

**LEGISLATIVE BILL 779 By Landis**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....                       | 278  |
| Jan. 16 | Referred to Committee on Public Works..... | 292  |
| Jan. 23 | Notice of hearing.....                     | 389  |
| Mar. 3  | Placed on General File.....                | 950  |
| Apr. 18 | Indefinitely postponed.....                | 2029 |

**LEGISLATIVE BILL 780 By Marsh**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....   | 278  |
| Jan. 16 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 292  |
| Jan. 31 | Notice of hearing.....   | 486  |
| Feb. 22 | Placed on General File.....  | 824  |
| Mar. 7  | Advanced for Review.....   | 1051 |
| Mar. 11 | Placed on Select File.....   | 1130 |
| Mar. 17 | Murphy motion pending.....   | 1233 |
| Mar. 19 | Murphy pending motion withdrawn.<br>Advanced for Engrossment.....          | 1303 |
| Mar. 24 | Correctly Engrossed.....   | 1444 |
| Mar. 27 | Murphy motion lost.<br>Final Reading.....                                  | 1562 |
| Mar. 27 | Correctly Enrolled. Speaker signed.....                                    | 1584 |
| Mar. 31 | Presented to Governor.....   | 1594 |
| Apr. 8  | Approved by Governor.....  | 1685 |

**LEGISLATIVE BILL 781 By Stoney**

|         |  |     |
|---------|--|-----|
| Jan. 16 | Read first time.....                           | 278 |
| Jan. 16 | Referred to Committee on Business and Labor... | 292 |
| Jan. 23 | Notice of hearing.....                         | 379 |
| Jan. 24 | Stoney motion to withdraw pending.....         | 406 |
| Jan. 24 | Notice of hearing.....                         | 413 |

|         |                                  |     |
|---------|----------------------------------|-----|
| Jan. 25 | Stoney pending motion prevailed. |     |
|         | Withdrawn.....                   | 428 |

**LEGISLATIVE BILL 782 By Johnson**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....                     | 278  |
| Jan. 16 | Referred to Committee on Judiciary ..... | 292  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Feb. 28 | Placed on General File.....              | 925  |
| Mar. 7  | Advanced for Review .....                | 1051 |
| Mar. 11 | Placed on Select File .....              | 1130 |
| Mar. 13 | Advanced for Engrossment .....           | 1210 |
| Mar. 18 | Correctly Engrossed.....                 | 1270 |
| Mar. 21 | Final Reading .....                      | 1381 |
| Mar. 21 | Venditte explanation of vote.....        | 1401 |
| Mar. 21 | Haberman explanation of vote.....        | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed ..... | 1444 |
| Mar. 24 | Presented to Governor.....               | 1462 |
| Mar. 25 | Keyes explanation of vote.....           | 1496 |
| Mar. 31 | Approved by Governor .....               | 1594 |

**LEGISLATIVE BILL 783 By Hefner, Burrows**

|         |  |     |
|---------|--|-----|
| Jan. 16 | Read first time.....                   | 280 |
| Jan. 16 | Referred to Committee on Revenue ..... | 292 |
| Jan. 22 | Notice of hearing.....                 | 349 |
| Feb. 28 | Indefinitely postponed.....            | 929 |

**LEGISLATIVE BILL 784 By Fowler, Wesely**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time.....                    | 280  |
| Jan. 16 | Referred to Committee on Education..... | 292  |
| Jan. 22 | Notice of hearing.....                  | 360  |
| Feb. 21 | Placed on General File.....             | 784  |
| Apr. 10 | Beutler motion lost .....               | 1805 |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 785 By Warner**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time.....                        | 280  |
| Jan. 16 | Referred to Committee on Public Works ..... | 292  |
| Jan. 23 | Notice of hearing.....                      | 389  |
| Feb. 22 | Placed on General File.....                 | 798  |
| Mar. 7  | Committee amendments adopted.               |      |
|         | Advanced for Review .....                   | 1056 |
| Mar. 12 | Placed on Select File .....                 | 1172 |

CHRONOLOGY OF BILLS

2173

|         |   |      |
|---------|---|------|
| Mar. 17 | Advanced for Engrossment.....           | 1224 |
| Mar. 19 | Correctly Engrossed.....                | 1302 |
| Mar. 24 | Final Reading.....                      | 1457 |
| Mar. 24 | Correctly Enrolled. Speaker signed..... | 1471 |
| Mar. 24 | Presented to Governor.....              | 1483 |
| Mar. 25 | Keyes explanation of vote.....          | 1496 |
| Mar. 27 | Approved by Governor.....               | 1576 |

**LEGISLATIVE BILL 786 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....   | 281  |
| Jan. 23 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 363  |
| Jan. 23 | Notice of hearing.....   | 390  |
| Mar. 20 | Indefinitely postponed.....                                      | 1369 |

**LEGISLATIVE BILL 787 By Carsten, Hefner**

|         |                                       |      |
|---------|---------------------------------------|------|
| Jan. 16 | Read first time.....                  | 281  |
| Jan. 16 | Referred to Committee on Revenue..... | 292  |
| Feb. 7  | Notice of hearing.....                | 590  |
| Mar. 13 | Indefinitely postponed.....           | 1185 |

**LEGISLATIVE BILL 788 By Sieck**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time.....                    | 285  |
| Jan. 16 | Referred to Committee on Education..... | 292  |
| Jan. 22 | Notice of hearing.....                  | 360  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 789 By Chambers, Goodrich**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time.....  | 285  |
| Jan. 16 | Referred to Committee on Public<br>Health and Welfare.....                          | 292  |
| Jan. 22 | Notice of hearing.....  | 351  |
| Feb. 14 | Placed on General File.....   | 696  |
| Feb. 28 | Special order.....  | 919  |
| Mar. 6  | Committee amendment adopted. Advanced for<br>Review. Vickers amendment printed..... | 1033 |
| Mar. 10 | Placed on Select File.....  | 1066 |
| Mar. 17 | Laid over.....  | 1233 |
| Mar. 17 | Warner amendments printed.....  | 1234 |
| Mar. 21 | Vickers and Warner pending amendments withdrawn.<br>Advanced for Engrossment.....   | 1408 |

|         |   |      |
|---------|---|------|
| Mar. 24 | Correctly Engrossed.....                | 1482 |
| Apr. 1  | Warner motion lost.....                 | 1644 |
| Apr. 15 | Final Reading.....                      | 1886 |
| Apr. 15 | Correctly Enrolled. Speaker signed..... | 1900 |
| Apr. 15 | Presented to Governor.....              | 1911 |
| Apr. 18 | Approved by Governor.....               | 2006 |

**LEGISLATIVE BILL 789A By Chambers, Goodrich**

|         |  |      |
|---------|--|------|
| Feb. 21 | Read first time. Placed on General File.....                         | 775  |
| Mar. 6  | Advanced for Review.....   | 1033 |
| Mar. 10 | Placed on Select File.....   | 1066 |
| Mar. 17 | Warner amendment printed.....  | 1234 |
| Mar. 21 | Warner pending amendment withdrawn.<br>Advanced for Engrossment..... | 1408 |
| Mar. 24 | Correctly Engrossed.....   | 1482 |
| Apr. 1  | Warner pending amendment withdrawn.....                              | 1645 |
| Apr. 15 | Final Reading.....   | 1887 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....                              | 1900 |
| Apr. 15 | Presented to Governor.....   | 1911 |
| Apr. 18 | Approved by Governor.<br>Line-item veto.....                         | 2003 |
| Apr. 18 | Motion to override line-item veto lost.....                          | 2021 |
| Apr. 28 | Letter.....  | 2034 |
| Apr. 28 | Letter.....  | 2051 |
| Apr. 28 | Certificate.....   | 2052 |

**LEGISLATIVE BILL 790 By LR154 Study Committee**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time.....  | 285  |
| Jan. 16 | Referred to Committee on Judiciary.....   | 292  |
| Jan. 28 | Notice of hearing.....  | 432  |
| Feb. 14 | Placed on General File.....   | 702  |
| Feb. 22 | Advanced for Review.....  | 808  |
| Feb. 22 | Sieck amendment printed.....  | 824  |
| Feb. 26 | Placed on Select File.....  | 864  |
| Mar. 6  | Laid over.....  | 1027 |
| Mar. 19 | Sieck pending amendment withdrawn.<br>Lamb and Chambers amendments adopted.<br>Reutzel amendment to Vickers amendment<br>lost. Vickers amendment pending..... | 1296 |
| Mar. 19 | Vickers pending amendment adopted.<br>Laid over.....  | 1303 |
| Apr. 10 | Advanced for Engrossment.....   | 1815 |
| Apr. 14 | Correctly Engrossed.....  | 1825 |
| Apr. 18 | Final Reading.....  | 1979 |

CHRONOLOGY OF BILLS

2175

|         |  |      |
|---------|--|------|
| Apr. 18 | Correctly Enrolled. Speaker signed ..... | 1990 |
| Apr. 18 | Presented to Governor .....              | 2006 |
| Apr. 28 | Approved by Governor .....               | 2042 |
| Apr. 28 | Letter .....                             | 2063 |

**LEGISLATIVE BILL 790A By DeCamp**

|         |   |      |
|---------|---|------|
| Feb. 21 | Read first time. Placed on General File ..... | 782  |
| Feb. 28 | Advanced for Review .....                     | 922  |
| Mar. 3  | Placed on Select File .....                   | 940  |
| Mar. 10 | Advanced for Engrossment .....                | 1068 |
| Mar. 17 | Correctly Engrossed .....                     | 1214 |
| Apr. 18 | Final Reading .....                           | 1980 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....      | 1990 |
| Apr. 18 | Presented to Governor .....                   | 2006 |
| Apr. 28 | Approved by Governor.<br>Line-item veto ..... | 2042 |
| Apr. 28 | Letter .....                                  | 2063 |
| Apr. 28 | Certificate .....                             | 2064 |

**LEGISLATIVE BILL 791 By LR169 Study Committee**

|         |  |     |
|---------|--|-----|
| Jan. 16 | Read first time .....                        | 285 |
| Jan. 21 | Referred to Committee on Urban Affairs ..... | 335 |
| Jan. 29 | Notice of hearing .....                      | 457 |
| Mar. 3  | Indefinitely postponed .....                 | 949 |

**LEGISLATIVE BILL 792 By Dworak**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time .....                       | 286  |
| Jan. 21 | Referred to Committee on Public Works ..... | 335  |
| Jan. 23 | Notice of hearing .....                     | 389  |
| Mar. 10 | Indefinitely postponed .....                | 1083 |

**LEGISLATIVE BILL 793 By Keyes**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time .....   | 288  |
| Jan. 21 | Referred to Committee on Banking,<br>Commerce and Insurance ..... | 335  |
| Jan. 22 | Notice of hearing .....   | 350  |
| Feb. 19 | Placed on General File .....                                      | 730  |
| Feb. 22 | Advanced for Review .....   | 808  |
| Feb. 22 | Johnson amendment printed .....                                   | 810  |
| Feb. 26 | Placed on Select File .....                                       | 865  |
| Mar. 5  | Johnson pending amendment lost.<br>Laid over .....                | 1009 |

|         |   |      |
|---------|---|------|
| Mar. 6  | Advanced for Engrossment .....            | 1027 |
| Mar. 10 | Correctly Engrossed.....                  | 1080 |
| Mar. 13 | Final Reading .....                       | 1192 |
| Mar. 18 | Correctly Enrolled. President signed..... | 1250 |
| Mar. 18 | Marsh explanation of vote .....           | 1256 |
| Mar. 18 | Presented to Governor .....               | 1260 |
| Mar. 20 | Approved by Governor .....                | 1346 |
| Mar. 24 | Pirsch explanation of vote .....          | 1471 |

#### **LEGISLATIVE BILL 794 By Appropriations Committee**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....                                       | 288  |
| Jan. 21 | Referred to Committee on Judiciary .....                   | 335  |
| Jan. 28 | Notice of hearing.....                                     | 433  |
| Feb. 28 | Placed on General File.....                                | 925  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review ..... | 1060 |
| Mar. 13 | Placed on Select File .....                                | 1183 |
| Mar. 17 | Advanced for Engrossment .....                             | 1225 |
| Mar. 20 | Correctly Engrossed.....                                   | 1346 |
| Mar. 25 | Final Reading .....  | 1489 |
| Mar. 26 | Correctly Enrolled. President signed.....                  | 1518 |
| Mar. 26 | Presented to Governor .....                                | 1530 |
| Mar. 27 | Approved by Governor .....                                 | 1576 |

#### **LEGISLATIVE BILL 795 By Schmit**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time.....  | 288  |
| Jan. 21 | Referred to Committee on Revenue .....                      | 335  |
| Jan. 29 | Notice of hearing.....                                      | 456  |
| Feb. 28 | Placed on General File.....                                 | 929  |
| Apr. 8  | Committee amendments adopted.<br>Advanced for Review .....  | 1738 |
| Apr. 9  | Placed on Select File .....                                 | 1751 |
| Apr. 14 | George amendment adopted.<br>Advanced for Engrossment ..... | 1865 |
| Apr. 14 | Correctly Engrossed.....                                    | 1874 |
| Apr. 18 | Final Reading .....   | 1981 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....                    | 1990 |
| Apr. 18 | Presented to Governor .....                                 | 2006 |
| Apr. 28 | Approved by Governor .....                                  | 2039 |

#### **LEGISLATIVE BILL 796 By Keyes**

CHRONOLOGY OF BILLS

2177

|         |  |     |
|---------|--|-----|
| Jan. 16 | Read first time.....                       | 288 |
| Jan. 21 | Referred to Committee on Public Works..... | 335 |
| Jan. 23 | Notice of hearing.....                     | 389 |
| Feb. 26 | Indefinitely postponed.....                | 856 |

**LEGISLATIVE BILL 797 By Agriculture and Environment Committee**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....   | 289  |
| Jan. 21 | Referred to Committee on Agriculture<br>and Environment..... | 335  |
| Jan. 23 | Notice of hearing.....                                       | 379  |
| Feb. 11 | Placed on General File.....                                  | 623  |
| Feb. 14 | Advanced for Review.....                                     | 697  |
| Feb. 19 | Placed on Select File.....                                   | 711  |
| Feb. 20 | Advanced for Engrossment.....                                | 766  |
| Feb. 22 | Correctly Engrossed.....                                     | 795  |
| Mar. 3  | Final Reading.....   | 941  |
| Mar. 3  | Haberman explanation of vote.....                            | 953  |
| Mar. 4  | Correctly Enrolled. Speaker signed.....                      | 969  |
| Mar. 4  | Presented to Governor.....                                   | 972  |
| Mar. 7  | Stoney explanation of vote.....                              | 1046 |
| Mar. 7  | Approved by Governor.....                                    | 1063 |

**LEGISLATIVE BILL 798 By Business and Labor Committee**

|         |   |      |
|---------|---|------|
| Jan. 16 | Read first time.....  | 289  |
| Jan. 21 | Referred to Committee on Business and Labor.....                                    | 335  |
| Jan. 23 | Notice of hearing.....  | 379  |
| Feb. 8  | Placed on General File.....   | 610  |
| Feb. 14 | Johnson amendment printed.....  | 701  |
| Mar. 3  | Johnson amendment lost.<br>Committee amendment adopted.<br>Advanced for Review..... | 952  |
| Mar. 5  | Placed on Select File.....  | 988  |
| Mar. 10 | Advanced for Engrossment.....   | 1068 |
| Mar. 17 | Correctly Engrossed.....  | 1214 |
| Mar. 20 | Final Reading.....  | 1334 |
| Mar. 21 | Correctly Enrolled.....   | 1376 |
| Mar. 21 | Speaker signed.....   | 1406 |
| Mar. 24 | Presented to Governor.....  | 1443 |
| Mar. 24 | Approved by Governor.....   | 1477 |
| Mar. 25 | Keyes explanation of vote.....  | 1495 |

**LEGISLATIVE BILL 799 By LR154 Study Committee**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....                     | 294  |
| Jan. 21 | Referred to Committee on Judiciary ..... | 335  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Apr. 18 | Indefinitely postponed.....              | 2029 |

**LEGISLATIVE BILL 800 By Business and Labor Committee**

|         |  |      |
|---------|--|------|
| Jan. 16 | Read first time.....   | 294  |
| Jan. 21 | Referred to Committee on Business and Labor...   | 335  |
| Jan. 23 | Notice of hearing.....   | 379  |
| Feb. 12 | Placed on General File.....  | 656  |
| Mar. 3  | Committee amendments adopted.<br>Advanced for Review .....   | 961  |
| Mar. 5  | Placed on Select File .....  | 989  |
| Mar. 25 | Newell amendment printed .....   | 1499 |
| Mar. 27 | Maresh amendment printed.....  | 1589 |
| Apr. 9  | Maresh pending amendment adopted.<br>Maresh amendment adopted. Newell<br>pending amendment lost.<br>Advanced for Engrossment ..... | 1759 |
| Apr. 9  | Motion to return to Select File for<br>Newell amendment pending.....   | 1781 |
| Apr. 10 | Correctly Engrossed.....   | 1809 |
| Apr. 14 | Returned to Select File for Maresh<br>amendment. Maresh amendment adopted.<br>Advanced for Re-Engrossment .....                    | 1873 |
| Apr. 14 | Correctly Re-Engrossed.....  | 1874 |
| Apr. 18 | Final Reading .....  | 1982 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....   | 1990 |
| Apr. 18 | Presented to Governor.....   | 2006 |
| Apr. 28 | Approved by Governor .....   | 2039 |

**LEGISLATIVE BILL 801 By Miscellaneous Subjects Committee**

|         |  |      |
|---------|--|------|
| Jan. 17 | Read first time.....   | 298  |
| Jan. 21 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 335  |
| Jan. 22 | Notice of hearing.....   | 350  |
| Feb. 19 | Placed on General File.....                                      | 730  |
| Feb. 22 | Advanced for Review .....  | 809  |
| Feb. 26 | Placed on Select File .....                                      | 865  |
| Mar. 6  | Advanced for Engrossment .....                                   | 1028 |
| Mar. 10 | Correctly Engrossed.....   | 1080 |
| Mar. 13 | Final Reading .....  | 1192 |

CHRONOLOGY OF BILLS

2179

Mar. 18 Correctly Enrolled. President signed.....1250  
Mar. 18 Marsh explanation of vote .....1256  
Mar. 18 Presented to Governor .....1260  
Mar. 20 Approved by Governor .....1346

**LEGISLATIVE BILL 802 By Wagner**

Jan. 17 Read first time.....299  
Jan. 21 Referred to Committee on Public Works .....335  
Jan. 23 Notice of hearing.....389  
Feb. 20 Placed on General File.....764  
Feb. 22 Advanced for Review.....809  
Feb. 26 Placed on Select File .....865  
Mar. 3 Advanced for Engrossment.....965  
Mar. 5 Correctly Engrossed.....990  
Mar. 10 Final Reading .....1073  
Mar. 10 Haberman explanation of vote.....1089  
Mar. 11 Correctly Enrolled. President signed.....1100  
Mar. 11 Presented to Governor .....1111  
Mar. 17 Approved by Governor .....1236  
Mar. 18 Marsh explanation of vote .....1256

**LEGISLATIVE BILL 803 By Venditte**

Jan. 17 Read first time.....303  
Jan. 21 Referred to Committee on Judiciary .....335  
Jan. 28 Notice of hearing.....433  
Feb. 14 Attorney General's Opinion .....679  
Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 804 By Venditte**

Jan. 17 Read first time.....303  
Jan. 21 Referred to Committee on Public Works .....335  
Jan. 23 Notice of hearing.....389  
Feb. 28 Indefinitely postponed.....914

**LEGISLATIVE BILL 805 By Venditte**

Jan. 17 Read first time.....303  
Jan. 21 Referred to Committee on Public Works .....335  
Jan. 23 Notice of hearing.....389  
Feb. 28 Indefinitely postponed.....914

**LEGISLATIVE BILL 806 By LR154 Study Committee**

|         |  |      |
|---------|--|------|
| Jan. 17 | Read first time.....                     | 303  |
| Jan. 21 | Referred to Committee on Judiciary ..... | 335  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Apr. 18 | Indefinitely postponed.....              | 2029 |

**LEGISLATIVE BILL 807 By Sieck**

|         |   |     |
|---------|---|-----|
| Jan. 17 | Read first time.....                        | 304 |
| Jan. 21 | Referred to Committee on Public Works ..... | 335 |
| Jan. 23 | Notice of hearing.....                      | 389 |
| Feb. 28 | Indefinitely postponed.....                 | 914 |

**LEGISLATIVE BILL 808 By Law Enforcement and Justice Advisory Committee**

|         |  |      |
|---------|--|------|
| Jan. 17 | Read first time.....                     | 304  |
| Jan. 21 | Referred to Committee on Judiciary ..... | 335  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Feb. 25 | Placed on General File.....              | 852  |
| Mar. 7  | Advanced for Review .....                | 1051 |
| Mar. 11 | Placed on Select File .....              | 1130 |
| Mar. 13 | Advanced for Engrossment .....           | 1210 |
| Mar. 18 | Correctly Engrossed.....                 | 1270 |
| Mar. 21 | Final Reading .....                      | 1382 |
| Mar. 21 | Haberman explanation of vote.....        | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed ..... | 1444 |
| Mar. 24 | Presented to Governor .....              | 1462 |
| Mar. 25 | Keyes explanation of vote .....          | 1496 |
| Mar. 31 | Approved by Governor .....               | 1594 |

**LEGISLATIVE BILL 809 By Newell, Labedz**

|         |   |      |
|---------|---|------|
| Jan. 17 | Read first time.....                    | 304  |
| Jan. 21 | Referred to Committee on Education..... | 335  |
| Jan. 22 | Notice of hearing.....                  | 360  |
| Jan. 28 | Fowler name added.....                  | 441  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 810 By Hefner**

|         |  |     |
|---------|--|-----|
| Jan. 17 | Read first time.....   | 304 |
| Jan. 21 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 335 |
| Jan. 25 | Notice of hearing.....   | 425 |

CHRONOLOGY OF BILLS

2181

|         |   |      |
|---------|---|------|
| Feb. 6  | Placed on General File.....   | 560  |
| Feb. 8  | Hefner amendment adopted.<br>Advanced for Review.....   | 608  |
| Feb. 12 | Placed on Select File.....  | 643  |
| Feb. 12 | Hefner amendment printed.....   | 654  |
| Feb. 20 | Murphy amendment adopted. Hefner<br>pending amendment withdrawn.<br>Advanced for Engrossment..... | 763  |
| Feb. 22 | Correctly Engrossed.....  | 795  |
| Mar. 3  | Beutler motion lost.<br>Final Reading.....  | 942  |
| Mar. 3  | Haberman explanation of vote.....   | 953  |
| Mar. 4  | Correctly Enrolled. Speaker signed.....   | 969  |
| Mar. 4  | Presented to Governor.....  | 972  |
| Mar. 7  | Stoney explanation of vote.....   | 1046 |
| Mar. 7  | Approved by Governor.....   | 1063 |

**LEGISLATIVE BILL 811 By Business and Labor Committee**

|         |  |     |
|---------|--|-----|
| Jan. 17 | Read first time.....                           | 304 |
| Jan. 21 | Referred to Committee on Business and Labor... | 335 |
| Jan. 23 | Notice of hearing.....                         | 379 |
| Feb. 8  | Indefinitely postponed.....                    | 611 |

**LEGISLATIVE BILL 812 By Reutzel**

|         |  |      |
|---------|--|------|
| Jan. 17 | Read first time.....   | 305  |
| Jan. 21 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 335  |
| Jan. 31 | Notice of hearing.....   | 487  |
| Mar. 13 | Indefinitely postponed.....  | 1189 |

**LEGISLATIVE BILL 813 By Fowler, Labeledz**

|         |   |      |
|---------|---|------|
| Jan. 17 | Read first time.....                        | 305  |
| Jan. 21 | Referred to Committee on Urban Affairs..... | 335  |
| Feb. 5  | Notice of hearing.....                      | 539  |
| Apr. 18 | Indefinitely postponed.....                 | 2029 |

**LEGISLATIVE BILL 814 By Johnson**

|         |  |     |
|---------|--|-----|
| Jan. 17 | Read first time.....   | 305 |
| Jan. 21 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 335 |
| Jan. 22 | Notice of hearing.....   | 350 |
| Feb. 19 | Placed on General File.....                                      | 730 |

|         |  |      |
|---------|--|------|
| Feb. 22 | Advanced for Review .....                  | 808  |
| Feb. 26 | Placed on Select File .....                | 865  |
| Mar. 3  | Advanced for Engrossment .....             | 964  |
| Mar. 5  | Correctly Engrossed .....                  | 990  |
| Mar. 10 | Beutler motion lost .....                  | 1074 |
| Mar. 10 | Final Reading .....                        | 1075 |
| Mar. 11 | Correctly Enrolled. President signed ..... | 1100 |
| Mar. 11 | Presented to Governor .....                | 1111 |
| Mar. 17 | Approved by Governor .....                 | 1215 |
| Mar. 18 | Marsh explanation of vote .....            | 1256 |

#### **LEGISLATIVE BILL 815 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Jan. 17 | Read first time .....                         | 313  |
| Jan. 21 | Referred to Committee on Appropriations ..... | 335  |
| Jan. 29 | Notice of hearing .....                       | 450  |
| Mar. 4  | Placed on General File .....                  | 982  |
| Mar. 19 | Warner amendment printed .....                | 1295 |
| Apr. 18 | Indefinitely postponed .....                  | 2029 |

#### **LEGISLATIVE BILL 816 By Public Health and Welfare Committee**

|         |   |      |
|---------|---|------|
| Jan. 17 | Read first time .....                                       | 313  |
| Jan. 21 | Referred to Committee on Public<br>Health and Welfare ..... | 335  |
| Jan. 22 | Notice of hearing .....                                     | 351  |
| Feb. 5  | Placed on General File .....                                | 551  |
| Feb. 8  | Committee amendments adopted.<br>Advanced for Review .....  | 607  |
| Feb. 12 | Placed on Select File .....                                 | 643  |
| Feb. 13 | Advanced for Engrossment .....                              | 675  |
| Feb. 14 | Correctly Engrossed .....                                   | 704  |
| Feb. 25 | Final Reading .....   | 837  |
| Mar. 3  | Correctly Enrolled. President signed .....                  | 934  |
| Mar. 3  | Presented to Governor .....                                 | 949  |
| Mar. 7  | Approved by Governor .....                                  | 1040 |

#### **LEGISLATIVE BILL 817 By Nebraska Retirement Systems Committee**

|         |   |     |
|---------|---|-----|
| Jan. 17 | Read first time .....   | 316 |
| Jan. 21 | Referred to Committee on Nebraska<br>Retirement Systems ..... | 335 |
| Jan. 22 | Notice of hearing .....                                       | 357 |
| Feb. 7  | Placed on General File .....                                  | 586 |
| Feb. 14 | Committee amendments adopted.                                 |     |

CHRONOLOGY OF BILLS

2183

|         |   |      |
|---------|---|------|
|         | Advanced for Review .....   | 698  |
| Feb. 19 | Placed on Select File .....   | 711  |
| Feb. 20 | Advanced for Engrossment .....  | 766  |
| Feb. 22 | Correctly Engrossed.....  | 795  |
| Mar. 3  | Murphy motion withdrawn.<br>Final Reading .....   | 943  |
| Mar. 3  | Haberman explanation of vote.....   | 953  |
| Mar. 5  | Newell motion to reconsider pending .....   | 997  |
| Mar. 7  | Stoney explanation of vote .....  | 1046 |
| Mar. 10 | Newell amendment printed .....  | 1086 |
| Mar. 12 | Newell pending motion prevailed.<br>Newell pending amendment withdrawn .....                                    | 1156 |
| Mar. 12 | Returned to Select File for Newell<br>amendment. Newell amendment adopted.<br>Advanced for Re-Engrossment ..... | 1157 |
| Mar. 17 | Correctly Re-Engrossed.....   | 1235 |
| Apr. 9  | Fowler amendment printed .....  | 1750 |
| Apr. 15 | Fowler pending amendment withdrawn .....  | 1893 |
| Apr. 15 | Final Reading .....   | 1894 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....  | 1910 |
| Apr. 15 | Presented to Governor .....   | 1924 |
| Apr. 18 | Approved by Governor .....  | 2006 |

**LEGISLATIVE BILL 818 By Nebraska Retirement Systems Committee**

|         |   |      |
|---------|---|------|
| Jan. 17 | Read first time.....  | 316  |
| Jan. 21 | Referred to Committee on Nebraska<br>Retirement Systems .....       | 335  |
| Jan. 22 | Notice of hearing.....  | 357  |
| Feb. 20 | Placed on General File.....   | 764  |
| Feb. 22 | Advanced for Review .....   | 809  |
| Feb. 26 | Placed on Select File .....   | 865  |
| Feb. 27 | Fowler amendment printed .....                                      | 907  |
| Mar. 6  | Fowler pending amendment adopted.<br>Advanced for Engrossment ..... | 1027 |
| Mar. 10 | Correctly Engrossed.....  | 1080 |
| Apr. 15 | Final Reading .....   | 1895 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....                            | 1910 |
| Apr. 15 | Presented to Governor .....   | 1924 |
| Apr. 18 | Approved by Governor .....  | 1952 |

**LEGISLATIVE BILL 818A By Fowler**

|         |   |      |
|---------|---|------|
| Mar. 3  | Read first time. Placed on General File ..... | 961  |
| Mar. 7  | Advanced for Review .....                     | 1050 |
| Mar. 11 | Placed on Select File .....                   | 1130 |
| Mar. 13 | Advanced for Engrossment .....                | 1210 |
| Mar. 19 | Correctly Engrossed.....                      | 1291 |
| Apr. 15 | Final Reading .....                           | 1896 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....      | 1910 |
| Apr. 15 | Presented to Governor .....                   | 1924 |
| Apr. 18 | Approved by Governor .....                    | 1952 |

**LEGISLATIVE BILL 819 By Nebraska Retirement Systems Committee**

|         |  |      |
|---------|--|------|
| Jan. 17 | Read first time.....                     | 316  |
| Jan. 21 | Referred to Committee on Education.....  | 335  |
| Jan. 22 | Notice of hearing.....                   | 360  |
| Feb. 12 | Placed on General File.....              | 652  |
| Feb. 14 | Advanced for Review .....                | 698  |
| Feb. 19 | Placed on Select File .....              | 711  |
| Feb. 20 | Advanced for Engrossment .....           | 766  |
| Feb. 22 | Correctly Engrossed.....                 | 795  |
| Apr. 15 | Final Reading .....                      | 1896 |
| Apr. 15 | Correctly Enrolled. Speaker signed ..... | 1910 |
| Apr. 15 | Presented to Governor .....              | 1924 |
| Apr. 15 | Approved by Governor .....               | 1944 |

**LEGISLATIVE BILL 819A By Fowler**

|         |   |      |
|---------|---|------|
| Feb. 19 | Read first time. Placed on General File ..... | 718  |
| Feb. 22 | Advanced for Review .....                     | 808  |
| Feb. 26 | Placed on Select File .....                   | 864  |
| Mar. 3  | Advanced for Engrossment .....                | 964  |
| Mar. 5  | Correctly Engrossed.....                      | 990  |
| Apr. 15 | Final Reading .....                           | 1897 |
| Apr. 15 | Correctly Enrolled .....                      | 1910 |
| Apr. 15 | Speaker signed .....                          | 1911 |
| Apr. 15 | Presented to Governor .....                   | 1924 |
| Apr. 15 | Approved by Governor .....                    | 1944 |

**LEGISLATIVE BILL 820 By Public Works Committee**

|         |   |      |
|---------|---|------|
| Jan. 17 | Read first time.....                        | 317  |
| Jan. 21 | Referred to Committee on Public Works ..... | 335  |
| Jan. 23 | Notice of hearing.....                      | 389  |
| Mar. 10 | Placed on General File.....                 | 1083 |
| Apr. 2  | Stoney amendment printed .....              | 1681 |

|         |   |      |
|---------|---|------|
| Apr. 8  | Committee amendments lost. Stoney pending amendment withdrawn. Hoagland motion lost. Beutler amendments lost. Wesely-Stoney amendment adopted. Hoagland amendment lost. Advanced for Review ..... | 1715 |
| Apr. 8  | Cullan motion withdrawn .....   | 1734 |
| Apr. 9  | Placed on Select File .....   | 1750 |
| Apr. 14 | Hoagland amendment lost. Chambers motion lost. Cullan-Beutler amendment adopted. Advanced for Engrossment .....   | 1859 |
| Apr. 14 | Correctly Engrossed.....  | 1871 |
| Apr. 18 | Final Reading .....   | 1983 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....  | 1990 |
| Apr. 18 | Presented to Governor.....  | 2006 |
| Apr. 28 | Approved by Governor .....  | 2039 |

**LEGISLATIVE BILL 821 By Maresh**

|         |   |      |
|---------|---|------|
| Jan. 17 | Read first time.....                                      | 317  |
| Jan. 21 | Referred to Committee on Public Works .....               | 335  |
| Jan. 23 | Notice of hearing.....                                    | 389  |
| Feb. 22 | Placed on General File.....                               | 801  |
| Mar. 7  | Committee amendment adopted.<br>Advanced for Review ..... | 1057 |
| Mar. 12 | Placed on Select File .....                               | 1172 |
| Mar. 17 | Advanced for Engrossment.....                             | 1224 |
| Mar. 19 | Correctly Engrossed.....                                  | 1302 |
| Mar. 24 | Final Reading .....                                       | 1458 |
| Mar. 24 | Correctly Enrolled. Speaker signed .....                  | 1471 |
| Mar. 24 | Presented to Governor.....                                | 1483 |
| Mar. 25 | Keyes explanation of vote.....                            | 1496 |
| Mar. 31 | Approved by Governor .....                                | 1594 |

**LEGISLATIVE BILL 822 By Judiciary Committee**

|         |  |      |
|---------|--|------|
| Jan. 17 | Read first time.....   | 317  |
| Jan. 23 | Referred to Committee on Judiciary .....   | 363  |
| Jan. 28 | Notice of hearing.....   | 432  |
| Feb. 14 | Placed on General File.....  | 684  |
| Feb. 28 | Special order.....   | 919  |
| Mar. 17 | Committee amendments adopted. Sieck amendment lost. Pirsch amendment adopted. Maresh amendment ruled out of order. Failed to advance for Review..... | 1237 |

Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 823 By LR154 Study Committee**

Jan. 17 Read first time.....317  
 Jan. 21 Referred to Committee on Miscellaneous  
       Subjects .....335  
 Jan. 24 Notice of hearing.....402  
 Feb. 19 Placed on General File.....722  
 Feb. 22 Committee amendments adopted.  
       Chambers amendment adopted.  
       Advanced for Review .....817  
 Feb. 28 Placed on Select File .....911  
 Mar. 4 Goodrich amendments printed .....984  
 Mar. 11 Laid over.....1103  
 Mar. 26 Hoagland amendment printed.....1550  
 Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 823A By LR154 Study Committee**

Feb. 25 Read first time. Placed on General File .....851  
 Feb. 28 Advanced for Review .....922  
 Mar. 3 Placed on Select File .....940  
 Mar. 10 Advanced for Engrossment .....1068  
 Mar. 17 Correctly Engrossed.....1214  
 Apr. 18 Indefinitely postponed .....2029

**LEGISLATIVE BILL 824 By Education Committee**

Jan. 17 Read first time.....317  
 Jan. 21 Referred to Committee on Education.....335  
 Jan. 22 Notice of hearing.....360  
 Mar. 3 Placed on General File.....940  
 Mar. 26 Dworak amendment printed .....1523  
 Mar. 26 Murphy and Cullan amendments printed .....1550  
 Mar. 27 Dworak amendment printed .....1585  
 Apr. 2 Committee amendments adopted. Dworak  
       pending amendment p. 1523 withdrawn.  
       Dworak-Cullan amendment adopted.  
       Cullan pending amendments  
       withdrawn. Murphy pending amendment  
       lost. Dworak pending amendment  
       p. 1585 withdrawn.  
       Advanced for Review .....1658  
 Apr. 8 Placed on Select File .....1685  
 Apr. 9 Koch amendment printed.....1766

CHRONOLOGY OF BILLS

2187

Apr. 14 Koch pending amendment adopted.  
Advanced for Engrossment ..... 1858  
Apr. 14 Correctly Engrossed..... 1865  
Apr. 18 Final Reading ..... 1984  
Apr. 18 Correctly Enrolled. Speaker signed ..... 1990  
Apr. 18 Presented to Governor ..... 2006  
Apr. 28 Approved by Governor ..... 2039

**LEGISLATIVE BILL 825 By LR154 Study Committee**

Jan. 17 Read first time ..... 318  
Jan. 21 Referred to Committee on Judiciary ..... 335  
Jan. 28 Notice of hearing..... 433  
Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 826 By Koch**

Jan. 17 Read first time ..... 318  
Jan. 21 Referred to Committee on Education..... 335  
Jan. 22 Notice of hearing..... 360  
Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 827 By LR169 Study Committee**

Jan. 17 Read first time ..... 318  
Jan. 21 Referred to Committee on Urban Affairs..... 335  
Jan. 29 Notice of hearing..... 457  
Mar. 3 Indefinitely postponed..... 953

**LEGISLATIVE BILL 828 By LR169 Study Committee**

Jan. 21 Read first time ..... 330  
Jan. 23 Referred to Committee on Urban Affairs..... 363  
Jan. 23 Newell motion to withdraw pending..... 400  
Jan. 25 Newell pending motion prevailed.  
Withdrawn..... 428

**LEGISLATIVE BILL 829 By Public Works Committee**

Jan. 21 Read first time ..... 330  
Jan. 23 Referred to Committee on Public Works ..... 363  
Jan. 25 Notice of hearing..... 425  
Mar. 11 Placed on General File..... 1107  
Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 830 By Public Works Committee**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time.....                       | 331  |
| Jan. 23 | Referred to Committee on Public Works..... | 363  |
| Jan. 25 | Notice of hearing.....                     | 425  |
| Mar. 11 | Indefinitely postponed.....                | 1109 |

**LEGISLATIVE BILL 831 By Kremer**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time.....                                     | 331  |
| Jan. 23 | Referred to Committee on Miscellaneous<br>Subjects ..... | 363  |
| Jan. 30 | Notice of hearing.....                                   | 471  |
| Mar. 21 | Attorney General's Opinion .....                         | 1390 |
| Mar. 26 | Placed on General File.....                              | 1518 |
| Apr. 18 | Indefinitely postponed.....                              | 2029 |

**LEGISLATIVE BILL 831A By Kremer**

|         |   |      |
|---------|---|------|
| Apr. 2  | Read first time. Placed on General File ..... | 1665 |
| Apr. 18 | Indefinitely postponed.....                   | 2029 |

**LEGISLATIVE BILL 832 By Kremer**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time.....   | 331  |
| Jan. 23 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 363  |
| Jan. 31 | Notice of hearing.....   | 486  |
| Feb. 28 | Placed on General File.....  | 929  |
| Apr. 18 | Indefinitely postponed.....  | 2029 |

**LEGISLATIVE BILL 833 By Nichol**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time.....   | 332  |
| Jan. 23 | Referred to Committee on Agriculture<br>and Environment..... | 363  |
| Jan. 29 | Notice of hearing.....                                       | 456  |
| Feb. 11 | Placed on General File.....                                  | 636  |
| Feb. 22 | Committee amendments adopted.<br>Advanced for Review.....    | 816  |
| Feb. 26 | Placed on Select File .....                                  | 866  |
| Mar. 3  | Advanced for Engrossment.....                                | 965  |
| Mar. 5  | Correctly Engrossed.....                                     | 990  |
| Mar. 10 | Final Reading.....   | 1075 |
| Mar. 11 | Correctly Enrolled. President signed.....                    | 1100 |
| Mar. 11 | Presented to Governor .....                                  | 1111 |

Mar. 17 Approved by Governor .....1215

**LEGISLATIVE BILL 834 By Revenue Committee**

Jan. 21 Read first time.....332  
 Jan. 23 Referred to Committee on Revenue .....363  
 Jan. 29 Notice of hearing.....456  
 Feb. 19 Placed on General File.....728  
 Feb. 22 Committee amendments adopted.  
     Advanced for Review .....818  
 Feb. 28 Placed on Select File .....912  
 Mar. 10 Advanced for Engrossment .....1067  
 Mar. 17 Correctly Engrossed.....1214  
 Mar. 19 Attorney General's Opinion .....1311  
 Apr. 15 Final Reading .....1900  
 Apr. 15 Correctly Enrolled .....1910  
 Apr. 15 Speaker signed .....1911  
 Apr. 15 Presented to Governor .....1924  
 Apr. 15 Approved by Governor .....1944

**LEGISLATIVE BILL 834A By Revenue Committee**

Feb. 22 Read first time. Placed on General File .....824  
 Feb. 28 Advanced for Review .....922  
 Mar. 3 Placed on Select File .....940  
 Mar. 10 Advanced for Engrossment .....1068  
 Mar. 17 Correctly Engrossed.....1214  
 Apr. 15 Final Reading .....1901  
 Apr. 15 Correctly Enrolled .....1910  
 Apr. 15 Speaker signed .....1911  
 Apr. 15 Presented to Governor .....1924  
 Apr. 15 Approved by Governor .....1944

**LEGISLATIVE BILL 835 By Building Maintenance Committee**

Jan. 21 Read first time.....332  
 Jan. 23 Referred to Committee on Appropriations .....363  
 Jan. 29 Notice of hearing.....450  
 Feb. 28 Placed on General File.....914  
 Mar. 7 Advanced for Review .....1051  
 Mar. 11 Placed on Select File .....1130  
 Mar. 13 Advanced for Engrossment .....1210  
 Mar. 19 Correctly Engrossed.....1302  
 Mar. 24 Final Reading .....1458  
 Mar. 24 Correctly Enrolled. Speaker signed .....1471  
 Mar. 24 Presented to Governor .....1483

|         |                                 |      |
|---------|---------------------------------|------|
| Mar. 25 | Keyes explanation of vote ..... | 1496 |
| Mar. 27 | Approved by Governor .....      | 1576 |

**LEGISLATIVE BILL 836 By Sieck**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time .....                        | 333  |
| Jan. 23 | Referred to Committee on Urban Affairs ..... | 363  |
| Feb. 25 | Notice of hearing .....                      | 851  |
| Mar. 20 | Attorney General's Opinion .....             | 1321 |
| Mar. 20 | Indefinitely postponed .....                 | 1353 |

**LEGISLATIVE BILL 837 By Burrows**

|         |   |      |
|---------|---|------|
| Jan. 21 | Read first time .....   | 333  |
| Jan. 23 | Referred to Committee on Agriculture<br>and Environment ..... | 363  |
| Jan. 23 | Sieck name added .....  | 380  |
| Jan. 29 | Notice of hearing .....                                       | 456  |
| Jan. 31 | Notice of hearing .....                                       | 486  |
| Feb. 5  | Notice of hearing .....                                       | 543  |
| Apr. 18 | Indefinitely postponed .....                                  | 2029 |

**LEGISLATIVE BILL 838 By Cope**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time .....                        | 333  |
| Jan. 23 | Referred to Committee on Urban Affairs ..... | 363  |
| Feb. 25 | Notice of hearing .....                      | 851  |
| Mar. 27 | Placed on General File .....                 | 1570 |
| Apr. 18 | Indefinitely postponed .....                 | 2029 |

**LEGISLATIVE BILL 839 By Wesely**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time .....                    | 333  |
| Jan. 23 | Referred to Committee on Education ..... | 363  |
| Jan. 25 | Notice of hearing .....                  | 425  |
| Feb. 21 | Placed on General File .....             | 784  |
| Mar. 4  | Advanced for Review .....                | 984  |
| Mar. 6  | Placed on Select File .....              | 1020 |
| Mar. 12 | Advanced for Engrossment .....           | 1164 |
| Mar. 18 | Correctly Engrossed .....                | 1270 |
| Apr. 15 | Final Reading .....                      | 1905 |
| Apr. 15 | Correctly Enrolled .....                 | 1910 |
| Apr. 15 | Speaker signed .....                     | 1911 |
| Apr. 15 | Presented to Governor .....              | 1924 |
| Apr. 18 | Approved by Governor .....               | 1952 |

**LEGISLATIVE BILL 839A By Wesely**

|         |   |      |
|---------|---|------|
| Feb. 25 | Read first time. Placed on General File ..... | 851  |
| Mar. 4  | Advanced for Review .....                     | 984  |
| Mar. 6  | Placed on Select File .....                   | 1020 |
| Mar. 12 | Advanced for Engrossment .....                | 1164 |
| Mar. 18 | Correctly Engrossed.....                      | 1270 |
| Apr. 15 | Final Reading .....                           | 1906 |
| Apr. 15 | Correctly Enrolled .....                      | 1910 |
| Apr. 15 | Speaker signed .....                          | 1911 |
| Apr. 15 | Presented to Governor .....                   | 1924 |
| Apr. 18 | Approved by Governor .....                    | 1952 |

**LEGISLATIVE BILL 840 By Haberman**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time.....   | 337  |
| Jan. 23 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 363  |
| Jan. 31 | Notice of hearing.....   | 486  |
| Mar. 3  | Placed on General File.....  | 954  |
| Apr. 18 | Indefinitely postponed.....  | 2029 |

**LEGISLATIVE BILL 841 By Kelly**

|         |  |      |
|---------|--|------|
| Jan. 21 | Read first time.....                   | 337  |
| Jan. 23 | Referred to Committee on Revenue ..... | 363  |
| Jan. 29 | Notice of hearing.....                 | 456  |
| Mar. 12 | Indefinitely postponed.....            | 1149 |

**LEGISLATIVE BILL 842 By Kelly**

|         |   |      |
|---------|---|------|
| Jan. 21 | Read first time.....                                      | 337  |
| Jan. 23 | Referred to Committee on Public Works .....               | 363  |
| Jan. 30 | Notice of hearing.....                                    | 467  |
| Feb. 12 | Placed on General File.....                               | 644  |
| Mar. 3  | Committee amendment adopted.<br>Advanced for Review ..... | 960  |
| Mar. 5  | Placed on Select File .....                               | 988  |
| Mar. 10 | Advanced for Engrossment .....                            | 1068 |
| Mar. 17 | Correctly Engrossed.....                                  | 1214 |
| Mar. 20 | Kahle and Kelly motions withdrawn.<br>Final Reading ..... | 1335 |
| Mar. 21 | Correctly Enrolled .....                                  | 1376 |
| Mar. 21 | Speaker signed .....                                      | 1406 |
| Mar. 24 | Presented to Governor .....                               | 1443 |
| Mar. 25 | Keyes explanation of vote.....                            | 1495 |

Mar. 27 Approved by Governor ..... 1576

**LEGISLATIVE BILL 843 By Vickers**

Jan. 21 Read first time..... 337  
 Jan. 23 Referred to Committee on Public Works..... 363  
 Jan. 25 Notice of hearing..... 425  
 Mar. 3 Placed on General File..... 935  
 Mar. 7 Committee amendments adopted.  
     Advanced for Review ..... 1060  
 Mar. 11 Vickers amendment printed..... 1123  
 Mar. 13 Placed on Select File ..... 1183  
 Mar. 19 Vickers pending amendment withdrawn.  
     Advanced for Engrossment..... 1304  
 Mar. 24 Correctly Engrossed..... 1444  
 Mar. 27 DeCamp motion withdrawn.  
     Final Reading ..... 1563  
 Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 844 By Haberman**

Jan. 21 Read first time..... 337  
 Jan. 23 Referred to Committee on Education..... 363  
 Jan. 25 Notice of hearing..... 425  
 Mar. 3 Placed on General File..... 940  
 Mar. 7 Committee amendment adopted.  
     Advanced for Review ..... 1060  
 Mar. 13 Placed on Select File ..... 1184  
 Apr. 9 Murphy amendment adopted.  
     Advanced for Engrossment..... 1767  
 Apr. 10 Correctly Engrossed..... 1809  
 Apr. 15 Final Reading ..... 1934  
 Apr. 15 Correctly Enrolled. Speaker signed ..... 1940  
 Apr. 15 Presented to Governor ..... 1945  
 Apr. 18 Approved by Governor ..... 1951

**LEGISLATIVE BILL 845 By Maresh**

Jan. 21 Read first time..... 338  
 Jan. 23 Referred to Committee on Business and Labor... 363  
 Jan. 31 Notice of hearing..... 491  
 Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 846 By Administrative Rules and Regulations  
 Review Committee**

CHRONOLOGY OF BILLS

2193

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....  | 342  |
| Jan. 23 | Referred to Committee on Administrative<br>Rules and Regulations Review ..... | 363  |
| Jan. 31 | Notice of hearing.....  | 492  |
| Feb. 8  | Placed on General File.....   | 600  |
| Feb. 14 | Advanced for Review .....   | 697  |
| Feb. 19 | Placed on Select File .....   | 710  |
| Feb. 20 | Advanced for Engrossment .....  | 766  |
| Feb. 22 | Correctly Engrossed.....  | 795  |
| Mar. 3  | Final Reading .....   | 945  |
| Mar. 3  | Haberman explanation of vote.....   | 953  |
| Mar. 4  | Correctly Enrolled. Speaker signed .....                                      | 969  |
| Mar. 4  | Presented to Governor .....   | 972  |
| Mar. 7  | Stoney explanation of vote.....   | 1046 |
| Mar. 7  | Approved by Governor .....  | 1063 |

**LEGISLATIVE BILL 847 By Administrative Rules and Regulations  
Review Committee**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 342  |
| Jan. 23 | Referred to Committee on Public<br>Health and Welfare.....                                     | 363  |
| Jan. 29 | Notice of hearing.....   | 450  |
| Feb. 14 | Placed on General File.....  | 685  |
| Feb. 27 | Schmit amendment printed .....   | 906  |
| Feb. 28 | Special order.....   | 919  |
| Mar. 6  | Committee amendment adopted.<br>Schmit pending amendment adopted.<br>Advanced for Review ..... | 1032 |
| Mar. 10 | Placed on Select File .....  | 1066 |
| Mar. 12 | Advanced for Engrossment.....  | 1164 |
| Mar. 12 | Kelly amendment printed.....   | 1176 |
| Mar. 13 | Kelly amendment printed.....   | 1188 |
| Mar. 19 | Correctly Engrossed.....   | 1291 |
| Apr. 1  | Kelly pending amendments withdrawn.<br>Returned to Select File for<br>Kelly amendment .....    | 1643 |
| Apr. 1  | Kelly pending amendment adopted.<br>Advanced for Re-Engrossment .....                          | 1644 |
| Apr. 1  | Correctly Re-Engrossed.....  | 1679 |
| Apr. 15 | Final Reading .....  | 1935 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....   | 1945 |
| Apr. 18 | Presented to Governor.<br>Approved by Governor .....   | 1952 |

**LEGISLATIVE BILL 847A By Administrative Rules and Regulations Review Committee**

|         |   |      |
|---------|---|------|
| Mar. 18 | Read first time. Placed on General File ..... | 1258 |
| Mar. 26 | Advanced for Review .....                     | 1533 |
| Mar. 27 | Placed on Select File .....                   | 1570 |
| Apr. 9  | Advanced for Engrossment .....                | 1792 |
| Apr. 10 | Correctly Engrossed .....                     | 1809 |
| Apr. 15 | Final Reading .....                           | 1936 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....      | 1945 |
| Apr. 18 | Presented to Governor .....                   | 1952 |
| Apr. 18 | Approved by Governor .....                    | 2006 |

**LEGISLATIVE BILL 848 By Miscellaneous Subjects Committee**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time .....  | 343  |
| Jan. 23 | Referred to Committee on Miscellaneous<br>Subjects .....   | 363  |
| Jan. 30 | Notice of hearing .....  | 471  |
| Feb. 20 | Placed on General File .....   | 764  |
| Feb. 26 | Schmit and DeCamp amendments printed .....   | 881  |
| Mar. 4  | Committee amendments adopted.<br>Johnson amendment adopted.<br>Advanced for Review .....   | 980  |
| Mar. 6  | Placed on Select File .....  | 1019 |
| Mar. 10 | Newell amendment printed .....   | 1083 |
| Mar. 12 | Schmit pending amendment adopted.<br>Newell amendment lost.<br>DeCamp pending amendments withdrawn.<br>Powers motion withdrawn.<br>Laid over .....           | 1162 |
| Mar. 18 | Speaker's order .....  | 1267 |
| Mar. 21 | Laid over .....  | 1408 |
| Apr. 9  | DeCamp and Newell amendments<br>withdrawn. Lewis-Fitzgerald-<br>Fowler-Landis amendment adopted.<br>Newell amendment lost.<br>Advanced for Engrossment ..... | 1760 |
| Apr. 9  | Lewis motion to return to Select<br>File pending .....   | 1767 |
| Apr. 10 | Correctly Engrossed. Title change .....  | 1816 |
| Apr. 15 | Lewis pending motion withdrawn.<br>Beutler motion lost .....   | 1937 |
| Apr. 15 | Final Reading .....  | 1938 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....   | 1945 |
| Apr. 18 | Presented to Governor.   |      |

Approved by Governor ..... 1952

**LEGISLATIVE BILL 849 By Miscellaneous Subjects Committee**

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....  | 343  |
| Jan. 23 | Referred to Committee on Miscellaneous<br>Subjects .....  | 363  |
| Jan. 30 | Notice of hearing.....  | 471  |
| Feb. 19 | Placed on General File.....   | 722  |
| Mar. 3  | Committee amendments adopted.<br>Advanced for Review .....  | 963  |
| Mar. 5  | Placed on Select File .....   | 989  |
| Mar. 10 | Laid over.....  | 1068 |
| Mar. 10 | Murphy amendment printed .....  | 1094 |
| Mar. 11 | Fitzgerald amendment adopted.<br>Murphy pending amendment adopted.<br>Sieck amendment lost.<br>Simon amendment adopted.<br>Advanced for Engrossment ..... | 1105 |
| Mar. 18 | Correctly Engrossed.....  | 1270 |
| Mar. 21 | Laid over.....  | 1382 |
| Apr. 15 | Final Reading .....   | 1902 |
| Apr. 15 | Correctly Enrolled.....   | 1910 |
| Apr. 15 | Speaker signed .....  | 1911 |
| Apr. 15 | Presented to Governor .....   | 1924 |
| Apr. 15 | Approved by Governor .....  | 1944 |

**LEGISLATIVE BILL 849A By Miscellaneous Subjects Committee**

|         |   |      |
|---------|---|------|
| Feb. 28 | Read first time. Placed on General File ..... | 923  |
| Mar. 3  | Advanced for Review .....                     | 963  |
| Mar. 5  | Placed on Select File .....                   | 989  |
| Mar. 11 | Advanced for Engrossment .....                | 1111 |
| Mar. 18 | Correctly Engrossed.....                      | 1270 |
| Mar. 21 | Laid over.....                                | 1383 |
| Apr. 15 | Final Reading .....                           | 1903 |
| Apr. 15 | Correctly Enrolled.....                       | 1910 |
| Apr. 15 | Speaker signed .....                          | 1911 |
| Apr. 15 | Presented to Governor .....                   | 1924 |
| Apr. 15 | Approved by Governor .....                    | 1944 |

**LEGISLATIVE BILL 850 By Newell**

|         |  |     |
|---------|--|-----|
| Jan. 22 | Read first time.....   | 344 |
| Jan. 23 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 363 |

|         |                                |     |
|---------|--------------------------------|-----|
| Jan. 31 | Notice of hearing.....         | 486 |
| Feb. 5  | Newell amendments printed..... | 544 |
| Feb. 21 | Withdrawn.....                 | 780 |

**LEGISLATIVE BILL 851 By Lewis**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....                       | 344  |
| Jan. 23 | Referred to Committee on Public Works..... | 363  |
| Jan. 30 | Notice of hearing.....                     | 467  |
| Mar. 10 | Placed on General File.....                | 1083 |
| Apr. 18 | Indefinitely postponed.....                | 2029 |

**LEGISLATIVE BILL 852 By Agriculture and Environment Committee**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 344  |
| Jan. 23 | Referred to Committee on Agriculture<br>and Environment..... | 363  |
| Feb. 5  | Notice of hearing.....                                       | 543  |
| Feb. 26 | Placed on General File.....                                  | 857  |
| Apr. 18 | Indefinitely postponed.....                                  | 2029 |

**LEGISLATIVE BILL 853 By Agriculture and Environment Committee**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 345  |
| Jan. 23 | Referred to Committee on Agriculture<br>and Environment.....   | 363  |
| Feb. 5  | Notice of hearing.....   | 543  |
| Feb. 26 | Placed on General File.....  | 867  |
| Mar. 3  | Special order.....   | 934  |
| Mar. 6  | Venditte amendment printed.....  | 1032 |
| Mar. 7  | Committee amendments adopted. Venditte<br>pending amendment withdrawn.<br>Labeledz and Beutler amendments<br>adopted. Advanced for Review..... | 1043 |
| Mar. 11 | Placed on Select File.....   | 1130 |
| Mar. 13 | Advanced for Engrossment.....  | 1209 |
| Mar. 19 | Goodrich amendment printed.....  | 1289 |
| Mar. 19 | Correctly Engrossed.....   | 1302 |
| Mar. 24 | Laid over.....   | 1462 |
| Mar. 25 | Goodrich amendment printed.....  | 1504 |
| Apr. 15 | Goodrich pending amendments withdrawn.<br>Final Reading.....   | 1908 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....  | 1924 |
| Apr. 15 | Presented to Governor.....   | 1935 |

Apr. 18 Approved by Governor .....2006

**LEGISLATIVE BILL 853A By Agriculture and Environment Committee**

Mar. 5 Read first time. Placed on General File .....1010  
 Mar. 7 Advanced for Review .....1045  
 Mar. 11 Placed on Select File .....1130  
 Mar. 13 Advanced for Engrossment .....1209  
 Mar. 19 Correctly Engrossed.....1302  
 Apr. 15 Beutler motion lost.  
     Final Reading .....1909  
 Apr. 15 Correctly Enrolled. Speaker signed .....1924  
 Apr. 15 Presented to Governor .....1935  
 Apr. 18 Approved by Governor.  
     Line-item veto.....2005  
 Apr. 28 Letter .....2035  
 Apr. 28 Letter .....2052  
 Apr. 28 Certificate .....2053

**LEGISLATIVE BILL 854 By Kahle**

Jan. 22 Read first time.....345  
 Jan. 23 Referred to Committee on Public Works .....363  
 Jan. 30 Notice of hearing.....467  
 Mar. 3 Indefinitely postponed.....936

**LEGISLATIVE BILL 855 By Beutler**

Jan. 22 Read first time.....345  
 Jan. 23 Referred to Committee on Education.....363  
 Jan. 25 Notice of hearing.....425  
 Feb. 22 Placed on General File.....812  
 Mar. 7 Committee amendment adopted.  
     Advanced for Review .....1057  
 Mar. 12 Placed on Select File .....1172  
 Mar. 17 Advanced for Engrossment .....1225  
 Mar. 19 Correctly Engrossed.....1302  
 Mar. 24 Final Reading .....1459  
 Mar. 24 Correctly Enrolled. Speaker signed .....1471  
 Mar. 24 Presented to Governor .....1483  
 Mar. 25 Keyes explanation of vote.....1496  
 Mar. 31 Approved by Governor .....1594

**LEGISLATIVE BILL 856 By Wesely**

|         |  |     |
|---------|--|-----|
| Jan. 22 | Read first time.....                                       | 345 |
| Jan. 23 | Referred to Committee on Public<br>Health and Welfare..... | 363 |
| Jan. 29 | Notice of hearing.....                                     | 450 |
| Jan. 30 | Notice of hearing.....                                     | 471 |
| Mar. 4  | Indefinitely postponed.....                                | 969 |

**LEGISLATIVE BILL 857 By Clark**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....                                     | 346  |
| Jan. 23 | Referred to Committee on Public Works.....               | 363  |
| Jan. 25 | Notice of hearing.....                                   | 425  |
| Feb. 5  | Placed on General File.....                              | 531  |
| Feb. 8  | Committee amendment adopted.<br>Advanced for Review..... | 612  |
| Feb. 12 | Placed on Select File.....                               | 643  |
| Feb. 13 | Advanced for Engrossment.....                            | 675  |
| Feb. 14 | Correctly Engrossed.....                                 | 704  |
| Feb. 25 | Final Reading.....                                       | 838  |
| Mar. 3  | Correctly Enrolled. President signed.....                | 934  |
| Mar. 3  | Presented to Governor.....                               | 949  |
| Mar. 7  | Approved by Governor.....                                | 1040 |

**LEGISLATIVE BILL 858 By Beutler, Fitzgerald**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 346  |
| Jan. 23 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 363  |
| Jan. 23 | Notice of hearing.....   | 389  |
| Feb. 25 | Placed on General File.....                                      | 833  |
| Apr. 18 | Indefinitely postponed.....                                      | 2029 |

**LEGISLATIVE BILL 859 By Miscellaneous Subjects Committee**

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....                                    | 346  |
| Jan. 23 | Referred to Committee on Miscellaneous<br>Subjects..... | 363  |
| Jan. 30 | Notice of hearing.....                                  | 471  |
| Apr. 18 | Indefinitely postponed.....                             | 2029 |

**LEGISLATIVE BILL 860 By Urban Affairs Committee**

CHRONOLOGY OF BILLS

2199

|         |   |     |
|---------|---|-----|
| Jan. 22 | Read first time.....                        | 349 |
| Jan. 23 | Referred to Committee on Urban Affairs..... | 363 |
| Jan. 25 | Notice of hearing.....                      | 427 |
| Mar. 3  | Indefinitely postponed.....                 | 949 |

**LEGISLATIVE BILL 861 By Pirsch, Beutler**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....                     | 349  |
| Jan. 23 | Referred to Committee on Judiciary ..... | 363  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Mar. 11 | Placed on General File.....              | 1121 |
| Apr. 18 | Indefinitely postponed.....              | 2029 |

**LEGISLATIVE BILL 862 By Powers**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 349  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 416  |
| Jan. 31 | Notice of hearing.....   | 486  |
| Mar. 3  | Placed on General File.....  | 954  |
| Mar. 7  | Advanced for Review .....  | 1055 |
| Mar. 11 | Placed on Select File .....  | 1131 |
| Mar. 13 | Advanced for Engrossment .....   | 1210 |
| Mar. 18 | Correctly Engrossed.....   | 1270 |
| Mar. 21 | Final Reading .....  | 1383 |
| Mar. 21 | Haberman explanation of vote.....  | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed .....                                   | 1444 |
| Mar. 24 | Presented to Governor .....  | 1462 |
| Mar. 25 | Keyes explanation of vote .....  | 1496 |
| Mar. 27 | Approved by Governor .....   | 1576 |

**LEGISLATIVE BILL 863 By Beutler**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 350  |
| Jan. 25 | Referred to Committee on Public Works .....  | 416  |
| Jan. 25 | Notice of hearing.....   | 425  |
| Feb. 4  | Placed on General File.....  | 507  |
| Feb. 8  | Advanced for Review .....  | 603  |
| Feb. 11 | Kelly amendment printed.....   | 633  |
| Feb. 12 | Placed on Select File .....  | 643  |
| Feb. 25 | Beutler amendment lost. Lamb motion<br>lost. Kelly pending amendment lost.<br>Advanced for Engrossment ..... | 841  |
| Feb. 26 | Correctly Engrossed.....   | 874  |
| Mar. 27 | Final Reading .....  | 1564 |
| Mar. 27 | Correctly Enrolled. Speaker signed .....   | 1584 |

|         |                             |      |
|---------|-----------------------------|------|
| Mar. 31 | Presented to Governor ..... | 1594 |
| Apr. 8  | Approved by Governor .....  | 1685 |

**LEGISLATIVE BILL 863A By Beutler**

|         |   |      |
|---------|---|------|
| Mar. 7  | Read first time. Placed on General File ..... | 1052 |
| Mar. 13 | Advanced for Review .....                     | 1198 |
| Mar. 17 | Placed on Select File .....                   | 1247 |
| Mar. 19 | Advanced for Engrossment .....                | 1304 |
| Mar. 24 | Correctly Engrossed.....                      | 1444 |
| Mar. 27 | Final Reading .....                           | 1565 |
| Mar. 27 | Correctly Enrolled. Speaker signed .....      | 1584 |
| Mar. 31 | Presented to Governor .....                   | 1594 |
| Apr. 8  | Approved by Governor .....                    | 1685 |

**LEGISLATIVE BILL 864 By Public Works Committee**

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....                        | 350  |
| Jan. 25 | Referred to Committee on Public Works ..... | 416  |
| Jan. 30 | Notice of hearing.....                      | 467  |
| Mar. 10 | Indefinitely postponed.....                 | 1083 |

**LEGISLATIVE BILL 865 By Murphy**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 352  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance.....   | 416  |
| Jan. 29 | Notice of hearing.....   | 447  |
| Feb. 22 | Placed on General File.....  | 815  |
| Apr. 2  | George amendment printed .....   | 1660 |
| Apr. 8  | Advanced for Review .....  | 1737 |
| Apr. 9  | Placed on Select File .....  | 1751 |
| Apr. 14 | George pending amendment ruled out of<br>order. Dworak motion withdrawn.<br>Advanced for Engrossment ..... | 1865 |
| Apr. 14 | Correctly Engrossed.....   | 1871 |
| Apr. 18 | Final Reading .....  | 1985 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....   | 1990 |
| Apr. 18 | Presented to Governor .....  | 2006 |
| Apr. 28 | Approved by Governor .....   | 2039 |

**LEGISLATIVE BILL 866 By Kelly**

|         |   |     |
|---------|---|-----|
| Jan. 22 | Read first time.....                        | 352 |
| Jan. 25 | Referred to Committee on Public Works ..... | 416 |
| Jan. 30 | Notice of hearing.....                      | 467 |

## CHRONOLOGY OF BILLS

2201

|         |                                 |      |
|---------|---------------------------------|------|
| Mar. 3  | Placed on General File.....     | 935  |
| Mar. 6  | Venditte amendment printed..... | 1024 |
| Mar. 20 | Schmit amendment printed.....   | 1362 |
| Mar. 21 | Schmit amendment printed.....   | 1401 |
| Apr. 18 | Indefinitely postponed.....     | 2029 |

### **LEGISLATIVE BILL 867 By Education Committee**

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....                    | 352  |
| Jan. 25 | Referred to Committee on Education..... | 416  |
| Jan. 25 | Notice of hearing.....                  | 425  |
| Feb. 28 | Placed on General File.....             | 929  |
| Mar. 7  | Advanced for Review.....                | 1052 |
| Mar. 11 | Placed on Select File.....              | 1130 |
| Mar. 13 | Advanced for Engrossment.....           | 1210 |
| Mar. 18 | Correctly Engrossed.....                | 1270 |
| Apr. 15 | Final Reading.....                      | 1906 |
| Apr. 15 | Correctly Enrolled.....                 | 1910 |
| Apr. 15 | Speaker signed.....                     | 1911 |
| Apr. 15 | Presented to Governor.....              | 1924 |
| Apr. 18 | Approved by Governor.....               | 1952 |

### **LEGISLATIVE BILL 867A By Koch**

|         |  |      |
|---------|--|------|
| Mar. 4  | Read first time. Placed on General File..... | 977  |
| Mar. 7  | Advanced for Review.....                     | 1052 |
| Mar. 11 | Placed on Select File.....                   | 1130 |
| Mar. 13 | Advanced for Engrossment.....                | 1210 |
| Mar. 18 | Correctly Engrossed.....                     | 1270 |
| Apr. 15 | Final Reading.....                           | 1907 |
| Apr. 15 | Correctly Enrolled.....                      | 1910 |
| Apr. 15 | Speaker signed.....                          | 1911 |
| Apr. 15 | Presented to Governor.....                   | 1924 |
| Apr. 18 | Approved by Governor.....                    | 1952 |

### **LEGISLATIVE BILL 868 By Education Committee**

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....                    | 353  |
| Jan. 25 | Referred to Committee on Education..... | 416  |
| Jan. 25 | Notice of hearing.....                  | 425  |
| Feb. 28 | Indefinitely postponed.....             | 929  |
| Mar. 12 | Koch explanation of vote.....           | 1161 |

### **LEGISLATIVE BILL 869 By Education Committee**

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....                    | 353  |
| Jan. 25 | Referred to Committee on Education..... | 416  |
| Jan. 25 | Notice of hearing.....                  | 425  |
| Jan. 31 | Notice of hearing.....                  | 486  |
| Mar. 3  | Placed on General File.....             | 940  |
| Mar. 10 | Koch amendment printed.....             | 1085 |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 870 By George**

|         |  |     |
|---------|--|-----|
| Jan. 22 | Read first time.....                       | 353 |
| Jan. 25 | Referred to Committee on Public Works..... | 416 |
| Jan. 30 | Notice of hearing.....                     | 467 |
| Feb. 22 | Indefinitely postponed.....                | 795 |

**LEGISLATIVE BILL 871 By Kelly**

|         |   |     |
|---------|---|-----|
| Jan. 22 | Read first time.....                    | 353 |
| Jan. 25 | Referred to Committee on Education..... | 416 |
| Jan. 25 | Notice of hearing.....                  | 425 |
| Jan. 31 | Notice of hearing.....                  | 486 |
| Feb. 21 | Indefinitely postponed.....             | 785 |

**LEGISLATIVE BILL 872 By Executive Board**

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....  | 357  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs.....  | 416  |
| Jan. 31 | Notice of hearing.....  | 486  |
| Mar. 3  | Placed on General File.....   | 954  |
| Mar. 7  | Haberman amendment printed.....   | 1062 |
| Apr. 8  | Committee amendments adopted.<br>Advanced for Review.....   | 1738 |
| Apr. 9  | Placed on Select File.....  | 1751 |
| Apr. 14 | Haberman pending amendment withdrawn.<br>Haberman amendment adopted as<br>amended by George.<br>Advanced for Engrossment..... | 1866 |
| Apr. 14 | Correctly Engrossed.....  | 1874 |
| Apr. 18 | Final Reading.....  | 1985 |
| Apr. 18 | Correctly Enrolled. Speaker signed.....   | 1990 |
| Apr. 18 | Presented to Governor.....  | 2006 |
| Apr. 28 | Approved by Governor.....   | 2039 |

**LEGISLATIVE BILL 872A By Lewis**

|         |   |      |
|---------|---|------|
| Mar. 5  | Read first time. Placed on General File .....                                     | 999  |
| Apr. 8  | Advanced for Review .....   | 1738 |
| Apr. 9  | Placed on Select File .....   | 1751 |
| Apr. 14 | Haberman motion lost. George amendment<br>adopted. Advanced for Engrossment ..... | 1867 |
| Apr. 14 | Correctly Engrossed.....  | 1874 |
| Apr. 18 | Final Reading .....   | 1986 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....  | 1990 |
| Apr. 18 | Presented to Governor .....   | 2006 |
| Apr. 28 | Approved by Governor .....  | 2039 |

**LEGISLATIVE BILL 873 By Hoagland**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 357  |
| Jan. 23 | Keyes name added.....  | 367  |
| Jan. 25 | Referred to Committee on Public Works .....  | 416  |
| Jan. 30 | Notice of hearing.....   | 467  |
| Feb. 25 | Placed on General File.....  | 833  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review .....   | 1057 |
| Mar. 7  | Hoagland amendment printed.....  | 1058 |
| Mar. 12 | Placed on Select File .....  | 1173 |
| Mar. 21 | Hoagland pending amendment adopted.<br>Kelly amendments lost.<br>Haberman amendment lost.<br>Advanced for Engrossment .....                        | 1409 |
| Mar. 24 | Correctly Engrossed.....   | 1482 |
| Mar. 31 | Keyes-Hoagland amendment printed .....   | 1616 |
| Apr. 1  | Returned to Select File for Keyes-Hoagland<br>pending amendment. Keyes-Hoagland<br>pending amendment adopted.<br>Advanced for Re-Engrossment ..... | 1622 |
| Apr. 2  | Correctly Re-Engrossed.....  | 1652 |
| Apr. 15 | Final Reading .....  | 1917 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....   | 1924 |
| Apr. 15 | Presented to Governor .....  | 1935 |
| Apr. 18 | Approved by Governor .....   | 1952 |

**LEGISLATIVE BILL 874 By Lewis**

|         |  |     |
|---------|--|-----|
| Jan. 22 | Read first time.....                                     | 358 |
| Jan. 25 | Referred to Committee on Miscellaneous<br>Subjects ..... | 416 |
| Jan. 30 | Notice of hearing.....                                   | 471 |

|         |   |      |
|---------|---|------|
| Feb. 25 | Placed on General File.....             | 841  |
| Mar. 7  | Advanced for Review.....                | 1051 |
| Mar. 11 | Placed on Select File.....              | 1130 |
| Mar. 13 | Advanced for Engrossment.....           | 1210 |
| Mar. 18 | Correctly Engrossed.....                | 1270 |
| Mar. 21 | Final Reading.....                      | 1383 |
| Mar. 21 | Haberman explanation of vote.....       | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed..... | 1444 |
| Mar. 24 | Presented to Governor.....              | 1462 |
| Mar. 25 | Keyes explanation of vote.....          | 1496 |
| Mar. 31 | Approved by Governor.....               | 1594 |

**LEGISLATIVE BILL 875 By Wesely**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....                                       | 358  |
| Jan. 25 | Referred to Committee on Public<br>Health and Welfare..... | 416  |
| Jan. 29 | Notice of hearing.....                                     | 450  |
| Apr. 18 | Indefinitely postponed.....                                | 2029 |

**LEGISLATIVE BILL 876 By Schmit**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....   | 358  |
| Jan. 25 | Referred to Committee on Agriculture<br>and Environment..... | 416  |
| Jan. 29 | Notice of hearing.....                                       | 456  |
| Feb. 20 | Placed on General File.....                                  | 747  |
| Feb. 22 | Advanced for Review.....                                     | 809  |
| Feb. 26 | Placed on Select File.....                                   | 865  |
| Mar. 3  | Advanced for Engrossment.....                                | 965  |
| Mar. 5  | Correctly Engrossed.....                                     | 990  |
| Mar. 10 | Final Reading.....   | 1076 |
| Mar. 11 | Correctly Enrolled. President signed.....                    | 1100 |
| Mar. 11 | Presented to Governor.....                                   | 1111 |
| Mar. 17 | Approved by Governor.....                                    | 1215 |
| Mar. 18 | Marsh explanation of vote.....                               | 1256 |

**LEGISLATIVE BILL 877 By Banking, Commerce and Insurance Committee**

|         |  |     |
|---------|--|-----|
| Jan. 22 | Read first time.....   | 358 |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 416 |
| Jan. 29 | Notice of hearing.....   | 447 |
| Feb. 4  | Notice of hearing.....   | 516 |
| Feb. 4  | Notice of hearing.....   | 517 |

CHRONOLOGY OF BILLS

2205

|         |  |      |
|---------|--|------|
| Feb. 20 | Placed on General File.....  | 760  |
| Feb. 28 | Special order.....   | 930  |
| Mar. 11 | Committee amendments adopted.<br>Advanced for Review.....  | 1124 |
| Mar. 13 | Placed on Select File.....   | 1199 |
| Mar. 17 | Advanced for Engrossment.....  | 1225 |
| Mar. 20 | Correctly Engrossed.....   | 1363 |
| Apr. 1  | Returned to Select File for DeCamp amendment.<br>DeCamp amendment adopted.<br>Advanced for Re-Engrossment..... | 1644 |
| Apr. 2  | Correctly Re-Engrossed.....  | 1679 |
| Apr. 15 | Final Reading.....   | 1940 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....  | 1945 |
| Apr. 18 | Approved by Governor.....  | 1951 |
| Apr. 18 | Presented to Governor.....   | 1952 |

**LEGISLATIVE BILL 877A By DeCamp**

|         |  |      |
|---------|--|------|
| Feb. 26 | Read first time. Placed on General File..... | 875  |
| Mar. 26 | Advanced for Review.....                     | 1533 |
| Mar. 27 | Placed on Select File.....                   | 1570 |
| Apr. 9  | Advanced for Engrossment.....                | 1792 |
| Apr. 10 | Correctly Engrossed.....                     | 1809 |
| Apr. 15 | Final Reading.....                           | 1941 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....      | 1945 |
| Apr. 18 | Approved by Governor.....                    | 1951 |
| Apr. 18 | Presented to Governor.....                   | 1952 |

**LEGISLATIVE BILL 878 By Venditte**

|         |   |      |
|---------|---|------|
| Jan. 22 | Read first time.....                        | 359  |
| Jan. 25 | Referred to Committee on Urban Affairs..... | 416  |
| Feb. 25 | Notice of hearing.....                      | 851  |
| Mar. 7  | Placed on General File.....                 | 1040 |
| Apr. 18 | Indefinitely postponed.....                 | 2029 |

**LEGISLATIVE BILL 879 By Venditte**

|         |                                       |      |
|---------|---------------------------------------|------|
| Jan. 22 | Read first time.....                  | 359  |
| Jan. 25 | Referred to Committee on Revenue..... | 416  |
| Feb. 6  | Notice of hearing.....                | 554  |
| Mar. 12 | Indefinitely postponed.....           | 1149 |

**LEGISLATIVE BILL 880 By Hefner**

|         |  |      |
|---------|--|------|
| Jan. 22 | Read first time.....                   | 359  |
| Jan. 25 | Referred to Committee on Revenue ..... | 416  |
| Jan. 29 | Notice of hearing.....                 | 456  |
| Mar. 13 | Indefinitely postponed.....            | 1185 |

**LEGISLATIVE BILL 881 By Merz**

|         |   |     |
|---------|---|-----|
| Jan. 22 | Read first time.....                        | 360 |
| Jan. 25 | Referred to Committee on Public Works ..... | 416 |
| Jan. 30 | Notice of hearing.....                      | 467 |
| Mar. 3  | Indefinitely postponed.....                 | 936 |

**LEGISLATIVE BILL 882 By Schmit, Lamb, Kahle, Nichol**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 367  |
| Jan. 25 | Referred to Committee on Revenue .....   | 416  |
| Feb. 7  | Notice of hearing.....   | 590  |
| Feb. 27 | Attorney General's Opinion .....   | 885  |
| Mar. 13 | Placed on General File.....  | 1198 |
| Mar. 24 | Speaker's order.....   | 1482 |
| Mar. 25 | Nichol amendment printed .....   | 1493 |
| Mar. 25 | George amendment printed .....   | 1494 |
| Mar. 26 | Committee amendments adopted. Nichol<br>pending amendment withdrawn. George<br>pending amendment lost. Newell, Lewis,<br>and Dworak amendments lost. DeCamp<br>amendment printed. Carsten and Newell<br>amendment lost .....   | 1538 |
| Mar. 27 | Advanced for Review .....  | 1577 |
| Mar. 27 | Schmit motion lost .....   | 1586 |
| Mar. 31 | Placed on Select File .....  | 1593 |
| Mar. 31 | Newell amendment printed .....   | 1614 |
| Apr. 1  | Warner amendment printed.....  | 1629 |
| Apr. 1  | Newell amendments printed.....   | 1633 |
| Apr. 10 | DeCamp pending amendment p. 1545<br>withdrawn. Newell pending amendment<br>p. 1614 withdrawn. Warner pending<br>amendment p. 1629 lost. Newell pending<br>amendment p. 1633 lost. Newell pending<br>amendments p. 1633, 1634, and 1637<br>withdrawn. Nichol reoffered amendment<br>p. 1493 adopted. Keyes amendment to<br>Nichol amendment lost.<br>Advanced for Engrossment ..... | 1816 |
| Apr. 14 | Correctly Engrossed. Title change.....   | 1825 |
| Apr. 18 | Final Reading .....  | 1987 |

