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by

VINCENT D. BROWN, CLERK

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47	Robert L. Clark	Sidney	Merchant	Banner, Cheyenne, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol	Scottsbluff	Credit Bureau	Scotts Bluff*
49	Leslie A. Stull	Alliance	Farmer	Box Butte, Dawes, Sheridan, Sioux, Grant

* Counties divided into two or more districts.

Clerk

Vincent D. Brown . . . . . Lincoln

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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.

(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 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
(Cont.)

Chairman of Committee on Public Health and Welfare
Chairman of Committee on Miscellaneous Subjects
Chairman of Committee on Labor
Chairman of Committee on Urban Affairs
Chairman of Committee on Constitutional Revision and Recreation

Emergency Succession.RRS50-503 (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.RRS50-113.

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 the questions or order, subject to an appeal to the Legislature by any member, on which appeal no member may speak more than once, unless by leave of the Legislature. A majority of the elected members may 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. 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 majority vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

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.

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 of 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 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.

(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.

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.

(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 or 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. No member shall speak more than twice, nor for more than ten minutes on each occasion, upon any one question in debate during the

same legislative day, without leave of the Legislature, except in explanation, 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.

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 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. 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:

Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Labor	7 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.

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

Sec. 4. Meeting Times. Standing committees 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.

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 held 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.

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 the introducer of a bill attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed if the motion fails to receive a majority vote of the members elected to the Legislature.

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 majority 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 making the same or it shall be deemed defeated.

Sec. 13. Statement of Intent. 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 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.

RULE 3

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 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.

(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. 3 a for selection of chairman.
See Rule 3, Sec. 3 b for selection of vice-chairman.

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 is adopted on Select File which does not spell out the standard emergency clause 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 emergency clause, 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.

RULE 3

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.

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
Conflict of Interest.
RRS 49-1105 . . . . . 4 senate members
Law Enforcement and Justice Advisory Committees,
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
Administrative Rules Committee.
RRS 84-908 . . . . . 7 members
(Chosen by Legislature)

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_____. The resolutions shall be numbered consecutively for each Legislature. All other resolutions shall be read by the Clerk upon introduction and shall be printed in the Legislative Journal.

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 84-504, 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.

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. Only those resolutions specified in sections 2 and 3 of this Rule shall be voted on by the Legislature. Should the rules be suspended to permit a vote upon a resolution it shall then be considered adopted only by an affirmative vote of a majority of the elected members.

Sec. 5. The Clerk shall hold all resolutions not otherwise disposed of until the fifth legislative day after introduction or until the last day of the session, whichever first occurs, during which any member may add his name as introducer thereof. The Clerk shall retain the original of all such resolutions in his file and, if called for in the resolution, make and dispose of copies thereof accordingly, provided, however, that resolutions not adopted in accordance with secs. 2, 3, or 4 above shall be considered adopted only when there shall have been a majority of the elected members sign the said resolution.

Sec. 6. Resolutions which are filed with the Clerk may be explained by the signer thereof either on the day of introduction or any of the 5 succeeding legislative days.

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. Resolutions referred to General File may be adopted by a majority vote of the elected members, unless otherwise provided for herein. (See Sec. 2.)

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

Sec. 11. 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.

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. 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) 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. 14.

(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 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 and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(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) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction

period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

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 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 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 by the Fiscal Analyst and be placed on General File and considered as introduced by the introducer of the original bill at the time the original bill is reported to General File, shall bear the number of the original bill with the letter "A" added (for example LB 1A), and shall accompany the original bill through all stages of the legislative process. However, if the original bill is reported by committee to General File with committee amendments, the "A" bill shall be introduced by the committee which is reporting the original bill to the floor and placed on General File. The "A" bill accompanying the original shall include the funding required by the committee recommended amendments. No vote, suspension of the rules, or unanimous consent shall be required for the introduction of an "A" bill. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading. 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.

(h) 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.

(i) 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.

(j) 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.

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.

RULE 5

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

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.

Sec. 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) 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.

(f) 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.

(g) 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.

(h) 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**	
Move to IPP before bill is read	**MEM**	**6-2e**
Move to IPP after bill is read	**MTV**	
Move to Advance to E & R Review	**MEM**	**6-3**
Move to return to Committee	**MEM**	

		Rule-Sec.
Move to Reconsider		
(within one legislative day thereafter)	MEM	7-7a
(If after one legislative day, by suspension of the rules only)		7-7a
Move to expedite	UC	
Move to amend	MEM	6-2g
Move to amend the Amendment	MTV	
Move to withdraw bill-first introducer	MTV	5-11
If returned from Select File		
Motion to return to Select File	MEM	6-4d
Motion to amend	MEM	6-2g
Motion to advance	MEM	6-3
Move to return to E & R for Engrossing	MEM	6-4d
Defeated bill, motion to reconsider	MEM	7-7
Returned from Final Reading		
Advance to Final Reading (if no amendments)	MEM	

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 concurrance 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 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 consideraton 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.

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

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for Engrossing	**MEM**	
if machine vote requested	**MEM**	**6-4d**
Motion to act on E & R amendment	**MTV**	**6-4a**
Motion to amend	**MEM**	**6-4b**
Motion to recommit to a standing committee	**MEM**	**6-4d**
Motion to return to General File for amendment	**MEM**	**6-4d**
Motion to Indefinitely Postpone	**MEM**	**6-4e**

On bill returned from E & R Engrossing & Final Reading
Motion to return for specific amendment MEM 6-5
Motion to adopt specific amendment MEM 6-5

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.

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.

RULE 6

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.

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.

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

FINAL READING

		Rule-Sec.
To return to standing committee	MEM	6-7
To return to E & R to correct an error	MEM	6-7
To return to Select File for specific amendment	MEM	6-5
Unless to add the emergency clause	2/3	6-7
To pass on Final Reading	MEM	6-8
With emergency clause attached	2/3	6-9
Creation of State office *Const. Art. IV, Sec. 27*	2/3	
Motion to reconsider (when failed on Final Reading)	3/5	7-7
To add the emergency clause	2/3	6-7
Override Governor's veto	3/5	6-10
"A" bills considered first		5-6g

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 at noon on the first Tuesday 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:

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.

(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.

Voice votes shall be accepted on Final Reading.

(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.

(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, and those absent

and not voting. Any member may request a roll call or a record vote and further that the same be verified.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk in writing 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.

(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.

(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 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 of 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 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.

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FIRST DAY—JANUARY 8, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 8, 1975

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Fourth Legislature, First Session of the Legislature of Nebraska assembled in Legislative Hall of the Capitol Building at the hour of 10:06 o'clock on Wednesday, January 8, 1975, and was called to order by President Marsh.

PRAYER

Prayer was given by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

> O Lord, our God, if ever we needed Thy wisdom and Thy guidance, it is now - as our Legislature begins a new session, standing upon the threshold of a new year, fraught with so many dangerous opportunities.
>
> Some old faces 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.
>
> We are grateful that somehow our beloved State continues to go on with vitality, vigor and energized faith, and we pray that in this new year we together may move on to loftier heights and nobler achievements, for the good of the people in an invigorating climate of freedom, frankness, fortitude, and faithfulness - to what we believe, to one another, and to Thee. Amen.

ROLL CALL

The roll was called and the following members were present.

Anderson, Gary L.	Barnett, Wally, Jr.	Bereuter, Douglas
Burbach, Jules W.	Burrows, George W.	Carsten, Calvin F.
Cavanaugh, John J., III	Chambers, Ernest	Clark, Robert L.
Cope, Ron	DeCamp, John W.	Dickinson, James A.

Duis, Herbert J.
Dworak, Donald
Fitzgerald, Thomas S., Jr.
Fowler, Steve
George, Walter
Goodrich, Glenn A.
Hasebroock, William H.
Johnson, E. Thome
Kelly, Ralph D.
Kennedy, Thomas C.
Keyes, Orval A.
Kime, Otho G.
Koch, Gerald D.
Kremer, Maurice A.
Lewis, Frank
Lewis, Richard
Luedtke, Roland A.
Mahoney, Eugene T.
Maresh, Richard
Marsh, Shirley
Marvel, Richard D.
Mills, Jack D.
Moylan, Harold T.
Murphy, John R.
Nichol, William
Rasmussen, Dennis L.
Rumery, Myron
Savage, John S.
Schmit, Loran
Simpson, Harold D.
Skarda, William R., Jr.
Stoney, Larry D.
Stull, Leslie A.
Swigart, Warren R.
Syas, George
Warner, Jerome
Wiltse, Irving F.

MOTION—Adopt Rules

Mr. Duis moved that the Rules, as now in the possession of the members, be adopted for today only, January 8, 1975.

The motion prevailed with 47 ayes, 0 nays and 2 not voting.

MOTION—Clerk and Sergeant at Arms

Mr. Mahoney moved we appoint Mr. Vincent D. Brown as temporary Clerk of the Legislature and Mr. Ray Wilson as temporary Sergeant at Arms.

The motion prevailed with 46 ayes, 0 nays and 3 not voting.

Chair Declares Legislature Temporarily Organized

MOTION—Credentials Committee

Mr. Syas moved that we proceed to the election by ballot of 5 persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General election in November, 1974.

The motion prevailed with 48 ayes, 0 nays and 1 not voting.

Nominations for Credentials Committee

Mr. Goodrich nominated Mr. Kremer.

Mr. Maresh nominated Mr. Dickinson.

Mr. Clark nominated Mr. R. Lewis.

Mr. Mahoney nominated Mr. Cavanaugh.

Mr. Schmit nominated Mr. Hasebroock.

Mrs. Marsh nominated Mr. Bereuter.

Mr. DeCamp nominated Mr. Chambers.

Mr. Kremer nominated Mr. Marvel.

Mr. Cavanaugh nominated Mr. Schmit.

The Chair declared the nominations closed.

Mrs. Marsh asked unanimous consent to withdraw the name of Mr. Bereuter. No objections. So ordered.

President Marsh stated the newly elected members nominated would be removed from the list.

Mr. R. Lewis objected to the procedure.

Mr. Schmit moved the Chair be overruled. The question is, "Shall the Chair be overruled?" The motion prevailed with 41 ayes, 6 nays and 2 not voting. The Chair was overruled.

Mr. Kime nominated Mr. Warner.

The President appointed Messrs. Mahoney, Kelly and Fowler as tellers.

Kremer	29
Dickinson	24
R. Lewis	28
Cavanaugh	23
Hasebroock	25
Chambers	12
Marvel	26
Schmit	24
Warner	25

The Chair declared Messrs. Hasebroock, Kremer, R. Lewis, Marvel and Warner duly elected.

The Committee retired to the office of the Secretary of State.

EASE

The Legislature was at ease from 10:54 a.m. until 10:57 a.m.

The Credentials Committee presented the following report from the Secretary of State.

REPORT OF COMMITTEE ON CREDENTIALS

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 for the Eighty-Fourth Legislature, First Session, 1975.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected members of the Unicameral Legislature in the State of Nebraska for the Eighty-Fourth Legislature, First Session, 1975.