CHRONOLOGY OF BILLS

2207

|         |                              |      |
|---------|------------------------------|------|
| Apr. 18 | Correctly Enrolled.          |      |
|         | Warner motion withdrawn..... | 2006 |
| Apr. 18 | President signed.....        | 2007 |
| Apr. 18 | Presented to Governor.....   | 2015 |
| Apr. 28 | Approved by Governor.....    | 2039 |

**LEGISLATIVE BILL 882A By Schmit, Lamb, Kahle, Nichol**

|         |  |      |
|---------|--|------|
| Mar. 25 | Read first time. Placed on General File..... | 1503 |
| Mar. 27 | Advanced for Review.....                     | 1579 |
| Mar. 27 | Schmit motion lost.....                      | 1586 |
| Mar. 31 | Placed on Select File.....                   | 1593 |
| Apr. 1  | Newell amendment printed.....                | 1637 |
| Apr. 10 | Newell pending amendment withdrawn.          |      |
|         | Advanced for Engrossment.....                | 1822 |
| Apr. 14 | Correctly Engrossed.....                     | 1825 |
| Apr. 18 | Final Reading.....                           | 1988 |
| Apr. 18 | Correctly Enrolled.....                      | 2006 |
| Apr. 18 | President signed.....                        | 2007 |
| Apr. 18 | Presented to Governor.....                   | 2015 |
| Apr. 28 | Approved by Governor.....                    | 2039 |

**LEGISLATIVE BILL 883 By Lewis**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                   | 367  |
| Jan. 25 | Referred to Committee on Miscellaneous |      |
|         | Subjects.....                          | 416  |
| Jan. 30 | Notice of hearing.....                 | 471  |
| Apr. 18 | Indefinitely postponed.....            | 2029 |

**LEGISLATIVE BILL 884 By Public Works Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                       | 367  |
| Jan. 25 | Referred to Committee on Public Works..... | 416  |
| Jan. 30 | Notice of hearing.....                     | 467  |
| Feb. 20 | Placed on General File.....                | 764  |
| Mar. 4  | Advanced for Review.....                   | 982  |
| Mar. 6  | Placed on Select File.....                 | 1020 |
| Mar. 12 | Advanced for Engrossment.....              | 1164 |
| Mar. 17 | Correctly Engrossed.....                   | 1235 |
| Mar. 20 | Final Reading.....                         | 1336 |
| Mar. 21 | Correctly Enrolled.....                    | 1376 |
| Mar. 21 | Speaker signed.....                        | 1406 |
| Mar. 24 | Presented to Governor.....                 | 1443 |
| Mar. 24 | Approved by Governor.....                  | 1477 |
| Mar. 25 | Keyes explanation of vote.....             | 1495 |

**LEGISLATIVE BILL 885 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                          | 368  |
| Jan. 25 | Referred to Committee on Appropriations ..... | 416  |
| Jan. 29 | Notice of hearing.....                        | 450  |
| Feb. 28 | Placed on General File.....                   | 914  |
| Mar. 7  | Advanced for Review .....                     | 1051 |
| Mar. 11 | Placed on Select File .....                   | 1130 |
| Mar. 13 | Advanced for Engrossment .....                | 1210 |
| Mar. 18 | Correctly Engrossed.....                      | 1270 |
| Mar. 21 | Final Reading .....                           | 1384 |
| Mar. 21 | Haberman explanation of vote.....             | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed .....      | 1444 |
| Mar. 24 | Presented to Governor .....                   | 1462 |
| Mar. 25 | Keyes explanation of vote.....                | 1496 |
| Mar. 31 | Approved by Governor .....                    | 1594 |

**LEGISLATIVE BILL 886 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                          | 368  |
| Jan. 25 | Referred to Committee on Appropriations ..... | 417  |
| Jan. 29 | Notice of hearing.....                        | 450  |
| Feb. 7  | Placed on General File.....                   | 582  |
| Feb. 14 | Advanced for Review .....                     | 688  |
| Feb. 19 | Placed on Select File .....                   | 710  |
| Feb. 20 | Advanced for Engrossment .....                | 766  |
| Feb. 22 | Correctly Engrossed.....                      | 795  |
| Mar. 3  | Final Reading .....                           | 946  |
| Mar. 3  | Haberman explanation of vote.....             | 953  |
| Mar. 4  | Correctly Enrolled. Speaker signed .....      | 969  |
| Mar. 4  | Presented to Governor .....                   | 972  |
| Mar. 7  | Stoney explanation of vote.....               | 1046 |
| Mar. 7  | Approved by Governor .....                    | 1063 |

**LEGISLATIVE BILL 887 By Public Works Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                        | 368  |
| Jan. 25 | Referred to Committee on Public Works ..... | 417  |
| Jan. 30 | Notice of hearing.....                      | 467  |
| Feb. 22 | Attorney General's Opinion .....            | 805  |
| Mar. 3  | Placed on General File.....                 | 935  |
| Mar. 7  | Advanced for Review .....                   | 1052 |
| Mar. 11 | Placed on Select File .....                 | 1131 |
| Mar. 13 | Advanced for Engrossment .....              | 1210 |
| Mar. 18 | Correctly Engrossed.....                    | 1270 |
| Mar. 21 | DeCamp motion withdrawn .....               | 1385 |

CHRONOLOGY OF BILLS

2209

|         |  |      |
|---------|--|------|
| Mar. 21 | Final Reading .....                      | 1386 |
| Mar. 21 | Haberman explanation of vote.....        | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed ..... | 1444 |
| Mar. 24 | Presented to Governor .....              | 1462 |
| Mar. 25 | Keyes explanation of vote .....          | 1496 |
| Mar. 31 | Approved by Governor .....               | 1594 |

**LEGISLATIVE BILL 888 By Lamb**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                    | 368  |
| Jan. 25 | Referred to Committee on Education..... | 417  |
| Jan. 25 | Notice of hearing.....                  | 425  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 889 By Lamb**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 368  |
| Jan. 25 | Referred to Committee on Agriculture<br>and Environment .....  | 417  |
| Jan. 29 | Notice of hearing.....   | 456  |
| Feb. 26 | Placed on General File.....  | 857  |
| Feb. 26 | Attorney General's Opinion .....   | 875  |
| Mar. 5  | Special order.....   | 1009 |
| Mar. 13 | Advanced for Review .....  | 1193 |
| Mar. 17 | Placed on Select File .....  | 1247 |
| Mar. 26 | Vickers amendment printed .....  | 1520 |
| Apr. 8  | Lamb amendment printed .....   | 1721 |
| Apr. 9  | Schmit amendment adopted .....   | 1773 |
| Apr. 9  | Lamb pending amendment p. 1721<br>adopted. Vickers pending amendment<br>p. 1520 withdrawn. Advanced for<br>Engrossment ..... | 1774 |
| Apr. 10 | Correctly Engrossed.....   | 1809 |
| Apr. 15 | Final Reading .....  | 1942 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....   | 1948 |
| Apr. 18 | Presented to Governor .....  | 1952 |
| Apr. 18 | Approved by Governor .....   | 2006 |

**LEGISLATIVE BILL 890 By Powers**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                    | 369  |
| Jan. 25 | Referred to Committee on Education..... | 417  |
| Jan. 25 | Notice of hearing.....                  | 425  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 891 By Dworak, Labedz**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 369  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Feb. 4  | Notice of hearing.....   | 517  |
| Feb. 4  | Attorney General's Opinion .....                                 | 524  |
| Feb. 19 | Placed on General File.....                                      | 730  |
| Mar. 3  | Attorney General's Opinion .....                                 | 962  |
| Mar. 4  | Laid over.....   | 976  |
| Mar. 18 | Landis amendments printed.....                                   | 1280 |
| Apr. 18 | Indefinitely postponed.....                                      | 2029 |

**LEGISLATIVE BILL 892 By Judiciary Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 369  |
| Jan. 25 | Referred to Committee on Judiciary .....  | 417  |
| Jan. 28 | Notice of hearing.....  | 432  |
| Feb. 8  | Johnson amendment printed .....   | 617  |
| Feb. 11 | Placed on General File.....   | 632  |
| Mar. 3  | Committee amendment adopted. Johnson<br>pending amendment adopted.<br>Advanced for Review ..... | 960  |
| Mar. 5  | Placed on Select File .....   | 988  |
| Mar. 10 | Advanced for Engrossment .....  | 1068 |
| Mar. 17 | Correctly Engrossed.....  | 1214 |
| Mar. 17 | Attorney General's Opinion .....  | 1227 |
| Mar. 19 | Johnson amendment printed .....   | 1313 |
| Mar. 20 | Returned to Select File for Johnson amendment   | 1337 |
| Mar. 20 | Johnson pending amendment adopted.<br>Advanced for Re-Engrossment .....                         | 1338 |
| Mar. 24 | Correctly Re-Engrossed. Title change.....   | 1444 |
| Mar. 27 | Final Reading .....   | 1566 |
| Mar. 27 | Correctly Enrolled. Speaker signed .....  | 1584 |
| Mar. 31 | Presented to Governor .....   | 1594 |
| Apr. 8  | Approved by Governor .....  | 1685 |

**LEGISLATIVE BILL 893 By Johnson**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....   | 369 |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance.....                   | 417 |
| Feb. 4  | Notice of hearing.....   | 516 |
| Feb. 19 | Placed on General File.....  | 737 |
| Feb. 22 | Committee amendment adopted. Johnson<br>amendment adopted. Advanced for Review ... | 819 |

CHRONOLOGY OF BILLS

2211

|         |                                |      |
|---------|--------------------------------|------|
| Feb. 27 | Placed on Select file.....     | 885  |
| Mar. 10 | Advanced for Engrossment.....  | 1067 |
| Mar. 17 | Correctly Engrossed.....       | 1214 |
| Mar. 20 | Final Reading.....             | 1338 |
| Mar. 21 | Correctly Enrolled.....        | 1376 |
| Mar. 21 | Speaker signed.....            | 1406 |
| Mar. 24 | Presented to Governor.....     | 1443 |
| Mar. 24 | Approved by Governor.....      | 1477 |
| Mar. 25 | Keyes explanation of vote..... | 1495 |

**LEGISLATIVE BILL 894 By Stoney**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                    | 369  |
| Jan. 25 | Referred to Committee on Judiciary..... | 417  |
| Jan. 28 | Notice of hearing.....                  | 432  |
| Mar. 12 | Attorney General's Opinion.....         | 1149 |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 895 By Pirsch**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                    | 370  |
| Jan. 25 | Referred to Committee on Judiciary..... | 417  |
| Jan. 28 | Notice of hearing.....                  | 433  |
| Feb. 14 | Attorney General's Opinion.....         | 678  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 896 By Maresh**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 373  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 417  |
| Feb. 5  | Notice of hearing.....   | 543  |
| Mar. 3  | Placed on General File.....  | 954  |
| Mar. 7  | Advanced for Review.....   | 1056 |
| Mar. 12 | Placed on Select File.....   | 1172 |
| Mar. 17 | Advanced for Engrossment.....  | 1224 |
| Mar. 19 | Correctly Engrossed.....   | 1302 |
| Mar. 24 | Final Reading.....   | 1460 |
| Mar. 24 | Correctly Enrolled. Speaker signed.....                                    | 1471 |
| Mar. 24 | Presented to Governor.....   | 1483 |
| Mar. 25 | Keyes explanation of vote.....   | 1496 |
| Mar. 31 | Approved by Governor.....  | 1594 |

**LEGISLATIVE BILL 897 By Nichol**

|         |                                       |     |
|---------|---------------------------------------|-----|
| Jan. 23 | Read first time.....                  | 373 |
| Jan. 25 | Referred to Committee on Revenue..... | 417 |
| Feb. 6  | Notice of hearing.....                | 554 |
| Feb. 27 | Indefinitely postponed.....           | 906 |

**LEGISLATIVE BILL 898 By Marvel**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....                       | 374 |
| Jan. 25 | Referred to Committee on Public Works..... | 417 |
| Feb. 7  | Notice of hearing.....                     | 582 |
| Mar. 3  | Indefinitely postponed.....                | 936 |

**LEGISLATIVE BILL 899 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 374  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Jan. 30 | Notice of hearing.....   | 471  |
| Mar. 18 | Placed on General File.....                                      | 1260 |
| Mar. 31 | Haberman amendment printed.....                                  | 1601 |
| Apr. 2  | Clark amendment printed.....                                     | 1662 |
| Apr. 8  | Simon amendments printed.....                                    | 1708 |
| Apr. 8  | Clark amendment printed.....                                     | 1735 |
| Apr. 8  | Simon and DeCamp amendments printed.....                         | 1738 |
| Apr. 9  | Passed over.....   | 1793 |
| Apr. 18 | Indefinitely postponed.....                                      | 2029 |

**LEGISLATIVE BILL 900 By Koch**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 374  |
| Jan. 25 | Referred to Committee on Constitutional<br>Revision and Recreation..... | 417  |
| Jan. 28 | Notice of hearing.....  | 435  |
| Feb. 27 | Placed on General File.....   | 905  |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 901 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 374  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Feb. 4  | Notice of hearing.....   | 516  |
| Mar. 20 | Indefinitely postponed.....                                      | 1369 |

**LEGISLATIVE BILL 902 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 374  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Feb. 4  | Notice of hearing.....   | 517  |
| Feb. 19 | Placed on General File.....                                      | 730  |
| Feb. 22 | Advanced for Review.....   | 809  |
| Feb. 26 | Placed on Select File.....                                       | 865  |
| Mar. 3  | Advanced for Engrossment.....                                    | 965  |
| Mar. 5  | Correctly Engrossed.....   | 990  |
| Mar. 10 | Final Reading.....   | 1077 |
| Mar. 11 | Correctly Enrolled. President signed.....                        | 1100 |
| Mar. 11 | Presented to Governor.....                                       | 1111 |
| Mar. 17 | Approved by Governor.....  | 1215 |
| Mar. 18 | Marsh explanation of vote.....                                   | 1256 |

**LEGISLATIVE BILL 903 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 375  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Feb. 4  | Notice of hearing.....   | 517  |
| Feb. 20 | Placed on General File.....                                      | 742  |
| Mar. 4  | Committee amendment adopted.<br>Advanced for Review.....         | 976  |
| Mar. 6  | Placed on Select File.....                                       | 1018 |
| Mar. 11 | Advanced for Engrossment.....                                    | 1113 |
| Mar. 17 | Correctly Engrossed.....   | 1235 |
| Mar. 20 | Final Reading.....   | 1339 |
| Mar. 21 | Correctly Enrolled.....  | 1376 |
| Mar. 21 | Speaker signed.....  | 1406 |
| Mar. 24 | Presented to Governor.....                                       | 1443 |
| Mar. 24 | Approved by Governor.....  | 1477 |
| Mar. 25 | Keyes explanation of vote.....                                   | 1495 |

**LEGISLATIVE BILL 904 By Banking, Commerce and Insurance Committee**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....   | 375 |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417 |
| Feb. 4  | Notice of hearing.....   | 517 |
| Feb. 20 | Indefinitely postponed.....                                      | 747 |

**LEGISLATIVE BILL 905 By Banking, Commerce and Insurance Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 375  |
| Jan. 25 | Referred to Committee on Revenue.....   | 417  |
| Jan. 31 | Re-referred to Committee on Banking,<br>Commerce and Insurance.....   | 504  |
| Feb. 4  | Notice of hearing.....  | 517  |
| Feb. 20 | Placed on General File.....   | 742  |
| Mar. 4  | Committee amendment adopted.<br>Advanced for Review.....  | 976  |
| Mar. 4  | Motion to re-refer to Committee<br>on Revenue pending.....  | 986  |
| Mar. 6  | Placed on Select File.....  | 1019 |
| Mar. 11 | Motion to re-refer renewed. Pending.....  | 1113 |
| Mar. 11 | Newell amendments (1) and (2) printed.....  | 1115 |
| Mar. 12 | Pending motion to re-refer lost.<br>Johnson-Newell-Murphy motion pending.....   | 1164 |
| Mar. 17 | Johnson-Newell-Murphy pending<br>motion lost. Newell pending amendment<br>(1) p. 1115 lost. Newell pending<br>amendment (2) p. 1115 withdrawn.<br>Advanced for Engrossment..... | 1225 |
| Mar. 17 | Reutzler explanation of vote.....   | 1243 |
| Mar. 20 | Correctly Engrossed.....  | 1363 |
| Mar. 25 | Johnson motion withdrawn.....   | 1492 |
| Mar. 25 | Final Reading.....  | 1493 |
| Mar. 26 | Correctly Enrolled. President signed.....   | 1518 |
| Mar. 26 | Presented to Governor.....  | 1530 |
| Mar. 27 | Approved by Governor.....   | 1576 |
| Mar. 27 | Attorney General's Opinion.....   | 1587 |

**LEGISLATIVE BILL 906 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 376  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Jan. 29 | Notice of hearing.....   | 447  |
| Feb. 22 | Placed on General File.....                                      | 815  |
| Feb. 28 | Special order.....   | 930  |
| Mar. 5  | DeCamp amendment printed.....                                    | 994  |
| Mar. 7  | Haberman motion pending.....                                     | 1062 |
| Apr. 18 | Indefinitely postponed.....                                      | 2029 |

**LEGISLATIVE BILL 907 By Banking, Commerce and Insurance Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 376  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Jan. 29 | Notice of hearing.....   | 446  |
| Mar. 20 | Indefinitely postponed.....                                      | 1369 |

**LEGISLATIVE BILL 908 By Vickers**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                                      | 376  |
| Jan. 25 | Referred to Committee on Public Works.....                | 417  |
| Jan. 30 | Notice of hearing.....                                    | 467  |
| Mar. 3  | Placed on General File.....                               | 950  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review..... | 1060 |
| Mar. 13 | Placed on Select File.....                                | 1184 |
| Mar. 17 | Advanced for Engrossment.....                             | 1225 |
| Mar. 20 | Correctly Engrossed.....                                  | 1346 |
| Mar. 25 | Final Reading.....  | 1490 |
| Mar. 26 | Correctly Enrolled. President signed.....                 | 1518 |
| Mar. 26 | Presented to Governor.....                                | 1530 |
| Mar. 27 | Approved by Governor.....                                 | 1576 |

**LEGISLATIVE BILL 909 By Maresh**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 376  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 417  |
| Feb. 5  | Notice of hearing.....   | 543  |
| Mar. 3  | Placed on General File.....  | 955  |
| Mar. 7  | Committee amendments lost.<br>Advanced for Review.....                     | 1056 |
| Mar. 12 | Placed on Select File.....   | 1172 |
| Mar. 17 | Attorney General's Opinion.....  | 1219 |
| Mar. 17 | Advanced for Engrossment.....  | 1224 |
| Mar. 19 | Correctly Engrossed.....   | 1302 |
| Mar. 24 | Final Reading.....   | 1461 |
| Mar. 24 | Correctly Enrolled. Speaker signed.....                                    | 1471 |
| Mar. 24 | Presented to Governor.....   | 1483 |
| Mar. 25 | Keyes explanation of vote.....   | 1496 |
| Mar. 27 | Approved by Governor.....  | 1576 |

**LEGISLATIVE BILL 910 By Constitutional Revision and Recreation Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 376  |
| Jan. 25 | Referred to Committee on Constitutional<br>Revision and Recreation..... | 417  |
| Jan. 28 | Notice of hearing.....  | 435  |
| Feb. 26 | Placed on General File.....   | 868  |
| Mar. 7  | Newell amendments printed. Newell<br>motion pending .....               | 1059 |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 911 By Hefner**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                   | 377  |
| Jan. 25 | Referred to Committee on Revenue ..... | 417  |
| Feb. 7  | Notice of hearing.....                 | 591  |
| Mar. 13 | Indefinitely postponed.....            | 1185 |

**LEGISLATIVE BILL 912 By Powers**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 377  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Feb. 4  | Notice of hearing.....   | 517  |
| Feb. 25 | Placed on General File.....                                      | 834  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review .....       | 1058 |
| Mar. 12 | Placed on Select File .....                                      | 1173 |
| Mar. 19 | Advanced for Engrossment .....                                   | 1303 |
| Mar. 24 | Correctly Engrossed.....   | 1444 |
| Mar. 27 | Final Reading .....  | 1566 |
| Mar. 27 | Correctly Enrolled. Speaker signed .....                         | 1584 |
| Mar. 31 | Presented to Governor .....                                      | 1594 |
| Apr. 8  | Approved by Governor .....                                       | 1685 |

**LEGISLATIVE BILL 913 By Nichol**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....                                       | 377 |
| Jan. 25 | Referred to Committee on Revenue .....                     | 417 |
| Jan. 29 | Notice of hearing.....                                     | 456 |
| Feb. 8  | Placed on General File.....                                | 608 |
| Feb. 14 | Committee amendments adopted.<br>Advanced for Review ..... | 699 |
| Feb. 19 | Placed on Select File .....                                | 711 |
| Feb. 19 | Burrows amendment printed.....                             | 720 |

CHRONOLOGY OF BILLS

2217

|         |   |      |
|---------|---|------|
| Feb. 26 | Burrows pending amendment withdrawn.<br>Advanced for Engrossment..... | 874  |
| Feb. 27 | Correctly Engrossed.....  | 903  |
| Mar. 6  | Final Reading.....  | 1015 |
| Mar. 6  | Haberman explanation of vote.....                                     | 1024 |
| Mar. 7  | Correctly Enrolled. President signed.....                             | 1039 |
| Mar. 7  | Stoney explanation of vote.....                                       | 1046 |
| Mar. 7  | Presented to Governor.....  | 1062 |
| Mar. 12 | Koch explanation of vote.....   | 1161 |
| Mar. 17 | Approved by Governor.....   | 1215 |

**LEGISLATIVE BILL 914 By Business and Labor Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                                      | 377  |
| Jan. 25 | Referred to Committee on Business and Labor...            | 417  |
| Jan. 25 | Notice of hearing.....                                    | 428  |
| Feb. 4  | Placed on General File.....                               | 526  |
| Feb. 8  | Committee amendments adopted.<br>Advanced for Review..... | 612  |
| Feb. 12 | Placed on Select File.....                                | 643  |
| Feb. 13 | Advanced for Engrossment.....                             | 675  |
| Feb. 14 | Correctly Engrossed.....                                  | 704  |
| Feb. 25 | Final Reading.....  | 839  |
| Mar. 3  | Correctly Enrolled. President signed.....                 | 934  |
| Mar. 3  | Presented to Governor.....                                | 949  |
| Mar. 7  | Approved by Governor.....                                 | 1040 |

**LEGISLATIVE BILL 915 By Business and Labor Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 377  |
| Jan. 25 | Referred to Committee on Agriculture<br>and Environment..... | 417  |
| Feb. 5  | Notice of hearing.....                                       | 544  |
| Mar. 3  | Placed on General File.....                                  | 936  |
| Mar. 7  | Advanced for Review.....                                     | 1055 |
| Mar. 11 | Placed on Select File.....                                   | 1131 |
| Mar. 13 | Advanced for Engrossment.....                                | 1210 |
| Mar. 18 | Correctly Engrossed.....                                     | 1270 |
| Mar. 21 | Final Reading.....   | 1387 |
| Mar. 21 | Haberman explanation of vote.....                            | 1410 |
| Mar. 24 | Correctly Enrolled. Speaker signed.....                      | 1444 |
| Mar. 24 | Presented to Governor.....                                   | 1462 |
| Mar. 25 | Keyes explanation of vote.....                               | 1496 |
| Mar. 27 | Keyes correction of vote.....                                | 1572 |
| Mar. 31 | Approved by Governor.....                                    | 1594 |

**LEGISLATIVE BILL 916 By Clark**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 378  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 417  |
| Feb. 4  | Notice of hearing.....   | 517  |
| Feb. 22 | Placed on General File.....                                      | 815  |
| Mar. 7  | Advanced for Review.....   | 1050 |
| Mar. 11 | Placed on Select File.....                                       | 1130 |
| Mar. 13 | Advanced for Engrossment.....                                    | 1210 |
| Mar. 18 | Correctly Engrossed.....   | 1270 |
| Mar. 20 | Simon amendment printed.....                                     | 1342 |
| Mar. 24 | Simon amendment ruled out of order.<br>Final Reading.....        | 1448 |
| Mar. 24 | Correctly Enrolled. Speaker signed.....                          | 1471 |
| Mar. 24 | Presented to Governor.....                                       | 1483 |
| Mar. 27 | Keyes explanation of vote.....                                   | 1572 |
| Mar. 27 | Approved by Governor.....  | 1576 |

**LEGISLATIVE BILL 917 By Constitutional Revision and Recreation Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 378  |
| Jan. 25 | Referred to Committee on Constitutional<br>Revision and Recreation..... | 417  |
| Jan. 28 | Notice of hearing.....  | 435  |
| Apr. 18 | Indefinitely postponed.....   | 2029 |

**LEGISLATIVE BILL 918 By Nichol**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 378  |
| Jan. 25 | Referred to Committee on Agriculture<br>and Environment.....                       | 417  |
| Feb. 5  | Notice of hearing.....   | 544  |
| Feb. 6  | Notice of hearing.....   | 555  |
| Feb. 26 | Placed on General File.....  | 857  |
| Mar. 3  | Special order.....   | 935  |
| Mar. 12 | Burrows, Beutler, and Fowler amendments<br>lost. Failed to advance for Review..... | 1167 |
| Mar. 13 | Nichol motion to reconsider Fowler<br>amendment pending.....                       | 1203 |
| Apr. 8  | Burrows amendment lost.<br>Advanced for Review.....                                | 1736 |
| Apr. 9  | Placed on Select File.....   | 1751 |
| Apr. 14 | Advanced for Engrossment.....  | 1861 |
| Apr. 14 | Correctly Engrossed.....   | 1871 |

CHRONOLOGY OF BILLS

2219

|         |                             |      |
|---------|-----------------------------|------|
| Apr. 18 | Final Reading .....         | 1990 |
| Apr. 18 | Correctly Enrolled .....    | 2006 |
| Apr. 18 | President signed .....      | 2007 |
| Apr. 18 | Presented to Governor ..... | 2015 |
| Apr. 28 | Approved by Governor .....  | 2039 |

**LEGISLATIVE BILL 918A By Nichol**

|         |   |      |
|---------|---|------|
| Mar. 3  | Read first time. Placed on General File .....       | 961  |
| Apr. 8  | Nichol motion to withdraw pending .....             | 1736 |
| Apr. 15 | Nichol pending motion prevailed.<br>Withdrawn ..... | 1947 |

**LEGISLATIVE BILL 919 By Public Health and Welfare Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time .....                                       | 378  |
| Jan. 25 | Referred to Committee on Public<br>Health and Welfare ..... | 417  |
| Jan. 29 | Notice of hearing .....                                     | 450  |
| Apr. 18 | Indefinitely postponed .....                                | 2029 |

**LEGISLATIVE BILL 920 By Constitutional Revision and Recreation Committee**

|         |   |     |
|---------|---|-----|
| Jan. 23 | Read first time .....                       | 378 |
| Jan. 25 | Referred to Committee on Public Works ..... | 417 |
| Jan. 30 | Notice of hearing .....                     | 467 |
| Feb. 26 | Indefinitely postponed .....                | 857 |

**LEGISLATIVE BILL 921 By Government, Military and Veterans Affairs Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time .....   | 382  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs ..... | 417  |
| Jan. 31 | Notice of hearing .....   | 486  |
| Mar. 13 | Indefinitely postponed .....  | 1189 |

**LEGISLATIVE BILL 922 By Government, Military and Veterans Affairs Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time .....   | 382  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs ..... | 417  |
| Jan. 31 | Notice of hearing .....   | 487  |
| Mar. 6  | Placed on General File .....  | 1028 |
| Apr. 18 | Indefinitely postponed .....  | 2029 |

**LEGISLATIVE BILL 923 By Government, Military and Veterans Affairs Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 383  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 417  |
| Jan. 31 | Notice of hearing.....   | 486  |
| Feb. 22 | Placed on General File.....  | 824  |
| Mar. 7  | Advanced for Review.....   | 1051 |
| Mar. 11 | Placed on Select File.....   | 1130 |
| Mar. 13 | Advanced for Engrossment.....  | 1210 |
| Mar. 18 | Correctly Engrossed.....   | 1270 |
| Mar. 24 | Final Reading.....   | 1449 |
| Mar. 24 | Correctly Enrolled. Speaker signed.....                                    | 1471 |
| Mar. 24 | Presented to Governor.....   | 1483 |
| Mar. 24 | Keyes explanation of vote.....   | 1496 |
| Mar. 31 | Approved by Governor.....  | 1594 |

**LEGISLATIVE BILL 924 By Government, Military and Veterans Affairs Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 383  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs.....                                    | 417  |
| Jan. 31 | Notice of hearing.....  | 486  |
| Mar. 3  | Placed on General File.....   | 955  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review.....   | 1061 |
| Mar. 13 | Placed on Select File.....  | 1184 |
| Mar. 17 | Advanced for Engrossment.....   | 1225 |
| Mar. 20 | Correctly Engrossed.....  | 1346 |
| Mar. 25 | Laid over.....  | 1491 |
| Mar. 27 | Stoney amendment printed.....   | 1590 |
| Apr. 1  | Returned to Select File for Stoney amendment..  | 1646 |
| Apr. 1  | Stoney pending amendment adopted.<br>Advanced for Re-Engrossment.<br>Newell and Fowler motions withdrawn..... | 1647 |
| Apr. 2  | Correctly Re-Engrossed.....   | 1679 |
| Apr. 15 | Returned to Select File for Goodrich amendment.<br>Goodrich amendment adopted.<br>Indefinitely postponed..... | 1918 |

**LEGISLATIVE BILL 925 By Government, Military and Veterans Affairs Committee**

CHRONOLOGY OF BILLS

2221

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 383  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 417  |
| Jan. 31 | Notice of hearing.....   | 486  |
| Feb. 28 | Placed on General File.....  | 929  |
| Mar. 7  | Advanced for Review.....   | 1052 |
| Mar. 11 | Placed on Select File.....   | 1130 |
| Mar. 13 | Advanced for Engrossment.....  | 1210 |
| Mar. 18 | Correctly Engrossed.....   | 1270 |
| Mar. 24 | Final Reading.....   | 1450 |
| Mar. 24 | Correctly Enrolled. Speaker signed.....                                    | 1471 |
| Mar. 24 | Presented to Governor.....   | 1483 |
| Mar. 25 | Keyes explanation of vote.....   | 1496 |
| Mar. 31 | Approved by Governor.....  | 1594 |

**LEGISLATIVE BILL 926 By Government, Military and Veterans Affairs Committee**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....   | 384 |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 417 |
| Jan. 31 | Notice of hearing.....   | 486 |
| Mar. 3  | Indefinitely postponed.....  | 959 |

**LEGISLATIVE BILL 927 By Hoagland**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                                    | 384  |
| Jan. 25 | Referred to Committee on Miscellaneous<br>Subjects..... | 417  |
| Jan. 30 | Notice of hearing.....                                  | 471  |
| Mar. 20 | Placed on General File.....                             | 1370 |
| Apr. 18 | Indefinitely postponed.....                             | 2029 |

**LEGISLATIVE BILL 928 By Rules Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                                    | 384  |
| Jan. 25 | Referred to Committee on Miscellaneous<br>Subjects..... | 417  |
| Jan. 30 | Notice of hearing.....                                  | 471  |
| Apr. 18 | Indefinitely postponed.....                             | 2029 |

**LEGISLATIVE BILL 929 By LR169 Study Committee**

|         |   |     |
|---------|---|-----|
| Jan. 23 | Read first time.....                        | 385 |
| Jan. 25 | Referred to Committee on Urban Affairs..... | 417 |
| Jan. 29 | Notice of hearing.....                      | 457 |

Mar. 20 Indefinitely postponed.....1353

### **LEGISLATIVE BILL 930 By Schmit**

Jan. 23 Read first time.....385  
 Jan. 25 Referred to Committee on Nebraska  
         Retirement Systems.....417  
 Jan. 31 Notice of hearing.....497  
 Mar. 18 Indefinitely postponed.....1268

### **LEGISLATIVE BILL 931 By Wesely**

Jan. 23 Read first time.....385  
 Jan. 25 Referred to Committee on Public Works.....418  
 Jan. 30 Notice of hearing.....467  
 Mar. 11 Indefinitely postponed.....1109

### **LEGISLATIVE BILL 932 By Urban Affairs Committee**

Jan. 23 Read first time.....385  
 Jan. 25 Referred to Committee on Public  
         Health and Welfare.....418  
 Jan. 29 Notice of hearing.....450  
 Feb. 8 Placed on General File.....608  
 Feb. 14 Advanced for Review.....697  
 Feb. 19 Placed on Select File.....710  
 Feb. 20 Advanced for Engrossment.....766  
 Feb. 22 Correctly Engrossed.....795  
 Mar. 3 Returned to Select File for Nichol amendment.  
         Nichol amendment adopted.  
         Advanced for Re-Engrossment.....947  
 Mar. 4 Correctly Re-Engrossed.....969  
 Mar. 10 Final Reading.....1069  
 Mar. 10 Haberman explanation of vote.....1089  
 Mar. 11 Correctly Enrolled. President signed.....1100  
 Mar. 11 Presented to Governor.....1111  
 Mar. 17 Approved by Governor.....1236  
 Mar. 18 Marsh explanation of vote.....1256

### **LEGISLATIVE BILL 933 By LR169 Study Committee**

Jan. 23 Read first time.....386  
 Jan. 25 Referred to Committee on Urban Affairs.....418  
 Jan. 29 Notice of hearing.....456  
 Mar. 7 Placed on General File.....1039  
 Apr. 2 George amendment printed.....1652

CHRONOLOGY OF BILLS

2223

|         |  |      |
|---------|--|------|
| Apr. 9  | Newell amendment printed .....   | 1741 |
| Apr. 9  | George pending amendment adopted.<br>Advanced for Review .....   | 1793 |
| Apr. 10 | Placed on Select File .....  | 1799 |
| Apr. 14 | Newell pending amendment adopted.<br>Newell-Hoagland-George amendment adopted.<br>Advanced for Engrossment ..... | 1868 |
| Apr. 14 | Correctly Engrossed.....   | 1874 |
| Apr. 18 | Final Reading .....  | 1997 |
| Apr. 18 | Correctly Enrolled .....   | 2006 |
| Apr. 18 | President signed .....   | 2007 |
| Apr. 18 | Presented to Governor .....  | 2015 |
| Apr. 28 | Approved by Governor .....   | 2039 |

**LEGISLATIVE BILL 934 By Goodrich**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 386  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 418  |
| Feb. 4  | Notice of hearing.....   | 516  |
| Apr. 18 | Indefinitely postponed.....                                      | 2029 |

**LEGISLATIVE BILL 935 By Chronister**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 386  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 418  |
| Jan. 31 | Notice of hearing.....   | 486  |
| Mar. 13 | Indefinitely postponed.....  | 1189 |

**LEGISLATIVE BILL 936 By Barrett**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                     | 386  |
| Jan. 25 | Referred to Committee on Judiciary ..... | 418  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Feb. 28 | Placed on General File.....              | 925  |
| Mar. 7  | Advanced for Review .....                | 1051 |
| Mar. 11 | Placed on Select File .....              | 1130 |
| Mar. 13 | Advanced for Engrossment.....            | 1210 |
| Mar. 18 | Correctly Engrossed.....                 | 1270 |
| Mar. 24 | Final Reading .....                      | 1450 |
| Mar. 24 | Correctly Enrolled. Speaker signed ..... | 1471 |
| Mar. 24 | Presented to Governor .....              | 1483 |
| Mar. 25 | Keyes explanation of vote.....           | 1496 |
| Mar. 26 | Approved by Governor .....               | 1551 |

**LEGISLATIVE BILL 937 By Burrows**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....                                       | 386 |
| Jan. 25 | Referred to Committee on Public<br>Health and Welfare..... | 418 |
| Jan. 29 | Notice of hearing.....                                     | 450 |
| Mar. 4  | Indefinitely postponed.....                                | 969 |

**LEGISLATIVE BILL 938 By DeCamp**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....                                       | 387 |
| Jan. 25 | Referred to Committee on Public<br>Health and Welfare..... | 418 |
| Jan. 29 | Notice of hearing.....                                     | 450 |
| Jan. 30 | Notice of hearing.....                                     | 471 |
| Mar. 5  | Indefinitely postponed.....                                | 997 |

**LEGISLATIVE BILL 939 By Miscellaneous Subjects Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 387  |
| Jan. 25 | Referred to Committee on Miscellaneous<br>Subjects.....   | 418  |
| Jan. 30 | Notice of hearing.....  | 471  |
| Feb. 20 | Placed on General File.....   | 747  |
| Feb. 22 | Sieck amendment printed.....  | 824  |
| Feb. 28 | Warner amendment printed.....   | 931  |
| Mar. 4  | Laid over.....  | 980  |
| Mar. 12 | Speaker's order.....  | 1153 |
| Mar. 18 | Schmit amendment printed.....   | 1274 |
| Apr. 1  | Lamb amendment printed.....   | 1649 |
| Apr. 2  | Attorney General's Opinion.....   | 1672 |
| Apr. 2  | Committee amendments adopted.<br>Sieck pending amendment adopted.<br>Warner pending amendment adopted as<br>amended by Sieck. Laid over.....  | 1680 |
| Apr. 8  | Advanced for Review.....  | 1715 |
| Apr. 8  | Murphy amendment printed.....   | 1722 |
| Apr. 8  | Cullan motion withdrawn.....  | 1734 |
| Apr. 9  | Placed on Select File.....  | 1750 |
| Apr. 14 | Lamb and Schmit pending amendments<br>withdrawn. Murphy pending amendment<br>lost. Schmit amendment adopted.<br>Advanced for Engrossment..... | 1860 |
| Apr. 14 | Correctly Engrossed.....  | 1871 |
| Apr. 18 | Final Reading.....  | 1998 |
| Apr. 18 | Correctly Enrolled.....   | 2006 |

CHRONOLOGY OF BILLS

2225

|         |                             |      |
|---------|-----------------------------|------|
| Apr. 18 | President signed .....      | 2007 |
| Apr. 18 | Presented to Governor ..... | 2015 |
| Apr. 28 | Approved by Governor .....  | 2039 |

**LEGISLATIVE BILL 939A By Miscellaneous Subjects Committee**

|         |   |      |
|---------|---|------|
| Feb. 26 | Read first time. Placed on General File ..... | 875  |
| Mar. 4  | Laid over .....                               | 980  |
| Mar. 12 | Speaker's order .....                         | 1153 |
| Apr. 8  | Advanced for Review .....                     | 1715 |
| Apr. 9  | Placed on Select File .....                   | 1751 |
| Apr. 14 | Advanced for Engrossment .....                | 1861 |
| Apr. 14 | Correctly Engrossed .....                     | 1871 |
| Apr. 18 | Final Reading .....                           | 1999 |
| Apr. 18 | Correctly Enrolled .....                      | 2006 |
| Apr. 18 | President signed .....                        | 2007 |
| Apr. 18 | Presented to Governor .....                   | 2015 |
| Apr. 28 | Approved by Governor .....                    | 2039 |

**LEGISLATIVE BILL 940 By Murphy**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time .....  | 387  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance .....      | 418  |
| Feb. 4  | Notice of hearing .....  | 516  |
| Feb. 20 | Placed on General File .....   | 742  |
| Mar. 4  | Committee amendment adopted.<br>Advanced for Review .....              | 979  |
| Mar. 6  | Placed on Select File .....  | 1019 |
| Mar. 12 | Advanced for Engrossment .....   | 1162 |
| Mar. 17 | Correctly Engrossed .....  | 1235 |
| Mar. 20 | Laid over .....  | 1340 |
| Mar. 31 | DeCamp amendment printed .....   | 1608 |
| Apr. 1  | Returned to Select File for DeCamp amendment                           | 1618 |
| Apr. 1  | DeCamp pending amendment adopted.<br>Advanced for Re-Engrossment ..... | 1619 |
| Apr. 1  | Johnson motion lost .....  | 1620 |
| Apr. 2  | Correctly Re-Engrossed .....   | 1652 |
| Apr. 9  | Landis amendment printed .....   | 1758 |
| Apr. 15 | Landis, Johnson, and DeCamp motions<br>withdrawn. Final Reading .....  | 1919 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....                               | 1935 |
| Apr. 15 | Presented to Governor .....  | 1939 |
| Apr. 18 | Approved by Governor .....   | 1951 |

**LEGISLATIVE BILL 941 By Goodrich**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 387  |
| Jan. 25 | Referred to Committee on Nebraska<br>Retirement Systems ..... | 418  |
| Jan. 31 | Notice of hearing.....  | 497  |
| Apr. 18 | Indefinitely postponed.....                                   | 2029 |

**LEGISLATIVE BILL 942 By Newell**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                           | 387  |
| Jan. 25 | Referred to Committee on Business and Labor... | 418  |
| Jan. 31 | Notice of hearing.....                         | 491  |
| Mar. 24 | Placed on General File.....                    | 1445 |
| Apr. 18 | Indefinitely postponed.....                    | 2029 |

**LEGISLATIVE BILL 943 By Powers**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                           | 388  |
| Jan. 25 | Referred to Committee on Business and Labor... | 418  |
| Jan. 31 | Notice of hearing.....                         | 491  |
| Apr. 18 | Indefinitely postponed.....                    | 2029 |

**LEGISLATIVE BILL 944 By Johnson, Marsh**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 388  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 418  |
| Jan. 29 | Notice of hearing.....   | 447  |
| Mar. 20 | Indefinitely postponed.....                                      | 1369 |

**LEGISLATIVE BILL 945 By Barrett**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                                       | 388  |
| Jan. 25 | Referred to Committee on Judiciary .....                   | 418  |
| Jan. 28 | Notice of hearing.....                                     | 433  |
| Mar. 5  | Placed on General File.....                                | 993  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review ..... | 1061 |
| Mar. 13 | Placed on Select File .....                                | 1199 |
| Mar. 17 | Advanced for Engrossment.....                              | 1225 |
| Mar. 20 | Correctly Engrossed.....                                   | 1346 |
| Mar. 25 | Final Reading .....  | 1491 |
| Mar. 26 | Correctly Enrolled. President signed.....                  | 1518 |
| Mar. 26 | Presented to Governor.....                                 | 1530 |
| Mar. 26 | Approved by Governor .....                                 | 1551 |

**LEGISLATIVE BILL 946 By Public Works Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                        | 388  |
| Jan. 25 | Referred to Committee on Public Works ..... | 418  |
| Feb. 7  | Notice of hearing.....                      | 582  |
| Mar. 11 | Placed on General File.....                 | 1107 |
| Apr. 18 | Indefinitely postponed.....                 | 2029 |

**LEGISLATIVE BILL 947 By Goodrich**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                     | 388  |
| Jan. 25 | Referred to Committee on Judiciary ..... | 418  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Apr. 18 | Indefinitely postponed.....              | 2029 |

**LEGISLATIVE BILL 948 By Keyes**

|         |   |     |
|---------|---|-----|
| Jan. 23 | Read first time.....                        | 388 |
| Jan. 31 | Referred to Committee on Public Works ..... | 504 |
| Feb. 7  | Notice of hearing.....                      | 582 |
| Feb. 19 | Withdrawn.....                              | 713 |

**LEGISLATIVE BILL 949 By Lamb, Cullan**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                    | 390  |
| Jan. 25 | Referred to Committee on Education..... | 418  |
| Jan. 25 | Notice of hearing.....                  | 425  |
| Apr. 18 | Indefinitely postponed.....             | 2029 |

**LEGISLATIVE BILL 950 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                          | 391  |
| Jan. 25 | Referred to Committee on Appropriations ..... | 418  |
| Jan. 29 | Notice of hearing.....                        | 450  |
| Feb. 28 | Placed on General File.....                   | 914  |
| Apr. 18 | Indefinitely postponed.....                   | 2029 |

**LEGISLATIVE BILL 951 By Lewis**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....                                       | 391 |
| Jan. 25 | Referred to Committee on Public<br>Health and Welfare..... | 418 |
| Jan. 29 | Notice of hearing.....                                     | 450 |
| Feb. 8  | Placed on General File.....                                | 608 |
| Feb. 14 | Advanced for Review .....                                  | 697 |
| Feb. 19 | Placed on Select File .....                                | 710 |
| Feb. 20 | Advanced for Engrossment .....                             | 766 |

|         |  |      |
|---------|--|------|
| Feb. 22 | Correctly Engrossed.....                 | 795  |
| Mar. 3  | Final Reading .....                      | 947  |
| Mar. 3  | Haberman explanation of vote.....        | 953  |
| Mar. 4  | Correctly Enrolled. Speaker signed ..... | 969  |
| Mar. 4  | Presented to Governor .....              | 972  |
| Mar. 7  | Stoney explanation of vote.....          | 1046 |
| Mar. 7  | Approved by Governor .....               | 1063 |

**LEGISLATIVE BILL 952 By Lewis**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 391  |
| Jan. 25 | Referred to Committee on Government,<br>Military and Veterans Affairs..... | 418  |
| Jan. 31 | Notice of hearing.....   | 487  |
| Mar. 13 | Indefinitely postponed.....  | 1189 |

**LEGISLATIVE BILL 953 By Nebraska Retirement Systems Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 391  |
| Jan. 25 | Referred to Committee on Nebraska<br>Retirement Systems ..... | 418  |
| Jan. 29 | Notice of hearing.....  | 456  |
| Feb. 4  | Notice of hearing.....  | 528  |
| Mar. 18 | Placed on General File.....                                   | 1268 |
| Apr. 18 | Indefinitely postponed.....                                   | 2029 |

**LEGISLATIVE BILL 954 By LR98 Study Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 392  |
| Jan. 31 | Referred to Committee on Banking,<br>Commerce and Insurance.....         | 504  |
| Feb. 4  | Notice of hearing.....   | 516  |
| Feb. 20 | Placed on General File.....  | 742  |
| Feb. 25 | Wesely name added.....   | 853  |
| Feb. 28 | Special order.....   | 930  |
| Mar. 4  | DeCamp amendments printed.....   | 983  |
| Mar. 4  | DeCamp amendment printed.....  | 985  |
| Mar. 5  | Laid over.....   | 997  |
| Mar. 20 | DeCamp-Schmit-Carsten-Dworak<br>amendment printed .....                  | 1345 |
| Mar. 21 | Attorney General's Opinion .....   | 1373 |
| Mar. 24 | Haberman amendments printed .....  | 1479 |
| Mar. 24 | Speaker's order.....   | 1482 |
| Mar. 31 | Committee amendments rejected. Haberman<br>pending amendments withdrawn. |      |

DeCamp, Schmit, and Newell amendments to DeCamp et al amendment adopted. Kelly amendment to DeCamp et al amendment lost. Haberman amendment to DeCamp et al amendment adopted. DeCamp et al amendment adopted as amended. DeCamp pending amendments p. 983 and 985 withdrawn. Advanced for Review ..... 1610

Apr. 2 Placed on Select File ..... 1679

Apr. 14 Schmit amendment adopted. Beutler-Wesely amendment lost. Advanced for Engrossment ..... 1846

Apr. 14 Correctly Engrossed ..... 1865

Apr. 18 Final Reading ..... 2000

Apr. 18 Correctly Enrolled. President signed ..... 2015

Apr. 18 Presented to Governor ..... 2021

Apr. 28 Approved by Governor ..... 2042

**LEGISLATIVE BILL 954A By DeCamp**

Feb. 27 Read first time. Placed on General File. Advanced for Review ..... 904

Apr. 2 Placed on Select File ..... 1680

Apr. 9 DeCamp amendment printed ..... 1769

Apr. 14 DeCamp pending amendment withdrawn. Labeledz-DeCamp motion lost. Indefinitely postponed ..... 1849

**LEGISLATIVE BILL 955 By Nebraska Retirement Systems Committee**

Jan. 23 Read first time ..... 392

Jan. 25 Referred to Committee on Nebraska Retirement Systems ..... 418

Jan. 29 Notice of hearing ..... 456

Mar. 18 Indefinitely postponed ..... 1268

**LEGISLATIVE BILL 956 By Appropriations Committee**

Jan. 23 Read first time ..... 392

Jan. 25 Referred to Committee on Agriculture and Environment ..... 418

Feb. 5 Notice of hearing ..... 544

Feb. 26 Placed on General File ..... 857

Mar. 3 Special order ..... 935

Mar. 7 Laid over ..... 1050

Apr. 18 Indefinitely postponed.....2029

**LEGISLATIVE BILL 957 By Appropriations Committee**

Jan. 23 Read first time.....393  
 Jan. 25 Referred to Committee on Appropriations .....418  
 Jan. 29 Notice of hearing.....450  
 Feb. 7 Placed on General File.....582  
 Feb. 14 Committee amendments adopted.  
     Advanced for Review .....698  
 Feb. 19 Placed on Select File .....711  
 Feb. 20 Advanced for Engrossment .....766  
 Feb. 22 Correctly Engrossed.....795  
 Mar. 3 Final Reading .....948  
 Mar. 3 Haberman explanation of vote.....953  
 Mar. 4 Correctly Enrolled. Speaker signed .....969  
 Mar. 4 Presented to Governor .....972  
 Mar. 7 Stoney explanation of vote.....1046  
 Mar. 10 Approved by Governor .....1067

**LEGISLATIVE BILL 958 By Appropriations Committee**

Jan. 23 Read first time.....393  
 Jan. 25 Referred to Committee on Public  
     Health and Welfare.....418  
 Jan. 29 Notice of hearing.....450  
 Feb. 8 Placed on General File.....608  
 Feb. 14 Committee amendments adopted.  
     Advanced for Review .....699  
 Feb. 19 Placed on Select File .....711  
 Feb. 20 Advanced for Engrossment .....766  
 Feb. 22 Correctly Engrossed.....795  
 Mar. 13 Simon motion withdrawn.....1188  
 Mar. 13 Final Reading .....1189  
 Mar. 18 Correctly Enrolled. President signed .....1250  
 Mar. 18 Presented to Governor .....1260  
 Mar. 20 Attorney General's Opinion .....1322  
 Mar. 20 Approved by Governor .....1346  
 Mar. 24 Pirsch explanation of vote .....1471

**LEGISLATIVE BILL 958A By Appropriations Committee**

Feb. 14 Read first time. Placed on General File .....704  
 Feb. 22 Advanced for Review .....807  
 Feb. 26 Placed on Select File .....864  
 Mar. 3 Advanced for Engrossment .....964

|         |   |      |
|---------|---|------|
| Mar. 5  | Correctly Engrossed.....                  | 990  |
| Mar. 13 | Final Reading.....                        | 1189 |
| Mar. 18 | Correctly Enrolled. President signed..... | 1250 |
| Mar. 18 | Presented to Governor.....                | 1260 |
| Mar. 20 | Approved by Governor.....                 | 1346 |
| Mar. 24 | Pirsch explanation of vote.....           | 1471 |

**LEGISLATIVE BILL 959 By Appropriations Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 393  |
| Jan. 25 | Referred to Committee on Appropriations.....                         | 418  |
| Jan. 29 | Notice of hearing.....   | 450  |
| Feb. 7  | Placed on General File.....  | 582  |
| Feb. 14 | Advanced for Review.....   | 688  |
| Feb. 19 | Placed on Select File.....   | 710  |
| Feb. 26 | Warner amendment printed.....  | 859  |
| Feb. 26 | Warner and Maresh amendments adopted.<br>Laid over.....              | 868  |
| Apr. 10 | Warner pending amendment withdrawn.<br>Advanced for Engrossment..... | 1814 |
| Apr. 14 | Correctly Engrossed.....   | 1825 |
| Apr. 18 | Final Reading.....   | 2007 |
| Apr. 18 | Correctly Enrolled. President signed.....                            | 2015 |
| Apr. 18 | Presented to Governor.....   | 2021 |
| Apr. 28 | Approved by Governor.....  | 2039 |

**LEGISLATIVE BILL 960 By Landis**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                       | 393  |
| Jan. 25 | Referred to Committee on Public Works..... | 418  |
| Feb. 7  | Notice of hearing.....                     | 582  |
| Mar. 6  | Venditte amendment printed.....            | 1024 |
| Mar. 6  | Indefinitely postponed.....                | 1027 |

**LEGISLATIVE BILL 961 By Landis**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                       | 394  |
| Jan. 25 | Referred to Committee on Public Works..... | 418  |
| Feb. 7  | Notice of hearing.....                     | 582  |
| Mar. 10 | Indefinitely postponed.....                | 1083 |

**LEGISLATIVE BILL 962 By LR119 Study Committee**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....                       | 394 |
| Jan. 24 | Warner name added.....                     | 406 |
| Jan. 25 | Referred to Committee on Public Works..... | 418 |

|         |                             |     |
|---------|-----------------------------|-----|
| Jan. 30 | Notice of hearing.....      | 467 |
| Mar. 3  | Indefinitely postponed..... | 936 |

**LEGISLATIVE BILL 963 By LR119 Study Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                       | 394  |
| Jan. 24 | Warner name added.....                     | 406  |
| Jan. 25 | Referred to Committee on Public Works..... | 418  |
| Jan. 30 | Notice of hearing.....                     | 467  |
| Mar. 6  | Indefinitely postponed.....                | 1027 |

**LEGISLATIVE BILL 964 By DeCamp**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 394  |
| Jan. 25 | Referred to Committee on Constitutional<br>Revision and Recreation..... | 418  |
| Jan. 28 | Notice of hearing.....  | 435  |
| Feb. 26 | Placed on General File.....   | 868  |
| Mar. 17 | Koch amendment printed.....   | 1231 |
| Apr. 10 | Committee amendments adopted.<br>Advanced for Review.....               | 1811 |
| Apr. 10 | Placed on Select File.....  | 1814 |
| Apr. 14 | Koch pending amendment withdrawn.<br>Advanced for Engrossment.....      | 1873 |
| Apr. 14 | Correctly Engrossed.....  | 1874 |
| Apr. 18 | Final Reading.....  | 2010 |
| Apr. 18 | Correctly Enrolled. President signed.....                               | 2015 |
| Apr. 18 | Presented to Governor.....  | 2021 |
| Apr. 28 | Became law without Governor's signature.....                            | 2040 |
| Apr. 28 | Letter.....   | 2053 |
| Apr. 28 | Certificate.....  | 2054 |

**LEGISLATIVE BILL 965 By DeCamp**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 395  |
| Jan. 25 | Referred to Committee on Agriculture<br>and Environment.....   | 418  |
| Feb. 5  | Notice of hearing.....   | 544  |
| Feb. 26 | Placed on General File.....  | 867  |
| Mar. 12 | Hoagland amendment printed.....  | 1161 |
| Mar. 17 | Hoagland amendment printed.....  | 1246 |
| Apr. 10 | Committee amendments adopted. Hoagland<br>pending amendments withdrawn.<br>Hoagland-Cullan amendment lost.<br>Advanced for Review..... | 1807 |
| Apr. 10 | Placed on Select File.....   | 1814 |

CHRONOLOGY OF BILLS

2233

|         |                                    |      |
|---------|------------------------------------|------|
| Apr. 14 | Cullan-Hoagland amendment adopted. |      |
|         | Advanced for Engrossment .....     | 1872 |
| Apr. 14 | Correctly Engrossed.....           | 1874 |
| Apr. 18 | Laid over.....                     | 2011 |
| Apr. 18 | Indefinitely postponed.....        | 2029 |

**LEGISLATIVE BILL 965A By DeCamp**

|         |   |      |
|---------|---|------|
| Mar. 3  | Read first time. Placed on General File ..... | 962  |
| Apr. 10 | Advanced for Review .....                     | 1808 |
| Apr. 10 | Placed on Select File .....                   | 1814 |
| Apr. 14 | Advanced for Engrossment.....                 | 1873 |
| Apr. 14 | Correctly Engrossed.....                      | 1874 |
| Apr. 18 | Laid over.....                                | 2011 |
| Apr. 18 | Indefinitely postponed.....                   | 2029 |

**LEGISLATIVE BILL 966 By DeCamp**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 395  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 418  |
| Feb. 4  | Notice of hearing.....   | 516  |
| Feb. 20 | Placed on General File.....                                      | 747  |
| Mar. 4  | Committee amendment adopted.<br>Advanced for Review .....        | 980  |
| Mar. 6  | Placed on Select File .....                                      | 1019 |
| Mar. 12 | Advanced for Engrossment .....                                   | 1162 |
| Mar. 17 | Correctly Engrossed.....   | 1235 |
| Mar. 20 | Final Reading .....  | 1340 |
| Mar. 21 | Correctly Enrolled.....  | 1376 |
| Mar. 21 | Speaker signed .....   | 1406 |
| Mar. 24 | Presented to Governor.....                                       | 1443 |
| Mar. 25 | Keyes explanation of vote.....                                   | 1495 |
| Mar. 27 | Approved by Governor .....                                       | 1576 |

**LEGISLATIVE BILL 967 By DeCamp**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....                                       | 395 |
| Jan. 25 | Referred to Committee on Public<br>Health and Welfare..... | 418 |
| Jan. 29 | Notice of hearing.....                                     | 450 |
| Jan. 30 | Notice of hearing.....                                     | 472 |
| Mar. 4  | Indefinitely postponed.....                                | 969 |

**LEGISLATIVE BILL 968 By Revenue Committee**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....   | 395  |
| Jan. 25 | Referred to Committee on Banking,<br>Commerce and Insurance..... | 418  |
| Jan. 31 | Re-referred to Committee on Revenue.....                         | 504  |
| Feb. 7  | Notice of hearing.....   | 591  |
| Mar. 17 | Placed on General File.....                                      | 1243 |
| Apr. 18 | Attorney General's Opinion .....                                 | 1959 |
| Apr. 18 | Indefinitely postponed.....                                      | 2029 |

**LEGISLATIVE BILL 969 By Hefner**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                     | 396  |
| Jan. 25 | Referred to Committee on Judiciary ..... | 418  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Apr. 18 | Indefinitely postponed.....              | 2029 |

**LEGISLATIVE BILL 970 By Kelly**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                                     | 396  |
| Jan. 25 | Referred to Committee on Miscellaneous<br>Subjects ..... | 418  |
| Jan. 30 | Notice of hearing.....                                   | 471  |
| Apr. 18 | Indefinitely postponed.....                              | 2029 |

**LEGISLATIVE BILL 971 By Fowler**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                     | 396  |
| Jan. 25 | Referred to Committee on Judiciary ..... | 418  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Apr. 18 | Indefinitely postponed.....              | 2029 |

**LEGISLATIVE BILL 972 By Johnson**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                         | 396  |
| Jan. 25 | Referred to Committee on Judiciary .....     | 418  |
| Jan. 28 | Notice of hearing.....                       | 432  |
| Feb. 14 | Placed on General File.....                  | 704  |
| Feb. 22 | Committee amendment adopted. Laid over ..... | 817  |
| Mar. 3  | Laid over.....                               | 963  |
| Apr. 18 | Indefinitely postponed.....                  | 2029 |

**LEGISLATIVE BILL 973 By Hoagland**

CHRONOLOGY OF BILLS

2235

Jan. 23 Read first time..... 397  
Jan. 25 Referred to Committee on Agriculture  
and Environment..... 418  
Feb. 5 Notice of hearing..... 544  
Feb. 25 Indefinitely postponed..... 832

**LEGISLATIVE BILL 974 By Hoagland**

Jan. 23 Read first time..... 397  
Jan. 25 Referred to Committee on Miscellaneous  
Subjects ..... 418  
Jan. 30 Notice of hearing..... 471  
Feb. 25 Indefinitely postponed..... 841  
Feb. 27 Hoagland motion pending..... 905  
Mar. 5 Hoagland amendment printed..... 999  
Mar. 6 Hoagland pending motion lost..... 1022

**LEGISLATIVE BILL 975 By Clark**

Jan. 23 Read first time..... 397  
Jan. 25 Referred to Committee on Government,  
Military and Veterans Affairs..... 418  
Jan. 31 Notice of hearing..... 486  
Mar. 3 Indefinitely postponed..... 959

**LEGISLATIVE BILL 976 By LR169 Study Committee**

Jan. 23 Read first time..... 397  
Jan. 25 Referred to Committee on Revenue..... 418  
Jan. 29 Notice of hearing..... 456  
Mar. 3 Placed on General File..... 953  
Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 977 By Newell**

Jan. 23 Read first time..... 398  
Jan. 25 Referred to Committee on Revenue..... 418  
Feb. 7 Notice of hearing..... 590  
Mar. 13 Indefinitely postponed..... 1185

**LEGISLATIVE BILL 978 By Goodrich**

Jan. 23 Read first time..... 398  
Jan. 25 Referred to Committee on Education..... 419  
Jan. 25 Notice of hearing..... 425  
Feb. 28 Placed on General File..... 929  
Apr. 18 Indefinitely postponed..... 2029

**LEGISLATIVE BILL 979 By Stoney**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                     | 398  |
| Jan. 25 | Referred to Committee on Judiciary ..... | 419  |
| Jan. 28 | Notice of hearing.....                   | 433  |
| Apr. 18 | Indefinitely postponed.....              | 2029 |

**LEGISLATIVE BILL 980 By LR169 Study Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                        | 398  |
| Jan. 25 | Referred to Committee on Urban Affairs..... | 419  |
| Jan. 29 | Notice of hearing.....                      | 457  |
| Mar. 20 | Indefinitely postponed.....                 | 1353 |

**LEGISLATIVE BILL 981 By Beutler**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                      | 399  |
| Jan. 25 | Referred to Committee on Judiciary .....  | 419  |
| Jan. 28 | Notice of hearing.....                    | 432  |
| Feb. 14 | Placed on General File.....               | 702  |
| Feb. 22 | Advanced for Review .....                 | 808  |
| Feb. 26 | Placed on Select File .....               | 864  |
| Mar. 3  | Advanced for Engrossment.....             | 964  |
| Mar. 5  | Correctly Engrossed.....                  | 990  |
| Mar. 10 | Final Reading .....                       | 1078 |
| Mar. 10 | Haberman explanation of vote.....         | 1089 |
| Mar. 11 | Correctly Enrolled. President signed..... | 1100 |
| Mar. 11 | Presented to Governor.....                | 1111 |
| Mar. 17 | Approved by Governor .....                | 1215 |
| Mar. 18 | Marsh explanation of vote .....           | 1256 |

**LEGISLATIVE BILL 982 By Merz**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....                          | 399  |
| Jan. 25 | Referred to Committee on Appropriations ..... | 419  |
| Jan. 29 | Notice of hearing.....                        | 450  |
| Mar. 17 | Indefinitely postponed.....                   | 1247 |

**LEGISLATIVE BILL 983 By Executive Board**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                   | 399  |
| Jan. 25 | Referred to Committee on Revenue ..... | 419  |
| Jan. 29 | Notice of hearing.....                 | 456  |
| Feb. 7  | Notice of hearing.....                 | 591  |
| Mar. 13 | Placed on General File.....            | 1184 |
| Apr. 18 | Indefinitely postponed.....            | 2029 |

**LEGISLATIVE BILL 984 By Schmit**

|         |  |      |
|---------|--|------|
| Jan. 23 | Read first time.....                       | 399  |
| Jan. 31 | Referred to Committee on Public Works..... | 504  |
| Feb. 7  | Notice of hearing.....                     | 582  |
| Mar. 11 | Indefinitely postponed.....                | 1109 |

**LEGISLATIVE BILL 985 By Schmit**

|         |  |     |
|---------|--|-----|
| Jan. 23 | Read first time.....                       | 399 |
| Jan. 31 | Referred to Committee on Public Works..... | 504 |
| Feb. 7  | Notice of hearing.....                     | 582 |
| Mar. 3  | Indefinitely postponed.....                | 936 |

**LEGISLATIVE BILL 986 By Urban Affairs Committee**

|         |   |      |
|---------|---|------|
| Jan. 23 | Read first time.....  | 400  |
| Jan. 25 | Referred to Committee on Urban Affairs.....   | 419  |
| Jan. 25 | Notice of hearing.....  | 427  |
| Jan. 31 | Placed on General File.....   | 487  |
| Feb. 8  | Laid over.....  | 609  |
| Feb. 8  | Attorney General's Opinion.....   | 615  |
| Feb. 20 | Change of order.....  | 759  |
| Feb. 25 | Attorney General's Opinion.....   | 829  |
| Feb. 27 | Fowler amendment printed.....   | 896  |
| Feb. 28 | Murphy motion lost. Committee<br>amendment adopted. Fowler pending<br>amendment adopted. Beutler amendment<br>lost. Failed to advance for Review..... | 926  |
| Mar. 3  | Special order.....  | 934  |
| Mar. 4  | Advanced for Review.....  | 974  |
| Mar. 6  | Placed on Select File.....  | 1018 |
| Mar. 11 | Cullan amendment withdrawn.<br>Advanced for Engrossment.....  | 1112 |
| Mar. 11 | Beutler explanation of vote.....  | 1113 |
| Mar. 17 | Correctly Engrossed.....  | 1235 |
| Mar. 20 | Venditte motion withdrawn. Returned to<br>Select File for Chambers amendment.<br>Chambers amendment adopted.<br>Advanced for Re-Engrossment.....      | 1341 |
| Mar. 24 | Correctly Re-Engrossed.....   | 1444 |
| Mar. 26 | Haberman motion pending.....  | 1528 |
| Mar. 27 | Haberman pending motion withdrawn.<br>Murphy motion lost.....   | 1567 |
| Mar. 27 | Final Reading.....  | 1568 |
| Mar. 27 | Correctly Enrolled. Speaker signed.....   | 1584 |

|         |                             |      |
|---------|-----------------------------|------|
| Mar. 31 | Presented to Governor ..... | 1594 |
| Apr. 2  | Approved by Governor .....  | 1679 |

**LEGISLATIVE BILL 987 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Feb. 6  | Read first time .....                         | 554  |
| Feb. 6  | Referred to Committee on Appropriations ..... | 559  |
| Feb. 13 | Notice of hearing .....                       | 665  |
| Mar. 26 | Placed on General File .....                  | 1522 |
| Apr. 18 | Indefinitely postponed .....                  | 2029 |

**LEGISLATIVE BILL 987A By Warner**

|         |   |      |
|---------|---|------|
| Mar. 26 | Read first time. Placed on General File ..... | 1523 |
| Apr. 18 | Indefinitely postponed .....                  | 2029 |

**LEGISLATIVE BILL 988 By Business and Labor Committee**

|         |   |      |
|---------|---|------|
| Feb. 7  | Read first time .....                         | 583  |
| Feb. 11 | Referred to Committee on Appropriations ..... | 640  |
| Feb. 13 | Notice of hearing .....                       | 665  |
| Mar. 17 | Indefinitely postponed .....                  | 1247 |

**LEGISLATIVE BILL 989 By Public Health and Welfare Committee**

|         |   |      |
|---------|---|------|
| Feb. 7  | Read first time .....   | 584  |
| Feb. 8  | Referred to Committee on Public<br>Health and Welfare .....             | 603  |
| Feb. 11 | Notice of hearing .....   | 636  |
| Mar. 3  | Placed on General File .....  | 961  |
| Mar. 7  | Committee amendments adopted.<br>Advanced for Review .....              | 1061 |
| Mar. 10 | Haberman amendment printed .....  | 1085 |
| Mar. 13 | Placed on Select File .....   | 1184 |
| Apr. 9  | Haberman pending amendment withdrawn.<br>Advanced for Engrossment ..... | 1767 |
| Apr. 10 | Correctly Engrossed .....   | 1809 |
| Apr. 15 | Final Reading .....   | 1942 |
| Apr. 15 | Correctly Enrolled. Speaker signed .....                                | 1948 |
| Apr. 18 | Presented to Governor .....   | 1952 |
| Apr. 18 | Approved by Governor .....  | 2006 |

**LEGISLATIVE BILL 989A By Goodrich**

|         |   |      |
|---------|---|------|
| Mar. 17 | Read first time. Placed on General File ..... | 1231 |
| Mar. 26 | Advanced for Review .....                     | 1532 |
| Mar. 27 | Placed on Select File .....                   | 1570 |

CHRONOLOGY OF BILLS

2239

|         |  |      |
|---------|--|------|
| Apr. 9  | Goodrich amendment adopted.<br>Advanced for Engrossment..... | 1768 |
| Apr. 10 | Correctly Engrossed.....                                     | 1809 |
| Apr. 15 | Final Reading.....   | 1943 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....                      | 1948 |
| Apr. 18 | Presented to Governor.....                                   | 1952 |
| Apr. 18 | Approved by Governor.....                                    | 2006 |

**LEGISLATIVE BILL 990 By Schmit**

|         |  |      |
|---------|--|------|
| Feb. 7  | Read first time.....                                       | 585  |
| Feb. 8  | Referred to Committee on Public<br>Health and Welfare..... | 603  |
| Feb. 11 | Notice of hearing.....                                     | 636  |
| Mar. 13 | Attorney General's Opinion.....                            | 1185 |
| Mar. 13 | Placed on General File.....                                | 1200 |
| Apr. 18 | Indefinitely postponed.....                                | 2029 |

**LEGISLATIVE BILL 991 By Law Enforcement and Justice Advisory Committee**

|         |  |      |
|---------|--|------|
| Feb. 27 | Read first time.....   | 898  |
| Mar. 3  | Referred to Committee on Public<br>Health and Welfare.....   | 939  |
| Mar. 3  | Re-referred to Committee on Judiciary.....   | 953  |
| Mar. 4  | Notice of hearing.....   | 969  |
| Mar. 10 | Attorney General's Opinion.....  | 1080 |
| Mar. 12 | Placed on General File.<br>DeCamp amendment printed.....   | 1177 |
| Mar. 26 | Attorney General's Opinion.....  | 1533 |
| Mar. 26 | Attorney General's Opinion.....  | 1535 |
| Apr. 2  | Simon amendment printed.<br>Simon-DeCamp amendment printed.....  | 1683 |
| Apr. 8  | Attorney General's Opinion.....  | 1688 |
| Apr. 10 | Advanced for Review.....   | 1803 |
| Apr. 10 | Placed on Select File.....   | 1813 |
| Apr. 14 | Committee amendments adopted. DeCamp<br>pending amendment withdrawn. Nichol<br>amendment lost. Nichol amendments<br>adopted. Landis motion withdrawn.<br>Simon-DeCamp pending amendment<br>withdrawn. Advanced<br>for Engrossment..... | 1869 |
| Apr. 14 | Correctly Engrossed.....   | 1874 |
| Apr. 18 | Attorney General's Opinion.....  | 1989 |
| Apr. 18 | Final Reading.....   | 2011 |

|         |   |      |
|---------|---|------|
| Apr. 18 | Correctly Enrolled. President signed..... | 2015 |
| Apr. 18 | Presented to Governor.....                | 2021 |
| Apr. 28 | Approved by Governor .....                | 2039 |

**LEGISLATIVE BILL 992 By Newell, Kelly**

|         |   |      |
|---------|---|------|
| Mar. 3  | Read first time.....  | 937  |
| Mar. 3  | Referred to Committee on Judiciary .....  | 953  |
| Mar. 4  | Notice of hearing.....  | 969  |
| Mar. 6  | Newell-Kelly amendment printed .....  | 1023 |
| Mar. 18 | Placed on General File.....   | 1263 |
| Mar. 21 | Kelly amendment printed.....  | 1400 |
| Apr. 10 | Committee amendments adopted.<br>Advanced for Review .....  | 1805 |
| Apr. 10 | Placed on Select File .....   | 1813 |
| Apr. 14 | Newell-Kelly pending amendment<br>withdrawn. Kelly pending amendment<br>adopted. Advanced for Engrossment ..... | 1871 |
| Apr. 14 | Correctly Engrossed.....  | 1874 |
| Apr. 18 | Final Reading .....   | 2012 |
| Apr. 18 | Correctly Enrolled. President signed.....   | 2015 |
| Apr. 18 | Presented to Governor.....  | 2021 |
| Apr. 28 | Approved by Governor .....  | 2039 |

**LEGISLATIVE BILL 993 By Business and Labor Committee**

|         |  |      |
|---------|--|------|
| Mar. 3  | Read first time.....   | 937  |
| Mar. 3  | Referred to Committee on Business and Labor...   | 953  |
| Mar. 3  | Notice of hearing.....   | 965  |
| Mar. 4  | Notice of hearing.....   | 982  |
| Mar. 20 | Placed on General File.....  | 1317 |
| Mar. 24 | Kelly amendment printed.....   | 1480 |
| Mar. 31 | Koch amendment to Committee amendments<br>lost. Committee amendments adopted.<br>Kelly pending amendment withdrawn.<br>Advanced for Review ..... | 1602 |
| Apr. 1  | Placed on Select File .....  | 1640 |
| Apr. 14 | Warner amendment adopted. Kelly<br>renewed pending amendment lost.<br>Advanced for Engrossment .....   | 1843 |
| Apr. 14 | Correctly Engrossed.....   | 1854 |
| Apr. 18 | Final Reading .....  | 2013 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....   | 2016 |
| Apr. 18 | Presented to Governor .....  | 2021 |
| Apr. 28 | Approved by Governor .....   | 2043 |

**LEGISLATIVE BILL 994 By Business and Labor Committee**

|         |  |      |
|---------|--|------|
| Mar. 3  | Read first time.....                           | 938  |
| Mar. 3  | Referred to Committee on Business and Labor... | 953  |
| Mar. 3  | Notice of hearing.....                         | 965  |
| Mar. 4  | Notice of hearing.....                         | 982  |
| Mar. 20 | Indefinitely postponed.....                    | 1317 |

**LEGISLATIVE BILL 995 By Appropriations Committee**

|         |  |      |
|---------|--|------|
| Mar. 11 | Read first time.....   | 1131 |
| Mar. 11 | Placed on General File.....  | 1135 |
| Mar. 18 | Haberman amendment lost.....   | 1266 |
| Mar. 18 | Nichol and Lamb amendments lost.<br>Advanced for Review.....   | 1272 |
| Mar. 19 | Placed on Select File.....   | 1296 |
| Mar. 21 | Kelly amendment printed.....   | 1400 |
| Mar. 24 | Warner amendment adopted. Kelly<br>pending amendment withdrawn.<br>Advanced for Engrossment.....   | 1462 |
| Mar. 24 | Burrows amendment printed.....   | 1470 |
| Mar. 26 | Correctly Engrossed.....   | 1531 |
| Apr. 1  | Returned to Select File for Warner amendment.<br>Warner amendment adopted.<br>Advanced for Re-Engrossment.<br>Returned to Select File for<br>Wesely amendment..... | 1630 |
| Apr. 1  | Wesely pending amendment adopted.<br>Advanced for Re-Engrossment.<br>Burrows pending amendment withdrawn.....  | 1631 |
| Apr. 1  | Correctly Re-Engrossed.....  | 1648 |
| Apr. 8  | Final Reading.....   | 1693 |
| Apr. 8  | Correctly Enrolled. Speaker signed.....  | 1707 |
| Apr. 8  | Presented to Governor.....   | 1724 |
| Apr. 10 | Approved by Governor.<br>Line-item veto.....   | 1799 |
| Apr. 14 | Motion to override line-item veto lost.....  | 1851 |
| Apr. 28 | Letter.....  | 2054 |
| Apr. 28 | Certificate.....   | 2055 |

**LEGISLATIVE BILL 996 By Appropriations Committee**

|         |                             |      |
|---------|-----------------------------|------|
| Mar. 11 | Read first time.....        | 1132 |
| Mar. 11 | Placed on General File..... | 1135 |
| Mar. 18 | Advanced for Review.....    | 1274 |
| Mar. 19 | Placed on Select File.....  | 1296 |

|         |  |      |
|---------|--|------|
| Mar. 24 | Warner amendment adopted.....                | 1463 |
| Mar. 26 | Correctly Engrossed. Title change.....       | 1531 |
| Apr. 1  | Final Reading.....                           | 1623 |
| Apr. 2  | Correctly Enrolled. President signed.....    | 1652 |
| Apr. 2  | Presented to Governor.....                   | 1655 |
| Apr. 8  | Approved by Governor.<br>Line-item veto..... | 1732 |
| Apr. 9  | Warner letter printed.....                   | 1772 |
| Apr. 18 | Motion to override line-item veto lost.....  | 1991 |
| Apr. 28 | Letter.....                                  | 2036 |
| Apr. 28 | Letter.....                                  | 2055 |
| Apr. 28 | Certificate.....                             | 2056 |

#### LEGISLATIVE BILL 997 By Appropriations Committee

|         |  |      |
|---------|--|------|
| Mar. 11 | Read first time.....                                       | 1132 |
| Mar. 11 | Placed on General File.....                                | 1135 |
| Mar. 18 | Advanced for Review.....                                   | 1276 |
| Mar. 19 | Placed on Select File.....                                 | 1296 |
| Mar. 24 | Warner amendment adopted.<br>Advanced for Engrossment..... | 1464 |
| Mar. 26 | Correctly Engrossed.....                                   | 1531 |
| Apr. 1  | Final Reading.....   | 1624 |
| Apr. 2  | Correctly Enrolled. President signed.....                  | 1652 |
| Apr. 2  | Presented to Governor.....                                 | 1655 |
| Apr. 8  | Approved by Governor.<br>Line-item veto.....               | 1732 |
| Apr. 9  | Warner letter printed.....                                 | 1772 |
| Apr. 18 | Motion to override line-item veto lost.....                | 1992 |
| Apr. 28 | Letter.....  | 2036 |
| Apr. 28 | Letter.....  | 2056 |
| Apr. 28 | Certificate.....   | 2057 |

#### LEGISLATIVE BILL 998 By Appropriations Committee

|         |   |      |
|---------|---|------|
| Mar. 11 | Read first time.....  | 1133 |
| Mar. 11 | Placed on General File.....   | 1135 |
| Mar. 18 | Lamb amendment withdrawn.<br>Advanced for Review.....                             | 1276 |
| Mar. 19 | Placed on Select File.....  | 1296 |
| Mar. 24 | Warner amendment adopted. Sieck-Maresh,<br>Simon, and Hefner amendments lost..... | 1465 |
| Mar. 24 | Schmit, Beutler, and DeCamp amendments<br>lost. Advanced for Engrossment.....     | 1474 |
| Mar. 26 | Correctly Engrossed.....  | 1531 |
| Mar. 26 | George amendment printed.....   | 1538 |

CHRONOLOGY OF BILLS

2243

|         |   |      |
|---------|---|------|
| Apr. 1  | George motion lost .....                                | 1639 |
| Apr. 8  | Final Reading .....                                     | 1694 |
| Apr. 8  | Correctly Enrolled. Speaker signed .....                | 1707 |
| Apr. 8  | Presented to Governor .....                             | 1724 |
| Apr. 14 | Approved by Governor.<br>Line-item veto .....           | 1854 |
| Apr. 18 | Motion to override line-item veto lost .....            | 1993 |
| Apr. 18 | Motion to override partial<br>line-item veto lost ..... | 1994 |
| Apr. 28 | Letter .....  | 2037 |
| Apr. 28 | Letter .....  | 2057 |
| Apr. 28 | Certificate .....                                       | 2058 |

**LEGISLATIVE BILL 999 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Mar. 11 | Read first time .....   | 1133 |
| Mar. 11 | Placed on General File .....  | 1135 |
| Mar. 18 | Advanced for Review .....   | 1280 |
| Mar. 19 | Placed on Select File .....   | 1296 |
| Mar. 24 | Burrows amendment printed .....   | 1483 |
| Mar. 25 | Warner amendment adopted. Burrows pending<br>amendment withdrawn. Kahle amendment<br>lost. Schmit amendment pending ..... | 1498 |
| Mar. 25 | Schmit pending amendment adopted.<br>Chambers and Johnson amendments lost.<br>Advanced for Engrossment .....              | 1500 |
| Mar. 26 | Labeledz motion pending .....   | 1529 |
| Mar. 26 | Correctly Engrossed .....   | 1538 |
| Mar. 31 | Vickers amendment printed .....   | 1605 |
| Apr. 1  | Vickers motion lost.<br>Lewis motion withdrawn .....  | 1631 |
| Apr. 1  | Labeledz pending motion withdrawn.<br>Labeledz motion lost .....  | 1638 |
| Apr. 1  | Lewis amendment printed .....   | 1640 |
| Apr. 8  | Lewis pending amendment withdrawn.<br>Final Reading .....   | 1695 |
| Apr. 8  | Keyes explanation of vote .....   | 1706 |
| Apr. 8  | Correctly Enrolled. Speaker signed .....  | 1707 |
| Apr. 8  | Presented to Governor .....   | 1724 |
| Apr. 14 | Approved by Governor.<br>Line-item veto .....   | 1854 |
| Apr. 18 | Motion to override line-item veto lost .....  | 1995 |
| Apr. 28 | Letter .....  | 2037 |
| Apr. 28 | Letter .....  | 2058 |
| Apr. 28 | Certificate .....   | 2059 |

**LEGISLATIVE BILL 1000 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Mar. 11 | Read first time.....                      | 1134 |
| Mar. 11 | Placed on General File.....               | 1135 |
| Mar. 18 | Advanced for Review.....                  | 1280 |
| Mar. 19 | Placed on Select File.....                | 1296 |
| Mar. 25 | Advanced for Engrossment.....             | 1509 |
| Mar. 26 | Correctly Engrossed.....                  | 1538 |
| Apr. 1  | Final Reading.....                        | 1624 |
| Apr. 2  | Correctly Enrolled. President signed..... | 1652 |
| Apr. 2  | Presented to Governor.....                | 1655 |
| Apr. 8  | Approved by Governor.....                 | 1734 |

**LEGISLATIVE BILL 1001 By Appropriations Committee**

|         |  |      |
|---------|--|------|
| Mar. 11 | Read first time.....                                       | 1134 |
| Mar. 11 | Placed on General File.....                                | 1135 |
| Mar. 18 | Advanced for Review.....                                   | 1281 |
| Mar. 19 | Placed on Select File.....                                 | 1296 |
| Mar. 25 | Warner amendment adopted.<br>Advanced for Engrossment..... | 1509 |
| Mar. 26 | Correctly Engrossed.....                                   | 1538 |
| Apr. 8  | Johnson motion lost.....                                   | 1696 |
| Apr. 8  | Final Reading.....   | 1697 |
| Apr. 8  | Correctly Enrolled. Speaker signed.....                    | 1707 |
| Apr. 8  | Presented to Governor.....                                 | 1724 |
| Apr. 14 | Approved by Governor.<br>Line-item veto.....               | 1854 |
| Apr. 28 | Letter.....  | 2037 |
| Apr. 28 | Letter.....  | 2059 |
| Apr. 28 | Certificate.....   | 2060 |

**LEGISLATIVE BILL 1002 By Appropriations Committee**

|         |  |      |
|---------|--|------|
| Mar. 11 | Read first time. Placed on General File.....   | 1135 |
| Mar. 19 | Sieck amendment printed.....   | 1304 |
| Mar. 19 | Sieck pending amendment lost. Schmit<br>and Lewis amendments lost.<br>Advanced for Review..... | 1307 |
| Mar. 20 | Placed on Select File.....   | 1320 |
| Mar. 24 | Vickers amendment printed.....   | 1477 |
| Mar. 25 | Warner amendment adopted. Kremer<br>and Murphy amendments lost.....                            | 1510 |
| Mar. 26 | Vickers amendment withdrawn temporarily.<br>Koch and Hefner amendments lost.<br>Laid over..... | 1520 |

CHRONOLOGY OF BILLS

2245

|         |   |      |
|---------|---|------|
| Mar. 26 | Haberman amendment lost. Committee amendment adopted. Keyes amendment to Committee amendment lost. Vickers pending amendment p. 1477 adopted.<br>Laid over.....   | 1524 |
| Mar. 26 | Haberman explanation of vote.<br>Murphy amendment adopted as amended by Koch amendment.<br>Advanced for Engrossment.....  | 1529 |
| Mar. 27 | Correctly Engrossed.....  | 1570 |
| Mar. 31 | Powers amendment printed.....   | 1615 |
| Apr. 1  | George amendment printed.....   | 1621 |
| Apr. 2  | Hefner amendment printed.....   | 1678 |
| Apr. 8  | Attorney General's Opinion.....   | 1689 |
| Apr. 8  | Warner amendment printed.....   | 1728 |
| Apr. 8  | Vickers amendment printed.....  | 1729 |
| Apr. 8  | Koch amendment printed.....   | 1730 |
| Apr. 8  | DeCamp amendment printed.....   | 1739 |
| Apr. 10 | Returned to Select File for Warner amendment.<br>Warner amendment adopted.<br>Advanced for Re-Engrossment.<br>George pending amendment p. 1621 withdrawn.....   | 1795 |
| Apr. 10 | Returned to Select File for Hefner amendment.<br>Hefner amendment adopted.<br>Advanced for Re-Engrossment.<br>Returned to Select File for Vickers amendment. Vickers amendment adopted.<br>Advanced for Re-Engrossment..... | 1796 |
| Apr. 10 | Koch pending amendment p. 1730 withdrawn. DeCamp pending amendment p. 1739 withdrawn. Kahle motion lost.....  | 1797 |
| Apr. 10 | Returned to Select File for Powers amendment.<br>Powers amendment adopted.<br>Advanced for Re-Engrossment.....  | 1802 |
| Apr. 10 | Correctly Re-Engrossed.....   | 1816 |
| Apr. 15 | Final Reading.....  | 1945 |
| Apr. 15 | Correctly Enrolled. Speaker signed.....   | 1948 |
| Apr. 18 | Presented to Governor.....  | 1952 |
| Apr. 18 | Approved by Governor.<br>Line-item veto.....  | 2001 |
| Apr. 18 | Motion to override partial line-item veto lost.....   | 2023 |
| Apr. 18 | Motion to override partial line-item veto prevailed.....  | 2024 |

|         |   |      |
|---------|---|------|
| Apr. 18 | Motion to override partial<br>line-item veto lost ..... | 2025 |
| Apr. 18 | Kremer motion lost.....                                 | 2026 |
| Apr. 28 | Letter. Certificate.....                                | 2038 |
| Apr. 28 | Letter .....  | 2060 |
| Apr. 28 | Certificate .....                                       | 2061 |

**LEGISLATIVE BILL 1003 By Appropriations Committee**

|         |   |      |
|---------|---|------|
| Mar. 12 | Read first time. Placed on General File ..... | 1160 |
| Apr. 18 | Indefinitely postponed.....                   | 2029 |

**LEGISLATIVE BILL 1004 By Appropriations Committee**

|         |  |      |
|---------|--|------|
| Mar. 27 | Read first time. Placed on General File .....  | 1570 |
| Mar. 27 | Burrows amendment printed.....   | 1579 |
| Mar. 31 | Burrows pending amendment lost. Johnson-<br>Newell-Fitzgerald amendment adopted.<br>Schmit, Lewis, and Kremer amendments<br>adopted. Advanced for Review .....   | 1599 |
| Apr. 1  | Placed on Select File .....  | 1640 |
| Apr. 8  | Warner amendment printed.....  | 1721 |
| Apr. 9  | Schmit amendment printed .....   | 1781 |
| Apr. 14 | Warner pending amendment adopted.<br>Schmit pending amendment withdrawn.<br>Cullan amendment lost. Dworak<br>amendment adopted as amended by<br>Fowler and Stoney. Beutler amendment to<br>Dworak amendment lost. Chambers<br>amendment to Dworak amendment<br>withdrawn. Advanced for Engrossment ..... | 1829 |
| Apr. 14 | Correctly Engrossed.....   | 1846 |
| Apr. 18 | Attorney General's Opinion .....   | 1962 |
| Apr. 18 | Final Reading .....  | 2014 |
| Apr. 18 | Correctly Enrolled. Speaker signed .....   | 2016 |
| Apr. 18 | Presented to Governor .....  | 2021 |
| Apr. 28 | Became law without Governor approval .....   | 2041 |
| Apr. 28 | Letter. Certificate.....   | 2062 |

## LEGISLATIVE BILLS

### By Original Introducers

#### BILL BARRETT

- 606 Transfer of pupils to adjoining school districts.
- 734 Provide for use of facsimile signatures of school board members.
- 735 Change school board meeting requirements.
- 936 Change provisions for nonresident real estate licenses.
- 945 Nebraska Time-Share Act.