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

Done at Lincoln this eighth day of January in the year of our Lord, one thousand nine hundred and seventy-five.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

DISTRICT		
1.	Irving F. Wiltse	
2.	Calvin F. Carsten	Elected November 5, 1974
3.	Orval A. Keyes	
4.	Larry D. Stoney	Elected November 5, 1974
5.	Eugene T. Mahoney	
6.	Harold T. Moylan	Elected November 5, 1974
7.	William R. Skarda, Jr.	
8.	Warren Swigart	Elected November 5, 1974
9.	John Cavanaugh III	
10.	John S. Savage	Elected November 5, 1974
11.	Ernest Chambers	
12.	Jerry Koch	Elected November 5, 1974
13.	George Syas	
14.	Tom Fitzgerald	Elected November 5, 1974
15.	E. Thome Johnson	
16.	Walter George	Elected November 5, 1974
17.	John R. Murphy	
18.	William H. Hasebroock	Elected November 5, 1974
19.	Jules W. Burbach	
20.	Glenn A. Goodrich	Elected November 5, 1974

21. Thomas C. Kennedy
22. Donald N. Dworak..... Elected November 5, 1974
23. Loran Schmit
24. Douglas Bereuter ..... Elected November 5, 1974
25. Jerome Warner
26. Wally M. Barnett, Jr..... Elected November 5, 1974
27. Steve Fowler
28. Roland A. Luedtke ..... Elected November 5, 1974
29. Shirley Marsh
30. George Bill Burrows..... Elected November 5, 1974
31. James A. Dickinson
32. Richard Maresh..... Elected November 5, 1974
33. Richard D. Marvel
34. Maurice A. Kremer ..... Elected November 5, 1974
35. Ralph D. Kelly
36. Ron Cope ..... Elected November 5, 1974
37. Gary L. Anderson
38. Richard Lewis..... Elected November 5, 1974
39. Herbert J. Duis
40. John W. DeCamp..... Elected November 5, 1974
41. Dennis L. Rasmussen
42. Myron G. A. Rumery..... Elected November 5, 1974
43. Otho G. Kime
44. Jack D. Mills..... Elected November 5, 1974
45. Frank Lewis
46. Harold D. Simpson ..... Elected November 5, 1974
47. Robert L. Clark
48. William E. Nichol..... Elected November 5, 1974
49. Leslie A. Stull

Mr. Syas moved the report be accepted. Motion pending.

Mr. Kremer requested the Committee on Credentials assemble again for further deliberations on the contested 48th Legislative District. No objections. So ordered.

ADDITIONAL REPORT FROM COMMITTEE ON CREDENTIALS

Senator Nichol already seated -- has signed oath.

Credentials Committee does not have before it at this time the petition of contest. At this moment there is no ruling on sufficiency of Carpenter contest petition.

(Signed) Senator Kremer

Mr. Kremer offered the following amendment to the Committee on Credentials Report:

Credentials committee takes judicial notice of Nebraska Statute 32-1001.22.

Mr. Mahoney requested a record vote.

Voting in the affirmative, 46:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Koch	Nichol	Rumery

Mr. Mahoney requested a record vote on the Syas motion, as amended, to adopt the Committee on Credentials report.

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Bereuter	Koch

The report, as amended, was adopted with 47 ayes, 0 nays and 2 not voting.

MOTION–Escort Chief Justice

Mr. Burbach moved that a Committee of five members be appointed to wait upon the Chief Justice of the Supreme Court and escort him to the Legislative Chamber for the purpose of administering the oath of office to the newly elected members of the Legislature.

The motion prevailed with 44 ayes, 0 nays and 5 not voting.

The Chair appointed Messrs. Savage, Luedtke, Skarda, Syas and Clark.

EASE

The Legislature was at ease from 11:27 a.m. until 11:33 a.m.

The committee escorted Chief Justice Paul White to the rostrum where he administered the oath of office to the newly elected members.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

Do you and each of you solemnly swear that you will support the Constitution of the United States, and the Constitution of the State of Nebraska, and that you will faithfully discharge the duties of a member of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill such office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation), so help you God.

Wally Barnett, Jr.
Douglas Bereuter
George W. Burrows
Calvin F. Carsten
Ron Cope
John W. DeCamp
Donald Dworak
Thomas S. Fitzgerald, Jr.
Walter George
Glenn A. Goodrich
William H. Hasebroock
Gerald D. Koch
Maurice A. Kremer
Richard Lewis
Roland A. Luedtke
Richard Maresh
Jack D. Mills
Harold T. Moylan
William Nichol
Myron Rumery
John S. Savage
Harold D. Simpson
Larry D. Stoney
Warren R. Swigart

Subscribed in my presence and sworn to before me this eighth day of January, 1975.

(Signed) Paul White
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

MESSAGE FROM THE GOVERNOR

January 3, 1975

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

Dear Mr. President and Senators:

I am transmitting herewith a copy of Senator Carpenter's letter of resignation of May 15, 1974.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah2
Enclosure

RESIGNATION

May 15th 1974.

Governor of the State of Nebraska,
Lincoln, Nebraska.

Dear Sir:

I resign from the State Legislature as of June 1st, 1974.

(Signed) Terry Carpenter

MESSAGE FROM SECRETARY OF STATE

January 8, 1975

Vincent D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Brown:

I hand you herewith the official appointment and oath of Charles Davey as Member of the Legislature from the Forty-Eighth (48th) Legislative District for the unexpired term of Terry Carpenter, resigned.

Sincerely yours,

(Signed) Allen J. Beerman
Secretary of State

Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that

> CHARLES DAVEY has been appointed a Member of the Nebraska State Unicameral Legislature from the Forty-Eighth (48th) District for the unexpired term of Terry Carpenter, resigned, for the term beginning June 3, 1974, for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor J. J. Exon 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 eighth day of January in the year of our Lord, one thousand nine hundred and seventy-five.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, J. James Exon, Governor of the State of Nebraska, do hereby appoint Charles Davey of 2202 3rd Ave, Scottsbluff, Nebraska to the office of Member of Unicameral Legislature - District No. 48 to do and perform all the duties of said office for the term beginning June 3, 1974 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 7, 1975. Said appointee succeeds Terry Carpenter, resigned.

Done at Lincoln, Nebraska, this 31st day of May A. D. 1974.

(Signed) J. J. Exon
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

"I, Charles Davey, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Unicameral Legislature, 48th District according to the best of my ability, and that by the Governor's appointment, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Charles Davey

Subscribed in my presence and sworn to before me this 3rd day of June, 1974.

(Signed) Allen J. Beermann
Notary Public

(SEAL)

*Constitution of the State of Nebraska, Article XV, Section One.

Replaces Terry Carpenter - resigned Term 6-3-74 to 1-7-75

MOTION–Permanent Officers

Mr. Mahoney moved that officers elected by the Executive Board be approved for this Eighty-fourth Legislature, First Session as follows:

Clerk of the Legislature	Vincent D. Brown
Assistant Clerk of the Legislature	Walt Radcliffe
Sergeant at Arms	Ray Wilson
Chaplain	Dr. Robert Palmer

The motion prevailed with 49 ayes, 0 nays and 0 not voting.

MOTION–Election of Speaker

Mr. Hasebroock moved we proceed to the election of the Speaker of the Legislature.

The motion prevailed with 49 ayes, 0 nays and 0 not voting.

Mr. Chambers made the following request:
Article III, Sec. 11 of the Nebraska Constitution says:

ARTICLE III–LEGISLATIVE

Sec. 11. The Legislature shall keep a journal of its proceedings and publish them (except such parts as may require secrecy) and the yeas and nays of the members on any question, shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the Committees of the Whole, shall be open, unless when the business shall be such as ought to be kept secret. (Amended, 1934.)

Therefore, I want the election of the Chairman of each and every committee–and of the Speaker–and of the Chairman of the Executive Board to be by Public vote, with the yeas and nays entered in the Journal.

Mr. Warner moved to proceed by ballot and that the nominations be permitted as provided by the rules adopted.

Mr. Chambers asked unanimous consent to withdraw his request. No No objections. So ordered.

The Warner motion prevailed.

Nominations for Speaker

Mr. Simpson nominated himself.

Mr. Clark nominated Mr. Duis.

Mr. Kime nominated Mr. Stull.

Mr. Schmit nominated Mr. Burbach.

Mr. Clark moved the nomination close and to drop the bottom candidate until one is elected. The motion prevailed.

The Chair appointed Messrs. C. Carsten, Dworak and Johnson as tellers.

Ballot No. 1 on Speaker.

Simpson	14
Duis	6
Stull	6
Burbach	22
	48

Mr. Duis asked unanimous consent to withdraw his name. No objections. So ordered.

Mr. Stull asked unanimous consent to withdraw his name. No objections. So ordered.

Ballot No. 2 on Speaker.

Simpson	18
Burbach	31
	49

The Chair declared Mr. Burbach duly elected Speaker.

Mr. Burbach thanked the members.

MOTION—Escort Chief Justice

Mr. Moylan moved that a committee of five members be appointed to wait upon the Chief Justice of the Supreme Court and escort him to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Mrs. Marsh and Messrs. Moylan, Marvel, Murphy and Mills to serve on said committee.

The committee escorted Chief Justice Paul White to the rostrum where he administered the following oath to the newly elected officers.

OFFICERS OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

We, and each of us, do solemnly swear that we will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of our respective offices to the best of our ability, so help us God.

Speaker	Jules W. Burbach
Clerk	Vincent D. Brown
Assistant Clerk	Walt Radcliffe
Sergeant at Arms	Ray Wilson
Chaplain	Dr. Robert Palmer

Subscribed in my presence and sworn to before me this eighth day of January, 1975.

(Signed) Paul White
Cheif Justice

The committee escorted the Chief Justice from the Chamber.

MOTION–Election of Committee on Committees Chairman

Mr. Kime moved that we proceed to the election of the Chairman of the Committee on Committees.

The motion prevailed.

Mr. Mahoney nominated Mr. Savage.

Mr. Duis moved the nomination cease and unanimous ballot be cast for Mr. Savage.

The motion prevailed with 48 ayes, 0 nays and 1 not voting.

The Chair declared Mr. Savage duly elected Chairman of the Committee on Committees.

Mr. Savage thanked the members.

MOTION—Election of Chairman of Executive Board

Mrs. Marsh moved that we proceed to the election of the Chairman of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Skarda nominated Mr. Mahoney.

Mr. Johnson nominated Mr. Warner.

The Chair declared the nominations closed.

The Chair appointed Messrs. Stull, Swigart and Schmit as tellers.

Mahoney	30
Warner	19
	49

The Chair declared Mr. Mahoney duly elected Chairman of the Executive Board.

Mr. Mahoney thanked the members.

MOTION—Election of Vice Chairman of Executive Board

Mr. Keyes moved that we proceed to the election of the Vice Chairman of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. R. Lewis nominated Mr. Barnett.

Mr. Kelly nominated Mr. Johnson.

The Chair declared the nominations closed.

The Chair appointed Messers. Stull, Swigart and Schmit as tellers.

Barnett	25
Johnson	24
	49

The Chair declared Mr. Barnett duly elected.

Mr. Barnett thanked the members.

ANNOUNCEMENT

The Chair announced the Unicameral Ladies will meet in the East Chamber at 2:00 p.m.

MOTION–Election of Executive Board Members

Mr. Savage moved that we proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Mr. Barnett announced that Mr. Schmit and Mr. Kelly were nominated from District 1.

Mr. Syas announced that Mr. Cavanaugh and Mr. Savage were nominated from District 2.

Mr. Duis announced that Mr. Rasmussen and Mr. R. Lewis were nominated from District 3.

Mr. F. Lewis moved the nominations be accepted. The motion prevailed with 47 ayes, 0 nays and 2 not voting.

The Chair declared Messrs. Schmit, Kelly, Cavanaugh, Savage, Rasmussen and R. Lewis duly elected.

MOTION–Election of Committee on Committee Members

Mr. Carsten moved that we proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the four districts, as enumerated in Rule 3, Section 17, to nominate three members to be elected by the Legislature to serve on the Committee on Committees.

The motion prevailed.

The Legislature was at ease from 1:29 p.m. until 1:38 p.m.

REPORT OF DISTRICTS

District No. 1	District No. 2
Wiltse	Chambers
Keyes	Skarda
Marsh	Koch

District No. 3	District No. 4
DeCamp	Duis
Hasebroock	Kime
Kelly	Clark

Mr. Luedtke moved that the persons nominated by the members of the four districts be elected to the Committee on Committees.

The motion prevailed with 48 ayes, 0 nays and 1 not voting.

MOTION–Election of Committee Chairmen

Mr. Cavanaugh moved that we proceed to the election of committee chairmen, by secret ballot, in accordance with Rule 3, Sec. 2.

The motion prevailed.

CHAIRMAN–Agriculture and Environment

Mr. Marvel nominated Mr. Schmit.

Mr. Dickinson moved a unanimous ballot be cast for Mr. Schmit. The motion prevailed. The Chair declared Mr. Schmit duly elected.

Mr. Schmit thanked the members.

CHAIRMAN–Appropriations

Mr. Schmit nominated Mr. Marvel.

Mr. F. Lewis moved a unanimous ballot be cast for Mr. Marvel. The motion prevailed.

The Chair delcared Mr. Marvel duly elected.

Mr. Marvel thanked the members.

CHAIRMAN–Banking, Commerce and Insurance

Mr. Barnett nominated Mr. Duis.

Mr. Wiltse nominated Mr. Murphy.

Mr. Schmit nominated Mr. DeCamp.

The Chair declared the nomination closed.

The Chair appointed Messrs. Rumery, Rasmussen and Cope as tellers.

Ballot No. 1.

Duis	17
Murphy	22
DeCamp	10
	49

The Chair announced Mr. DeCamp would be dropped on the 2nd ballot.

Ballot No. 2.

Duis	24
Murphy	25
	49

The Chair declared Mr. Murphy duly elected.

Mr. Murphy thanked the members.

CHAIRMAN–Constitutional Revision and Recreation

Mr. Schmit nominated Mr. Syas.

Mr. F. Lewis moved to cast a unanimous ballot for Mr. Syas. The motion prevailed.
The Chair declared Mr. Syas duly elected.

Mr. Syas thanked the members.

CHAIRMAN–Education

Mr. Koch nominated Mr. F. Lewis.

Mr. Rasmussen nominated Mr. Dickinson.

The Chair declared the nomination closed.

The Chair appointed Messrs. Bereuter, George and Stoney as tellers.

F. Lewis	30
Dickinson	19
	49

The Chair declared Mr. F. Lewis duly elected.

Mr. F. Lewis thanked the members.

CHAIRMAN–Government, Military and Veterans Affairs

Mr. Kime nominated Mr. Rasmussen.

Mr. Luedtke nominated Mr. Chambers.

The Chair declared the nomination closed.

The Chair appointed Messrs. Kennedy, Anderson and Keyes as tellers.

Rasmussen	28
Chambers	21
	49

The Chair declared Mr. Rasmussen duly elected.

Mr. Rasmussen thanked the members.

CHAIRMAN–Judiciary

Mr. Chambers nominated Mr. Luedtke.

Mr. Murphy nominated Mr. DeCamp.

Mr. DeCamp requested his name be withdrawn.

Mr. Chambers moved a unanimous ballot be cast for Mr. Luedtke. The motion prevailed.

The Chair declared Mr. Luedtke duly elected.

Mr. Luedtke thanked the members.

CHAIRMAN–Labor

Mr. Kennedy nominated Mr. Maresh.

Mr. Kelly moved a unanimous ballot be cast for Mr. Maresh. The motion prevailed.

The Chair declared Mr. Maresh duly elected.

Mr. Maresh thanked the members.

CHAIRMAN–Miscellaneous Subjects

Mr. Murphy nominated Mr. Anderson.

Mr. Duis moved a unanimous ballot be cast for Mr. Anderson. The motion prevailed.

The Chair declared Mr. Anderson duly elected.

Mr. Anderson thanked the members.

CHAIRMAN–Public Health and Welfare

Mr. F. Lewis nominated Mr. Cavanaugh.

Mr. Maresh nominated Mr. Kennedy.

The Chair appointed Messrs. Simpson, Fitzgerald and Nichol to serve as tellers.

Cavanaugh	23
Kennedy	26
	49

The Chair declared Mr. Kennedy duly elected.

Mr. Kennedy thanked the members.

CHAIRMAN–Public Works

Mr. Hasebroock nominated Mr. Kremer.

Mr. F. Lewis nominated Mr. R. Lewis.

The Chair declared the nomination closed.

The Chair appointed Messrs. Simpson, Fitzgerald and Nichol to serve as tellers.

Kremer	27
R. Lewis	22
	49

The Chair declared Mr. Kremer duly elected.

Mr. Kremer thanked the members.

CHAIRMAN–Revenue

Mr. Burbach nominated Mr. Carsten.

Mr. Chambers nominated Mr. Skarda.

Mr. Skarda requested his name be withdrawn.

Mr. DeCamp nominated Mr. Simpson.

The Chair declared the nomination closed.

The Chair appointed Messrs. Cavanaugh R. Lewis and Mrs. Marsh to serve as tellers.

Carsten	26
Simpson	23
	49

The Chair declared Mr. Carsten duly elected.

Mr. Carsten thanked the members.

CHAIRMAN–Urban Affairs

Mr. Kelly nominated Mr. Fowler.

Mr. F. Lewis moved a unanimous ballot be cast for Mr. Fowler.

The motion prevailed.

The Chair declared Mr. Fowler duly elected.

Mr. Fowler thanked the members.

MOTION–Chairmen of Special and Select Committees

Mr. Murphy moved we proceed to the election of the Chairmen of the Special and Select Committees and Senate members of the Conflict of Interest Committee.

The motion prevailed.

CHAIRMAN–Intergovernmental Cooperation

Mr. Mahoney nominated Mr. Simpson.

The Chair declared the nomination closed.

The Chair declared Mr. Simpson duly elected.

CHAIRMAN–Enrollment and Review

Mr. Cavanaugh nominated Mr. Dworak.

Mr. Clark moved a unanimous ballot be cast for Mr. Dworak. The motion prevailed.

The Chair declared Mr. Dworak duly elected.

Mr. Dworak thanked the members.

CHAIRMAN–Rules

Mr. Mahoney nominated Mr. DeCamp.

Mr. R. Lewis nominated Mr. Duis.

Mr. Duis requested his name be withdrawn.

Mr. Luedtke moved a unanimous ballot be cast for Mr. DeCamp. The motion prevailed.

The Chair declared Mr. DeCamp duly elected.

EASE

The Legislature was at ease from 2:56 p.m. until 3:00 p.m. to caucus for the Conflict of Interest Senate members.

Nominations for Conflicts of Interest Committee

District 1	Maresh
District 2	Skarda
District 3	Hasebroock
District 4	Cope

The above members were elected and confirmed with 46 ayes, 0 nays and 3 not voting.

MOTION—Election Returns

Mr. Kelly moved that a committee of three members be appointed to invite the Secretary of State to appear and bring with him the official returns of the General Election of 1974.

The motion prevailed.

The Chair appointed Messrs. Luedtke, DeCamp and Burrows.

The committee escorted Secretary of State Allen Beermann to the rostrum where he delivered the following election report:

REPORT OF SECRETARY OF STATE

January 8, 1975

Speaker of the Legislature
Eighty-Fourth Session, Regular (First Session)
Legislature of Nebraska, Unicameral
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 5, 1974, for the offices of Governor-Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General and Members of the Public Service Commission, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4110, R. S. 1943, Reissue of 1974 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes for these candidates for ninety-three counties, covering the General Election of November 5, 1974, which constitutes a part of the official record of the State Board of Canvassers, are submitted for your examination.

Inasmuch as these sheets are part of the records of the office of the Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

Enclosures

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for office of Governor-Lieutenant Governor, Auditor of Public Accounts, Treasurer, Attorney General and Members of the Public Service Commission, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 5, 1974.

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

Done at Lincoln this eighth day of January in the year of our Lord, one thousand nine hundred and seventy-five.

(Signed) Allen J. Beermann
Secretary of State

STATE OFFICIALS ELECTED AT THE 1974 GENERAL ELECTION

Governor-Lieutenant Governor ..... J. J. Exon
Gerald T. Whelan
Auditor of Public Accounts ..... Ray A. C. Johnson
State Treasurer ..... Frank Marsh
Attorney General ..... Paul L. Douglas
Public Service Commissioner ..... Eric Rasmussen
(Fourth District)
Public Service Commissioner ..... Jack Romans
(Fifth District)

The committee escorted the Secretary of State from the Chamber.

Mr. Skarda moved the report of the Secretary of State be approved as presented and the candidates stated therein be declared duly elected.

The motion prevailed with 44 ayes, 0 nays and 5 not voting.

NOTICE OF CONTEST OF ELECTION

TO: WILLIAM E. NICHOL AND BEN WILSON

You are hereby notified that Terry Carpenter contests the general election held on November 5, 1974, for the office of member of the Legislature from the Forty-eighth Legislative District of the State of Nebraska, the recount held on November 25, 1974, and the canvass and certification of William E. Nichol as winner of the election on December 2, 1974, and will rely upon the following grounds for the contest of this election:

1. Certain illegal votes were received and certain legal votes rejected at the polls by the canvassing board and the recount board, sufficient in number to change the results of said election.

2. Certain errors occurred by the poll counters, the board of canvassers and the recount board in counting said ballots and in declaring the results of this election, which errors if corrected would change the result of this election.

3. Allen J. Beermann, Secretary of State, acted arbitrarily and discriminatory and employed improper and abusive exercise of the rules in determining that certain votes should be rejected because there was no first name or initial before the surname of the write-in candidate Terry Carpenter sufficient in number to change the results of the election.

4. Allen J. Beermann, Secretary of State, acted arbitrarily and discriminatory and employed improper and abusive exercise of the rules in determining that certain votes should be rejected for the reason that there was misspelling of the surname Carpenter sufficient in number to change the results of said election.

5. The number of legal votes rejected at each precinct as referred to in paragraphs 1, 2, 3 and 4 of this notice, and the statutory reason given for their rejection, and by whom they were rejected is as follows:

PRECINCT	REJECTED BY COUNTY CANVASSING BOARD No first name and initial Sec. 32-453 and 32-489 R.R.S. 1943	REJECTED BY RECOUNT BOARD No first name and initial Sec. 32-453 and 32-489 R.R.S. 1943	REJECTED BY COUNTY CANVASSING BOARD Surname misspelled Sec. 32-489 R.R.S. 1943	REJECTED BY RECOUNT BOARD Surname misspelled Sec. 32-489 R.R.S. 1943	REJECTED BY COUNTY CANVASSING BOARD No office designation Sec. 32-4,136 R.R.S. 1943	REJECTED BY RECOUNT BOARD No office designation Sec. 32-489 R.R.S. 1943
Fanning		2				
Gering-Roubadean		2			1	1
Gering 1		5	2			1
Gering 2		2	2	2	1	
Gering 3		2		1	5	
Gering 4		1		1	2	
Terrytown	1		1	1		
Mitchell II		2				
Mitchell I		2		2	3	
Mitchell Funston						
West Winter Creek		2	2	6	3	
East Winter Creek		1		1		
Scottsbluff 1A		5		1		
Scottsbluff 3A		4	2	1		
Scottsbluff 3C		5	3	1	1	
Scottsbluff 2B			1	1	5	
Scottsbluff 2A					1	
Scottsbluff 1B		2	2	3		1
Scottsbluff 3B		1	2			
Scottsbluff 1C		3		3		
Scottsbluff 4A		2		1	3	
Scottsbluff 2C			1			
Scottsbluff 4B		2	1	1		
Scottsbluff 4C		1	1	1		
Absent & Disabled		3		1	1	
TOTALS		49	20	28	26	3

The County Canvassing Board and the Recourt Board did not count 465 votes for Terry Carpenter, because the voter wrote in the proper office designation and the first name and surname spelled correctly, but also punched a vote for Ben Wilson and/or William E. Nichol.