#### CHRIS BEUTLER

- 306 Transfer of property on death of joint owner.
- 657 Abolish the Nebraska Coordinating Council for the Handicapped.
- 658 Change counties which may appoint referees to County Board of Equalization.
- 731 Provide certain procedures in issuing search warrants.
- 731A Appropriation Bill.
- 855 Change special education appeal procedure for handicapped children.
- 858 Change the statute of limitations for product liability actions.
- 861 Provide for filing of mechanic liens.
- 863 Make Nebraska Power Review Board independent of the Department of Water Resources.
- 863A Appropriation Bill.
- 981 Change provisions relating to decedents' estates.

#### BILL BRENNAN

- 113 Increasing workmen's compensation weekly benefits.

#### GEORGE BURROWS

- 89 Income tax for state aid to schools.
- 142 Delaying effective date of certain personal property tax exemptions.
- 318 Changing a condition disqualifying unemployment benefit applicants.
- 465 Allowing voter registration on election day.

2248

## LEGISLATIVE JOURNAL

- 783 Exempt certain political subdivisions from Budget Limit Act.  
837 Restrict corporations from engaging in farming operations.  
937 Provide for licensing of acupuncturists and assistants.

### CALVIN F. CARSTEN

- 21 Reciprocal exchange of blood.  
759 Enter into a compact to develop the Missouri River for barge traffic.  
775 Authorize an income tax credit for child and dependent care.  
775A Appropriation Bill.  
787 Taxing certain classes of personal property.

### ERNEST CHAMBERS

- 330 Changing speed limits.  
628 Changing compensation paid to county sheriffs.  
762 Eliminate the death penalty.  
789 Increase aid to dependent children payments.  
789A Appropriation Bill.

### HARRY B. CHRONISTER

- 935 Require the Auditor of Public Accounts to be a certified public accountant.

### ROBERT L. CLARK

- 668 Change provisions relating to employment of teachers.  
693 Change provisions relating to motor vehicle license plates.  
857 Procedures change for construction of a microwave communication facility.  
916 Provide requirements for banking mergers.  
975 Change provisions for administration of services for mentally disabled persons.

### RON COPE

- 21 Reciprocal exchange of blood.  
659 Remove a definition, harmonize provisions relating to municipal planning.  
660 Narrowing a street without petition in cities of the first class.  
763 Emergency Medical Services Systems Act.  
838 Registration and payment of wheel tax by residents of first class cities.

**SAMUEL K. CULLAN**

- 104 Educational Accountability Act.
- 618 Increasing the number of judges per judicial district.
- 618A Appropriation Bill.
- 639 Authorize a physical education activity center at Chadron State College.
- 949 Change mill levy authorization to technical community colleges.

**JOHN DECAMP**

- 69 Bank holding companies, multiple control, limitations.
- 222A Appropriation Bill.
- 499A Appropriation Bill.
- 615A Appropriation Bill.
- 711 State financial assistance to political subdivisions.
- 746 Require election in Omaha regarding city council members.
- 790A Appropriation Bill.
- 877A Appropriation Bill.
- 938 Therapeutic Research Act.
- 954A Appropriation Bill.
- 964 Limit property tax support for public education, C.A.
- 965 Change provisions relating to litter reduction.
- 965A Appropriation Bill.
- 966 Change provisions relating to inducements for deposits.
- 967 Provide for sale of prophylactics by mechanical devices or machines.

**HERBERT J. DUIS**

- 151 Biennial session of Legislature, C.A.

**DONALD N. DWORAK**

- 366 Limiting ad valorem tax rate on real property, C.A.
- 655 Change time of delinquent assessments in water and sewer districts.
- 757 Changing permits to appropriate water.
- 792 Provide for issuance of motor vehicle licenses by any county.
- 891 Restrictions relating to insurance coverage for abortion.

**TOM FITZGERALD**

- 184 Establishing a Veterans' Home in Douglas County.  
184A Appropriation Bill.  
858 Change the statute of limitations for product liability actions.

**STEVE FOWLER**

- 60 Nebraska Public Radio Act.  
153 Fund limit on railroad track construction in Lincoln residential area.  
228 Retired Teachers Supplementary Benefits Fund.  
228A Appropriation Bill.  
504 Public Service Commission Secretary, telephone reports and service, customer relations.  
533A Appropriation Bill.  
644 Providing for control of beverage containers.  
653 Nebraska Protected Rivers Act.  
721 Provide for appointment of a guardian to protect disabled persons.  
784 Election of fourth class school board members by districts.  
809 Change provisions relating to contracts for fourth and fifth class schools.  
813 A municipality or county may use school buses for public transportation.  
818A Appropriation Bill.  
819A Appropriation Bill.  
971 Nebraska Corrections Act.

**WALTER GEORGE**

- 705 Require an annual audit of irrigation districts, other audit changes.  
714 Establish a statewide system of insurance adjusters.  
716 Provide a maximum limitation on ad valorem tax on real property.  
720 Damage liability for increasing speed of water across another's property.  
756 Use of grain checkoff fees by grain boards.  
759 Enter into a compact to develop the Missouri River for barge traffic.  
773A Appropriation Bill.  
870 Prohibit stationary engines powered by a petroleum based fuel.

**GLENN A. GOODRICH**

- 422 Insurance for inpatient treatment of alcoholism.
- 423 Natural Resources Commission membership, filling of vacancies, changing.
- 442 Probationary period for technical community college teachers.
- 667 Creating a Department of Health Advisory Committee, other provisions.
- 703 Eliminate interest limit on off-street parking revenue bonds in Omaha.
- 763 Emergency Medical Services Systems Act.
- 789 Increase aid to dependent children payments.
- 789A Appropriation Bill.
- 934 Provide for continuing education requirements of insurance licensees.
- 941 Change computation for school retirement system monthly formula annuity.
- 947 Remove intoxicated persons from quasi-public property.
- 978 Change date of State Department of Education payments to school districts.
- 989A Appropriation Bill.

**REX HABERMAN**

- 605 Penalty for unlawful assembly or refusal to disperse.
- 617 Changing sales and income tax rate increments, remove a requirement.
- 661 Change amount of tax imposed on pari-mutuel wagering.
- 743 Change provisions relating to safety inspections for school buses.
- 840 Provide a description of uniforms to be worn by county sheriffs.
- 844 Provide for continued employment of teachers in reorganized districts.

**ELROY M. HEFNER**

- 88 Increasing Veterans' Aid Fund.
- 123 Foreign ownership of bank stock.
- 324 Fund appropriations for certain political subdivision services, C.A.
- 625 Repealing the Local Option Revenue Act.
- 759 Enter into a compact to develop the Missouri River for barge traffic.

## LEGISLATIVE JOURNAL

- 783 Exempt certain political subdivisions from Budget Limit Act.
- 787 Taxing certain classes of personal property.
- 810 Authorize State Fire Marshal to prohibit or regulate open burning.
- 880 Provide definitions for the Political Subdivision Budget Limit Act.
- 911 Alternative Energy Source Tax Refund Act.
- 969 Provide for payment for representation of certain indigent persons.

**PETER HOAGLAND**

- 261 Changing number and formation of Supreme Court judicial districts, C.A.
- 406 Verbatim record of oral proceedings in district court.
- 439 Uniform Trustees' Powers Act.
- 440 Uniform Principal and Income Act.
- 490 Douglas County Board custody and care of jail and correction facilities.
- 741 Repeal obsolete statutes.
- 758 Development of programs for gifted children.
- 873 Provide for a transfer of a road or highway from a state highway system.
- 927 Change provisions relating to potential conflicts of interest.
- 973 Provision changes relating to the Nebraska Litter Reduction and Recycling Act.
- 974 Requirements for persons contributing to legislative candidates.

**VARD ROYCE JOHNSON**

- 35 Standards for determining need for welfare.
- 35A Appropriation Bill.
- 303 Zoning land for mobile homes.
- 409 Probation hearings for juveniles.
- 728 Requirements for counties relating to paupers and public assistance.
- 730 Change provisions relating to judicial nominating commissions.
- 782 Change provisions for dissemination of criminal arrest records.
- 814 Uniform Fraudulent Conveyance Act.
- 893 Permit real estate brokers to incorporate under Nebraska Professional Corporation Act.

BILLS BY INTRODUCERS

2253

- 944 Provide for mandatory motor vehicle liability insurance.
- 972 Change provisions relating to dissolution of a corporation.

**MARTIN F. KAHLE**

- 177 Nebraska Public School Foundation and Equalization Act.
- 264 Bid and contract procedures for Educational Service Units.
- 382 Legalizing sale of laetrile for prescription.
- 382A Appropriation Bill.
- 600 Criminal procedure provision change.
- 601 Procedure change for removal of county officers.
- 625 Repealing the Local Option Revenue Act.
- 666 Changing provisions relating to sales and use tax exemptions.
- 756 Use of grain checkoff fees by grainboards.
- 854 Registration fee for truck-tractor and semitrailer combinations.
- 882 Provide state assistance for property tax relief.
- 882A Appropriation Bill.

**RALPH D. KELLY**

- 221 Raising the drinking age of minors.
- 350 Minimum drinking age, C.A.
- 418 Mobile home and recreational vehicle provisions changes.
- 418A Appropriation Bill.
- 725 Change provisions relating to the Nebraska Health Care Certificate of Need Act.
- 841 Sales and use tax refund for contractors.
- 842 Provide special permits for overweight vehicles carrying garbage.
- 866 Require proof of age to obtain a motor vehicle operator's license.
- 871 Establish the Division of Education of Autistic Citizens.
- 970 Change provisions relating to liquor.
- 992 Identification of relatives relating to adoption.

**THOMAS C. KENNEDY**

None

**ORVAL A. KEYES**

- 325 Exempting certain foods from sales tax, Omaha sales tax, revenue reports.

- 704 Changing provisions relating to public transportation.
- 766 Change date for levying taxes.
- 793 Provide same advantages to state credit unions as federal credit unions.
- 796 Deposit funds from sales tax on motor vehicles in Highway Trust Fund.
- 873 Provide for a transfer of a road or highway from a state highway system.
- 948 Change provisions relating to payments to road construction contractors.

### GERALD D. KOCH

- 8 Centralized valuation and assessment of real property.
- 88 Increasing Veterans' Aid Fund.
- 486 Rates of financial support to schools.
- 625 Repealing the Local Option Revenue Act.
- 626 Prohibiting computer-related crimes.
- 627 Changing provisions of the Local Option Tax Control Act.
- 629 Changing minimum number of wards required in cities of the first class.
- 733 Exempt prospective jurors over sixty-five from service.
- 773A Appropriation Bill.
- 826 Declare legislative intent relating to Nebraska schools.
- 867A Appropriation Bill.
- 900 Remove Lieutenant Governor as presiding officer of the Legislature, C.A.

### MAURICE A. KREMER

- 27 Interference from irrigation wells with domestic wells.
- 507A Appropriation Bill.
- 636 Motor vehicle registration exemption for self-propelled farm equipment.
- 640 Include certain annexed territories in class III school district.
- 669 Creating the Water Conservation and Development Cash Fund.
- 701 Change compensation to members of the Nebraska Natural Resources Commission.
- 701A Appropriation Bill.
- 739 Change dissolution date of Ground Water Conservation Districts.
- 755 Create a Division of Registration for Professional Soil Classifiers.

- 831 Grant the Governor authority to deal with resource crises.  
831A Appropriation Bill.  
832 Remove State Energy Office from jurisdiction of the Tax Commissioner.

**BERNICE LABEDZ**

- 144 Exempting sewer, water, and certain sources of energy from sales tax.  
184 Establish a new Veteran's Home in Douglas County.  
184A Appropriation Bill.  
382 Legalizing sale of laetrile for prescription.  
382A Appropriation Bill.  
647 Homestead exemption provisions changes.  
647A Appropriation Bill.  
746 Require an election in Omaha pertaining to city council members.  
809 Change provisions relating to contracts for fourth and fifth class schools.  
813 Use of school buses for public transportation by a municipality or county.  
891 Restrictions relating to insurance coverage for abortion.

**HOWARD LAMB**

- 445 Eliminating a restriction on taxation of public power, C.A.  
764 Provide for education of handicapped high school children.  
765 Provide reimbursement for costs of special education programs.  
765A Appropriation Bill.  
882 Provide state assistance for property tax relief.  
882A Appropriation Bill.  
888 Provide for county payment of tuition in class VI school districts.  
889 Change provisions relating to commercial fertilizers and soil conditioners.  
949 Change mill levy authorization to technical community colleges.

**DAVE LANDIS**

- 153 Fund limit on railroad track construction in Lincoln residential area.  
779 Allow municipal funds to be used for public transportation.

2256

## LEGISLATIVE JOURNAL

- 960 Require motorcycle safety instruction.  
961 Require the wearing of a helmet for motorcycle and moped operators.

### FRANK LEWIS

- 430 Bus Passenger Safety Act.  
615A Appropriation Bill.  
851 Special improvement project areas in natural resources districts.  
872A Appropriation Bill.  
874 Prohibit liquor distributor from participating in a coupon plan.  
883 Polygraph Examiner's Act.  
951 Delete provisions restricting the placement of certain children.  
952 Provide for an income tax checkoff for political parties.

### RICHARD MARESH

- 44 Food sales tax credit increase.  
637 Permit the Legislature to authorize gasohol plant bonds, C.A.  
669 Creating the Water Conservation and Development Cash Fund.  
692 Except from election requirements certain projects for second class cities.  
759 Enter into a compact to develop the Missouri River for barge traffic.  
821 Allow left turn at intersection of two one-way streets.  
845 Commission of Industrial Relations pay rate increases to teachers.  
896 Change provisions relating to rental of property of Department of Aeronautics.  
909 Change provisions on investment of funds by cemetery associations.

### SHIRLEY MARSH

- 61 Increasing Lincoln's subdivision regulation to ten acres.  
530 Probationary license for child care.  
602 Conveyance of state property easement to the City of Lincoln.  
603 Moped provisions changes.

## BILLS BY INTRODUCERS

2257

- 604 Exemption of civil air patrol vehicles from a registration fee.
- 664 Require use of a passenger restraint system for children under four.
- 780 Establish a county or city commission on the status of women.
- 944 Provide for mandatory motor vehicle liability insurance.

### **RICHARD D. MARVEL**

- 669 Creating the Water Conservation and Development Cash Fund.
- 670 Increasing the food sales tax credit.
- 671 Creation of the Department of Motor Vehicles Cash Fund.
- 672 Change of fee to reinstate a suspended or revoked motor vehicle license.
- 672A Appropriation Bill.
- 673 Payment of salaries to members of the Nebraska State Legislature.
- 674 Payment of salaries to officers of the Nebraska State Government.
- 675 Appropriations for capital construction projects.
- 676 Acknowledge and reaffirm appropriations of Eighty-sixth Legislature, First Session.
- 677 Appropriations for expenses of Nebraska State Government.
- 767 Appropriations for state agencies.
- 768 Appropriation to State Department of Education.
- 898 Change provision relating to telephone service in adjacent exchange area.

### **NELSON MERZ**

- 184 Establishing a new Veterans' Home in Douglas County.
- 266 Restricting power districts that sell at both wholesale and retail.
- 399 Requiring notice when imported meat or meat products are sold.
- 607 Relocation of county roads, provisions changes.
- 634 Increasing the maximum length of vehicle combinations.
- 651 Alcoholism treatment programs for persons convicted of drinking while intoxicated.
- 759 Enter into a compact to develop the Missouri River for barge traffic.
- 881 Public power district provision changes relating to wheeling service.

2258

LEGISLATIVE JOURNAL

982 Change requirements for analysis of bills by legislative fiscal analyst.

**JOHN ROBERT MURPHY**

- 346 Computer recording financing statement information, telephone inquiries.  
623 Requiring a notice of unlawful employment practices to employer.  
624 Changing provisions for licensing of moped operators, moped registration.  
712 Provide duties and hearing procedures for the Revisor of Regulations.  
865 Same advantages to building and loan associations as federal savings and loan associations.  
940 Change provisions relating to maximum deposits of first class city funds.

**DAVID R. NEWELL**

- 16 Exempting certain foods from sales and use tax.  
44 Food sales tax credit increase.  
267 Creating Commission on Transportation.  
267A Appropriation Bill.  
483 Adoption.  
809 Change provisions relating to contracts for fourth and fifth class schools.  
850 Allow firefighters to be classified as peace officers when investigating.  
942 Change provisions relating to unemployment benefits disqualification.  
977 Provide an exemption from personal property tax for business equipment.  
992 Provide procedures relating to adoption, and identification of relatives.

**WILLIAM E. NICHOL**

- 184 Establishing a new Veterans' Home in Douglas County.  
184A Appropriation Bill.  
389 Certification of residential dwelling construction contractors.  
645 Providing for dissolution of drainage districts.  
654 Inclusion of certain streets in street improvement districts.

- 738A Appropriation Bill.
- 749 Visitation rights for grandparents.
- 833 Change excise tax on potatoes.
- 882 Provide state assistance for property tax relief.
- 882A Appropriation Bill.
- 897 Provide an income tax credit for certain adoption expenses.
- 913 Eliminate exemption from ad valorem taxes granted to motor vehicles.
- 918 Nebraska Rangeland Grasshopper Control Act.
- 918A Appropriation Bill.

#### **CAROL MCBRIDE PIRSCH**

- 144 Exempting sewer, water and certain sources of energy from sales tax.
- 622 Additional considerations in divorce and alimony settlements.
- 861 Provide for filing of mechanic's liens.
- 895 Change provisions relating to criminal procedure.

#### **RAY POWERS**

- 646 Require insurance coverage for alcoholism.
- 665 Adoption of Nebraska Aging Services Act.
- 751 Omaha special assessments to create parks, recreational facilities.
- 862 Change provisions relating to conveyances and transfers of property.
- 890 Provide reimbursement for certain driver education programs.
- 912 Exempt certain securities and transactions from registration.
- 943 Increase unemployment benefits.

#### **BARRY L. REUTZEL**

- 486 Rates of financial support to schools.
- 653 Nebraska Protected Rivers Act.
- 662 Change right of mayor to vote.
- 740 Provide tax exemption for certain energy conservation improvements, C.A.
- 812 Use public high schools for voter registration for students and staff.

**MYRON RUMERY**

- 182 Annuity adjustments for retired school employees.
- 402 Interest on unsettled accounts.
- 635 Change provisions relating to county attorneys and grand juries.
- 638 Changing width restrictions for farm equipment.
- 678 Provide aid for deer and antelope depredation control efforts.
- 679 Change provisions relating to incentive payments to counties.
- 726 Change provisions relating to teacher retirement system payments.
- 776 Change width restrictions for construction and farm equipment.

**LORAN SCHMIT**

- 317 Tax credit for renewable energy source system.
- 319 Selling of inmate made goods, disposition of inmate-employee wages.
- 487 Distribution of Personal Property Tax Relief Fund.
- 522 Requiring school boards establish priority expenditure programs.
- 633A Appropriation Bill.
- 795 Change provisions relating to railroad rolling stock.
- 876 Increase fund transfer to the Agricultural Alcohol Fuel Tax Fund.
- 882 Provide state assistance for property tax relief.
- 882A Appropriation Bill.
- 930 Change provisions relating to the State Employees Retirement System.
- 984 Change provisions relating to Natural Resource Districts.
- 985 Change provisions relating to preference in the use of ground water.
- 990 Nebraska Lighting and Thermal Efficiency Act.

**HAROLD F. SIECK**

- 89 Income tax for state aid to schools.
- 525 Group homes in single family residence zones.
- 611 Changing provisions relating to power transmission lines.
- 642 Provision for restitution to crime victims.
- 643 Changing provisions relating to construction of wells.

**BILLS BY INTRODUCERS**

2261

- 706 Requirement changes for technical community colleges relating to housing.
- 788 Change provisions relating to transfer of land between school districts.
- 807 Change provisions relating to mechanical devices on irrigation pumps.
- 836 Provide for liens by cities and villages on users of electricity.
- 837 Restrict corporations from engaging in farming operations.

**NEIL SIMON**

- 144 Exempting sewer, water, and certain sources of energy from sales tax.
- 175 Exempting from taxation improvements to property, C.A.
- 612 Creating a statewide lottery.
- 612A Appropriation Bill.
- 613 Exempting metropolitan transit authority from budget limits.
- 614 Cities may not transfer surplus utility funds to the General Fund.
- 656 Procedures to alleviate flooding, other flood control provisions.
- 656A Appropriation Bill.
- 752 Create a Nursing Home Commission.
- 753 Create a Nursing Home Commission.
- 754 Authorize a legislative study of adult care homes.

**LARRY D. STONEY**

- 284 Transportation of rubber tired cranes.
- 371 Nebraska Plea Negotiations Act.
- 749 Visitation rights for grandparents.
- 781 Increase a registration fee for employment agencies.
- 894 Provide for additional costs against defendants in district court.
- 979 Provide offenses relating to arson and other property destruction.

**PATRICK VENDITTE**

- 184 Establishing a new Veterans' Home in Douglas County.
- 184A Appropriation Bill.
- 254 Public access to isolated lands.
- 382 Legalizing sale of laetrile for prescription.

- 382A Appropriation Bill.
- 471 Changing reporting of fetal deaths.
- 718 Change penalty for prostitution.
- 803 Burden of insanity or mental derangement proof on defendant.
- 804 Raise age to seventeen for eligibility to drive.
- 805 Require examination for renewal of motor vehicle operator's license.
- 878 Restrictions on garbage, refuse, and rubbish disposal facilities, Omaha.
- 879 Increase homestead exemption.

### TOM VICKERS

- 778 Provide an additional weight restriction on certain motor vehicles.
- 843 Change provisions relating to public power districts.
- 908 Provide for ground water reuse pits.

### DONALD L. WAGNER

- 615 Changing mileage allowance for county government and officers.
- 615A Appropriation Bill.
- 648 Notice by certified mail relating to water appropriation.
- 649 Changing procedures for extension of water rights.
- 650 Exception to Documentary Stamp Act tax for partnerships.
- 748 Declare the Nebraska Council of Home Extension Clubs a charitable corporation.
- 802 Provide for appropriation of certain water in the Missouri River.

### JEROME WARNER

- 48 Permit to remove land from agricultural production.
- 71 Changing tax levy authorizations.
- 496A Appropriation Bill.
- 501 Leasing state fairgrounds real estate by State Board of Agriculture.
- 502 Nonprofit corporations for acquiring, operating electric generation facilities.
- 599 Property taxes, levies, adjusting rates, harmonizing provisions.
- 684A Appropriation Bill.

BILLS BY INTRODUCERS

2263

- 722 Provide an excise tax on motor vehicle fuels.
- 722A Appropriation Bill.
- 727 Require written consent to trap.
- 750 Regulation of motor carriers or vehicles within cities or villages.
- 785 Permit partial use of a weight table on interstate highways.
- 987A Appropriation Bill.

**DON WESELY**

- 256 Data required on hospital licenses.
- 317 Tax credit for renewable energy source system.
- 364 Pensionable status for surviving spouse.
- 715 Provide for abatement of asbestos materials.
- 715A Appropriation Bill.
- 784 Election of fourth class school board members by districts.
- 839 Pay for education costs of wards of the state or court.
- 839A Appropriation Bill.
- 856 Nebraska Building Code Act.
- 875 Developmental Disabilities-family Assistance and Support Act.
- 931 Change provisions relating to reclamation districts.
- 954 Energy Conservation and Independence Act.



**LEGISLATIVE BILLS INTRODUCED  
BY COMMITTEES**

**ADMINISTRATIVE RULES  
AND REGULATIONS REVIEW**

- 712A Appropriation Bill.
- 846 Change notice and waiver provisions relating to rules of state agencies.
- 847 Change provisions relating to the licensing of nurses.
- 847A Appropriation Bill.
- 928 Repeal certain provisions relating to legislative committees.

**AGRICULTURE AND ENVIRONMENT**

- 106 Grasshopper Control Fund.
- 121 Funds, national gasohol promotion group membership, grain alcohol plants.
- 327 Removing second class cities and villages from certain zoning provisions.
- 473 Repealing certain sections of Nebraska Water Conservation Act of 1977.
- 497 Littering.
- 515 Ratification of interstate compact on agricultural grain marketing.
- 566 Livestock dealers, license application fee change.
- 630 Nebraska Food Safety and Quality Law.
- 630A Appropriation Bill.
- 631 Changing provisions relating to vaccination of livestock.
- 632 Nebraska Pasteurized Milk Law.
- 632A Appropriation Bill.
- 633 Changing procedures relating to the Department of Agriculture.
- 680 Award of attorney's fees and costs in eminent domain appeals.
- 687 Change requirements for eligible projects, Nebraska Water Conservation Act.
- 738 Nebraska Dry Bean Resources Act.
- 797 Change provisions relating to livestock brands.
- 852 Prohibit acquisition of agricultural property by nonresident aliens.
- 853 Change provisions relating to hazardous wastes and solid waste disposal.
- 853A Appropriation Bill.

**APPROPRIATIONS**

- 503 Assistance for employable disabled persons.
- 549 Install capacity chiller UNL.
- 550 Appropriations procedures, priorities for state agencies.
- 592 Penal and correctional complex, warden, deputy, subsistence benefits.
- 663 Remove restriction relating to service centers for displaced homemakers.
- 794 Change provisions relating to the Department of Correctional Services.
- 815 Combine the State Claims Board and Crime Victim's Reparation Board.
- 885 Provisions changes relating to original state capitol furniture.
- 886 Change provisions relating to the Performance Review and Audit Committee.
- 950 Change provisions relating to state administrative costs for postage.
- 956 Change provisions relating to motor vehicle fuels.
- 957 Change provisions relating to electrician's fees.
- 958 Change provisions relating to licensing of psychologists.
- 958A Appropriation Bill.
- 959 Provide for certificate fee for boiler inspections.
- 987 Change provisions relating to the State Personnel System.
- 995 Deficit appropriations and revision of 1979-80 appropriation bills.
- 996 Appropriations for cash funded state agencies, boards and commissions.
- 997 Appropriations for constitutional offices.
- 998 Appropriations for general government state agencies, boards and commissions.
- 999 Appropriations for post-secondary education agencies, boards and commissions.
- 1000 Reaffirmation of capital construction projects started prior to 1980-81.
- 1001 Appropriations for capital construction projects beginning 1980-81.
- 1002 Appropriations for state aid programs.
- 1003 Change frequency of issuing new license plates.
- 1004 Legislative intent for appropriations.

**BANKING, COMMERCE AND INSURANCE**

- 197 Workmen's Compensation Court Cash Fund.
- 276 Certified Public Accountants, expiration date for permits, continuing education dates.
- 279 Fee for registration of certain public accountant offices.
- 280 Bond requirement, liability insurance policy for public accountants.
- 308 Nebraska Captive Insurance Company Act.
- 309 Allowing University of Nebraska Board of Regents to form a captive insurance company.
- 314 Certificate of approval for establishing building and loan associations.
- 333 Bonding requirements for banks.
- 335 Loans to bank officers and employees.
- 336 Restricting loans to employees of industrial loan and investment companies.
- 337 Additional application requirement for industrial loan and investment companies.
- 338 Requires industrial loan and investment companies to have undivided profits.
- 340 Cash reserve requirements for industrial loan and investment companies.
- 405 State chartered capital stock savings and loan associations.
- 413 Continuing insurance for surviving family member after employee's death.
- 448 Removing bank examiners from state classification and pay plan.
- 480 Insurance Department regulation of Nebraska Hospital Medical Liability Act.
- 481 Licensing of insurance consultants.
- 491 Permitting not more than three detached auxiliary bank teller offices.
- 496 Nontransferable partnership interest securities exclusion.
- 499 Sales tax on lodging.
- 786 Nebraska Auctioneer License Act.
- 877 Individual Medicare Supplement and Sickness and Accident Insurance Minimum Standards Act.
- 899 Change authorized interest rates.
- 901 Reject personal exemptions provided under the Federal Bankruptcy Act.
- 902 Provide a limitation on powers of cooperative companies.
- 903 Eliminate a restriction on loans made by building and loan associations.

- 904 Group Health Insurance Continuation and Conversion Act.  
905 Exempt insurance premiums on pension, retirement  
accounts from taxation.  
906 Nebraska No-Fault Motor Vehicle Insurance Act.  
907 Require insurance coverage for treatment of alcoholism.

### **BUSINESS AND LABOR**

- 108 Collective bargaining units for postsecondary educational  
institutions.  
719 Change contribution rate for employers relating to  
employment security.  
737 Reimburse for court costs and attorney fees in civil actions.  
761 Change provisions relating to unemployment benefits.  
798 Change provisions relating to the employment security law.  
800 Eliminate the benefit unit system from the employment  
security law.  
811 Uniform Arbitration Act.  
914 Provide for the conveyance of certain state property in  
Omaha.  
915 Change provisions relating to the Environmental Protection  
Act.  
988 Continue provisions for analysis of legislation by fiscal  
analyst.  
993 Payment of miscellaneous claims against the state.  
994 Disallow certain claims against the state.

### **CONSTITUTIONAL REVISION AND RECREATION**

- 82 Disciplinary measures for Supreme Court judges or other  
judges, C.A.  
436 Eliminate reading at large of bills before final passage, C.A.  
493 Maintenance and support of a system of free public schools,  
C.A.  
552 Redefining game and fish, permit to destroy additional  
predators.  
723 Change provisions relating to park entry permits.  
729 Require identification of traps.  
777 Prohibit trapping from any highway or road.  
910 Eliminate requirement that Game and Parks Commission  
file motorboat lists.  
917 Provide cities powers of home rule, C.A.  
920 Create a Boating Recreation and Safety Fund.

**EDUCATION**

- 304 Resident status for state educational institutions.
- 426 Class I, VI school districts, land transfer, attachment.
- 526 Tuition reimbursement to educational institutions by National Guard.
- 769 Define behaviorally impaired children.
- 770 Provide for payment of school transportation costs.
- 771 Increase fees for teachers' certificates and permits.
- 772 Reimbursement to servicing agencies for handicapped children.
- 773 Change provisions relating to Nebraska Coordinating Council for the Handicapped.
- 774 Exemption from Private Vocational Educational Authorization Act.
- 824 Technical community colleges changes relating to bonds and mill levies.
- 867 Change reimbursement for mileage for transportation of children.
- 868 Provide for development of English proficiency development programs.
- 869 Provide for a student member on school boards in certain districts.

**EXECUTIVE BOARD**

- 598 Copywriting of statutes by Revisor of Statutes.
- 652 Increase mileage reimbursement for state employees.
- 690 Provide for certain expenses of members of the Legislature.
- 690A Appropriation Bill.
- 872 Increase salaries of state officers.
- 983 Provide for taxation and recording of land contracts.

**GOVERNMENT, MILITARY AND VETERANS AFFAIRS**

- 243 Nebraska Municipal Cooperative Financing Act.
- 724 Authorize a training program for fire fighting personnel.
- 921 Provide audit standards relating to audits and accounting.
- 922 Change provisions relating to elections.
- 923 Change meeting requirements of the Commission on Mexican-Americans.
- 924 Create the Office of County Engineer in certain counties.
- 925 Restrict certain airport project applications and funding.
- 926 Change provisions relating to county surveyors and state surveyors.

**JUDICIARY**

- 235 Validity for inadequate instruments involving real estate subdivision.
- 374 Document proving ownership of motor vehicle operator's license.
- 383 Allowing salary changes of public officers while in office, C.A.
- 388 Native American Crime Enforcement Fund.
- 498 Filing requirements for real estate.
- 519 Defining marital property for divorce proceedings.
- 572 Funds uncalled for in district court.
- 597 Attachments, garnishments in aid of execution, provisions change.
- 621 Revision of Uniform Commercial Code.
- 694 Changing provisions relating to estates.
- 695 Reports from Nebraska State Patrol Criminalistics Lab as evidence in hearings.
- 696 Penalty relating to operation of a motor vehicle to avoid arrest.
- 697 Change provisions relating to extradition.
- 698 Authorize investment of certain funds by the Department of Correctional Services.
- 699 Provide an exception to jury trials for county courts.
- 700 Requirement changes relating to the Jail Standards Board.
- 822 Change provisions relating to speed detection.
- 892 Provide for appeal procedure in Small Claims Court.

**MISCELLANEOUS SUBJECTS**

- 166 Prohibiting use of polygraph, similar tests by employer.
- 185 Making it unlawful to use false or misleading advertisements.
- 186 Actions which do not constitute violation of Consumer Protection Act.
- 484 Allowing deputy sheriffs to be involved in political activity.
- 485 Licensing of Truth and Deception Examiner's Act.
- 485A Appropriation Bill.
- 488 Authorizing race track messenger services.
- 535 Political Accountability and Disclosure Act changes.
- 619 Prohibiting use and sale of studded snow tires.
- 620 Changing provisions relating to cable television service.
- 732 Penalty for selling alcoholic beverages to minors.
- 745 Provide for alcohol abuse educational programs.

- 747 Changing provisions relating to the Records Management Act.
- 801 Provisions changes relating to the Hospital Authorities Act.
- 848 Change provisions relating to the Nebraska Liquor Control Commission.
- 849 Change provisions relating to the State Athletic Commissioner.
- 849A Appropriation Bill.
- 859 Permit liquor distributors to sell bar supplies to retailers.
- 939 Change provisions relating to the State Racing Commission.
- 939A Appropriation Bill.

### **NEBRASKA RETIREMENT SYSTEMS**

- 118 Creating Nebraska city and county peace officers' retirement system.
- 218 Additional option for judges' retirement.
- 229 Changing pension contributions of Lincoln firefighters.
- 230 Monthly supplemental pension payment for firefighters of certain cities.
- 231 Mandatory retirement age.
- 283 Home rule charter cities, fire and police department pension plans.
- 410 Cost of living adjustments for retired Lincoln firefighters.
- 533 Early retirement for judges.
- 817 Allow University of Nebraska and state colleges to change retirement plan provisions.
- 818 Allow Department of Education employees to join state employees retirement system.
- 819 Change rate of salary for reserve teachers.
- 953 Establish a police retirement system for cities of the primary class.
- 955 Change provisions relating to retirement of police in first class cities.

### **PUBLIC HEALTH AND WELFARE**

- 94 Embalmers and funeral directors provisions changes.
- 171 Nebraska Lighting and Thermal Efficiency Act.
- 259 Decriminalizing intoxication, date, removal of incapacitated persons.
- 299 Court review of status of children in child custody cases.
- 641 Changing provisions for the Nebraska Health Manpower Referral Service.

- 681 Limit investigations relating to adoptions.
- 682 Resources to be considered available in public assistance benefits.
- 683 Provisions changes for aid to dependent children payments.
- 684 Creation of Division of Alcoholism and Drug Abuse, eliminate Drug Commission.
- 685 Eliminate a restriction on county hospital board membership.
- 686 Provide for suspension, revocation of licenses for homes for the aged.
- 816 Change provisions relating to radiation regulation.
- 919 Provisions relating to mentally ill dangerous persons.
- 989 Genetically Handicapped Person's Act.

### PUBLIC WORKS

- 203 Reporting of railroad accidents.
- 507 Agriculture and Industrial Branch Rail Line Revitalization Act of 1979.
- 708 Changing provisions relating to Natural Resources Districts.
- 709 Provide for examiner and appeal process for Nebraska Oil and Gas Conservation Commission.
- 820 Changes relating to the Nebraska Motor Vehicle Industry Licensing Board.
- 829 Authorize well management fees.
- 830 Change provisions relating to ground water.
- 864 Change provisions relating to registration of motor vehicles.
- 884 Provide when a bond is not required for Natural Resources Districts.
- 887 Provisions changes relating to Natural Resources Districts control areas.
- 946 Limit use of motor vehicle dealer number plates.

### REVENUE

- 608 Homestead Property Tax Relief Act.
- 608A Appropriation Bill.
- 609 Procedure change relating to revocation of local budget limitations.
- 610 Increasing state corporate income tax rate.
- 616 Procedures for computation and payment of taxes by aircraft retailers.
- 688 Changing provisions relating to tax exemptions for motor vehicles.

**BILLS BY COMMITTEES**

2273

- 689 Penalty for late reporting or failure to report real estate improvements.
- 691 Assistance for property tax relief, distribution of state assistance.
- 691A Appropriation Bill.
- 742 Provide for biennial valuation of real and personal property.
- 834 Provide for continuation of the Department of Revenue.
- 834A Appropriation Bill.
- 968 Change provisions of the Nebraska Disposition of Unclaimed Property Act.

**URBAN AFFAIRS**

- 707 Include more than one municipality in railroad transportation districts.
- 710 Provide contracts for legal services between counties, cities, villages.
- 717 Provide for designated parking for handicapped or disabled persons.
- 860 Change provisions relating to railroad crossings in Lincoln.
- 932 Provide for the use of a hearing aid dog by a hearing impaired person.
- 986 Change provisions relating to a community redevelopment agency.

**BUILDING MAINTENANCE**

- 835 Provide for a program of deferred maintenance of state buildings.

**LAW ENFORCEMENT AND JUSTICE ADVISORY**

- 736 Adult Protective Services Act.
- 808 Permit transfer of prisoners to foreign countries.
- 991 Drug paraphernalia, sale, use, prohibit.

**LR98 STUDY COMMITTEE**

- 954 Energy Conservation and Independence Act.

**LR119 STUDY COMMITTEE**

- 962 Authorize rejection of certain public power bids.
- 963 Authorize letting of certain public power contracts.

2274

**LEGISLATIVE JOURNAL**

**LR137 STUDY COMMITTEE**

760 Adopt Nebraska Inspector General Act.

**LR154 STUDY COMMITTEE**

713 Change procedures providing for certain witnesses in criminal trials.

790 Create the Nebraska County Attorney Standards Advisory Council.

799 Provisions for habitual criminal determination.

806 Grand Jury required in deaths resulting from action by a law officer.

823 Private Security Licensing and Regulatory Act.

823A Appropriation Bill.

825 Change procedures for determination of mental incompetency in trials.

**LR158 STUDY COMMITTEE**

222 State Coroner, Board of Medicolegal Investigations.

**LR161 STUDY COMMITTEE**

453 Removes requirement certain public corporations make in lieu of tax payment, C.A.

454 Deputy Ombudsman for Public Utility Affairs.

457 Electrical rate increase procedure.

458 Restricting use of electric revenue for advertising.

460 Lowest available rate to residential electric service customers.

461 Construction of electric generation facilities and lines.

462 Restricting rate for different classes of electric power consumers.

**LR169 STUDY COMMITTEE**

702 Changing provisions relating to additions to cities of the primary class.

744 Change provisions relating to subdivisions.

791 Change provisions relating to sewerage and drainage in Omaha.

827 Expand jurisdictional limits of metropolitan cities.

828 Change provisions relating to sanitary and improvement districts.

## BILLS BY COMMITTEES

2275

- 929 Change provisions relating to Omaha Housing Authority jurisdiction.
- 933 Require notice prior to creation of sanitary and improvement districts.
- 976 Restrict uses of land zoned as agricultural.
- 980 Change provisions relating to tax levies for sanitary and improvement districts.

## **NEBRASKA TRANSPORTATION ADVISORY**

- 361 Motor vehicle fuel tax rate increase.
- 361A Appropriation Bill.

## **RULES**

- 928 Repeals certain provisions relating to special legislative committees.



**LEGISLATIVE BILLS AND RESOLUTIONS  
REFERRED TO COMMITTEE**

**Administrative Rules & Regulations Review**

Chairman - Ralph Kelly

712            846

**Agriculture & Environment**

Chairman - Loran Schmit

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 106 | 327 | 399 | 473 | 497 | 501 | 515 | 566 |
| 630 | 631 | 632 | 633 | 644 | 687 | 705 | 738 |
| 755 | 756 | 759 | 797 | 833 | 837 | 852 | 853 |
| 876 | 889 | 915 | 918 | 956 | 965 | 973 |     |

**Appropriations**

Chairman - Jerome Warner

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 60  | 88  | 121 | 549 | 550 | 592 | 639 | 652 |
| 669 | 673 | 674 | 675 | 676 | 677 | 747 | 767 |
| 768 | 815 | 835 | 885 | 886 | 950 | 957 | 959 |
| 982 | 987 | 988 |     |     |     |     |     |

**Banking, Commerce & Insurance**

Chairman - John DeCamp

|     |     |     |     |     |     |     |      |
|-----|-----|-----|-----|-----|-----|-----|------|
| 69  | 123 | 197 | 276 | 279 | 280 | 308 | 309  |
| 314 | 333 | 335 | 336 | 337 | 338 | 340 | 346  |
| 402 | 405 | 413 | 422 | 439 | 440 | 448 | 480  |
| 481 | 491 | 496 | 499 | 646 | 650 | 714 | 786  |
| 793 | 801 | 814 | 858 | 865 | 877 | 891 | 893  |
| 899 | 901 | 902 | 903 | 904 | 905 | 906 | 907  |
| 912 | 916 | 934 | 940 | 944 | 954 | 966 | LR43 |

**Business & Labor**

Chairman - Richard Maresh

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 108 | 113 | 318 | 623 | 719 | 761 | 781 | 798 |
| 800 | 811 | 845 | 914 | 942 | 943 | 993 | 994 |

**Constitutional Revision & Recreation**

Chairman - Barry Reutzel

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 82  | 151 | 175 | 261 | 324 | 350 | 366 | 383 |
| 436 | 445 | 453 | 493 | 552 | 637 | 653 | 678 |
| 723 | 727 | 729 | 740 | 777 | 900 | 910 | 917 |
| 964 |     |     |     |     |     |     |     |

**Education**

Chairman - Gerald Koch

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 104 | 177 | 264 | 304 | 426 | 442 | 486 | 522 |
| 526 | 606 | 640 | 657 | 663 | 668 | 724 | 734 |
| 735 | 758 | 764 | 765 | 769 | 770 | 771 | 772 |
| 773 | 774 | 784 | 788 | 809 | 819 | 824 | 826 |
| 839 | 844 | 855 | 867 | 868 | 869 | 871 | 888 |
| 890 | 949 | 978 |     |     |     |     |     |

**Government, Military & Veterans Affairs**

Chairman - Orval Keyes

|     |      |     |     |     |     |     |     |
|-----|------|-----|-----|-----|-----|-----|-----|
| 184 | 267  | 465 | 601 | 607 | 609 | 615 | 627 |
| 628 | 679  | 688 | 746 | 760 | 766 | 780 | 810 |
| 812 | 832  | 840 | 850 | 862 | 872 | 896 | 909 |
| 921 | 922  | 923 | 924 | 925 | 926 | 935 | 952 |
| 975 | LR30 |     |     |     |     |     |     |

**Judiciary**

Chairman - William Nichol

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 222 | 235 | 306 | 319 | 371 | 374 | 388 | 406 |
| 409 | 471 | 483 | 490 | 498 | 519 | 572 | 597 |
| 600 | 605 | 618 | 621 | 622 | 626 | 635 | 642 |
| 651 | 680 | 681 | 694 | 695 | 696 | 697 | 698 |
| 699 | 700 | 713 | 718 | 720 | 721 | 730 | 731 |
| 733 | 736 | 737 | 741 | 749 | 762 | 782 | 790 |
| 794 | 799 | 803 | 806 | 808 | 822 | 825 | 861 |
| 892 | 894 | 895 | 936 | 945 | 947 | 969 | 971 |
| 972 | 979 | 981 | 991 | 992 |     |     |     |

**Miscellaneous Subjects****Chairman - Dave Newell**

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 166 | 185 | 186 | 221 | 389 | 423 | 454 | 457 |
| 460 | 462 | 484 | 485 | 488 | 504 | 535 | 612 |
| 619 | 620 | 690 | 732 | 745 | 748 | 750 | 823 |
| 831 | 848 | 849 | 859 | 874 | 883 | 927 | 928 |
| 939 | 970 | 974 |     |     |     |     |     |

**Nebraska Retirement Systems****Chairman - Steve Fowler**

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 118 | 182 | 218 | 228 | 229 | 230 | 231 | 283 |
| 364 | 410 | 533 | 726 | 817 | 818 | 930 | 941 |
| 953 | 955 |     |     |     |     |     |     |

**Public Health & Welfare****Chairman - Sam Cullan**

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 21  | 35  | 94  | 171 | 256 | 259 | 299 | 382 |
| 418 | 503 | 525 | 530 | 641 | 664 | 665 | 667 |
| 682 | 683 | 684 | 685 | 686 | 706 | 715 | 725 |
| 728 | 752 | 753 | 754 | 763 | 789 | 816 | 847 |
| 856 | 875 | 919 | 932 | 937 | 938 | 951 | 958 |
| 967 | 989 | 990 |     |     |     |     |     |

**Public Works****Chairman - Maurice Kremer**

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 27  | 48  | 203 | 243 | 254 | 266 | 284 | 330 |
| 430 | 458 | 461 | 502 | 507 | 603 | 604 | 611 |
| 624 | 634 | 636 | 638 | 643 | 648 | 649 | 656 |
| 671 | 672 | 693 | 701 | 708 | 709 | 739 | 743 |
| 757 | 776 | 778 | 779 | 785 | 792 | 796 | 802 |
| 804 | 805 | 807 | 820 | 821 | 829 | 830 | 842 |
| 843 | 851 | 854 | 857 | 863 | 864 | 866 | 870 |
| 873 | 881 | 884 | 887 | 898 | 908 | 920 | 931 |
| 946 | 948 | 960 | 961 | 962 | 963 | 984 | 985 |

## LEGISLATIVE JOURNAL

**Revenue**

## Chairman - Calvin Carsten

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 8   | 16  | 44  | 71  | 89  | 142 | 144 | 317 |
| 325 | 361 | 487 | 599 | 608 | 610 | 613 | 616 |
| 617 | 625 | 647 | 658 | 661 | 666 | 670 | 689 |
| 691 | 711 | 716 | 722 | 742 | 775 | 783 | 787 |
| 795 | 834 | 841 | 879 | 880 | 882 | 897 | 911 |
| 913 | 968 | 976 | 977 | 983 |     |     |     |

**Urban Affairs**

## Chairman - Walter George

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 61  | 153 | 303 | 602 | 614 | 629 | 645 | 654 |
| 655 | 659 | 660 | 662 | 692 | 702 | 703 | 704 |
| 707 | 710 | 717 | 744 | 751 | 791 | 813 | 827 |
| 828 | 836 | 838 | 860 | 878 | 929 | 933 | 980 |
| 986 |     |     |     |     |     |     |     |

## SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition  
of each bill

Length 60 days

|  |      |
|--|------|
| Total Number of Bills Introduced, 86th Legislature . . . . .     | 1004 |
| Total Number of "A" Bills Introduced, 86th Legislature . . . . . | 89   |
| Total Number of Carryover Bills, 1st Session . . . . .           | 151  |
| Total Number of Carryover "A" Bills, 1st Session . . . . .       | 38   |
| Total Number of New Bills, 2nd Session . . . . .                 | 407  |
| Total Number of New "A" Bills, 2nd Session . . . . .             | 51   |
| Total Number of Resolutions Introduced . . . . .                 | 348  |
| Total Number of Bills to Become Law . . . . .                    | 251  |

Approved by the Governor, 234:

|      |       |      |      |       |       |       |       |
|------|-------|------|------|-------|-------|-------|-------|
| 44   | 61e   | 82CA | 94e  | 184   | 184A  | 185   | 186   |
| 203  | 221   | 228  | 228A | 235e  | 276e  | 279e  | 284   |
| 304  | 308e  | 319  | 346  | 409   | 413   | 423   | 440   |
| 442e | 481   | 485  | 485A | 486   | 496   | 496A  | 499   |
| 499A | 507   | 507A | 525  | 526   | 535   | 572   | 592   |
| 597  | 598e  | 599  | 600  | 601   | 602e  | 604   | 607   |
| 611e | 615   | 615A | 616  | 618   | 618A  | 619   | 621   |
| 622  | 628   | 629  | 631  | 632e  | 632Ae | 633e  | 633Ae |
| 635  | 636   | 641e | 643  | 645e  | 646   | 647e  | 647Ae |
| 648  | 649   | 650  | 651  | 654e  | 655   | 658e  | 660   |
| 662  | 663   | 666e | 672e | 672Ae | 673e  | 674e  | 680e  |
| 681e | 684   | 684A | 685  | 686   | 687   | 688   | 689   |
| 693  | 694   | 696e | 697  | 698e  | 700   | 701   | 701A  |
| 703  | 709e  | 712  | 712A | 717   | 722   | 722A  | 723   |
| 724  | 725   | 730  | 731  | 731A  | 733   | 734   | 735   |
| 741  | 742   | 743  | 747  | 748   | 759   | 764   | 766   |
| 768e | 769   | 770  | 771e | 773   | 774   | 780   | 782   |
| 785e | 789   | 790  | 793  | 794e  | 795e  | 797e  | 798e  |
| 800e | 801e  | 802  | 808  | 810e  | 814   | 816   | 817   |
| 818  | 818A  | 819  | 819A | 820e  | 821   | 824   | 833   |
| 834e | 834Ae | 835e | 839e | 839Ae | 842   | 844e  | 846   |
| 847  | 847A  | 848  | 849e | 849A  | 853   | 855   | 857   |
| 862  | 863   | 863A | 865  | 867   | 867A  | 872   | 872A  |
| 873  | 874e  | 876  | 877  | 877A  | 882   | 882Ae | 884   |
| 885  | 886e  | 887  | 889e | 892   | 893e  | 896   | 902   |
| 903  | 905   | 908  | 909  | 912   | 913   | 914   | 915   |
| 916e | 918e  | 923  | 925  | 932   | 933   | 936   | 939e  |
| 939A | 940e  | 945  | 951  | 954e  | 957   | 958   | 958A  |

2282

LEGISLATIVE JOURNAL

959e 966 981 986 989e 989Ae 991e 992  
993e 1000e

Returned by Governor Without Approval, 7:

280e 283 483 627 690e 690Ae 772e

Line-Item Veto, 9:

789A 790A 853A 995e 996e 997e 998e 999e  
1001e

Passed Notwithstanding the Objections of Governor, 4:

765e 765A 773A 1002e\*

Became Law Without Governor's Signature, 4:

LR30 261CA 740CA 964CA 1004e

Failed on Final Reading, 3:

108 637CA 843

Indefinitely Postponed, 343:

|       |       |       |       |       |      |       |       |
|-------|-------|-------|-------|-------|------|-------|-------|
| 8     | 16    | 21    | 27    | 35    | 35A  | 48    | 60    |
| 69    | 71    | 88    | 89    | 104   | 106  | 113   | 118   |
| 121   | 123   | 142   | 144   | 151CA | 153  | 166   | 171   |
| 175CA | 177   | 182   | 197   | 218   | 222  | 222A  | 229   |
| 230   | 231   | 243   | 254   | 256   | 259  | 264   | 266   |
| 267   | 267A  | 299   | 303   | 306   | 309  | 314   | 317   |
| 318   | 324CA | 325   | 327   | 330   | 333  | 335   | 336   |
| 337   | 338   | 340   | 350CA | 361   | 361A | 366CA | 371   |
| 374   | 382   | 382A  | 383CA | 388   | 389  | 399   | 402   |
| 405   | 406   | 410   | 418   | 418A  | 422  | 426   | 436CA |
| 439   | 445CA | 448   | 453CA | 454   | 457  | 458   | 460   |
| 461   | 462   | 465   | 473   | 480   | 484  | 487   | 488   |
| 490   | 491   | 493CA | 497   | 498   | 501  | 502   | 503   |
| 504   | 515   | 519   | 522   | 530   | 533  | 533A  | 549   |
| 550   | 552   | 566   | 603   | 606   | 608  | 608A  | 609   |
| 610   | 612   | 612A  | 613   | 614   | 617  | 620   | 623   |
| 624   | 625   | 626   | 630   | 630A  | 634  | 639   | 640   |
| 642   | 644   | 652   | 653   | 656   | 656A | 657   | 659   |
| 661   | 664   | 665   | 667   | 668   | 669  | 670   | 671   |
| 675   | 676   | 677   | 678   | 679   | 682  | 683   | 691   |
| 691A  | 692   | 695   | 699   | 702   | 704  | 705   | 706   |

## SUMMARY OF LEGISLATIVE BILLS

2283

|     |      |      |     |       |       |      |      |
|-----|------|------|-----|-------|-------|------|------|
| 707 | 708  | 710  | 711 | 713   | 714   | 715  | 715A |
| 716 | 718  | 719  | 720 | 721   | 726   | 727  | 728  |
| 729 | 732  | 736  | 737 | 738   | 738A  | 739  | 745  |
| 746 | 749  | 750  | 751 | 752   | 753   | 754  | 755  |
| 756 | 757  | 758  | 760 | 761   | 762   | 763  | 767  |
| 775 | 775A | 776  | 777 | 779   | 783   | 784  | 786  |
| 787 | 788  | 791  | 792 | 796   | 799   | 803  | 804  |
| 805 | 806  | 807  | 809 | 811   | 812   | 813  | 815  |
| 822 | 823  | 823A | 825 | 826   | 827   | 829  | 830  |
| 831 | 831A | 832  | 836 | 837   | 838   | 840  | 841  |
| 845 | 851  | 852  | 854 | 856   | 858   | 859  | 860  |
| 861 | 864  | 866  | 868 | 869   | 870   | 871  | 875  |
| 878 | 879  | 880  | 881 | 883   | 888   | 890  | 891  |
| 894 | 895  | 897  | 898 | 899   | 900CA | 901  | 904  |
| 906 | 907  | 910  | 911 | 917CA | 919   | 920  | 921  |
| 922 | 924  | 926  | 927 | 928   | 929   | 930  | 931  |
| 934 | 935  | 937  | 938 | 941   | 942   | 943  | 944  |
| 946 | 947  | 949  | 950 | 952   | 953   | 954A | 955  |
| 956 | 960  | 961  | 962 | 963   | 965   | 965A | 967  |
| 968 | 969  | 970  | 971 | 972   | 973   | 974  | 975  |
| 976 | 977  | 978  | 979 | 980   | 982   | 983  | 984  |
| 985 | 987  | 987A | 988 | 990   | 994   | 1003 |      |

## Withdrawn, 12:

|     |     |      |     |     |     |     |     |
|-----|-----|------|-----|-----|-----|-----|-----|
| 364 | 430 | 471  | 605 | 638 | 744 | 778 | 781 |
| 828 | 850 | 918A | 948 |     |     |     |     |

## Resolutions Withdrawn, 1:

LR198

## Resolutions Failed, 3:

LR184 LR186 LR339

## Resolutions Adopted, 56:

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 43  | 180 | 181 | 182 | 183 | 185 | 187 | 188 |
| 189 | 190 | 191 | 193 | 194 | 196 | 197 | 199 |
| 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 |
| 208 | 209 | 210 | 211 | 212 | 216 | 217 | 219 |
| 220 | 221 | 223 | 224 | 327 | 328 | 329 | 330 |
| 331 | 332 | 333 | 334 | 335 | 336 | 337 | 338 |
| 340 | 341 | 343 | 344 | 345 | 346 | 347 | 348 |

\*Line-item veto partially overridden.



## GENERAL INDEX

### ADJOURNMENT

|                              |      |
|------------------------------|------|
| Calendar, 60 day agenda..... | 129  |
| Easter vacation.....         | 1124 |
| Sine die .....               | 2031 |

### ANNOUNCEMENTS

|                                       |      |
|---------------------------------------|------|
| Apples, 2nd District .....            | 198  |
| Energy conservation, meeting.....     | 965  |
| Homestead bills, meeting.....         | 1447 |
| Personal property bills, meeting..... | 1447 |

### APPOINTMENTS

|  |                                  |
|--|----------------------------------|
| Abdouch, Ivan - Coordinating Commission for<br>Postsecondary Education .....           | 50, 57, 470, 511, 600            |
| Ackerman, James Nils - Coordinating Commission for<br>Postsecondary Education .....    | 50, 57, 470, 511, 600            |
| Allen, Bruce - Advisory Committee of Dept. of<br>Economic Development .....            | 47, 277, 517, 535                |
| Asmussen, Mrs. Jody - Nebr.<br>Arts Council .....                                      | 58, 1011, 1351, 1597             |
| Barthuly, Henry - Commission for the<br>Hearing Impaired.....                          | 53, 1153, 1585, 1598             |
| Beermann, Mel - Environmental<br>Control Council.....                                  | 52, 555, 781, 835                |
| Bish, Milan - State<br>Highway Commission.....   | 57, 555, 781, 835                |
| Burkhardt, Allen - Coordinating Commission for<br>Postsecondary Education .....        | 50, 57, 470, 511, 600            |
| Cannon, Ted - Motor Vehicle Industry<br>Licensing Board .....                          | 52, 470, 854, 938                |
| Carr, Mike - Nebr. Oil & Gas<br>Commission .....                                       | 62, 1153, 1291, 1557, 1669, 1745 |
| Cassel, John B. - Board of Educational<br>Lands and Funds.....                         | 60, 763, 1350, 1596              |
| Cattle, John W., Sr. - Advisory Committee of the Dept.<br>of Economic Development..... | 46, 277, 517, 535                |
| Chesen, Irwin S. - Director, Dept. of<br>Economic Development ....                     | 62, 763, 920, 1011, 1351, 1597   |
| Cramer, J. Alan - Board of Trustees of Nebr.<br>State Colleges.....                    | 47, 277, 517, 535                |
| Crosby, Mrs. LaVon - Nebr. Arts<br>Council.....  | 58, 665, 921, 939                |
| Cross, Roger - Motor Vehicle Industry<br>Licensing Board.....                          | 61, 763, 1350, 1596              |

|   |                                 |
|---|---------------------------------|
| Coulter, Cal - Nebr.<br>Investment Council.....   | 63, 1317                        |
| Daub, Hal - Environmental Control<br>Council .....  | 52, 470, 1152, 1668, 1744, 1746 |
| Dinsdale, Mrs. Gloria - Nebr.<br>Arts Council .....   | 58, 555, 781, 835               |
| Duis, Herbert J. - Liquor Control<br>Commission.....  | 50, 277, 517, 535               |
| Dwyer, Harold E. - Manufactured Housing Advisory<br>Board .....                                     | 56, 763, 920, 1317, 1668, 1745  |
| Eden, Greg - Coordinating Commission for<br>Postsecondary Education .....                           | 51, 555, 781, 835               |
| Elmshausen, Ron - Public Employees<br>Retirement Board.....   | 59, 896, 1352, 1597             |
| Ensz, Gary, M. D. - Rural Health Manpower<br>Commission.....  | 55, 471, 854, 938               |
| Fenton, William M. - Manufactured Housing<br>Advisory Board .....                                   | 56, 665, 921, 939               |
| Frazer, Dr. Maurice - Environmental<br>Control Council .....  | 52, 380                         |
| Gradwohl, John M. - Commission of Industrial<br>Relations .....                                     | 54, 380, 583, 601               |
| Greenholtz, John - Chairman,<br>Parole Board .....  | 61, 665, 780, 1153, 1668, 1746  |
| Gyger, Bernard R. - Advisory Committee to<br>Public Welfare, Institutions,<br>and Corrections ..... | 465, 896, 1352, 1597            |
| Haberman, Phyllis - Board of<br>Health.....   | 466, 1153, 1585, 1598           |
| Hargitt, R. Jerry - Nebr.<br>Arts Council .....   | 58, 555, 781, 835               |
| Hershberger, Gwen - Nebr.<br>Investment Council .....   | 46, 277, 517, 535               |
| Hoffmaster, Gerald - Commission for the<br>Hearing Impaired.....                                    | 53, 1153, 1585, 1598            |
| Hultman, Earl C. - Game and Parks<br>Commission.....  | 465, 763, 1350, 1596            |
| Jaekel, Linda - Board of<br>Parole.....   | 1041, 1317, 1668, 1745          |
| Kaldahl, Phil - Public Employees<br>Retirement Board.....   | 59, 1317, 1668, 1745            |
| Kamas, James E. - Chairman, Commission for the<br>Hearing Impaired.....                             | 53, 1011, 1351, 1597            |
| Kelly, Ronald - Agricultural Products Industrial<br>Utilization Committee .....                     | 45, 380, 555, 781, 835          |

- Kirkpatrick, Harold E. - Environmental  
Control Council .....52, 555, 781, 835
- Knox, Arthur L. - Advisory Committee of the Dept.  
of Economic Development.....47, 277, 517, 535
- Krohn, Robert - Advisory Committee of the Dept. of  
Economic Development ....47, 665, 780, 1317, 1668, 1745
- Larson, Don - Agricultural Products Industrial  
Utilization Committee.....48, 123, 402, 421
- Leavitt, Berton - Commission for the  
Hearing Impaired.....53, 896, 1352, 1597
- Lof, Betty - Commission for the  
Hearing Impaired.....53, 1317, 1669, 1745
- Marsh, Dean - Agricultural Products Industrial  
Utilization Committee.....48, 123, 402, 421
- Matz, Betty - Advisory Committee to  
Public Welfare, Institutions,  
and Corrections .....465, 1557, 1669, 1745
- Michener, W. Ralph - Director, Dept. of  
Public Institutions .....56, 665, 921, 939
- Mines, Duane - Board of  
Health.....466, 896, 1352, 1597
- Mohr, Paul - State Highway  
Commission.....57, 665, 921, 939
- Monsky, Hubert W. - Motor Vehicle Industry  
Licensing Board.....54, 470, 854, 938
- Moore, Lynn E. - State Electrical  
Board .....581, 1011, 1351, 1597
- Mulligan, William O. - Nebr. Accountability  
& Disclosure Commission.....123, 402, 421
- Narjes, Ed - Environmental Control  
Council.....51, 555, 781, 835
- Novelly, Gerald - Motor Vehicle Industry  
Licensing Board.....54
- Olson, E. A. - Environmental  
Control Council.....51, 1557, 1669, 1745
- Propp, Dr. George - Commission for the  
Hearing Impaired.....53, 896, 1352, 1597
- Rodgers, Virgil - Accountability and  
Disclosure Commission .....1153, 1585, 1598
- Rosenlof, Dr. Robert C. - Board of  
Health.....466, 1317, 1669, 1745
- Royal, Doris - Agricultural Products Industrial  
Utilization Committee .....48, 123, 380, 402, 583, 601
- Schreurs, Wayne - Board of  
Parole.....464, 763, 1350, 1596

|  |                                |
|--|--------------------------------|
| Schroeder, Hal - Environmental<br>Control Council .....                                  | 52, 380, 583, 601              |
| Seberg, G. Herbert - Board of<br>Health .....  | 466, 896, 1352, 1597           |
| Sellentini, Jerry - State Personnel<br>Board .....                                       | 59, 763, 1350, 1596            |
| Sides, Wayne - State Electrical<br>Board .....   | 581, 896, 1352, 1597           |
| Spence, Gene P. - Omaha Public Power District,<br>Board of Directors .....               | 49, 277, 517, 536              |
| Staley, Lola Jean - Nebr. Accountability &<br>Disclosure Commission .....                | 123, 198                       |
| Steskal, Beverly - Commission for the<br>Hearing Impaired .....                          | 53, 1557, 1669, 1745           |
| Stuart, James, Jr. - Advisory Committee of the Dept.<br>of Economic Development .....    | 47, 471, 855, 938              |
| Sullivan, Dr. Patricia - Commission for the<br>Hearing Impaired .....                    | 53, 1011, 1351, 1597           |
| Swanson, Dr. J. R. - Board of<br>Health .....  | 466, 763                       |
| Thomas, Beverly - Commission for the<br>Hearing Impaired .....                           | 53, 1011, 1351, 1597           |
| Thomsen, Charles - Manufactured Housing<br>Advisory Board .....                          | 56, 665, 921, 939              |
| Veach, Richard - Environmental<br>Control Council .....                                  | 51, 380, 583, 601              |
| Voss, Tod - Rural Health Manpower<br>Commission .....                                    | 55, 471, 533, 1317, 1669, 1745 |
| Waldbaum, Mimi - Nebr. Political Accountability<br>& Disclosure Commission .....         | 49, 123, 402, 421              |
| Walling, Dr. Gail - Nebr. Arts<br>Council .....  | 58, 665, 921, 939              |
| Whitehead, M. E. "Bus" - Agricultural Products Industrial<br>Utilization Committee ..... | 48, 123, 403, 421              |

#### APPRECIATION

|   |      |
|---|------|
| Dana X. Bible family .....              | 747  |
| William Brennan family .....            | 102  |
| William J. Froelich family, LR201 ..... | 1187 |
| Orval Keyes .....                       | 1594 |
| Jim Wynkoop, Asst. Sgt. at Arms .....   | 970  |

#### ATTORNEY GENERAL'S OPINIONS, LETTERS

|  |      |
|--|------|
| Alcoholism services, mental health share<br>of funding (Haberman #270) ..... | 1645 |
|--|------|

|  |      |
|--|------|
| Boot Hill Cemetery, Ogallala<br>(Haberman #245) .....  | 1109 |
| Budget limitations<br>(DeCamp #139) .....  | 71   |
| Chain Letter Scheme, Business List<br>(DeCamp #240) .....  | 977  |
| Dept. of Correctional Services, third degree assault by<br>persons in legal custody (Venditte #208) .....        | 509  |
| Domestic Abuse Act, persons living<br>as spouses (Lewis #163) .....  | 82   |
| Election procedures, natural resource districts,<br>special use areas, one-man,<br>one-vote (Johnson #142) ..... | 72   |
| Election procedures, one-man, one-vote<br>(Johnson #149) .....   | 74   |
| Fair board, county agricultural<br>society (Warner #201) .....   | 365  |
| Food sales tax credit<br>(Maresh #191) .....   | 191  |
| LB 2, 1978 special session,<br>budget limitations<br>(Koch #138) .....   | 69   |
| (Keyes #177) .....   | 92   |
| LB 44, food tax credit<br>(Beutler #217) .....   | 580  |
| LB 171, 1979, Nebraska Lighting & Thermal<br>Efficiency Act (Wesely #151) .....                                  | 75   |
| LB 221, legal drinking age<br>(Kelly #202) .....   | 443  |
| LB 234, 1979, jury duty, compensation<br>(DeCamp #172) .....   | 90   |
| LB 261, constitutional amendment to reorganize<br>the supreme court judicial districts<br>(Hoagland #218) .....  | 606  |
| LB 276, interest rates, usury,<br>Simon-Burrows amendment<br>(DeCamp #241) .....                                 | 1029 |
| LB 283, fire and police pension plans,<br>home rule charter cities<br>(DeCamp #283) .....                        | 1967 |
| (Schmit #284) .....  | 1968 |
| LB 285, 1979, budget limitations<br>(Cullan #167) .....  | 86   |
| LB 306, transfer of property on death<br>of joint-owner  |      |

|   |      |
|---|------|
| (DeCamp #213).....  | 533  |
| (DeCamp #225).....  | 706  |
| LB 308, interest charged on revolving credit<br>accounts (DeCamp #260).....                 | 1374 |
| LB 361, motor fuel rates<br>(Johnson #277).....   | 1763 |
| LB 382, laetrile, prescription sale<br>(Cullan-Wesely #222).....                            | 680  |
| (DeCamp #239).....  | 972  |
| LB 506, 1979, Nebraska Medical Student Assistance<br>Act, administration (Maresh #169)..... | 89   |
| LB 507, branch railroad lines<br>(Beutler #209).....  | 519  |
| LB 525, group homes<br>(Sieck #206).....  | 507  |
| LB 605, offenses of unlawful assembly<br>(Venditte #204).....                               | 480  |
| (Haberman #205).....  | 482  |
| (Haberman #253).....  | 1221 |
| LB 613, budget limitations<br>(DeCamp #242).....  | 1053 |
| LB 614, municipal utility, operating<br>revenues (Simon #194).....                          | 298  |
| LB 623, 1978, domestic abuse projects<br>(Haberman #128).....                               | 63   |
| LB 624, moped licensing<br>(Murphy #195).....   | 321  |
| LB 627, Local Option Tax Control Act<br>(Labeledz #214).....                                | 567  |
| (Stoney #215).....  | 569  |
| LB 628, county sheriffs, compensation<br>(Vickers #237).....                                | 918  |
| LB 642, restitution of crime victims<br>(Sieck #274).....                                   | 1686 |
| LB 643, construction of wells<br>(DeCamp #279).....   | 1838 |
| LB 652, mileage for state employees<br>(Lewis #220).....                                    | 668  |
| LB 661, parimutuel wagering<br>(Haberman #197).....   | 336  |
| LB 668, substitute teachers<br>(Koch #207).....   | 508  |
| LB 716, ad valorem tax, real property,<br>actual value of homestead<br>(Johnson #223).....  | 683  |

|  |      |
|--|------|
| LB 723, park entry permits, identity<br>of operator (Reutzel #231) .....               | 852  |
| LB 733, jury duty<br>(Reutzel #235).....   | 914  |
| LB 738, Nebraska Dry Bean Resources Act<br>(DeCamp #273).....                          | 1674 |
| LB 739, ground water conservation<br>districts (Maresh #248) .....                     | 1125 |
| LB 741, obsolete statutes, amendments,<br>germane (Labeledz #255).....                 | 1290 |
| LB 746, city council members, election<br>by district (Chambers #247) .....            | 1151 |
| LB 756, grain boards, cooperative<br>activities (George #251) .....                    | 1216 |
| LB 802, Missouri River, terms of<br>section 46-202 (Wagner #200).....                  | 364  |
| LB 803, defense of insanity and jury<br>challenges (Venditte #221) .....               | 678  |
| LB 831, resource crisis<br>(DeCamp #261).....  | 1390 |
| LB 834, license plates of grainbuyers and<br>sellers, amendment<br>(Carsten #256)..... | 1311 |
| LB 836, unpaid electrical bills, lien<br>of property (George #257).....                | 1321 |
| LB 838, wheel tax<br>(Cope #268).....  | 1590 |
| (Cope #272).....   | 1673 |
| LB 882, Personal Property Tax Relief<br>Fund (Carsten #234).....                       | 885  |
| LB 887, taxing authority of natural resource<br>districts (Kremer #227) .....          | 805  |
| LB 889, Nebraska Commercial Fertilizer and Soil<br>Conditioner Act (Schmit #232).....  | 875  |
| LB 891, group insurance coverage<br>(Dworak #210) .....                                | 524  |
| (Dworak #238) .....  | 962  |
| LB 892, appeal procedures for small<br>claims court (Johnson #254) .....               | 1227 |
| LB 894, Crime Victims Reparations Fund<br>(Stoney #246) .....                          | 1149 |
| LB 895, defense of insanity and jury<br>challenges (Venditte #221) .....               | 678  |
| LB 905, individual retirement accounts,<br>taxation on certain premiums on pensions    |      |

|  |      |
|--|------|
| (Chambers #267) .....  | 1587 |
| LB 909, cemetery associations, investment<br>of funds (Maresh #252) .....                        | 1219 |
| LB 939, State Racing Commission,<br>continue (Newell #271) .....                                 | 1672 |
| LB 954, Energy Conservation and Independence<br>Act (DeCamp #259) .....                          | 1373 |
| LB 958, Board of Examiners of Psychologists, review<br>termination (Pirsch #258) .....           | 1322 |
| LB 968, abandoned property<br>(Marsh #280) .....   | 1959 |
| LB 986, community redevelopment<br>(Murphy #219) .....   | 615  |
| (Newell #230) .....  | 829  |
| LB 990, Lighting and Thermal Efficiency<br>Act (Wesely #249) .....                               | 1185 |
| LB 991, drug paraphernalia<br>(Venditte #243) .....  | 1080 |
| (Simon #265) .....   | 1534 |
| (DeCamp #266) .....  | 1535 |
| (Simon #275) .....   | 1688 |
| (Wesely #285) .....  | 1989 |
| LB 1002, state aid, political subdivisions<br>(Warner #276) .....                                | 1689 |
| LB 1004, appropriations, intent<br>(DeCamp #282) .....   | 1962 |
| Legislative committees, interim<br>functions (Beutler #188) .....                                | 98   |
| Legislative Council authority, testimony of<br>witnesses (Lewis #180) .....                      | 95   |
| Litter fee, section 81-1559, 1979, application<br>to farmers and ranchers<br>(Fowler #159) ..... | 79   |
| Mobil homes, vehicles, section 45-338, 1979<br>(Kremer #168) .....                               | 87   |
| Motor vehicle safety inspections<br>(Wesely #198) .....  | 355  |
| (Cullan #199) .....  | 356  |
| Nebraska Mortgage Finance Fund, agency<br>definition (Kelly #226) .....                          | 771  |
| Pari-mutuel wagering, tax<br>(Haberman #165) .....   | 85   |
| Political Subdivisions Budget Act<br>of 1979 (Koch #236) .....                                   | 916  |
| Property disposition by resolution   |      |