The County Canvassing Board did not count 1 vote for Terry Carpenter because there was no first name and/or middle initial; did not count 20 votes for Terry Carpenter because the surname was misspelled, and did not count 26 votes for Terry Carpenter because of no office designation for a total of 47 votes.

The Recount Board, in addition to not counting these 47 votes which previously had not been counted on the night of election, November 5, 1974, in arriving at the total votes cast for Terry Carpenter, did not count 49 votes because there was no first name and/or middle initial; did not count 28 votes for Terry Carpenter because the surname was misspelled and did not count 3 votes for Terry Carpenter because of no office designation, or a grand total of 126 votes. The grand total of the votes rejected for Terry Carpenter by the County Canvassing Board and the Recount Board for no first name and/or middle initial and misspelling of the surname amounted to 98 votes.

According to the official results certified by the Scotts Bluff County Clerk, Terry Carpenter received 2548 votes. William E. Nichol, a candidate, received 2545 votes. Ben Wilson, a candidate, received 2177 votes. The apparent winner by 3 votes was Terry Carpenter.

On a recount held on November 25, 1974, according to the official results of the recount, Terry Carpenter received a total of 2478 votes, William E. Nichol received a total of 2546 votes, and Ben Wilson received a total of 2178 votes. The apparent winner by 68 votes was William E. Nichol.

At the recount an additional 15 votes were counted for Terry Carpenter that had not been previously counted by the County Canvassing Board, and an additional 1 vote that had not been previously counted by the County Canvasssing Board was counted by the Recount Board for each William E. Nichol and Ben Wilson.

Terry Carpenter contends that the 126 votes set forth in this numbered paragraph were legal votes and should have been counted and if they were counted he would win the election by 58 votes.

Terry Carpenter further contends that notwithstanding the rejection of 29 votes cast for him which delineated no office designation he would nevertheless win the election by 29 votes, if all 97 votes were counted which previously were rejected because of no first name and/or middle initial or misspelled surname; and that these votes were clearly legal because they showed the clear intent of the voter to vote for Terry Carpenter, and could not be misconstrued in any way to be a vote for any other person for the office of State Senator of the Legislature from the 48th Legislative District of the State of Nebraska.

6. Melvin Maxwell, County Clerk of Scotts Bluff County, Nebraska, advised the election board officials that the only requirements necessary to count a write-in vote was for the office designation to be shown and the surname properly spelled. He told them that it was not necessary that a first name or middle initial appear on the ballot. Election board officials, when asked by a voter how to write in a candidate, told the voter that all that was necessary was to write in the office designation and the last name of the party they were writing in; and that this is sufficient to void the election, or to have all 49 votes cast for Terry Carpenter with the proper office designation and surname alone for Terry Carpenter counted.

7. Section 32-453 is unconstitutional as a violation of the due process clause of the 14th Amendment of the Constitution of the United States and the Constitution of the State of Nebraska and violates the equal rights clause of the Constitution of the United States and the State of Nebraska.

8. Section 32-489 is unconstitutional as a violation of the due process clause of the 14th Amendment of the Constitution of the United States and the Constitution of the State of Nebraska and violates the equal rights clause of the Constitution of the United States and the State of Nebraska.

9. As a part of this notice, Terry Carpenter states that the taking of depositions of the witnesses to be examined shall commence at 1:30 p.m., on the 17th day of December, 1974, in the County Courthouse in the City of Gering, Scotts Bluff County, Nebraska, and shall continue from day to day until finally concluded; and that the deposition of Allen J. Beermann, Secretary of State, and any other witnesses in Lancaster County, Nebraska, shall be taken in the office of the Secretary of State in the State Capitol Building in the City of Lincoln, Lancaster County, Nebraska, commencing at 9:30 a.m., on the 20th day of December, 1974, and shall continue from day to day until finally concluded.

As a further part of this notice, Terry Carpenter attaches a list of witnesses to be examined marked Exhibit "A" and by this reference incorporated herein and makes Exhibit "A" a part of this notice, but does not by this attachment of Exhibit "A" preclude himself from calling other witnesses as authorized by law and the rules of the Legislature.

(Signed) Terry Carpenter

TO THE SHERIFF OF SCOTTS BLUFF COUNTY, NEBRASKA:

Please serve a true or certified copy of this Notice of Contest of Election upon William E. Nichol, Ben Wilson, Russell E. Lovell, Attorney for William E. Nichol, and Robert M. Harris, Attorney for Ben Wilson, personally and make due return upon the original.

STATE OF NEBRASKA)
)ss.
SCOTTS BLUFF COUNTY)

RETURN

I hereby certify that I received this writ the 10th day of Dec. A.D., 1974 and as commanded in this writ, I am on the 10th day of Dec. 1974 served the same upon the within named Ben Wilson, Russell E. Lovell, Attorney for William E. Nichol and Robert M. Harris, Attorney for Ben Wilson and on the 11th day of Dec., 1974 served the same upon William E. Nichol by delivering to each of them personally a true and certified copy of this writ with all endorsements thereon, all done in Scotts Bluff County, Nebraska, as required by law.

Service and Return	$1.00	(Signed) Leo E. Knudtson, Sheriff
Copy	2.00	
Mileage	5.00	
TOTAL	8.00	

EXHIBIT "A"

ELECTION OFFICIALS GENERAL ELECTION 1974
Votomatics ( ) Alternates "A"

REPUBLICAN	DEMOCRATIC
(2) CASTLE ROCK A Melbeta Fire Hall	
Virginia Harimon, Rt 1, Gering-Messenger	Emma Meter (Mrs. Alex) Rt 1, Box 86, Gering
Mildred Fitts, Rt 1, Box 93, Gering	Leonella Dutton, Rt 1, Gering
Myra Johns, Rt 1, Gering	A-Dorothy E. Nichols, Box 13, Melbeta
(2) CASTLE ROCK B McGrew Fire Hall	
Donna Kisler, Rt 2, Bayard	Shirley Hardt, Rt 2, Bayard, Messenger
Patty Howard, Rt 2, Bayard	Laura Franklin (Mrs. Paul) Rt 2, Box 212, McGrew
Helen Marker, Box 204, McGrew	A-Mary Hopkins, Rt 2, Bayard
(4) DEWEY & TABOR Lake Minatare School	
Joan Anderson, Rt 2, Minatare	Doris Schaneman, Rt 1, Minatare
Thelma Staman, Rt 2, Scottsbluff	Mary Vogel, Rt 2, Minatare
Phyllis Spurgeon, Rt 2, Box 256, Scottsbluff - Messenger	A-Mildred Webber, Rt 2, Minatare
(4) EAST WINTER CREEK Scottsbluff Armory	
Patricia Raymond, Box 814, Scottsbluff	Margaret Pickering, Rt 1, Box 158, Scb.
Rachel Welsch, Rt 2, Scottsbluff	Thelma Hanlon, Rt 2, Scb. Messenger
Opal Dougherty, Rt 2, Scottsbluff	A-Mary Ann Gable, Rt 2, Scottsbluff

(5) FANNING I.O.O.F. Hall, Mitchell

Jackie Gompert, Rt 2, Mitchell
Messenger
Helen Jenkins, Rt 2, Mitchell
Carol Ehrhart, Rt 2, Mitchell
Clara Belle Talmage, Rt 2, Mitchell
Truth McRea, Rt 2, Mitchell
A-Ann Deines, Rt 2, Mitchell

(3) FORD A & B Legion Hall, Morrill

Ethel Halstead, Rt 2, Morrill-Messenger
Floeen Morrill, Rt 2, Morrill
Bernice Russell, Box 92, Henry
Geraldine Sleeger, Box 63, Henry
Mayrene Gompert, Rt 1, Mitchell
A-Lena Hanlon, Rt 1, Morrill

(6) FUNSTON & WEST WINTER CREEK, Scottsbluff Armory

May Belle Sample, Rt 2, Box 37 Scb.
Messenger
Ermodean Hass, Rt 1, Box 66B, Scb.
Grace Ione Carlson, Rt 1, Box 216, Scb.
Pauline Roland, Rt 1, Box 59A, Scb.
Ruth Leach, Box 12, Rt 1, Scottsbluff
A-Shirley Cooper, Rt 1, Scottsbluff

(5) GERING & ROUBADEAU Courthouse

Mary Scrivan, Box 280, Rt 2, Gering
Beth Weber, Rt 1, Gering
Ruth Reichert, Rt 1, Gering
Ethel Hampton, Rt 2, Gering-Messenger
Shirley Grasmick, Rt 2, Gering
A-Gladyce Helzer, Rt 1, Box 279, Gering

(7) GERING I Northfield Elementary School

Patricia A. Fegler, 1725 Nelson Ave.
Messenger
Patricia A. Kurtz, 1820 R Street
Clara G. Sievers, 1755 20th St.,
A-Norma Patrick, 2520 Ramona Dr.
Emma Heimbuch, 2475 Pacific Blvd.
Gering
Marjean Rajewich, 1830 S St., Gering
A-Phyllis McCall, 1805 19th St., Gering

(7) GERING II Gering Senior High

Hazel Pielstick, 1540 16th St., Gering
Sharon J. DeMott, 1540 Q St., Gering
Joan Engelhaupt, 1600 N St., Gering
Dorthea Carter, 1630 Q St., Gering
M. Virginia Hendricksen, 1625 S St.
Messenger
A-Erlene Eskam, 2045 Sioux Crt, Gering

(7) GERING III United Methodist Church

Geraldine Pinon, 1635 7th St., Gering
Messenger
Dolores M. Willet, 1905 12th St., Gering
Polly Gentry, 1140 T St., Gering
Leona Gudahl, 1840 13th St., Gering
Naomi Jean Christensen, 635 O St., Gering
A-Mary Ann Pierce, 1855 12th St.,Gering

(7) GERING IV Gering Fire Hall

Nedine Skinner, 1150 K St., Gering
Marian McClenahan, 1025 12th St., Gering
Ardis J. Hall, 740 L St., Gering
Mary Alyce Schank, 760 J St., Gering
Messenger
Lynne M. Schmeeckle, 1830 Aspen
A-Helen Schliening, 230 So. Kimball

(4) HIGHLAND Highland School

Opal Diffendaffer, Rt 1, Min.-Messenger
Mabel Diedricksen, Rt 1, Min.
Thelma I. Owen, Rt 2, Minatare
Alice Lane, (Mrs. John) Rt 2, Bayard
Elizabeth Stitt, Rt 1, Minatare
A-Leona Green, Rt 1, Minatare

(6) KIOWA & LYMAN Lyman Fire Hall

Phyllis Mecklam, Rt 1, Lyman
Nadine Capek, Lyman
Marion Lucille Libsack, Rt 2, Lyman
Opal B. Rowan, Box 386, Lyman
Betty E. Hort, Rt 2, Lyman-Messenger

(5) MINATARE I & II American Legion Hall, Minatare

Jean Weiss, 811 Ave. A, Min.-Messenger
Betty Lupher, 504 Ave. C. Min.
Lucy Lupher, 806 Ave. C. Min.
Barbara Moss, Minatare
Hedy Eberhardt, 805 Ave. B., Minatare
A-Bertha Coover, 1111 4th Ave., Minatare

(3) MITCHELL Mitchell Valley School

Jacqueline Johns, Rt 1, Mitchell
Isabel Gross, Rt 1, Mitchell
Sharon Morrison, Rt 1, Mitchell
A-Janet Brown, Rt 1, Mitchell
Vera M. Strachan, Rt 1, Mitchell
Messenger
Ethel M. Strong, Rt 1, Mitchell
A-Catherine L. Patton, Rt 1, Mitchell

(4) MITCHELL I Mitchell Fire Hall

Freda Bare, 1444 14th Ave., Mit
Helen F. Landen, 1302 13th Ave., Mit
Lois Cannon, 1316 17th Mitchell
Fern Barthuly, 1402 18th St., Mit
Messenger
Elsie Strong, 1169 17th St., Mitchell
A-Irene C. Fitzekam, 1421 14th Ave., Mit.

(5) MITCHELL II Roosevelt Public Power Office

Oletha Herman, 1614 Center Ave., Mit
Joan Held, 1432 17th Ave., Mit.
Carol Flaherty, 2008 Center, Mit.
Mayme Hanson, 1409 18th, Box 66, Mit.
Messenger
Doris Seidel, 1702 17th St., Mit.
A-Rena Hunt, 1329 22nd Ave., Mitchell

(5) MORRILL Legion Hall, Morrill

Helen Gilbert, Box 5, Morrill
Ruth Snyder, Box 37, Morrill-Messenger
Barbara Rtiz, Box 402, Morrill
Thiel Legband, Box 615, Morrill
Hisaye Miyahara, Box 443, Morrill
A-Javine Munroe, Box 62, Morrill

(7) SCOTTSBLUFF 1A Longfellow School

Phyllis Drawbaugh, 2211 2nd Ave
Mary Ruff, 2425 5th Ave.
Marie O'Shea, 2523 3rd Ave.,-Messenger
Ann Davidson, 2606 Addison Ave.

(6) SCOTTSBLUFF 1B City Library

Anna L. Bleyle, 1924 7th Ave.
Tena Plaster, 1823 6th Ave.-Messenger
Geraldine Robinson, 1823 4th Ave.
Dorothy Farlee, 1704 6th Ave.
Aileen Wallace, 602 E 18th St.

(5) SCOTTSBLUFF 1C Senior High School

Rose Harber, 618 Valley View Dr.
Mary Jo McMillan, 617 Hillcrest Dr.
Peggy Henderson, 614 E 28th
Lorna Bumgardner, 626 E 28th, Messenger
Mollie Cottrell, 2705 5th Ave.
A-Lenora Vogt, 1113 E 38th St.

(4) SCOTTSBLUFF 2A City Library

Shirley Rice, 510 E 16th
Barbara Weaver, 1602 6th Ave.
Marion D. Mahan, 1614 6th Ave.
Josephine Forbes, 1520 6th Ave.
Bernice Kloch, 1520 9th Ave
A-Katherine K. Edelbrock, 1524 5th Ave.

(4) SCOTTSBLUFF 2B Roosevelt School

Pauline Mergheim, 1418 11th Ave.
Thelma Boston, 1402 4th Ave.
Bertha Lovell, 1424 3rd Ave.
Helen Johnson, 1114 E 14th St.
Martha Tyler, 1406 16th Ave.-Messenger
A-Billa Dean Hughes, 1402 16th Ave.

(6) SCOTTSBLUFF 2C Guadalupe Center

Alberta Evans, 1116 11th Ave.
M. Mae McIntosh, 1224 4th Ave.-Messenger
Shirley Parnell, 1230 4th Ave.
Charlotte Saucedo, 1101 10th Ave.
Lena Evans, 1112 11th Ave.
A-Marcella Castaneda, 1209 E 7th St.

(4) SCOTTSBLUFF 3A City Hall

Alveena Reeser, 121 West 17th
Annie T. Neitzel, 205 West 18th
Kathryn Louise Ray, 322 West 16th
Judith Freouf, 1903 Ave. B
Wanda Messman, 336 W 20th,-Messenger
A- Joan Mc Kerrigan, 1625 Cowan Dr

(6) SCOTTSBLUFF 3B Bryant School

Opal Helm, 1506 Park St Messenger
Marilynn Miller, 1717 Ave. J
Barbara Bateman, 1722 Ave. I
Jacquelyn J. Pierce, 1405 Ave J
Esther Bauer, 1301 Ave. G
A-Drucilla J. Coll, 1306 Ave. F

(8) SCOTTSBLUFF 3C Westmoor School

Dorothy K. Pilkington, 1809 Ave K
Jean Ann Votruba, 1902 Ave O
Merilyn Ingram, 1602 Ave N
Doris Sorok, 1901 Ave. L
Donna Schuman, 1914 Ave K.-Messenger
A-Shirley McIntosh, 1708 Ave P

(6) SCOTTSBLUFF 4A Junior High School

Violet Davis, 2401 Ave B-Messenger
Ruth Frank, 111 W 35th
Frances Bitner, 112 W 36th
Edna Cox, 2606 Ave A ., Scottsbluff
Marjorie Wells, 2419 Ave B
A-Mavis Rojas, 2416 Bdwy

(5) SCOTTSBLUFF 4B Lincoln School

Evelyn Love, 2809 Ave D
Evelyn M Early, 2601 Ave F
Carolyn Allen, 2430 Ave D
Edith Daniels, 519 West 32nd
Opal Bramwell, 413 West 20th,-Messenger
A-Bella Lieberman, 518 West 24th

(6) SCOTTSBLUFF 4C First Baptist Church

Jeanette Pauley, 2311 Ave G-Messenger
Helen Jackson, 824 West 24th
Shirley J. Aulick, 2202 Ave H
Ida Koch, 2910 Ave G
Dorothy Clemons, 2206 Ave H
A-Ina Mae Berger, 814 Canal St

(5) TERRYTOWN Housing Authority Office

Doris J. Spath, 12 South St Box 185 Gering
Marilyn J. Hesse, 23 Crestview Dr.
Nancy McCracken, 11 South St
Creta Graves, 18 Toluca Lane
Virginia Quevedo,94 Spring Valley Lane Messenger
A-Maxine Hise, No. 1 Valley Hi Crt Gering

Allen J. Beermann
Lincoln, Nebraska

Melvin Maxwell
Scottsbluff, Nebraska

William E. Nichol
Scottsbluff, Nebraska

Ben Wilson
Scotts Bluff County, Nebraska

Dr. W. F. Mahan
Scotts Bluff County, Nebraska

Norma L. Beeman
2030 N Street
Gering, Nebraska

Dorothy E. Brown
Gering, Nebraska

STATE OF NEBRASKA
Lancaster County
I hereby certify this to be a true copy of the original writ now in my hands with all endorsements thereon.

MERLE C. KARNOPP, SHERIFF
(Signed) Norman R. Monroe,
DEPUTY

Served on me by Sheriff at 0825 on 16 Dec. 74
(Signed) Vincent D. Brown,
Clerk of the Legislature

ANSWER TO CONTEST OF ELECTION

LAW OFFICES OF
RUSSELL E. LOVELL
P. O. Box 419, 2112 Broadway
Scottsbluff, Nebraska 69361
Telephone (308) 632-6151

December 27, 1974

Legislature of the State of Nebraska
State Capitol
Lincoln, Nebraska 68509

Re: Contest of Election Filed by Terry Carpenter

ATTENTION: Mr. Vincent D. Brown, Clerk of the Legislature

Dear Sir:

Please find enclosed original NOTICE TO TAKE DEPOSITIONS AND ANSWER OF WILLIAM E. NICHOL, to be filed in accordance with law as concerns the Contest of Election filed by Terry Carpenter of Scottsbluff,

Nebraska. As shown on Page 5 thereof, a true copy or certified copy of said pleading has been served upon Terry Carpenter and his attorney, Harry R. Meister and upon Ben Wilson and his attorney, Robert M. Harris this date.

If you have any questions regarding this matter, please call the writer Collect at my office at the above telephone number or at my home, and that number is Area Code 308 632-8027.

Please acknowledge receipt of this letter and pleading on the duplicate copy of the letter. For your convenience I am enclosing self-addressed, stamped envelope.

Sincerely yours,
(Signed) Russell E. Lovell

REL:pp
Enclosures

Filed Dec. 30, 1974 (Signed) Vincent D. Brown, Clerk of the Legislature.

BEFORE THE LEGISLATURE OF THE STATE OF NEBRASKA

IN THE MATTER OF THE CONTEST OF ELECTION FILED BY TERRY CARPENTER, CONTESTER, FOR OFFICE OF MEMBER OF LEGISLATURE FROM THE FORTY-EIGHTH LEGISLATIVE DISTRICT.	))))))	NOTICE TO TAKE DEPOSITIONS and ANSWER OF WILLIAM E. NICHOL

COMES NOW William E. Nichol, the duly elected Member of the Legislature from the Forty-eighth District of the State of Nebraska, and for his Answer to the "NOTICE OF CONTEST OF ELECTION" filed by Terry Carpenter, Contester, admits, denies and alleges as follows:

1. Admits that William E. Nichol, as the result of the Recount held on November 25, 1974 and November 26, 1974, and the canvass of votes by the Board of State Canvassers, has been certified as the Member of Legislature from the Forty-eighth Legislative District of the State of Nebraska.

2. For answer to Paragraph 1 of said "Notice of Contest of Election", denies all of said paragraph and affirmatively alleges that any votes rejected by the Canvassing Board and Recount Board was correct and in truth and fact, all Write-in Ballots cast for Terry Carpenter should now be rejected by the Legislature for the reason that fraudulent write-in ballots may have been received:

(a) On December 17, 1974, during Attorney Russell E. Lovell's Cross-examination of Terry Carpenter's witness, Melvin Maxwell, who is the County Clerk and Election Commissioner of Scotts Bluff County, Nebraska, it was discovered that prior to the General Election an employee of Maxwell's had wrongfully given Terry Carpenter the

information so that Carpenter could illegally order 25,000 identical write-in Ballots (also called Ballot envelopes) from the same firm that furnished the Official write-in Ballots to Maxwell for the 48th Legislative District, namely Computer Election Systems, 1001 East Shore Highway, Albany, California; that delivery to Terry Carpenter was accomplished by having said 25,000 official write-in Ballots delivered to Election Commissioner Maxwell's County Clerk's office at the Scotts Bluff County Court House, Gering, Nebraska!

(b) Once Terry Carpenter and his campaign workers had access to the official write-in Ballots, it was incumbent on Maxwell to have the Election Judges sign their names on the back of the write-in Ballots offered each voter who voted in the General Election on November 5, 1974. (See provisions of Section 32-4,132 and Section 32-450 of the Revised Statutes of Nebraska 1943, Reissue of 1974.) The write-in Ballot or portion so provided "was a part of the official ballot---". (Emphasis ours) (See Section 32-4,136 R.R.S. 1943 above referred to.) Maxwell admits he failed to require the election judges to sign the back of the write-in Ballots, even though he knew Carpenter had access to official write-in Ballots! It is submitted that if Secretary of State Allen W. Beermann knew of these facts at the time of the Recount on November 25 and 26, 1974, he would sustain William E. Nichol's present Motion to invalidate the Terry Carpenter write-in Ballots!