GENERAL INDEX

2293

(Maresh).....81

Public statements, state senator, possible liability (Wesely #131).....65

Resolutions, amending constitutions (DeCamp #281).....1961

Retail Merchants Association, forms in collection of insufficient fund checks (Cope #137).....68

School bus driver's permit (Keyes #148) .....73

South Omaha, continue court (Labeledz #193).....269

Suspended license or registration (Johnson #183).....97

Tax funds, benefit of persons not U.S. citizens (Haberman).....91 (Haberman #179).....94

Titles to land (Maresh #192) .....200

**BILLS**

Deadline, bill requests .....253

**BIRTHDAYS**

Tom Fitzgerald.....923

Rex Haberman.....370

Glenn Goodrich .....827

Vard Johnson.....1101

Frank Lewis .....299

Pat O'Donnell .....934

Harold Sieck.....923

Tom Vickers.....1043

Don Wesely.....1601

**CEREMONIES AND PROGRAMS**

Mothers' of the Year .....1752

**CLERK OF THE LEGISLATURE**

After adjournment certificate .....2064

Letters and certificates on bills

LB 280 .....2043

LB 283 .....2044

LB 595 (1979).....101

LB 690, 690A.....2045

LB 740CA.....2047

LB 765 .....2032, 2048

LB 765A.....2033, 2049

|               |            |
|---------------|------------|
| LB 773A.....  | 2033, 2050 |
| LB 789A.....  | 2034, 2052 |
| LB 790A.....  | 2042, 2063 |
| LB 853A.....  | 2035, 2052 |
| LB 964CA..... | 2053       |
| LB 995.....   | 2035, 2054 |
| LB 996.....   | 2036, 2055 |
| LB 997.....   | 2036, 2056 |
| LB 998.....   | 2037, 2057 |
| LB 999.....   | 2037, 2058 |
| LB 1001.....  | 2037, 2059 |
| LB 1002.....  | 2038, 2060 |
| LB 1004.....  | 2062       |

### COMMITTEES, OTHER THAN STANDING COMMITTEES

#### Committee on Committees

|                               |  |
|-------------------------------|--|
| Appointment, Tom Kennedy..... | 333  |
| Hearings and meetings.....    | 123, 198,<br>277, 380, 402, 470, 511, 533, 555, 665, 763, 780,<br>896, 920, 1011, 1152, 1153, 1291, 1317, 1557 |
| Reports.....                  | 402, 517, 582, 780,<br>854, 920, 921, 1350, 1351, 1352, 1585   |
| Voting, floor.....            | 421, 535, 601,<br>835, 938, 939, 1596, 1597, 1598, 1744  |

### COMMITTEES, STANDING

#### Administrative Rules and Regulations

|  |     |
|--|-----|
| Review, Chairman.....                      | 107 |
| Miscellaneous Subjects, Vice Chairman..... | 579 |

### COMMUNICATIONS

|   |            |
|---|------------|
| Congressman Cavanaugh, embargo on export of<br>locomotives, switch engines, freight cars..... | 340        |
| Dept. of Administrative Services,<br>victims compensation fund.....                           | 1629       |
| Dept. of Revenue, revenue estimates,<br>pursuant to LR 345.....                               | 1946, 1958 |
| House and Senate Resolutions  |            |
| Iowa, federal budget.....   | 102        |
| So. Dakota, Dist. of Columbia,<br>representation.....   | 807        |
| West Virginia, crude oil.....   | 102        |
| International Association of Chiefs of Police,<br>motorcycle/moped helmet use.....            | 102        |
| National Association of State Treasurers,<br>statutory debt limit.....                        | 511        |

**CONTRACT, LEASE APPROVALS**

Beef Barn, State Fairgrounds.....102  
 Branched Oak, Pawnee Lake,  
 recreation areas .....102  
 Cedar-Vue Campground,  
 Lake McConaughy.....1686  
 Dept. of Corrections, Cedar  
 Hill Building, Kearney .....1444  
 Dept. of Education, Division of  
 Rehabilitation Services .....622  
 Dept. of Labor-Dept. of Welfare .....553  
 Dept. of Roads, property at  
 4426 So. 108th, Omaha.....774  
 Indian Cave State Park .....1686  
 Lincoln Equipment .....102  
 Nebr. Library Commission, Kearney .....1686  
 Ord Equipment.....102  
 Visitor and Control Center, York .....553, 1520  
 Vocational Training Building, Medium-Minimum  
 Security Facility, Lincoln.....713

**EXECUTIVE BOARD, LEGISLATIVE COUNCIL**

Easter leave policy.....1124  
 Interim study resolutions.....1159, 1233,  
 1302, 1320, 1888, 1894, 2020

**EXPLANATIONS OF VOTE**

Beutler .....1113  
 Chronister .....1250  
 Haberman .....559, 597, 759, 783, 905, 953,  
 1024, 1089, 1158, 1296, 1341, 1410, 1529, 1925  
 Keyes .....1495, 1572, 1706  
 Koch .....759, 1161  
 Marsh .....1256  
 Merz .....789  
 Newell.....1355  
 Pirsch .....1471, 2006  
 Reutzel .....563, 1243  
 Stony.....1046  
 Venditte .....1401  
 Wagner .....539, 1970  
 Warner .....632, 1970

**GOVERNOR**

Addressed Legislature .....158, 2030  
 Appointment letters .....39, 45, 464, 581, 600, 1041

|   |   |
|---|---|
| Bills vetoed, messages, motions                                   |   |
| LB 280 .....  | 2039, 2043  |
| LB 283 .....  | 2040, 2044  |
| LB 483 .....  | 853   |
| LB 627 .....  | 1950, 1996, 2008  |
| LB 690, 690A .....  | 2041, 2045  |
| LB 765, 765A .....  | 2004, 2026, 2027, 2032, 2033, 2048  |
| LB 772 .....  | 1239  |
| LB 773A, line-item .....  | 2004, 2022, 2033, 2050  |
| LB 789A, line-item .....  | 2003, 2021, 2034, 2052  |
| LB 790A, line-item .....  | 2042, 2063  |
| LB 853A, line-item .....  | 2005, 2035, 2052  |
| LB 995, line-item .....   | 1798, 1851, 2035, 2054  |
| LB 996, line-item .....   | 1732, 1735, 1772, 1991, 2036, 2055  |
| LB 997, line-item .....   | 1732, 1735, 1772, 1992, 2036, 2056  |
| LB 998, line-item .....   | 1854, 1993, 1994, 2037, 2057  |
| LB 999, line-item .....   | 1854, 1995, 2037, 2058  |
| LB 1001, line-item .....  | 1854, 1996, 2037, 2059  |
| LB 1002, line-item .....  | 2001, 2023, 2024<br>2025, 2026, 2038, 2060  |
| Budget message .....  | 158   |
| Committees to escort .....  | 36, 158, 2030   |
| Letters   |   |
| Appropriation recommendations .....                               | 258, 259  |
| LB 609, LB 647, homestead exemption,<br>proposed amendments ..... | 1530  |
| LB 740CA, no signature .....                                      | 2040  |
| LB 964CA, no signature .....                                      | 2040, 2053  |
| LB 1004, no signature .....                                       | 2041, 2062  |
| LR 30 .....   | 771   |
| Report on Interagency Water                                       |   |
| Coordinating Committee .....                                      | 1041  |
| Welcome .....   | 37  |
| Messages, approvals .....   | 581, 621, 644,<br>677, 712, 726, 740, 775, 803, 804, 934,<br>1040, 1062, 1063, 1067, 1189, 1215, 1236,<br>1265, 1281, 1346, 1373, 1476, 1551, 1576,<br>1584, 1594, 1595, 1679, 1685, 1734, 1811,<br>1825, 1849, 1944, 1951, 1952, 1976, 2006,<br>2039, 2042, 2043 |
| <b>HOLIDAYS</b>   |   |
| Easter vacation, employees .....                                  | 1124  |

**HOSPITALIZED**

|                        |          |
|------------------------|----------|
| Jules Burbach .....    | 433, 739 |
| Steve Fowler .....     | 362      |
| Mrs. Tom Kennedy ..... | 241      |
| Jim Wynkoop .....      | 970      |

**JOURNAL, LEGISLATIVE**

|  |      |
|--|------|
| Approve, 60th Day .....                            | 2031 |
| Permanent Journal,<br>printing, distribution ..... | 2029 |

**LIEUTENANT GOVERNOR**

|                    |      |
|--------------------|------|
| Appreciation ..... | 2030 |
|--------------------|------|

**LOBBYISTS REPORTS**

|       |  |
|-------|--|
| ..... | 225, 297, 419, 483, 614, 690, 705,<br>803, 919, 1042, 1197, 1557, 1653, 1952 |
|-------|--|

**MOTIONS**

|   |                              |
|---|------------------------------|
| “A” bills, general fund, bracket .....                            | 208, 228, 1698               |
| Appreciation, Speaker,<br>Lt. Governor .....                      | 2030                         |
| Change Speaker’s order .....                                      | 1812                         |
| Disposition of bills .....  | 2029                         |
| E & R Chairman .....  | 2029                         |
| Extend Session .....  | 1854                         |
| Reconsider override .....   | 2008                         |
| Reconsideration .....   | 1724                         |
| Session Laws, Journals .....                                      | 2029                         |
| Suspend all pertinent rules .....                                 | 1731                         |
| Suspend rules, Final Reading .....                                | 1920, 1953                   |
| Suspend rules, vote without further<br>amendments or debate ..... | 1720, 1803, 1852, 1854, 1863 |
| Time limit, vote .....  | 1852                         |

**OATHS OF OFFICE**

|                                       |    |
|---------------------------------------|----|
| Bill Barrett, 39th District .....     | 44 |
| Harry Chronister, 18th District ..... | 42 |
| Ray Powers, 9th District .....        | 40 |

**PRINT IN JOURNAL, UNANIMOUS CONSENT**

|   |      |
|---|------|
| Floor debate on LB 525 (Chambers) .....                                 | 493  |
| Irish, statement on (Murphy) .....                                      | 1243 |
| Nebr. Accountability and Disclosure<br>Commission letter (Newell) ..... | 1707 |
| Req. #1586, Murphy amendment .....                                      | 897  |

**REFERENCE REPORTS**

..... 189, 233, 291, 334, 363, 416, 504  
559, 603, 640, 939, 953

**REPORTS, ACKNOWLEDGED**

|  |      |
|--|------|
| Auditor of Public Accounts, Public Employee's Retirement Board, annual report.....                               | 104  |
| Audits, state agencies.....  | 297  |
| Board of Examiners in Medicine and Surgery, physician's assistants, status report.....                           | 1595 |
| Board of Jail Standards, first year composite report.....  | 105  |
| Board of Regents, annual report.....   | 1100 |
| Commission on Aging  |      |
| Non-federal share of aid to elderly.....   | 104  |
| Extension of time on report.....   | 105  |
| Services and Resource Utilization Inventory.....   | 990  |
| Community colleges, area funds, budgets.....   | 102  |
| Correctional Improvement Program, Leisure Time Activities Evaluation Team, quarterly report.....                 | 104  |
| Dept. of Administrative Services, Accounting Division, annual fiscal report.....                                 | 104  |
| Dept. of Aeronautics, annual report.....   | 104  |
| Dept. of Agriculture, fee schedule update, Division of Weights and Measures, Dairies and Foods.....              | 103  |
| Dept. of Agriculture, Marketing Division, activity report.....   | 105  |
| Dept. of Agriculture, Grade A Pasteurized Milk Ordinance.....  | 2064 |
| Dept. of Correctional Services, annual report.....   | 227  |
| Dept. of Correctional Services, central utility plant, State Penitentiary.....                                   | 105  |
| Dept. of Economic Development, biennial report.....  | 103  |
| Dept. of Education, Displaced Homemaker Centers, operation.....  | 104  |
| Dept. of Education, legislative intent for instructional television.....   | 103  |
| Dept. of Education, Teacher Certification and Professional Practices Commission Certification, fee proposal..... | 105  |

|  |                         |
|--|-------------------------|
| Dept. of Environmental Control, financial status<br>of Construction Grants Program.....  | 103                     |
| Dept. of Health, Nebr. Health Care Certificate of<br>Need Act, clinical equipment .....  | 105                     |
| Dept. of Justice, activities of Medical<br>Fraud Control Unit.....   | 103                     |
| Dept. of Labor, annual report.....   | 198                     |
| Dept. of Personnel, copy of merger legislation<br>with Joint Merit System .....  | 105                     |
| Dept. of Personnel, training course offered<br>for supervisors .....   | 105                     |
| Dept. of Public Institutions,<br>annual report .....   | 446                     |
| Dept. of Public Institutions,<br>applicants for admission .....  | 103                     |
| Dept. of Public Welfare,<br>medicaid information .....   | 104                     |
| Dept. of Roads, Advertising<br>Control Program .....   | 342                     |
| Dept. of Roads, Nebr. Public<br>Transportation, annual report.....   | 433                     |
| Dept. of Roads, Nebr. State Highway<br>Commission, quarterly report.....   | 104                     |
| Dept. of Roads, roads as certified by<br>Game and Parks Commission .....   | 105                     |
| Dept. of Roads, State Highway Commission,<br>quarterly report .....  | 535                     |
| Interagency Water Coordinating<br>Committee, streamflow.....   | 1041                    |
| Natural Resource Districts .....   | 106, 151, 198, 243, 433 |
| Natural Resources Commission, State<br>Water Planning and Review Process,<br>annual report .....                                 | 103                     |
| Natural Resources Commission, Water<br>Conservation Fund and Resources<br>Development Fund.....                                  | 102                     |
| Natural Resources Commission, work<br>accomplished by Development Fund.....  | 103                     |
| Nebr. Accountability and Disclosure Commission,<br>summary of activities of political<br>action committees, 1978 elections ..... | 104                     |
| Nebr. Commission on Rural Health<br>Manpower, annual report .....  | 106                     |
| Nebr. Commission on Status of Women,<br>annual report .....  | 103                     |

|   |          |
|---|----------|
| Nebr. Indian Commission,<br>annual report .....   | 1067     |
| Nebr. Liquor Control Commission, licenses,<br>revenue, expenditures .....   | 105      |
| Nebr. Military Dept.,<br>annual report .....  | 105      |
| Nebr. State Board of Landscape Architects,<br>annual report .....   | 535      |
| Nebr. State Colleges, Board of Trustees,<br>cooperative programs initiated among<br>state colleges, salary distribution .....               | 103      |
| Nebr. State Colleges, Board of Trustees,<br>non-degree courses, receipts, expenditures, salary<br>distribution of discretionary funds ..... | 104      |
| Nebr. State Probation System,<br>workload study .....   | 103      |
| Nebr. Workmen's Compensation Court,<br>annual report .....  | 104      |
| Policy Research Office, report on review of<br>county and municipal land-use regulations .....  | 322      |
| Public Employees Retirement Board,<br>actuarial valuations .....  | 889      |
| State Athletic Commissioner, annual<br>and study report .....   | 103      |
| State Building Division,<br>construction contracts .....  | 102      |
| State Claims Board, claims processed under<br>State Tort Claims Act .....   | 227      |
| State Communications Advisory Board,<br>proceedings of meeting .....  | 105, 920 |
| State Court Administrator, structures and<br>operations, annual report .....  | 104      |
| University of Nebraska, cooperative programs,<br>University of Nebr., State Colleges, Tech<br>Community Colleges; non-degree courses .....  | 104      |

## RESOLUTIONS

|  |  |
|--|--|
| 30. Proposed constitutional amendment on<br>District of Columbia<br>representation. (Haberman et al) ... | 150, 157, 354, 401,<br>483, 487, 533, 624, 632, 657, 658, 699, 771 |
| 43. Apartheid system of South Africa, funds,<br>review. (Chambers, Fowler) .....                         | 1595, 1621   |
| 179. Creation of the Water Policy Decision<br>Commission. (DeCamp) .....                                 | 116, 775   |

GENERAL INDEX

2301

- 180. Invite Chief Justice to address Legislature  
annually. (Beutler)..... 120, 199, 228
- 181. Sympathy to William Brennan family.  
(Powers et al) ..... 121, 184, 228
- 182. Coach Cipriano and staff.  
(Venditte et al) ..... 188, 229, 265
- 183. Soviet grain embargo.  
(Schmit et al) ..... 194, 214, 229, 265
- 184. Cease testing of Russian tractors.  
(Haberman) ..... 202, 243
- 185. School land, Cheyenne County, mineral rights.  
(Clark) ..... 222, 273, 326
- 186. Reduce work days, reduce energy  
expended. (Venditte) ..... 239, 347
- 187. All Faiths Chapel, meeting hall,  
Nebr. Center for Women at York.  
(Sieck, Maresh, Kremer) ..... 302, 334, 348
- 188. John G. Neihardt, commemorative stamp.  
(George)..... 329, 348, 403
- 189. Sympathy to Dana X. Bible.  
(Nichol) ..... 348, 447, 466, 747
- 190. Commend M. E. Wyant, Beatrice.  
(Burrows)..... 380, 447, 466
- 191. Chapel and meeting hall at Nebr. Center for  
Women, York, establish fund.  
(Sieck, Maresh, Kremer) ..... 407, 447, 480
- 192. Continue service on Rock Island Line.  
(Maresh et al)..... 473
- 193. Commend Archer-Daniels-Midland and Coca-Cola  
Bottling Company for industry and achievement.  
(Schmit, George) ..... 503, 554, 600
- 194. Sympathy to John E. Mekota family.  
(Maresh) ..... 539, 554, 600
- 195. Study regarding American Bar Association  
Model Procurement Code.  
(Beutler) ..... 557, 1888
- 196. Thanking Canadian people for action in leading  
escape of American diplomats from Iran.  
(Hoagland et al) ..... 587, 644, 658
- 197. Physician's Assistants Day, April 18, 1980.  
(Schmit et al)..... 604, 1595, 1621
- 198. Dept. of Economic Development study of  
continued service on Rock Island Line.  
(DeCamp) ..... 654, 2016
- 199. Commend Paula Sue Blecha, Humboldt,

- basketball achievements. (Merz).....670, 687, 713
200. Mari Sandoz Bust, Hall of Fame.  
(Cullan) .....696, 1100, 1184
201. Sympathy to William J. Froelich family.  
(DeCamp) .....718, 747, 775
202. UNL women's athletic programs.  
(Vickers) .....831, 936, 969
203. Recognize U.S. athletes in 13th Winter  
Olympics. (Venditte).....850, 936, 969
204. Encourage wearing yellow ribbons until hostages  
in Iran are released.  
(Wagner, Lewis) .....860, 936, 969
205. Wrestling teams. (Nichol et al) .....883, 936, 969
206. Commend sculptor Ted Long, North Platte.  
(Rumery) .....966, 1043, 1184
207. Sympathy to Dworak family.  
(Goodrich et al) .....997, 1013
208. Commend Omaha Westside swim teams.  
(Koch) .....1000, 1100, 1184
209. Employ the Older Worker Week.  
(Marsh) .....1025, 1043, 1184
210. Welcome NCAA teams and coaches.  
(Schmit, Cullan) .....1036, 1043, 1184
211. Commend Myrl Manley, President of Union  
College. (Marsh) .....1095, 1487, 1497
212. Sympathy to Koch family.  
(Lewis et al) .....1097, 1184
213. Commend UN basketball team.  
(Carsten, Nichol, Reutzel).....1100, 1187, 1215
214. Commend Hemingford High School basketball  
team. (Cullan) .....1119, 1187, 1215
215. Commend girl's basketball teams.  
(Warner et al) .....1158, 1187, 1250
216. National School Guidance Week.  
(Koch) .....1212, 1595, 1621
217. 1980 Teacher of the Year, Marge Tabor.  
(Koch) .....1212, 1595, 1621
218. Study of interest rates and consumer credit.  
(Banking) .....1227, 1888
219. Boys Class B basketball championship,  
Hartington Cedar Catholic.  
(Hefner) .....1241, 1595, 1621
220. Boys Class C basketball,  
Hartington High School.  
(Hefner) .....1242, 1596, 1621

221. Boys Class A basketball champions,  
Omaha Westside. (Koch et al).....1242, 1596, 1621
222. Study of proposed power transmission facility,  
Mandan Line. (Lewis)..... 1245, 1888
223. Class D boys basketball champions,  
Filley High School.  
(Burrows, Merz) .....1255, 1596, 1621
224. Class C boys basketball and football  
champions, Fremont Bergan High School.  
(Reutzel) .....1255, 1596, 1621
225. Study statutory benefits to injured employees  
and dependents under workmen's compensation  
statutes. (Chambers)..... 1270, 1888
226. Condemn businesses utilizing reprisals against  
employees engaged in any issue of public  
importance. (Keyes et al) .....1271, 1482, 2016
227. Study relationship between Eppley Institute  
for Research in Cancer and UN Medical  
Center. (Chambers) ..... 1275, 1888
228. Study procedures in filling vacancies in elective  
office. (Government).....1277, 1889
229. Study relating to mileage allowance for all  
public employees. (Government)..... 1278, 1889
230. Study impact of electric generating plants on  
small communities. (Government)..... 1278, 1889, 1892
231. Study all aspects of state civil defense.  
(Government)..... 1278, 1889
232. Study use of small energy efficient  
vehicles. (Government) ..... 1279, 1889
233. Study all aspects of North Freeway Project in  
Omaha. (Chambers) ..... 1280, 1433, 1889
234. Study evaluation of potential constitutional  
amendments relating to municipal home rule  
in Nebraska. (Const. Rev.)..... 1282
235. Study need for constitutional amendment to provide  
Legislature control over funds appropriated  
to University of Nebraska.  
(Const. Rev.)..... 1284, 1890
236. Study possible revisions to Constitution pertaining  
to powers of initiative and referendum.  
(Const. Rev.)..... 1285, 1889
237. Study possible constitutional amendment whether  
supreme court should be authorized to issue  
opinions on questions by Legislature or  
Governor. (Const. Rev.)..... 1285, 1889

238. Study to review current set of rules and regulations and systems utilized by other states. (Adm. Rules).....1286, 1889
239. Study relating to Administrative Procedures Act, review. (Adm. Rules).....1287, 1889
240. Study utilization of Attorney General opinions and effects they have on legal and legislative system. (Chambers) .....1288, 1889
241. Study of revision in Nebraska housing authority statutes. (Urban Affairs).....1298, 1890
242. Study of cities increasing capital requirements for street and sewer systems. (Goodrich) .....1299, 1890
243. Study of legislation granting statutory right to grandparents seeking visitation of grandchildren. (Stoney, Nichol).....1299
244. Study of arson laws. (Stoney).....1300, 1890
245. Study of statutes governing suspension of drivers' licenses. (Pub. Works).....1300
246. Study procedures with motor vehicle license plates. (Pub. Works).....1301
247. Study existing motor vehicle industry license classifications and requirements. (Pub. Works) .....1302
248. Study Highway Allocation Fund distribution formulas, dealers commission, shrinkage allowance. (Newell) .....1309, 1890
249. Study of criminal statutes, evidentiary status of mechanical and/or electronic devices. (Judiciary).....1310, 1890
250. Study operation of merit system for retention and selection of judges. (Reutzel, Sieck) .....1310, 1890
251. Study state's insurance laws and regulations. (Banking) .....1317, 1890
252. Study of Nebraska's commerce and industry. (Banking) .....1318, 1890
253. Study of major money sources, money flow. (Banking) .....1319, 1890
254. Study relationship of University of Nebraska foundation to UN fiscal administration. (Landis).....1346, 1890
255. Study of Mechanic's Lien Law system, protects property owners from double liability on improvements. (Beutler, Pirsch) .....1347, 1890

256. Study of criteria to determine when patient or resident may be released from mental institution. (Venditte et al)..... 1347, 1890
257. Study of Nebraska limited partnership statutes. (Banking) ..... 1348
258. Study of law enforcement needs of public works projects involving large construction. (Judiciary) ..... 1353, 1889, 1890, 1892
259. Study efforts to eliminate barriers to disabled and handicapped. (Fowler)..... 1353, 1890
260. Study funding of State Community and Vocational Tech Colleges. (Banking)..... 1354
261. Study methods of taxing or exemptions of insurance companies. (Johnson) ..... 1355
262. Study standards of need used in welfare programs. (Johnson) ..... 1356, 1891
263. Study topics related to water resources. (Pub. Works)..... 1357, 1891
264. Study to extend current recodification of Juvenile Code. (Nichol) ..... 1358
265. Study restrictions which limit public access of Dept. of Revenue records. (Perf. Rev. & Audit)..... 1363, 1891
266. Study of Nebr. Business Corporation Act. (Judiciary)..... 1364, 1891
267. Study policies of corrections and sentencing in Nebraska. (Judiciary)..... 1364, 1891
268. Study civil procedure laws. (Judiciary)..... 1365, 1891
269. Study of taxation and school finance structure. (Burrows, Sieck) ..... 1365, 1891, 1893
270. Study of driver training programs. (Landis, Powers) ..... 1366
271. Study need for Lincoln Medical Center College of Nursing. (Appro.)..... 1367, 1891
272. Study of various aspects of public employee retirement programs. (Neb. Ret. Systems)..... 1367, 1891
273. Study child care needs in Nebraska. (Fowler)..... 1368, 1891
274. Study issue of compensation and expenses provided to county officials. (Kahle)..... 1369, 1891
275. Study to review process whereby accused persons

- are found incompetent to stand trial.  
(Landis) ..... 1376
276. Study effectiveness of law enforcement agencies in  
Nebraska. (Fowler et al)..... 1401, 1891
277. Study of psychiatric institutions.  
(DeCamp et al) ..... 1402
278. Jail Standards Board rules, review process of  
how administrative rules are reviewed.  
(Adm. Rules)..... 1403, 1891
279. Study of habitual criminal statutes.  
(Landis) ..... 1404
280. Study of Educational Television Network, coverage  
of legislative activities, contributions.  
(Maresh, Burrows, Merz)..... 1404
281. Study impact of Political Subdivision  
Budget Limit Act of 1979.  
(Carsten et al)..... 1405, 1892
282. Study of issues of concern to agriculture in  
Nebraska. (Schmit et al)..... 1411, 1892
283. Study issues of LB 665, 1980, Nebraska  
Aging Services Act.  
(Powers et al) ..... 1411, 1892
284. Study to develop a tax incidence data base.  
(Carsten) ..... 1412, 1892
285. Study of Nebraska Safety Inspection Program  
for motor vehicles.  
(Misc. Subj.)..... 1412
286. Study to determine what percentage of alcohol in  
gasohol is best suited to use in internal combustion  
engines. (Maresh, Merz, Schmit)..... 1413
287. Study of lotteries.  
(DeCamp, Simon)..... 1414, 1892
288. Study to review recommendations of National  
Commission on Unemployment Compensation.  
(Bus. & Labor)..... 1414, 1892
289. Study various fees and statutes related to  
Public Service Commission.  
(Misc. Subj.) ..... 1415, 1892
290. Study of air transportation facilities in  
Nebraska. (Misc. Subj.)..... 1415
291. Study of liquor industry's licensing structure.  
(Misc. Subj.) ..... 1416, 1892
292. Study process for guidelines of reapportionment.  
(Misc. Subj.) ..... 1416, 1892
293. Study of nursing home industry in Nebraska.

GENERAL INDEX

2307

- (Simon) ..... 1417, 1892
- 294. Study of nursing home industry in Nebraska.  
(Simon)..... 1418
- 295. Study of unified information and referral services  
for all state government services.  
(Appro.) ..... 1418, 1892
- 296. Study process of sealing records under age 21  
for drug and alcohol offenses.  
(Goodrich)..... 1419
- 297. Study to develop uniform health care financial  
reporting system. (Wesely)..... 1419
- 298. Study programs serving juveniles who come in  
contact with law enforcement and criminal  
justice system. (Wesely) ..... 1420
- 299. Study programs for handicapped, disabled,  
and elderly. (Wesely) ..... 1420
- 300. Study of vocational education programs.  
(Education)..... 1421, 1892
- 301. Study of driver education.  
(Education) ..... 1422
- 302. Study of allowing students to test out of  
high school. (Education) ..... 1422
- 303. Study of transfer of land from one school  
district to another.  
(Education)..... 1423, 1892
- 304. Study impact to schools due to federal military  
and government installations, and major  
state construction projects.  
(Education) ..... 1424, 1889, 1890, 1892
- 305. Study of current and future energy needs.  
(DeCamp, Fowler, Wesely) ..... 1425, 1893
- 306. Study of Dept. of Public Welfare.  
(Cullan et al)..... 1426, 1893, 1950
- 307. Study organizational structures of Nebraska  
public power districts.  
(Pub. Works)..... 1426, 1893
- 308. Study need for restructure of Nebraska public  
power. (Pub. Works)..... 1427, 1893
- 309. Study of Nebraska road system.  
(Pub. Works)..... 1429, 1893
- 310. Study advisability of Nebraska joining the  
Nonresident Violator Compact.  
(Pub. Works) ..... 1431
- 311. Study aspects of used car industry in  
Nebraska. (Chambers)..... 1431

312. Study real estate and mortgage lending practices in older neighborhoods. (Johnson) ..... 1432, 1893
313. Study financing of education in Nebraska. (Keyes) ..... 1432, 1891, 1893
314. Study need for statewide building code. (Wesely) ..... 1435
315. Study health education in schools. (Wesely) ..... 1435
316. Study use of preferences for products made in America and Nebraska in making state and local government purchases. (Landis) ..... 1436, 2020
317. Study areas of concern to improve legislative process. (Wesely et al) ..... 1436, 1893
318. Study need to participate in Goals for Nebraska Project. (Wesely) ..... 1437
319. Study of possible "Buy American" legislation. (Wesely) ..... 1438, 2020
320. Study funding of State Regional Centers and Beatrice State Developmental Center. (Wesely) ..... 1439, 1893
321. Study of separate agencies involved in inspecting food facilities. (Haberman) ..... 1439, 1893
322. Study of regulation of acupuncture in Nebraska. (Burrows) ..... 1440
323. Study of diagnosis and treatment of blind persons in Nebraska. (Hoagland) ..... 1441
324. Study Omaha flood control. (Urban Affairs) ..... 1471, 1893
325. Study all state post-secondary educational institutions. (Education) ..... 1472
326. Study of inequities within the school transportation system. (Education) ..... 1473, 1893
327. Rock and Roll Jamboree. (Nichol, Pirsch) ..... 1481, 2016
328. Commend Board of Trustees of Nebr. State Colleges on evaluating budget. (Haberman) ..... 1496, 2016
329. Urge all levels of government to urge lower interest rate. (Burrows) ..... 1496, 2016
330. Mediation procedures to settle industrial disputes. (Landis) ..... 1499, 2016
331. Commend Nebr. Advocacy Services.

GENERAL INDEX

2309

(Wesely) ..... 1627, 2016

332. Urges planting trees on Arbor Day.  
 (Carsten) ..... 1632, 2017

333. Commend UNL swimming and diving team for  
 championship. (Wesely) ..... 1632, 2017

334. Kearney State College Basketball Team.  
 (Cope, Kahle et al) ..... 1652, 2017

335. Research potential of gasohol as alternate energy  
 source. (Schmit, Merz, Maresh) ..... 1655, 2017

336. Secretaries Week and Secretaries Day.  
 (Stoney) ..... 1667, 2017

337. National Park Service, Midwest Regional  
 Office, retention. (Powers) ..... 1723, 2017

338. UNL Gymnastics Team, 1980 NCAA Championship.  
 (Wesely, Carsten et al) ..... 1728, 2017

339. Professional licensure.  
 (Wesely) ..... 1800, 2017

340. Forgotten Victims Week.  
 (Pirsch) ..... 1822, 2017

341. Legislative approval of contracts between state  
 agencies and labor organizations.  
 (Bus. & Labor) ..... 1836, 2017

342. Study of drug abuse.  
 (Simon) ..... 1837

343. National Strategy of Peace Through Strength.  
 (DeCamp) ..... 1862, 2017

344. Iowa acquisition of land along Missouri  
 River. (Kremer et al) ..... 1911, 2018

345. Information on revenue estimates.  
 (Warner et al) ..... 1946, 1952, 1958

346. Victims Rights Week.  
 (Pirsch) ..... 2018

347. Milligan Auditorium, fiftieth anniversary.  
 (Maresh et al) ..... 2019

348. Acknowledge dedicated service of retiring  
 members of the Legislature.  
 (Powers) ..... 2028

**RULES, AMENDMENTS, MOTIONS**

Adopt permanent rules ..... 127, 187

Adopt temporary rules ..... 36

Committee reports ..... 125, 133, 992, 1046

Hearing notices ..... 782, 882, 983

Rule 1, Sec. 16, agenda  
 (Rules Comm.) ..... 125, 127

|  |  |
|--|--|
| Rule 3, committee structure<br>(Revamp by Rules Comm.) .....                     | 133, 185, 187                          |
| Rule 3, Sec. 1, committees in general .....                                      | 133                                    |
| Rule 3, Sec. 2, appointment of committees.....                                   | 134, 146, 157                          |
| Rule 3, Sec. 3, Select Committees .....  | 135                                    |
| Rule 3, Sec. 4, Special Committees .....   | 137                                    |
| Rule 3, Sec. 5, meeting times.....   | 138, 185                               |
| Rule 3, Sec. 6, chairpersons .....   | 139                                    |
| Rule 3, Sec. 7, committee quorum .....   | 139, 185                               |
| Rule 3, Sec. 8, hearings, quorum .....   | 139                                    |
| Rule 3, Sec. 9, temporary appointments.....                                      | 139                                    |
| Rule 3, Sec. 10, committee procedural<br>rules .....                             | 139                                    |
| Rule 3, Sec. 11, consideration and correlation of<br>bills and resolutions ..... | 140                                    |
| Rule 3, Sec. 12, public hearing, notice .....                                    | 140                                    |
| Rule 3, Sec. 13, State officials appearing<br>before committees.....             | 140, 185                               |
| Rule 3, Sec. 14, executive sessions and closed<br>meetings .....                 | 141, 144, 156, 157, 185, 498, 782, 882 |
| Rule 3, Sec. 15, report of bill to<br>Legislature .....                          | 141                                    |
| Rule 3, Sec. 16, indefinitely postponed bills .....                              | 141                                    |
| Rule 3, Sec. 17, committee statements.....                                       | 142, 186                               |
| Rule 3, Sec. 18, request from Committee,<br>bills held .....                     | 142                                    |
| Rule 3, Sec. 18, enrollment and review,<br>authority.....                        | 692, 782, 882, 992                     |
| Rule 3, Sec. 19, revamp, investigating<br>committees .....                       | 498, 782, 882                          |
| Rule 3, Sec. 22, investigating<br>committees .....                               | 143, 498, 1046                         |
| Rule 4, Sec. 2, Resolutions.....   | 125, 127                               |
| Rule 5, Sec. 4, signers on bills .....   | 126, 127                               |
| Rule 5, Sec. 5, introduction of bills .....                                      | 1925                                   |
| Rule 5, Sec. 6, Fiscal Analyst .....   | 1875                                   |
| Rule 6, new Sec. 2, bill reference.....  | 126                                    |
| Rule 6, Sec. 3, amendments,<br>votes .....                                       | 406, 782, 882, 992                     |
| Rule 6, Sec. 10, bills vetoed.....   | 126, 128                               |
| Rule 7, Sec. 1, recess after introduction<br>period of new bills .....           | 127                                    |
| Rule 7, Sec. 3, amending .....   | 407, 782, 882, 992                     |
| Rule 7, Sec. 4, previous question .....  | 127, 133                               |

**RULINGS OF THE CHAIR**

|   |   |
|---|---|
| Amendments, germane .....   | 1206, 1207, 1233,<br>1572, 1762, 1763, 1775, 1778, 1779, 1818 |
| Debate limit .....  | 1852  |
| Override, reconsider .....  | 2008  |
| Previous question .....   | 437, 647, 1819  |
| Reconsideration, different stage<br>in process.....                                       | 1641  |
| Select File, take up specific amendment immediately<br>on return from Final Reading ..... | 647   |
| Suspend all pertinent rules .....   | 1731  |
| Suspend rules, reconsideration .....  | 1725  |

**SECRETARY OF STATE**

|                                      |                        |
|--------------------------------------|------------------------|
| Governor appointments, legislative   |                        |
| Bill Barrett .....                   | 43                     |
| Harry Chronister .....               | 41                     |
| Ray Powers.....                      | 39                     |
| Letters and certificates on bills    |                        |
| LB 261CA.....                        | 804                    |
| LB 280 .....                         | 2043                   |
| LB 283 .....                         | 2044                   |
| LB 595 (1979).....                   | 101                    |
| LB 690, 690A.....                    | 2045                   |
| LB 740CA .....                       | 2048                   |
| LB 765, 765A.....                    | 2032, 2033, 2048, 2049 |
| LB 773A.....                         | 2033, 2050             |
| LB 790A.....                         | 2043, 2063             |
| LB 853A.....                         | 2035, 2052             |
| LB 964CA.....                        | 2053                   |
| LB 995 .....                         | 2035, 2054             |
| LB 996 .....                         | 2036, 2055             |
| LB 997 .....                         | 2036, 2056             |
| LB 998 .....                         | 2037, 2057             |
| LB 999 .....                         | 2037, 2058             |
| LB 1001 .....                        | 2037, 2059             |
| LB 1002 .....                        | 2038, 2060             |
| LB 1004 .....                        | 2062                   |
| Roster of members, 2nd Session ..... | 37                     |

**SESSION LAWS**

|                              |      |
|------------------------------|------|
| Distribution, printing ..... | 2029 |
|------------------------------|------|

**SPEAKER OF THE LEGISLATURE**

|                              |      |
|------------------------------|------|
| Agenda, 60 day session ..... | 129  |
| Appreciation .....           | 2030 |

|                                 |   |
|---------------------------------|---|
| Bills, passed over .....        | 130, 443, 466, 543, 759,<br>969, 1100, 1153, 1210, 1267                             |
| Bills, requests, deadline ..... | 253   |
| Bills, special order .....      | 129, 130, 148, 313, 533, 650<br>759, 809, 856, 919, 930, 934, 977, 1009, 1130, 1482 |
| Change Speaker's order .....    | 1812  |
| Debate, limit General File..... | 1803  |

**VISITORS, FOREIGN**

|                   |          |
|-------------------|----------|
| Germany.....      | 1948     |
| Italy.....        | 598      |
| Moscow .....      | 1213     |
| Norway .....      | 618, 792 |
| Puerto Rico.....  | 1739     |
| Saudi Arabia..... | 1810     |
| Uraquay .....     | 389      |

SUBJECT  
index  
to  
BILLS INTRODUCED

This index includes all bills introduced during the Eighty-Sixth Legislature, Second Session and all bills carried over from the Eighty-Sixth Legislature, First Session. Constitutional amendments are identified by a C.A. after the subject line.

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Subject Index to Bills Introduced  
Eighty-Sixth Legislature of Nebraska  
Second Session, 1980

|  |      |
|--|------|
| ABORTION   |      |
| Insurance coverage, restriction (Dworak, Labeledz).....                                      | 891  |
| ABSTRACTORS BOARD OF EXAMINERS   |      |
| Appropriations (Appro. Comm.).....   | 996  |
| ABUSE  |      |
| Adult Protective Services Act (Law Enf. Comm.).....  | 736  |
| ACCIDENTS  |      |
| No-Fault Motor Vehicle Insurance Act, Ne. (Banking Comm.).....                               | 906  |
| Railroad, reports (Pub. Works Comm.).....  | 203  |
| ACCOUNTANCY, PUBLIC, NEBRASKA STATE BOARD OF   |      |
| Appropriations (Appro. Comm.).....   | 996  |
| ACCOUNTANTS (See, also, Public Accountants)  |      |
| Audit standards, provisions (Govt. Comm.).....   | 921  |
| Auditor of Public Accounts, requirement (Chronister).....                                    | 935  |
| CPA's, expiration date for permits, continuing education dates<br>(Banking Comm.).....       | 276  |
| ACUPUNCTURISTS   |      |
| Licensing (Burrows).....   | 937  |
| ADMINISTRATIVE AGENCIES  |      |
| Rules, notice and waiver provisions change<br>(Admin. Rules Comm.).....                      | 846  |
| ADMINISTRATIVE DEPARTMENTS, STATE  |      |
| Athletic Commissioner, State, duties, provision change<br>(Misc. Subj. Comm.).....           | 849  |
| Appropriation bill.....  | 849A |
| Bank examiners, State Classification and Pay Plan, removal from<br>(Banking Comm.).....      | 448  |
| Buildings, state, deferred maintenance (Bldg. Maint. Comm.)....                              | 835  |
| Crime Victim's Reparations and State Claims Board<br>(Appro. Comm.).....                     | 815  |
| Disaster, Resource Crisis, and Civil Defense Act, Ne., rename<br>(Kremer, Req. of Gov.)..... | 831  |
| Appropriation bill.....  | 831A |
| Fire Marshal, State, open burning, ban, waiver (Hefner).....                                 | 810  |
| Flood control procedures (Simon).....  | 656  |
| Appropriation bill.....  | 656A |
| Motor Vehicle Industry Licensing Board, continuation<br>(Pub. Works Comm.).....              | 820  |
| Pasteurized Milk Law, Nebraska (Ag. & Env. Comm.).....                                       | 632  |
| Appropriation bill.....  | 632A |
| Personnel system, provisions (Appro. Comm.).....   | 987  |
| Appropriation bill.....  | 987A |
| Postage costs, State Purchasing Agent, provision change<br>(Appro. Comm.).....               | 950  |
| Salaries, state officers, appropriations<br>(Marvel, Req. of Gov.).....                      | 674  |

|   |      |
|---|------|
| <b>ADMINISTRATIVE SERVICES, DEPARTMENT OF</b>   |      |
| Appropriations (Appro. Comm.) .....   | 998  |
| Appropriations, deficit or revised (Appro. Comm.) .....   | 995  |
| Appropriations, state aid programs (Appro. Comm.) .....   | 1002 |
| Capital construction, appropriations (Appro. Comm.) .....   | 1001 |
| Furniture, Capitol, identification, preservation, maintenance<br>(Appro. Comm.) .....                                 | 885  |
| Sheriffs, uniforms, specifications (Haberman) .....   | 840  |
| <b>ADMINISTRATIVE SERVICES, DIRECTOR OF</b>   |      |
| Auctioneer Commission Fund, Ne., disbursements (Banking Comm.) ..   | 786  |
| Claims, state, miscellaneous, payment of (Bus. & Labor Comm.) ..  | 993  |
| Flood control, statement of cost (Simon) .....  | 656  |
| Appropriation bill .....  | 656A |
| Political Subdivision Property Tax Relief Fund, duties<br>(DeCamp) .....  | 711  |
| Property tax, ad valorem, relief funds, warrants<br>(Revenue Comm.) .....   | 691  |
| Appropriation bill .....  | 691A |
| Workmen's Compensation Court Cash Fund, warrants<br>(Banking Comm.) .....   | 197  |
| <b>ADOPTION</b>   |      |
| Child born out of wedlock, relinquishment or consent<br>requirements, investigation, access to records (Newell) ..... | 483  |
| Expenses, certain, income tax credit (Nichol) .....   | 897  |
| Identification of relatives, procedures (Newell, Kelly) .....   | 992  |
| Infants, handicapped, placement of, remove restrictions<br>(Lewis) .....  | 951  |
| Investigations, limiting (Pub. Health Comm.) .....  | 681  |
| <b>ADULT PROTECTIVE SERVICES ACT</b>  |      |
| Adoption of (Law Enf. Comm.) .....  | 736  |
| <b>ADVERTISING</b>  |      |
| Bids, Nebr. Municipal Cooperative Financing Act (Govt. Comm.) ..  | 243  |
| Drug paraphernalia, advertisement, prohibit (Law Enf. Comm.) ..   | 991  |
| False, misleading, penalty (Misc. Subj. Comm.) .....  | 185  |
| Food Safety and Quality Law, Nebraska, restrictions<br>(Ag. & Env. Comm.) .....                                       | 630  |
| Appropriation bill .....  | 630A |
| Funeral directors, provision change (Pub. Health Comm.) .....   | 94   |
| Mediums, good faith advertising (Misc. Subj. Comm.) .....   | 186  |
| Restriction, public power districts, electric revenue<br>(LR 161 Comm.) .....   | 458  |
| Unauthorized, Motor Vehicle Industry Licensing Board, provision<br>change (Pub. Works Comm.) .....                    | 820  |
| <b>AERONAUTICS</b>  |      |
| Airport project applications, funding, certain, restrict<br>(Govt. Comm.) .....                                       | 925  |
| Public power districts, aircraft use (Vickers) .....  | 843  |
| <b>AERONAUTICS, DEPARTMENT OF</b>   |      |
| Appropriations (Appro. Comm.) .....   | 996  |
| Appropriations, state aid programs (Appro. Comm.) .....   | 1002 |
| Department of Transportation, consolidation into (Newell) .....   | 267  |
| Appropriation bill .....  | 267A |
| Real property, rental, provision change (Maresh) .....  | 896  |
| <b>AGED AND AGING (See, also, Senior Citizens)</b>  |      |
| Homestead exemption, increase (Labadz) .....  | 647  |
| Appropriation bill .....  | 647A |

SUBJECT INDEX

2317

|  |      |
|--|------|
|  | LB   |
| Homestead exemption, provisions change(Venditte) .....           | 879  |
| Homestead Property Tax Relief Act, eligibility(Revenue Comm.)    | 608  |
| Appropriation bill .....   | 608A |
| Licenses, homes for the aged, provisions changes                 |      |
| (Pub. Health Comm.) .....  | 686  |
| Nebraska Aging Services Act, adoption of(Powers) .....           | 665  |
| Welfare, standards of need(Johnson) .....                        | 35   |
| Appropriation bill .....   | 35A  |
| <br>   |      |
| AGING SERVICES ACT, NEBRASKA                                     |      |
| Adoption of (Powers) .....                                       | 665  |
| <br>   |      |
| AGING, NEBRASKA COMMISSION ON                                    |      |
| Aging Services Act, Nebraska, director, duties (Powers) .....    | 665  |
| Appropriations(Appro. Comm.) .....                               | 998  |
| Appropriations, deficit or revised(Appro. Comm.) .....           | 995  |
| Appropriations, state aid programs(Appro. Comm.) .....           | 1002 |
| <br>   |      |
| AGREEMENTS   |      |
| Insurance consultant, procedure(Banking Comm.) .....             | 481  |
| Mobile home, recreational vehicle standards, other states        |      |
| (Kelly) .....  | 418  |
| Appropriation bill .....   | 418A |
| Plea Negotiations Act, Nebraska (Stoney) .....                   | 371  |
| <br>   |      |
| AGRICULTURAL ALCOHOL FUEL TAX FUND                               |      |
| Agricultural Products Industrial Utilization Committee,          |      |
| appropriation to(Ag. & Env. Comm.) .....                         | 121  |
| <br>   |      |
| AGRICULTURAL PRODUCTS INDUSTRIAL UTILIZATION COMMITTEE           |      |
| Appropriations(Appro. Comm.) .....                               | 996  |
| Gasohol group membership, grain alcohol plants, funding          |      |
| (Ag. & Env. Comm.) .....   | 121  |
| <br>   |      |
| AGRICULTURE  |      |
| Agricultural Alcohol Fuel Tax Fund, fund transfer, increase      |      |
| (Schmit) .....   | 876  |
| Agricultural production, permit to remove land from(Warner) ..   | 48   |
| Dry Bean Resources Act, Ne., adoption(Ag. & Env. Comm.) .....    | 738  |
| Appropriation bill .....   | 738A |
| Faraing operations, corporations, restricting(Burrows, Sieck) .. | 837  |
| Fertilizer, commercial, soil conditioners, provisions change     |      |
| (Lamb) .....   | 889  |
| Grain boards, checkoff fees, use of funds(George, Kahle) .....   | 756  |
| Ground water, conservation districts, dissolution date, change   |      |
| (Kremer) .....   | 739  |
| Interstate Compact on Agricultural Grain Marketing, ratification |      |
| of(Ag. & Env. Comm.) .....                                       | 515  |
| Irrigation, domestic wells, interference, liability exclusion    |      |
| (Kremer) .....   | 27   |
| Land, acquisition, nonresident aliens, prohibit                  |      |
| (Ag. & Env. Comm.) .....   | 852  |
| Land, agricultural, zoning, restriction(LR 169 Comm.) .....      | 876  |
| Machinery, income-producing, property tax exemptions, provisions |      |
| changes(Revenue Comm.) .....                                     | 691  |
| Appropriation bill .....   | 691A |
| Natural Resources Commission, membership, filling of vacancies   |      |
| (Goodrich) .....   | 423  |
| Natural Resources Commission, Nebraska, members, compensation    |      |
| change(Kremer) .....   | 701  |
| Appropriation bill .....   | 701A |
| Natural resources districts, improvement project areas(Lewis) .. | 851  |
| Natural resources districts, provisions changes                  |      |
| (Pub. Works Comm.) .....   | 708  |

|   |      |
|---|------|
|   | LB   |
| Potatoes, excise tax, change(Nichol) .....  | 833  |
| Projects, eligible, Ne. Water Conservation Act, requirement<br>change(Ag. & Env. Comm.).....        | 687  |
| Soil Classifiers, Professional, Division of Registration for,<br>creating(Kremer).....              | 755  |
| Water Conservation Act of 1977, sections repeal<br>(Ag. & Env. Comm.).....                          | 473  |
| <b>AGRICULTURE AND INDUSTRIAL BRANCH RAIL LINE REVITALIZATION</b>                                   |      |
| <b>ACT OF 1979</b>  |      |
| Adoption of(Pub. Works Comm.).....  | 507  |
| Appropriation bill .....  | 507A |
| <b>AGRICULTURE, DEPARTMENT OF</b>   |      |
| Agricultural production, permit to remove land from(Warner) ...                                     | 48   |
| Appropriations(Appro. Comm.) .....  | 998  |
| Appropriations, deficit or revised(Appro. Comm.) .....  | 995  |
| Appropriations, state aid programs(Appro. Comm.) .....  | 1002 |
| Dry beans, fee(Ag. & Env. Comm.).....   | 738  |
| Appropriation bill .....  | 738A |
| Food Safety and Quality Law, Nebraska(Ag. & Env. Comm.).....  | 630  |
| Appropriation bill .....  | 630A |
| Grasshopper control(Ag. & Env. Comm.).....  | 106  |
| Grasshopper Control Act, Nebraska Rangeland, provisions<br>(Nichol).....                            | 918  |
| Appropriation bill .....  | 918A |
| Imported neat sales regulations(Merz).....  | 399  |
| Laboratory, soil, registration fee, increasing<br>(Ag. & Env. Comm.).....                           | 533  |
| Appropriation bill .....  | 633A |
| Livestock dealers, license application fee change<br>(Ag. & Env. Comm.).....                        | 566  |
| Livestock vaccination, provisions changes(Ag. & Env. Comm.)... ..                                   | 631  |
| Oil, certificate of inspection(Revenue Comm.) .....   | 334  |
| Appropriation bill .....  | 834A |
| Pasteurized Milk Law, Nebraska, administration of<br>(Ag. & Env. Comm.).....                        | 632  |
| Appropriation bill .....  | 632A |
| Seeds, labeling, other requirements(Ag. & Env. Comm.).....  | 633  |
| Appropriation bill .....  | 633A |
| Statistics division, office management services, authority<br>(Ag. & Env. Comm.).....               | 633  |
| Appropriation bill .....  | 633A |
| <b>AGRICULTURE, DIRECTOR OF</b>   |      |
| Food Safety and Quality Law, Nebraska(Ag. & Env. Comm.).....  | 630  |
| Appropriation bill .....  | 630A |
| Rural Rehabilitation Corporation, distribution of funds,<br>procedure change(Ag. & Env. Comm.)..... | 633  |
| Appropriation bill .....  | 633A |
| <b>AGRICULTURE, STATE BOARD OF</b>  |      |
| Appropriations(Appro. Comm.) .....  | 998  |
| Fairgrounds real estate, leasing of(Warner) .....   | 501  |
| <b>AID TO DEPENDENT CHILDREN</b>  |      |
| Increase(Chambers, Goodrich) .....  | 789  |
| Appropriation bill .....  | 789A |
| <b>AIRCRAFT</b>   |      |
| Public power districts, aircraft use(Vickers).....  | 843  |
| Retailers, tax computation and payment, alternate procedures<br>(Revenue Comm.).....                | 616  |

## AIRPORTS

|  |     |
|--|-----|
| Power transmission lines, construction or alteration,<br>changing provisions (Sieck) ..... | 611 |
| Project applications, funding certain, restrict (Govt. Comm.) ..                           | 925 |

## ALCOHOLIC LIQUORS (See, also, Liquor)

|   |     |
|---|-----|
| Alcohol abuse, educational programs (Misc. Subj. Comm.) .....   | 745 |
| Consumption on buses (Lewis) .....                              | 430 |
| Coupon plan, distributor, wholesaler, prohibiting (Lewis) ..... | 874 |
| Drinking of, minimum age (Kelly) .....                          | 221 |
| Drinking of, minimum age, C.A. (Kelly) .....                    | 350 |
| License, fee change (Misc. Subj. Comm.) .....                   | 848 |
| Sale to minors, provisions change (Kelly) .....                 | 970 |
| Sale to minors, violation, penalty (Misc. Subj. Comm.) .....    | 732 |

## ALCOHOLISM (See, also, Intoxication)

|   |      |
|---|------|
| Alcoholism and Drug Abuse, Division of, creation of<br>(Pub. Health Comm.) .....                      | 684  |
| Appropriation bill .....  | 684A |
| Decriminalizing intoxicification, date, removal of incapacitated<br>persons (Pub. Health Comm.) ..... | 259  |
| Inpatient treatment, insurance for (Goodrich) .....   | 422  |
| Insurance coverage (Powers) .....   | 646  |
| Insurance coverage, treatment, require (Banking Comm.) .....  | 907  |
| Intoxicated persons, quasi-public property, removal from<br>(Goodrich) .....                          | 947  |
| Treatment programs, DWI convictions, provisions (Merz) .....  | 651  |

## ALCOHOLISM AND DRUG ABUSE, DIVISION OF

|                                       |      |
|---------------------------------------|------|
| Creation of (Pub. Health Comm.) ..... | 684  |
| Appropriation bill .....              | 684A |

## ALIENS

|  |     |
|--|-----|
| Nonresident, agricultural land acquisition, prohibit<br>(Ag. & Env. Comm.) ..... | 852 |
|--|-----|

## ALIMONY

|   |     |
|---|-----|
| Award of, division of property (Pirsch) ..... | 622 |
|---|-----|

## ALTERNATIVE ENERGY SOURCE TAX REPUND ACT

|  |     |
|--|-----|
| Adoption of (Hefner, Req. of Gov.) ..... | 911 |
|--|-----|

## APPEALS

|   |     |
|---|-----|
| Eminent domain, attorney's fees, costs, provisions change<br>(Ag. & Env. Comm.) ..... | 630 |
| Procedure, Small Claims Court (Judiciary Comm.) .....                                 | 892 |

## APPORTIONMENT

|  |      |
|--|------|
| Judges, district, increasing number (Cullan) ..... | 619  |
| Appropriation bill .....                           | 618A |

## APPROPRIATIONS

|   |      |
|---|------|
| Appropriations, 86th Legislature, first session, acknowledgement,<br>reaffirmation (Marvel, Req. of Gov.) .....   | 676  |
| Capital construction (Marvel, Req. of Gov.) .....   | 675  |
| Capital construction (Appro. Comm.) .....   | 1001 |
| Capital construction projects, previous appropriations,<br>acknowledgement and reaffirmation (Appro. Comm.) ..... | 1000 |
| Chadron State College, physical education activity center<br>(Cullan) .....                                       | 639  |
| Claims, state, miscellaneous, payment of (Bus. & Labor Comm.) ..  | 993  |
| Education, Department of (Marvel, Req. of Gov.) .....   | 768  |

|   |      |
|---|------|
|   | LB   |
| Grasshopper Control Fund (Ag. & Env. Comm.).....  | 106  |
| Higher education, agency expenses, appropriations<br>(Appro. Comm.).....  | 999  |
| Interstate Agricultural Grain Marketing Commission reports<br>(Ag. & Env. Comm.).....                             | 545  |
| Legislative intent, certain state agencies and offices<br>(Appro. Comm.).....                                     | 1004 |
| Legislature, members, salaries (Marvel, Req. of Gov.).....  | 673  |
| National gasohol promotion group membership, grain alcohol<br>plants (Ag. & Env. Comm.).....                      | 121  |
| Nebraska State Government, expenses (Marvel, Req. of Gov.).....   | 677  |
| Political subdivisions, certain services, C.A. (Hefner).....  | 324  |
| Political subdivisions, state assistance (DeCamp).....  | 711  |
| Postage, state administrative departments, provision change<br>(Appro. Comm.).....                                | 950  |
| Salaries, officers, Nebraska State Government<br>(Marvel, Req. of Gov.).....                                      | 674  |
| State agencies (Marvel, Req. of Gov.).....  | 767  |
| State agencies, boards and commissions (Appro. Comm.).....  | 998  |
| State agencies, boards, commissions, cash funded, expenses of<br>(Appro. Comm.).....                              | 996  |
| State agencies, boards, commissions, procedures for<br>(Appro. Comm.).....  | 550  |
| State aid programs (Appro. Comm.).....  | 1002 |
| State constitutional offices (Appro. Comm.).....  | 997  |
| State employees, three per cent salary rate adjustment, deficit<br>and revised appropriations (Appro. Comm.)..... | 995  |
| Veterans' Aid Fund increase (Koch, Hefner).....   | 88   |
| <b>ARCHITECTS</b>   |      |
| Construction drawings, registration seal (Pub. Health Comm.)...   | 171  |
| Lighting and Thermal Efficiency Act, Ne., provisions<br>(Schmit, Req. of Gov.).....                               | 990  |
| <b>ARCHITECTS, LANDSCAPE, STATE BOARD OF</b>  |      |
| Appropriations (Appro. Comm.).....  | 996  |
| <b>ARCHIVES, STATE</b>  |      |
| Legislature, members, personal, political papers, preservation of<br>(Misc. Subj. Comm.).....                     | 747  |
| <b>ARREST</b>   |      |
| Avoiding, motor vehicle operation, penalty change<br>(Judiciary Comm.).....                                       | 696  |
| Records, dissemination, restrictions (Johnson).....   | 782  |
| <b>ARSON</b>  |      |
| Penalty (Stoney).....   | 979  |
| <b>ARTS COUNCIL, NEBRASKA</b>   |      |
| Appropriations (Appro. Comm.).....  | 998  |
| Appropriations, state aid programs (Appro. Comm.).....  | 1002 |
| <b>ASBESTOS</b>   |      |
| Materials, abatement (Wesely).....  | 715  |
| Appropriation bill.....   | 715A |
| <b>ASSISTANCE (See, also, State Assistance)</b>   |      |
| Aid to dependent children, provisions change<br>(Pub. Health Comm.).....  | 683  |
| Disabled persons, in-home supportive services, employment<br>for (Appro. Comm.).....                              | 503  |
| Paupers and public, requirement (Johnson).....  | 728  |

SUBJECT INDEX

2321

LB

|   |      |
|---|------|
| Public schools, foundation aid(Kahle).....  | 177  |
| <b>ATHLETIC ADVISORY COMMITTEE</b>  |      |
| Creating (Misc. Subj. Comm.).....   | 849  |
| Appropriation bill .....  | 849A |
| <b>ATHLETIC COMMISSIONER, STATE</b>   |      |
| Appropriations(Appro. Comm.).....   | 996  |
| Duties, provision change(Misc. Subj. Comm.).....  | 849  |
| Appropriation bill .....  | 849A |
| <b>ATTACHMENTS</b>  |      |
| Provisions change(Judiciary Comm.).....   | 597  |
| <b>ATTORNEY GENERAL</b>   |      |
| Agency expense, appropriations(Appro. Comm.).....   | 997  |
| City and County Peace Officers' Retirement System, actions<br>against(Nebr. Ret. Comm.).....    | 118  |
| County attorneys, continuing legal education program,<br>provisions change(LR 154 Comm.).....   | 790  |
| Appropriation bill .....  | 790A |
| Crime Victim's Reparations and State Claims Board, advisor<br>(Appro. Comm.).....               | 815  |
| Farming operations, corporations, restricting(Burrows, Sieck). 837                              |      |
| Inspector General Act, Ne., reports(LR 137 Comm.).....  | 760  |
| Interstate Agricultural Grain Marketing Commission,<br>nonvoting members(Ag. & Env. Comm.)..... | 515  |
| Personal property, abandoned, procedures change<br>(Revenue Comm.).....                         | 968  |
| Plea Negotiations Act, Nebraska(Stoney).....  | 371  |
| Private Security Licensing and Regulatory Board, membership<br>(LR 154 Comm.).....              | 823  |
| Appropriation bill .....  | 823A |
| Salary increase(Exec. Bd.).....   | 872  |
| Appropriation bill .....  | 872A |
| Salary, appropriation(Marvel, Req. of Gov.).....  | 674  |
| <b>ATTORNEYS (See, also, County Attorney)</b>   |      |
| Civil action, court costs, attorney fees, reimbursement<br>(Bus. & Labor Comm.).....            | 737  |
| Deputy Ombudsman for Public Utility Affairs, requirement<br>(LR 161 Comm.).....                 | 454  |
| District, death notices, duties(LR 158 Select Comm.).....                                       | 222  |
| Appropriation bill .....  | 222A |
| Estates, reasonable fee, provision change(Judiciary Comm.)....                                  | 694  |
| Indigent persons, representation, payment(Hefner).....  | 969  |
| Plea Negotiations Act, Nebraska(Stoney).....  | 371  |
| <b>AUCTIONEER COMMISSION, NEBRASKA</b>  |      |
| Creation of(Banking Comm.).....   | 786  |
| <b>AUCTIONEER LICENSE ACT, NEBRASKA</b>   |      |
| Adoption of(Banking Comm.).....   | 786  |
| <b>AUDITOR OF PUBLIC ACCOUNTS</b>   |      |
| Agency expense, appropriations(Appro. Comm.).....   | 997  |
| Audit standards, provide(Govt. Comm.).....  | 921  |
| Certified public accountant, require(Chronister).....   | 935  |
| Irrigation districts, annual audits, requirement(George).....                                   | 705  |
| Lottery, state, annual audit(Simon).....  | 612  |
| Appropriation bill .....  | 612A |
| Ne. City and County Peace Officers' Retirement Fund, duties<br>(Nebr. Ret. Comm.).....          | 118  |

|  |      |
|--|------|
|  | LB   |
| Salary increase (Exec. Bd.) .....  | 872  |
| Appropriation bill .....   | 872A |
| <b>AUDITS</b>  |      |
| Annual, irrigation districts (George) .....  | 705  |
| Standards for, provisions (Govt. Comm.) .....  | 921  |
| <b>AUTISTIC CITIZENS, DIVISION OF EDUCATION OF</b>   |      |
| Establish (Kelly) .....  | 871  |
| <b>AUTOPSY</b>   |      |
| State Office of Coroner reports (LR 158 Select Comm.) .....  | 222  |
| Appropriation bill .....   | 222A |
| <b>BANKING AND FINANCE, DEPARTMENT OF</b>  |      |
| Appropriations (Appro. Comm.) .....  | 996  |
| Appropriations, deficit or revised (Appro. Comm.) .....  | 995  |
| Bank holding companies (DeCamp) .....  | 69   |
| Banks, bonding requirement changes (Banking Comm.) .....   | 333  |
| Building and loan associations, certificate of approval for<br>(Banking Comm.) .....                     | 314  |
| Capital stock savings and loan associations (Banking Comm.) .....  | 405  |
| Industrial loan and investment companies, applications,<br>additional requirement (Banking Comm.) .....  | 337  |
| Industrial loan and investment companies, cash reserve<br>requirements (Banking Comm.) .....             | 340  |
| <b>BANKING AND FINANCE, DIRECTOR OF</b>  |      |
| Bank examiners, compensation (Banking Comm.) .....   | 448  |
| Bank holding companies, rules and regulations (DeCamp) .....   | 69   |
| Capital stock associations, regulation of (Banking Comm.) .....  | 405  |
| <b>BANKRUPTCY</b>  |      |
| Personal exemptions, federal bankruptcy act, reject<br>(Banking Comm.) .....                             | 901  |
| Petition, exemptions, provision change (By DeCamp amendment) ...   | 940  |
| <b>BANKS AND BANKING</b>   |      |
| Bank stock, foreign ownership of (Hefner) .....  | 123  |
| Bonding requirements (Banking Comm.) .....   | 333  |
| Building and loan association, certificate of approval for<br>(Banking Comm.) .....                      | 314  |
| Building and loan associations, loans, restriction, eliminate<br>(Banking Comm.) .....                   | 903  |
| Building and loan associations, same advantages, federal savings<br>and loan associations (Murphy) ..... | 865  |
| Deposits, inducements, provisions changes (DeCamp) .....   | 966  |
| Detached auxiliary teller offices, number authorized, loans<br>(Banking Comm.) .....                     | 491  |
| Examinations, assessment fee, provision change (DeCamp) .....  | 966  |
| Examiners, State Classification and Pay Plan, removal from<br>(Banking Comm.) .....                      | 448  |
| Holding companies, multiple control, limitations (DeCamp) .....  | 69   |
| Industrial loan and investment companies, applications,<br>additional requirement (Banking Comm.) .....  | 337  |
| Industrial loan and investment companies, cash reserve<br>requirements (Banking Comm.) .....             | 340  |
| Industrial loan and investment companies, undivided profits<br>(Banking Comm.) .....                     | 338  |
| Industrial loan and investment company employees, restrictions<br>(Banking Comm.) .....                  | 336  |
| Loans, interest rate, increase (Banking Comm.) .....   | 899  |
| Mergers, requirements (Clark) .....  | 916  |

SUBJECT INDEX

2323

|   |      |
|---|------|
|   | LB   |
| Nontransferable partnership interest, exclusion<br>(Banking Comm.).....                                 | 496  |
| Appropriation bill .....  | 496A |
| Officers, employees, educational loans for children of<br>(Banking Comm.).....                          | 335  |
| Securities, transactions, certain, registration exemption<br>(Powers).....                              | 912  |
| State chartered capital stock savings and loan associations<br>(Banking Comm.).....                     | 405  |
| BAR ASSOCIATION, NEBRASKA STATE   |      |
| Medicolegal Investigations Bd., rep. on (LR 158 Select Comm.)..   | 222  |
| Appropriation bill .....  | 222A |
| BARBER EXAMINERS, BOARD OF  |      |
| Appropriations(Appro. Comm.).....   | 996  |
| BARGES  |      |
| Compact, Nebraska, Iowa, Missouri, Kansas, authorization<br>(Maresh, Carsten,Merz, Hefner, George)..... | 759  |
| BEANS   |      |
| Dry Bean Resources Act, Nebraska, adoption of<br>(Ag. & Env. Comm.).....                                | 738  |
| Appropriation bill .....  | 738A |
| Interstate Compact on Agricultural Grain Marketing, ratification<br>of(Ag. & Env. Comm.).....           | 515  |
| BEATRICE STATE DEVELOPMENTAL CENTER   |      |
| Division of Mental Retardation, procedures(Clark).....  | 975  |
| BEER (See, also, Alcoholic Liquors, Liquor)   |      |
| Containers, recycling(Powler).....  | 644  |
| Coupon plan, distributor, wholesaler, prohibiting(Lewis).....   | 374  |
| Distributor, license, provision change(Misc. Subj. Comm.).....  | 848  |
| Drinking of, minimum age(Kelly).....  | 221  |
| Drinking of, minimum age, C.A.(Kelly).....  | 350  |
| BEVERAGES   |      |
| Containers, control of, provisions(Powler).....   | 644  |
| BIDS  |      |
| Educational service units, procedures(Kahle).....   | 264  |
| Grasshopper Control Act, Nebraska Rangeland, provisions<br>(Nichol).....                                | 918  |
| Appropriation bill .....  | 918A |
| Nebr. Municipal Cooperative Financing Act(Govt. Comm.).....   | 243  |
| Power plant, electric generating, provisions(LR 119 Comm.)....  | 963  |
| Public power, rejection, authorize(LR 119 Comm.).....   | 962  |
| BIOMASS   |      |
| Solar system, tax credits, deductions for(Wesely, Schmit).....  | 317  |
| BIRTHS  |      |
| Certificate, foreign-born adopted person, procedure<br>(Newell, Kelly).....                             | 992  |
| BLIND   |      |
| Welfare, standards of need(Johnson).....  | 35   |
| Appropriation bill .....  | 35A  |
| BLOOD   |      |
| Reciprocal exchange of(Carsten, Cope).....  | 21   |

|   |      |
|---|------|
| BOARDS AND COMMISSIONS (See, also, specific headings)   |      |
| Auctioneer Commission, Ne., creating (Banking Comm.)  | 796  |
| Autistic Citizens, Ne. Advisory Board for, creating (Kelly)                                       | 871  |
| Corn Development, Utilization and Marketing Board,<br>checkoff fees, use of (George, Kahle)       | 756  |
| Crime Victim's Reparations and State Claims Board, provision<br>change (Appro. Comm.)             | 815  |
| Douglas county board, jail and correctional facilities,<br>custody of (Hoagland)                  | 490  |
| Dry Bean Commission, creation of (Ag. & Env. Comm.)   | 738  |
| Appropriation bill  | 738A |
| Educational Lands and Funds, Board of, provisions change<br>(Appro. Comm.)                        | 987  |
| Appropriation bill  | 987A |
| Electrical Board, State, creating (Wesely)  | 356  |
| Energy Efficiency Standards Advisory Board, creating (Wesely)                                     | 356  |
| Energy Efficiency Standards Board, creating<br>(LR 98 Comm., Wesely)                              | 954  |
| Appropriation bill  | 954A |
| Grain boards, checkoff fees, use of funds (George, Kahle)   | 756  |
| Interstate Agricultural Grain Marketing Commission, creating<br>(Ag. & Env. Comm.)                | 515  |
| Jail Standards Board, provision change (Judiciary Comm.)  | 700  |
| Lighting and Thermal Efficiency Standards Board, creating<br>(Pub. Health Comm.)                  | 171  |
| Medicolegal Investigations Board, creating<br>(LR 158 Select Comm.)                               | 222  |
| Appropriation bill  | 222A |
| Mobile Home and Recreational Vehicle Advisory Board, creating<br>(Wesely)                         | 856  |
| Natural Resources Commission, Ne., provision change<br>(Pub. Works Comm.)                         | 708  |
| Nebraska Public Radio Act, establishing (Fowler)  | 60   |
| Nursing Home Commission, creating (Simon)   | 752  |
| Nursing Home Commission, creating (Simon)   | 753  |
| Oil and Gas Conservation Committee, Ne., continuation of<br>(Pub. Works Comm.)                    | 709  |
| Personnel Board, State and Merit System Council, merger<br>(Appro. Comm.)                         | 987  |
| Appropriation bill  | 987A |
| Personnel Board, State and Merit System Council, merger<br>(Appro. Comm.)                         | 987  |
| Appropriation bill  | 987A |
| Plumbing and Mechanical Advisory Board, creating (Wesely)   | 856  |
| Political Accountability and Disclosure Commission,<br>membership change (Misc. Subj. Comm.)      | 535  |
| Polygraph Examiner's Board, creating (Lewis)  | 883  |
| Private Security Licensing and Regulatory Board, creating<br>(LR 154 Comm.)                       | 323  |
| Appropriation bill  | 323A |
| Psychologists, State Board of Examiners of, provisions change<br>(Appro. Comm.)                   | 958  |
| Appropriation bill  | 958A |
| Public Employees Retirement Board, Teachers Supplementary<br>Benefits Fund, establishing (Fowler) | 228  |
| Appropriation bill  | 228A |
| Public officers, salary changes while in office, removing<br>prohibition, C.A. (Judiciary Comm.)  | 383  |
| Soybean Development, Utilization, and Marketing Board,<br>checkoff fees, use of (George, Kahle)   | 756  |
| Structural Code Advisory Board, creating (Wesely)   | 856  |
| Women, commission on the status of, authorization (Marsh)   | 780  |

## SUBJECT INDEX

2325  
LB

## BOATS AND BOATING

|   |     |
|---|-----|
| Boating Recreation and Safety Fund, provisions<br>(Const. Rev. Comm.).....                            | 920 |
| Game and Parks Commission, motorboat lists, filing requirement,<br>eliminate (Const. Rev. Comm.)..... | 910 |

## BOILERS

|                                      |     |
|--------------------------------------|-----|
| Inspections, fee (Appro. Comm.)..... | 959 |
|--------------------------------------|-----|

## BONDS

|  |      |
|--|------|
| Attachments, garnishments in aid of execution<br>(Judiciary Comm.).....  | 597  |
| Bail, witnesses, criminal trials, procedures change<br>(LR 154 Comm.).....                                     | 713  |
| Banks, requirement changes (Banking Comm.).....  | 333  |
| Branch or regional rail line revitalization bonds<br>(Pub. Works Comm.).....                                   | 507  |
| Appropriation bill .....   | 507A |
| Gasohol plant, authorization, C.A. (Maresh).....   | 637  |
| Marital property, divorce proceedings, defining<br>(Judiciary Comm.).....                                      | 519  |
| Natural resources districts, bond, provision change<br>(Pub. Works Comm.).....                                 | 884  |
| Natural resources districts, improvement project area bonds<br>(Lewis).....                                    | 851  |
| Nebr. Municipal Cooperative Financing Act (Govt. Comm.).....   | 243  |
| Parking, off-street, Omaha, interest limit, eliminate<br>(Goodrich).....                                       | 703  |
| Public accountants, increasing (Banking Comm.).....  | 280  |
| Rate adjustments, cities of the metropolitan class, second class,<br>villages (Warner).....                    | 599  |
| Revised Uniform Principal and Income Act (Hoagland).....   | 440  |
| Sanitary and improvement districts, bond issuance, election<br>(LR 169 Comm.).....                             | 828  |
| Sanitary and improvement districts, election requirement<br>(LR 169 Comm.).....                                | 980  |
| Technical community colleges, bond issuance, mill levy<br>certification, provisions changes (Educ. Comm.)..... | 824  |

## BRANCH RAIL LINE REVITALIZATION FUND

|                                  |      |
|----------------------------------|------|
| Creating (Pub. Works Comm.)..... | 507  |
| Appropriation bill .....         | 507A |

## BRAND COMMITTEE, NEBRASKA

|                                    |     |
|------------------------------------|-----|
| Appropriations (Appro. Comm.)..... | 996 |
| Duties (Ag. & Env. Comm.).....     | 797 |

## BUDGETS

|   |     |
|---|-----|
| Local Option Tax Control Act, limitations (Koch).....                   | 627 |
| Local Option Tax Control Act, procedure change (Revenue Comm.).....     | 609 |
| Omaha, transit authority, budget limitations, exemption<br>(Simon)..... | 613 |

## BUILDING AND LOAN ASSOCIATIONS

|   |     |
|---|-----|
| Certificate of approval for (Banking Comm.).....                        | 314 |
| Loans, restriction, eliminate (Banking Comm.).....                      | 903 |
| Same advantages, federal savings and loan associations<br>(Murphy)..... | 865 |

## BUILDING CODE ACT, NEBRASKA

|                           |     |
|---------------------------|-----|
| Adoption of (Wesely)..... | 856 |
|---------------------------|-----|

## BUILDING FUND, STATE

|  |      |
|--|------|
| Capital construction, appropriations (Appro. Comm.)..... | 1001 |
|--|------|

|  |      |
|--|------|
| BUILDINGS (See, also, Public Lands and Buildings)                                    |      |
| Capitol, furniture, identification, preservation, maintenance<br>(Appro. Comm.)..... | 885  |
| Lighting and Thermal Efficiency Act, adoption of<br>(Pub. Health Comm.).....         | 171  |
| Lighting and Thermal Efficiency Act, Ne., provisions<br>(Schmit, Req. of Gov.).....  | 990  |
| State, deferred maintenance(Bldg. Maint. Comm.).....                                 | 835  |
| BUS PASSENGER SAFETY ACT   |      |
| Adoption of(Lewis).....  | 430  |
| BUSES  |      |
| Passenger Safety Act(Lewis).....   | 430  |
| School, safety inspections, provisions change(Haberman).....                         | 743  |
| School, studded snow tires, prohibiting(Misc. Subj. Comm.).....                      | 619  |
| BUSINESS INVENTORIES   |      |
| Equipment, exemption, personal property tax(Newell).....                             | 977  |
| Tax exemption date, delay of(Burrows).....   | 142  |
| CABIN TRAILERS   |      |
| License change plates, fee, provision change(Pub. Works Comm.).....                  | 864  |
| CAFETERIAS   |      |
| Imported meat sales, notice required(Merz).....                                      | 399  |
| CAMPAIGNS  |      |
| Deputy sheriffs, political activity, permitting<br>(Misc. Subj. Comm.).....          | 484  |
| Political Accountability and Disclosure Act changes<br>(Misc. Subj. Comm.).....      | 535  |
| CAPITAL CONSTRUCTION   |      |
| Appropriations(Marvel, Req. of Gov.).....  | 675  |
| Appropriations(Appro. Comm.).....  | 1001 |
| Appropriations, previous, acknowledgement, reaffirmation<br>(Appro. Comm.).....      | 1000 |
| CAPITAL STOCK SAVINGS AND LOAN ASSOCIATION   |      |
| State chartered(Banking Comm.).....  | 405  |
| CAPTIVE INSURANCE ACT, NEBRASKA  |      |
| Adoption of(Banking Comm.).....  | 308  |
| CATERING   |      |
| Food sales tax(Newell).....  | 16   |
| Imported meat sales, notice required(Merz).....                                      | 399  |
| Sales tax exempt, when(Keyes).....   | 325  |
| CEMETERIES   |      |
| Associations, investment of funds, provisions change(Maresh)..                       | 909  |
| CERTIFICATE OF NEED  |      |
| Health Care Certificate of Need Act, provisions changes<br>(Kelly).....              | 725  |
| CHADRON STATE COLLEGE  |      |
| Appropriations(Appro. Comm.).....  | 999  |
| Physical education activity center, appropriation(Cullan).....                       | 639  |
| CHARITABLE AND FRATERNAL SOCIETIES   |      |
| Council of Home Extension Clubs, Ne., inclusion(Wagner).....                         | 748  |

## SUBJECT INDEX

2327

LB

|   |      |
|---|------|
| CHILDREN (See, also, Infants, Juveniles, Minors)  |      |
| Adoption, child born out of wedlock, relinquishment or consent requirements, investigation, access to records (Newell)..... | 483  |
| Aid to dependent children, increase (Chambers, Goodrich).....   | 789  |
| Appropriation bill .....  | 789A |
| Behaviorally impaired, define (Educ. Comm.).....  | 769  |
| Care, probationary license for (Marsh).....   | 530  |
| Custody, court review of status (Pub. Health Comm.).....  | 299  |
| Dependent, standards of need (Johnson).....   | 35   |
| Appropriation bill .....  | 35A  |
| Grandparents, visitation rights (Stoney, Nichol).....   | 749  |
| Handicapped high school students, education provision (Lamb)...   | 764  |
| Handicapped, home care, assistance (Wesely).....  | 875  |
| Handicapped, servicing agencies, reimbursement (Educ. Comm.)...   | 772  |
| Handicapped, transportation of, mileage, reimbursement rate, increase (Educ. Comm.).....                                    | 867  |
| Appropriation bill .....  | 867A |
| Income tax credit, child, dependent care (Carsten, Req. of Gov.).....   | 775  |
| Appropriation bill .....  | 775A |
| Passenger restraint system, requirement (Marsh).....  | 664  |
| Placement of, handicapped, remove restrictions (Lewis).....   | 951  |
| Probation hearings (Johnson).....   | 409  |
| Special education programs, reimbursement (Lamb).....   | 765  |
| Appropriation bill .....  | 765A |
| Surviving family member, continuing insurance for, employee's death (Banking Comm.).....                                    | 413  |
| Unemancipated, marital property, defining for divorce proceedings (Judiciary Comm.).....                                    | 519  |
| CIGARETTES  |      |
| Water Conservation and Development Cash Fund, tax receipts (Marvel, Req. of Gov.).....                                      | 669  |
| CITIES AND VILLAGES   |      |
| Bonds, rate adjustments (Warner).....   | 599  |
| Cable television service, changing provisions (Misc. Subj. Comm.).....  | 620  |
| Class III school district, annexed territories, inclusion of (Kremer).....  | 640  |
| Contracts, legal services, counties (Urban Affrs. Comm.).....   | 710  |
| Liens, electricity users (Sieck).....   | 836  |
| Lighting and thermal efficiency ordinance, approval for (Pub. Health Comm.).....  | 171  |
| Local Option Revenue Act, municipalities, sales and use tax, remove authorization (Koch, Kahle, Hefner).....                | 625  |
| Mayor, right to vote, provision change (Reutzel).....   | 662  |
| Motor carriers, cities or villages, regulations (Warner).....   | 750  |
| Municipal planning, remove a definition, harmonize provisions (Cope).....   | 659  |
| Nebraska Municipal Cooperative Financing Act (Govt. Comm.).....   | 243  |
| Parking, designated, handicapped, disabled persons (Urban Affrs. Comm.).....  | 717  |
| Peace Officers' Retirement System, creating (Nebr. Ret. Comm.)...   | 118  |
| Redevelopment agency, community, provisions change (Urban Affrs. Comm.).....  | 986  |
| Sales and use tax exemptions, changing provisions (Kahle).....  | 666  |
| Water and sewer districts, delinquent assessments, provisions change (Dworak).....  | 655  |
| CITIES AND VILLAGES, PARTICULAR CLASSES   |      |
| Home rule charter cities, fire & police department, pension plans (Nebr. Ret. Comm.).....                                   | 283  |

|   |           |
|---|-----------|
| Public transportation, changing provisions (Keyes) .....  | LB<br>704 |
| <b>CITIES OF THE FIRST CLASS</b>  |           |
| Drainage districts, dissolution, provisions changes (Nichol) ...                                  | 645       |
| Funds, maximum deposits, provision change<br>(Murphy) .....                                       | 940       |
| Mayor, right to vote, provision change (Reutzel) .....  | 662       |
| Mobile homes, land zoning for (Johnson) .....   | 303       |
| Police officers, retirement, provisions changes<br>(Nebr. Ret. Comm.) .....                       | 955       |
| Street improvement districts, certain streets, inclusion of<br>(Nichol) .....                     | 654       |
| Street narrowing, changing petition requirement (Cope) .....                                      | 660       |
| Utility funds, surplus, transfer to general fund, removing<br>authorization (Simon) .....         | 614       |
| Wards, decreasing number of (Koch) .....  | 629       |
| Wheel tax, require (Cope) .....   | 838       |
| Zoning assistance provision change (Ag. & Env. Comm.) .....                                       | 327       |
| <b>CITIES OF THE METROPOLITAN CLASS (See, also, Omaha)</b>  |           |
| Bonds, rate adjustments (Warner) .....  | 599       |
| Drainage districts, dissolution, provisions changes (Nichol) ...                                  | 645       |
| Election, district, city council members (DeCamp, Labeledz) .....                                 | 746       |
| Firefighters, monthly supplemental pension payment<br>(Nebr. Ret. Comm.) .....                    | 230       |
| Garbage, refuse, rubbish, disposal facilities, restrictions<br>(Venditte) .....                   | 878       |
| Housing authority, jurisdiction, provisions change<br>(LR 169 Comm.) .....                        | 929       |
| Jurisdictional limits, expand (LR 169 Comm.) .....  | 827       |
| Mobile homes, land zoning for (Johnson) .....   | 303       |
| Natural Resources Commission membership, vacancies (Goodrich) ..                                  | 423       |
| Parks, recreational facilities, playgrounds, special assessments,<br>authorization (Powers) ..... | 751       |
| Property, conveyance of, provision (Bus. & Labor Comm.) .....                                     | 914       |
| Revenue bonds, off-street parking, interest limit, eliminate<br>(Goodrich) .....                  | 703       |
| Roads, county, relocation, notification (Merz) .....  | 607       |
| Sales tax, question of continuing (Keyes) .....   | 325       |
| Sewerage, drainage system, provisions change (LR 169 Comm.) .....                                 | 791       |
| Subdivisions, increase from five to ten acres (LR 169 Comm.) ...                                  | 744       |
| Transit authority, budget limitations, exemption (Simon) .....                                    | 613       |
| Zoning provision changes (Ag. & Env. Comm.) .....   | 327       |
| <b>CITIES OF THE PRIMARY CLASS (See, also, Lincoln)</b>   |           |
| Board of Education, members, fourth class, district election<br>(Fowler, Wesely) .....            | 784       |
| Firefighters, monthly supplemental pension payment<br>(Nebr. Ret. Comm.) .....                    | 230       |
| Firefighters, pension requirements, changing<br>(Nebr. Ret. Comm.) .....                          | 229       |
| Firefighters, retirement, cost of living adjustments,<br>contributions (Nebr. Ret. Comm.) .....   | 410       |
| Land, nonurban, additions, provisions change (LR 169 Comm.) .....                                 | 702       |
| Mobile homes, land zoning for (Johnson) .....   | 303       |
| Police officers, retirement system, establish<br>(Nebr. Ret. Comm.) .....                         | 953       |
| Railroad crossings, provisions change (Urban Affrs. Comm.) .....                                  | 860       |
| Residential area, railroad track construction, limiting fund for<br>(Fowler, Landis) .....        | 153       |
| State property, water main, easement conveyance (Marsh) .....                                     | 602       |
| Subdivision regulation, increasing to ten acres (Marsh) .....                                     | 61        |
| Subdivisions, increase from five to ten acres (LR 169 Comm.) ...                                  | 744       |

SUBJECT INDEX

|  |      |
|--|------|
|  | 2329 |
|  | LB   |
| Women, commission on the status of, authorization (Marsh).....   | 780  |
| Zoning provision changes (Ag. & Env. Comm.).....   | 327  |
| <br>   |      |
| CITIES OF THE SECOND CLASS   |      |
| Bonds, rate adjustments (Warner).....  | 599  |
| Mayor, right to vote, provision change (Reutzel).....  | 662  |
| Mobile homes, land zoning for (Johnson).....   | 303  |
| Projects, certain, election requirements, exception (Maresh)...  | 692  |
| Utility funds, surplus, transfer to general fund, restrictions<br>(Simon).....                           | 614  |
| Zoning provisions, removing from certain, comprehensive<br>development plans (Ag. & Env. Comm.).....     | 327  |
| <br>   |      |
| CITY PLANNING  |      |
| Mobile homes, land zoning for (Johnson).....   | 303  |
| <br>   |      |
| CIVIL AIR PATROL   |      |
| Motor vehicles, registration fee, exemption (Marsh).....   | 604  |
| <br>   |      |
| CIVIL DEFENSE  |      |
| Disaster, Resource Crisis, and Civil Defense Act, Ne., rename<br>(Kremer, Req. of Gov.).....             | 831  |
| Appropriation Bill .....   | 831A |
| <br>   |      |
| CIVIL PROCEDURE  |      |
| Attachments, provisions change (Judiciary Comm.).....  | 597  |
| Interest, unsettled accounts (Rumery).....   | 402  |
| Marital property, defining for divorce proceedings<br>(Judiciary Comm.).....                             | 519  |
| Plea Negotiations Act, Nebraska (Stoney).....  | 371  |
| Product liability actions, statute of limitations, change<br>(Beutler, Fitzgerald).....                  | 853  |
| <br>   |      |
| CIVIL RIGHTS   |      |
| Hearing impaired persons, hearing aid dog, provide<br>(Urban Affrs. Comm.).....                          | 932  |
| <br>   |      |
| CLAIMS   |      |
| Disallowed, state (Bus. & Labor Comm.).....  | 994  |
| Filing of, uncalled for funds (Judiciary Comm.).....   | 572  |
| Homestead Property Tax Relief Act, rules (Revenue Comm.).....  | 608  |
| Appropriation bill .....   | 608A |
| Hospital Medical Liability Act, rules (Banking Comm.).....   | 480  |
| Small Claims Court, appeal procedure (Judiciary Comm.).....  | 892  |
| State Claims Board, appropriations, deficit or revised<br>(Appro. Comm.).....                            | 995  |
| State Claims Board, provisions change (Appro. Comm.).....  | 315  |
| State, miscellaneous, payment of (Bus. & Labor Comm.).....   | 993  |
| Unsettled accounts, interest (Rumery).....   | 402  |
| <br>   |      |
| CLAIMS BOARD, STATE  |      |
| Appropriations (Appro. Comm.).....   | 998  |
| Disallowed claims, state (Bus. & Labor Comm.).....   | 994  |
| <br>   |      |
| CLASSIFICATION AND PAY PLAN, STATE OF NEBRASKA   |      |
| Bank examiners, removal from (Banking Comm.).....  | 448  |
| <br>   |      |
| COMMUNITY AND RESIDENTIAL SERVICES, DEPARTMENT OF  |      |
| Mentally disabled persons, services, provisions change (Clark).....                                      | 975  |
| <br>   |      |
| COMMUNITY DEVELOPMENT  |      |
| Redevelopment agency, provisions change (Urban Affrs. Comm.)...  | 986  |
| <br>   |      |
| COMPACTS   |      |
| Compact, Nebraska, Iowa, Missouri, Kansas, authorization<br>(Maresh, Carsten, Merz, Hefner, George)..... | 759  |

Interstate Compact on Agricultural Grain Marketing, ratification  
of (Ag. & Env. Comm.)..... 515

## COMPUTERS

Centralized computer assisted property valuation (Koch)..... 8  
Crime, computer-related, violations, penalty (Koch)..... 626  
Financial statement information, computer recording of, telephone  
inquiries (Murphy) ..... 346

## CONSTITUTION

Cities, home rule powers, C. A. (Const. Rev. Comm.)..... 917  
Energy conservation improvements, tax exemption, C.A.  
(Reutzel) ..... 740  
Gasohol plant bonds, Legislature, authorization, C.A. (Maresh). 637  
Judges, disciplinary measures, C.A. (Const. Rev. Comm.)..... 82  
Legislature, biennial sessions, C.A. (Duis)..... 151  
Legislature, bills, reading at large before final  
passage, eliminate, C.A. (Const. Rev. Comm.) ..... 436  
Legislature, Lieutenant Governor, presiding officer,  
removal, C. A. (Koch)..... 900  
Minimum drinking age, C.A. (Kelly)..... 350  
Political subdivisions, certain services, appropriations  
for, C.A. (Hefner) ..... 324  
Property improvements, tax exempt, C.A. (Simon)..... 175  
Property tax support, public education, limiting, C. A.  
(DeCamp)..... 964  
Public corporations, in lieu of tax payments, requirement  
removal, C.A. (LR 161 Comm.) ..... 453  
Public officers, salary changes while in office, removing  
prohibition, C.A. (Judiciary Comm.)..... 383  
Public Power taxation restriction, eliminating, C.A. (Lamb).... 445  
Real property, ad valorem tax rate, limiting, C.A. (Dworak).... 366  
Schools, free public, maintenance and support of, C.A.  
(Const. Rev. Comm.) ..... 493  
Supreme Court judicial districts, changing, C.A. (Hoagland).... 261

## CONSTRUCTION

Contractors, highway, payments, provisions change (Keyes) ..... 948  
Electricity generation facilities, lines, construction  
requirement (LR 161 Comm.)..... 461  
Equipment, change width restrictions (Rumery)..... 776  
Grain Alcohol Plant Fund, appropriation to (Ag. & Env. Comm.).. 121  
Lighting and Thermal Efficiency Act, Ne., standards  
(Schmit, Req. of Gov.)..... 990  
Projects, certain, second class cities, election requirements,  
exception (Maresh) ..... 692

## CONSUMER PROTECTION

False, misleading advertising, penalty (Misc. Subj. Comm.)..... 185  
Violations, actions not constituting (Misc. Subj. Comm.)..... 186

## CONTRACTORS

Lighting and Thermal Efficiency Act, adoption of  
(Pub. Health Comm.)..... 171  
Residential dwelling construction, certification (Nichol) ..... 389

## CONTRACTS

Contractors, sales tax increase, refund, provisions (Kelly).... 841  
Educational service units, procedures (Kahle)..... 264  
Electric generating power plant, construction (LR 119 Comm.) ... 963  
Installment, interest rate, increase (Banking Comm.)..... 899  
Insurance consultant, procedure (Banking Comm.) ..... 481

SUBJECT INDEX

|  |      |
|--|------|
|  | 2331 |
|  | LB   |
| Land, taxation, recording(Exec. Bd.) .....   | 983  |
| Legal services, counties, cities or villages<br>(Urban Affrs. Comm.) .....                       | 710  |
| Nebr. Municipal Cooperative Financing Act (Govt. Comm.) .....                                    | 243  |
| Public power districts, contract filing, Executive Board,<br>Legislative Council (Vickers) ..... | 843  |
| Residential dwelling construction, certificate holder (Nichol). ..                               | 389  |
| School, fourth and fifth class, procedures change<br>(Newell, Labeledz, Fowler) .....            | 809  |
| Technical community college teachers, probationary period<br>(Goodrich) .....                    | 442  |
| Uniform Arbitration Act, provisions (Bus. & Labor Comm.) .....                                   | 811  |
| <br>CONTROLLED SUBSTANCES (See, also, Drugs)   |      |
| Alcoholism and Drug Abuse, Division of, creating<br>(Pub. Health Comm.) .....                    | 684  |
| Appropriation bill .....   | 684A |
| Buses, use on (Lewis) .....  | 430  |
| Drug paraphernalia, sale, use, prohibit (Law Enf. Comm.) .....                                   | 991  |
| <br>COOPERATIVE CREDIT ASSOCIATIONS  |      |
| Limitations on powers (Banking Comm.) .....  | 902  |
| <br>COORDINATING COUNCIL FOR THE HANDICAPPED, NEBRASKA   |      |
| Provisions changes (Educ. Comm.) .....   | 773  |
| Appropriation bill .....   | 773A |
| <br>CORNHUSKER HOTEL   |      |
| Redevelopment project, provisions (Urban Affrs. Comm.) .....                                     | 986  |
| <br>CORONER, STATE   |      |
| Office, position of, establishing (LR 158 Select Comm.) .....                                    | 222  |
| Appropriation bill .....   | 222A |
| <br>CORPORATIONS   |      |
| Capital stock savings and loan associations (Banking Comm.) .....                                | 405  |
| Cooperative companies, power limitation, provide<br>(Banking Comm.) .....                        | 902  |
| Council of Home Extension Clubs, Ne., charitable status<br>(Wagner) .....                        | 748  |
| Credit unions, state, same advantage, credit unions, federal<br>(Keyes) .....                    | 793  |
| Dissolution of, provisions change (Johnson) .....  | 972  |
| Farming operations, restricting (Burrows, Sieck) .....   | 837  |
| Foreign, agricultural land acquisition, prohibit<br>(Ag. & Env. Comm.) .....                     | 852  |
| Income tax, state aid to schools (Burrows, Sieck) .....  | 89   |
| Insurance consultant, licensing of (Banking Comm.) .....   | 481  |
| Nebraska Captive Insurance Company Act (Banking Comm.) .....                                     | 308  |
| Railroad, accident reports (Pub. Works Comm.) .....  | 203  |
| Real estate brokers, incorporate, permit (Johnson) .....   | 893  |
| Renewable energy source system, tax credits, deductions for<br>(Wesely, Schmit) .....            | 317  |
| Revised Uniform Principal and Income Act (Hoagland) .....  | 440  |
| State, income tax rate, increase (Revenue Comm.) .....   | 610  |
| <br>CORRECTIONAL SERVICES, DEPARTMENT OF   |      |
| Adult correctional facility (Appro. Comm.) .....   | 794  |
| Appropriations (Appro. Comm.) .....  | 998  |
| Appropriations, deficit or revised (Appro. Comm.) .....  | 995  |
| Appropriations, state aid programs (Appro. Comm.) .....  | 1002 |
| Capital construction, appropriations (Appro. Comm.) .....  | 1001 |
| Deaths, reports to State Coroner (LR 158 Select Comm.) .....                                     | 222  |
| Appropriation bill .....   | 222A |

|  |      |
|--|------|
|  | LB   |
| Employment of certain youths, deleting, inmate made goods,<br>inmate-employee wages(Schmit)..... | 319  |
| Inmate funds, investment, authorization(Judiciary Comm.).....                                    | 698  |
| Omaha Work Release Center, appropriation(Appro. Comm.).....                                      | 1000 |
| Penal Complex, warden, deputy, subsistence benefits,<br>discontinuance(Appro. Comm.).....        | 592  |
| Prisoners, foreign countries, transfer permit(Law Enf. Comm.).....                               | 808  |
| <br>CORRECTIONAL SERVICES, DIRECTOR OF   |      |
| Adult correctional facility, duties(Appro. Comm.).....   | 794  |
| Prisoners, extradition, procedure change(Judiciary Comm.).....                                   | 697  |
| <br>CORRECTIONS ACT, NEBRASKA  |      |
| Adoption of(Fowler).....   | 971  |
| <br>CORRECTIONS, DEPARTMENT OF   |      |
| Nebraska Corrections Act, provisions(Fowler).....  | 971  |
| <br>COUNTIES   |      |
| Assistance, paupers and public, requirements(Johnson).....                                       | 728  |
| Audit standards, provisions(Govt. Comm.).....  | 921  |
| Board of equalization, county, referee appointment, provision<br>change(Beutler).....            | 658  |
| Cable television, public, franchises(Misc. Subj. Comm.).....                                     | 620  |
| Contracts, legal services, cities or villages<br>(Urban Affrs. Comm.).....                       | 710  |
| Decriminalizing intoxicification, date(Pub. Health Comm.).....                                   | 259  |
| Deputy sheriffs, political activity, permitting<br>(Misc. Subj. Comm.).....                      | 484  |
| Detention home, children, education costs, payment(Wesely)....                                   | 839  |
| Appropriation bill .....   | 339A |
| Disabled persons, attendant care, fee schedule, assistance<br>(Appro. Comm.).....                | 503  |
| Douglas board, jails, correctional facilities, custody<br>(Hoagland).....                        | 490  |
| Drainage districts, dissolution, provisions change(Nichol)....                                   | 645  |
| Engineers, county, create office(Govt. Comm.).....   | 924  |
| Equalization board, tax levy authorizations, changing(Warner) .                                  | 71   |
| Hospitals, board membership, restriction, eliminate<br>(Pub. Health Comm.).....                  | 685  |
| Hospitals, bonds, provision change(Misc. Subj. Comm.).....                                       | 801  |
| Indigent persons, representation, payment(Hefner).....   | 969  |
| Isolated lands, public access to(Venditte).....  | 254  |
| Lancaster, railroad track construction, RTD fund limitation,<br>Lincoln(Fowler, Landis).....     | 153  |
| Lighting and thermal efficiency ordinance, approval for<br>(Pub. Health Comm.).....              | 171  |
| Mandatory retirement age(Nebr. Ret. Comm.).....  | 231  |
| Mentally ill dangerous persons, provisions(Pub. Health Coma.)..                                  | 919  |
| Motor vehicle licenses, issuance(Dworak).....  | 792  |
| Motor vehicles, registration, provisions changes<br>(Pub. Works Comm.).....                      | 864  |
| Officers, mileage, changing allowance(Wagner).....   | 615  |
| Appropriation bill .....   | 615A |
| Officers, removal of, procedure change(Kahle).....   | 601  |
| Payments, incentive, provisions change(Rumery).....  | 679  |
| Peace Officers' Retirement System, creating(Nebr. Ret. Comm.)..                                  | 118  |
| Personal Property Tax Relief Fund, distribution of(Schmit)....                                   | 487  |
| Political Subdivision Property Tax Relief Fund, distribution<br>(DeCamp).....                    | 711  |
| Prisoners, boarding of, provisions change(Chambers).....   | 628  |
| Property tax, ad valorem, state assistance, funds, distribution<br>(Revenue Comm.).....          | 691  |
| Appropriation bill .....   | 691A |

SUBJECT INDEX

|   |      |
|---|------|
|   | 2333 |
|   | LB   |
| Property, assessment sales ratio(Exec. Bd.).....  | 983  |
| Real property, ad valorem tax, maximum limitation(George).....  | 716  |
| Real property, centralized computer assisted valuation(Koch)..  | 8    |
| Register of deeds, real property subdivision, inadequate<br>instruments, validity for(Judiciary Comm.)..... | 235  |
| Roads, relocation, provisions change(Merz).....   | 607  |
| School buses, public transportation, authorize<br>(Powler, Labedz).....                                     | 813  |
| School superintendent, nonresident high school pupils,<br>financial aid rate(Koch, Reutzel).....            | 486  |
| Sheriffs, compensation to(Chambers).....  | 628  |
| Sheriffs, uniforms, specifications(Haberman).....   | 840  |
| State Racing Commission, funds, distribution<br>(Misc. Subj. Comm.).....                                    | 939  |
| Appropriation bill .....  | 939A |
| Surveyors, provisions changes(Govt. Comm.).....   | 926  |
| Tax levy authorizations, changing(Warner).....  | 71   |
| Tax levy, date change(Keyes).....   | 766  |
| Tourist and convention committee(Banking Comm.).....  | 499  |
| Appropriation bill .....  | 499A |
| Tuition payment, certain students, Class VI school districts<br>(Lamb).....                                 | 888  |
| Voters, election day registration(Burrows).....   | 465  |
| Welfare, standards of need(Johnson).....  | 35   |
| Appropriation bill .....  | 35A  |
| Women, commission on the status of, authorization(Marsh).....   | 780  |
| Zoning provision changes(Ag. & Env. Comm.).....   | 327  |
| <br>COUNTY ASSESSOR   |      |
| Grain, tax(Carsten, Hefner).....  | 787  |
| Homestead Property Tax Relief Act, duties(Revenue Comm.).....   | 608  |
| Appropriation bill .....  | 608A |
| Motor vehicles, tax exemption, application(Revenue Comm.).....  | 688  |
| Real estate, improvements, late reporting, failure to report,<br>penalty(Revenue Comm.).....                | 689  |
| Real property, centralized computerized assisted valuation<br>(Koch).....                                   | 8    |
| Tax levy authorizations, changing(Warner).....  | 71   |
| <br>COUNTY ATTORNEY   |      |
| Continuing education, speed measurement principles,<br>provisions(LR 154 Comm.).....                        | 790  |
| Appropriation bill .....  | 790A |
| County Attorney Standards Advisory Council, Ne., creating<br>(LR 154 Comm.).....                            | 790  |
| Appropriation bill .....  | 790A |
| Funeral director licenses, revocation, duties<br>(Pub. Health Comm.).....                                   | 94   |
| Grand jury appearance, provision change(Rumery).....  | 635  |
| Imported seat sale violations, prosecution(Merz).....   | 399  |
| Trials, mental incompetency, determination(LR 154 Comm.).....   | 825  |
| Warrants, search, procedures(Beutler).....  | 731  |
| Appropriation bill .....  | 731A |
| <br>COUNTY CLERK  |      |
| Officers, county, removal of, procedure change(Kahle).....  | 601  |
| Voter registration, public high schools, students, staff<br>(Reutzel).....                                  | 812  |
| <br>COUNTY COURT  |      |
| Estate proceedings(Judiciary Comm.).....  | 498  |
| Estates, provision change(Judiciary Comm.).....   | 694  |
| Jury trials, exception(Judiciary Comm.).....  | 699  |

## COUNTY JUDGE

Estates, duty, delete provision (Judiciary Comm.) ..... 694

## COUNTY TREASURER

Funds, uncalled for (Judiciary Comm.) ..... 572  
 Homestead Property Tax Relief Act, duties (Revenue Comm.) ..... 608  
     Appropriation bill ..... 608A  
 Income tax, state aid to schools (Burrows, Sieck) ..... 89  
 Moped license fee (Marsh) ..... 603  
 Political Subdivision Property Tax Relief Fund, distribution  
     (DeCamp) ..... 711  
 Property tax, ad valorem, state assistance, distribution  
     (Revenue Comm.) ..... 691  
     Appropriation bill ..... 691A  
 Property tax, personal, state assistance, provisions changes  
     (Schmit, Lamb, Kahle, Nichol) ..... 882  
     Appropriation bill ..... 882A  
 Recreational vehicle registration fee, proof requirement  
     (Kelly) ..... 418  
     Appropriation bill ..... 418A

## COURT OF INDUSTRIAL RELATIONS

Appropriations, deficit or revised (Appro. Comm.) ..... 995  
 Postsecondary educational institutions, collective bargaining  
     units for (Bus. & Labor Comm.) ..... 108

## COURTS (See, also, specific court, Civil Procedure,

## Criminal Procedure)

Adoption, identification of relatives, procedures  
     (Newell, Kelly) ..... 992  
 Alcoholism treatment programs, DWI convictions (Merz) ..... 651  
 Bankruptcy, personal exemptions, provision change  
     (By DeCamp amendment) ..... 940  
 Child custody, status review (Pub. Health Comm.) ..... 299  
 Civil action, court costs, attorney fees, reimbursement  
     (Bus. & Labor Comm.) ..... 737  
 County, jury trials, exception (Judiciary Comm.) ..... 699  
 Crime Victim's Reparations and State Claims Board, provisions  
     change (Appro. Comm.) ..... 815  
 Death penalty, eliminate (Chambers) ..... 762  
 Defendant, insanity or mental derangement, proof (Venditte) ..... 803  
 Disabled persons, guardian, appointment (Fowler) ..... 721  
 District, reporter, verbatim record, oral proceedings  
     (Hoagland) ..... 406  
 Divorce proceedings, property division, award of alimony  
     (Pirsch) ..... 622  
 Insanity provisions, peremptory challenges, provisions change  
     (Pirsch) ..... 895  
 Judges, early retirement benefits, system exclusion  
     (Nebr. Ret. Comm.) ..... 533  
     Appropriation bill ..... 533A  
 Judges, nominating commissions, provisions changes (Johnson) ... 730  
 Judges, retirement, additional option (Nebr. Ret. Comm.) ..... 218  
 Mental incompetency, stand trial, determination (LR 154 Comm.) . 825  
 Motor vehicle operator's license ownership, document proving  
     (Judiciary Comm.) ..... 374  
 Natural Resources Districts, bonds, provision change  
     (Pub. Works Comm.) ..... 884  
 Nonresident truth and deception examiner applicants,  
     suits against (Misc. Subj. Comm.) ..... 485  
     Appropriation bill ..... 485A  
 Plea Negotiations Act, Nebraska (Stoney) ..... 371

SUBJECT INDEX

2335

LB

|  |      |
|--|------|
| Public officers, salary changes while in office, removing prohibition, C.A. (Judiciary Comm.)..... | 383  |
| Restitution to crime victims (Sleck).....  | 642  |
| Small claims, appeal procedure (Judiciary Comm.).....  | 892  |
| Supreme Court judges, other, disciplinary measures, C.A. (Const. Rev. Comm.).....                  | 82   |
| Supreme, judicial districts, changing, C.A. (Hoagland).....  | 261  |
| Uniform Arbitration Act, provisions (Bus. & Labor Comm.).....                                      | 811  |
| Uniform Trustees' Powers Act (Hoagland).....   | 439  |
| Witnesses, criminal trials, procedures change (LR 154 Comm.)...                                    | 713  |
| <br>   |      |
| COVENANTS (See, also, Agreements, Contracts)   |      |
| Nebr. Municipal Cooperative Financing Act (Govt. Comm.).....                                       | 243  |
| <br>   |      |
| CREDIT UNIONS  |      |
| Loans, interest rate increase (Banking Comm. Amendment).....                                       | 276  |
| Loans, interest rate, increase (Banking Comm.).....  | 899  |
| State, same advantage, credit unions, federal (Keyes).....   | 793  |
| <br>   |      |
| CRIME VICTIM'S REPARATIONS AND STATE CLAIMS BOARD  |      |
| Creation of (Appro. Comm.).....  | 915  |
| <br>   |      |
| CRIME VICTIM'S REPARATIONS BOARD   |      |
| Appropriations (Appro. Comm.).....   | 998  |
| Appropriations, deficit or revised (Appro. Comm.).....   | 995  |
| Appropriations, state aid programs (Appro. Comm.).....   | 1002 |
| <br>   |      |
| CRIMES AND PUNISHMENTS   |      |
| Adult Protective Services Act, violation, penalty (Law Enf. Comm.).....                            | 736  |
| Alcohol, sale, violations, penalty (Misc. Subj. Comm.).....  | 848  |
| Arson, other property destruction, penalty (Stoney).....   | 979  |
| Asbestos materials, abatement, violations, penalty (Wesely).....                                   | 715  |
| Appropriation bill .....   | 715A |
| Auctioneer License Act, Ne., violations, penalty (Banking Comm.).....                              | 786  |
| Avoid arrest, motor vehicle operation, penalty change (Judiciary Comm.).....                       | 696  |
| Blood, reciprocal exchange of, violation, penalty (Carsten, Cope).....                             | 21   |
| Bus hijacking, penalty (Lewis).....  | 430  |
| Bus safety violations, penalties (Lewis).....  | 430  |
| Business schedule, tax return, certified statement, violation, penalty (Burrows).....              | 142  |
| Cable television franchises, violations (Misc. Subj. Comm.).....                                   | 620  |
| Campaign literature, name of person requesting, violations, penalty (Misc. Subj. Comm.).....       | 535  |
| Capital stock association violations, penalty (Banking Comm.)..                                    | 405  |
| Child passenger restraint system, motor vehicles, violation, penalty (Marsh).....                  | 664  |
| Computer-related crime, violations, penalty (Koch).....  | 626  |
| Death investigations, violations, penalty (LR 158 Select Comm.).....                               | 222  |
| Appropriation bill .....   | 222A |
| Death penalty, eliminate (Chambers).....   | 762  |
| Deputy Ombudsman for Public Utilities, obstructing functions of, penalty (LR 161 Comm.).....       | 454  |
| Drug paraphernalia, sale, use, violation, penalty (Law Enf. Comm.).....                            | 991  |
| Dry Bean Resources Act, Ne., violation, penalty (Ag. & Env. Comm.).....                            | 738  |
| Appropriation bill .....   | 738A |
| False, misleading advertising, penalty (Misc. Subj. Comm.).....                                    | 185  |

|   |      |
|---|------|
|   | LB   |
| Felony convictions, district court, additional costs (Stoney) ..                              | 894  |
| Fetal deaths, reporting violations, penalty (Venditte) .....                                  | 471  |
| Habitual criminals, determination, provisions (LR 154 Comm.) ...                              | 799  |
| Homestead Property Tax Relief Act, violations, penalty<br>(Revenue Comm.) .....               | 608  |
| Appropriation bill .....  | 608A |
| Imported meat sales, violations, penalty (Merz) .....   | 399  |
| Insurance consultant violations, penalty (Banking Comm.) .....                                | 481  |
| Irrigation pumps, mechanical devices requirement, violation,<br>penalty (Sieck) .....         | 807  |
| Laetrile violations, penalty (Venditte, Kahle, Labeledz) .....                                | 382  |
| Appropriation bill .....  | 382A |
| Lighting and Thermal Efficiency Act, noncompliance, penalty<br>(Pub. Health Comm.) .....      | 171  |
| Littering, penalty changes (Ag. & Env. Comm.) .....   | 497  |
| Littering, violations, penalty (DeCamp) .....   | 965  |
| Appropriation bill .....  | 965A |
| Livestock vaccination, violations, penalty (Ag. & Env. Comm.) ..                              | 631  |
| Nursing Home Commission, violations, penalty (Simon) .....                                    | 753  |
| Open burning, violation, penalty (Hefner) .....   | 810  |
| Parks, entry permits, violation, penalty (Const. Rev. Comm.) ...                              | 723  |
| Petroleum based fuel use, violations, penalty (George) .....                                  | 870  |
| Plea Negotiations Act, Nebraska (Stoney) .....  | 371  |
| Polygraph tests, use by employer, penalty (Misc. Subj. Comm.) ..                              | 166  |
| Prostitution, penalty change (Venditte) .....   | 718  |
| Recycling beverage containers, violations, penalty (Fowler) .....                             | 644  |
| Residential dwelling contractors, violations, penalty (Nichol) ..                             | 389  |
| Soil classifying, professional, violations, penalty (Kremer) ...                              | 755  |
| Therapeutic Research Act, violations, penalty (DeCamp) .....                                  | 938  |
| Trapping, identification, require, violations, penalty<br>(Const. Rev. Comm.) .....           | 729  |
| Truck-tractor, semitrailer combinations, registration,<br>violation, penalty (Kahle) .....    | 854  |
| Truth, deception examinations, violations, penalty<br>(Misc. Subj. Comm.) .....               | 485  |
| Appropriation bill .....  | 485A |
| Unlawful assembly, refusal to disperse, violations, penalty<br>(Haberman) .....               | 605  |
| Weight restriction, additional, certain motor vehicles,<br>violation, penalty (Vickers) ..... | 778  |
| <br>CRIMINAL CODE   |      |
| Liquors, harmonizing provisions (Kelly) .....   | 970  |
| Restitution to crime victims (Sieck) .....  | 642  |
| <br>CRIMINAL PROCEDURE  |      |
| Arrest records, dissemination, restrictions (Johnson) .....                                   | 782  |
| County attorney, grand jury appearance, provision change<br>(Rumery) .....                    | 635  |
| Death penalty, eliminate (Chambers) .....   | 762  |
| Defendant, insanity or mental derangement, proof (Venditte) ...                               | 803  |
| Grand jury requirement, death case, law enforcement officer<br>(LR 154 Comm.) .....           | 806  |
| Habitual criminals, determination, provisions (LR 154 Comm.) ...                              | 799  |
| Indigent persons, representation of, payment (Hefner) .....                                   | 959  |
| Insanity provisions, peremptory challenges, provisions changes<br>(Pirsch) .....              | 395  |
| Mental incompetency, stand trial, determination (LR 154 Comm.) ..                             | 825  |
| Plea Negotiations Act, Nebraska (Stoney) .....  | 371  |
| Preliminary examination, conduction (Kahle) .....   | 600  |
| Prisoners, extradition, procedure change (Judiciary Comm.) .....                              | 697  |
| Restitution to crime victims (Sieck) .....  | 642  |
| Warrants, search, procedures (Beutler) .....  | 731  |
| Appropriation bill .....  | 731A |

## SUBJECT INDEX

2337

LB

|  |      |
|--|------|
| Witnesses, criminal trials, procedures change (LR 154 Comm.) ...                                   | 713  |
| CUSTODY  |      |
| Civil, protective, intoxicated persons (Goodrich) .....  | 947  |
| CYSTIC FIBROSIS  |      |
| Genetically Handicapped Person's Act (Pub. Health Comm.) .....                                     | 989  |
| Appropriation bill .....   | 989A |
| DAIRIES, FOODS AND DRUGS, BUREAU OF  |      |
| Imported meat sales regulations (Merz) .....   | 399  |
| DAMAGES  |      |
| Water, increased speed or volume, other property, liability<br>(George) .....                      | 720  |
| DAMS   |      |
| Protected Rivers Act, Nebraska, restrictions (Reutzel, Fowler) .                                   | 653  |
| DEATH  |      |
| Employees, surviving family members, continuing insurance for<br>(Banking Comm.) .....             | 413  |
| Fetal, reporting changes (Venditte) .....  | 471  |
| Grand jury requirement, law enforcement officer, involving<br>(LR 154 Comm.) .....                 | 806  |
| Joint owner, transfer of property (Beutler) .....  | 306  |
| Medicolegal Investigations Bd., State Coroner, death<br>investigations (LR 158 Select Comm.) ..... | 222  |
| Appropriation bill .....   | 222A |
| Penalty, eliminate (Chambers) .....  | 762  |
| DECEDENTS' ESTATES   |      |
| Disabled persons, guardian, appointment (Fowler) .....   | 721  |
| Filing requirements change (Judiciary Comm.) .....   | 498  |
| Homestead allowance, property exemption, family allowance,<br>provisions changes (Beutler) .....   | 981  |
| Property transfer, death of joint owner (Beutler) .....  | 306  |
| Property, changing provisions (Judiciary Comm.) .....  | 694  |
| Revised Uniform Principal and Income Act (Hoagland) .....  | 440  |
| Uniform Trustees' Powers Act (Hoagland) .....  | 439  |
| DECEPTOGRAPHS  |      |
| Persons using, regulation (Misc. Subj. Comm.) .....  | 485  |
| Appropriation bill .....   | 485A |
| DEER   |      |
| Antelope, aid, depredation control efforts (Rumery) .....  | 678  |
| DEVELOPMENTAL DISABILITIES-FAMILY ASSISTANCE AND SUPPORT ACT                                       |      |
| Adoption (Wesely) .....  | 875  |
| DISABLED PERSONS (See, also, Handicapped Persons, specific<br>headings)                            |      |
| Developmental Disabilities-Family Assistance and Support Act,<br>provisions (Wesely) .....         | 875  |
| Disabled persons, guardian, appointment (Fowler) .....   | 721  |
| In-home supportive services, employment for (Appro. Comm.) .....                                   | 503  |
| Parking, designated, provide (Urban Affrs. Comm.) .....  | 717  |
| DISPLACED HOMEMAKERS   |      |
| Service centers, remove restriction (Appro. Comm.) .....   | 663  |
| DISTRICT COURT   |      |
| Agency expense, appropriations (Appro. Comm.) .....  | 997  |

|   | LB   |
|---|------|
| Appeals, eminent domain, attorney's fees, costs, provisions<br>change(Ag. & Env. Comm.).....    | 680  |
| Attachments, provisions change(Judiciary Comm.).....  | 597  |
| Clerk, uncalled for funds(Judiciary Comm.).....   | 572  |
| Corporations, dissolution of, provisions change(Johnson).....                                   | 972  |
| Defendants, felony convictions, additional costs(Stoney).....                                   | 394  |
| Divorce, property division, alimony award(Pirsch).....  | 622  |
| Grand jury requirement, death case, law enforcement officer<br>(LR 154 Comm.).....              | 806  |
| Grandparents, visitation rights(Stoney, Nichol).....  | 749  |
| Interest, unsettled accounts(Runery).....   | 402  |
| Judges, increasing number(Cullan).....  | 618  |
| Appropriation bill .....  | 618A |
| Juries, prospective jurors, sixty-five or older, exemption<br>(Koch).....                       | 733  |
| Marital property, defining for divorce proceedings<br>(Judiciary Comm.).....                    | 519  |
| Nebraska Corrections Act, provisions(Fowler).....   | 971  |
| Notices, sanitary and improvement districts(LR 169 Comm.).....                                  | 933  |
| Product liability actions, statute of limitations, change<br>(Beutler, Fitzgerald).....         | 358  |
| Public power, bid rejection, appeal(LR 119 Comm.).....  | 962  |
| Reporter, verbatim record, oral proceedings(Hoagland).....                                      | 406  |
| Sanitary and improvement districts, petition notice<br>(LR 169 Comm.).....                      | 828  |
| Witnesses, jail commitment, appeal(LR 154 Comm.).....   | 713  |
| <b>DIVORCE</b>  |      |
| Marital property, defining(Judiciary Comm.).....  | 519  |
| Property division, alimony awards, additional considerations<br>(Pirsch).....                   | 622  |
| <b>DOCUMENTARY STAMP ACT</b>  |      |
| Partnerships, tax exemption(Wagner).....  | 650  |
| <b>DOUGLAS COUNTY</b>   |      |
| Board, jail and correction facilities, care and custody of<br>(Hoagland).....                   | 490  |
| Veterans' Home, establishing(Venditte, Nichol, Labedz,).....                                    | 184  |
| Appropriation bill .....  | 184A |
| <b>DRAINAGE</b>   |      |
| Districts, dissolution, provisions changes(Nichol).....   | 645  |
| Projects, eligible, Ne. Water Conservation Act, requirement<br>change(Ag. & Env. Comm.).....    | 637  |
| Sanitary and improvement districts, creation of, prior notice<br>requirement(LR 169 Comm.)..... | 933  |
| Sanitary and improvement districts, tax levies, other provisions<br>changes(LR 169 Comm.).....  | 828  |
| Sanitary and improvement districts, tax levies, provisions change<br>(LR 169 Comm.).....        | 980  |
| Sewerage system, Omaha, provisions change(LR 169 Comm.).....                                    | 791  |
| <b>DRUGS (See, also, Controlled Substances)</b>   |      |
| Alcoholism and Drug Abuse, Division of, creating<br>(Pub. Health Comm.).....                    | 684  |
| Appropriation bill .....  | 684A |
| Commission, on, eliminating(Pub. Health Comm.).....   | 684  |
| Appropriation bill .....  | 684A |
| Drug Abuse Advisory Committee, State, creating<br>(Pub. Health Comm.).....                      | 684  |
| Appropriation bill .....  | 684A |
| Paraphernalia, sale, use, prohibit(Law Enf. Comm.).....   | 991  |

## SUBJECT INDEX

2339

LB

|  |      |
|--|------|
| DRUGS, NEBRASKA COMMISSION ON                                    |      |
| Appropriations (Appro. Comm.) .....                              | 998  |
| Appropriations, state aid programs (Appro. Comm.) .....          | 1002 |
| DRY BEAN COMMISSION, NEBRASKA                                    |      |
| Creation of (Ag. & Env. Comm.) .....                             | 738  |
| Appropriation bill .....   | 738A |
| DRY BEAN RESOURCES ACT, NEBRASKA                                 |      |
| Adoption of (Ag. & Env. Comm.) .....                             | 738  |
| Appropriation bill .....   | 738A |
| ECONOMIC DEVELOPMENT, DEPARTMENT OF                              |      |
| Appropriations (Appro. Comm.) .....                              | 998  |
| Appropriations, state aid programs (Appro. Comm.) .....          | 1002 |
| Energy Conservation and Independence Act, provisions             |      |
| (LR 98 Comm., Wesely) .....                                      | 954  |
| Appropriation bill .....   | 954A |
| Sales tax on lodging, proceeds use (Banking Comm.) .....         | 499  |
| Appropriation bill .....   | 499A |
| EDUCATION (See, also, Schools)                                   |      |
| Accountability Act, adoption of (Cullan) .....                   | 104  |
| Alcohol abuse, educational programs (Misc. Subj. Comm.) .....    | 745  |
| Attorneys, county, mandatory continuing legal education          |      |
| (LR 154 Comm.) .....   | 790  |
| Appropriation bill .....   | 790A |
| Bank officers, employees, educational loans for children of      |      |
| (Banking Comm.) .....  | 335  |
| Children, behaviorally impaired, define (Educ. Comm.) .....      | 769  |
| Children, handicapped, transportation of, mileage, reimbursement |      |
| rate, increase (Educ. Comm.) .....                               | 867  |
| Appropriation bill .....   | 867A |
| CPA's, continuing education dates (Banking Comm.) .....          | 276  |
| Districts, adjoining, transfer of pupils (Barrett) .....         | 606  |
| Driver education programs, reimbursement (Powers) .....          | 890  |
| English proficiency development, programs (Educ. Comm.) .....    | 868  |
| Firefighters, training program, State Board of Vocational        |      |
| Education, establish (Govt. Comm.) .....                         | 724  |
| Gifted programs, development, improvement (Hoagland) .....       | 758  |
| Handicapped children, servicing agencies, reimbursement          |      |
| (Educ. Comm.) .....  | 772  |
| Handicapped high school students, education provision (Lamb) ..  | 764  |
| Higher, agency expenses, appropriations (Appro. Comm.) .....     | 999  |
| Institutions, federally licensed, exemption, Private Vocational  |      |
| Educational Authorization Act (Educ. Comm.) .....                | 774  |
| Insurance licensees, continuing education requirements           |      |
| (Goodrich) .....   | 934  |
| Loans, industrial loan and investment company employees'         |      |
| children (Banking Comm.) .....                                   | 336  |
| Nonresident students, state educational institutions,            |      |
| fee (Educ. Comm.) .....  | 304  |
| Postsecondary educational institutions, collective bargaining    |      |
| units for (Bus. & Labor Comm.) .....                             | 108  |
| Public, property tax support, limiting, C. A. (DeCamp) .....     | 964  |
| School boards, student member, Class II, III, IV, V, or VI       |      |
| districts (Educ. Comm.) .....                                    | 869  |
| Schools, legislative intent, goals (Koch) .....                  | 826  |
| Special education programs, reimbursement (Lamb) .....           | 765  |
| Appropriation bill .....   | 765A |
| Special education, handicapped children, appeal procedure        |      |
| (Beutler) .....  | 855  |

|   | LB   |
|---|------|
| State Department of, district reimbursement payments<br>(Goodrich).....                 | 978  |
| Transportation costs, payment (Educ. Comm.).....  | 770  |
| Tuition reimbursement, National Guard (Educ. Comm.).....                                | 526  |
| Wards, state or court, education costs, payment (Wesely).....                           | 839  |
| Appropriation bill .....  | 839A |
| <br>  |      |
| EDUCATION, COMMISSIONER OF  |      |
| Coordinating Council for the Handicapped, Ne., membership<br>(Educ. Comm.).....         | 773  |
| Appropriation bill .....  | 773A |
| <br>  |      |
| EDUCATION, DEPARTMENT OF  |      |
| Alcohol Abuse Education Fund, administration of<br>(Misc. Subj. Comm.).....             | 745  |
| Appropriation, deficiency (Marvel, Req. of Gov.).....                                   | 768  |
| Appropriations (Appro. Comm.).....  | 998  |
| Appropriations, deficit or revised (Appro. Comm.).....                                  | 995  |
| Autistic Citizens, Director of Educational Opportunities for,<br>duties (Kelly).....    | 871  |
| Capital construction, appropriations (Appro. Comm.).....                                | 1001 |
| Districts, adjoining, transfer of pupils (Barrett).....                                 | 606  |
| Gifted programs, approval (Hoagland).....   | 758  |
| Handicapped children, servicing agencies, reimbursement<br>(Educ. Comm.).....           | 772  |
| Handicapped high school students, counties, reimbursement<br>(Lamb).....                | 764  |
| Lottery Fund, State, receipts (Simon).....  | 612  |
| Appropriation bill .....  | 612A |
| Personnel system, state, provisions change (Appro. Comm.).....                          | 987  |
| Appropriation bill .....  | 987A |
| Public School Foundation and Equalization Act, adoption of<br>(Kahle).....              | 177  |
| Retirement System, State Employees, membership authorization<br>(Nebr. Ret. Comm.)..... | 818  |
| Appropriation bill .....  | 818A |
| Special education programs, reimbursement (Lamb).....                                   | 765  |
| Appropriation bill .....  | 765A |
| State aid programs, appropriations (Appro. Comm.).....                                  | 1002 |
| Tuition reimbursement, Class VI school districts (Lamb).....                            | 888  |
| <br>  |      |
| EDUCATION, STATE BOARD OF   |      |
| Minimum competency exams, high school diplomas (Cullan).....                            | 104  |
| Ne. Public Radio programs, policies (Fowler).....                                       | 60   |
| <br>  |      |
| EDUCATIONAL ACCOUNTABILITY ACT  |      |
| Adoption of (Cullan).....   | 104  |
| <br>  |      |
| EDUCATIONAL LANDS AND FUNDS, BOARD OF   |      |
| Appropriations (Appro. Comm.).....  | 998  |
| Isolated lands, access to (Venditte).....   | 254  |
| Personnel system, state, provisions change (Appro. Comm.).....                          | 987  |
| Appropriation bill .....  | 987A |
| Veterans' Aid Fund, bonds (Koch, Hefner).....   | 83   |
| <br>  |      |
| EDUCATIONAL SERVICE UNITS   |      |
| Bid, contract procedures (Kahle).....   | 264  |
| <br>  |      |
| EDUCATIONAL TELEVISION COMMISSION, NEBRASKA   |      |
| Appropriations (Appro. Comm.).....  | 998  |
| Appropriations, deficit or revised (Appro. Comm.).....                                  | 995  |
| Capital construction, appropriations (Appro. Comm.).....                                | 1001 |
| Public Radio Commission membership (Fowler).....  | 60   |

SUBJECT INDEX

2341  
LB

|   |     |
|---|-----|
| ELECTION CAMPAIGN FUND, NEBRASKA  |     |
| Creating (Lewis) .....  | 952 |
| ELECTION COMMISSIONER   |     |
| Ballots, provision change (Govt. Comm.) .....   | 922 |
| Voters, election day registration (Burrows) .....   | 465 |
| ELECTIONS   |     |
| Deputy sheriffs, political activity, permitting<br>(Misc. Subj. Comm.) .....                          | 484 |
| Education, board of, fourth class, district election<br>(Fowler, Wesely) .....                        | 784 |
| Legislature, candidates, contributions, provisions change<br>(Hoagland) .....                         | 974 |
| Local Option Tax Control Act, procedures changes (Koch) .....   | 627 |
| Omaha, district, city council members (DeCamp, Labeledz) .....  | 746 |
| Postsecondary educational institutions, collective bargaining<br>units for (Bus. & Labor Comm.) ..... | 108 |
| Provisions changes (Govt. Comm.) .....  | 922 |
| Sanitary and improvement districts, board of trustees, bond issue<br>(LR 169 Comm.) .....             | 828 |
| Voter registration, election day (Burrows) .....  | 465 |
| Voter registration, public high schools, students, staff<br>(Heutzel) .....                           | 812 |
| ELECTRICITY   |     |
| Consumers, certain classes, restricting rate charges<br>(LR 161 Comm.) .....                          | 461 |
| Deputy Ombudsman for Public Utilities, appointment<br>(LR 161 Comm.) .....                            | 454 |
| Electricians, fees, provisions change (Appro. Comm.) .....  | 957 |
| Generating facility, petroleum based fuel use, prohibit<br>(George) .....                             | 370 |
| Generation facilities, lines, construction requirement<br>(LR 161 Comm.) .....                        | 461 |
| Liens, cities and villages (Sieck) .....  | 336 |
| Nebr. Municipal Cooperative Financing Act (Govt. Comm.) .....   | 243 |
| Nonprofit corporations, electric generation facilities,<br>acquisition, operation of (Warner) .....   | 502 |
| Power districts, both wholesale and retail sales, restrictions<br>(Merz) .....                        | 266 |
| Public power district consumers, different classes, restricting<br>rate for (LR 161 Comm.) .....      | 462 |
| Public power districts, revenue, advertising restrictions<br>(LR 161 Comm.) .....                     | 458 |
| Public power, in lieu of tax payments, requirement removal, C.A.<br>(LR 161 Comm.) .....              | 453 |
| Rate increase procedure (LR 161 Comm.) .....  | 457 |
| Residential customers, lowest available rate (LR 161 Comm.) .....                                     | 460 |
| Utility, building certification form (Pub. Health Comm.) .....  | 171 |
| EMBALMING   |     |
| Provisions changes (Pub. Health Comm.) .....  | 94  |
| EMBALMING AND FUNERAL DIRECTING, BOARD OF EXAMINERS   |     |
| Name change (Pub. Health Comm.) .....   | 94  |
| EMERGENCY MEDICAL SERVICES SYSTEMS ACT  |     |
| Adoption of (Cope, Goodrich) .....  | 763 |
| EMINENT DOMAIN  |     |
| Appeals, attorney's fees, costs, provisions change<br>(Ag. & Env. Comm.) .....                        | 680 |

|   |      |
|---|------|
| <b>EMPLOYEES (See, also, Public Employees, Labor)</b>   |      |
| Death of, surviving family members, continuing insurance for<br>(Banking Comm.) .....         | 413  |
| Notices, employer, unlawful employment practices (Murphy) .....                               | 623  |
| Polygraph tests, prohibiting use by employer<br>(Misc. Subj. Comm.) .....                     | 166  |
| Truth, deception examination, employment condition, when<br>(Misc. Subj. Comm.) .....         | 485  |
| Appropriation bill .....  | 485A |
| Unemployment benefits, changing a disqualification condition<br>(Burrows) .....               | 318  |
| Unemployment benefits, provisions change (Bus. & Labor Comm.) ..                              | 761  |
| Uniform Arbitration Act, provisions (Bus. & Labor Comm.) .....                                | 811  |
| Wages, garnishment, provisions change (Judiciary Comm.) .....                                 | 597  |
| Workmen's compensation, weekly benefit increase (Brennan) .....                               | 113  |
| <b>EMPLOYER</b>   |      |
| Contribution rate, employment security, provision change<br>(Bus. & Labor Comm.) .....        | 719  |
| Employee's death, surviving family members, continuing<br>insurance for (Banking Comm.) ..... | 413  |
| Notices, unlawful employment practices (Murphy) .....   | 623  |
| Polygraph tests, prohibiting (Misc. Subj. Comm.) .....  | 166  |
| Truth, deception examination, employment condition, when<br>(Misc. Subj. Comm.) .....         | 485  |
| Appropriation bill .....  | 485A |
| Unemployment benefits, provisions change (Bus. & Labor Comm.) ..                              | 761  |
| Uniform Arbitration Act, provisions (Bus. & Labor Comm.) .....                                | 311  |
| Wages, garnishment, provisions change (Judiciary Comm.) .....                                 | 597  |
| Workmen's Compensation Court Cash Fund, contribution<br>(Banking Comm.) .....                 | 197  |
| <b>EMPLOYMENT</b>   |      |
| Agencies, registration fee, increase (Stoney) .....   | 781  |
| Benefits, unemployment, disqualification, provisions change<br>(Newell) .....                 | 942  |
| Continued, teachers, reorganized districts (Haberman) .....                                   | 844  |
| Disabled persons, in-home supportive services recipients<br>(Appro. Comm.) .....              | 503  |
| Polygraph tests, prohibiting use by employer<br>(Misc. Subj. Comm.) .....                     | 166  |
| Technical community college teachers, probationary period<br>(Goodrich) .....                 | 442  |
| Truth, deception examination, condition, when<br>(Misc. Subj. Comm.) .....                    | 485  |
| Appropriation bill .....  | 485A |
| Unemployment benefits, changing a disqualification condition<br>(Burrows) .....               | 318  |
| Youth Center inmates, deleting provision (Schmit) .....                                       | 319  |
| <b>EMPLOYMENT SECURITY</b>  |      |
| Applicants, changing a disqualification condition (Burrows) .....                             | 318  |
| Benefits, liability provisions, changing (Bus. & Labor Comm.) ..                              | 798  |
| Benefits, unemployment, provisions changes<br>(Bus. & Labor Comm.) .....                      | 800  |
| Disqualification, provisions change (Newell) .....  | 942  |
| Employers, contribution rate, provision change<br>(Bus. & Labor Comm.) .....                  | 719  |
| Increase (Powers) .....   | 943  |
| Unemployment benefits, provisions change (Bus. & Labor Comm.) ..                              | 761  |
| <b>ENERGY</b>   |      |
| Alternative Energy Source Tax Refund Act, provisions<br>(Hefner, Reg. of Gov.) .....          | 911  |

SUBJECT INDEX

2343

|   |      |
|---|------|
|   | LB   |
| Energy Conservation and Independence Act, adoption of<br>(LR 98 Comm., Wesely).....             | 954  |
| Appropriation bill .....  | 954A |
| Energy Efficiency Standards Advisory Board, creating (Wesely) ..                                | 856  |
| Energy Efficiency Standards Board, creating<br>(LR 98 Comm., Wesely).....                       | 954  |
| Appropriation bill .....  | 954A |
| Lighting and Thermal Efficiency Act, adoption of<br>(Pub. Health Comm.) .....                   | 171  |
| Lighting and Thermal Efficiency Act, Ne., provisions<br>(Schmit, Reg. of Gov.).....             | 990  |
| Nebr. Municipal Cooperative Financing Act (Govt. Comm.).....                                    | 243  |
| Nebraska Disaster, Resource Crisis and Civil Defense Act,<br>rename (Kremer, Reg. of Gov.)..... | 831  |
| Appropriation bill .....  | 831A |
| Renewable energy source system, tax credits, deductions for<br>(Wesely, Schmit).....            | 317  |
| Residences, energy conservation improvements, tax exemption, C.A.<br>(Reutzell).....            | 740  |
| Stationary engines, petroleum based fuel, prohibit (George)....                                 | 870  |
| <b>ENERGY CONSERVATION AND INDEPENDENCE ACT</b>   |      |
| Adoption of (LR 98 Comm., Wesely).....  | 954  |
| Appropriation bill .....  | 954A |
| <b>ENERGY CONSERVATION FINANCE COUNCIL, NEBRASKA</b>  |      |
| Creating (LR 98 Comm., Wesely).....   | 954  |
| Appropriation bill .....  | 954A |
| <b>ENERGY OFFICE, STATE</b>   |      |
| Alternative Energy Source Tax Refund Act, provisions<br>(Hefner, Reg. of Gov.).....             | 911  |
| Creating (LR 98 Comm., Wesely).....   | 954  |
| Appropriation bill .....  | 954A |
| Director, appointment, duties (LR 98 Comm., Wesely).....  | 954  |
| Appropriation bill .....  | 954A |
| Director, duties (Kremer, Reg. of Gov.).....  | 832  |
| Jurisdiction change (Kremer, Reg. of Gov.).....   | 832  |
| Lighting and Thermal Efficiency Act, Ne., provisions<br>(Schmit, Reg. of Gov.).....             | 990  |
| Lighting and Thermal Efficiency Act, responsibilities<br>(Pub. Health Comm.).....               | 171  |
| Public transportation, report (Keyes) .....   | 704  |
| Renewable Energy Research and Demonstration Fund, administration<br>of (Misc. Subj. Comm.)..... | 488  |
| <b>ENGINEERS</b>  |      |
| Construction drawings, registration seal (Pub. Health Comm.) ...                                | 171  |
| County, create office (Govt. Comm.).....  | 924  |
| Lighting and Thermal Efficiency Act, Ne., provisions<br>(Schmit, Reg. of Gov.).....             | 990  |
| <b>ENGINEERS &amp; ARCHITECTS, PROFESSIONAL, BOARD OF EXAMINERS FOR</b>                         |      |
| Appropriations (Appro. Comm.) .....   | 996  |
| <b>ENGINES</b>  |      |
| Stationary, petroleum based fuel use, prohibit (George).....                                    | 870  |
| <b>ENTOMOLOGIST, STATE</b>  |      |
| Grasshopper control, duties (Ag. & Env. Comm.).....   | 106  |
| <b>ENVIRONMENTAL CONTROL</b>  |      |
| Public nuisances, provision change (Bus. & Labor Comm.).....                                    | 915  |

|   |      |
|---|------|
|   | LB   |
| Waste, solid, hazardous, provisions changes (Ag. & Env. Comm.)                    | 853  |
| Appropriation bill .....  | 853A |
| ENVIRONMENTAL CONTROL, DEPARTMENT OF  |      |
| Appropriations (Appro. Comm.) .....   | 998  |
| Appropriations, state aid programs (Appro. Comm.) .....                           | 1002 |
| Asbestos materials, method (Wesely) .....   | 715  |
| Appropriation bill .....  | 715A |
| EQUAL OPPORTUNITY COMMISSION  |      |
| Appropriations (Appro. Comm.) .....   | 998  |
| Unlawful employment practices, notice to employer (Murphy) .....                  | 623  |
| EQUALIZATION AND ASSESSMENT, STATE BOARD OF                                       |      |
| Motor vehicle fuels, excise tax, determination (Warner) .....                     | 722  |
| Appropriation bill .....  | 722A |
| Tax levy authorizations, changing (Warner) .....                                  | 71   |
| ESCHEAT   |      |
| Personal property, abandoned, procedures change<br>(Revenue Comm.) .....          | 968  |
| State of Nebraska, bank stock, foreign ownership of, when<br>(Hefner) .....       | 123  |
| ESTATES   |      |
| Income tax, state aid to schools (Burrows, Sieck) .....                           | 89   |
| Property, changing provisions (Judiciary Comm.) .....                             | 694  |
| EXAMINING BOARDS, BUREAU OF   |      |
| Nursing, Board of, administration (Admin. Rules Comm.) .....                      | 847  |
| Appropriation bill .....  | 847A |
| EXCISE TAX  |      |
| Grain, rate (Carsten, Hefner) .....   | 787  |
| Motor vehicle fuels (Warner) .....  | 722  |
| Appropriation bill .....  | 722A |
| Potatoes, change (Nichol) .....   | 833  |
| EXPLOSIVES  |      |
| Bus terminals, aboard buses, prohibiting (Lewis) .....                            | 430  |
| Flood control procedures, authorization request (Simon) .....                     | 656  |
| Appropriation bill .....  | 656A |
| FAIRGROUNDS   |      |
| State, leasing by State Bd. of Agriculture (Warner) .....                         | 501  |
| FARMS AND FARMING   |      |
| Corporations, nonresident aliens, prohibit ownership<br>(Ag. & Env. Comm.) .....  | 352  |
| Corporations, restricting (Burrows, Sieck) .....                                  | 837  |
| Equipment, changing width restrictions (Rumery) .....                             | 638  |
| Equipment, changing width restrictions (Rumery) .....                             | 776  |
| Equipment, self-propelled, motor vehicle registration exemption<br>(Kremer) ..... | 636  |
| Land, agricultural, zoning, restriction (LR 169 Comm.) .....                      | 976  |
| Livestock, equipment, tax exemption, effective date delay<br>(Burrows) .....      | 142  |
| Truck-tractor, semitrailer combinations, registration fee<br>(Kahle) .....        | 854  |
| FEES AND SALARIES   |      |
| Attendant care, disabled persons, fee schedule (Appro. Comm.) ..                  | 503  |
| Attorney fees, provision change (Judiciary Comm.) .....                           | 694  |

SUBJECT INDEX

2345

|  |      |
|--|------|
|  | LB   |
| Auctioneers, license fee (Banking Comm.)   | 786  |
| Boilers, inspections, certificate fee (Appro. Comm.)                                   | 959  |
| Captive Insurance companies, fees (Banking Comm.)                                      | 308  |
| Civil action, court costs, attorney fees, reimbursement<br>(Bus. & Labor Comm.)        | 737  |
| Civil Air Patrol, motor vehicles, registration fee, exemption<br>(Marsh)               | 604  |
| Commission on Transportation, reimbursement (Newell)                                   | 267  |
| Appropriation bill   | 267A |
| Deputy Ombudsman for Public Utility Affairs (LR 161 Comm.)                             | 454  |
| District coroner (LR 158 Select Comm.)   | 222  |
| Appropriation bill   | 222A |
| District court, verbatim records, transcript fee (Hoagland)                            | 406  |
| Dry beans, fee (Ag. & Env. Comm.)  | 738  |
| Appropriation bill   | 738A |
| Electricians, fees, provisions change (Appro. Comm.)                                   | 957  |
| Employment agencies, registration fee, increase (Stoney)                               | 781  |
| Grain checkoff fees, grain boards (Banking Comm.)                                      | 786  |
| Housing Contractor Board, Nebraska, reimbursement (Nichol)                             | 389  |
| Housing contractor certificate fee (Nichol)  | 389  |
| Insurance consultants, license fee (Banking Comm.)                                     | 481  |
| Legislature, members, salaries (Marvel, Req. of Gov.)                                  | 673  |
| Lighting and Thermal Efficiency Standards Board, reimbursement<br>(Pub. Health Comm.)  | 171  |
| Liquor license, fee change (Misc. Subj. Comm.)   | 848  |
| Litter fee, products, provisions change (DeCamp)                                       | 965  |
| Appropriation bill   | 965A |
| Livestock dealers, license application change<br>(Ag. & Env. Comm.)                    | 566  |
| Livestock, inspection fee, provision change (Ag. & Env. Comm.)                         | 631  |
| Medicolegal Investigations Bd., reimbursement<br>(LR 158 Select Comm.)                 | 222  |
| Appropriation bill   | 222A |
| Mobile homes, recreational vehicles, fee (Kelly)                                       | 418  |
| Appropriation bill   | 418A |
| Mopeds, license fee (Marsh)  | 603  |
| Motor vehicle license, suspended, revoked, reinstatement fee<br>(Marvel, Req. of Gov.) | 672  |
| Appropriation bill   | 672A |
| Motorcycles, licenses, fee (Landis)  | 960  |
| Nonprofit electric generation facility directors, reimbursement<br>(Warner)            | 502  |
| Nonresident status, state educational institutions, fee<br>(Educ. Comm.)               | 304  |
| Parking, handicapped, disabled persons, permit fee<br>(Urban Affirs. Comm.)            | 717  |
| Pasteurized Milk Law, Nebraska, inspection fee<br>(Ag. & Env. Comm.)                   | 632  |
| Appropriation bill   | 632A |
| Personnel system, state, provisions changes (Appro. Comm.)                             | 987  |
| Appropriation bill   | 987A |
| Polygraph Examiner, license fee (Lewis)  | 883  |
| Public accountant offices, registration fee<br>(Banking Comm.)                         | 279  |
| Public Radio Commission fees, use (Powler)   | 60   |
| Real estate licenses, nonresident, fee change (Barrett)                                | 936  |
| Sheriffs, compensation, provisions change (Chambers)                                   | 628  |
| Soil classifiers, professional, registration fee (Kremer)                              | 755  |
| Soil laboratory, registration fee, increasing<br>(Ag. & Env. Comm.)                    | 633  |
| Appropriation bill   | 633A |
| State employees, eight per cent salary rate adjustment<br>(Appro. Comm.)               | 996  |

|  | LB   |
|--|------|
| State employees, eight per cent salary rate adjustment<br>(Appro. Comm.).....  | 997  |
| State employees, eight per cent salary rate adjustment<br>(Appro. Comm.).....  | 998  |
| State employees, eight per cent salary rate adjustment<br>(Appro. Comm.).....  | 999  |
| State employees, three per cent salary rate adjustment<br>(Appro. Comm.).....  | 995  |
| State Energy Office, certification processing fee<br>(Pub. Health Comm.).....  | 171  |
| State officers, salary increase (Exec. Bd.).....   | 872  |
| Appropriation bill .....   | 872A |
| Teachers pay rate increase, Commission of Industrial Relations,<br>state payment (Maresh).....                       | 845  |
| Teachers, reserve, salary rate increase (Nebr. Ret. Comm.).....  | 819  |
| Appropriation bill .....   | 819A |
| Teachers' certificates, fee increase (Educ. Comm.).....  | 771  |
| Truck-tractor, semitrailer combinations, registration fee<br>(Kahle).....  | 854  |
| Truth and deception examiner's license, fee<br>(Misc. Subj. Comm.).....  | 485  |
| Appropriation bill .....   | 485A |
| Water usage, permit fee (Dworak).....  | 757  |
| Well management fee, authorization (Pub. Works Comm.).....   | 829  |
| Wells, construction, replacement, permit fee (Sieck).....  | 643  |
| Witnesses, jail, fee provided (LR 154 Comm.).....  | 713  |
| <b>FIRE</b>  |      |
| Arson, other property destruction, penalty (Stoney).....   | 979  |
| Open burning, ban, waiver (Hefner).....  | 810  |
| <b>FIRE MARSHAL, STATE</b>   |      |
| Appropriations (Appro. Comm.).....   | 998  |
| Appropriations, deficit or revised (Appro. Comm.).....   | 995  |
| Building Code Act, Nebraska (Wesely).....  | 856  |
| Open burning, ban, waiver (Hefner).....  | 810  |
| <b>FIREFIGHTERS</b>  |      |
| Firefighters Training Advisory Committee, creation of<br>(Govt. Comm.).....  | 724  |
| Home rule charter cities, pension plans, minimum benefits<br>(Nebr. Ret. Comm.).....                                 | 283  |
| Investigations, additional powers, authorize (Newell).....   | 350  |
| Lincoln, pension requirements, changing (Nebr. Ret. Comm.).....  | 229  |
| Lincoln, retirement, cost of living adjustments, contributions<br>(Nebr. Ret. Comm.).....                            | 410  |
| Monthly supplemental pension payment, cities of the first,<br>primary and metropolitan class (Nebr. Ret. Comm.)..... | 230  |
| Training program, State Board of Vocational Education,<br>authorization (Govt. Comm.).....                           | 724  |
| <b>FISCAL ANALYST</b>  |      |
| Bills, resolutions, analysis of, change requirements (Merz).....   | 982  |
| Legislation, analysis, continue provisions<br>(Bus. & Labor Comm.).....  | 988  |
| <b>FLOODS</b>  |      |
| Flood control procedures (Simon).....  | 656  |
| Appropriation bill .....   | 656A |
| <b>FOOD AND FOOD PRODUCTS</b>  |      |
| Nebraska Food Safety and Quality Law<br>Adoption of (Ag. & Env. Comm.).....  | 630  |
| Appropriation bill .....   | 630A |

SUBJECT INDEX

2347

|  |      |
|--|------|
|  | LB   |
| Pasteurized Milk Law, Nebraska, adoption of (Ag. & Env. Comm.)                                       | 632  |
| Appropriation bill .....   | 632A |
| Potatoes, excise tax, change (Nichol) .....  | 833  |
| Sales tax credit increase (Maresh, Newell) .....   | 44   |
| Sales tax credit, increase (Marvel, Reg. of Gov) .....   | 670  |
| Sales tax exemption, eliminating credit (Newell) .....   | 16   |
| Sales tax, exempting certain (Keyes) .....   | 325  |
| <b>FOOD SAFETY AND QUALITY LAW, NEBRASKA</b>   |      |
| Adoption of (Ag. & Env. Comm.) .....   | 630  |
| Appropriation bill .....   | 630A |
| <b>FOUNDATION AID</b>  |      |
| Public schools (Kahle) .....   | 177  |
| <b>FRAUDS</b>  |      |
| Uniform Fraudulent Conveyance Act, adoption of (Johnson) .....                                       | 814  |
| <b>FUEL</b>  |      |
| Agricultural Alcohol Fuel Tax Fund, fund transfer, increase<br>(Schmit) .....                        | 876  |
| Agricultural ethyl alcohol, purity, provisions change<br>(Appro. Comm.) .....                        | 956  |
| Electrical generating facility, petroleum based fuel use,<br>prohibit (George) .....                 | 870  |
| Environmental Control, Department of, additional authority<br>(Bus. & Labor Comm.) .....             | 915  |
| Gasohol, national promotion group membership, appropriation for<br>(Ag. & Env. Comm.) .....          | 121  |
| Petroleum based, stationary engine use, prohibit (George) .....                                      | 370  |
| <b>FUNDS</b>   |      |
| Agricultural Alcohol Fuel Tax Fund, appropriation from<br>(Ag. & Env. Comm.) .....                   | 121  |
| Agricultural Alcohol Fuel Tax Fund, fund transfer, increase<br>(Schmit) .....                        | 876  |
| Agriculture, Department of, Services Expense Revolving Fund,<br>creation of (Ag. & Env. Comm.) ..... | 633  |
| Appropriation bill .....   | 633A |
| Alcohol Abuse Education Fund, creation of (Misc. Subj. Comm.) ..                                     | 745  |
| Auctioneer Commission Fund, Ne., creating (Banking Comm.) .....                                      | 786  |
| Boating Recreation and Safety Fund, creating<br>(Const. Rev. Comm.) .....                            | 920  |
| Branch Rail Line Revitalization Fund, creating<br>(Pub. Works Comm.) .....                           | 507  |
| Appropriation bill .....   | 507A |
| County Tax Relief Fund, deposits, pari-mutuel wagering<br>(Haberman) .....                           | 661  |
| Crime Victim's Compensation Fund, deposits (Stoney) .....  | 394  |
| Deer and Antelope Depredation Fund, State, creation of<br>(Rumery) .....                             | 678  |
| Dry Bean Development, Utilization, and Marketing Fund, Ne.<br>(Ag. & Env. Comm.) .....               | 738  |
| Appropriation bill .....   | 738A |
| Election Campaign Fund, Nebraska, creating (Lewis) .....   | 952  |
| Electrical Division Fund, transfer, Electrical Board Fund<br>(Wesely) .....                          | 856  |
| English Proficiency Development Fund, creating (Educ. Comm.) ...                                     | 868  |
| Fire Fighting Training Program Cash Fund, creating<br>(Govt. Comm.) .....                            | 724  |
| Flood Prevention Fund, establishing (Simon) .....  | 656  |
| Appropriation bill .....   | 656A |
| Gifted Childred Educational Program Fund, establish (Roagland). ..                                   | 758  |

|   | LB   |
|---|------|
| Grain Alcohol Plant Construction Fund, appropriation<br>(Ag. & Env. Comm.) .....                          | 121  |
| Grasshopper Control Cash Fund, creating (Nichol) .....  | 918  |
| Appropriation bill .....  | 918A |
| Highway Trust Fund, deposits (Keyes) .....  | 796  |
| Lottery Fund, State, creating (Simon) .....   | 612  |
| Appropriation bill .....  | 612A |
| Motor Vehicles Cash Fund, creation of (Marvel, Req. of Gov.) ...  | 671  |
| Motorcycle Safety Education Fund, establishing (Landis) .....   | 960  |
| Municipal, public transportation use (Landis) .....   | 779  |
| Native American Crime Enforcement Fund, creating<br>(Judiciary Comm.) .....                               | 388  |
| Ne. City and County Peace Officers' Retirement Fund, creating<br>(Nebr. Ret. Comm.) .....                 | 118  |
| Personal Property Tax Relief Fund, distribution of (Schmit) ...   | 487  |
| Police Retirement Fund, cities of the primary class<br>(Nebr. Ret. Comm.) .....                           | 953  |
| Political Subdivision Property Tax Relief Fund, creating<br>(DeCamp) .....                                | 711  |
| Public School Foundation and Equalization Fund, creating<br>(Kahle) .....                                 | 177  |
| Renewable Energy Research and Demonstration Fund, creating<br>(Misc. Subj. Comm.) .....                   | 488  |
| Retired Teachers Supplementary Benefits Fund, establishing<br>(Fowler) .....                              | 228  |
| Appropriation bill .....  | 228A |
| Soil Classifiers Registration Fund, creating (Kremer) .....   | 755  |
| State Public Radio Fund, creating (Fowler) .....  | 60   |
| Tourism and Conventions Promotion Cash Fund, creating<br>(Banking Comm.) .....                            | 499  |
| Appropriation bill .....  | 499A |
| Uncalled for, district court, payments (Judiciary Comm.) .....  | 572  |
| Utility funds, surplus, transfer to general fund, 1st and 2nd<br>class cities, restrictions (Simon) ..... | 614  |
| Veterans' Aid, increase (Koch, Hefner) .....  | 88   |
| Water Conservation and Development Cash Fund, creating<br>(Marvel, Req. of Gov.) .....                    | 669  |
| Water Resources Development Fund, provision change<br>(Pub. Works Comm.) .....                            | 708  |
| Workmen's Compensation Court cash fund, creating<br>(Banking Comm.) .....                                 | 197  |
| <b>FUNERAL DIRECTORS</b>  |      |
| Provisions changes (Pub. Health Comm.) .....  | 94   |
| <b>GAMBLING</b>   |      |
| Off-track messenger service use, authorizing<br>(Misc. Subj. Comm.) .....                                 | 488  |
| <b>GAME AND FISH</b>  |      |
| Parks, entry permits, provisions change (Const. Rev. Comm.) ...   | 723  |
| Permit to destroy additional predators (Const. Rev. Comm.) ...  | 552  |
| Trapping, highway or road, prohibit (Const. Rev. Comm.) .....   | 777  |
| Trapping, written consent, owner, require (Warner) .....  | 727  |
| Traps, identification, require (Const. Rev. Comm.) .....  | 729  |
| <b>GAME AND PARKS COMMISSION</b>  |      |
| Appropriations (Appro. Comm.) .....   | 938  |
| Appropriations, deficit or revised (Appro. Comm.) .....   | 995  |
| Appropriations, state aid programs (Appro. Comm.) .....   | 1002 |
| Boating Recreation and Safety Fund, provisions<br>(Const. Rev. Comm.) .....                               | 920  |
| Capital construction, appropriations (Appro. Comm.) .....   | 1001 |