(c) The write-in Ballots for Terry Carpenter should also be rejected because the majority of voters wrote in "Terry Carpenter Senator". This does not meet the requirement that "---The write-in ballot shall clearly identify the office for which such write-in votes is cast". (Emphasis ours.) (See Section 32-4,136 Revised Statutes of Nebraska 1943, Reissue of 1974.) The correct name for the office is "Member of the Legislature Forty-eighth District". (See Article III of the Constitution of Nebraska. See Chapter 50, Legislature of the Revised Statutes of Nebraska, 1943.)

3. Deny Paragraph 2 of Carpenter's "Notice of Contest of Election".

4. Deny Paragraphs 3 and 4 of said "Notice of Contest of Election", except so much as states that Secretary of State Allen W. Beermann rejected certain votes where only the surname of Carpenter was used. This is required by Section 32-453 Revised Statutes of Nebraska 1943, Reissue of 1974, the applicable part stating "---If the elector desires to vote for any person whose name is not printed on the ballot, except where not permitted by law, he shall write the name of the person in full in the blank space on the ballot under the proper office." (Emphasis ours.)

5. For answer to Paragraph 5 of said "Notice of Contest of Election", so much of said paragraph setting forth the precincts and the total votes rejected is substantially correct. The County Canvassing Board and the Recount Board did not count 465 write-in votes for Terry Carpenter as the voter had also voted for William E. Nichol or Ben Wilson. Election

Commissioner Melvin Maxwell then had the punch card votes for Nichol and Wilson both punched so it is now impossible to ascertain whether the voter voted for Nichol or Wilson. Section 32-493.02 R.R.S. 1943 provides, "Before write-in votes are counted they shall be compared with votes cast on the paper ballot or ballot card for the same office. If the voter has cast more votes for an office than he is entitled to vote for that office, the write-in vote shall be declared void and shall not be counted. Votes cast for duly nominated candidates will not be voided because of an invalid write-in vote, but if otherwise valid shall be counted." (Emphasis ours.)

For further answer to Paragraph 5, admit that the official results of the Recount Board and of the Board of State Canvassers shows that William E. Nichol received 2,546 votes, Terry Carpenter 2,478 votes and Ben Wilson 2,178 votes. Deny the rest of said paragraph 5 inconsistent with the above allegations and facts.

6. Terry Carpenter, prior to the General Election on November 5, 1974, in his television and radio programs and newspaper advertising, admitted that the Write-in vote for him had to state his full name, "Terry Carpenter". Carpenter also informed the public that his last name, "Carpenter", had to be spelled correctly to be counted. This admission on tue part of Terry Carpenter seems inconsistent with his statement at this time, that Section 32-453, Revised Statute of Nebraska 1943, which requires the full name on a write-in ballot is unconstitutional.

7. Terry Carpenter, in his advertising, also requested the voters to identify the office merely by stating "Senator Terry Carpenter". In view of the number of years that Terry Carpenter was a Member of the Legislature, it is difficult for us to understand why the voters were not properly inforv ed that the correct name of the office was "FOR MEMBER OF THE LEGISLATURE FORTY-EIGHTH DISTRICT". It is interesting to note that when Terry Carpenter was a member of the Legislature in 1969, he voted in favor of Section 32-4,136, which Statute provides, among other things,

"The write-in ballot shall clearly identify the office for which such write-in vote is cast".

8. Terry Carpenter not only obtained Official Write-in Ballots, which may have inadvertently caused some fraudulent write-in votes to have been received, but he and his campaign workers are also guilty of violation of Section 32-1221, Revised Statxtes of Nebraska 1943, which provides that no soliciting of votes and no electioneering shall take place within 100 feet of any building where there is a polling place. Numerous voters have complained that they were evenapproached inside of the polling place, inquiring if they wanted to know how to vote for Terry Carpenter.

9. Deny Paragraphs 6, 7 and 8 of "Notice of Contest of Election" and affirmatively allege that Sections 32-453 and 32-489 are constitutional; that the burden to prove otherwise is on Contester Terry Carpenter, who has failed to carry such burden.

10. As a part of this Notice, William E. Nichol states that the taking of Depositions of the witnesses to be examined to contest the legality of the write-in votes given to Candidate Terry Carpenter, shall commence at 9:00 o'clock A.M. on the 15th day of January, 1975, in the County Courthouse in the City of Gering, Scotts Bluff County, Nebraska, and shall continue from day to day until finally completed.

As a further part of this Notice, William E. Nichol attaches a list of witnesses to be examined, marked Exhibit "A", and by this reference incorporated herein, makes Exhibit "A" a part of this Notice, but does not by this attachment of Exhibit "A" preclude himself from calling other witnesses as authorized by law and the rules of the Legislature.

WHEREFORE, William E. Nichol, having fully answered the "Notice of Contest of Election" filed by Contester Terry Carpenter, respectfully prays that the Legislature take such necessary action to confirm the election of William E. Nichol as Member of Legislature from the Forty-eighth District. William E. Nichol renews the Motion made by his attorney, Russell E. Lovell, on December 17, 1974, after cross-examining Election Commissioner Melvin Maxwell, that the Legislature invalidate all write-in Ballots for Terry Carpenter, because (1) Terry Carpenter illegally had access to the Official Write-in Ballots; (2) Election Commissioner Melvin Maxwell knew that Carpenter had 25,000 Official Write-in Ballots but neglected to have the election judges sign the Write-in Ballots as is required by law; (3) the majority of the Carpenter Write-in Ballots failed to clearly identify the office, as "Senator Terry Carpenter" is not sufficient, the office is "Member of the Legislature Forty-eighth District". See Exhibit "B", attached hereto and made a part hereof.

Respectfully submitted,
(Signed) William E. Nichol

RUSSELL E. LOVELL
Attorney at Law
P. O. Box 419
Scottsbluff, Nebraska
(308) 632-6151
Attorney for William E. Nichol

TO THE SHERIFF OF SCOTTS BLUFF COUNTY, NEBRASKA:

Please serve a true or certified copy of the within NOTICE TO TAKE DEPOSITIONS AND ANSWER OF WILLIAM E. NICHOL upon Terry Carpenter and his attorney, Harry R. Meister, Ben Wilson and his attorney, Robert M. Harris, and made due return upon the original hereof.

STATE OF NEBRASKA)
) ss
COUNTY OF SCOTTS BLUFF)

I hereby certify that I have served a true copy or certified copy of the within NOTICE TO TAKE DEPOSITIONS AND ANSWER OF WILLIAM E. NICHOL upon Terry Carpenter and his attorney, Harry R. Meister, and upon Ben Wilson and his attorney, Robert M. Harris by delivering a true or certified copy to each of them this 27th day of December, 1974.

(Signed) Leo E. Knudtson, SHERIFF

EXHIBIT "A"

WITNESSES:
Allen J. Beermann, Secretary of State
Lincoln, Nebraska

Ben Wilson
Scottsbluff, Nebraska

Ramona Blanco
1715 5th Avenue
Scottsbluff, Nebraska

Charles Lawson
1740 13th Street
Gering, Nebraska

Carlotta Dominguez
814 East 8th
Scottsbluff, Nebraska

Mae M. McIntosh
1224 4th Avenue
Scottsbluff, Nebraska

Linda Otte
1425 4th
Gering, Nebraska

William E. Nichol
Scottsbluff, Nebraska

EXHIBIT "B"

2 GENERAL ELECTION
Scotts Bluff County, Nebraska -- November 5, 1974

FOR PUBLIC SERVICE COMMISSIONER
FIFTH DISTRICT — Vote for ONE

JACK ROMANS	REPUBLICAN	21
RALPH D. MILLER	BY PETITION	22

CONGRESSIONAL TICKET

FOR REPRESENTATIVE IN CONGRESS		
THIRD DISTRICT		Vote for ONE
WAYNE W. ZIEBARTH	DEMOCRAT	25
MRS. HAVEN SMITH	REPUBLICAN	26

NON-POLITICAL TICKET

FOR MEMBER OF THE STATE BOARD	
OF EDUCATION SIXTH DISTRICT	Vote for ONE
LAWRENCE A. PETERSON	29
MARGARET LOCKWOOD	30
FOR MEMBER OF THE LEGISLATURE	
FORTY-EIGHTH DISTRICT	Vote for ONE
BEN WILSON	32
WILLIAM E. NICHOL	33
FOR REGENT OF THE UNIVERSITY	
OF NEBRASKA SIXTH DISTRICT	Vote for ONE
JOHN P. OLSON	35
ROBERT G. SIMMONS, JR.	36

Filed Dec. 30, 1974 (Signed) Vincent D. Brown, Clerk of the Legislature.

MOTION—Notify Governor

Mr. Dickinson moved that a committee of five members be appointed to call upon the Governor and advise him that the Legislature is organized and ready for the transaction of business, and to report back to the Legislature with any message he may have.

The motion prevailed.

The Chair appointed Messrs. Dickinson, Mahoney, Burbach, Stull and Chambers.

Mr. Chambers declined the appointment. The Chair appointed Mr. Wiltse to take his place.

EASE

The Legislature was at Ease from 3:17 p.m. until 3:25 p.m.

The Committee returned and reported the Governor would appear before the members tomorrow.

MOTION—48th Legislative District

Mr. Murphy moved the Legislature seat Mr. Nichol from the 48th Legislative district.

Mr. Murphy asked unanimous consent to withdraw his motion. No objection. So ordered.

MOTION—Election Contest Committee

Mr. Chambers moved that a committee of nine members be elected to consider the election contest in the 48th Legislative district, the committee to have full power to issue subpoenas compelling attendance of and testimony from witnesses—as well as all books, documents, papers, materials or other information needed to produce a report which shall be presented to the Legislature within 15 calendar days.

Mr. Kelly moved to amend the motion to strike the 9 member committee and insert the present Committee on Credentials.

Mr. Kelly asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Koch moved to amend the Chambers motion from 9 members to 7 members. The amendment was adopted with 28 ayes, 16 nays and 5 not voting.

Mr. Kelly moved to amend the Chambers motion to report the fact and under no circumstances recommend a name to be seated in Legislative District 48.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 35:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	Dickinson	Dworak
Fowler	George	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
R. Lewis	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Rasmussen	Schmit	Simpson
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 12:

Anderson	Cavanaugh	DeCamp	Duis	Fitzgerald
Goodrich	F. Lewis	Mahoney	Rumery	Savage
Skarda	Syas			

Not voting, 2:

Luedtke	Nichol

Mr. Cavanaugh requested a record vote on the Chambers motion.

Voting in the affirmative, 48:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 1:

Nichol

The Chambers motion, as amended, was adopted with 48 ayes, 0 nays and 1 not voting.

Nominations for 48th District Contest Investigation

Mr. Koch nominated Mr. Warner
Mr. Kennedy nominated Mr. R. Lewis
Mr. Murphy nominated Mr. Kelly
Mr. Dworak nominated Mr. Schmit
Mr. Savage nominated Mr. Mahoney
Mr. Kremer nominated Mr. Marvel
Mr. Luedtke nominated Mr. DeCamp
Mr. Maresh nominated Mr. Dickinson
Mr. Clark nominated Mr. Bereuter
Mr. Syas nominated Mr. Cavanaugh
Mr. Swigart nominated Mr. Chambers
Mr. Wiltse nominated Mr. Hasebroock
Mr. R. Lewis nominated Mr. Goodrich

The Chair ruled each member must have 25 votes.

The Chair appointed Messrs. Burbach, Carsten and Barnett as tellers.

1st Ballot

Warner	34
R. Lewis	26
Kelly	26
Schmit	23
Mahoney	15
Marvel	36
DeCamp	15
Dickinson	27
Bereuter	18
Cavanaugh	24
Chambers	22
Hasebroock	28
Goodrich	23

The Chair declared Messrs. Warner, R. Lewis, Kelly, Marvel, Dickinson and Hasebroock duly elected and to vote for one from the remaining candidates.

2nd Ballot

Schmit	5
Mahoney	2
DeCamp	2

Bereuter	5
Cavanuagh	12
Chambers	6
Goodrich	17

The Chair ruled the next ballot would be on Messrs. Cavanaugh, Chambers and Goodrich.

Mr. Cavanaugh requested his name be withdrawn.

3rd Ballot

Chambers	22
Goodrich	25
	47

The Chair declared Goodrich the seventh member of the committee.

MOTION–Inaugural Ceremonies

Mr. DeCamp moved that we arrange to hold inaugural ceremonies for the newly elected State officers on Thursday, January 9, 1975 at 2:00 p.m. The motion prevailed.

MOTION-Bills & Journal Distribution

Mr. Mahoney moved that the Clerk of the Legislature be directed to provide weekly mailing of all bills and journals or a box in the bill room without cost to the following: University of Nebraska College of Law; League of Women Voters in Lincoln and Omaha; All State Agencies; State Historical Society; County Clerks; Clerks of District Courts; Creighton University College of Law.

Mr. Kelly moved to amend the motion to strike the League of Women Voters in Lincoln and Omaha. The amendment lost with 19 ayes, 27 nays and 3 not voting.

Mr. Kelly moved to amend the motion to include the League of Women Voters in Grand Island. The amendment was adopted with 33 ayes, 4 nays and 12 not voting.

Mr. Burbach moved to amend the motion to delete the League of Women Voters in Lincoln, Omaha and Grand Island and the Creighton University College of Law. The amendment was adopted with 30 ayes, 8 nays and 11 not voting.

Mr. Mahoney asked unanimous consent to withdraw his motion. No objection. So ordered.

MESSAGE FROM THE STATE AUDITOR

January 8, 1975

To the Honorable Speaker
Nebraska Unicameral Legislature
84th - Legislature - Regular
First Session
Lincoln, Nebraska

Honorable Speaker:

I hereby certify that Allen J. Beermann was the duly elected Secretary of State in and for the State of Nebraska at a general election held on November 5, 1974.

I further certify that the State Canvassing Board has declared that Allen J. Beermann received the highest number of votes for the office of Secretary of State.

Finally, I hereby certify that as Auditor of Public Accounts, I am the custodian of the bond for the Secretary of State and am also a member, by law, of the State Canvassing Board.

Respectfully submitted,

(Signed) Ray A. C. Johnson
State Auditor of Public Accounts
Custodian of the Secretary of State's Bond
Member of the Nebraska State Board of Canvassers

UNANIMOUS CONSENT—Print in Journal

Mr. Mahoney asked unanimous consent to have the following material printed in the Journal. No objections. So ordered.

RE: TERRY CARPENTER CHALLENGE (PROTEST)

CONSTITUTION
OF THE
STATE OF NEBRASKA
ARTICLE III – LEGISLATIVE

Sec. 10. the Legislature shall be the judge of the election, returns, and qualifications of its members,

UNITED STATES CONSTITUTION
Article I, Section 5

Each House shall be the judge of the elections, returns and qualficiations of its own members...

ARTICLE I – BILL OF RIGHTS

Sec. 22. All elections shall be free; and there shall be no hinderance or impediment to the right of a qualified voter to exercise the elective franchise.

CONSTITUTIONAL BASIS FOR NONSECRET VOTE

ARTICLE III – LEGISLATIVE

Sec. 11. The Legislature shall keep a journal of its proceedings and publish them (except such parts as may require secrecy) and the yeas and nays of the members on any question, shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the Committees of the Whole, shall be open, unless when the business shall be such as ought to be kept secret. (Amended, 1934.)

CONSIDERATIONS:

~~1. The basic and fundamental right to vote (intent prevails).~~

2. Judicial requirement of only "substantial compliance" with election laws to protect voter intent. (Greathouse v School District 155 Neb 883)

3. Power of courts to review legislative proceedings to determine legality. (Powell v McCormack 395 US 486)

4. Impropriety of exalting form over substance to defeat fundamental right to vote.

5. Idem sonans doctrine -- when misspelled name is legally acceptable. (Black's Law Dictionary, 1968)

CONSTITUTIONS, LAWS, COURT DECISIONS

The views in this paper are buttressed by Federal and State Constitutions, Statutes and Supreme Court decisions. All Nebraska cases are Supreme Court decisions.

The Legislature is dealing with basic democratic rights on which this political system is based. Should a Federal court be called on to review our actions, it will reverse and correct any unconstitutional or illegal conduct and decisions which infringe upon or ignore those rights.

ROLE OF THE SECRETARY OF STATE

Since in Nebraska, the intent of the voter prevails and the Legislature is the sole judge of the election of its members, the Secretary cannot usurp the right of voters to choose whom they please, nor the grave responsibility of the Legislature to be the "sole judge" of the election of its members. If his exercise of discretion is found to have been arbitrary and contrary to the voting policy of the State, correction is in order. The disputed ballots must be examined to determine this. The Legislature must look at what he looked at.

FEDERAL JUDICIAL REVIEW

This Challenge was duly filed according to law and is properly before the Legislature. (Copies of Statutes related to Legislative Election Contest have been given to you.) We must adhere to the law and conform to the principles of due process -- no short-cuts or short circuits which violate anyone's rights.

The U.S. Supreme Court has made it clear that Legislative activity is not immune to judicial scrutiny and nullification:

It is competent and proper for a court to consider whether a legislature's proceedings are in conformity with the Constitution and laws...and if they (are) not, to treat their acts as null and void. (Powell v McCormack 395 US 486)

So, not only are we under public observation, we may come under a Federal judicial microscope. As Senator Jerome Warner said during a December meeting on this issue, we must construct a clear record of what we do and why.

This Challenge comes to the Legislature by authority and direction of the Nebraska Constitution which declares at Article III, Section 10:

...the Legislature shall be the judge of the election, returns and qualifications of its members...

Significantly for judicial purposes, this language is lifted intact from the Federal Constitution, Article I, Section 5. The U. S. Supreme Court, when construing this provision, did not hesitate to reverse action of the U. S. Congress (Powell v McCormack) and lecture them about the necessity to constrain legislative bodies when they try to limit the people's right to select their own representatives. The Court reminded Congress that the Framers of the Constitution had rejected schemes which might allow legislatures to usurp the "indisputable right of the people to (elect) whom they thought proper".

There is no reason to place the Nebraska Legislature on a higher footing than Congress, so far as being required to obey the Constitution and act lawfully. When a State incorporates a provision of the Federal Constitution into its own Constitution the history and prior judicial interpretation are guides for construing it.

DETERMINATION OF STATE POLICY ON VOTING

We must do some construing of our own because Nebraska Statutes are inconsistent on how to properly write-in a candidate. Hence, we must view the Statutes against the background of the voting policy established by the Constitution and Supreme Court decisions to get a total picture.

The Constitution calls for the voter to exercise the right of suffrage with "no hinderance or impediment". Numerous Nebraska Supreme Court decisions declare the paramount importance of voter intent. A Statute (32-488) says that if only a part of the voter's intent can be determined, that part must count.

SECTION 32-453 -- OUT OF STEP

Rather than strictly construe this Section (name written "in full") to defeat voter intent and the spirit of the Constitution, it would be advisable, perhaps, to consider the principle laid down by the Nebraska Supreme Court that "certain provisions of the election laws are directory". (Yeoman v Houston 168 Neb 855) And that:

...all statutes tending to limit the citizen in the exercise of the right of suffrage should be liberally construed in his favor. (Bingham v Broadwell 73 Neb 605)

In addition, a note following this Section in the Statute Book cites a case which declares: "Where the intent of the elector has been clearly expressed on the ballot, the ballot should be counted". Such construction harmonizes Nebraska law and implements the policy of the Constitution.

GOVERNMENTAL ATTEMPTS TO LIMIT RIGHT TO VOTE

Aiming to limit the power of legislatures to restrict voting, James Madison reminded the Constitutional Convention that Parliament had assumed power to regulate the qualifications of voters and

"the abuse they made of it was a lesson worthy of attention. (Parliament) had made changes . . . subservient to their own views, or to the views of political . . . parties."

Madison was convinced that such authority vested "an improper and dangerous power in the legislature".

Over a century later, the Nebraska Supreme Court expanded on the idea and included others who might abuse power:

If history teaches any lesson . . . it is that electors are far less likely to be guilty of malconduct than are election and returning boards, supervisors and inspectors. A requirement of excessive strictness in compliance with technical formalities has in all times been a most facile instrument for defeating the popular will. . . . More to be feared than "an army with banners" are intricate and complicated election laws in the hands of skillful and unscrupulous manipulators. (Griffith v Bonawitz 73 Neb 622)

When the Congress bolted toward the forbidden territory feared by Madison, they were abruptly halted by the Supreme Court, and Justice Douglas was moved to say:

At root . . . is the basic integrity of the electoral process. Today we proclaim the constitutional principle of "one man one vote". When the principle is followed and the electors chose a person who is repulsive to the Establishment in Congress, by what constitutional authority can that group of electors be disenfranchised? (Powell v McCormack)

(Alexander Hamilton believed that the fundamental principle of representative democracy is that "people should choose whom they please TO GOVERN THEM.")

VALUE OF THE RIGHT TO VOTE

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which we must live." (Wesberry v Sanders 376 US 1)

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." (Reynolds v Sims 377 US 555)

NO UNDUE RESTRICTION ON THE RIGHT TO VOTE

"The right of suffrage is subject only to the imposition of state standards which are not discriminatory (Harper v Virginia Board of Elections 383 US 663); and the classifications drawn in the statutes (must) be reasonable. . . (Carrington v Rash 380 US 96); because we deal here with matters close to the core of our constitutional system."