SUBJECT INDEX

2349

LB

|   |      |
|---|------|
| Deer, antelope, aid, depredation control efforts (Rumery).....  | 678  |
| Motorboat lists, filing requirement, eliminate<br>(Const. Rev. Comm.) .....                                     | 910  |
| Permit to destroy additional predators (Const. Rev. Comm.).....   | 552  |
| Protected Rivers Act, Nebraska, adoption of (Reutzell, Fowler) ..   | 653  |
| Traps, identification, require (Const. Rev. Comm.) .....  | 729  |
| <b>GARBAGE</b>  |      |
| Refuse, rubbish, disposal facilities, Omaha, restrictions<br>(Venditte) .....                                   | 878  |
| <b>GARNISHMENTS</b>   |      |
| In aid of execution, provisions change (Judiciary Comm.) .....  | 597  |
| <b>GASOHOL</b>  |      |
| Agricultural Alcohol Fuel Tax Fund, fund transfer,<br>increase (Schmit) .....                                   | 876  |
| Agricultural ethyl alcohol, purity, provisions change<br>(Appro. Comm.) .....                                   | 956  |
| National promotion group membership, grain alcohol plants,<br>funding (Ag. & Env. Comm.) .....                  | 121  |
| Plant, bonds, authorization, C.A. (Maresh) .....  | 637  |
| <b>GASOLINE</b>   |      |
| Tax rate increase (Neb. Trans. Adv. Comm.) .....  | 361  |
| Appropriation bill .....  | 361A |
| <b>GENERAL FUND</b>   |      |
| Appropriations Comm. annual report requirements (Appro. Comm.) ..   | 550  |
| <b>GENETICALLY HANDICAPPED PERSON'S ACT</b>   |      |
| Adoption (Pub. Health Comm.) .....  | 989  |
| Appropriation bill .....  | 989A |
| <b>GOVERNOR</b>   |      |
| Advisory Committee, Department of Health, members, appointment<br>(Goodrich) .....                              | 667  |
| Agency expense, appropriations (Appro. Comm.) .....   | 997  |
| Appropriations, state agencies (Marvel, Req. of Gov.) .....   | 767  |
| Appropriations, 86th Legislature, first session, acknowledgement,<br>reaffirmation (Marvel, Req. of Gov.) ..... | 676  |
| Athletic Advisory Committee, appointments (Misc. Subj. Comm.) ..  | 849  |
| Appropriation bill .....  | 849A |
| Auctioneer Commission, Ne., appointments (Banking Comm.) .....  | 786  |
| Board of Equalization and Assessment, State, motor vehicle<br>fuels, excise tax, rate change (Warner) .....     | 722  |
| Appropriation bill .....  | 722A |
| Branch Rail Revitalization and Equity Planning Council,<br>appointments (Pub. Works Comm.) .....                | 507  |
| Appropriation bill .....  | 507A |
| Capital construction, appropriations (Marvel, Req. of Gov.) .....   | 675  |
| Certificate of Need Advisory Committee, appointments, provision<br>change (Kelly) .....                         | 725  |
| Commission on Transportation, appointments, report (Newell) .....   | 267  |
| Appropriation bill .....  | 267A |
| Compact, barge, Missouri River, authorization<br>(Maresh, Carsten, Merz, Hefner, George) .....                  | 759  |
| Coordinating Council for the Handicapped, Ne., plan, report<br>(Educ. Comm.) .....                              | 773  |
| Appropriation bill .....  | 773A |
| Corrections, Director of, appointment (Fowler) .....  | 971  |
| County Attorney Standards Advisory Council, Ne., appointments<br>(LR 154 Comm.) .....                           | 790  |
| Appropriation bill .....  | 790A |

|   |      |
|---|------|
| Crime Victim's Reparations and State Claims Board, appointments<br>(Appro. Comm.).....              | 815  |
| Deputy Ombudsman for Public Utility Affairs reports<br>(LR 161 Comm.).....                          | 454  |
| Developmental Disabilities-Family Assistance Advisory Committee,<br>appointments (Wesely).....      | 875  |
| Drug Abuse Advisory Committee, State, appointments<br>(Pub. Health Comm.).....                      | 684  |
| Appropriation bill .....  | 684A |
| Dry Bean Commission, Ne., appointments (Ag. & Env. Comm.).....                                      | 738  |
| Appropriation bill .....  | 738A |
| Education, Department of, appropriation (Marvel, Req. of Gov.)..                                    | 768  |
| Electrical Board, State, appointments (Wesely).....   | 856  |
| Energy Efficiency Standards Advisory Board, appointments<br>(Wesely).....                           | 856  |
| Food sales tax credit, increase (Marvel, Req. of Gov.).....   | 670  |
| Health Manpower Referral Service, Nebraska, director, appointment<br>(Pub. Health Comm.).....       | 641  |
| Housing Contractor Board, Nebraska, appointments (Nichol).....                                      | 389  |
| Inspector General, appointment (LR 137 Comm.).....  | 760  |
| Interstate Agricultural Grain Marketing Commission reports,<br>appointments (Ag. & Env. Comm.)..... | 515  |
| Jail Standards Board, appointments (Judiciary Comm.).....   | 700  |
| Judges, vacancy, provision change (Johnson).....  | 730  |
| Legislature, members, salaries (Marvel, Req. of Gov.).....  | 673  |
| Lighting and Thermal Efficiency Standards Board,<br>appointments (Pub. Health Comm.).....           | 171  |
| Lottery, state, quarterly report (Simon).....   | 612  |
| Appropriation bill .....  | 612A |
| Medicolegal Investigation Board, appointments<br>(LR 158 Select Comm.).....                         | 222  |
| Appropriation bill .....  | 222A |
| Mobile Home and Recreational Vehicle Advisory Board,<br>appointments (Wesely).....                  | 856  |
| Motor vehicle license, suspended, revoked, reinstatement fee<br>(Marvel, Req. of Gov.).....         | 672  |
| Appropriation bill .....  | 672A |
| Motor Vehicles Cash Fund, creation of (Marvel, Req. of Gov.)...                                     | 671  |
| Natural Resources Commission, Ne., advisory board, appointments<br>(Pub. Works Comm.).....          | 708  |
| Nebraska State Government, expenses, appropriations<br>(Marvel, Req. of Gov.).....                  | 677  |
| Nursing Home Commission, appointments (Simon).....  | 752  |
| Nursing Home Commission, appointments (Simon).....  | 753  |
| Officers, Nebraska State Government, salaries, appropriations<br>(Marvel, Req. of Gov.).....        | 674  |
| Personnel Board, State, appointments (Appro. Comm.).....  | 987  |
| Appropriation bill .....  | 987A |
| Plumbing and Mechanical Advisory Board, appointments (Wesely)..                                     | 856  |
| Political Accountability and Disclosure Commission<br>appointments (Misc. Subj. Comm.).....         | 535  |
| Polygraph Examiner's Board, appointments (Lewis).....   | 893  |
| Prisoners, foreign countries, transfer authorization<br>(Law Enf. Comm.).....                       | 808  |
| Private Security Licensing and Regulatory Board, appointments<br>(LR 154 Comm.).....                | 823  |
| Appropriation bill .....  | 923A |
| Resource crises, authority (Kremer, Req. of Gov.).....  | 831  |
| Appropriation bill .....  | 831A |
| Salary increase (Exec. Bd.).....  | 872  |
| Appropriation bill .....  | 872A |
| State agencies, public hearings, notice and waiver,<br>provisions change (Admin. Rules Comm.).....  | 846  |

SUBJECT INDEX

2351

|   |      |
|---|------|
|   | LB   |
| State Building Code Division, Director, appointment (Wesely)...                                     | 856  |
| State Fairgrounds, leasing real estate, approval for (Warner) ..                                    | 501  |
| State property, easement conveyance, city of Lincoln,<br>authorization (Marsh) .....                | 602  |
| Structural Code Advisory Board, appointments (Wesely) .....   | 856  |
| Water Conservation and Development Cash Fund, creating<br>(Marvel, Reg. of Gov.) .....              | 669  |
| <br>GRAIN   |      |
| Alcohol plants, funding (Ag. & Env. Comm.) .....  | 121  |
| Boards, checkoff fees, use of funds (George, Kahle) .....   | 756  |
| Dealers, inventory, personal property tax, exemption<br>(Carsten, Hefner) .....                     | 787  |
| Interstate Compact on Agricultural Grain Marketing, ratification<br>of (Ag. & Env. Comm.) .....     | 515  |
| <br>GRASSHOPPER CONTROL ACT, NEBRASKA RANGELAND   |      |
| Adoption of (Nichol) .....  | 918  |
| Appropriation bill .....  | 918A |
| <br>GRASSHOPPER CONTROL FUND  |      |
| Creating (Ag. & Env. Comm.) .....   | 106  |
| <br>GRASSHOPPERS  |      |
| Control program, appropriation (Appro. Comm.) .....   | 995  |
| <br>GROUND WATER (See, also, Water, Irrigation, Natural<br>Resources)                               |      |
| Conservation districts, dissolution date, change (Kremer) .....                                     | 739  |
| Irrigation pumps, mechanical devices, pollution, provisions<br>change (Sieck) .....                 | 807  |
| Irrigation, domestic wells, interference, liability exclusion<br>(Kremer) .....                     | 27   |
| Natural resource districts, control area, issuance of additional<br>permits, closing (Schmit) ..... | 984  |
| Reuse pits, provision (Vickers) .....   | 908  |
| Users, preference, provisions change (Schmit) .....   | 985  |
| Well management fee, authorization (Pub. Works Comm.) .....   | 829  |
| Wells, spacing requirements (Pub. Works Comm.) .....  | 830  |
| Withdrawal, transporting, landowner, provisions change (Sieck) ..                                   | 643  |
| <br>GROUP HEALTH INSURANCE CONTINUATION AND CONVERSION ACT  |      |
| Adoption of (Banking Comm.) .....   | 904  |
| <br>GUARDIAN AND WARD   |      |
| Disabled persons, appointment (Fowler) .....  | 721  |
| Wards, state or court, detention home, education costs, payment<br>(Wesely) .....                   | 839  |
| Appropriation bill .....  | 839A |
| <br>HANDICAPPED PERSONS (See, also, specific headings)  |      |
| Buses, school, public transportation, exception<br>(Fowler, Labeledz) .....                         | 813  |
| Children, adoption restrictions, remove (Lewis) .....   | 951  |
| Children, behaviorally impaired, define (Educ. Comm.) .....   | 769  |
| Children, home care, assistance (Wesely) .....  | 875  |
| Children, servicing agencies, reimbursement (Educ. Comm.) .....                                     | 772  |
| Children, special education, appeal procedure (Beutler) .....                                       | 855  |
| Children, transportation of, mileage, reimbursement rate,<br>increase (Educ. Comm.) .....           | 867  |
| Appropriation bill .....  | 867A |
| Coordinating Council for the Handicapped, Ne., provisions changes<br>(Educ. Comm.) .....            | 773  |
| Appropriation bill .....  | 773A |

|  |      |
|--|------|
|  | LB   |
| Genetically Handicapped Person's Act (Pub. Health Comm.) .....                     | 989  |
| Appropriation bill .....   | 989A |
| Guardian, appointment(Fowler).....   | 721  |
| High school students, education of(Lamb).....                                      | 764  |
| Homestead Property Tax Relief Act, eligibility (Revenue Comm.) .....               | 608  |
| Appropriation bill .....   | 608A |
| In-home supportive services, employment for (Appro. Comm.).....                    | 503  |
| Mental incompetency, stand trial, determination (LR 154 Comm.) .....               | 825  |
| Nebraska Coordinating Council for the Handicapped, abolish<br>(Beutler) .....      | 657  |
| Parking, designated, provide (Urban Affrs. Comm.) .....                            | 717  |
| Special education programs, reimbursement (Lamb).....                              | 765  |
| Appropriation bill .....   | 765A |
| Welfare, standards of need (Johnson) .....   | 35   |
| Appropriation bill .....   | 35A  |
| <br>HEALTH, DEPARTMENT OF  |      |
| Advisory Committee, creating (Goodrich) .....                                      | 667  |
| Alcoholism, insurance requirement, program certification<br>(Powers).....          | 646  |
| Appropriations (Appro. Comm.) .....  | 998  |
| Appropriations, deficit or revised (Appro. Comm.) .....                            | 995  |
| Appropriations, state aid programs (Appro. Comm.) .....                            | 1002 |
| Asbestos materials, abatement, procedures (Wesely) .....                           | 715  |
| Appropriation bill .....   | 715A |
| Commission on Rural Health Manpower, staff support<br>(Pub. Health Comm.).....     | 641  |
| Embalmers, funeral directors, provisions changes<br>(Pub. Health Comm.) .....      | 94   |
| Emergency Medical Services Systems Act, adoption of<br>(Cope, Goodrich).....       | 763  |
| Fetal deaths, reporting forms (Venditte) .....                                     | 471  |
| Genetically Handicapped Person's Act (Pub. Health Comm.) .....                     | 989  |
| Appropriation bill .....   | 989A |
| Health Care Certificate of Need Act, Ne., provisions changes<br>(Kelly) .....      | 725  |
| Health Manpower Referral Service, Nebraska, creating<br>(Pub. Health Comm.) .....  | 641  |
| Hospital licenses, data required (Wesely) .....                                    | 256  |
| Housing contractors, administration (Nichol) .....                                 | 389  |
| Laetrile regulation, treatment information<br>(Venditte, Kahle, Labedz).....       | 382  |
| Appropriation bill .....   | 382A |
| License fees, homes for the aged, provision change<br>(Pub. Health Comm.) .....    | 686  |
| Mobile Home and Recreational Vehicle Advisory Board,<br>appointments (Kelly) ..... | 418  |
| Appropriation bill .....   | 418A |
| Nursing Home Commission (Simon) .....  | 752  |
| Nursing Home Commission (Simon) .....  | 753  |
| Nursing, provisions change (Admin. Rules Comm.) .....                              | 847  |
| Appropriation bill .....   | 847A |
| Psychologists, licensing, provisions change (Appro. Comm.) .....                   | 958  |
| Appropriation bill .....   | 958A |
| Therapeutic Research Act, provisions (DeCamp).....                                 | 938  |
| <br>HEALTH, DIRECTOR OF  |      |
| Advisory Committee, Department of Health, qualification change<br>(Goodrich).....  | 667  |
| Birth certificate, foreign-born adopted person, procedure<br>(Newell, Kelly) ..... | 992  |

SUBJECT INDEX

2353

LB

|   |      |
|---|------|
| Coordinating Council for the Handicapped, Ne., membership<br>(Educ. Comm.).....                           | 773  |
| Appropriation bill .....  | 773A |
| Medicolegal Investigations Bd., rep. on (LR 158 Select Comm.)..   | 222  |
| Appropriation bill .....  | 222A |
| Nebraska Corrections Act, provisions, duties (Fowler).....  | 971  |
| Nursing, provisions change (Admin. Rules Comm.) .....   | 847  |
| Appropriation bill .....  | 847A |
| Pasteurized Milk Law, Nebraska, duties (Ag. & Env. Comm.).....  | 632  |
| Appropriation bill .....  | 632A |
| Private Security Licensing and Regulatory Board, membership<br>(LR 154 Comm.) .....                       | 823  |
| Appropriation bill .....  | 823A |
| Therapeutic Research Act, provisions (DeCamp).....  | 938  |
| <br>HEALTH, STATE BOARD OF  |      |
| Embalmers, funeral directors, provisions changes<br>(Pub. Health Comm.) .....                             | 94   |
| Health, Department of, replacing (Goodrich).....  | 667  |
| <br>HEARING IMPAIRED PERSONS  |      |
| Hearing aid dog, provide (Urban Affrs. Comm.) .....   | 932  |
| <br>HEARING IMPAIRED, COMMISSION FOR THE  |      |
| Appropriations (Appro. Comm.) .....   | 998  |
| Coordinating Council for the Handicapped, Ne., membership<br>(Educ. Comm.) .....                          | 773  |
| Appropriation bill .....  | 773A |
| <br>HEARINGS  |      |
| Criminal procedure, preliminary examination (Kahle).....  | 600  |
| Education, special, handicapped children, appeal procedure<br>(Beutler) .....                             | 855  |
| Juvenile, probation, provision changes (Johnson).....   | 409  |
| Mental incompetency, stand trial, determination (LR 154 Comm.)..  | 825  |
| Oil and Gas Conservation Commission, Nebraska, examiner,<br>appeal process (Pub. Works Comm.) .....       | 709  |
| Performance Review and Audit Committee, provision change<br>(Appro. Comm.) .....                          | 886  |
| Preliminary, State Patrol criminalistics lab, reports, evidence,<br>authorization (Judiciary Comm.) ..... | 695  |
| Public power, bid rejection (LR 119 Comm.) .....  | 962  |
| Public, state agencies, rules, provision change<br>(Admin. Rules Comm.) .....                             | 846  |
| Reclamation districts, provisions change (Wesely) .....   | 931  |
| Revisor of Regulations, procedures (Murphy) .....   | 712  |
| Appropriation bill .....  | 712A |
| <br>HEMOPHILIA  |      |
| Genetically Handicapped Person's Act (Pub. Health Comm.) .....  | 989  |
| Appropriation bill .....  | 989A |
| <br>HERITAGE CENTER, NEBRASKA   |      |
| Appropriations (Appro. Comm.) .....   | 995  |
| <br>HIGHWAYS (See, also, Roads)   |      |
| Contractors, construction, payments, provisions change (Keyes). ..  | 948  |
| Engineers, county, create office (Govt. Comm.) .....  | 924  |
| Garbage vehicles, overweight, special permit (Kelly) .....  | 842  |
| Highway Trust Fund, fund transfer (Const. Rev. Comm.) .....   | 920  |
| Increasing speed limit (Chambers) .....   | 330  |
| Interstate, directional signs, displays, removal of, exemptions<br>(Banking Comm.) .....                  | 499  |
| Appropriation bill .....  | 499A |

|  | LB   |
|--|------|
| Interstate, vehicle combinations, maximum length, increase<br>(Merz).....    | 634  |
| Interstate, weight table, partial use, allow(Warner).....                    | 785  |
| Litter receptacles (DeCamp).....   | 965  |
| Appropriation bill .....   | 965A |
| Littering, penalty changes(Ag. & Env. Comm.).....                            | 497  |
| Motor vehicle fuels, excise tax(Warner).....                                 | 722  |
| Appropriation bill .....   | 722A |
| Motor vehicles, liability insurance, mandatory<br>(Johnson, Marsh).....      | 944  |
| Motorcycles, mopeds, protective helmet requirement(Landis)....               | 961  |
| Rubber tired cranes, transportation of(Stoney).....                          | 284  |
| Transfer of roads(Hoagland, Keyes).....                                      | 873  |
| Weight restriction, additional, certain motor vehicles<br>(Vickers).....     | 778  |
| <b>HIJACKING</b>   |      |
| Bus, penalty(Lewis).....   | 430  |
| <b>HISTORICAL SOCIETY, STATE</b>   |      |
| Appropriations(Appro. Comm.).....  | 998  |
| Appropriations, deficit or revised(Appro. Comm.).....                        | 995  |
| Appropriations, state aid programs(Appro. Comm.).....                        | 1002 |
| Personal property, abandoned, procedures(Revenue Comm.).....                 | 968  |
| <b>HOME BUILDERS ASSOCIATION, NEBRASKA STATE</b>                             |      |
| Housing Contractor Bd., Nebraska, membership on(Nichol).....                 | 389  |
| <b>HOME EXTENSION CLUBS, NEBRASKA COUNCIL OF</b>                             |      |
| Charitable status(Wagner).....   | 748  |
| <b>HOME RULE</b>   |      |
| Cities, powers, C. A.(Const. Rev. Comm.).....                                | 917  |
| <b>HOMESTEAD EXEMPTION (See, also, Homesteads, Revenue and Taxation)</b>     |      |
| Increase (Venditte).....   | 879  |
| Increase exemption(Labedz).....  | 647  |
| Appropriation bill .....   | 647A |
| <b>HOMESTEAD PROPERTY TAX RELIEF ACT</b>                                     |      |
| Adoption of(Revenue Comm.).....  | 608  |
| Appropriation bill .....   | 608A |
| <b>HOMESTEADS (See, also, Homestead Exemption, Revenue and Taxation)</b>     |      |
| Allowance, decedents' estates(Beutler).....                                  | 981  |
| Bankruptcy petition, provision change(By DeCamp amendment)....               | 940  |
| Homestead Property Tax Relief act, adoption of(Revenue Comm.)..              | 608  |
| Appropriation bill .....   | 608A |
| <b>HORSE RACING</b>  |      |
| Off-track messenger service, authorizing(Misc. Subj. Comm.)...               | 488  |
| Pari-mutuel wagering, tax change(Haberman).....                              | 661  |
| State Racing Commission, provisions changes<br>(Misc. Subj. Comm.).....      | 939  |
| Appropriation bill .....   | 939A |
| <b>HOSPITALS</b>   |      |
| Alcoholism, inpatient treatment, insurance for(Goodrich).....                | 422  |
| Blood, reciprocal exchange of(Carsten, Cope).....                            | 21   |
| Bonds, issuance, provision change(Misc. Subj. Comm.).....                    | 801  |
| County, board membership, restriction, eliminate<br>(Pub. Health Comm.)..... | 685  |

## SUBJECT INDEX

2355

|   |    |      |
|---|----|------|
|   | LB |      |
| Hospital Authorities Act, restate intent(Misc. Subj. Comm.)...                                      |    | 801  |
| Laetrile, legalizing for prescription, administration purposes<br>(Venditte, Kahle, Labeledz).....  |    | 382  |
| Appropriation bill .....  |    | 382A |
| Medical Liability Act, regulation of (Banking Comm.) .....  |    | 480  |
| <b>HOTELS</b>   |    |      |
| Lodging, sales tax on (Banking Comm.) .....   |    | 499  |
| Appropriation bill .....  |    | 499A |
| <b>HOUSING</b>  |    |      |
| Capital stock association loans for (Banking Comm.).....  |    | 405  |
| Group homes, single family residence zones (Sieck).....   |    | 525  |
| Lodging, sales tax on (Banking Comm.).....  |    | 499  |
| Appropriation bill .....  |    | 499A |
| Omaha, housing authority, jurisdiction, provisions change<br>(LR 169 Comm.).....                    |    | 929  |
| Technical community colleges, housing requirement, exclusion<br>(Sieck).....                        |    | 706  |
| <b>HOUSING CONTRACTOR BOARD, NEBRASKA</b>   |    |      |
| Creating (Nichol) .....   |    | 389  |
| <b>HOUSING CONTRACTOR CASH FUND</b>   |    |      |
| Creating (Nichol) .....   |    | 389  |
| <b>HUNTING AND FISHING (See, also, Game and Fish)</b>   |    |      |
| Trapping, written consent, owner, require (Warner).....   |    | 727  |
| Traps, identification, require (Const. Rev. Comm.).....   |    | 729  |
| <b>HUSBAND AND WIFE</b>   |    |      |
| Divorce, alimony, additional considerations (Pirsch).....   |    | 622  |
| Family partnerships, tax exemption (Wagner).....  |    | 650  |
| Marital property, defining for divorce proceedings<br>(Judiciary Comm.).....                        |    | 519  |
| Public employees, surviving spouse, pensionable status<br>(Wesely).....                             |    | 364  |
| <b>HUSBANDRY</b>  |    |      |
| Farm equipment, self-propelled, registration, tax, exemption<br>(Kremer).....                       |    | 636  |
| <b>IMPROVEMENTS</b>   |    |      |
| Property, tax exempt, C.A. (Simon).....   |    | 175  |
| Telephone companies, one-year, six-year plan (Fowler).....  |    | 504  |
| <b>INCOME TAX (See, also, Sales and Income Tax)</b>   |    |      |
| School support (Burrows, Sieck).....  |    | 39   |
| <b>INDEBTEDNESS</b>   |    |      |
| Gasohol plant bonds, Legislature, authorization, C.A. (Maresh) ..                                   |    | 637  |
| Industrial loan and investment company employees<br>(Banking Comm.).....                            |    | 336  |
| <b>INDIANS</b>  |    |      |
| Native American Crime Enforcement Fund (Judiciary Comm.).....                                       |    | 388  |
| <b>INDIVIDUAL MEDICARE SUPPLEMENT AND SICKNESS AND ACCIDENT<br/>INSURANCE MINIMUM STANDARDS ACT</b> |    |      |
| Adoption of (Banking Comm.).....  |    | 877  |
| Appropriation bill .....  |    | 877A |
| <b>INDUSTRIAL LOAN AND INVESTMENT COMPANIES</b>   |    |      |
| Applications, additional requirement (Banking Comm.) .....  |    | 337  |

|   |      |
|---|------|
|   | LB   |
| Cash reserve requirements(Banking Comm.).....   | 340  |
| Loans to employees, restricting(Banking Comm.).....   | 336  |
| Loans, interest rate, increase(Banking Comm.).....  | 899  |
| Loans, interest rate increase(Banking Comm. Amendment).....   | 276  |
| Undivided profits (Banking Comm.).....  | 338  |
| <br>  |      |
| INDUSTRIAL RELATIONS, COMMISSION OF   |      |
| Teachers, pay rate increase, state payment(Maresh).....   | 845  |
| <br>  |      |
| INDUSTRIAL RELATIONS, COURT OF  |      |
| Appropriations(Appro. Comm.).....   | 998  |
| <br>  |      |
| INFANTS (See, also, Children, Minors, Juveniles)  |      |
| Adoption, child born out of wedlock, relinquishment or<br>consent requirements, investigation, access to records<br>(Newell)..... | 483  |
| Adoption, identification of relatives, procedures<br>(Newell, Kelly).....   | 992  |
| Adoption, investigations, limiting(Pub. Health Comm.).....  | 681  |
| Aid to dependent children, increase(Chambers, Goodrich).....  | 789  |
| Appropriation bill .....  | 789A |
| Behaviorally impaired children, define(Educ. Comm.).....  | 769  |
| Care, probationary license for(Marsh).....  | 530  |
| Custody, court review of status(Pub. Health Comm.).....   | 299  |
| Grandparents, visitation rights(Stoney, Nichol).....  | 749  |
| Handicapped, five years and less, servicing agencies,<br>reimbursement(Educ. Comm.).....  | 772  |
| Handicapped, special education, appeal procedure(Beutler).....  | 855  |
| Nebraska Coordinating Council for the Handicapped, abolish<br>(Beutler).....  | 657  |
| Placement of, handicapped, remove restrictions(Lewis).....  | 951  |
| <br>  |      |
| INSECTS   |      |
| Grasshoppers, control, funding(Ag. & Env. Comm.).....   | 106  |
| <br>  |      |
| INSPECTIONS   |      |
| Boilers, certificate fee(Appro. Comm.).....   | 959  |
| Building Code Act, Nebraska(Wesely).....  | 856  |
| Buses, school, safety inspections, provisions change<br>(Haberman).....   | 743  |
| Child care facilities(Marsh).....   | 530  |
| Electricians, fees, provisions change(Appro. Comm.).....  | 957  |
| Livestock, provision change(Ag. & Env. Comm.).....  | 631  |
| Mobile home, recreational vehicle plants, inspection fee<br>(Kelly).....  | 418  |
| Appropriation bill .....  | 418A |
| Pasteurized Milk Law, Nebraska, fee(Ag. & Env. Comm.).....  | 632  |
| Appropriation bill .....  | 632A |
| Stickers, motor vehicles, provision change(Pub. Works Comm.)..  | 864  |
| <br>  |      |
| INSPECTOR GENERAL ACT, NEBRASKA   |      |
| Adoption(LR 137 Comm.).....   | 760  |
| <br>  |      |
| INSURANCE   |      |
| Abortion coverage, restriction(Dworak, Labedz).....   | 891  |
| Adjusters, statewide system, establishing(George).....  | 714  |
| Alcoholism, coverage for treatment, require(Banking Comm.)....  | 907  |
| Alcoholism, coverage requirement(Powers).....   | 646  |
| Alcoholism, inpatient treatment(Goodrich).....  | 422  |
| Bankruptcy petition, provision change(By DeCamp amendment)....  | 940  |
| Captive company, allowing UN Bd. of Regents to form<br>(Banking Comm.).....   | 309  |

SUBJECT INDEX

2357

LB

|   |      |
|---|------|
| Companies, workmen's compensation business, per cent of<br>premium, payment(Banking Comm.).....                 | 197  |
| Consultants, licensing of(Banking Comm.).....   | 481  |
| Continuation of, surviving family members(Banking Comm.).....   | 413  |
| Group Health Insurance Continuation and Conversion Act<br>(Banking Comm.).....                                  | 904  |
| Hospital Medical Liability Act, regulation of(Banking Comm.)..  | 480  |
| Individual Medicare Supplement and Sickness and Accident<br>Insurance Minimum Standards Act(Banking Comm.)..... | 877  |
| Appropriation bill .....  | 877A |
| Liability, public accountants(Banking Comm.).....   | 280  |
| Licenses, continuing education requirements(Goodrich).....  | 934  |
| Marital property, divorce proceedings, defining<br>(Judiciary Comm.).....                                       | 519  |
| Motor vehicles, liability insurance, mandatory<br>(Johnson, Marsh).....   | 944  |
| Nebraska Captive Insurance Company Act(Banking Comm.).....  | 308  |
| No-Fault Motor Vehicle Insurance Act, Ne.(Banking Comm.).....   | 906  |
| Premiums, pension, retirement accounts, tax exemption<br>(Banking Comm.).....                                   | 905  |
| <b>INSURANCE, DEPARTMENT OF</b>   |      |
| Adjusters, statewide system, establishing(George).....  | 714  |
| Appropriations(Appro. Comm.).....   | 996  |
| Individual Medicare Supplement and Sickness and Accident<br>Insurance Minimum Standards Act(Banking Comm.)..... | 877  |
| Appropriation bill .....  | 877A |
| Insurance consultants, licensing of(Banking Comm.).....   | 481  |
| Ne. Hospital Medical Liability Act, regulation of<br>(Banking Comm.).....                                       | 480  |
| <b>INSURANCE, DIRECTOR OF</b>   |      |
| Adjusters, statewide system, duties(George).....  | 714  |
| Individual Medicare Supplement and Sickness and Accident<br>Insurance Minimum Standards Act(Banking Comm.)..... | 877  |
| Appropriation bill .....  | 877A |
| Insurance consultants, licensing of(Banking Comm.).....   | 481  |
| Licenses, continuing education requirements(Goodrich).....  | 934  |
| Nebraska Assigned Risk Plan, develop(Johnson, Marsh).....   | 944  |
| Nebraska Captive Insurance Company Act(Banking Comm.).....  | 308  |
| Workmen's Compensation Court Cash Fund, creating<br>(Banking Comm.).....  | 197  |
| <b>INTENT (See, Public Policy)</b>  |      |
| <b>INTEREST (See, also, Usury)</b>  |      |
| Capital stock savings and loan associations(Banking Comm.)....  | 405  |
| Income tax form, failure to return, state aid to schools<br>(Burrows, Sieck).....                               | 89   |
| Installment loans, interest rate, increase<br>(Banking Comm. Amendment).....                                    | 276  |
| Judgments, decrees, unsettled accounts, interest rate increase<br>(Banking Comm. Amendment).....                | 279  |
| Nebr. Municipal Cooperative Financing Act, bonds(Govt. Comm.).  | 243  |
| Rates, loans, credit cards, increase(Banking Comm.).....  | 899  |
| Revolving charge agreements, interest rate increase<br>(Banking Comm. Amendment).....                           | 308  |
| Uniform Principal and Income Act(Hoagland).....   | 440  |
| Unsettled accounts(Rumery).....   | 402  |
| <b>INTOXICATION (See, also, Alcoholism)</b>   |      |
| Decriminalizing, date(Pub. Health Comm.).....   | 259  |

|   |     |
|---|-----|
|   | LB  |
| Persons, intoxicated, provisions change (Kelly) .....   | 970 |
| Quasi-public property, intoxicated persons, removal (Goodrich) ..   | 947 |
| <b>INVENTORIES</b>  |     |
| Business equipment, tax exemption (Newell) .....  | 977 |
| Business schedule, tax return, certified statement (Burrows) ...  | 142 |
| <b>INVESTMENT COUNCIL, NEBRASKA</b>   |     |
| Appropriations (Appro. Comm.) .....   | 998 |
| <b>INVESTMENT OFFICER, STATE</b>  |     |
| Housing Contractor Cash Fund, investment of (Nichol) .....  | 389 |
| Ne. City and County Peace Officers' Retirement Fund, duties<br>(Nebr. Ret. Comm.) .....                     | 118 |
| Public Radio Commission Fund, duties (Fowler) .....   | 60  |
| <b>INVESTMENTS</b>  |     |
| Capital stock associations (Banking Comm.) .....  | 405 |
| Inmate funds, investment of (Judiciary Comm.) .....   | 698 |
| <b>IRRIGATION</b>   |     |
| Districts, audits, annual, requirement (George) .....   | 705 |
| Districts, control area, hearing request (Pub. Works Comm.) .....   | 830 |
| Electricity, public corporation, in lieu of tax payments,<br>requirement removal, C.A. (LR 161 Comm.) ..... | 453 |
| Ground water, conservation districts, dissolution date, change<br>(Kremer) .....                            | 739 |
| Ground water, reuse pits, provision (Vickers) .....   | 908 |
| Ground water, users, preference, provisions change (Schmit) .....   | 985 |
| Missouri River, water appropriation (Wagner) .....  | 802 |
| Natural resource districts, control area, issuance of additional<br>permits, closing (Schmit) .....         | 984 |
| Notices, certified mail, water appropriation (Wagner) .....   | 648 |
| Permits, water usage, provision change (Dworak) .....   | 757 |
| Public power districts, wholesale and retail sales (Merz) .....   | 266 |
| Pumps, mechanical devices, pollution, provisions change<br>(Sieck) .....                                    | 807 |
| Reclamation districts, provisions change (Wesely) .....   | 931 |
| Water rights, extending, procedures change (Wagner) .....   | 649 |
| Well management fee, authorization (Pub. Works Comm.) .....   | 829 |
| Wells, construction, replacement, provisions changes (Sieck) ...  | 643 |
| Wells, domestic wells, interference, liability exclusion<br>(Kremer) .....                                  | 27  |
| <b>ISRAEL, STATE OF</b>   |     |
| Capital stock associations, investments (Banking Comm.) .....   | 405 |
| <b>JAILS</b>  |     |
| Douglas County, custody of board (Hoagland) .....   | 490 |
| Prisoners, boarding of, provisions change (Chambers) .....  | 628 |
| Standards Board, additional qualification requirement,<br>staggered terms (Judiciary Comm.) .....           | 700 |
| Witnesses, criminal trials, procedures change (LR 154 Comm.) ...  | 713 |
| <b>JOINT TENANCY</b>  |     |
| Property transfer, death of joint owner (Beutler) .....   | 306 |
| Severance, provisions (Judiciary Comm.) .....   | 694 |
| <b>JUDGES</b>   |     |
| Adoption, investigations, limiting (Pub. Health Comm.) .....  | 681 |
| Attachments, provisions change (Judiciary Comm.) .....  | 597 |
| District court, verbatim record, oral proceedings, request for<br>(Hoagland) .....                          | 406 |

SUBJECT INDEX

|  |      |
|--|------|
|  | 2359 |
|  | LB   |
| District courts, number of judges, increasing (Cullan).....  | 618  |
| Appropriation bill .....   | 618A |
| Early retirement benefits, system exclusion (Nebr. Ret. Comm.) ..                                    | 533  |
| Appropriation bill .....   | 533A |
| Nominating commissions, provisions changes (Johnson).....  | 730  |
| Retirement, additional option (Nebr. Ret. Comm.).....  | 218  |
| Salaries, appropriations (Marvel, Req. of Gov.).....   | 674  |
| Supreme Court, district changes, C.A. (Hoagland).....  | 261  |
| Supreme Court, other, disciplinary measures, C.A.<br>(Const. Rev. Comm.).....                        | 82   |
| Warrants, search, procedures (Beutler).....  | 731  |
| Appropriation bill .....   | 731A |
| <br>JUDGMENTS  |      |
| Interest rate increase (Banking Comm. Amendment).....  | 279  |
| Restitution to crime victims (Sieck).....  | 642  |
| <br>JUDICIAL QUALIFICATIONS, COMMISSION ON   |      |
| Judges, disciplinary measures, C.A. (Const. Rev. Comm.).....   | 82   |
| <br>JURIES   |      |
| County attorney, grand jury appearance, provision change<br>(Humery).....                            | 635  |
| County court, jury trials, exception (Judiciary Comm.).....  | 699  |
| Exemption, prospective jurors, sixty-five or older (Koch).....                                       | 733  |
| Peremptory challenges, provision change (Pirsch).....  | 895  |
| <br>JUVENILE COURT   |      |
| Hearings, provision changes (Johnson).....   | 409  |
| <br>JUVENILES (See, also, Children, Infants, Minors)   |      |
| Probation hearings (Johnson).....  | 409  |
| <br>KEARNEY STATE COLLEGE  |      |
| Appropriations (Appro. Comm.).....   | 999  |
| Founders Hall, appropriation (Appro. Comm.).....   | 1000 |
| Nebraska Safety Center, appropriation (Appro. Comm.).....  | 1000 |
| <br>LABOR (See, also, Employees, Employment, Public Employees)                                       |      |
| Benefits, unemployment, provisions changes<br>(Bus. & Labor Comm.).....                              | 800  |
| Displaced homemakers, service centers, remove restriction<br>(Appro. Comm.).....                     | 663  |
| Employment agencies, registration fee, increase (Stoney).....  | 781  |
| Employment security, contribution rate, employer, provision<br>change (Bus. & Labor Comm.).....      | 719  |
| Notices, employer, unlawful employment practices (Murphy).....                                       | 623  |
| Postsecondary educational institutions, collective bargaining<br>units for (Bus. & Labor Comm.)..... | 108  |
| Unemployment benefits, changing a disqualification condition<br>(Burrows).....                       | 318  |
| Unemployment benefits, disqualification, provisions change<br>(Newell).....                          | 942  |
| Unemployment benefits, increase (Powers).....  | 943  |
| Unemployment benefits, liability provisions, changing<br>(Bus. & Labor Comm.).....                   | 798  |
| Unemployment benefits, provisions change (Bus. & Labor Comm.)..                                      | 761  |
| Workmen's compensation, weekly benefit increase (Brennan).....                                       | 113  |
| <br>LABOR, COMMISSIONER OF   |      |
| Boilers, inspection fee (Appro. Comm.).....  | 959  |
| Omaha, property, conveyance of, authorization<br>(Bus. & Labor Comm.).....                           | 914  |

|   |      |
|---|------|
| LABOR, DEPARTMENT OF  |      |
| Appropriations(Appro. Comm.) .....                                | 998  |
| LAETRILE  |      |
| Sale of, legalizing for prescription, administration purposes     |      |
| (Venditte, Kahle, Labez).....                                     | 382  |
| Appropriation bill .....  | 382A |
| LANCASTER COUNTY  |      |
| Railroad track construction, fund limitation, Lincoln residential |      |
| area(Powler, Landis).....   | 153  |
| LAND  |      |
| Agricultural production, permit to remove(Warner).....            | 48   |
| Agricultural, acquisition, nonresident aliens, prohibit           |      |
| (Ag. & Env. Comm.).....   | 852  |
| Agricultural, zoning, restriction(LR 169 Comm.).....              | 976  |
| Cities of the primary class, additions, provisions change         |      |
| (LR 169 Comm.).....   | 702  |
| Class I, VI school districts, transfer, attachment                |      |
| (Educ. Comm.).....  | 426  |
| Farming operations, corporations, restricting(Surrows, Sieck).    | 837  |
| Land Reutilization Authority, conveyances, property transfers,    |      |
| provisions change(Powers).....                                    | 862  |
| Lincoln, subdivision regulation, increasing to ten acres          |      |
| (Marsh).....  | 61   |
| Zoning for mobile homes(Johnson).....                             | 303  |
| Zoning provision changes(Ag. & Env. Comm.).....                   | 327  |
| LAND SURVEYORS, STATE BOARD OF EXAMINERS FOR                      |      |
| Appropriations(Appro. Comm.) .....                                | 996  |
| LAW   |      |
| Conflicts of interest, potential, provisions change(Hoagland).    | 927  |
| Political Accountability and Disclosure Act changes               |      |
| (Misc. Subj. Comm.).....  | 535  |
| LAW ENFORCEMENT (See, also, Sheriffs, State Patrol)               |      |
| Adult Protective Services Act, adoption of(Law Enf. Comm.)....    | 736  |
| Medicolegal Investigations, Bd. of, State Coroner, death          |      |
| investigations procedure(LR 158 Select Comm.).....                | 222  |
| Appropriation bill .....  | 222A |
| Motor vehicle licenses, suspended, duties(Johnson, Marsh).....    | 944  |
| Native American Crime Enforcement Fund, disbursement              |      |
| (Judiciary Comm.).....  | 388  |
| Officer, death cases, grand jury requirement(LR 154 Comm.)....    | 806  |
| Officers, City and County Peace Officers' Retirement System       |      |
| (Nebr. Ret. Comm.).....   | 118  |
| Officers, incapacitated persons, removal(Pub. Health Comm.)...    | 259  |
| Speed detection devices, provisions change(Judiciary Comm.)...    | 822  |
| State Patrol, Ne., criminalistics lab, evidence, preliminary      |      |
| hearings, authorization(Judiciary Comm.).....                     | 695  |
| Unlawful assembly, refusal to disperse, violations, penalty       |      |
| (Haberman).....   | 605  |
| Warrants, search, procedures(Beutler).....                        | 731  |
| Appropriation bill .....  | 731A |
| LAW ENFORCEMENT AND CRIMINAL JUSTICE, NEBRASKA COMMISSION ON      |      |
| Appropriations(Appro. Comm.) .....                                | 998  |
| Appropriations, deficit or revised(Appro. Comm.).....             | 995  |
| Appropriations, state aid programs(Appro. Comm.).....             | 1002 |
| Native American Crime Enforcement Fund, administration of         |      |
| (Judiciary Comm.).....  | 388  |

## SUBJECT INDEX

2361

LB

|  |      |
|--|------|
| Sheriffs, continuing education (Chambers).....   | 628  |
| <b>LEGISLATIVE COUNCIL</b>   |      |
| Agency expense, appropriations (Appro. Comm.).....   | 997  |
| Exec. Bd., Deputy Ombudsman for Public Utility Affairs,<br>nominations (LR 161 Comm.).....             | 454  |
| Fiscal Analyst, provisions change (Bus. & Labor Comm.).....  | 988  |
| <b>LEGISLATIVE INTENT (See, Public Policy)</b>   |      |
| <b>LEGISLATIVE RESOLUTIONS (See, Resolutions)</b>  |      |
| <b>LEGISLATURE</b>   |      |
| Adult care homes, study, authorization (Simon).....  | 754  |
| Appropriations Committee, reports, General Fund (Appro. Comm.).....                                    | 550  |
| Biennial sessions, C.A. (Duis).....  | 151  |
| Bills, reading at large before final passage, eliminate, C.A.<br>(Const. Rev. Comm.).....              | 436  |
| Clerk of, Commission on Transportation, report (Newell).....   | 267  |
| Appropriation bill .....   | 267A |
| Clerk of, corporations, nonresident aliens, reports<br>(Ag. & Env. Comm.).....                         | 852  |
| Clerk of, Department of Revenue, reports (Revenue Comm.).....  | 834  |
| Appropriation bill .....   | 834A |
| Clerk of, Developmental Disabilities-Family Assistance and<br>Support Act, annual report (Wesely)..... | 875  |
| Clerk of, Inspector General, reports (LR 137 Comm.).....   | 760  |
| Clerk of, Ne. Coordinating Council for the Handicapped, plan<br>(Educ. Comm.).....                     | 773  |
| Appropriation bill .....   | 773A |
| Clerk of, Nursing Home Commission, annual report (Simon).....  | 752  |
| Clerk of, Nursing Home Commission, annual report (Simon).....  | 753  |
| Clerk of, Pasteurized Milk Law, Nebraska, ordinance, filing<br>(Ag. & Env. Comm.).....                 | 632  |
| Appropriation bill .....   | 632A |
| Clerk of, State Energy Office, Director, annual report<br>(LR 98 Comm., Wesely).....                   | 954  |
| Appropriation bill .....   | 954A |
| Committees, legislative, certain provisions, repeal<br>(Admin. Rules Comm.).....                       | 928  |
| Deputy Ombudsman for Public Utility Affairs, appointment<br>(LR 161 Comm.).....                        | 454  |
| Energy conservation improvements, tax exemption, C.A.<br>(Reutzel).....                                | 740  |
| Fiscal Analyst, requirement change (Merz).....   | 982  |
| Gasohol plant bonds, authorization, C.A. (Maresh).....   | 637  |
| Interstate Agricultural Grain Marketing Commission reports<br>(Ag. & Env. Comm.).....                  | 515  |
| Lieutenant Governor, presiding officer, removal, C. A. (Koch).....                                     | 900  |
| Lottery, state, quarterly report (Simon).....  | 612  |
| Appropriation bill .....   | 612A |
| Members, candidates, contributions, limiting (Hoagland).....   | 974  |
| Members, certain expenses, allowing (Exec. Bd.).....   | 690  |
| Appropriation bill .....   | 690A |
| Members, personal, political papers, maintenance, disposition<br>(Misc. Subj. Comm.).....              | 747  |
| Performance Review and Audit Committee, provisions change<br>(Appro. Comm.).....                       | 886  |
| Political subdivisions, certain services, appropriations<br>for, C.A. (Hefner).....                    | 324  |
| Property tax, limit support for public education, C. A.<br>(DeCamp).....                               | 964  |
| Revisor of Regulations, hearing, report (Murphy).....  | 712  |
| Appropriation bill .....   | 712A |

|   |      |
|---|------|
|   | LB   |
| Salaries, members(Marvel, Req. of Gov.) .....   | 673  |
| Salary changes while in office, removing prohibition, C.A.<br>(Judiciary Comm.) .....             | 383  |
| State property, easement conveyance, city of Lincoln,<br>authorization(Marsh) .....               | 602  |
| <b>LIABILITY</b>  |      |
| Actions, product, statute of limitations, change<br>(Beutler, Fitzgerald) .....                   | 858  |
| Hospital Medical Liability Act, regulation of(Banking Comm.) ..                                   | 480  |
| Insurance, public accountants(Banking Comm.) .....  | 230  |
| Irrigation, domestic wells, interference, liability exclusion<br>(Kremer) .....                   | 27   |
| Motor vehicles, liability insurance, mandatory<br>(Johnson, Marsh) .....                          | 944  |
| Property damages, water, increased speed or volume(George) .....                                  | 720  |
| Secretary of State, exempt, financing statement information,<br>telephone inquiries(Murphy) ..... | 346  |
| <b>LIBRARY COMMISSION, NEBRASKA</b>   |      |
| Appropriations(Appro. Comm.) .....  | 998  |
| Appropriations, deficit or revised(Appro. Comm.) .....  | 995  |
| Appropriations, state aid programs(Appro. Comm.) .....  | 1002 |
| <b>LICENSES AND PERMITS</b>   |      |
| Acupuncturists, assistants, licensing(Burrows) .....  | 937  |
| Aged, homes for, license fees(Pub. Health Comm.) .....  | 686  |
| Agricultural production, permit to remove land from(Warner) ...                                   | 48   |
| Alcoholic beverages, sale to minors, license suspension<br>(Misc. Subj. Comm.) .....              | 732  |
| Athletic Commissioner, State, boxing, license fee<br>(Misc. Subj. Comm.) .....                    | 849  |
| Appropriation bill .....  | 849A |
| Auctioneers, licensing(Banking Comm.) .....   | 786  |
| Building Code Act, Nebraska, building permits(Wesely) .....                                       | 856  |
| Captive insurance companies(Banking Comm.) .....  | 308  |
| Certified Public Accountants, expiration date<br>(Banking Comm.) .....                            | 276  |
| Child care, probationary license(Marsh) .....   | 530  |
| Funeral directors(Pub. Health Comm.) .....  | 94   |
| Garbage vehicles, overweight, special permit(Kelly) .....   | 842  |
| Hospital licenses, data required(Wesely) .....  | 256  |
| Housing contractors, certificates(Nichol) .....   | 389  |
| Insurance consultants(Banking Comm.) .....  | 481  |
| Insurance licensees, renewal of license, requirements<br>(Goodrich) .....                         | 934  |
| License plates, provision change(Clark) .....   | 693  |
| License plates, registration, provisions changes<br>(Pub. Works Comm.) .....                      | 864  |
| Liquor, beer, licenses, provisions changes(Misc. Subj. Comm.) ..                                  | 848  |
| Livestock dealers, fee change(Ag. & Env. Comm.) .....   | 566  |
| Moped operators, mopeds, provisions changes(Murphy) .....   | 624  |
| Mopeds, operator's license(Marsh) .....   | 603  |
| Motor vehicle license, suspended, revoked, reinstatement fee<br>(Marvel, Req. of Gov.) .....      | 672  |
| Appropriation bill .....  | 672A |
| Motor vehicle licenses, issuance, any county(Dworak) .....  | 792  |
| Motor vehicle operator's license ownership, document proving<br>(Judiciary Comm.) .....           | 374  |
| Motor vehicles, operator's license, raise age to seventeen<br>(Venditte) .....                    | 804  |
| Motor vehicles, operator's license, renewal examination<br>(Venditte) .....                       | 805  |

SUBJECT INDEX

2363

|   |      |
|---|------|
|   | LB   |
| Motorcycles, licenses, safety course, require(Landis).....                              | 960  |
| Nebraska Public Radio Commission(Fowler).....   | 60   |
| Nurses, licensing, provisions change (Admin. Rules Comm.).....                          | 847  |
| Appropriation bill .....  | 847A |
| Off-track messenger service license (Misc. Subj. Comm.).....                            | 488  |
| Open burning permit, issue(Hefner).....   | 810  |
| Operator's license, motor vehicles, proof of age, require<br>(Kelly).....               | 866  |
| Parking, designated, handicapped, disabled persons, permit<br>(Urban Affrs. Comm.)..... | 717  |
| Parks, entry permits, provisions change (Const. Rev. Comm.)....                         | 723  |
| Plates, motor vehicle, change frequency of issuance<br>(Appro. Comm.).....              | 1003 |
| Polygraph Examiner, license (Lewis).....  | 883  |
| Predators, destruction of (Const. Rev. Comm.).....                                      | 552  |
| Private Security Licensing and Regulatory Act(LR 154 Comm.)....                         | 323  |
| Appropriation bill .....  | 323A |
| Psychologists, provisions change(Appro. Comm.).....                                     | 958  |
| Appropriation bill .....  | 958A |
| Real estate licenses, nonresident, provision change (Barrett)..                         | 936  |
| Rubber tired cranes, transportation permit(Stoney).....                                 | 284  |
| State chartered capital stock savings and loan associations<br>(Banking Comm.).....     | 405  |
| State lottery (Simon).....  | 612  |
| Appropriation bill .....  | 612A |
| Teachers' certificates, fee increase (Educ. Comm.).....                                 | 771  |
| Truth, deception instrument examiners, licenses<br>(Misc. Subj. Comm.).....             | 485  |
| Appropriation bill .....  | 485A |
| Waste, hazardous, disposal area, license (Ag. & Env. Comm.)....                         | 853  |
| Appropriation bill .....  | 853A |
| Wells, construction, replacement, provisions change (Sieck)....                         | 643  |
| <b>LICENSING OF TRUTH AND DECEPTION EXAMINER'S ACT</b>                                  |      |
| Adoption of (Misc. Subj. Comm.).....  | 485  |
| Appropriation bill .....  | 485A |
| <b>LID BILLS (See, also, Spending Lid Bills)</b>  |      |
| Local Option Tax Control Act, procedure change (Revenue Comm.)..                        | 609  |
| Local Option Tax Control Act, provisions changes (Koch).....                            | 627  |
| Political Subdivision Budget Limit Act of 1979, definitions<br>(Hefner).....            | 890  |
| State appropriations, determination, priorities (Appro. Comm.)..                        | 550  |
| <b>LIENS</b>  |      |
| Electricity users, cities and villages (Sieck).....                                     | 836  |
| Mechanic's, filing (Beutler, Pirsch).....   | 861  |
| Natural resources districts, improvement project areas (Lewis) ..                       | 851  |
| Time-Share Act, Nebraska, provisions (Barrett).....                                     | 945  |
| <b>LIEUTENANT GOVERNOR</b>  |      |
| Agency expense, appropriations (Appro. Comm.).....                                      | 997  |
| Legislature, presiding officer, removal, C. A. (Koch).....                              | 900  |
| Salary increase (Exec. Bd.).....  | 872  |
| Appropriation bill .....  | 872A |
| Salary, appropriation (Marvel, Req. of Gov.).....                                       | 674  |
| <b>LIGHTING AND THERMAL EFFICIENCY ACT, NEBRASKA</b>                                    |      |
| Adoption of (Pub. Health Comm.).....  | 171  |
| <b>LINCOLN (See, also, Cities of the Primary Class)</b>                                 |      |
| Board of Education, members, fourth class, district election<br>(Fowler, Wesely).....   | 784  |

|   | LB   |
|---|------|
| Firefighters, monthly supplemental pension payment<br>(Nebr. Ret. Comm.).....                 | 230  |
| Firefighters, pension requirements, changing<br>(Nebr. Ret. Comm.).....                       | 229  |
| Firefighters, retirement, cost of living adjustments,<br>contributions(Nebr. Ret. Comm.)..... | 410  |
| Land, nonurban, additions, provisions change(LR 169 Comm.)....                                | 702  |
| Mobile homes, land zoning for(Johnson).....   | 303  |
| Police officers, retirement system, establish<br>(Nebr. Ret. Comm.).....                      | 953  |
| Railroad crossings, provisions change(Urban Affrs. Comm.)....                                 | 860  |
| Residential area, railroad track construction, limiting fund for<br>(Powler, Landis).....     | 153  |
| State property, water main, easement conveyance(Marsh).....                                   | 602  |
| Subdivision regulation, increasing to ten acres(Marsh).....                                   | 61   |
| Subdivisions, increase from five to ten acres(LR 169 Comm.)...                                | 744  |
| Women, commission on the status of, authorization(Marsh).....                                 | 780  |
| Zoning provision changes(Ag. & Env. Comm.).....   | 327  |
| <br><b>LIQUOR</b>   |      |
| Coupon plan, distributor, wholesaler, prohibiting(Lewis).....                                 | 874  |
| Distributors, sale of bar supplies, permit(Misc. Subj. Comm.)..                               | 859  |
| Drinking of, minimum age, C.A.(Kelly).....  | 350  |
| Intoxicated persons, quasi-public property, removal(Goodrich)..                               | 947  |
| Minors, raising drinking age(Kelly).....  | 221  |
| Sale to minors, provisions change(Kelly).....   | 970  |
| <br><b>LIQUOR CONTROL COMMISSION</b>  |      |
| Alcoholic beverages, sale to minors, license suspension<br>(Misc. Subj. Comm.).....           | 732  |
| Appropriations(Appro. Comm.).....   | 998  |
| Appropriations, deficit or revised(Appro. Comm.).....   | 995  |
| Beverage containers, rules, regulations(Powler).....  | 644  |
| License suspension, liquor sales, violations(Kelly).....                                      | 970  |
| Powers, duties, provisions changes(Misc. Subj. Comm.).....                                    | 848  |
| <br><b>LITTER</b>   |      |
| Litter Reduction and Recycling Act, provisions changes<br>(Hoagland).....                     | 973  |
| Provisions changes(DeCamp).....   | 965  |
| Appropriation bill.....   | 965A |
| <br><b>LITTER REDUCTION AND RECYCLING ACT, NEBRASKA</b>                                       |      |
| Repeal of(Powler).....  | 644  |
| <br><b>LITTERING</b>  |      |
| Beverage containers, recycling(Powler).....   | 644  |
| Penalty changes(Ag. & Env. Coma.).....  | 497  |
| <br><b>LIVESTOCK</b>  |      |
| Brands, provisions changes(Ag. & Env. Comm.).....   | 797  |
| Dealers, license fee change(Ag. & Env. Comm.).....  | 566  |
| Operations, public nuisance, provision change<br>(Bus. & Labor Comm.).....                    | 915  |
| Tax exemption, effective date delay(Burrows).....   | 142  |
| Tax rate(Carsten, Heffner).....   | 787  |
| Vaccination, other provisions changes(Ag. & Env. Comm.).....                                  | 631  |
| <br><b>LOANS</b>  |      |
| Bank officers, employees, educational loans for children of<br>(Banking Comm.).....           | 335  |
| Building and loan associations, restriction, eliminate<br>(Banking Comm.).....                | 903  |

## SUBJECT INDEX

2365

|   |    |      |
|---|----|------|
|   | LB |      |
| Capital stock association (Banking Comm.) .....   |    | 405  |
| Detached auxiliary teller offices, authorization for<br>(Banking Comm.) .....                                     |    | 491  |
| Industrial loan and investment company employees, restrictions<br>(Banking Comm.) .....                           |    | 336  |
| Installment, interest rate, increase (Banking Comm. Amendment) ..   |    | 276  |
| Interest rate, increase (Banking Comm.) .....   |    | 899  |
| LOCAL OPTION REVENUE ACT  |    |      |
| Repeal of (Koch, Kahle, Hefner) .....   |    | 625  |
| LODGING   |    |      |
| Sales tax on (Banking Comm.) .....  |    | 499  |
| Appropriation bill .....  |    | 499A |
| LOTTERIES   |    |      |
| Statewide lottery, establishment of (Simon) .....   |    | 612  |
| Appropriation bill .....  |    | 612A |
| LOTTERY LAW, STATE  |    |      |
| Adoption of (Simon) .....   |    | 612  |
| Appropriation bill .....  |    | 612A |
| MARIJUANA   |    |      |
| Therapeutic Research Act, provisions (DeCamp) .....   |    | 938  |
| MEAT AND MEAT PRODUCTS  |    |      |
| Imported, sales of, notice required (Merz) .....  |    | 399  |
| MEDICARE  |    |      |
| Individual Medicare Supplement and Sickness and Accident<br>Insurance Minimum Standards Act (Banking Comm.) ..... |    | 877  |
| Appropriation bill .....  |    | 877A |
| MEDICINE AND SURGERY  |    |      |
| Acupuncturists, assistants, licensing (Burrows) .....   |    | 937  |
| Genetically Handicapped Person's Act, provisions<br>(Pub. Health Comm.) .....                                     |    | 989  |
| Appropriation bill .....  |    | 989A |
| Hospital Medical Liability Act, regulation of (Banking Comm.) ..  |    | 480  |
| Medical Assoc. Medicolegal Investigations Bd., rep. on<br>(LR 158 Select Comm.) .....                             |    | 222  |
| Appropriation bill .....  |    | 222A |
| Therapeutic Research Act, provisions (DeCamp) .....   |    | 938  |
| MEDICOLEGAL INVESTIGATIONS, BOARD OF  |    |      |
| Creating (LR 158 Select Comm.) .....  |    | 222  |
| Appropriation bill .....  |    | 222A |
| MENTAL HEALTH, DIVISION OF  |    |      |
| Medical Services Division, name change (Clark) .....  |    | 975  |
| MENTAL RETARDATION, DIVISION OF   |    |      |
| Office of mental retardation, name change (Clark) .....   |    | 975  |
| MENTALLY ILL  |    |      |
| Dangerous persons, provisions (Pub. Health Comm.) .....   |    | 919  |
| MERIT SYSTEM COUNCIL  |    |      |
| Merger with State Personnel Board (Appro. Comm.) .....  |    | 987  |
| Appropriation bill .....  |    | 987A |
| MESSENGER SERVICE   |    |      |
| Off-track, licensing of (Misc. Subj. Comm.) .....   |    | 488  |

|   |      |
|---|------|
| <b>MEXICAN-AMERICANS, COMMISSION ON</b>   |      |
| Appropriations (Appro. Comm.) .....   | 998  |
| Director, personnel changes, provision change (Govt. Comm.) .....                                   | 923  |
| Meeting requirements, change (Govt. Comm.) .....  | 923  |
| <b>MILEAGE</b>  |      |
| County officers, changing allowance (Wagner) .....  | 615  |
| Appropriation bill .....  | 615A |
| Handicapped children, transportation of, reimbursement rate,<br>increase (Educ. Comm.) .....        | 867  |
| Appropriation bill .....  | 867A |
| State employees, reimbursement rate, increase (Exec. Bd.) .....                                     | 652  |
| <b>MILITARY</b>   |      |
| Benefits, unemployment, provisions changes<br>(Bus. & Labor Comm.) .....                            | 800  |
| National Guard, tuition reimbursement, educational institutions<br>(Educ. Comm.) .....              | 526  |
| <b>MILITARY DEPARTMENT</b>  |      |
| Appropriations (Appro. Comm.) .....   | 998  |
| Appropriations, state aid programs (Appro. Comm.) .....   | 1002 |
| <b>MINERALS, OIL AND GAS</b>  |      |
| Oil and Gas Conservation Commission, Nebraska, examiner,<br>appeal process (Pub. Works Comm.) ..... | 709  |
| <b>MINORS (See, also, Children, Infants, Juveniles)</b>   |      |
| Adoption record access (Newell) .....   | 483  |
| Alcohol, drug abuse, counseling, civil liability<br>(Pub. Health Comm.) .....                       | 684  |
| Appropriation bill .....  | 684A |
| Alcoholic beverages, sales, violation, penalty<br>(Misc. Subj. Comm.) .....                         | 732  |
| Care, probationary license for (Marsh) .....  | 530  |
| Drinking age, C.A. (Kelly) .....  | 350  |
| Drinking age, raising (Kelly) .....   | 221  |
| Liquor sales, provisions change (Kelly) .....   | 970  |
| Lottery, state, prize payment restriction (Simon) .....   | 612  |
| Appropriation bill .....  | 612A |
| Off-track messenger service use, violation (Misc. Subj. Comm.) .....                                | 488  |
| Passenger restraint system, requirement (Marsh) .....   | 664  |
| Payee, aid to dependent children, eligibility<br>(Pub. Health Comm.) .....                          | 683  |
| Probation hearings (Johnson) .....  | 409  |
| <b>MOBILE HOME AND RECREATIONAL VEHICLE ADVISORY BOARD</b>  |      |
| Creating (Kelly) .....  | 418  |
| Appropriation bill .....  | 418A |
| <b>MOBILE HOMES</b>   |      |
| Land zoning (Johnson) .....   | 303  |
| License plates, fee, provision change (Pub. Works Comm.) .....                                      | 864  |
| Property tax, ad valorem, assessment (Revenue Comm.) .....  | 834  |
| Appropriation bill .....  | 834A |
| Provisions changes (Kelly) .....  | 418  |
| Appropriation bill .....  | 418A |
| <b>MOPEDS</b>   |      |
| Helmet requirement (Landis) .....   | 961  |
| Licensing of moped operators, other moped provisions changes<br>(Murphy) .....                      | 624  |

SUBJECT INDEX

|   |      |
|---|------|
|   | 2367 |
|   | LB   |
| Operator's license (Marsh) .....  | 603  |
| <b>MORTGAGES</b>  |      |
| Loans, capital stock association (Banking Comm.) .....  | 405  |
| <b>MOTELS</b>   |      |
| Lodging, sales tax on (Banking Comm.) .....   | 499  |
| Appropriation bill .....  | 499A |
| <b>MOTOR HOMES</b>  |      |
| Redefining (Kelly) .....  | 418  |
| Appropriation bill .....  | 418A |
| <b>MOTOR VEHICLE FUELS (See, also, Fuel, Gasohol, Gasoline)</b>   |      |
| Motor vehicle, excise tax (Warner) .....  | 722  |
| Appropriation bill .....  | 722A |
| Tax rate increase (Nebr. Trans. Adv. Comm.) .....   | 361  |
| Appropriation bill .....  | 361A |
| <b>MOTOR VEHICLE INDUSTRY LICENSING BOARD, NEBRASKA</b>   |      |
| Appropriations (Appro. Comm.) .....   | 996  |
| <b>MOTOR VEHICLES</b>   |      |
| Agricultural Alcohol Fuel Tax Fund, fund transfer, increase<br>(Schmit) .....                                   | 376  |
| Arrest, avoid, motor vehicle operation, penalty change<br>(Judiciary Comm.) .....                               | 696  |
| Buses, school, safety inspections, provisions change<br>(Haberman) .....  | 743  |
| Child passenger restraint system (Marsh) .....  | 664  |
| Civil Air Patrol, motor vehicles, registration fee, exemption<br>(Marsh) .....                                  | 604  |
| Counties, any, motor vehicle licenses, issuance (Dworak) .....  | 792  |
| Dealers, inventory, personal property tax, exemption<br>(Carsten, Hefner) .....                                 | 787  |
| Dealers, number plates, limit (Pub. Works Comm.) .....  | 946  |
| Driver education programs, reimbursement (Powers) .....   | 890  |
| Equipment, construction, farm, change width restrictions<br>(Rumery) .....                                      | 776  |
| Farm equipment, self-propelled, registration exemption<br>(Kremer) .....  | 636  |
| Freeways, increasing speed limit (Chambers) .....   | 330  |
| Fuels, agricultural ethyl alcohol, purity, provisions change<br>(Appro. Comm.) .....                            | 956  |
| Fuels, excise tax (Warner) .....  | 722  |
| Appropriation bill .....  | 722A |
| Garbage vehicles, overweight, special permit (Kelly) .....  | 842  |
| Left turn, intersection, two one-way streets, allow (Marsh) .....   | 821  |
| Liability insurance, indemnity bond (Johnson, Marsh) .....  | 944  |
| License plates, provision change (Clark) .....  | 693  |
| License, suspended, revoked, reinstatement fee<br>(Marvel, Req. of Gov.) .....                                  | 672  |
| Appropriation bill .....  | 672A |
| Licensing Board, Motor Vehicle Industry, unauthorized<br>advertising, provision change (Pub. Works Comm.) ..... | 820  |
| Moped operators, licensing, changing provisions (Murphy) .....  | 624  |
| Motorcycles, safety instruction, require (Landis) .....   | 960  |
| No-Fault Motor Vehicle Insurance Act, Ne. (Banking Comm.) .....   | 906  |
| Operator's license ownership, document proving<br>(Judiciary Comm.) .....                                       | 374  |
| Operator's license, proof of age, require (Kelly) .....   | 866  |
| Operator's license, raise age to seventeen (Venditte) .....   | 804  |

## SUBJECT INDEX

|  |      |
|--|------|
|  | LB   |
| Operator's license, renewal examination (Venditte) .....   | 805  |
| Parking, designated, handicapped, disabled persons, permit<br>(Urban Affrs. Comm.) .....                 | 717  |
| Parks, entry permits (Const. Rev. Comm.) .....   | 723  |
| Public transportation, changing provisions (Keyes) .....   | 704  |
| Registration, provisions changes (Pub. Works Comm.) .....  | 864  |
| Snow tires, studded, use and sale, prohibiting<br>(Misc. Subj. Comm.) .....                              | 619  |
| Speed detection devices, provisions change (Judiciary Comm.) ...   | 822  |
| State Patrol, Ne., criminalistics lab reports, evidence,<br>preliminary hearings (Judiciary Comm.) ..... | 695  |
| Tax computation, allocation procedures (Burrows) .....   | 142  |
| Tax exemptions, provisions change (Revenue Comm.) .....  | 688  |
| Tax, ad valorem, eliminate exemption (Nichol) .....  | 913  |
| Truck-tractor, semitrailer combinations, farm or ranch use,<br>registration fee (Kahle) .....            | 854  |
| Vehicle combinations, maximum length, increase (Merz) .....  | 634  |
| Weight restriction, additional (Vickers) .....   | 778  |
| Wheel tax, cities of the first class (Cope) .....  | 838  |
| <b>MOTOR VEHICLES, DEPARTMENT OF</b>   |      |
| Appropriations (Appro. Comm.) .....  | 998  |
| Appropriations, deficit or revised (Appro. Comm.) .....  | 995  |
| Appropriations, state aid programs (Appro. Comm.) .....  | 1002 |
| Department of Transportation, consolidation into (Newell) .....  | 267  |
| Appropriation bill .....   | 267A |
| Helmets, protective, motorcycles, mopeds, require (Landis) .....   | 961  |
| License plates, change frequency of issuance (Appro. Comm.) .....  | 1003 |
| License plates, provisions changes (Pub. Works Comm.) .....  | 864  |
| License, suspended, revoked, reinstatement fee<br>(Marvel, Reg. of Gov.) .....                           | 672  |
| Appropriation bill .....   | 672A |
| Mobile home, recreational vehicle provisions changes (Kelly) ...   | 416  |
| Appropriation bill .....   | 418A |
| Mopeds, licensing (Marsh) .....  | 603  |
| Motor Vehicles Cash Fund, creation of (Marvel, Reg. of Gov.) ...   | 671  |
| Motorcycles, safety instruction, minimum requirements (Landis) ..  | 960  |
| <b>MOTORCYCLES</b>   |      |
| Helmet requirement (Landis) .....  | 961  |
| Moped operators, licensing, changing provisions (Murphy) .....   | 624  |
| Mopeds, operator's license (Marsh) .....   | 603  |
| Safety instruction, require (Landis) .....   | 960  |
| <b>MUNICIPAL COOPERATIVE FINANCING ACT, NEBRASKA</b>   |      |
| Adoption of (Govt. Comm.) .....  | 243  |
| <b>MUNICIPALITIES</b>  |      |
| Cable television, public, franchises (Misc. Subj. Comm.) .....   | 620  |
| Cities, sales and use tax, remove authorization<br>(Koch, Kahle, Hefner) .....                           | 625  |
| Electric consumers, different classes, restricting rate for<br>(LR 161 Comm.) .....                      | 462  |
| Electric utilities, revenue, advertising restrictions<br>(LR 161 Comm.) .....                            | 458  |
| Electrical consumers, certain classes, restricting rate charges<br>(LR 161 Comm.) .....                  | 461  |
| Electrical rate increase procedure (LR 161 Comm.) .....  | 457  |
| Electrical service, residential customers, lowest available<br>rate (LR 161 Comm.) .....                 | 460  |
| Firefighters, investigations, additional powers, authorization<br>(Newell) .....                         | 850  |
| Funds, public transportation, provisions (Landis) .....  | 779  |

SUBJECT INDEX

|  |      |
|--|------|
|  | 2369 |
|  | LB   |
| Group homes, single family residence zones (Sieck).....                                      | 525  |
| Indigent persons, representation of, reimbursement (Hefner)....                              | 969  |
| Planning, remove a definition, harmonize provisions (Cope).....                              | 659  |
| Railroad transportation safety districts, municipality increase<br>(Urban Affrs. Comm.)..... | 707  |
| Sales tax increase, revenue reports (Keyes).....   | 325  |
| School buses, public transportation, authorize<br>(Powler, Labedz).....                      | 813  |
| <b>NATIONAL GUARD</b>  |      |
| Tuition reimbursement, educational institutions (Educ. Comm.)..                              | 526  |
| <b>NATIVE AMERICAN CRIME ENFORCEMENT FUND</b>  |      |
| Creating (Judiciary Comm.).....  | 388  |
| <b>NATURAL GAS</b>   |      |
| Sales tax exempt (Labedz, Simon, Pirsch).....  | 144  |
| <b>NATURAL RESOURCES</b>   |      |
| Water Conservation Act of 1977, sections repeal<br>(Ag. & Env. Comm.).....                   | 473  |
| <b>NATURAL RESOURCES COMMISSION, NEBRASKA</b>  |      |
| Advisory board, provisions changes (Pub. Works Comm.).....                                   | 708  |
| Appropriations (Appro. Comm.).....   | 998  |
| Flood control procedures (Simon).....  | 656  |
| Appropriation bill .....   | 656A |
| Members, compensation change (Kremer) .....  | 701  |
| Appropriation bill .....   | 701A |
| Membership, filling of vacancies (Goodrich).....   | 423  |
| Water Conservation and Development Cash Fund<br>(Marvel, Req. of Gov.).....                  | 669  |
| <b>NATURAL RESOURCES DISTRICTS</b>   |      |
| Bond requirement (Pub. Works Comm.).....   | 884  |
| Control area, issuance of additional permits, closing (Schmit) ..                            | 984  |
| Control areas, provisions changes (Pub. Works Comm.).....                                    | 887  |
| Irrigation districts, annual audits, requirement (George) .....                              | 705  |
| Provisions changes (Pub. Works Comm.).....   | 708  |
| Special improvement project areas, provisions changes (Lewis) ..                             | 851  |
| <b>NEGOTIABLE INSTRUMENTS</b>  |      |
| Marital property, divorce proceedings, defining<br>(Judiciary Comm.).....                    | 519  |
| <b>NO-FAULT MOTOR VEHICLE INSURANCE ACT, NEBRASKA</b>  |      |
| Adoption of (Banking Comm.).....   | 906  |
| <b>NORFOLK</b>   |      |
| Channel 19 transmitter, appropriation (Appro. Comm.).....                                    | 1000 |
| <b>NORTH PLATTE</b>  |      |
| State Office Building, appropriation, reaffirmation<br>(Appro. Comm.).....                   | 1000 |
| <b>NOTICES</b>   |      |
| Agencies, state, rules, provision change (Admin. Rules Comm.)..                              | 846  |
| Continuing insurance, employee's death, surviving family members<br>(Banking Comm.).....     | 413  |
| Electrical rate increases (LR 161 Comm.).....  | 457  |
| Employment practices, unlawful (Murphy).....   | 623  |
| Estate proceedings (Judiciary Comm.).....  | 498  |
| Imported meat, sales of (Merz).....  | 399  |

|   |      |
|---|------|
| Projects, certain, second class cities, provision change<br>(Naresh).....                         | 692  |
| Studded snow tires, notice requirement (Misc. Subj. Comm.).....                                   | 619  |
| Waste, hazardous, disposal area (Ag. & Env. Comm.).....   | 853  |
| Appropriation bill .....  | 853A |
| Water appropriation, certified mail (Wagner).....   | 648  |
| Water rights, extending, procedure change (Wagner).....   | 649  |
| <b>NURSES AND NURSING</b>   |      |
| Board of Nursing, appropriations (Appro. Comm.).....  | 996  |
| Board of Nursing, appropriations, deficit or revised<br>(Appro. Comm.).....                       | 995  |
| Licensing, provisions change (Admin. Rules Comm.).....  | 847  |
| Appropriation bill .....  | 847A |
| <b>NURSING HOME COMMISSION</b>  |      |
| Creating (Simon).....   | 752  |
| Creating (Simon).....   | 753  |
| <b>NURSING HOMES</b>  |      |
| Accounting procedure, uniform, establish (Simon).....   | 752  |
| Accounting procedures, rate provisions (Simon).....   | 753  |
| Blood, reciprocal exchange of (Carsten, Cope).....  | 21   |
| Commission, Nursing Home, creating (Simon).....   | 752  |
| Commission, Nursing Home, creating (Simon).....   | 753  |
| Disabled persons, guardian, restrictions (Fowler).....  | 721  |
| Laetrile, legalizing for prescription, administration purposes<br>(Venditte, Kahle, Labeled)..... | 382  |
| Appropriation bill .....  | 382A |
| Licenses, data required (Wesely).....   | 256  |
| Licenses, provisions changes (Pub. Health Comm.).....   | 686  |
| Study, legislative, authorization (Simon).....  | 754  |
| <b>NURSING, BOARD OF</b>  |      |
| Examining Boards, Bureau of, provision change<br>(Admin. Rules Comm.).....                        | 847  |
| Appropriation bill .....  | 847A |
| <b>OIL AND GAS CONSERVATION COMMISSION, NEBRASKA</b>  |      |
| Appropriations (Appro. Comm.).....  | 998  |
| Appropriations, deficit or revised (Appro. Comm.).....  | 995  |
| Examiner, appeal process, provision for (Pub. Works Comm.).....                                   | 709  |
| <b>OMAHA (See, also, Cities of the Metropolitan Class)</b>  |      |
| Drainage districts, dissolution, provisions changes (Nichol) ...                                  | 645  |
| Election, district, city council members (DeCamp, Labeled).....                                   | 746  |
| Firefighters, monthly supplemental pension payment<br>(Nebr. Ret. Comm.).....                     | 230  |
| Garbage, refuse, rubbish, disposal facilities, restrictions<br>(Venditte).....                    | 878  |
| Housing authority, jurisdiction, provisions change<br>(LR 169 Comm.).....                         | 929  |
| Jurisdictional limits, expand (LR 169 Comm.).....   | 827  |
| Mobile homes, land zoning for (Johnson).....  | 303  |
| Natural Resources Commission membership, vacancies (Goodrich) ..                                  | 423  |
| Parks, recreational facilities, playgrounds, special assessments,<br>authorization (Powers).....  | 751  |
| Property, conveyance of, provision (Bus. & Labor Comm.).....                                      | 914  |
| Revenue bonds, off-street parking, interest limit, eliminate<br>(Goodrich).....                   | 703  |
| Roads, county, relocation, notification (Merz).....   | 607  |
| Sales tax, question of continuing (Keyes).....  | 325  |
| Sewerage, drainage system, provisions change (LR 169 Comm.).....                                  | 791  |

## SUBJECT INDEX

2371

|  |      |
|--|------|
|  | LB   |
| Subdivisions, increase from five to ten acres(LR 169 Comm.)                        | 744  |
| Transit authority, budget limitations, exemption(Simon)                            | 613  |
| Zoning provision changes(Ag. & Env. Comm.)   | 327  |
| <b>OMBUDSMAN</b>   |      |
| Deputy, Public Utility Affairs(LR 161 Comm.)                                       | 454  |
| <b>OSTEOPATHS</b>  |      |
| Medicolegal Investigations Bd., rep. on(LR 158 Select Comm.)                       | 222  |
| Appropriation bill   | 222A |
| <b>PARDONS, BOARD OF</b>   |      |
| Agency expense, appropriations(Appro. Comm.)                                       | 997  |
| <b>PARI-MUTUEL RACING</b>  |      |
| Off-track messenger service, authorizing(Misc. Subj. Comm.)                        | 488  |
| Wagering, tax change(Haberman)   | 661  |
| <b>PARKING</b>   |      |
| Designated, handicapped, disabled persons(Urban Affrs. Comm.)                      | 717  |
| <b>PARKS</b>   |      |
| Entry permits, provisions change(Const. Rev. Comm.)                                | 723  |
| Parks, recreational facilities, playgrounds, special assessments<br>(Powers)       | 751  |
| <b>PASTEURIZED MILK LAW, NEBRASKA</b>  |      |
| Adoption of(Ag. & Env. Comm.)  | 632  |
| Appropriation bill   | 632A |
| <b>PATROL, NEBRASKA STATE</b>  |      |
| Appropriations(Appro. Comm.)   | 998  |
| Criminalistics lab reports, evidence, preliminary hearings<br>(Judiciary Comm.)    | 695  |
| Incapacitated persons, removal(Pub. Health Comm.)                                  | 259  |
| Medicolegal Investigations Bd., rep. on(LR 158 Select Comm.)                       | 222  |
| Appropriation bill   | 222A |
| <b>PAUPERS AND PUBLIC ASSISTANCE</b>   |      |
| Counties, requirements(Johnson)  | 728  |
| <b>PEACE OFFICERS</b>  |      |
| City and County Peace Officers' Retirement System, creating<br>(Nebr. Ret. Comm.)  | 118  |
| Firefighters, reclassify(Newell)   | 850  |
| Motor vehicle licenses, suspended, duties(Johnson, Marsh)                          | 944  |
| <b>PENAL AND CORRECTIONAL COMPLEX, NEBRASKA</b>                                    |      |
| Adult correctional facility, provision change(Appro. Comm.)                        | 794  |
| Warden, deputy, subsistence benefits, discontinuance<br>(Appro. Comm.)             | 592  |
| <b>PENSIONS (See, also, Retirement)</b>  |      |
| Benefits, unemployment, provisions changes<br>(Bus. & Labor Comm.)                 | 800  |
| Divorce proceedings, property settlements, pension<br>inclusion(Pirsch)            | 622  |
| Insurance premiums, pension, retirement accounts, tax exemption<br>(Banking Comm.) | 905  |
| <b>PERFORMANCE REVIEW AND AUDIT COMMITTEE</b>                                      |      |
| Provisions changes(Appro. Comm.)   | 886  |
| <b>PERSONAL PROPERTY</b>   |      |
| Abandoned, procedures change(Revenue Comm.)  | 968  |

|  | LB   |
|--|------|
| Biennial valuation (Revenue Comm.).....  | 742  |
| Certain classes, tax (Carsten, Hefner).....  | 787  |
| Farm equipment, self-propelled, registration, tax, exemption<br>(Kremer).....              | 636  |
| Motor vehicles, tax exemption, provisions change<br>(Revenue Comm.).....                   | 688  |
| Tax exemptions, delaying effective date of (Burrows).....                                  | 142  |
| Tax Relief Fund, distribution of (Schmit).....   | 487  |
| Uniform Principal and Income Act (Hoagland).....   | 440  |
| <b>PERSONAL PROPERTY TAX (See, also, Revenue and Taxation)</b>                             |      |
| Business equipment, exemption (Newell).....  | 977  |
| Exemptions, state assistance, provisions changes<br>(Schmit, Lamb, Kahle, Nichol).....     | 882  |
| Appropriation bill .....   | 832A |
| Return, penalty change (Revenue Comm.).....  | 834  |
| Appropriation bill .....   | 834A |
| <b>PERSONAL PROPERTY TAX RELIEF FUND</b>   |      |
| School financial support, method of calculation<br>(Koch, Reutzel).....                    | 486  |
| <b>PERSONNEL BOARD, STATE</b>  |      |
| Merger with Merit System Council (Appro. Comm.).....                                       | 987  |
| Appropriation bill .....   | 937A |
| <b>PERSONNEL, DEPARTMENT OF</b>  |      |
| Appropriations (Appro. Comm.).....   | 998  |
| State system, provisions changes (Appro. Comm.).....                                       | 987  |
| Appropriation bill .....   | 987A |
| <b>PERSONNEL, DIRECTOR OF</b>  |      |
| Bank examiners, State Classification and Pay Plan, removal from<br>(Banking Comm.).....    | 448  |
| Qualifications, duties, provisions changes (Appro. Comm.).....                             | 987  |
| Appropriation bill .....   | 937A |
| State employees, eight per cent salary rate adjustment<br>(Appro. Comm.).....              | 996  |
| State employees, eight per cent salary rate adjustment<br>(Appro. Comm.).....              | 997  |
| State employees, eight per cent salary rate adjustment<br>(Appro. Comm.).....              | 998  |
| State employees, three per cent salary rate adjustment<br>(Appro. Comm.).....              | 995  |
| <b>PERU STATE COLLEGE</b>  |      |
| Appropriations (Appro. Comm.).....   | 999  |
| Appropriations, health and physical education facility,<br>Majors Hall (Appro. Comm.)..... | 995  |
| <b>PETITIONS</b>   |      |
| Bankruptcy, personal exemptions, federal bankruptcy act, reject<br>(Banking Comm.).....    | 901  |
| County officers, removal of (Kahle).....   | 601  |
| Local Option Tax Control Act, provisions changes (Koch).....                               | 627  |
| <b>PHARMACY</b>  |      |
| Laetrile prescriptions (Venditte, Kahle, Labeledz).....                                    | 382  |
| Appropriation bill .....   | 382A |
| Patient Qualifications Review Committee, membership (DeCamp) ...                           | 938  |
| <b>PHARMACY, BOARD OF EXAMINERS IN</b>   |      |
| Laetrile, recommendation (Venditte, Kahle, Labeledz).....                                  | 382  |
| Appropriation bill .....   | 382A |

SUBJECT INDEX

2373

LB

|   |      |
|---|------|
| PHYSICALLY HANDICAPPED (See, Handicapped Persons)   |      |
| PHYSICIANS AND SURGEONS (See, also, Medicine and Surgery)   |      |
| Alcoholism, inpatient treatment supervision, insurance for<br>(Goodrich).....   | 422  |
| Genetically Handicapped Person's Act, provisions<br>(Pub. Health Comm.).....  | 989  |
| Appropriation bill .....  | 989A |
| Laetrile, legalizing for prescription, administration purposes,<br>treatment information(Venditte, Kahle, Labez)..... | 382  |
| Appropriation bill .....  | 382A |
| Patient Qualifications Review Committee, membership(DeCamp)...  | 938  |
| PLANNING AND PROGRAMMING, STATE OFFICE OF   |      |
| Commission on Transportation, assistance(Newell).....   | 267  |
| Appropriation bill .....  | 267A |
| PLEA NEGOTIATIONS ACT, NEBRASKA   |      |
| Adoption of(Stoney).....  | 371  |
| POLICE OFFICERS   |      |
| City and County Peace Officers' Retirement System, creating<br>(Nebr. Ret. Comm.).....                                | 118  |
| City, incapacitated persons, removal(Pub. Health Comm.).....  | 259  |
| Home rule charter cities, pension plans, minimum benefits<br>(Nebr. Ret. Comm.).....                                  | 283  |
| Retirement of, first class cities, provisions changes<br>(Nebr. Ret. Comm.).....                                      | 955  |
| Retirement system, cities of the primary class<br>(Nebr. Ret. Comm.).....   | 953  |
| POLICY RESEARCH OFFICE  |      |
| Appropriations(Appro. Comm.).....   | 998  |
| Appropriations, state aid programs(Appro. Comm.).....   | 1002 |
| POLITICAL ACCOUNTABILITY AND DISCLOSURE ACT   |      |
| Changing provisions(Misc. Subj. Comm.).....   | 535  |
| Conflicts of interest, potential, provisions change(Hoagland). 927  |      |
| Legislature, candidates, contributions, limiting(Hoagland)....  | 974  |
| POLITICAL ACCOUNTABILITY AND DISCLOSURE COMMISSION  |      |
| Appropriations(Appro. Comm.).....   | 998  |
| Appropriations, deficit or revised(Appro. Comm.).....   | 995  |
| Membership change(Misc. Subj. Comm.).....   | 535  |
| POLITICAL PARTIES   |      |
| Income tax checkoff, provision(Lewis).....  | 952  |
| Legislature, candidates, contributions, provisions changes<br>(Hoagland).....   | 974  |
| Political Accountability and Disclosure Act changes<br>(Misc. Subj. Comm.).....                                       | 535  |
| POLITICAL SUBDIVISIONS  |      |
| Appropriations, certain services, C.A.(Hefner).....   | 324  |
| Budget Limit Act of 1979, Political Subdivision, definitions<br>(Hefner).....   | 880  |
| Building Code Act, Nebraska(Wesely).....  | 356  |
| Decriminalizing intoxicification, date(Pub. Health Comm.).....  | 259  |
| Exemption, certain, Political Subdivision Budget Limit Act<br>(Hefner, Burrows).....                                  | 733  |
| Flood prevention measures, costs(Simon).....  | 656  |
| Appropriation bill .....  | 656A |

|  |      |
|--|------|
|  | LB   |
| Garnishment proceedings against (Judiciary Comm.) .....                                    | 597  |
| Gasohol plant construction, guarantee bonds, C.A. (Maresh) .....                           | 637  |
| Land Reutilization Authority, property transfers (Powers) .....                            | 862  |
| Local Option Tax Control Act, procedure change (Revenue Comm.) .....                       | 609  |
| Local Option Tax Control Act, provisions changes (Koch) .....                              | 627  |
| Political Subdivision Property Tax Relief Fund, distribution<br>(DeCamp) .....             | 711  |
| Property tax, ad valorem, state assistance, distribution<br>(Revenue Comm.) .....          | 691  |
| Appropriation bill .....   | 691A |
| Real property, ad valorem tax, maximum limitation (George) .....                           | 716  |
| <b>POLYGRAPH EXAMINER'S ACT</b>  |      |
| Adoption of (Lewis) .....  | 883  |
| <b>POLYGRAPHS</b>  |      |
| Persons using, regulation (Misc. Subj. Comm.) .....  | 485  |
| Appropriation bill .....   | 485A |
| Use by employer, prohibiting (Misc. Subj. Comm.) .....                                     | 166  |
| <b>POSTSECONDARY EDUCATION</b>   |      |
| Appropriations (Appro. Comm.) .....  | 999  |
| <b>POWER (See, also, Public Power, Electricity)</b>  |      |
| Districts, both wholesale and retail sales, restrictions<br>(Merz) .....                   | 266  |
| Electrical consumers, certain classes, restricting rate charges<br>(LR 161 Comm.) .....    | 461  |
| Electrical rate increase procedure (LR 161 Comm.) .....                                    | 457  |
| Electricity generation facilities, lines, construction<br>requirement (LR 161 Comm.) ..... | 461  |
| Electricity, residential customers, lowest available rate<br>(LR 161 Comm.) .....          | 460  |
| Municipal electric utilities, revenue, advertising<br>restrictions (LR 161 Comm.) .....    | 458  |
| Nebraska Municipal Cooperative Financing Act (Govt. Comm.) .....                           | 243  |
| Public power districts, aircraft use (Vickers) .....                                       | 843  |
| Public, consumers, different classes, restricting rate for<br>(LR 161 Comm.) .....         | 462  |
| Transmission lines, construction or alteration, changing<br>provisions (Sieck) .....       | 611  |
| Wheeling service, contracts, provisions change (Merz) .....                                | 981  |
| <b>POWER REVIEW BOARD</b>  |      |
| Deputy Ombudsman for Public Utility Affairs office<br>(LR 161 Comm.) .....                 | 454  |
| Electrical rate increase procedure (LR 161 Comm.) .....                                    | 457  |
| Microwave communication facility, construction, procedures change<br>(Clark) .....         | 857  |
| Water Resources, Department of, removal from (Seutler) .....                               | 363  |
| Appropriation bill .....   | 863A |
| <b>PREDATORS</b>   |      |
| Permit to destroy (Const. Rev. Comm.) .....  | 552  |
| <b>PRINTERS</b>  |      |
| Good faith advertising (Misc. Subj. Comm.) .....   | 186  |
| <b>PRISONS AND PRISONERS</b>   |      |
| Extradition, prisoners, procedure change (Judiciary Comm.) .....                           | 697  |
| Habitual criminals, determination (LR 154 Comm.) .....                                     | 799  |
| Inmate made goods, selling of, inmate-employee wages, disposition<br>of (Schmit) .....     | 319  |

SUBJECT INDEX

2375

|   |      |
|---|------|
|   | LB   |
| Inmates, investment funds, authorization (Judiciary Comm.).....                                   | 698  |
| Nebraska Corrections Act, provisions (Fowler).....  | 971  |
| Penal Complex, warden, deputy, subsistence benefits,<br>discontinuance (Appro. Comm.).....        | 592  |
| Prisoner classification, provision change (Appro. Comm.).....                                     | 794  |
| Prisoners, boarding, provisions change (Chambers).....  | 628  |
| Prisoners, foreign countries, transfer permit (Law Enf. Comm.).                                   | 808  |
| PRIVACY   |      |
| Therapeutic Research Act, provisions (DeCamp).....  | 938  |
| PRIVATE SECURITY LICENSING AND REGULATORY ACT   |      |
| Adoption of (LR 154 Comm.).....   | 823  |
| Appropriation bill .....  | 823A |
| PROBATE   |      |
| Filing requirements change (Judiciary Comm.).....   | 498  |
| Nebraska Probate Code, provisions changes (Judiciary Comm.)....                                   | 694  |
| PROBATION   |      |
| Juveniles, hearings (Johnson).....  | 409  |
| Motor vehicle operator's license ownership, document proving<br>(Judiciary Comm.).....            | 374  |
| PROPERTY  |      |
| Abandoned, procedures change (Revenue Comm.).....   | 968  |
| Appraisals, capital stock associations (Banking Comm.).....                                       | 405  |
| Decedents' estates, exemption (Beutler).....  | 981  |
| Destruction of, penalty (Stoney).....   | 979  |
| Divorce proceedings, property division, award of alimony<br>(Pirsch).....                         | 622  |
| Estates, inheritance, tax, provisions changes<br>(Judiciary Comm.).....                           | 694  |
| Homestead exemption, increase (Labeledz).....   | 647  |
| Appropriation bill .....  | 647A |
| Improvements, tax exempt, C.A. (Simon).....   | 175  |
| Land Reutilization Authority, conveyances, property transfers,<br>provisions change (Powers)..... | 362  |
| Marital, defining for divorce proceedings (Judiciary Comm.)....                                   | 519  |
| Motor vehicles, ad valorem tax, eliminate exemption (Nichol)...                                   | 913  |
| Public assistance, benefits, eligibility (Pub. Health Comm.)....                                  | 682  |
| Quasi-public, intoxicated persons, removal (Goodrich).....  | 947  |
| Residential dwelling construction, contractor certification<br>(Nichol).....                      | 389  |
| Restitution to crime victims (Sleck).....   | 642  |
| State, Omaha, conveyance of, provision (Bus. & Labor Comm.)....                                   | 914  |
| Transfer of, death of joint owner (Beutler).....  | 306  |
| Uniform Fraudulent Conveyance Act (Johnson).....  | 814  |
| PROPERTY TAX (See, also, Revenue and Taxation)  |      |
| Ad valorem, relief, state assistance (Revenue Comm.).....   | 691  |
| Appropriation bill .....  | 691A |
| County Tax Relief Fund, provisions (Haberman).....  | 661  |
| Exemptions, state assistance, provisions changes<br>(Schmit, Lamb, Kahle, Nichol).....            | 882  |
| Appropriation bill .....  | 882A |
| Homestead Property Tax Relief Act, adoption of (Revenue Comm.)..                                  | 608  |
| Appropriation bill .....  | 608A |
| Political subdivisions, state financial assistance (DeCamp)....                                   | 711  |
| Property taxes, levies, adjusting rates, harmonizing provisions<br>(Warner).....                  | 599  |
| Public education support, limiting, C. A. (DeCamp).....   | 964  |
| PROPHYLACTICS   |      |
| Sale of, provisions changes (DeCamp).....   | 967  |

|   |      |
|---|------|
| PROSTITUTION  |      |
| Penalty change(Venditte) .....                                  | 718  |
| PROTECTED RIVERS ACT, NEBRASKA                                  |      |
| Adoption of(Reutzel, Fowler) .....                              | 653  |
| PSYCHOLOGICAL STRESS EVALUATORS                                 |      |
| Persons using, regulation(Misc. Subj. Comm.) .....              | 485  |
| Appropriation bill .....  | 485A |
| PSYCHOLOGISTS   |      |
| Licensing, provisions change(Appro. Comm.) .....                | 958  |
| Appropriation bill .....  | 958A |
| PSYCHOLOGISTS, STATE BOARD OF EXAMINERS OF                      |      |
| Appropriations(Appro. Comm.) .....                              | 996  |
| PUBLIC ACCOUNTANTS  |      |
| Bond requirement increase, liability insurance policy, amount   |      |
| (Banking Comm.) .....   | 280  |
| Offices, registration fee(Banking Comm.) .....                  | 279  |
| PUBLIC EMPLOYEES  |      |
| Appropriations, eight per cent salary rate adjustment           |      |
| (Appro. Comm.) .....  | 996  |
| Appropriations, eight per cent salary rate adjustment           |      |
| (Appro. Comm.) .....  | 997  |
| Appropriations, eight per cent salary rate adjustment           |      |
| (Appro. Comm.) .....  | 998  |
| Appropriations, eight per cent salary rate adjustment           |      |
| (Appro. Comm.) .....  | 999  |
| Appropriations, three per cent state salary rate adjustment     |      |
| (Appro. Comm.) .....  | 995  |
| County, mandatory retirement age(Nebr. Ret. Comm.) .....        | 231  |
| Education, Department of, employees, State Employees Retirement |      |
| System, membership authorization(Nebr. Ret. Comm.) .....        | 818  |
| Appropriation bill .....  | 818A |
| Mileage, reimbursement rate, increase(Exec. Bd.) .....          | 652  |
| Personnel system, provisions changes(Appro. Comm.) .....        | 987  |
| Appropriation bill .....  | 987A |
| Public officers, salary changes while in office, removing       |      |
| prohibition, C.A.(Judiciary Comm.) .....                        | 383  |
| Retired Teachers Supplementary Benefits Fund, establishing      |      |
| (Fowler) .....  | 228  |
| Appropriation bill .....  | 228A |
| Retirement system, additional option(Schait) .....              | 930  |
| Schools, retired employees, annuity adjustments(Rumery) .....   | 182  |
| Surviving spouse, pensionable status(Wesely) .....              | 364  |
| Truth, deception instrument use, licensing of                   |      |
| (Misc. Subj. Comm.) .....                                       | 485  |
| Appropriation bill .....  | 485A |
| UN, state colleges, retirement plans, contracts, contribution   |      |
| rates(Nebr. Ret. Comm.) .....                                   | 817  |
| PUBLIC EMPLOYEES RETIREMENT BOARD                               |      |
| Ne. City and County Peace Officers' Retirement Fund, regulation |      |
| (Nebr. Ret. Comm.) .....  | 118  |
| PUBLIC HEALTH AND WELFARE                                       |      |
| Acupuncturists, assistants, licensing(Burrows) .....            | 937  |
| Advisory Committee, Department of Health, creating(Goodrich) .. | 667  |
| Alcoholism and Drug Abuse, Division of, creating                |      |
| (Pub. Health Coma.) .....                                       | 684  |
| Appropriation bill .....  | 684A |

## SUBJECT INDEX

2377

|  |      |
|--|------|
|  | LB   |
| Alcoholism treatment programs, DWI convictions (Merz).....   | 651  |
| Alcoholism, inpatient treatment, insurance for (Goodrich).....   | 422  |
| Assistance benefits, eligibility (Pub. Health Comm.).....  | 682  |
| Blood, reciprocal exchange of (Carsten, Cope).....   | 21   |
| Child care, probationary license for (Marsh).....  | 530  |
| Child custody, court review of status (Pub. Health Comm.).....   | 299  |
| Decriminalizing intoxicification, date, incapacitated persons,<br>removal by law enforcement officers (Pub. Health Comm.)..... | 259  |
| Disabled persons, in-home supportive services employment for<br>(Appro. Comm.).....  | 503  |
| Embalmers, funeral directors, provisions changes<br>(Pub. Health Comm.).....   | 94   |
| Fetal deaths, reporting changes (Venditte).....  | 471  |
| Food Safety and Quality Law, Nebraska (Ag. & Env. Comm.).....  | 630  |
| Appropriation bill .....   | 630A |
| Genetically Handicapped Person's Act (Pub. Health Comm.).....  | 989  |
| Appropriation bill .....   | 989A |
| Health Care Certificate of Need Act, Ne., provisions changes<br>(Kelly).....   | 725  |
| Health Manpower Referral Service, provisions change<br>(Pub. Health Comm.).....  | 641  |
| Hospital licenses, data required (Wesely).....   | 256  |
| Insurance coverage, employee's death, surviving family members<br>(Banking Comm.).....   | 413  |
| Laetrile, legalizing for prescription, administration purposes<br>(Venditte, Kahle, Labedz).....                               | 382  |
| Appropriation bill .....   | 382A |
| Mentally ill dangerous persons, provisions (Pub. Health Comm.).....  | 919  |
| aid to dependent children, eligibility<br>(Pub. Health Comm.).....   | 683  |
| Mobile home, recreational vehicle provisions changes (Kelly) ...   | 418  |
| Appropriation bill .....   | 418A |
| Nurses, licensing, provisions change (Admin. Rules Comm.).....   | 847  |
| Appropriation bill .....   | 947A |
| Omaha, housing authority, jurisdiction, provisions change<br>(LR 169 Comm.).....   | 929  |
| Prophylactics, sale of, provisions changes (DeCamp).....   | 967  |
| Radiation, regulations, provisions change (Pub. Health Comm.)..  | 816  |
| Residential dwelling construction, contractor certification<br>(Nichol).....   | 389  |
| Rural Health Manpower, Commission on, provisions change<br>(Pub. Health Comm.).....  | 641  |
| Technical community colleges, housing requirement, exclusion<br>(Sieck).....   | 706  |

PUBLIC HEALTH AND WELFARE, DEPARTMENT OF (See, Welfare,  
Department of)

## PUBLIC INSTITUTIONS, DEPARTMENT OF

|  |      |
|--|------|
| Alcoholism and Drug Abuse, Division of, creating<br>(Pub. Health Comm.).....                           | 634  |
| Appropriation bill .....   | 634A |
| Alcoholism treatment programs, DWI convictions (Merz).....   | 651  |
| Alcoholism, insurance requirement (Powers).....  | 646  |
| Appropriations (Appro. Comm.).....   | 998  |
| Appropriations, deficit or revised (Appro. Comm.).....   | 995  |
| Appropriations, state aid programs (Appro. Comm.).....   | 1002 |
| Capital construction projects, previous appropriations,<br>reaffirmation of (Appro. Comm.).....        | 1000 |
| Capital construction, appropriations (Appro. Comm.).....   | 1001 |
| Community and Residential Services, Department of, services,<br>mentally disabled persons (Clark)..... | 975  |
| Deaths, reports to State Coroner (LR 158 Select Comm.).....  | 222  |
| Appropriation bill .....   | 222A |

|   |      |
|---|------|
|   | LB   |
| Inspector General Act, adoption of(LR 137 Comm.) .....  | 760  |
| Mental incompetency, stand trial, examination(LR 154 Comm.) ...                                     | 825  |
| Veterans' Home, Douglas County, establishing<br>(Venditte, Nichol, Labeledz, Fitzgerald, Merz)..... | 184  |
| Appropriation bill .....  | 184A |
| <br>PUBLIC INSTITUTIONS, DIRECTOR OF  |      |
| Coordinating Council for the Handicapped, Ne., membership<br>(Educ. Comm.).....                     | 773  |
| Appropriation bill .....  | 773A |
| <br>PUBLIC LANDS AND BUILDINGS  |      |
| Building Code Act, Nebraska(Wesely).....  | 856  |
| Buildings, state, deferred maintenance(Bldg. Maint. Comm.)....                                      | 835  |
| Furniture, Capitol, identification, preservation, maintenance<br>(Appro. Comm.).....                | 885  |
| <br>PUBLIC POLICY   |      |
| Aging Services Act, Nebraska, adoption of (Powers) .....  | 665  |
| Alcoholism insurance (Powers) .....   | 646  |
| Centralized computer assisted real property valuation<br>real property(Koch).....                   | 8    |
| Computer-related crime, prohibiting(Koch).....  | 626  |
| Developmental Disabilities-Family Assistance and Support Act,<br>provisions(Wesely).....            | 875  |
| Emergency Medical Services Systems Act, adoption of<br>(Cope, Goodrich).....                        | 763  |
| Energy Conservation and Independence Act, adoption of<br>(LR 98 Comm., Wesely).....                 | 954  |
| Appropriation bill .....  | 954A |
| Farming operations, corporations, restricting(Surrows, Sieck). 837                                  |      |
| Grasshopper control(Ag. & Env. Comm.).....  | 106  |
| Ground water, reuse pits, provision(Vickers).....   | 908  |
| Group homes in single family residence zones(Sieck).....  | 525  |
| Hospital Authorities Act, intent(Misc. Subj. Comm.).....  | 301  |
| Inspector General Act, Nebraska, adoption of(LR 137 Comm.).....                                     | 760  |
| Insurance, adjusters, statewide system, establishing(George)..                                      | 714  |
| Legislature, members, certain expenses, allowing(Exec. 3d.)..                                       | 690  |
| Appropriation bill .....  | 690A |
| Licensing of Truth and Deception Examiner's Act<br>(Misc. Subj. Comm.).....                         | 485  |
| Appropriation bill .....  | 485A |
| Nebraska Captive Insurance Company Act(Banking Comm.).....  | 308  |
| Nebraska Corrections Act, provisions(Fowler).....   | 971  |
| Nebraska Municipal Cooperative Financing Act(Govt. Comm.).....                                      | 243  |
| Omaha, transit authority, budget limitations, exemption<br>(Simon).....                             | 613  |
| Political subdivisions, state financial assistance(DeCamp)....                                      | 711  |
| Power districts that sell at both wholesale and retail,<br>restrictions(Merz).....                  | 266  |
| Property tax, ad valorem, state assistance(Revenue Comm.)....                                       | 691  |
| Appropriation bill .....  | 691A |
| Property tax, personal, state assistance, provisions changes<br>(Schmit,Lamb,Kahle,Nichol).....     | 882  |
| Appropriation bill .....  | 882A |
| Protected Rivers Act, Nebraska, adoption of (Reutzel, Fowler)..                                     | 653  |
| Residential dwelling construction(Nichol).....  | 389  |
| Revitalization of branch rail lines(Pub. Works Comm.).....  | 507  |
| Appropriation bill .....  | 507A |
| Tax credit for renewable energy source system(Wesely, Schmit). 317                                  |      |
| Therapeutic Research Act, adoption of(DeCamp).....  | 938  |
| Transportation services within the state(Newell).....   | 267  |
| Appropriation bill .....  | 267A |

SUBJECT INDEX

2379

|   |     |
|---|-----|
|   | LB  |
| Transportation, public, provisions changes(Keyes).....    | 704 |
| Vehicle combinations, maximum length, increase(Merz)..... | 634 |

PUBLIC POWER

|  |     |
|--|-----|
| Districts, different classes of consumers, restricting rate charges for(LR 161 Comm.).....     | 462 |
| Districts, electric revenue, advertising restrictions (LR 161 Comm.).....                      | 458 |
| Districts, rate increase procedure(LR 161 Comm.).....  | 457 |
| Electrical consumers, certain classes, restricting rate charges (LR 161 Comm.).....            | 461 |
| Electricity, residential customers, lowest available rate (LR 161 Comm.).....                  | 460 |
| In lieu of tax payments, requirement removal, C.A. (LR 161 Comm.).....                         | 453 |
| Microwave communication facility, construction, procedures change (Clark).....                 | 357 |
| Nonprofit corporations, electric generation facilities, acquisition, operation of(Warner)..... | 502 |
| Taxation restriction, eliminating, C.A.(Lamb).....   | 445 |
| Transmission lines, construction or alteration, changing provisions(Sieck).....                | 611 |

PUBLIC POWER AND IRRIGATION DISTRICTS

|   |     |
|---|-----|
| Aircraft use, other provisions changes(Vickers).....  | 843 |
| Bids, public power, certain, rejection, authorize (LR 119 Comm.).....                       | 962 |
| Contracts, construction, reconstruction, electric generating power plant(LR 119 Comm.)..... | 963 |
| Wheeling service, provisions change(Merz).....  | 881 |

PUBLIC RADIO ACT, NEBRASKA

|                          |    |
|--------------------------|----|
| Adoption of(Fowler)..... | 60 |
|--------------------------|----|

PUBLIC SCHOOL FOUNDATION AND EQUALIZATION ACT, NEBRASKA

|                         |     |
|-------------------------|-----|
| Adoption of(Kahle)..... | 177 |
|-------------------------|-----|

PUBLIC SERVICE COMMISSION

|   |      |
|---|------|
| Agency expense, appropriations(Appro. Comm.).....                                       | 997  |
| Appropriations, deficit or revised(Appro. Comm.).....                                   | 995  |
| Branch rail lines, revitalization of(Pub. Works Comm.).....                             | 507  |
| Appropriation bill.....   | 507A |
| Buses, public transportation, exemption(Fowler, Labeledz).....                          | 313  |
| Commissioners, salary increase(Exec. Bd.).....  | 872  |
| Appropriation bill.....   | 372A |
| Motor carriers or vehicles, cities or villages, regulations (Warner).....               | 750  |
| Power transmission lines, construction or alteration, changing provisions(Sieck).....   | 611  |
| Railroad accident reports(Pub. Works Comm.).....  | 203  |
| Regulation, additional exemption(Keyes).....  | 704  |
| Salaries, appropriations(Marvel, Req. of Gov.).....                                     | 674  |
| Secretary appointment, telephone reports & service, customer relations(Fowler).....     | 504  |
| Telephones, telegraphs, service, adjacent exchange area, provisions change(Marvel)..... | 898  |

PUBLICATIONS

|   |     |
|---|-----|
| Good faith advertising(Misc. Subj. Comm.).....          | 186 |
| Hospital, nursing homes, annual statements(Wesely)..... | 256 |

RACING

|   |     |
|---|-----|
| Off-track messenger service, authorizing(Misc. Subj. Comm.)... .. | 488 |
|---|-----|

|  |      |
|--|------|
| <b>RACING COMMISSION, STATE</b>  |      |
| Appropriations(Appro. Comm.) .....   | 996  |
| Appropriations, deficit or revised(Appro. Comm.) .....   | 995  |
| Off-track messenger service, authorizing(Misc. Subj. Comm.) ...  | 488  |
| Provisions changes(Misc. Subj. Comm.) .....  | 939  |
| Appropriation bill .....   | 939A |
| <b>RADAR</b>   |      |
| County attorneys, electronic speed measurement principles,<br>continuing legal education program(LR 154 Comm.) ..... | 790  |
| Appropriation bill .....   | 790A |
| <b>RADIATION</b>   |      |
| Regulations, provisions change(Pub. Health Comm.) .....  | 816  |
| <b>RADIO</b>   |      |
| Amateur, license plates, provision change(Pub. Works Comm.) ...  | 864  |
| Public Radio Act, adoption of(Fowler) .....  | 60   |
| <b>RAILROAD TRANSPORTATION DISTRICTS</b>   |      |
| Lancaster County, track construction, residential area, fund<br>limitation(Fowler, Landis) .....                     | 153  |
| <b>RAILROADS</b>   |      |
| Accident reports(Pub. Works Comm.) .....   | 203  |
| Branch rail lines, revitalization of(Pub. Works Comm.) .....   | 507  |
| Appropriation bill .....   | 507A |
| Crossings, Lincoln, provisions change(Urban Affrs. Comm.) .....  | 860  |
| Railroad cars, ownership, provisions change(Schmit) .....  | 795  |
| Track construction, limiting fund for, Lincoln residential area<br>(Fowler, Landis) .....                            | 153  |
| Transportation safety districts, municipality increase<br>(Urban Affrs. Comm.) .....                                 | 707  |
| <b>REAL ESTATE (See, also, Real Property)</b>  |      |
| Brokers, incorporate, permit(Johnson) .....  | 893  |
| Estates, filing requirements change(Judiciary Comm.) .....   | 498  |
| Improvements, late reporting, failure to report, penalty<br>(Revenue Comm.) .....                                    | 689  |
| Isolated lands, public access to(Venditte) .....   | 254  |
| Land contracts, taxation, recording(Exec. Bd.) .....   | 983  |
| Land Reutilization Authority, property transfers(Powers) .....   | 362  |
| Licenses, nonresident, provision change(Barrett) .....   | 936  |
| Liens, mechanic's, filing(Beutler, Pirsch) .....   | 361  |
| Lincoln, subdivision regulation, increasing to ten acres<br>(Marsh) .....  | 61   |
| Marital property, defining for divorce proceedings<br>(Judiciary Comm.) .....  | 519  |
| Personal Property Tax Relief Fund, distribution(Schmit) .....  | 487  |
| State Fairgrounds, leasing by State Bd. of Agriculture<br>(Warner) .....   | 501  |
| Subdivision, inadequate instruments, validity for<br>(Judiciary Comm.) .....   | 235  |
| Subdivisions, cities of the primary and metropolitan<br>class, increase from five to ten acres(LR 169 Comm.) .....   | 744  |
| Time-Share Act, Nebraska, provisions(Barrett) .....  | 945  |
| <b>REAL ESTATE COMMISSION, STATE</b>   |      |
| Appropriations(Appro. Comm.) .....   | 996  |
| Time-Share Act, Nebraska, provisions(Barrett) .....  | 945  |
| <b>REAL PROPERTY</b>   |      |
| Ad valorem tax rate, limiting, C.A.(Dworak) .....  | 366  |

SUBJECT INDEX

|   |       |
|---|-------|
|   | 2381  |
|   | LB    |
| Ad valorem tax, maximum limitation(George).....   | 716   |
| Aeronautics, Department of, rental property, provision change<br>(Maresh).....  | 896   |
| Agricultural, acquisition, nonresident aliens, prohibit<br>(Ag. & Env. Comm.).....                                    | 852   |
| Appeals, eminent domain, attorney's fees, costs, provisions<br>change(Ag. & Env. Comm.).....                          | 680   |
| Biennial valuation(Revenue Comm.).....  | 742   |
| Centralized computerized assisted valuation(Koch).....  | 8     |
| Improvements, late reporting, failure to report, penalty<br>(Revenue Comm.).....                                      | 689   |
| Improvements, tax exempt, C.A.(Simon).....  | 175   |
| Land contracts, taxation, recording(Exec. Bd.).....   | 983   |
| Liability, damages, water, increased speed or volume(George)..  | 720   |
| Partnerships, Documentary Stamp Act, tax exemption(Wagner)....  | 650   |
| Residential dwelling, purchase by capital stock association<br>employee(Banking Comm.).....                           | 405   |
| Subdivision, inadequate instruments, validity for<br>(Judiciary Comm.).....   | 235   |
| Uniform Principal and Income Act(Hoagland).....   | 440   |
| <br>RECIPROCITY   |       |
| License, administrator, home for the aged(Pub. Health Comm.)..  | 686   |
| Personal property, abandoned, procedures change<br>(Revenue Comm.).....   | 968   |
| <br>RECLAMATION DISTRICTS   |       |
| District electors, elections, public hearings, provisions<br>changes(Wesely).....                                     | 931   |
| <br>RECORDS   |       |
| Adoption, access to(Newell).....  | 483   |
| Arrest, dissemination, restrictions(Johnson).....   | 782   |
| Death, district coroner access to(LR 158 Select Comm.).....   | 222   |
| Appropriation bill .....  | 222A  |
| <br>RECORDS MANAGEMENT ACT  |       |
| Provisions changes(Misc. Subj. Comm.).....  | 747   |
| <br>RECREATION  |       |
| Highways, rural, classification(Hoagland, Keyes).....   | 873   |
| <br>RECREATIONAL VEHICLES   |       |
| Provisions changes(Kelly).....  | 418   |
| Appropriation bill .....  | 418A  |
| <br>RECYCLING   |       |
| Beverage containers(Fowler).....  | 644   |
| <br>REGISTER OF DEEDS   |       |
| Liens, mechanic's, filing(Beutler, Pirsch).....   | 861   |
| Real property subdivision, validity for inadequate instruments<br>(Judiciary Comm.).....                              | 235   |
| <br>RENEWABLE ENERGY RESEARCH AND DEMONSTRATION FUND  |       |
| Creating(Misc. Subj. Comm.).....  | 488   |
| <br>REPORTERS   |       |
| District court, verbatim record, oral proceedings(Hoagland)...  | 406   |
| <br>RESOLUTIONS   |       |
| Reject amendment to U. S. Constitution, allow District of<br>Columbia two senators, one congressperson(Haberman)..... | LR 30 |

South Africa, corporations, banks investing in; removal of same  
from Ne. approved investment list (Chambers, Fowler)..... LR 43

## RESTAURANTS

Food sales tax (Newell)..... 16  
Imported meat sales, notice required (Merz)..... 399  
Nebraska Food Safety and Quality Law (Ag. & Env. Comm.)..... 630  
Appropriation bill ..... 630A

## RETIREMENT

City and County Peace Officers' Retirement System, creating  
(Nebr. Ret. Comm.)..... 118  
Cost of living adjustments, contributions, Lincoln firefighters  
(Nebr. Ret. Comm.)..... 410  
Education, Department of, employees, State Employees Retirement  
System, membership authorization (Nebr. Ret. Comm.)..... 818  
Appropriation bill ..... 818A  
Employees, state; additional option (Schmit)..... 930  
Firefighters, certain cities, supplemental payment  
(Nebr. Ret. Comm.)..... 230  
Firefighters, Lincoln, changing requirements  
(Nebr. Ret. Comm.)..... 229  
Home rule charter cities, firefighters, police officers, pension  
plans, minimum benefits (Nebr. Ret. Comm.)..... 283  
Insurance premiums, pension, retirement accounts, tax exemption  
(Banking Comm.)..... 905  
Interstate Agricultural Grain Marketing Commission employees  
(Ag. & Env. Comm.)..... 515  
Judges, additional option (Nebr. Ret. Comm.)..... 218  
Judges, early retirement benefits, system exclusion  
(Nebr. Ret. Comm.)..... 533  
Appropriation bill ..... 533A  
Mandatory age, county employees (Nebr. Ret. Comm.)..... 231  
Ne. City and County Peace Officers' Retirement Fund, creating  
(Nebr. Ret. Comm.)..... 118  
Plans, marital property, divorce proceedings, defining  
(Judiciary Comm.)..... 519  
Police officers, cities of the first class, provisions changes  
(Nebr. Ret. Comm.)..... 955  
Police officers, cities of the primary class  
(Nebr. Ret. Comm.)..... 953  
Public employees, surviving spouse, pensionable status  
(Wesely)..... 364  
School employees, annuity adjustments (Rumery)..... 182  
School, monthly formula annuities, computation, change  
(Goodrich)..... 941  
Teachers Supplementary Benefits Fund, establishing (Fowler)..... 228  
Appropriation bill ..... 228A  
Teachers, retirement system, payments, provisions change  
(Rumery)..... 726  
UN, state colleges, plans, contracts, contribution rates  
(Nebr. Ret. Comm.)..... 817

## RETIREMENT BOARD, PUBLIC EMPLOYEES

Appropriations (Appro. Comm.)..... 998

## REVENUE AND TAXATION

Adoption expenses, certain, income tax, credit (Nichol)..... 897  
Aircraft retailers, tax computation and payment, alternate  
procedures (Revenue Comm.)..... 616  
Alternative Energy Source Tax Refund Act, provisions  
(Hefner, Req. of Gov.)..... 911  
Appropriations Committee report, estimated revenue receipts  
(Appro. Comm.)..... 550

SUBJECT INDEX

2383

|  |      |
|--|------|
|  | LB   |
| Audit standards, provisions (Govt. Comm.).....   | 921  |
| Business equipment, tax exemption (Newell).....  | 977  |
| Child, dependent care, income tax credit<br>(Carsten, Req. of Gov.).....                         | 775  |
| Appropriation bill .....   | 775A |
| Contractors, sales tax refund, provisions (Kelly).....   | 841  |
| Corporations, state, income tax rate, increase (Revenue Comm.)..                                 | 610  |
| County board of equalization, referee appointment, provision<br>change (Beutler).....            | 658  |
| Energy conservation improvements, tax exemption, C.A.<br>(Reutzel).....                          | 740  |
| Estates, changing provisions (Judiciary Comm.).....  | 694  |
| Farm equipment, self-propelled, tax exemption (Kremer).....                                      | 636  |
| Food sales tax credit increase (Maresh, Newell).....   | 44   |
| Food sales tax credit, increase (Marvel, Req. of Gov.).....                                      | 670  |
| Food sales tax exemption (Newell).....   | 16   |
| Highway Trust Fund, deposits, sales tax, motor vehicles<br>(Keyes).....                          | 796  |
| Homestead exemption, increase (Labeledz).....  | 647  |
| Appropriation bill .....   | 647A |
| Homestead exemption, increase (Venditte).....  | 879  |
| Homestead Property Tax Relief Act, adoption of (Revenue Comm.)..                                 | 608  |
| Appropriation bill .....   | 608A |
| Horse racing, pari-mutuel wagering, tax change (Haberman).....                                   | 661  |
| Income tax, state aid to schools (Burrows, Sleck).....   | 89   |
| Insurance premiums, pension, retirement accounts, tax exemption<br>(Banking Comm.).....          | 905  |
| Irrigation districts, tax levy (Pub. Works Comm.).....   | 329  |
| Land contracts, tax (Exec. Bd.).....   | 983  |
| Land Reutilization Authority, conveyances, property transfers<br>(Powers).....                   | 862  |
| Land, agricultural, tax, interest rate increase (LR 169 Comm.)..                                 | 976  |
| Levy taxes, date change (Keyes).....   | 766  |
| Local Option Revenue Act, repeal of (Koch, Kahle, Hefner).....                                   | 625  |
| Local Option Tax Control Act, procedure change (Revenue Comm.)..                                 | 609  |
| Local Option Tax Control Act, provisions changes (Koch).....                                     | 627  |
| Lodging, sales tax on (Banking Comm.).....   | 499  |
| Appropriation bill .....   | 499A |
| Lottery, state (Simon).....  | 612  |
| Appropriation bill .....   | 612A |
| Motor vehicle fuels, excise tax (Warner).....  | 722  |
| Appropriation bill .....   | 722A |
| Motor vehicle fuels, tax rate increase<br>(Nebr. Trans. Adv. Comm.).....                         | 361  |
| Appropriation bill .....   | 361A |
| Motor vehicles, ad valorem tax, eliminate exemption (Nichol)...                                  | 913  |
| Motor vehicles, tax exemptions, provisions change<br>(Revenue Comm.).....                        | 688  |
| Natural Resources Districts control areas, tax levy,<br>provision change (Pub. Works Comm.)..... | 987  |
| Off-track messenger service tax (Misc. Subj. Comm.).....   | 488  |
| Personal property exemptions, effective date, delay of certain<br>(Burrows).....                 | 142  |
| Personal Property Tax Relief Fund, distribution of (Schmit)....                                  | 487  |
| Personal property, certain classes, tax (Carsten, Hefner).....                                   | 787  |
| Political Subdivision Budget Limit Act of 1979, definitions<br>(Hefner).....                     | 830  |
| Political Subdivision Property Tax Relief Fund (DeCamp).....                                     | 711  |
| Political subdivisions, certain, exemption, Budget Limit Act<br>(Hefner, Burrows).....           | 783  |
| Property improvements, tax exempt, C.A. (Simon).....   | 175  |
| Property tax, ad valorem, state assistance, distribution<br>(Revenue Comm.).....                 | 691  |
| Appropriation bill .....   | 691A |

|   | LB   |
|---|------|
| Property tax, limit support for public education, C. A.<br>(DeCamp).....  | 964  |
| Property tax, personal, exemptions, provisions changes<br>(Schmit,Lamb,Kahle,Nichol).....                             | 882  |
| Appropriation bill .....  | 882A |
| Property taxes, levies, adjusting rates, harmonizing provisions<br>(Warner).....                                      | 599  |
| Property, real and personal, biennial valuation<br>(Revenue Comm.).....   | 742  |
| Public corporations, political subdivisions, in lieu of<br>tax payments, requirement removal, C.A.(LR 161 Comm.)..... | 453  |
| Public Power taxation restriction, eliminating, C.A.(Lamb)....  | 445  |
| Railroad cars, ownership, provisions change(Schmit).....  | 795  |
| Real estate, improvements, late reporting, failure to report,<br>penalty (Revenue Comm.).....                         | 639  |
| Real property valuation program, computer assisted(Koch).....   | 8    |
| Real property, ad valorem tax rate, limiting, C.A.(Dworak)....  | 366  |
| Real property, ad valorem tax, maximum limitation(George)....   | 716  |
| Real property, centralized computerized assisted valuation<br>(Koch).....   | 8    |
| Real property, partnerships, tax exception(Wagner).....   | 650  |
| Renewable energy source systems, tax credits, deductions for<br>(Wesely, Schmit).....                                 | 317  |
| Sales and income tax, changing increments, equal revenue<br>generating, remove a requirement(Haberman).....           | 617  |
| Sales and use tax exemptions, changing provisions(Kahle).....   | 666  |
| Sanitary and improvement districts, tax levies, provisions change<br>(LR 169 Comm.).....                              | 980  |
| Sanitary and improvement districts, tax levy(LR 169 Comm.)....  | 828  |
| School districts, reimbursement payments, provision change<br>(Goodrich).....   | 978  |
| Tax levy authorizations, changing(Warner).....  | 71   |
| Tax return, personal property, penalty change(Revenue Comm.)..  | 834  |
| Appropriation bill .....  | 834A |
| Technical community colleges, mill levy, authorization, provision<br>change(Lamb, Cullan).....                        | 949  |
| Technical community colleges, tax levy, provisions change<br>(Educ. Comm.).....                                       | 824  |
| Telephone companies, rates and charges, setting of(Fowler)....  | 504  |
| Wheel tax, cities of the first class(Cope).....   | 838  |
| <br><b>REVENUE-SHARING</b>  |      |
| Personal Property Tax Relief Fund, distribution(Schmit).....  | 487  |
| <br><b>REVENUE, DEPARTMENT OF</b>   |      |
| Adoption expenses, income tax credit, regulations(Nichol)....   | 397  |
| Appropriations(Appro. Comm.).....   | 998  |
| Appropriations, deficit or revised(Appro. Comm.).....   | 995  |
| Appropriations, state aid programs(Appro. Comm.).....   | 1002 |
| Continuation, provide(Revenue Comm.).....   | 334  |
| Appropriation bill .....  | 334A |
| Contractors, sales tax refund, application(Kelly).....  | 841  |
| Homestead Property Tax Relief Act, claim filing<br>(Revenue Comm.).....   | 608  |
| Appropriation bill .....  | 608A |
| Income tax, state aid to schools(Burrows, Sieck).....   | 59   |
| Litter assessment, annual(DeCamp).....  | 965  |
| Appropriation bill .....  | 965A |
| Real property, annual valuation update, centralized computer<br>assisted(Koch).....                                   | 8    |
| Renewable energy source system tax credits, deductions for<br>(Wesely, Schmit).....                                   | 317  |
| State lottery, establishment, licensing(Simon).....   | 612  |
| Appropriation bill .....  | 612A |

SUBJECT INDEX

2385

LB

REVISOR BILLS

Copywriting of statutes by Revisor of Statutes (Exec. Bd.) ..... 598

REVISOR OF REGULATIONS

Duties, hearing procedures (Murphy) ..... 712  
 Appropriation bill ..... 712A

REVISOR OF STATUTES

Assessment provisions, duties (Revenue Comm.) ..... 834  
 Appropriation bill ..... 834A  
 Copywriting of statutes, duties (Exec. Bd.) ..... 598  
 Correctional Services, Dept. of., adult correctional facility,  
 provision change (Appro. Comm.) ..... 794  
 Duty provision (Law Enf. Comm.) ..... 991  
 Health, Department of; Health, State Board of, provision change  
 (Goodrich) ..... 667  
 State agencies, name changes (Clark) ..... 975

RIVERS

Compact, barge, Missouri River, authorization  
 (Maresch, Carsten, Merz, Hefner, George) ..... 759  
 Nebraska Protected Rivers Act, adoption of (Reutzel, Fowler) ... 653

ROADS (See, also, Highways)

Counties, incentive payments, provisions change (Rumery) ..... 679  
 County, relocation, provisions change (Merz) ..... 607  
 Equipment, construction, farm, change width restrictions  
 (Rumery) ..... 776  
 Farm equipment, changing width restrictions (Rumery) ..... 638  
 Highway Trust Fund, deposits (Keyes) ..... 796  
 Isolated lands, public access to (Venditte) ..... 254  
 Moped operators, licensing, changing provisions (Murphy) ..... 624  
 Snow tires, studded, use and sale, prohibiting  
 (Misc. Subj. Comm.) ..... 619  
 Speed detection devices, provisions change (Judiciary Comm.) ... 822  
 Transfer of (Hoagland, Keyes) ..... 873  
 Transportation, public, municipal funds, provisions (Landis) ... 779  
 Trapping, highway or road, prohibit (Const. Rev. Comm.) ..... 777

ROADS, DEPARTMENT OF

Appropriations (Appro. Comm.) ..... 998  
 Appropriations, Department of, deficit or revised  
 (Appro. Comm.) ..... 995  
 Appropriations, state aid programs (Appro. Comm.) ..... 1002  
 Capital construction, appropriations (Appro. Comm.) ..... 1001  
 Construction contracts, interest rate increase  
 (Banking Comm. Amendment) ..... 279  
 Contractors, construction, payments, provisions change (Keyes) . 948  
 Department of Transportation, consolidation into (Newell) ..... 267  
 Appropriation bill ..... 267A  
 Interstate Highways, directional sign removal, exemptions  
 (Banking Comm.) ..... 499  
 Appropriation bill ..... 499A  
 Public transportation, provisions changes (Keyes) ..... 704  
 Railroad crossings, Lincoln, warning and safety devices,  
 installation (Urban Affrs. Comm.) ..... 360  
 Roads, state highway system, removal from (Hoagland, Keyes) .... 873  
 Studded snow tires, prohibiting use (Misc. Subj. Comm.) ..... 619  
 Vehicle combinations, maximum length increase, authorization  
 (Merz) ..... 634  
 Weight tables, partial use, allow (Warner) ..... 785

RULES OF THE ROAD

Alcoholism treatment programs, DWI convictions (Merz) ..... 651

|  | LB   |
|--|------|
| Equipment, construction, farm, change width restrictions<br>(Rumery).....                | 776  |
| Farm equipment, changing width restrictions (Rumery) .....                               | 638  |
| Freeways, increasing speed limit (Chambers).....   | 330  |
| Interstate highways, weight tables, allow partial use (Warner) ..                        | 785  |
| Left turn, intersection, two one-way streets, allow (Maresh) ...                         | 821  |
| Rubber tired cranes, transportation of (Stoney).....                                     | 284  |
| Speed detection devices, provisions change (Judiciary Comm.) ...                         | 822  |
| Vehicle combinations, maximum length, increase (Merz).....                               | 634  |
| <br>   |      |
| <b>SAFETY</b>  |      |
| Bus Passenger Safety Act (Lewis).....  | 430  |
| Recreational vehicle defects, hazards, repair orders (Kelly) ...                         | 418  |
| Appropriation bill .....   | 418A |
| <br>   |      |
| <b>SALARIES (See, Fees and Salaries)</b>   |      |
| <br>   |      |
| <b>SALES</b>   |      |
| Bar supplies, liquor distributors, permit (Misc. Subj. Coma.)..                          | 859  |
| False, misleading advertising, penalty (Misc. Subj. Comm.).....                          | 185  |
| Food Safety and Quality Law, Nebraska, restrictions<br>(Ag. & Env. Comm.).....           | 630  |
| Appropriation bill .....   | 630A |
| Imported meat, notice required (Merz) .....  | 399  |
| Mobile homes, recreational vehicles, provision change (Kelly) ..                         | 418  |
| Appropriation bill .....   | 418A |
| Snow tires, studded, use and sale, prohibiting<br>(Misc. Subj. Comm.).....               | 619  |
| <br>   |      |
| <b>SALES AND INCOME TAX</b>  |      |
| Adoption expenses, certain, income tax, credit (Nichol).....                             | 897  |
| Child, dependent care, tax credit (Carsten, Req. of Gov.).....                           | 775  |
| Appropriation bill .....   | 775A |
| Corporations, state, tax rate, increase (Revenue Comm.).....                             | 610  |
| Income tax return, check off, political parties (Lewis).....                             | 952  |
| Increments, change of, equal revenue generating, remove<br>a requirement (Haberman)..... | 617  |
| Sewer, water, certain sources of energy, tax exempt<br>(Labeledz, Simon, Pirsch).....    | 144  |
| <br>   |      |
| <b>SALES AND USE TAX</b>   |      |
| Aircraft retailers, provision change (Revenue Comm.).....                                | 616  |
| Alternative Energy Source Tax Refund Act, provisions<br>(Hefner, Req. of Gov.).....      | 911  |
| Cities, sales and use tax, remove authorization<br>(Koch, Kahle, Hefner).....            | 625  |
| Contractors, sales tax increase, refund, provisions (Kelly)....                          | 841  |
| Exemptions, changing provisions (Kahle).....   | 666  |
| Food, credit increase (Maresh, Newell).....  | 44   |
| Food, exempting certain (Keyes).....   | 325  |
| Food, exempting certain, eliminating credit (Newell).....                                | 16   |
| Lodging, tax on (Banking Comm.).....   | 499  |
| Appropriation bill .....   | 499A |
| Motor vehicles, Highway Trust Fund, deposits (Keyes).....                                | 796  |
| Omaha, sales and use tax, question of continuing (Keyes).....                            | 325  |
| Railroad cars, ownership, exemption (Schmit).....  | 795  |
| <br>   |      |
| <b>SANITARY AND IMPROVEMENT DISTRICTS</b>  |      |
| Bonds, election requirement (LR 169 Comm.).....  | 980  |
| Creation of, prior notice requirement (LR 169 Comm.).....                                | 933  |
| Tax levies, interest rates, other provisions changes<br>(LR 169 Comm.).....              | 828  |
| Tax levies, provisions change (LR 169 Coma.).....  | 980  |

## SUBJECT INDEX

2387

LB

## SAVINGS ACCOUNTS

Capital stock savings and loan associations (Banking Comm.)..... 405

## SAVINGS AND LOAN ASSOCIATION

Foreign, authorization for (Banking Comm.)..... 405

State chartered capital stock, licensing (Banking Comm.)..... 405

## SCHOOLS (See, also, Education)

Board members, signatures, facsimile, allow (Barrett)..... 734

Board of education, fourth class, members, district election  
(Fowler, Wesely)..... 784

Board, meeting requirements, change (Barrett)..... 735

Boards, student member, Class II, III, IV, V, or VI districts  
(Educ. Comm.)..... 869

Buses, public transportation, authorization (Fowler, Labedz) ... 813

Buses, safety inspections, provisions change (Haberman)..... 743

Class I, VI districts, land transfer, attachment (Educ. Comm.)... 426

Class III district, annexed territories, inclusion of (Kremer) ... 640

Contracts, fourth and fifth class schools, procedures change  
(Newell, Labedz, Fowler)..... 809

Districts, adjoining, transfer of pupils (Barrett)..... 606

Districts, garnishment proceedings against (Judiciary Comm.) ... 597

Districts, land transfer, provision change (Sieck)..... 788

Districts, reorganized, teachers, continued employment  
(Haberman)..... 844Districts, state reimbursement payments, provision change  
(Goodrich)..... 978

Driver education programs, reimbursement (Powers)..... 890

Education, Department of, employees, State Employees Retirement  
System, membership authorization (Nebr. Ret. Comm.)..... 818

Appropriation bill ..... 818A

Educational Accountability Act, adoption of (Cullan)..... 104

Educational service units, audit standards (Govt. Comm.)..... 921

Educational service units, bid, contract procedures (Kahle).... 264

English proficiency development, programs (Educ. Comm.)..... 868

Expenditure programs, priority requirement (Schmit)..... 522

Financial support, rates (Koch, Reutzell) ..... 486

Fire fighting personnel, training program, State Board of  
Vocational Education (Govt. Comm.)..... 724Free public, maintenance and support of, C.A.  
(Const. Rev. Comm.)..... 493

Funds, uncalled for, district court (Judiciary Comm.)..... 572

Gifted programs, development, improvement (Hoagland)..... 758

Handicapped high school students, education provision (Lamb) ... 764

High school diploma, minimum competency exam (Cullan)..... 104

High, voter registration, students, staff, provide (Reutzell) ... 812

Institutions, federally licensed, exemption, Private Vocational  
Educational Authorization Act (Educ. Comm.)..... 774

Legislative intent, goals (Koch)..... 826

Nonresident high school pupils, aid rate (Koch, Reutzell)..... 486

Property tax support, public education, limiting, C.A.  
(DeCamp)..... 964

Public School Foundation and Equalization Fund (Kahle)..... 177

Reserve teachers, salary rate, increase (Nebr. Ret. Comm.)..... 819

Appropriation bill ..... 819A

Retired employees, annuity adjustments (Rumery)..... 182

Retirement system, monthly formula annuities, computation change  
(Goodrich)..... 941

Special education programs, reimbursement (Lamb)..... 765

Appropriation bill ..... 765A

State aid to, income tax support (Burrows, Sieck)..... 89

Teachers, retirement system, payments, provisions change  
(Rumery)..... 726

|  |      |
|--|------|
|  | LB   |
| Teachers, substitute, employment, provision change (Clark).....  | 668  |
| Transportation costs, payment (Educ. Comm.).....   | 770  |
| Tuition payment, certain students, Class VI school districts<br>(Lamb).....                            | 888  |
| wards, state or court, detention home, education costs, payment<br>(Wesely).....                       | 839  |
| Appropriation bill .....   | 839A |
| <b>SEARCH WARRANTS</b>   |      |
| Statements, written, oral, telephonic, procedures (Beutler)....  | 731  |
| Appropriation bill .....   | 731A |
| <b>SECRETARY OF STATE</b>  |      |
| Agency expense, appropriations (Appro. Comm.).....   | 997  |
| Aliens, nonresident, status change, notification requirement<br>(Ag. & Env. Comm.).....                | 852  |
| Appropriations, deficit or revised (Appro. Comm.).....   | 995  |
| Elections, provisions changes (Govt. Comm.).....   | 922  |
| Financing statement information, telephone inquiries,<br>exempt from liability (Murphy).....           | 346  |
| Industrial loan and investment companies, applications,<br>additional requirement (Banking Comm.)..... | 337  |
| Legislature, members, personal, political papers, maintenance,<br>disposition (Misc. Subj. Comm.)..... | 747  |
| Public agencies, Nebr. Municipal Cooperative Financing Act,<br>certificate (Govt. Comm.).....          | 243  |
| Salary, appropriation (Marvel, Req. of Gov.).....  | 674  |
| Truth and deception examiner's license, affidavit<br>(Misc. Subj. Comm.).....                          | 485  |
| Appropriation bill .....   | 485A |
| <b>SECURED TRANSACTIONS</b>  |      |
| Financial statement information, computer recording of, telephone<br>inquiries (Murphy).....           | 346  |
| Provisions changes (Judiciary Comm.).....  | 621  |
| <b>SECURITIES</b>  |      |
| Certain, registration exemption (Powers) .....   | 912  |
| Nontransferable partnership interest, exclusion<br>(Banking Comm.).....                                | 496  |
| Appropriation bill .....   | 496A |
| <b>SECURITY</b>  |      |
| Bus transportation companies, private guards (Lewis).....  | 430  |
| Private Security Licensing and Regulatory Act (LR 154 Comm.)...  | 323  |
| Appropriation bill .....   | 823A |
| <b>SENIOR CITIZENS</b>   |      |
| Buses, school, public transportation, exception<br>(Fowler, Labeledz).....                             | 813  |
| Juries, prospective jurors, sixty-five or older, exemption<br>(Koch).....                              | 733  |
| Medicare supplement, insurance policies, regulation of sellers<br>(Banking Comm.).....                 | 877  |
| Appropriation bill .....   | 377A |
| <b>SEWERAGE</b>  |      |
| Drainage system, Omaha, provisions change (LR 169 Comm.).....  | 791  |
| Nebraska Municipal Cooperative Financing Act (Govt. Comm.).....  | 243  |
| <b>SEWERS</b>  |      |
| Districts, delinquent assessments, provisions change (Dworak) ..                                       | 655  |
| Sales tax exempt (Labeledz, Simon, Pirsch).....  | 144  |

## SUBJECT INDEX

2389  
LB

## SHERIFFS

|  |      |
|--|------|
| City and County Peace Officers' Retirement System, creating<br>(Nebr. Ret. Comm.)..... | 118  |
| Compensation, provisions change (Chambers).....  | 628  |
| County, incapacitated persons, removal (Pub. Health Comm.).....                        | 259  |
| Deputies, political activity, permitting (Misc. Subj. Comm.)....                       | 484  |
| Douglas County jail, custody change (Hoagland).....                                    | 490  |
| Mileage allowance, changing (Wagner).....  | 615  |
| Appropriation bill .....   | 615A |
| Uniforms, specifications (Haberman).....   | 840  |

## SICKLE CELL DISEASE

|   |      |
|---|------|
| Genetically Handicapped Person's Act (Pub. Health Comm.)..... | 989  |
| Appropriation bill .....                                      | 989A |

## SMOKING

|                                |     |
|--------------------------------|-----|
| Tobacco, in buses (Lewis)..... | 430 |
|--------------------------------|-----|

## SOIL

|   |      |
|---|------|
| Division of Registration for Professional Soil Classifiers,<br>creating (Kremer)..... | 755  |
| Fertilizer, commercial, soil conditioners, provisions change<br>(Lamb).....           | 889  |
| Laboratory, registration fee, increasing (Ag. & Env. Comm.)....                       | 633  |
| Appropriation bill .....  | 633A |

## SOLAR ENERGY

|  |     |
|--|-----|
| Alternative Energy Source Tax Refund Act, provisions<br>(Hefner, Reg. of Gov.).....  | 911 |
| Renewable energy source system, tax credits, deductions for<br>(Wesely, Schmit)..... | 317 |

## SOLID WASTE

|   |      |
|---|------|
| Disposal, Nebr. Municipal Cooperative Financing Act<br>(Govt. Comm.)..... | 243  |
| Disposal, provision change (Ag. & Env. Comm.).....                        | 853  |
| Appropriation bill .....  | 853A |

## SPEED LIMITS

|   |     |
|---|-----|
| Freeways, increasing to 65 miles per hour (Chambers)..... | 330 |
|---|-----|

## SPENDING LID BILLS (See, also, Lid Bills)

|  |     |
|--|-----|
| Local Option Tax Control Act, procedure change (Revenue Comm.)..                       | 609 |
| Local Option Tax Control Act, provisions changes (Koch).....                           | 627 |
| Political Subdivision Budget Limit Act of 1979, definitions<br>(Hefner).....           | 880 |
| Political subdivisions, certain, exemption, Budget Limit Act<br>(Hefner, Burrows)..... | 783 |
| State appropriations, determination, priorities (Appro. Comm.)..                       | 550 |

## SPORTS

|  |      |
|--|------|
| Boxing, wrestling matches, limiting (Misc. Subj. Comm.)..... | 849  |
| Appropriation bill .....                                     | 849A |

## STATE ADMINISTRATIVE DEPARTMENTS

|   |      |
|---|------|
| Personnel Board, State, merger with Merit System Council<br>(Appro. Comm.)..... | 987  |
| Appropriation bill .....  | 987A |

## STATE AGENCIES

|   |     |
|---|-----|
| Appropriations, deficiency (Marvel, Reg. of Gov.).....                                  | 767 |
| Appropriations, employees, three per cent salary rate<br>adjustment (Appro. Comm.)..... | 995 |

|   | LB   |
|---|------|
| Appropriations, legislative intent(Appro. Comm.) .....  | 1004 |
| Appropriations, procedures and priorities for(Appro. Comm.) ...   | 550  |
| Deferred maintenance program, state buildings<br>(Bldg. Maint. Comm.).....  | 835  |
| Department of Transportation(Newell) .....  | 267  |
| Appropriation bill .....  | 267A |
| Energy Office, State, creating(LR 98 Comm., Wesely) .....   | 954  |
| Appropriation bill .....  | 954A |
| Expenses of, appropriations(Appro. Comm.) .....   | 996  |
| Expenses of, appropriations(Appro. Comm.) .....   | 998  |
| Group homes, licensing of, restriction(Sieck).....  | 525  |
| Rules, administrative, notice and waiver provisions change<br>(Admin. Rules Comm.).....                                 | 846  |
| STATE AID (See, State Assistance)   |      |
| STATE AID TO SCHOOLS (See, also, State Assistance)  |      |
| Funding formula, changes(Kahle) .....   | 177  |
| Rates(Koch, Reutzel) .....  | 486  |
| STATE ASSISTANCE  |      |
| Appropriations, state aid programs(Appro. Comm.) .....  | 1002 |
| Children, aid to dependent, increase(Chambers, Goodrich).....   | 789  |
| Appropriation bill .....  | 789A |
| Eligibility, welfare benefits(Pub. Health Comm.) .....  | 682  |
| Homestead Property Tax Relief Act, income assistance<br>(Revenue Comm.).....  | 608  |
| Appropriation bill .....  | 608A |
| Political subdivisions, providing(DeCamp).....  | 711  |
| Property tax, ad valorem, distribution(Revenue Comm.) .....   | 691  |
| Appropriation bill .....  | 691A |
| Schools, rates(Koch, Reutzel).....  | 486  |
| STATE HISTORICAL SOCIETY  |      |
| Capital construction, appropriations(Appro. Comm.).....   | 1001 |
| STATE INSTITUTIONS  |      |
| Correctional Services, Department of, inmate funds, investment,<br>authorization(Judiciary Comm.).....                  | 698  |
| Correctional Services, Dept. of., adult correctional facility,<br>provision change(Appro. Comm.) .....                  | 794  |
| Inspector General Act, adoption of(LR 137 Comm.) .....  | 760  |
| Jail Standards Board, additional qualification requirement,<br>staggered terms(Judiciary Comm.).....                    | 700  |
| Penal complex, warden, deputy, subsistence benefits,<br>discontinuance(Appro. Comm.).....                               | 592  |
| STATE LIBRARIAN   |      |
| Statute revision, copywriting duties(Exec. Bd.).....  | 598  |
| STATE OFFICERS  |      |
| Auditor of Public Accounts, certified public accountant, require<br>(Chronister).....                                   | 935  |
| Investment officer, Services Expense Revolving Fund, Department<br>of Agriculture, authorization(Ag. & Env. Comm.)..... | 633  |
| Appropriation bill .....  | 633A |
| Legislature, members, personal, political papers, maintenance,<br>disposition(Misc. Subj. Comm.) .....                  | 747  |
| Mileage, reimbursement rate, increase(Exec. Bd.) .....  | 652  |
| Revisor of Regulations, duties, hearing procedures(Murphy)....  | 712  |
| Appropriation bill .....  | 712A |
| Salaries, appropriations(Marvel, Req. of Gov.) .....  | 674  |
| Salary increase(Exec. Bd.) .....  | 872  |
| Appropriation bill .....  | 872A |

SUBJECT INDEX

2391

LB

Water Conservation and Development Cash Fund, tax receipts,  
investment (Marvel, Req. of Gov.)..... 669

STATE TREASURER

Agency expense, appropriations (Appro. Comm.)..... 997  
 Appropriations, deficit or revised (Appro. Comm.) ..... 995  
 Appropriations, state aid programs (Appro. Comm.) ..... 1002  
 Auctioneer Commission Fund, Ne., duties (Banking Comm.)..... 786  
 Capital construction, transfer of funds (Appro. Comm.)..... 1000  
 Capital construction, transfer of funds (Appro. Comm.)..... 1001  
 County Tax Relief Fund, deposits, pari-mutuel wagering  
 (Haberman) ..... 661  
 Dry Bean Development, Utilization, and Marketing Fund, Ne.,  
 duties (Ag. & Env. Comm.)..... 738  
     Appropriation bill ..... 738A  
 Election Campaign Fund, Nebraska, duties (Lewis)..... 952  
 Funds, uncalled for, district court (Judiciary Comm.)..... 572  
 Homestead Property Tax Relief Act, duties (Revenue Comm.)..... 608  
     Appropriation bill ..... 608A  
 License fees, homes for the aged, fund deposit  
 (Pub. Health Comm.) ..... 686  
 Lottery Fund, State, duties (Simon)..... 612  
     Appropriation bill ..... 612A  
 Motor Vehicles Cash Fund, duties (Marvel, Req. of Gov.)..... 671  
 Ne. City and County Peace Officers' Retirement Fund, duties  
 (Nebr. Ret. Comm.)..... 118  
 Nursing Home Commission Fund, duties (Simon)..... 753  
 Personal property, abandoned, procedures change  
 (Revenue Comm.)..... 968  
 Political Subdivision Property Tax Relief Fund, duties  
 (DeCamp)..... 711  
 Property tax, ad valorem, state assistance, duties  
 (Revenue Comm.)..... 691  
     Appropriation bill ..... 691A  
 Salary increase (Exec. Bd.)..... 372  
     Appropriation bill ..... 372A  
 Salary, appropriation (Marvel, Req. of Gov.)..... 674  
 Soil Classifiers Registration Fund, duties (Kremer)..... 755  
 Veterans' Aid Fund increase (Koch, Hefner)..... 88  
 Workmen's Compensation Court Cash Fund, duties (Banking Comm.).. 197

STATUTES

obsolete, repeal (Hoagland)..... 741

STOCKS

Bank, foreign ownership of (Hefner)..... 123  
 Capital stock savings and loan association, state chartered  
 (Banking Comm.)..... 405  
 Marital property, defining for divorce proceedings  
 (Judiciary Comm.)..... 519  
 Securities, transactions, certain, registration exemption  
 (Powers)..... 912

STREETS

Cities of the First Class, street narrowing, changing petition  
 requirement (Cope) ..... 660  
 Improvement districts, certain streets, inclusion of (Nichol).. 654

SUMMONS

Garnishment procedures (Judiciary Comm.) ..... 597

SUNSET LAWS

Brand Committee, Nebraska, continuation (Ag. & Env. Comm.)..... 797

|  |      |
|--|------|
| Commission on Fire Fighting Personnel Standards and Education, termination (Govt. Comm.) .....               | 724  |
| Commission on Rural Health Manpower, termination date (Pub. Health Comm.) .....                              | 641  |
| Embalming, Bd. of Examiners in, name change (Pub. Health Comm.) .....  | 94   |
| Motor vehicle combinations, maximum length, increasing (Merz) ..   | 634  |
| Motor Vehicle Industry Licensing Board, continuation (Pub. Works Comm.) .....                                | 820  |
| Ne. Equal Opportunity for Displaced Homemakers Act, continuation of, remove restriction (Appro. Comm.) ..... | 663  |
| Oil and Gas Conservation Commission, Nebraska, continuation of (Pub. Works Comm.) .....                      | 709  |
| Revenue, Department of, continuation (Revenue Comm.) .....   | 834  |
| Appropriation bill .....   | 834A |
| Therapeutic Research Act (DeCamp) .....  | 938  |
| <b>SUNSHINE LAW</b>  |      |
| Changing provisions (Misc. Subj. Comm.) .....  | 535  |
| Conflicts of interest, potential, provisions change (Hoagland) ..  | 927  |
| <b>SUPREME COURT</b>   |      |
| Agency expense, appropriations (Appro. Comm.) .....  | 997  |
| Judges, disciplinary measures, C.A. (Const. Rev. Comm.) .....  | 82   |
| Judges, salary increase (Exec. Bd.) .....  | 872  |
| Appropriation bill .....   | 872A |
| Judicial districts, changing, C.A. (Hoagland) .....  | 261  |
| <b>SURVEYOR</b>  |      |
| County, provisions change (Govt. Comm.) .....  | 924  |
| County, State, provisions changes (Govt. Comm.) .....  | 926  |
| <b>TAX COMMISSIONER</b>  |      |
| Aircraft retailers, tax computation and payment, alternate procedures (Revenue Comm.) .....                  | 616  |
| Alternative Energy Source Tax Refund Act, duties (Hefner, Req. of Gov.) .....                                | 911  |
| Counties, property, assessment sales ratio (Exec. Bd.) .....   | 983  |
| Homestead Property Tax Relief Act, rent determination (Revenue Comm.) .....                                  | 608  |
| Appropriation bill .....   | 608A |
| Income tax, state aid to schools (Burrows, Sieck) .....  | 89   |
| Lodging, sales tax on (Banking Comm.) .....  | 499  |
| Appropriation bill .....   | 499A |
| Lottery, state, duties (Simon) .....   | 612  |
| Appropriation bill .....   | 612A |
| Motor vehicle fuels, excise tax, computation (Warner) .....  | 722  |
| Appropriation bill .....   | 722A |
| Motor vehicles, tax exemption, regulations (Revenue Comm.) .....   | 688  |
| Off-track messenger service tax (Misc. Subj. Comm.) .....  | 488  |
| Oil and Gas Conservation Commission, Nebraska, fund, deposit (Pub. Works Comm.) .....                        | 709  |
| Political Subdivision Property Tax Relief Fund, duties (DeCamp) .....  | 711  |
| Property tax, ad valorem, relief, funds, distribution (Revenue Comm.) .....                                  | 691  |
| Appropriation bill .....   | 691A |
| Property tax, personal, state assistance, provisions changes (Schmit, Lamb, Kahle, Nichol) .....             | 882  |
| Appropriation bill .....   | 882A |
| Real property, centralized computerized assisted valuation (Koch) .....                                      | 8    |
| Revenue, Department of, duties (Revenue Comm.) .....   | 834  |
| Appropriation bill .....   | 834A |

SUBJECT INDEX

2393

LB

|   |      |
|---|------|
| State Department of Education reports, Pub. School Foundation and Equalization Act(Kahle) ..... | 177  |
| State Energy Office, remove from jurisdiction (Kremer, Reg. of Gov.) .....                      | 832  |
| State Racing Commission, duties(Misc. Subj. Comm.) .....  | 939  |
| Appropriation bill .....  | 939A |
| <br>  |      |
| TAXATION (See, Revenue and Taxation)  |      |
| <br>  |      |
| TEACHERS (See, also, Schools, Public Employees, Retirement)                                     |      |
| Certificates, permits, fee increase(Educ. Comm.) .....  | 771  |
| Contracts, fourth and fifth class schools, procedures change (Newell, Labeledz, Fowler) .....   | 809  |
| Districts, reorganized, continued employment(Haberman) .....                                    | 844  |
| Pay rate increase, Commission of Industrial Relations, state payment (Maresh) .....             | 845  |
| Reserve, salary rate, increase (Nebr. Ret. Comm.) .....   | 819  |
| Appropriation bill .....  | 819A |
| Retired, Supplementary Benefits Fund, establishing (Fowler) .....                               | 228  |
| Appropriation bill .....  | 228A |
| Retirement system, monthly formula annuities, computation change (Goodrich) .....               | 941  |
| Retirement system, payments, provisions change (Rumery) .....                                   | 726  |
| Substitute, employment, provision change(Clark) .....   | 668  |
| Technical community colleges, probationary period (Goodrich) .....                              | 442  |
| <br>  |      |
| TECHNICAL COMMUNITY COLLEGES  |      |
| Appropriations, state aid programs(Appro. Comm.) .....  | 1002 |
| Bond issuance, mill levy certification, provisions changes (Educ. Comm.) .....                  | 824  |
| Collective bargaining units for(Bus. & Labor Comm.) .....                                       | 108  |
| Mill levy, authorization, provision change(Lamb, Cullan) .....                                  | 949  |
| Motorcycles, safety instruction, training courses(Landis) .....                                 | 960  |
| National Guard, tuition reimbursement(Educ. Comm.) .....  | 526  |
| Teachers, probationary period (Goodrich) .....  | 442  |
| Uniform Standards for Manufactured Housing Units Act, Ne., requirements, exclusion(Sieck) ..... | 706  |
| <br>  |      |
| TELEPHONES  |      |
| Service, adequacy of, monitoring program(Fowler) .....  | 504  |
| Telephones, telegraphs, service, adjacent exchange area, provisions change (Marvel) .....       | 898  |
| <br>  |      |
| TELEVISION  |      |
| Cable service, changing provisions(Misc. Subj. Comm.) .....                                     | 620  |
| <br>  |      |
| THERAPEUTIC RESEARCH ACT  |      |
| Adoption of (DeCamp) .....  | 938  |
| <br>  |      |
| TIME-SHARE ACT, NEBRASKA  |      |
| Adoption of (Barrett) .....   | 945  |
| <br>  |      |
| TIRES   |      |
| Studded snow tires, use and sale, prohibiting (Misc. Subj. Comm.) .....                         | 619  |
| <br>  |      |
| TOURISM AND CONVENTIONS PROMOTION CASH FUND, STATE  |      |
| Creating (Banking Comm.) .....  | 499  |
| Appropriation bill .....  | 499A |
| <br>  |      |
| TOURISM AND ECONOMIC DEVELOPMENT ACT, NEBRASKA  |      |
| Adoption of (Banking Comm.) .....   | 499  |
| Appropriation bill .....  | 499A |

## TOURIST HOMES

|   |      |
|---|------|
| Lodging, sales tax on (Banking Comm.) ..... | 499  |
| Appropriation bill .....                    | 499A |

## TRAILERS

|  |      |
|--|------|
| Travel, redefining (Kelly) .....               | 418  |
| Appropriation bill .....                       | 418A |
| Weight restriction, additional (Vickers) ..... | 778  |

## TRANSPORTATION

|  |      |
|--|------|
| Branch rail lines, revitalization of (Pub. Works Comm.) .....                  | 507  |
| Appropriation bill .....   | 507A |
| Bus Passenger Safety Act (Lewis) .....   | 430  |
| Omaha, transit authority, budget limitations, exemption<br>(Simon) .....       | 613  |
| Public, municipal funding, provisions (Landis) .....                           | 779  |
| Public, provisions changes (Keyes) .....                                       | 704  |
| Public, school buses, authorization (Fowler, Labeledz) .....                   | 813  |
| Railroad safety districts, municipality increase<br>(Urban Affrs. Comm.) ..... | 707  |
| Rubber tired cranes (Stoney) .....   | 284  |
| Schools, costs, payment (Educ. Comm.) .....                                    | 770  |
| State departments, agencies, consolidating services (Newell) ..                | 267  |
| Appropriation bill .....   | 267A |
| Vehicle combinations, maximum length, increase (Merz) .....                    | 634  |

## TRANSPORTATION, COMMISSION ON

|                          |      |
|--------------------------|------|
| Creating (Newell) .....  | 267  |
| Appropriation bill ..... | 267A |

## TRAPPING

|  |     |
|--|-----|
| Prohibit, highway or road (Const. Rev. Comm.) .....      | 777 |
| Traps, identification, require (Const. Rev. Comm.) ..... | 729 |
| Written consent, owner, require (Warner) .....           | 727 |

## TRUCK-TRACTOR

|   |     |
|---|-----|
| Farm or ranch use, registration fee (Kahle) ..... | 854 |
| Weight restriction, additional (Vickers) .....    | 778 |

## TRUCKS

|  |      |
|--|------|
| Camper, redefining (Kelly) .....               | 418  |
| Appropriation bill .....                       | 418A |
| Weight restriction, additional (Vickers) ..... | 778  |

## TRUSTS AND TRUSTEES

|   |     |
|---|-----|
| Income tax, state aid to schools (Burrows, Sieck) .....                       | 39  |
| Marital property, defining for divorce proceedings<br>(Judiciary Comm.) ..... | 519 |
| Uniform Principal and Income Act (Hoagland) .....                             | 440 |
| Uniform Trustees' Powers Act, adoption of (Hoagland) .....                    | 439 |

## TUITION

|  |     |
|--|-----|
| Nonresident students, state educational institutions,<br>fee (Educ. Comm.) ..... | 304 |
| Reimbursement, educational institutions, National Guard<br>(Educ. Comm.) .....   | 526 |

## UNEMPLOYMENT (See, Employment Security)

## UNIFORM ARBITRATION ACT

|  |     |
|--|-----|
| Adoption of (Bus. & Labor Comm.) ..... | 811 |
|--|-----|

## UNIFORM COMMERCIAL CODE

|   |     |
|---|-----|
| Financial statement information, computer recording of, telephone<br>inquiries (Murphy) ..... | 346 |
|---|-----|

SUBJECT INDEX

2395

|   |      |
|---|------|
|   | LB   |
| Revision of (Judiciary Comm.) .....   | 621  |
| <b>UNIFORM FRAUDULENT CONVEYANCE ACT</b>  |      |
| Adoption of (Johnson) .....   | 814  |
| <b>UNIFORM PRINCIPAL AND INCOME ACT</b>   |      |
| Adoption of (Hoagland) .....  | 440  |
| <b>UNIFORM TRUSTEES' POWERS ACT</b>   |      |
| Adoption of (Hoagland) .....  | 439  |
| <b>UNIVERSITIES AND COLLEGES</b>  |      |
| Appropriations, UNL, deficit or revised (Appro. Comm.) .....  | 995  |
| Board of Trustees, State Colleges, appropriations<br>(Appro. Comm.) .....                                       | 999  |
| Chiller, UNL, appropriation (Appro. Comm.) .....  | 1000 |
| National Guard, tuition reimbursement (Educ. Comm.) .....   | 526  |
| Nonresident students, state educational institutions,<br>fee (Educ. Comm.) .....                                | 304  |
| Peru State College, health and physical education facility,<br>Majors Hall, appropriations (Appro. Comm.) ..... | 995  |
| State Colleges, appropriations, deficit or revised<br>(Appro. Comm.) .....                                      | 995  |
| State Colleges, Board of Trustees, alcohol abuse,<br>educational programs (Misc. Subj. Comm.) .....             | 745  |
| State colleges, UN, collective bargaining units for<br>(Bus. & Labor Comm.) .....                               | 108  |
| Technical community college teachers, probationary period<br>(Goodrich) .....                                   | 442  |
| UN Bd. of Regents, captive insurance company formation<br>(Banking Comm.) .....                                 | 309  |
| UN, Board of Regents, alcohol abuse, educational program<br>(Misc. Subj. Comm.) .....                           | 745  |
| UN, Medicolegal Investigation Bd., rep. on<br>(LR 158 Select Comm.) .....                                       | 222  |
| Appropriation bill .....  | 222A |
| UN, state aid programs, appropriations (Appro. Comm.) .....   | 1002 |
| UN, State Colleges, appropriation intent (Appro. Comm.) .....   | 1004 |
| UN, State Colleges, appropriations (Appro. Comm.) .....   | 999  |
| UN, State Colleges, capital construction, appropriations<br>(Appro. Comm.) .....                                | 1001 |
| UN, State Colleges, capital construction, previous<br>appropriations, reaffirmation (Appro. Comm.) .....        | 1000 |
| UN, state colleges, retirement plans, contracts, contribution<br>rates (Nebr. Ret. Comm.) .....                 | 817  |
| UNL, installation capacity chiller (Appro. Comm.) .....   | 549  |
| UNL, Temple Building, appropriation, reaffirmation<br>(Appro. Comm.) .....                                      | 1000 |
| UNO, Eppley Building, appropriation, reaffirmation<br>(Appro. Comm.) .....                                      | 1000 |
| <b>UNIVERSITY OF NEBRASKA (See, Universities and Colleges)</b>  |      |
| <b>UNLAWFUL ASSEMBLY</b>  |      |
| Violations, penalty (Haberman) .....  | 605  |
| <b>USURY (See, also, Interest)</b>  |      |
| Loans, interest rate, increase (Banking Comm. Amendment) .....  | 276  |
| Loans, interest rate, increase (Banking Comm.) .....  | 899  |
| Judgments, decrees, unsettled accounts, interest rate increase<br>(Banking Comm. Amendment) .....               | 279  |
| Revolving charge agreements, interest rate increase<br>(Banking Comm. Amendment) .....                          | 308  |

## UTILITIES

|   |      |
|---|------|
| Deputy Ombudsman, Public Utility Affairs(LR 161 Comm.).....                           | 454  |
| Electric, building certification form(Pub. Health Comm.).....                         | 171  |
| Electricity, rate increase procedure(LR 161 Comm.).....                               | 457  |
| Electricity, residential customers, lowest available rate<br>(LR 161 Comm.).....      | 460  |
| Mobile homes, recreational vehicles(Kelly).....                                       | 418  |
| Appropriation bill .....  | 418A |
| Municipal electric, revenue, advertising restrictions<br>(LR 161 Comm.).....          | 458  |
| Sewer, water, certain sources of energy, tax exempt<br>(Labeledz, Simon, Pirsch)..... | 144  |
| Surplus funds, transfer to general fund, restrictions(Simon).....                     | 614  |

## VEHICLES

|   |     |
|---|-----|
| Rubber tired cranes, transportation of(Stoney)..... | 284 |
|---|-----|

## VETERANS

|   |      |
|---|------|
| Aid Fund increase(Koch, Hefner).....  | 88   |
| Benefits, unemployment, provisions changes<br>(Bus. & Labor Comm.).....                     | 800  |
| Deaths, state hospitals, reports to State Coroner<br>(LR 158 Select Comm.).....             | 222  |
| Appropriation bill .....  | 222A |
| Home, Douglas County, establishing(Venditte, Nichol, Labeledz,)<br>Appropriation bill ..... | 184  |
| (Eitzgerald, Merz).....   | 184A |
| Homestead exemption, provisions change(Venditte).....                                       | 379  |

## VETERANS AFFAIRS, DEPARTMENT OF

|   |      |
|---|------|
| Appropriations(Appro. Comm.).....                     | 998  |
| Appropriations, state aid programs(Appro. Comm.)..... | 1002 |

## VITAL STATISTICS

|  |     |
|--|-----|
| Fetal deaths, reporting changes(Venditte)..... | 471 |
|--|-----|

## VITAL STATISTICS, BUREAU OF

|  |     |
|--|-----|
| Adoption, identification of relatives, procedures<br>(Newell, Kelly).....          | 992 |
| Birth certificate, foreign born adopted children<br>(Pub. Health Comm.).....       | 681 |
| Birth certificate, foreign-born adopted person, procedures<br>(Newell, Kelly)..... | 992 |

## VOICE ANALYSIS

|  |      |
|--|------|
| Examiner, regulation(Misc. Subj. Comm.)..... | 485  |
| Appropriation bill .....                     | 485A |

## VOTERS AND VOTING

|   |     |
|---|-----|
| Election day registration(Burrows).....                                 | 465 |
| Elections, provisions changes(Govt. Comm.).....                         | 922 |
| Local Option Tax Control Act, budget limits, petitioning<br>(Koch)..... | 627 |
| Registration, public high schools, students, staff(Reutzel).....        | 812 |

## WAGES (See, also, Fees and Salaries)

|   |      |
|---|------|
| Garnishment, provisions change(Judiciary Comm.).....            | 597  |
| Inmate-employee, disposition, distribution(Schmit).....         | 319  |
| State employees, salary increase(Appro. Comm.).....             | 996  |
| State employees, salary increase(Appro. Comm.).....             | 997  |
| State employees, salary increase(Appro. Comm.).....             | 998  |
| State employees, salary increase(Appro. Comm.).....             | 999  |
| Teachers, reserve, salary rate, increase(Nebr. Ret. Comm.)..... | 819  |
| Appropriation bill .....  | 819A |

SUBJECT INDEX

2397  
LB

WARRANTS

Natural resources districts, improvement project areas(Lewis). 851

WASTE

Hazardous, management provision(Ag. & Env. Comm.)..... 853  
Appropriation bill ..... 853A

WATER (See, also, Ground Water, Irrigation, Natural Resources)

Districts, delinquent assessments, provisions change(Dworak).. 655  
Irrigation, domestic wells, interference, liability exclusion  
(Kremer)..... 27  
Missouri River, water appropriation(Wagner)..... 802  
Natural Resources Commission, membership, filling of vacancies  
(Goodrich)..... 423  
Notices, certified mail, water appropriation(Wagner)..... 648  
Permits, usage, provision change(Dworak)..... 757  
Projects, eligible, Ne. Water Conservation Act, requirement  
change(Ag. & Env. Comm.)..... 687  
Rights, extending, procedures change(Wagner)..... 649  
Sales tax exempt(Labedz, Simon, Pirsch)..... 144  
Speed or volume, increase, other property, liability(George).. 720  
State easement, water main, City of Lincoln(Marsh)..... 602  
Water Conservation Act of 1977, sections repeal  
(Ag. & Env. Comm.)..... 473  
Waterworks, Nebr. Municipal Cooperative Financing Act  
(Govt. Comm.)..... 243  
Wells, construction, replacement, provisions changes(Sieck) ... 643

WATER CONSERVATION ACT OF 1977, NEBRASKA

Sections repeal(Ag. & Env. Comm.)..... 473

WATER RESOURCES, DEPARTMENT OF

Appropriations(Appro. Comm.)..... 998  
Irrigation pumps, mechanical devices, provisions change  
(Sieck)..... 807  
Notices, certified mail, water appropriation(Wagner)..... 648  
Power Review Board, independent of(Beutler)..... 863  
Appropriation bill ..... 363A  
Stationary engines, petroleum based fuel, prohibit(George).... 870  
Water rights, extending, hearings(Wagner)..... 649

WATER RESOURCES, DIRECTOR OF

Permits, water usage, provision change(Dworak)..... 757

WAYNE STATE COLLEGE

Appropriations(Appro. Comm.)..... 999  
Capital construction projects, previous appropriations,  
reaffirmation of(Appro. Comm.).....1000  
Maintenance shop physical plant headquarters, appropriation  
(Appro. Comm.).....1000

WEIGHTS AND MEASURES

Weight table, highways, partial use(Warner)..... 785

WELFARE

Need, standards for determining(Johnson)..... 35  
Appropriation bill ..... 35A

WELFARE, DEPARTMENT OF PUBLIC

Adoption, identification of relatives, procedures  
(Newell, Kelly)..... 992

|   |      |
|---|------|
|   | LB   |
| Adult Protective Services Act, adoption of (Law Enf. Comm.)....                           | 736  |
| Aid to dependent children, increase (Chambers, Goodrich).....                             | 789  |
| Appropriation bill .....  | 789A |
| Appropriations (Appro. Comm.).....  | 998  |
| Appropriations, deficit or revised (Appro. Comm.).....                                    | 995  |
| Appropriations, state aid programs (Appro. Comm.).....                                    | 1002 |
| Capital construction, appropriations (Appro. Comm.).....                                  | 1001 |
| Child care, probationary license for (Marsh).....   | 530  |
| Developmental Disabilities-Family Assistance and Support Act,<br>provisions (Wesely)..... | 875  |
| Disabled persons, attendant care, assistance claims<br>(Appro. Comm.).....                | 503  |
| Disabled persons, in-home supportive services, employment for<br>(Appro. Comm.).....      | 503  |
| Hospital, nursing home licenses, data required (Wesely).....                              | 256  |
| Infants, handicapped, placement of, remove restrictions<br>(Lewis).....                   | 951  |
| Welfare, standards for determining need (Johnson).....                                    | 35   |
| Appropriation bill .....  | 35A  |
| <br>WELFARE, DIRECTOR OF PUBLIC   |      |
| Coordinating Council for the Handicapped, Ne., membership<br>(Educ. Comm.).....           | 773  |
| Appropriation bill .....  | 773A |
| <br>WELLS   |      |
| Construction, replacement, provisions changes (Sieck).....                                | 643  |
| Irrigation, domestic, interference, liability exclusion<br>(Kremer).....                  | 27   |
| Spacing requirements (Pub. Works Comm.).....  | 830  |
| Well management fee, authorization (Pub. Works Comm.).....                                | 829  |
| <br>WILLS   |      |
| Holographic, provision change (Judiciary Comm.).....                                      | 694  |
| Revised Uniform Principal and Income Act (Hoagland).....                                  | 440  |
| Uniform Trustees' Powers Act (Hoagland).....  | 439  |
| <br>WIND  |      |
| Energy system, tax credits, deductions for (Wesely, Schait)....                           | 317  |
| <br>WINE  |      |
| Drinking of, minimum age (Kelly).....   | 221  |
| Drinking of, minimum age, C.A. (Kelly).....   | 350  |
| <br>WITNESS (See, also, Courts)   |      |
| Appearance, criminal trials, procedures change (LR 154 Comm.)..                           | 713  |
| <br>WOMEN   |      |
| Commission on the status of, authorization (Marsh).....                                   | 780  |
| <br>WORKMEN'S COMPENSATION  |      |
| Weekly benefit increase (Brennan).....  | 113  |
| <br>WORKMEN'S COMPENSATION COURT  |      |
| Appropriations (Appro. Comm.).....  | 998  |
| Cash Fund, creating (Banking Comm.).....  | 197  |
| Weekly benefit increase, determination (Brennan).....                                     | 113  |
| <br>YOUTH DEVELOPMENT CENTER-GENEVA   |      |
| Inmates, deleting employment provision (Schmit).....                                      | 319  |
| <br>YOUTH DEVELOPMENT CENTER-KEARNEY  |      |
| Inmates, deleting employment provision (Schmit).....                                      | 319  |

## SUBJECT INDEX

2399

LB

## ZONING

|  |     |
|--|-----|
| Group homes, single family residence zones(Sieck) .....                        | 525 |
| Land for mobile homes(Johnson) .....   | 303 |
| Lincoln, subdivision regulation, increasing to ten acres<br>(Marsh) .....      | 61  |
| Lincoln, subdivisions, increase from five to ten acres<br>(LR 169 Comm.) ..... | 744 |
| Omaha, jurisdictional limits, expand (LR 169 Comm.) .....                      | 827 |
| Provisions, cities of the second class(Ag. & Env. Comm.) .....                 | 327 |



## SECTION INDEX

The section index herein compiled contains all existing sections of the Nebraska Statutes including R.S. Supp. 79 which would be either amended or repealed by legislative bills introduced in the Eighty-Sixth Legislature, Second Session, and bills carried over from 1979. An "A" indicates amendment and an "R" indicates repeal.



## SECTION INDEX

2403

| SECTION   | REPEAL<br>OR AMEND | BILL | SECTION    | REPEAL<br>OR AMEND | BILL |
|-----------|--------------------|------|------------|--------------------|------|
| 1-135     | A                  | 279  | 8-403.02   | A                  | 338  |
| 1-136     | A                  | 276  | 8-407      | A                  | 899  |
| 1-136     | A                  | 280  | 8-407.01   | A                  | 340  |
| 1-136.01  | A                  | 276  | 8-435      | A                  | 899  |
| 2-128     | A                  | 661  | 8-439      | A                  | 899  |
| 2-1203    | A                  | 939  | 8-601      | A                  | 966  |
| 2-1207    | A                  | 661  | 8-815      | A                  | 899  |
| 2-1208    | A                  | 939  | 8-820      | A                  | 399  |
| 2-1208.01 | A                  | 661  | 8-901      | A                  | 69   |
| 2-1208.02 | A                  | 834  | 8-902      | A                  | 69   |
| 2-1208.02 | A                  | 939  | 8-903      | A                  | 69   |
| 2-1210    | A                  | 939  | 8-904      | A                  | 69   |
| 2-1219    | A                  | 939  | 8-1101     | A                  | 496  |
| 2-1221    | R                  | 488  | 8-1110     | A                  | 912  |
| 2-1504    | A                  | 423  | 10-407     | A                  | 599  |
| 2-1505    | A                  | 701  | 10-409     | A                  | 599  |
| 2-1506.06 | A                  | 48   | 10-601     | A                  | 599  |
| 2-1575    | R                  | 473  | 12-509     | A                  | 909  |
| to 2-1578 |                    |      | 12-512.03  | A                  | 909  |
| 2-1579    | R                  | 473  | 12-516     | A                  | 909  |
| 2-1579    | A                  | 687  | 14-116     | A                  | 744  |
| 2-1580    | R                  | 473  | 14-116     | A                  | 791  |
| to 2-1582 |                    |      | 14-116     | A                  | 827  |
| 2-1701    | R                  | 633  | 14-360     | A                  | 791  |
| 2-1701    | R                  | 741  | 14-365.07  | A                  | 599  |
| 2-1807    | A                  | 833  | 14-383     | A                  | 751  |
| 2-2104    | A                  | 633  | 14-402     | A                  | 303  |
| 2-2201    | R                  | 633  | 14-418     | A                  | 827  |
| to 2-2205 |                    |      | 14-419     | A                  | 827  |
| 2-2317    | A                  | 756  | 14-1733    | A                  | 703  |
| 2-3103    | A                  | 633  | 15-106     | A                  | 702  |
| 2-3213    | A                  | 739  | 15-261     | A                  | 860  |
| 2-3252    | A                  | 851  | 15-901     | A                  | 61   |
| 2-3263    | A                  | 708  | 15-901     | A                  | 744  |
| 2-3264    | A                  | 708  | 15-1001    | A                  | 953  |
| 2-3265    | A                  | 708  | 15-1001.01 | A                  | 229  |
| 2-3266    | A                  | 708  | 15-1001.01 | A                  | 953  |
| 2-3267    | A                  | 708  | 15-1002    | A                  | 953  |
| 2-3268    | A                  | 708  | 15-1003    | A                  | 953  |
| 2-3269    | A                  | 708  | to 15-1009 |                    |      |
| to 2-3272 |                    |      | 15-1007    | A                  | 229  |
| 2-3322    | A                  | 756  | 15-1011    | A                  | 953  |
| 2-3632    | A                  | 756  | 15-1013.01 | A                  | 953  |
| 2-3701    | R                  | 633  | 15-1013.02 | A                  | 953  |
| to 2-3734 |                    |      | 15-1014    | A                  | 353  |
| 2-3701    | R                  | 738  | to 15-1019 |                    |      |
| to 2-3734 |                    |      | 15-1021    | A                  | 953  |
| 3-106     | A                  | 843  | 15-1102    | A                  | 303  |
| 3-157     | A                  | 896  | 16-104     | A                  | 629  |
| 3-239     | A                  | 925  | 16-208     | R                  | 741  |
| 5-105     | A                  | 618  | 16-312     | A                  | 662  |
| 8-105     | A                  | 448  | 16-330     | A                  | 955  |
| 8-110     | A                  | 333  | 16-333     | A                  | 955  |
| 8-120     | A                  | 916  | 16-334     | A                  | 955  |
| 8-122     | A                  | 916  | 16-336     | A                  | 955  |
| 8-133     | A                  | 966  | 16-404     | A                  | 662  |
| 8-140     | A                  | 335  | 16-503     | A                  | 662  |
| 8-157     | A                  | 491  | 16-612     | A                  | 660  |
| 8-319     | A                  | 903  | 16-618     | A                  | 654  |
| 8-331     | A                  | 314  | 16-716     | A                  | 940  |
| 8-355     | A                  | 314  | 16-6901.02 | A                  | 614  |
| 8-355     | A                  | 865  | 17-110     | A                  | 662  |
| 8-403     | A                  | 337  | 17-116     | R                  | 741  |
| 8-403.01  | A                  | 337  | 17-562     | R                  | 741  |

## SECTION INDEX

| SECTION       | REPEAL<br>OR AMEND | BILL | SECTION      | REPEAL<br>OR AMEND | BILL |
|---------------|--------------------|------|--------------|--------------------|------|
| 17-609        | A                  | 614  | 23-803       | R                  | 741  |
| 17-938        | A                  | 599  | 23-804       | R                  | 741  |
| 17-953        | A                  | 692  | 23-805       | R                  | 741  |
| 18-618        | R                  | 860  | to 23-807    |                    |      |
| to 18-622     |                    |      | 23-1112      | A                  | 615  |
| 18-633        | R                  | 860  | 23-1112.01   | A                  | 615  |
| 18-1301       | A                  | 659  | 23-1114.02   | A                  | 628  |
| 18-1303       | A                  | 659  | to 23-114.07 |                    |      |
| 18-1401       | A                  | 599  | 23-1611      | A                  | 921  |
| 18-1736       | A                  | 717  | 23-1703      | A                  | 490  |
| to 18-1741    |                    |      | 23-1717      | A                  | 840  |
| 18-1742       | R                  | 717  | 23-1719      | A                  | 840  |
| 18-2101.01    | A                  | 986  | 23-1736      | R                  | 484  |
| 18-2103       | A                  | 986  | Chapter 23   | R                  | 222  |
| 18-2107       | A                  | 986  | art. 18      |                    |      |
| 18-2201       | A                  | 620  | 23-1901      | A                  | 924  |
| 18-2202       | A                  | 620  | 23-1901      | A                  | 926  |
| 18-2203       | A                  | 620  | 23-1902      | R                  | 926  |
| to 18-2205    |                    |      | 23-1907      | A                  | 926  |
| 18-2206       | A                  | 620  | 23-1908      | A                  | 926  |
| 19-901        | A                  | 327  | 23-1910      | A                  | 926  |
| 19-903        | A                  | 303  | 23-1911      | A                  | 926  |
| 19-911        | A                  | 327  | 23-1912      | R                  | 926  |
| 19-916        | A                  | 327  | 23-2010      | A                  | 601  |
| 19-922        | A                  | 327  | 23-2315      | A                  | 231  |
| 19-2404       | A                  | 655  | 23-2802      | A                  | 490  |
| 19-2504       | A                  | 599  | 23-2803      | A                  | 490  |
| 19-3902       | A                  | 704  | 24-201.01    | A                  | 872  |
| 19-3903       | A                  | 704  | 24-342       | A                  | 762  |
| 19-3904       | A                  | 704  | 24-345       | A                  | 572  |
| 19-3905       | A                  | 704  | 24-346       | R                  | 572  |
| 19-3908       | A                  | 704  | 24-347       | R                  | 572  |
| 19-3908       | A                  | 813  | 24-348       | A                  | 572  |
| 19-3909       | A                  | 704  | 24-524       | A                  | 892  |
| 19-3911       | A                  | 704  | 24-536       | A                  | 699  |
| 20-126        | A                  | 932  | 24-559       | A                  | 498  |
| 20-127        | A                  | 932  | 24-707       | A                  | 533  |
| 20-128        | A                  | 932  | 24-708       | A                  | 218  |
| 20-129        | A                  | 932  | 24-708       | A                  | 533  |
| 20-131.01     | A                  | 932  | 24-710       | A                  | 533  |
| 20-131.04     | A                  | 932  | 24-811.01    | A                  | 730  |
| 21-608        | A                  | 748  | 24-812       | A                  | 730  |
| 21-1316       | A                  | 902  | 24-812.01    | A                  | 730  |
| 21-1773       | A                  | 899  | 25-224       | A                  | 858  |
| 21-17, 120.01 | A                  | 793  | 25-1001      | A                  | 597  |
| 21-2096       | A                  | 972  | to 25-1004   |                    |      |
| 21-2202       | A                  | 893  | 25-1009      | A                  | 597  |
| 23-174.03     | A                  | 61   | to 25-1011   |                    |      |
| 23-174.03     | A                  | 744  | 25-1012      | R                  | 597  |
| 23-302        | A                  | 926  | 25-1013      | R                  | 597  |
| 23-324.02     | A                  | 924  | 25-1016      | A                  | 597  |
| 23-343.01     | A                  | 685  | 25-1024      | A                  | 597  |
| 23-343.75     | A                  | 801  | 25-1025      | A                  | 597  |
| 23-343.93     | A                  | 801  | 25-1029      | A                  | 597  |
| 23-343.99     | A                  | 801  | 25-1030      | A                  | 597  |
| 23-362        | R                  | 599  | 25-1038      | R                  | 597  |
| 23-362.03     | R                  | 599  | 25-1041      | A                  | 597  |
| 23-401        | R                  | 741  | 25-1050      | A                  | 597  |
| to 23-407     |                    |      | 25-1053      | R                  | 597  |
| 23-408        | R                  | 741  | 25-1056      | A                  | 597  |
| 23-409        | R                  | 741  | 25-1601      | A                  | 733  |
| to 23-419     |                    |      | 25-1801      | A                  | 402  |
| 23-801        | R                  | 741  | 28-101       | A                  | 991  |
| 23-802        | R                  | 741  | 28-105       | A                  | 762  |

## SECTION INDEX

2405

| SECTION       | REPEAL<br>OR AMEND | BILL | SECTION   | REPEAL<br>OR AMEND | BILL |
|---------------|--------------------|------|-----------|--------------------|------|
| 28-303        | A                  | 762  | 30-26 18  | A                  | 721  |
| 28-416        | A                  | 938  | 30-26 19  | A                  | 721  |
| 28-431        | A                  | 991  | 30-2620   | A                  | 721  |
| 28-501        | R                  | 979  | 30-2622   | A                  | 721  |
| to 28-504     |                    |      | 30-2623   | A                  | 721  |
| 28-509        | A                  | 626  | 30-2624   | A                  | 721  |
| 28-523        | A                  | 497  | 30-2625   | A                  | 721  |
| 28-523        | A                  | 965  | 30-2626   | A                  | 721  |
| 28-708        | A                  | 736  | 30-2627   | A                  | 721  |
| 28-710        | A                  | 736  | 30-2628   | A                  | 721  |
| to 28-713     |                    |      | 30-2630   | A                  | 721  |
| 28-715        | A                  | 736  | 30-2633   | A                  | 721  |
| 28-726        | A                  | 736  | 30-2707   | A                  | 306  |
| 28-801        | A                  | 718  | 31-436    | A                  | 645  |
| 28-905        | A                  | 696  | 31-709    | A                  | 599  |
| 29-507        | A                  | 713  | 31-727.03 | A                  | 599  |
| 29-508        | A                  | 713  | 31-728    | A                  | 828  |
| 29-751        | A                  | 697  | 31-728    | A                  | 933  |
| 29-814        | R                  | 731  | 31-739    | A                  | 828  |
| 29-1401       | A                  | 806  | 31-739    | A                  | 980  |
| 29-1401.01    | A                  | 806  | 31-740    | A                  | 828  |
| 29-1408       | A                  | 535  | 31-740    | A                  | 980  |
| 29-1408       | A                  | 806  | 31-747    | A                  | 828  |
| 29-1607       | A                  | 600  | 31-747    | A                  | 980  |
| 29-1804.03    | A                  | 969  | 31-753    | A                  | 828  |
| 29-1804.13    | A                  | 969  | 31-753    | A                  | 933  |
| 29-1823       | A                  | 325  | 32-212    | A                  | 922  |
| 29-2005       | A                  | 895  | 32-215    | A                  | 812  |
| 29-2203       | A                  | 803  | 32-216    | A                  | 465  |
| 29-2203       | A                  | 895  | 32-216    | A                  | 812  |
| 29-2206       | A                  | 642  | 32-216.01 | A                  | 465  |
| 29-2221       | A                  | 799  | 32-221    | A                  | 465  |
| 29-2519       | R                  | 762  | 32-308    | A                  | 924  |
| 29-2520       | R                  | 762  | 32-403    | A                  | 922  |
| 29-2521       | R                  | 762  | 32-424    | A                  | 922  |
| 29-2521.01    | R                  | 762  | 32-425    | A                  | 922  |
| to 29-2521.04 |                    |      | 32-471    | A                  | 922  |
| 29-2522       | R                  | 762  | 32-4, 132 | A                  | 922  |
| 29-2523       | R                  | 762  | 32-4, 152 | A                  | 922  |
| 29-2524       | R                  | 762  | 32-711    | A                  | 922  |
| 29-2524.01    | R                  | 762  | 32-819    | A                  | 922  |
| 29-2524.02    | R                  | 762  | 33-116    | A                  | 926  |
| 29-2525       | R                  | 762  | 33-117    | A                  | 615  |
| to 29-2546    |                    |      | 33-117    | A                  | 628  |
| 29-3523       | A                  | 782  | 33-117.01 | R                  | 628  |
| 30-238        | R                  | 498  | 33-150    | A                  | 94   |
| 30-2209       | A                  | 498  | 35-701    | R                  | 724  |
| 30-2220       | A                  | 498  | 35-702    | R                  | 724  |
| 30-2302       | A                  | 694  | 35-703    | R                  | 724  |
| 30-2313       | A                  | 694  | to 35-709 |                    |      |
| 30-2314       | A                  | 694  | 36-101    | R                  | 814  |
| 30-2315       | A                  | 694  | 36-102    | R                  | 814  |
| 30-2317       | A                  | 694  | 36-201    | R                  | 814  |
| 30-2322       | A                  | 981  | 36-204    | R                  | 814  |
| 30-2323       | A                  | 981  | 36-205    | R                  | 814  |
| 30-2325       | A                  | 981  | 36-206    | R                  | 814  |
| 30-2328       | A                  | 694  | 36-401    | R                  | 814  |
| 30-2338       | A                  | 694  | 36-403    | R                  | 814  |
| 30-2352       | A                  | 694  | 36-405    | R                  | 814  |
| 30-2466       | R                  | 694  | 36-406    | R                  | 814  |
| 30-2476       | A                  | 498  | 36-407    | R                  | 814  |
| 30-2601       | A                  | 721  | 37-101    | A                  | 552  |
| 30-2604       | A                  | 721  | 37-201    | A                  | 552  |
| 30-2617       | A                  | 721  | 37-501    | A                  | 777  |

## SECTION INDEX

| SECTION      | REPEAL<br>OR AMEND | BILL | SECTION      | REPEAL<br>OR AMEND | BILL |
|--------------|--------------------|------|--------------|--------------------|------|
| 37-510       | A                  | 727  | 39-25 17     | A                  | 779  |
| 37-1102      | A                  | 723  | 39-25 19     | A                  | 779  |
| 37-1103      | A                  | 723  | 39-25 20     | A                  | 779  |
| 37-1105      | A                  | 723  | 41-101       | R                  | 630  |
| 37-1105.01   | A                  | 723  | to 41-130    |                    |      |
| 37-1105.02   | R                  | 723  | 42-347       | A                  | 519  |
| 37-1105.03   | R                  | 723  | 42-365       | A                  | 622  |
| 37-1106      | R                  | 723  | 42-366       | A                  | 622  |
| 37-1107      | R                  | 723  | 42-917       | A                  | 684  |
| 37-1108      | A                  | 723  | 43-104.02    | A                  | 483  |
| 37-1111      | A                  | 723  | 43-107       | A                  | 483  |
| 39-602       | A                  | 624  | 43-107       | A                  | 681  |
| 39-614       | A                  | 821  | 43-109       | A                  | 483  |
| 39-662       | A                  | 330  | 43-113       | A                  | 483  |
| 39-664       | A                  | 822  | 43-113       | A                  | 992  |
| 39-666       | A                  | 330  | 43-210       | A                  | 409  |
| 39-669.07    | A                  | 651  | 43-210.02    | A                  | 975  |
| 39-669.26    | A                  | 961  | 43-512       | A                  | 683  |
| 39-684       | A                  | 259  | 43-512       | A                  | 789  |
| 39-684       | R                  | 259  | 43-604       | A                  | 769  |
| 39-6, 131    | A                  | 619  | 43-606       | A                  | 764  |
| 39-6, 173    | R                  | 633  | 43-607       | A                  | 367  |
| to 39-6, 175 |                    |      | 43-646.02    | A                  | 765  |
| 39-6, 177    | A                  | 638  | 43-646.02    | A                  | 772  |
| 39-6, 177    | A                  | 776  | 43-646.08    | A                  | 975  |
| 39-6, 177    | A                  | 284  | 43-647.01    | A                  | 772  |
| to 39-6, 179 |                    |      | 43-648       | A                  | 772  |
| 39-6, 179    | A                  | 634  | 43-648       | A                  | 978  |
| 39-6, 180    | A                  | 284  | 43-654       | R                  | 657  |
| 39-6, 180.01 | A                  | 785  | 43-654       | A                  | 773  |
| 39-6, 181    | A                  | 842  | 43-654       | A                  | 975  |
| 39-6, 184    | A                  | 778  | 43-655       | R                  | 657  |
| 39-6, 190    | A                  | 497  | 43-656       | R                  | 657  |
| 39-6, 191    | R                  | 906  | 43-656       | A                  | 773  |
| 39-6, 196    | A                  | 624  | 43-657       | R                  | 657  |
| 39-6, 197    | A                  | 603  | 43-657       | A                  | 773  |
| 39-6, 197    | A                  | 624  | 43-658       | R                  | 657  |
| 39-901       | R                  | 741  | 43-659       | R                  | 657  |
| to 39-912    |                    |      | 43-662       | A                  | 855  |
| 39-1315.01   | A                  | 873  | 43-704       | R                  | 951  |
| 39-1349      | A                  | 899  | 44-336       | R                  | 934  |
| 39-1349      | A                  | 948  | to 44-336.06 |                    |      |
| 39-1506      | A                  | 924  | 44-710.18    | A                  | 877  |
| 39-1506      | A                  | 926  | 44-1525      | A                  | 877  |
| 39-1713      | A                  | 254  | 44-1633      | R                  | 904  |
| 39-1715      | A                  | 254  | to 44-1635   |                    |      |
| to 39-1718   |                    |      | 44-2601      | R                  | 481  |
| 39-1722      | A                  | 607  | 44-2602      | R                  | 481  |
| to 39-1726   |                    |      | 44-2603      | R                  | 481  |
| 39-2103      | A                  | 873  | 44-2604      | R                  | 481  |
| to 39-2105   |                    |      | 44-2605      | R                  | 481  |
| 39-2110      | A                  | 873  | 45-10 1.03   | A                  | 899  |
| 39-2113      | A                  | 873  | 45-10 1.04   | A                  | 399  |
| 39-2215      | A                  | 796  | 45-102       | A                  | 899  |
| 39-2215      | A                  | 920  | 45-103       | A                  | 899  |
| 39-2401      | A                  | 796  | 45-104       | A                  | 402  |
| 39-2402      | A                  | 779  | 45-104       | A                  | 899  |
| 39-2501      | A                  | 779  | 45-137       | A                  | 899  |
| 39-2503      | A                  | 679  | 45-207       | A                  | 399  |
| 39-2504      | A                  | 679  | 45-338       | A                  | 399  |
| 39-2507      | A                  | 779  | 46-202       | A                  | 802  |
| 39-2509      | A                  | 779  | 46-229.03    | A                  | 648  |
| 39-2510      | A                  | 779  | 46-238       | A                  | 649  |
| 39-2511      | A                  | 779  | 46-257       | A                  | 48   |

## SECTION INDEX

2407

| SECTION      | REPEAL<br>OR AMEND | BILL | SECTION    | REPEAL<br>OR AMEND | BILL |
|--------------|--------------------|------|------------|--------------------|------|
| 46-503       | A                  | 931  | 48-649     | A                  | 719  |
| to 46-506    |                    |      | 48-652     | A                  | 761  |
| 46-509       | A                  | 931  | 48-652     | A                  | 800  |
| 46-512       | A                  | 931  | 48-665     | A                  | 798  |
| 46-513       | A                  | 931  | 48-669     | A                  | 943  |
| 46-516       | A                  | 931  | 48-701     | A                  | 856  |
| 46-518       | A                  | 931  | to 48-710  |                    |      |
| 46-525       | A                  | 931  | 48-704     | A                  | 959  |
| 46-529       | A                  | 931  | 48-712     | A                  | 959  |
| 46-541       | A                  | 931  | 48-712     | A                  | 856  |
| 46-543       | A                  | 931  | to 48-718  |                    |      |
| 46-564       | A                  | 931  | 48-714     | A                  | 959  |
| 46-566       | A                  | 931  | 48-714.02  | A                  | 959  |
| 46-602       | A                  | 643  | 48-838     | A                  | 108  |
| 46-607       | A                  | 830  | 48-1118    | A                  | 623  |
| 46-609       | A                  | 830  | 48-1304    | A                  | 663  |
| 46-612       | A                  | 830  | 48-1308    | R                  | 663  |
| 46-612.01    | A                  | 807  | 49-239     | R                  | 741  |
| 46-612.01    | A                  | 830  | to 49-244  |                    |      |
| 46-613       | A                  | 27   | 49-707     | A                  | 598  |
| 46-613       | A                  | 985  | 49-1401    | A                  | 974  |
| 46-613.02    | A                  | 830  | 49-1403    | A                  | 974  |
| 46-634.01    | A                  | 739  | 49-1409    | A                  | 974  |
| 46-638       | A                  | 830  | 49-1410    | A                  | 535  |
| 46-639       | A                  | 830  | 49-1413    | A                  | 535  |
| 46-645       | A                  | 930  | 49-1427    | A                  | 535  |
| 46-647       | A                  | 830  | 49-1445    | A                  | 535  |
| 46-650       | A                  | 830  | 49-1446    | A                  | 535  |
| 46-651       | A                  | 830  | 49-1449    | A                  | 535  |
| 46-652       | A                  | 830  | 49-1451    | A                  | 535  |
| 46-654       | A                  | 930  | 49-1454    | A                  | 535  |
| 46-655       | A                  | 830  | 49-1459    | A                  | 535  |
| to 46-657    |                    |      | to 49-1464 |                    |      |
| 46-657       | A                  | 643  | 49-1466    | A                  | 535  |
| 46-658       | A                  | 830  | 49-1469    | A                  | 535  |
| 46-659       | A                  | 643  | 49-1472    | A                  | 535  |
| 46-659       | A                  | 830  | 49-1479    | A                  | 535  |
| 46-660       | A                  | 643  | 49-1496    | A                  | 535  |
| 46-663       | A                  | 830  | 49-1499    | A                  | 927  |
| 46-666       | A                  | 830  | 49-14,105  | A                  | 535  |
| 46-666       | A                  | 984  | 49-14,106  | A                  | 535  |
| 46-673       | A                  | 599  | 49-14,111  | A                  | 535  |
| 46-673       | A                  | 829  | 49-14,112  | A                  | 535  |
| 47-113       | R                  | 628  | 49-14,121  | A                  | 535  |
| 47-113.01    | R                  | 628  | 49-14,129  | A                  | 535  |
| 48-121       | A                  | 113  | 50-421     | R                  | 928  |
| 48-122       | A                  | 113  | 50-422     | R                  | 928  |
| 48-122.03    | A                  | 113  | 50-424     | R                  | 928  |
| 48-193       | A                  | 815  | 50-425     | R                  | 928  |
| to 48-197    |                    |      | 50-430     | A                  | 982  |
| 48-1,107     | A                  | 815  | 50-431     | A                  | 982  |
| to 48-1,109  |                    |      | 50-436     | R                  | 988  |
| 48-418       | A                  | 856  | 50-601     | R                  | 928  |
| to 48-418.13 |                    |      | 50-602     | R                  | 928  |
| 48-518       | A                  | 781  | 50-701.01  | R                  | 928  |
| 48-602       | A                  | 800  | to 50-702  |                    |      |
| 48-624       | A                  | 943  | 50-701.02  | A                  | 886  |
| 48-625       | A                  | 800  | 50-801     | R                  | 928  |
| 48-626       | A                  | 761  | to 50-808  |                    |      |
| 48-626       | A                  | 800  | 52-102     | A                  | 861  |
| 48-628       | A                  | 318  | 52-103     | A                  | 861  |
| 48-628       | A                  | 761  | 53-103     | A                  | 221  |
| 48-628       | A                  | 800  | 53-103     | A                  | 970  |
| 48-628       | A                  | 942  | 53-117     | A                  | 848  |

## SECTION INDEX

| SECTION      | REPEAL<br>OR AMEND | BILL | SECTION    | REPEAL<br>OR AMEND | BILL |
|--------------|--------------------|------|------------|--------------------|------|
| 53-117       | A                  | 970  | 54-153.01  | A                  | 797  |
| 53-123.02    | A                  | 848  | 54-156     | A                  | 797  |
| 53-123.03    | A                  | 848  | 54-415     | A                  | 797  |
| 53-124       | A                  | 848  | 54-725     | R                  | 631  |
| 53-129       | A                  | 848  | 54-761     | A                  | 631  |
| 53-131       | A                  | 848  | 54-901     | R                  | 631  |
| 53-140       | A                  | 848  | to 54-906  |                    |      |
| 53-141       | R                  | 848  | 54-1001    | R                  | 631  |
| 53-142       | A                  | 848  | to 54-1011 |                    |      |
| 53-143       | R                  | 848  | 54-1333    | A                  | 631  |
| 53-145       | R                  | 848  | 54-1704    | A                  | 566  |
| 53-146       | A                  | 848  | 54-1708    | A                  | 631  |
| 53-147       | A                  | 848  | 56-201     | R                  | 741  |
| 53-151       | A                  | 848  | to 56-207  |                    |      |
| 53-152       | A                  | 848  | 57-905     | A                  | 709  |
| 53-153       | A                  | 848  | 57-919     | A                  | 709  |
| 53-160       | A                  | 745  | 59-101     | R                  | 741  |
| 53-160.07    | A                  | 848  | 59-1614    | A                  | 186  |
| 53-168       | A                  | 874  | 60-102     | A                  | 624  |
| 53-169       | A                  | 859  | 60-115     | A                  | 671  |
| 53-176       | A                  | 848  | 60-301     | A                  | 624  |
| 53-180       | A                  | 732  | 60-301     | A                  | 636  |
| 53-180       | A                  | 848  | 60-301     | A                  | 864  |
| 53-180.02    | A                  | 221  | 60-303     | A                  | 418  |
| 53-180.02    | A                  | 970  | 60-303     | A                  | 864  |
| 53-180.04    | A                  | 221  | 60-309     | A                  | 364  |
| 53-180.04    | A                  | 732  | 60-310     | A                  | 364  |
| 53-180.04    | A                  | 848  | 60-311     | A                  | 364  |
| 53-180.04    | A                  | 970  | 60-311     | A                  | 1003 |
| 53-180.05    | A                  | 732  | 60-311.01  | R                  | 864  |
| 53-180.05    | A                  | 970  | 60-311.02  | A                  | 864  |
| 53-1, 104    | A                  | 848  | 60-311.05  | R                  | 364  |
| 53-1, 114    | A                  | 848  | 60-311.06  | R                  | 364  |
| 53-1, 115    | R                  | 848  | 60-311.07  | R                  | 364  |
| 53-1, 116    | A                  | 848  | 60-311.10  | A                  | 364  |
| 53-1, 119    | R                  | 259  | 60-311.11  | A                  | 864  |
| 53-1, 120    | R                  | 259  | 60-311.12  | A                  | 364  |
| 53-1, 121    | A                  | 947  | 60-311.14  | A                  | 717  |
| 54-101       | A                  | 797  | 60-320     | A                  | 864  |
| 54-104       | A                  | 797  | 60-320     | A                  | 946  |
| 54-109       | A                  | 797  | 60-322     | A                  | 864  |
| 54-109.01    | A                  | 797  | to 60-324  |                    |      |
| 54-112       | A                  | 797  | 60-323     | A                  | 693  |
| 54-113       | R                  | 797  | 60-330     | A                  | 854  |
| 54-118       | A                  | 797  | 60-330     | A                  | 864  |
| 54-119       | A                  | 797  | 60-331.03  | R                  | 864  |
| 54-131       | A                  | 797  | 60-332     | A                  | 364  |
| 54-133.01    | A                  | 797  | 60-333     | R                  | 636  |
| 54-133.02    | R                  | 797  | 60-334     | A                  | 864  |
| 54-133.03    | A                  | 797  | 60-335     | A                  | 604  |
| 54-134.01    | R                  | 797  | 60-401     | A                  | 603  |
| to 54-134.06 |                    |      | 60-401     | A                  | 624  |
| 54-134.07    | A                  | 797  | 60-403.01  | A                  | 960  |
| 54-134.08    | R                  | 797  | 60-404     | A                  | 792  |
| 54-135       | A                  | 797  | 60-407     | A                  | 804  |
| 54-137       | A                  | 797  | 60-407     | A                  | 305  |
| 54-137.02    | R                  | 797  | 60-407     | A                  | 866  |
| 54-140       | A                  | 797  | 60-407     | A                  | 960  |
| 54-141       | A                  | 797  | 60-408     | A                  | 805  |
| 54-143       | A                  | 797  | 60-408     | A                  | 960  |
| 54-145.02    | A                  | 797  | 60-409     | A                  | 960  |
| 54-147       | A                  | 797  | 60-409.02  | A                  | 890  |
| 54-148       | A                  | 797  | 60-409.04  | A                  | 890  |
| 54-150       | A                  | 797  | 60-411.01  | A                  | 805  |

## SECTION INDEX

2409

| SECTION    | REPEAL<br>OR AMEND | BILL | SECTION         | REPEAL<br>OR AMEND | BILL |
|------------|--------------------|------|-----------------|--------------------|------|
| 60-430.07  | R                  | 696  | 69-1329         | A                  | 968  |
| 60-434.01  | A                  | 695  | 70-620          | A                  | 843  |
| 60-505.02  | A                  | 672  | 70-621          | A                  | 843  |
| 60-556     | A                  | 944  | 70-623          | R                  | 954  |
| 60-1001    | A                  | 975  | to 70-623.03    |                    |      |
| 60-1006    | A                  | 864  | 70-625          | A                  | 458  |
| 60-1411.03 | A                  | 820  | 70-625          | A                  | 843  |
| 60-1604    | A                  | 864  | 70-626.05       | A                  | 881  |
| 60-1701    | A                  | 743  | 70-639          | A                  | 843  |
| 60-1701    | A                  | 864  | 70-639          | A                  | 962  |
| 60-1704    | A                  | 864  | 70-643          | A                  | 843  |
| 60-1705    | A                  | 864  | 70-655          | A                  | 457  |
| 66-301     | R                  | 834  | 70-655          | A                  | 460  |
| 66-302     | R                  | 834  | 70-655          | A                  | 462  |
| 66-303     | A                  | 834  | 70-1003         | A                  | 863  |
| 66-304     | A                  | 834  | 70-1014         | A                  | 461  |
| 66-306     | A                  | 834  | 70-1021         | A                  | 857  |
| 66-308     | A                  | 834  | 71-102          | A                  | 94   |
| 66-309     | A                  | 834  | 71-110          | A                  | 94   |
| 66-311     | A                  | 834  | 71-112          | A                  | 94   |
| 66-317     | A                  | 834  | to 71-114       |                    |      |
| 66-401     | A                  | 956  | 71-121.01       | A                  | 847  |
| 66-409     | A                  | 722  | 71-121.01       | A                  | 958  |
| 66-410     | A                  | 361  | 71-122          | A                  | 94   |
| 66-410     | A                  | 722  | 71-146          | R                  | 94   |
| 66-410     | A                  | 956  | 71-162          | A                  | 94   |
| 66-410.04  | A                  | 722  | 71-197          | R                  | 94   |
| 66-428     | A                  | 361  | 71-1, 132.05    | A                  | 847  |
| 66-428     | A                  | 722  | 71-1, 132.11    | A                  | 847  |
| 66-428     | A                  | 956  | 71-1, 132.13    | A                  | 847  |
| 66-452     | A                  | 722  | to 71-1, 132.16 |                    |      |
| 66-452     | A                  | 876  | 71-1, 132.20    | A                  | 847  |
| 66-467.01  | A                  | 876  | 71-1, 132.22    | A                  | 847  |
| 66-511     | R                  | 834  | 71-1, 132.24    | A                  | 847  |
| 66-605     | A                  | 361  | 71-1, 132.23    | A                  | 347  |
| 66-605     | A                  | 722  | to 71-1, 132.34 |                    |      |
| 66-704     | A                  | 832  | 71-1, 132.36    | A                  | 847  |
| 66-707     | A                  | 832  | 71-1, 132.37    | A                  | 847  |
| 66-708     | A                  | 832  | 71-1, 132.47    | A                  | 847  |
| 66-711     | A                  | 832  | 71-1, 132.49    | A                  | 847  |
| 66-820     | A                  | 121  | to 71-1, 132.51 |                    |      |
| 68-103     | R                  | 728  | 71-606          | A                  | 471  |
| to 68-116  |                    |      | 71-626          | A                  | 992  |
| 69-1301    | A                  | 968  | 71-626.01       | A                  | 483  |
| 69-1302    | A                  | 968  | 71-626.01       | A                  | 992  |
| 69-1304    | A                  | 968  | 71-626.02       | A                  | 992  |
| 69-1305    | A                  | 968  | 71-1104         | A                  | 967  |
| to 69-1308 |                    |      | 71-1105         | A                  | 967  |
| 69-1309    | R                  | 968  | to 71-1107      |                    |      |
| 69-1310    | A                  | 968  | 71-1108         | A                  | 967  |
| to 69-1312 |                    |      | 71-1109         | A                  | 967  |
| 69-1313    | A                  | 968  | 71-1110         | A                  | 967  |
| 69-1314    | A                  | 968  | 71-1112         | A                  | 967  |
| 69-1316    | A                  | 968  | 71-1114         | A                  | 967  |
| 69-1317    | A                  | 968  | 71-1115         | A                  | 967  |
| 69-1318    | A                  | 572  | 71-1326         | A                  | 94   |
| 69-1318    | A                  | 968  | 71-1327         | A                  | 94   |
| 69-1319    | R                  | 968  | 71-1329         | A                  | 94   |
| 69-1321    | A                  | 968  | 71-1330         | A                  | 94   |
| to 69-1323 |                    |      | 71-1331         | A                  | 94   |
| 69-1325    | A                  | 968  | 71-1332         | A                  | 94   |
| 69-1326    | A                  | 968  | to 71-1336      |                    |      |
| 69-1327    | A                  | 968  | 71-1338         | A                  | 94   |
| 69-1328    | R                  | 968  | 71-1522         | A                  | 929  |

## SECTION INDEX

| SECTION       | REPEAL<br>OR AMEND | BILL | SECTION    | REPEAL<br>OR AMEND | BILL |
|---------------|--------------------|------|------------|--------------------|------|
| 71-1555       | A                  | 856  | 71-4609    | A                  | 418  |
| to 71-1558    |                    |      | 71-4609    | A                  | 856  |
| 71-1559       | A                  | 706  | to 71-4620 |                    |      |
| 71-1559       | A                  | 856  | 71-4611    | A                  | 418  |
| 71-1560       | A                  | 856  | 71-4616    | A                  | 418  |
| to 71-1562    |                    |      | 71-4617    | A                  | 418  |
| 71-1563       | A                  | 856  | 71-4618    | A                  | 418  |
| 71-1564       | A                  | 856  | 71-4619    | A                  | 418  |
| to 71-1567    |                    |      | 71-5001    | A                  | 975  |
| 71-1901       | A                  | 530  | 71-5002    | A                  | 684  |
| 71-1902       | A                  | 530  | 71-5002    | A                  | 975  |
| 71-1903       | A                  | 530  | 71-5003    | A                  | 684  |
| 71-2020       | A                  | 256  | 71-5003    | A                  | 975  |
| 71-2041.01    | A                  | 686  | 71-5009    | A                  | 975  |
| 71-2042       | A                  | 686  | 71-5011    | R                  | 975  |
| 71-2044       | R                  | 686  | 71-5016    | A                  | 684  |
| 71-2045.01    | A                  | 686  | 71-5018    | A                  | 684  |
| 71-2045.02    | A                  | 686  | 71-5019    | A                  | 684  |
| 71-2045.04    | A                  | 686  | 71-5025    | A                  | 684  |
| to 71-2045.09 |                    |      | 71-5027    | A                  | 684  |
| 71-2601       | A                  | 667  | 71-5602    | A                  | 641  |
| 71-2602       | A                  | 667  | 71-5603    | A                  | 641  |
| 71-2603       | A                  | 667  | 71-5605    | A                  | 641  |
| 71-2604       | R                  | 667  | 71-5606    | A                  | 641  |
| 71-2605       | A                  | 667  | 71-5608    | A                  | 641  |
| 71-2606       | A                  | 667  | 71-5612    | A                  | 641  |
| 71-2607       | A                  | 667  | 71-5801    | A                  | 725  |
| 71-2608       | R                  | 667  | 71-5803    | A                  | 725  |
| 71-2609       | A                  | 667  | 71-5830    | A                  | 725  |
| 71-2610       | A                  | 667  | 71-5836    | A                  | 725  |
| 71-2611       | R                  | 667  | 71-5838    | A                  | 725  |
| 71-2612       | R                  | 667  | 71-5842    | A                  | 725  |
| to 71-2616    |                    |      | 71-5843    | A                  | 725  |
| 71-3508       | A                  | 816  | 71-5871    | R                  | 725  |
| 71-3801       | A                  | 958  | 72-1101    | A                  | 856  |
| 71-3803       | A                  | 958  | to 72-1118 |                    |      |
| 71-3805       | A                  | 958  | 72-1119    | A                  | 856  |
| to 71-3807    |                    |      | 72-1120    | R                  | 856  |
| 71-3808       | A                  | 958  | 72-1121    | R                  | 856  |
| 71-3812       | A                  | 958  | 72-1122    | A                  | 356  |
| to 71-3814    |                    |      | to 72-1124 |                    |      |
| 71-3816       | A                  | 958  | 74-913     | A                  | 203  |
| 71-3817       | A                  | 958  | 74-1101    | R                  | 741  |
| 71-3818       | A                  | 958  | to 74-1123 |                    |      |
| 71-3819       | A                  | 958  | 74-1124    | R                  | 741  |
| to 71-3821    |                    |      | 74-1125    | R                  | 741  |
| 71-3822       | A                  | 958  | 74-1302    | A                  | 153  |
| 71-3823       | A                  | 958  | 74-1302    | A                  | 707  |
| 71-3824       | A                  | 958  | to 74-1304 |                    |      |
| 71-3828       | A                  | 958  | 74-1305    | A                  | 707  |
| 71-3830       | A                  | 958  | 74-1308    | A                  | 707  |
| 71-3832       | A                  | 958  | 75-104     | A                  | 872  |
| 71-3833       | A                  | 958  | 75-105     | A                  | 504  |
| 71-3835       | A                  | 958  | 75-106     | A                  | 504  |
| 71-3836       | A                  | 958  | 75-107     | A                  | 504  |
| 71-4601       | A                  | 856  | 75-128     | A                  | 504  |
| to 71-4607    |                    |      | 75-303     | A                  | 704  |
| 71-4603       | A                  | 418  | 75-303     | A                  | 750  |
| 71-4604.01    | A                  | 418  | 75-303     | A                  | 813  |
| 71-4605       | A                  | 418  | 75-415     | R                  | 960  |
| 71-4606       | A                  | 418  | 75-416     | R                  | 860  |
| 71-4607       | R                  | 418  | 75-418     | A                  | 860  |
| 71-4608       | A                  | 418  | 75-613     | A                  | 898  |
| 71-4608       | A                  | 856  | 75-710     | A                  | 611  |

## SECTION INDEX

2411

| SECTION      | REPEAL<br>OR AMEND | BILL | SECTION        | REPEAL<br>OR AMEND | BILL |
|--------------|--------------------|------|----------------|--------------------|------|
| 75-713       | A                  | 611  | 77-318.01      | R                  | 834  |
| 75-715       | A                  | 611  | 77-320         | R                  | 834  |
| 75-716       | A                  | 611  | to 77-322      |                    |      |
| 75-719       | A                  | 611  | 77-323         | A                  | 834  |
| 75-721       | A                  | 611  | 77-324         | A                  | 834  |
| 76-118       | A                  | 694  | 77-325         | R                  | 834  |
| 76-214       | A                  | 983  | 77-326         | A                  | 834  |
| 76-720       | A                  | 680  | to 77-329      |                    |      |
| 76-901       | A                  | 983  | 77-330, 77-331 | R                  | 834  |
| 76-902       | A                  | 650  | and 77-333     |                    |      |
| 76-902       | A                  | 983  | 77-332         | A                  | 834  |
| 76-903       | A                  | 983  | 77-333.01      | A                  | 834  |
| to 76-905    |                    |      | 77-333.02      | R                  | 834  |
| 77-112       | A                  | 983  | 77-335         | R                  | 834  |
| 77-202       | A                  | 691  | to 77-339      |                    |      |
| 77-202       | A                  | 711  | 77-340         | A                  | 834  |
| 77-202       | A                  | 882  | 77-342         | A                  | 834  |
| 77-202       | A                  | 913  | 77-343         | R                  | 834  |
| 77-202.01    | A                  | 688  | 77-344         | A                  | 834  |
| 77-202.02    | A                  | 688  | to 77-347      |                    |      |
| 77-202.03    | A                  | 688  | 77-348         | A                  | 834  |
| 77-202.05    | A                  | 636  | to 77-359      |                    |      |
| 77-202.25    | A                  | 787  | 77-412         | A                  | 834  |
| 77-202.25    | A                  | 977  | 77-505         | A                  | 8    |
| 77-202.25    | R                  | 691  | 77-508.01      | A                  | 983  |
| to 77-202.29 |                    |      | 77-509         | A                  | 8    |
| 77-202.25    | R                  | 711  | 77-605         | A                  | 599  |
| to 77-202.29 |                    |      | 77-629         | A                  | 8    |
| 77-202.25    | R                  | 882  | 77-660         | A                  | 599  |
| to 77-202.29 |                    |      | 77-907         | A                  | 905  |
| 77-202.26    | R                  | 787  | 77-1204        | R                  | 691  |
| to 77-202.29 |                    |      | 77-1204        | R                  | 711  |
| 77-202.30    | A                  | 487  | 77-1205        | R                  | 691  |
| 77-202.30    | R                  | 691  | 77-1205        | R                  | 711  |
| 77-202.30    | R                  | 711  | 77-1221        | R                  | 741  |
| 77-202.30    | A                  | 787  | 77-1241.09     | A                  | 8    |
| 77-202.30    | R                  | 882  | 77-1250        | A                  | 8    |
| 77-202.31    | R                  | 691  | 77-1250        | A                  | 599  |
| 77-202.31    | R                  | 711  | 77-1301        | A                  | 742  |
| 77-202.31    | A                  | 787  | 77-1301.02     | R                  | 8    |
| 77-202.31    | R                  | 882  | 77-1301.06     | A                  | 8    |
| 77-202.32    | R                  | 691  | 77-1318        | A                  | 689  |
| 77-202.32    | R                  | 711  | 77-1320.05     | A                  | 834  |
| 77-202.32    | A                  | 787  | 77-1327        | A                  | 834  |
| 77-202.32    | R                  | 882  | 77-1331        | A                  | 8    |
| 77-202.33    | R                  | 691  | 77-1331        | A                  | 921  |
| 77-202.33    | R                  | 711  | 77-1342        | A                  | 8    |
| 77-202.33    | A                  | 882  | 77-1343        | A                  | 976  |
| 77-202.36    | R                  | 787  | 77-1344        | A                  | 976  |
| to 77-202.40 |                    |      | 77-1348        | A                  | 976  |
| 77-202.36    | R                  | 691  | 77-1502.01     | A                  | 658  |
| to 77-202.43 |                    |      | 77-1601        | A                  | 766  |
| 77-202.36    | R                  | 711  | 77-1604        | R                  | 599  |
| to 77-202.43 |                    |      | 77-1605        | A                  | 599  |
| 77-202.36    | R                  | 882  | 77-1613        | A                  | 921  |
| to 77-202.43 |                    |      | 77-1615.01     | A                  | 921  |
| 77-202.42    | R                  | 787  | 77-1808        | A                  | 921  |
| 77-301       | A                  | 834  | 77-2039        | A                  | 694  |
| 77-302       | A                  | 934  | 77-2101        | R                  | 834  |
| 77-302.01    | R                  | 834  | 77-2107        | R                  | 834  |
| 77-303       | R                  | 834  | 77-2205        | A                  | 815  |
| 77-303.01    | A                  | 834  | 77-2602        | A                  | 669  |
| to 77-303.03 |                    |      | 77-2702        | A                  | 795  |
| 77-304       | A                  | 834  |                |                    |      |
| to 77-319    |                    |      |                |                    |      |

## SECTION INDEX

| SECTION          | REPEAL<br>OR AMEND | BILL | SECTION      | REPEAL<br>OR AMEND | BILL |
|------------------|--------------------|------|--------------|--------------------|------|
| 77-2704          | A                  | 16   | 79-490       | A                  | 867  |
| 77-2704          | A                  | 144  | 79-4, 102    | A                  | 764  |
| 77-2704          | A                  | 325  | 79-4, 147.01 | A                  | 104  |
| 77-2704          | A                  | 666  | 79-516.04    | A                  | 869  |
| 77-2704          | A                  | 795  | 79-801       | A                  | 640  |
| 77-2704          | A                  | 841  | 79-803.03    | A                  | 869  |
| 77-2715          | A                  | 16   | 79-902.01    | A                  | 784  |
| 77-2715          | A                  | 44   | 79-902.01    | A                  | 869  |
| 77-2715          | A                  | 317  | 79-1003      | A                  | 869  |
| 77-2715          | A                  | 325  | 79-1103      | A                  | 869  |
| 77-2715          | A                  | 670  | 79-1103.05   | A                  | 988  |
| 77-2715          | A                  | 775  | 79-1247.07   | A                  | 771  |
| 77-2715          | A                  | 897  | 79-1254.02   | A                  | 442  |
| 77-2715.01       | A                  | 16   | 79-1255      | A                  | 809  |
| 77-2715.01       | A                  | 325  | 79-1256      | R                  | 809  |
| 77-2715.01       | A                  | 617  | to 79-1260   |                    |      |
| 77-2734          | A                  | 610  | 79-1270      | A                  | 745  |
| 77-27, 132       | A                  | 796  | 79-1270.01   | A                  | 745  |
| 77-27, 136       | R                  | 691  | 79-1279      | A                  | 919  |
| to 77-27, 137.01 |                    |      | 79-1330      | R                  | 177  |
| 77-27, 139       | R                  | 691  | 79-1331      | R                  | 177  |
| 77-27, 140       | R                  | 691  | 79-1332      | R                  | 177  |
| 77-27, 142       | A                  | 325  | 79-1333      | R                  | 177  |
| 77-27, 142       | A                  | 617  | 79-1333      | A                  | 978  |
| 77-27, 142       | R                  | 625  | 79-1333.01   | R                  | 177  |
| 77-27, 142.01    | R                  | 625  | 79-1333.02   | R                  | 177  |
| to 77-27, 142.05 |                    |      | 79-1334      | R                  | 177  |
| 77-27, 143       | R                  | 625  | 79-1334      | A                  | 486  |
| to 77-27, 148    |                    |      | 79-1335      | R                  | 89   |
| 77-3201          | A                  | 362  | 79-1335      | R                  | 177  |
| 77-3205          | A                  | 362  | 79-1336      | R                  | 177  |
| 77-3206          | A                  | 362  | to 79-1338   |                    |      |
| 77-3401          | A                  | 627  | 79-1337      | A                  | 758  |
| 77-3402          | A                  | 627  | 79-1338      | A                  | 486  |
| 77-3403          | R                  | 627  | 79-1339      | R                  | 177  |
| 77-3404          | A                  | 627  | 79-1340      | R                  | 177  |
| 77-3405          | A                  | 627  | 79-1342      | R                  | 177  |
| 77-3406          | A                  | 627  | 79-1343      | R                  | 177  |
| 77-3409          | A                  | 627  | 79-1344      | R                  | 177  |
| 77-3410          | A                  | 609  | 79-1344      | A                  | 486  |
| 77-3410          | A                  | 627  | 79-1344.01   | R                  | 177  |
| 77-3422          | A                  | 880  | 79-1429      | A                  | 724  |
| 77-3423          | A                  | 613  | 79-1509      | A                  | 231  |
| 77-3423          | A                  | 783  | 79-1509.04   | R                  | 231  |
| 77-3423          | A                  | 845  | 79-1510      | A                  | 818  |
| 77-3424          | A                  | 711  | 79-1521      | A                  | 231  |
| 77-3425          | A                  | 711  | 79-1522      | A                  | 182  |
| 77-3501          | R                  | 608  | 79-1522.01   | A                  | 941  |
| to 77-3525       |                    |      | 79-1528      | A                  | 726  |
| 77-3506          | A                  | 379  | 79-1540      | A                  | 941  |
| 77-3507          | A                  | 647  | 79-1545      | A                  | 941  |
| 77-3508          | A                  | 647  | 79-1545.01   | R                  | 941  |
| 77-3529          | R                  | 608  | 79-2210      | A                  | 599  |
| 79-403           | A                  | 426  | 79-2210.04   | A                  | 921  |
| 79-403           | A                  | 788  | 79-2648      | A                  | 824  |
| 79-439           | A                  | 735  | 79-2650      | A                  | 599  |
| 79-445           | A                  | 770  | 79-2650      | A                  | 824  |
| 79-445           | A                  | 339  | 79-2650      | A                  | 949  |
| 79-450           | A                  | 734  | 79-2650.01   | R                  | 824  |
| 79-466           | A                  | 668  | 79-2650.02   | R                  | 824  |
| 79-478           | A                  | 606  | 79-2650.04   | R                  | 924  |
| 79-482           | A                  | 606  | 79-2650.05   | R                  | 924  |
| 79-487           | A                  | 813  | 79-2804      | A                  | 774  |
| 79-488           | A                  | 743  | 80-110       | R                  | 741  |

## SECTION INDEX

2413

| SECTION      | REPEAL<br>OR AMEND | BILL | SECTION         | REPEAL<br>OR AMEND | BILL |
|--------------|--------------------|------|-----------------|--------------------|------|
| 80-301       | A                  | 184  | 81-293          | R                  | 632  |
| 80-302       | A                  | 184  | 81-2, 111       | R                  | 630  |
| 80-304       | A                  | 184  | to 81-2, 119    |                    |      |
| to 80-308    |                    |      | 81-2, 121       | R                  | 630  |
| 80-310       | R                  | 184  | 81-2, 122       | R                  | 630  |
| 80-401       | A                  | 88   | to 81-2, 124    |                    |      |
| 81-102       | A                  | 667  | 81-2, 127       | R                  | 630  |
| 81-108       | A                  | 667  | 81-2, 129       | R                  | 630  |
| 81-109       | A                  | 667  | 81-2, 132       | R                  | 630  |
| 81-161       | A                  | 954  | 81-2, 133       | R                  | 630  |
| 81-166       | A                  | 950  | 81-2, 134       | R                  | 630  |
| 81-173       | A                  | 835  | 81-2, 134.01    | R                  | 630  |
| 81-174       | A                  | 835  | 81-2, 134.03    | R                  | 630  |
| 81-176       | A                  | 835  | to 81-2, 134.11 |                    |      |
| 81-177       | A                  | 835  | 81-2, 147.01    | A                  | 633  |
| 81-178       | A                  | 835  | to 81-2, 147.03 |                    |      |
| 81-180       | A                  | 835  | 81-2, 162.02    | A                  | 889  |
| 81-185       | A                  | 835  | 81-2, 162.03    | A                  | 889  |
| 81-185       | R                  | 928  | 81-2, 162.05    | A                  | 889  |
| 81-186       | A                  | 835  | 81-2, 162.06    | A                  | 889  |
| 81-186       | R                  | 928  | 81-2, 162.07    | A                  | 889  |
| 81-189       | A                  | 835  | 81-2, 162.13    | A                  | 889  |
| 81-191       | A                  | 835  | 81-2, 162.23    | A                  | 889  |
| 81-194       | A                  | 94   | 81-2, 162.24    | R                  | 889  |
| 81-195       | A                  | 709  | 81-2, 162.26    | A                  | 889  |
| 81-195       | A                  | 797  | 81-2, 181       | R                  | 630  |
| 81-195       | A                  | 820  | to 81-2, 184    |                    |      |
| 81-195       | A                  | 834  | 81-2, 185       | R                  | 630  |
| 81-1, 102    | A                  | 886  | 81-2, 217       | R                  | 632  |
| 81-217       | R                  | 630  | to 81-2, 229    |                    |      |
| to 81-217.09 |                    |      | 81-2, 230       | R                  | 632  |
| 81-217.10    | R                  | 630  | 81-2, 231       | R                  | 632  |
| 81-217.11    | R                  | 630  | 81-2, 232       | R                  | 632  |
| to 81-217.14 |                    |      | 81-4, 111       | A                  | 856  |
| 81-217.15    | R                  | 630  | 81-538          | A                  | 910  |
| 81-217.16    | R                  | 630  | 81-571          | A                  | 856  |
| to 81-218.09 |                    |      | 81-572          | A                  | 856  |
| 81-218       | R                  | 632  | 81-573          | A                  | 856  |
| to 81-227    |                    |      | 81-574          | A                  | 956  |
| 81-218.11    | R                  | 630  | 81-575          | A                  | 956  |
| to 81-221    |                    |      | 81-576          | A                  | 856  |
| 81-223       | R                  | 630  | 81-577          | A                  | 356  |
| to 81-227    |                    |      | to 81-590       |                    |      |
| 81-228       | R                  | 632  | 81-580          | A                  | 856  |
| 81-230       | R                  | 632  | 81-581          | A                  | 356  |
| to 81-256    |                    |      | 81-582          | A                  | 856  |
| 81-257       | R                  | 632  | to 81-588       |                    |      |
| 81-263.50    | R                  | 632  | 81-589          | A                  | 957  |
| to 81-263.52 |                    |      | 81-591          | A                  | 856  |
| 81-263.53    | R                  | 632  | 81-592          | A                  | 856  |
| 81-263.54    | R                  | 632  | 81-593.01       | A                  | 856  |
| to 81-263.78 |                    |      | 81-594          | A                  | 856  |
| 81-263.79    | R                  | 632  | 81-595          | A                  | 856  |
| 81-263.80    | R                  | 632  | 81-596          | A                  | 356  |
| 81-264       | R                  | 632  | 81-597          | A                  | 956  |
| to 81-266    |                    |      | 81-598          | A                  | 856  |
| 81-267       | R                  | 632  | 81-599          | A                  | 856  |
| 81-276       | R                  | 633  | 81-5, 100       | A                  | 356  |
| to 81-279    |                    |      | to 81-5, 104    |                    |      |
| 81-280       | R                  | 633  | 81-5, 105       | A                  | 956  |
| 81-287       | R                  | 632  | 81-5, 105       | A                  | 957  |
| to 81-290    |                    |      | 81-5, 106       | A                  | 956  |
| 81-291       | R                  | 632  | to 81-5, 109    |                    |      |
| 81-292       | R                  | 632  | 81-5, 110       | A                  | 856  |

## SECTION INDEX

| SECTION      | REPEAL<br>OR AMEND | BILL | SECTION         | REPEAL<br>OR AMEND | BILL |
|--------------|--------------------|------|-----------------|--------------------|------|
| 81-5, 112    | A                  | 856  | 81-1401         | A                  | 834  |
| 81-5, 113    | A                  | 856  | 81-1401         | A                  | 850  |
| 81-5, 114    | A                  | 856  | 81-1430         | R                  | 684  |
| 81-815.36    | R                  | 910  | 81-1431         | R                  | 684  |
| 81-829.36    | A                  | 831  | 81-1433         | R                  | 684  |
| to 81-829.42 |                    |      | to 81-1437      |                    |      |
| 81-829.44    | A                  | 831  | 81-1502         | A                  | 853  |
| 81-829.46    | A                  | 831  | 81-1504         | A                  | 853  |
| 81-829.55    | A                  | 656  | 81-1505         | A                  | 853  |
| 81-829.55    | A                  | 831  | 81-1506         | A                  | 915  |
| 81-829.57    | A                  | 831  | 81-1517         | A                  | 853  |
| to 81-829.62 |                    |      | 81-1518         | A                  | 853  |
| 81-829.64    | A                  | 831  | 81-1519         | A                  | 853  |
| to 81-829.66 |                    |      | 81-1528         | A                  | 853  |
| 81-885.13    | A                  | 936  | 81-1534         | R                  | 644  |
| 81-885.14    | A                  | 936  | to 81-1566      |                    |      |
| 81-885.17    | A                  | 936  | 81-1536         | A                  | 965  |
| 81-887.01    | R                  | 786  | 81-1541         | A                  | 965  |
| to 81-887.03 |                    |      | 81-1542         | A                  | 965  |
| 81-8, 107    | A                  | 987  | 81-1542         | A                  | 973  |
| 81-8, 122    | A                  | 926  | 81-1550         | A                  | 965  |
| 81-8, 122.01 | A                  | 926  | to 81-1553      |                    |      |
| 81-8, 129    | A                  | 849  | 81-1559         | A                  | 965  |
| to 81-8, 130 |                    |      | 81-1560         | A                  | 973  |
| 81-8, 131    | R                  | 849  | 81-1601         | R                  | 954  |
| 81-8, 132    | A                  | 849  | to 81-1603      |                    |      |
| to 81-8, 139 |                    |      | 81-1602         | A                  | 832  |
| 81-8, 140    | A                  | 849  | 81-1603         | A                  | 832  |
| 81-8, 141    | A                  | 849  | 81-1604         | R                  | 954  |
| 81-8, 142    | A                  | 849  | 81-1801         | A                  | 815  |
| 81-8, 210    | A                  | 815  | to 81-1803      |                    |      |
| to 81-8, 213 |                    |      | 81-1826         | A                  | 319  |
| 81-8, 220    | A                  | 815  | 81-1828         | A                  | 319  |
| 81-8, 221    | A                  | 815  | 83-108          | A                  | 975  |
| 81-8, 222    | R                  | 815  | 83-108.02       | A                  | 794  |
| 81-8, 227    | A                  | 815  | 83-108.03       | A                  | 794  |
| 81-8, 228    | A                  | 815  | 83-151          | A                  | 319  |
| 81-8, 231    | A                  | 815  | 83-152          | A                  | 319  |
| 81-8, 233    | A                  | 815  | 83-159          | A                  | 684  |
| 81-8, 234    | A                  | 815  | 83-160          | A                  | 684  |
| 81-8, 236    | A                  | 815  | 83-161          | R                  | 684  |
| to 81-8, 239 |                    |      | 83-162          | R                  | 684  |
| 81-8, 266    | A                  | 923  | 83-163          | A                  | 684  |
| 81-8, 270    | A                  | 923  | 83-164          | A                  | 684  |
| 81-1301      | A                  | 987  | 83-165          | A                  | 684  |
| to 81-1307   |                    |      | 83-167          | A                  | 684  |
| 81-1308      | R                  | 987  | to 83-169       |                    |      |
| to 81-1310   |                    |      | 83-173          | A                  | 794  |
| 81-1311      | A                  | 987  | 83-183          | A                  | 319  |
| 81-1312      | A                  | 987  | 83-184          | A                  | 319  |
| 81-1313      | A                  | 987  | 83-1, 141       | A                  | 975  |
| 81-1314      | R                  | 987  | to 83-1, 143.02 |                    |      |
| 81-1315      | A                  | 987  | 83-1, 143.03    | R                  | 975  |
| 81-1316      | A                  | 987  | 83-1, 143.04    | A                  | 975  |
| 81-1318      | A                  | 987  | 83-1, 143.05    | A                  | 975  |
| 81-1320      | R                  | 987  | 83-1, 143.06    | A                  | 975  |
| 81-1322      | A                  | 987  | 83-1, 147       | A                  | 975  |
| 81-1323      | A                  | 987  | 83-1, 148       | A                  | 975  |
| 81-1325      | A                  | 937  | 83-1, 149       | A                  | 975  |
| 81-1326      | A                  | 987  | 83-1, 150       | A                  | 975  |
| 81-1327      | R                  | 987  | 83-1, 151       | A                  | 975  |
| 81-1328      | R                  | 987  | 83-1, 152       | A                  | 975  |
| 81-1329      | A                  | 448  | 83-227.01       | A                  | 975  |
| 81-1329      | A                  | 987  | 83-337          | A                  | 615  |

## SECTION INDEX

2415

| SECTION   | REPEAL<br>OR AMEND | BILL | SECTION   | REPEAL<br>OR AMEND | BILL |
|-----------|--------------------|------|-----------|--------------------|------|
| 83-339    | A                  | 975  | 84-906.03 | A                  | 712  |
| 83-409    | R                  | 592  | 84-907    | A                  | 846  |
| 83-424    | A                  | 615  | 84-909    | A                  | 846  |
| 83-905    | A                  | 794  | 84-1202   | A                  | 747  |
| 83-915    | A                  | 698  | 84-1206   | A                  | 747  |
| 83-915    | A                  | 794  | 84-1213   | A                  | 747  |
| 83-945    | A                  | 700  | 84-1215   | A                  | 747  |
| 84-151    | A                  | 327  | 84-1317   | A                  | 231  |
| 84-153    | A                  | 327  | 84-1319   | A                  | 930  |
| 84-155    | A                  | 327  | 85-106    | A                  | 309  |
| 84-201.01 | A                  | 872  | 85-106    | A                  | 817  |
| 84-301    | A                  | 935  | 85-195    | A                  | 817  |
| 84-306    | A                  | 815  | 85-320    | A                  | 817  |
| 84-306.03 | A                  | 652  | 85-501    | A                  | 304  |
| 84-407    | A                  | 926  | 88-518    | A                  | 934  |
| 84-409    | A                  | 926  | 89-186    | A                  | 633  |
| 84-721    | A                  | 872  | 89-187    | A                  | 633  |
|           |                    |      | 91-593    | A                  | 856  |

## CONSTITUTIONAL AMENDMENTS

| ARTICLE | SECTION | REPEAL OR AMEND | BILL |
|---------|---------|-----------------|------|
| III     | 10, 14  | A               | 900  |
| III     | 14      | A               | 436  |
| III     | 19      | A               | 383  |
| III     | 22      | A               | 324  |
| III     | 6, 10   | A               | 151  |
| V       | 30      | A               | 82   |
| V       | 5       | A               | 261  |
| VII     | 1       | A               | 493  |
| VII     | 18 NEW  | A               | 964  |
| VIII    | 11      | A               | 445  |
| VIII    | 11      | A               | 453  |
| VIII    | 13 TO   | A               | 366  |
| VIII    | 18NEW   | A               | 366  |
| VIII    | 2       | A               | 175  |
| VIII    | 2       | A               | 740  |
| XI      | 6 NEW   | A               | 917  |
| XIII    | 1       | A               | 637  |
| XV      | 19NEW   | A               | 350  |

## UNIFORM COMMERCIAL CODE

| SECTION | REPEAL<br>OR AMEND | BILL | SECTION | REPEAL<br>OR AMEND | BILL |
|---------|--------------------|------|---------|--------------------|------|
| 1-105   | A                  | 621  | 9-307   | A                  | 621  |
| 1-201   | A                  | 621  | 9-308   | A                  | 621  |
| 2-107   | A                  | 621  | 9-312   | A                  | 621  |
| 5-116   | A                  | 621  | 9-313   | A                  | 621  |
| 9-102   | A                  | 621  | 9-318   | A                  | 621  |
| 9-103   | A                  | 621  | 9-401   | A                  | 346  |
| 9-104   | A                  | 621  | 9-401   | A                  | 621  |
| 9-105   | A                  | 621  | 9-402   | A                  | 621  |
| 9-106   | A                  | 621  | 9-403   | A                  | 346  |
| 9-203   | A                  | 621  | 9-403   | A                  | 621  |
| 9-204   | A                  | 621  | 9-404   | A                  | 621  |
| 9-205   | A                  | 621  | 9-405   | A                  | 621  |
| 9-301   | A                  | 621  | 9-406   | A                  | 621  |
| 9-302   | A                  | 621  | 9-501   | A                  | 621  |
| 9-304   | A                  | 621  | 9-502   | A                  | 621  |
| 9-305   | A                  | 621  | 9-504   | A                  | 621  |
| 9-306   | A                  | 621  | 9-505   | A                  | 621  |

## SECTION INDEX

1977 Legislative Bills Amended or Repealed  
(FIRST Session)

| LB<br>NUMBER | SECTIONS | REPEAL<br>OR AMEND | BILL | LB<br>NUMBER | SECTIONS | REPEAL<br>OR AMEND | BILL |
|--------------|----------|--------------------|------|--------------|----------|--------------------|------|
| LB 518       | 12       | A                  | 142  | LB 549       | 43       | A                  | 995  |

1978 Legislative Bills Amended or Repealed  
(SECOND Session)

| LB<br>NUMBER | SECTIONS | REPEAL<br>OR AMEND | BILL | LB<br>NUMBER | SECTIONS | REPEAL<br>OR AMEND | BILL |
|--------------|----------|--------------------|------|--------------|----------|--------------------|------|
| LB 406       | 12       | A                  | 94   | LB 937       | 27       | A                  | 1000 |
| LB 411       | 3        | A                  | 739  | LB 937       | 7        | A                  | 995  |
| LB 552       | 1        | A                  | 142  | LB 956       | 33       | A                  | 1000 |
| LB 689       | 1        | A                  | 94   | LB 956       | 35       | A                  | 767  |
| LB 760       | 3        | R                  | 496  | LB 956       | 4,35     | A                  | 676  |
| LB 937       | 27       | A                  | 676  | LB 956       | 4,35     | A                  | 1000 |

1979 Legislative Bills Amended or Repealed  
(FIRST Session)

| LB<br>NUMBER | SECTIONS       | REPEAL<br>OR AMEND | BILL | LB<br>NUMBER | SECTIONS             | REPEAL<br>OR AMEND | BILL |
|--------------|----------------|--------------------|------|--------------|----------------------|--------------------|------|
| LB 187       | 118, 119, 214  | A                  | 599  | LB 586       | 4, 6, 11, 13, 17     | A                  | 995  |
| LB 187       | 121, 122, 123  | A                  | 741  | LB 587       | 4, 5, 6, 7, 8, 10    | A                  | 995  |
| LB 137       | 143, 144       | A                  | 828  | LB 587       | 6, 8                 | A                  | 767  |
| LB 187       | 143, 144       | A                  | 980  | LB 588       | 8, 11                | A                  | 767  |
| LB 187       | 171, 172       | A                  | 931  | LB 588       | 8, 11, 12            | A                  | 995  |
| LB 187       | 177            | A                  | 829  | LB 589       | 11, 17, 18, 19, 22   | A                  | 995  |
| LB 187       | 192            | A                  | 691  | LB 589       | 23, 26, 28, 29, 30   | A                  | 995  |
| LB 187       | 192            | A                  | 711  | LB 589       | 3, 4, 5, 6, 7, 9, 10 | A                  | 995  |
| LB 187       | 192            | A                  | 882  | LB 589       | 30, 45               | A                  | 767  |
| LB 187       | 20, 21, 25, 30 | A                  | 599  | LB 589       | 34, 37, 39, 44, 45   | A                  | 995  |
| LB 187       | 251            | A                  | 824  | LB 589       | 4, 5, 9, 17, 26, 29  | A                  | 767  |
| LB 187       | 251            | A                  | 949  | LB 591       | 8                    | R                  | 995  |
| LB 187       | 31             | R                  | 751  | LB 593       | 2, 6                 | A                  | 676  |
| LB 137       | 75, 139        | A                  | 599  | LB 593       | 2, 6                 | A                  | 1000 |
| LB 380A      | 3              | A                  | 995  | LB 593       | 5                    | A                  | 1000 |
| LB 500A      | 1              | A                  | 995  | LB 593       | 6                    | A                  | 767  |
| LB 585       | 20, 32         | A                  | 995  | LB 593       | 7                    | A                  | 576  |
| LB 585       | 32             | A                  | 767  | LB 593       | 7                    | A                  | 1000 |
| LB 585       | 5              | A                  | 768  | LB 594       | 20, 31               | A                  | 1000 |
| LB 586       | 11             | A                  | 767  | LB 594       | 31                   | A                  | 676  |