Again, the Nebraska Supreme Court speaks to the subject:

At the threshold of such a discussion as this the courts are met by two propositions which cannot be ignored or evaded. One is the (Nebraska) constitutional enactment (Art. 1, Sec. 22); and the other, inherent in the idea of representative government, is that the free and uncorrupted will of the voter shall be given effect . . . a free ballot and a fair count. . . . All statutes and parts of statutes irreconsilably in conflict with or derogatory of either of them are (of no force). (Bingham v Broadwell 73 Neb 605)

NO DISFRANCHISEMENT OF QUALIFIED VOTERS

In Nebraska:

It is the policy of the law to prevent the disfranchisement of qualified electors who have cast their ballots in good faith by requiring only a substantial compliance with the election laws of the state. . . . On the trial of a contested election ballots will not be treated as void simply because of irregular or unauthorized markings . . . which appear to have been innocently made as a result of . . . ignorance, if the lawful intent of the voter can be ascertained therefrom. (Greathouse v School District 155 Neb 883)

"Courts should be reluctant to disfranchise the voter. Rules rejecting ballots . . . have that effect in particular cases. Where . . . there is basis, the presemption of legality, innocence and good faith should be applied." (Murray v Floyd (Minn.) 11 NW2d 780)

"The Supreme Court has consistently held that qualified citizens have a constitutionally protected right to vote and have their votes counted." (Ex parte Yarbrough 11o US 651)

IGNORANCE / MISTAKE

. . . the objections that are made to individual ballots are of a character that is commonly described as "technical". That is to say, the purpose or intent with which they were cast is not in doubt . . . but it is sought . . . to defeat that intent because of some alleged defect or informality, the evident result of innocent . . . mistake or ignorance. (Griffith v Bonawitz 73 Neb 622)

Minnesota acknowledges that: "The undeniable fact is that in voting there are many mistakes and a great deal of careless and ignorant marking of the ballots." (Murray v Floyd)

CONSTITUTIONAL STATUS OF WRITE-IN VOTING

"A write-in ballot permits a voter to effectively exercise his constitutionally protected franchise. . . . The denial of this unfettered freedom of choice is a denial of equal protection of laws as guaranteed by the Fourteenth Amendment." (Socialist Labor Party v Rhodes 290 F. Supp. 983)

The right to vote is protected against "sophisticated as well as simple-minded modes (Lane v Wilson 307 US 268); and cannot be denied directly or indirectly" (Guinn v United States 238 US 347)

"Constitutional rights would be of little value if they could be manipulated out of existence." (Gomillion v Lightfoot 364 US 339)

VOTER'S INTENT PREVAILS

"Ballots are not invalidated by failure to strictly comply with the statutory directions for marking them, under the liberal rule for arriving at the voter's intention allowed by our statutes, but when the markings are evidently intended for the purpose of expressing the voter's intention, the ballots should be counted. . . . The important thing is to determine the intention of the voter and to give it effect." (Bingham v Broadwell)

After citing an impressive list of cases and authorities, the Nebraska Supreme Court says in another case:

It is obvious from the aforementioned authorities that the intention of the voter is the dominant factor to be determined from the ballot. (Greathouse v School District)

The picture is fleshed out by language from Nebraska Statutes 32-488:

. . . When a ballot is sufficiently plain to gather therefrom a part of the voter's intention, it shall be the duty of the judges of election to count such part.

From Connecticut, a case went to Federal court, and it was stated: "Inconsequential errors in designation will not invalidate a vote where the identity of the candidate intended to be designated is fairly ascertainable". (292 F. Supp. 411)

WHAT'S IN A NAME?

According to the Nebraska Supreme Court:

A name is a word or words . . . used to distinguish a person . . . from others, and words indicated by single letters are only less adapted to that purpose than words indicated by several letters. (Referring to an election judge who endorsed the backs of ballots only with initials instead of his full name as directed by statute, the Court continued): . . .the endorsements are . . . for the purpose of identification and authentication of the ballots. This object was as effectively accomplished by (initials alone) as it would have been by the full name or of the surname and the first two initials. We think the spirit, if not the letter, of the statute was satisfied. (Griffith v Bonawitz)

If Section 32-453 is to be construed liberally to safeguard the intent of the voter, how should 32-489 (requiring only the surname) be handled? Help comes again from the Nebraska Supreme Court: "The rule is: in case of doubt as to the meaning of a statute, resort may be had to the title as an aid to discover the legislative intent". (Yeoman v Houston 168 Neb 855) The application of this rule makes it clear that legislative intent was that initials and first name are not needed when the write-in candidate is the only one being written-in and there can be no confusion of him with another. Again, the liberal attitude is shown toward safeguarding the intent of the voter from defeat by ignorance or carelessness.

DOCTRINE OF IDEM SONANS

BLACK'S LAW DICTIONARY, 1968, presents this legal doctrine:

. . . absolute accuracy in spelling names is not required in legal documents or proceedings . . . if the name as spelled . . . though different

from the correct spelling thereof, conveys to the ear, when pronounced according to the commonly accepted methods, a sound practically identical with the correct name as commonly pronounced, the name thus given is a sufficient identification of the individual referred to . . . Example: Lawrence, Lawrance.

According to the Minnesota Supreme Court:

Minnesota statutes provide for disregarding misspellings and abbreviations. Where the name is incorrectly spelled, but the one written is idem sonans with that of the candidate, the vote should be counted for him." (Murray v Floyd)

Since literacy is not a prerequisite to voting in Nebraska; since the Nebraska Supreme Court has been so protective of the right to vote (even to the point of disregarding the letter of the law when the spirit was complied with); since there is a Statute which emphasizes the intent of the voter, I must conclude that the doctrine of idem sonans would be accepted in Nebraska as in Minnesota if a case were presented to the Nebraska Supreme Court. After all, the principle is generally accepted.

Enough has been said.

Senator Ernie Chambers
11th Legislative District

BINGHAM v. BROADWELL (73 Neb 605)

"At the threshold of such a discussion as this the courts are met by two propositions which cannot be ignored or evaded. One is the constitutional enactment (Art. I, Sec. 22); and the other, inherent in the idea of representative government, is that the free and uncorrupted will of the voter shall be given effect. . . a free ballot and a fair count . . . All statutes and parts of statutes irreconcilably in conflict with or derogatory of either of them are (of no force). p. 607

"It seems clear that it was the intention to vote for the particular candidate, and therefore the ballot should be counted. p. 612

"Ballots are NOT invalidated by failure to strictly comply with the statutory directions for marking them, under the LIBERAL rule for arriving at the voter's INTENTION allowed by our statutes, but when the markings are evidently intended for the purpose of expressing the voter's INTENTION, the ballots should be counted. p. 613

". . .all statutes tending to limit the citizen in the exercise of the right of suffrage SHOULD BE LIBERALLY CONSTRUED IN HIS FAVOR. . . . The important thing is to determine the INTENTION of the voter and to give it effect. p. 614

"THE LEGISLATURE WAS, PERHAPS CONSCIOUS OF WHAT THE COURT DOES NOT SEEM CLEARLY TO HAVE APPREHENDED, THAT SO RIGID A REGULATION WAS A PRACTICAL OBSTRUCTION TO THE VOTER IN VIOLATION OF THE CONSTITUTION." p. 612

NEBRASKA CONSTITUTION
ARTICLE I–BILL OF RIGHTS

Sec. 22. All elections shall be free; and there shall be no hinderance or

impediment to the right of a qualified voter to exercise the elective franchise.

32-453. Ballots; how marked by voter; name written in, permitted. The elector shall proceed alone into a compartment, if there be one then unoccupied, and prepare his ballot by marking it in the following manner: He shall make a cross or other clear intelligible mark in the square to the left of every candidate for whom he desires to vote, and in case of a question to be submitted to the vote of the people, by making such a cross or mark in the square to the left of the answer he wishes to give. If the elector desires to vote for any person whose name is not printed on the ballot, except where not permitted by law, he shall write the name of the person in full in the blank space on the ballot under the proper office.

32-488. Ballots; unsigned and unintelligible; rejection; valid in part; duty to count. In the canvass of the votes, any ballot which is not endorsed upon the back thereof as provided by law by the signature of two judges or any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted; Provided, when a ballot is sufficiently plain to gather therefrom a part of the voter's intention, it shall be the duty of the judges of election to count such part.

32-489. Ballots; incorrect initials or surname of candidate; count or rejection; when authorized. If at any stage of the canvass a ballot shall be found having correctly written or printed thereon the surname of any person for any office, who shall be a candidate for such office at such election, and there shall be no other candidate for the same office having the same surname, such ballot shall be counted for such candidate, although the initial letter or letters, or first name or names written or printed before his surname may not be those properly belonging thereto; Provided, if there shall be two or more candidates at such election for the same office having the same surname, and such initial letter or letters or first name or names, written or printed on such ballot, do not properly belong to either of the candidates, such ballot shall be rejected and disposed of as directed in section 32-492. A candidate within the meaning of this section is any person intentionally voted for at any election.

MOTION—Print in Journal

Mr. Cavanaugh moved that a verbatim record of all debate, motions and votes relative to the selection and report of the Committee on Credentials and the Select Committee on the Contest of the 48th District be set out in full in the Journal.

Mr. Cavanaugh moved for a Call of the House.

Mr. Cavanaugh requested a record vote on the Call of the House.

Voting in the affirmative, 21:

Anderson	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	Dworak	Fitzgerald	Fowler	George
Keyes	F. Lewis	Mahoney	Moylan	Rumery
Savage	Schmit	Skarda	Stoney	Swigart
Syas				

Voting in the negative, 20:

Barnett	Carsten	Clark	Cope	Dickinson
Goodrich	Johnson	Kennedy	Kime	Koch
R. Lewis	Luedtke	Maresh	Marsh	Mills
Rasmussen	Simpson	Stull	Warner	Wiltse

Not voting, 8:

DeCamp	Duis	Hasebroock	Kelly	Kremer
Marvel	Murphy	Nichol		

The motion prevailed with 21 ayes, 20 nays and 8 not voting.

The Call showed 49 members present.

Mr. Cavanaugh requested a roll call vote on his motion.

Voting in the affirmative, 24:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	DeCamp	Dworak	Fitzgerald
Fowler	Hasebroock	Kelly	F. Lewis	Mahoney
Marvel	Moylan	Murphy	Rumery	Savage
Schmit	Skarda	Swigart	Syas	

Voting in the negative, 23:

Barnett	Clark	Cope	Dickinson	George
Goodrich	Johnson	Kennedy	Keyes	Kime
Koch	Kremer	R. Lewis	Luedtke	Maresh
Marsh	Mills	Rasmussen	Simpson	Stoney
Stull	Warner	Wiltse		

Not voting, 2:

Duis	Nichol

The motion lost.

Mr. Barnett moved the Call be raised. The motion prevailed with 40 ayes, 1 nay and 8 not voting.

ANNOUNCEMENT

Mr. Savage announced the the Committee on Committees will meet Thursday, January 9, 1975 at 8:00 a.m. in Room 1019.

ADJOURNMENT

At 5:34 p.m., on a motion by Mr. Burbach, the Legislature adjourned until 10:00 a.m., Thursday, January 9, 1975.

Vincent D. Brown
Clerk of the Legislature

SECOND DAY—JANUARY 9, 1975

LEGISLATIVE JOURNAL

SECOND DAY—JANUARY 9, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 9, 1975

Pursuant to adjournment, the Legislature met at 10:20 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> Before we plunge into the duties of this day's sessions, O Lord our God, lift up our spirits for a moment at least, we pray, so that the pounding of our hearts may be eased somewhat by the quieting of our minds – so that our inner uncertainties may yield, however slightly, to a sense of adequacy and poise.
>
> "What we know not, teach us; what we have not, give us; what we are not, make us; for what we have been, forgive us; as now we are, receive us; toward what we should be and shall be, guide, guard and direct us." Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

MOTION—Adopt Rules

Mr. DeCamp moved to adopt the rules now in our possession for the Eighty-Fourth Legislature, First Session.

Mr. Murphy offered the following rule change:

To amend the rules, to add a new section to be known as and read as follows:

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

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 39 ayes, 0 nays and 10 not voting.

The Murphy rule change lost with 23 ayes, 20 nays and 6 not voting.

Mr. Chambers offered the following rule change:
Strike Sec. 5 (d) of Rule 5 (p. 28)

The Chambers rule change lost with 12 ayes, 31 nays and 6 not voting.

The DeCamp motion to adopt the rules prevailed with 47 ayes, 1 nay and 1 not voting.

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused at 11:30 a.m. No objection. So ordered.

ANNOUNCEMENT

Mr. Mahoney announced the Executive Board would meet at 12 noon today for the reference of bills in Room 2102.

MESSAGE FROM AUDITOR OF PUBLIC ACCOUNTS

April 25, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation, in accordance with Section 84-304 of the Revised Statutues:

Harvey Carne, Accountant

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) Ray A. C. Johnson
Auditor of Public Accounts

RACJ:lml

MESSAGES FROM THE GOVERNOR

May 10, 1974

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

Dear Mr. President and Senators:

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

Benjamin M. Wall, 1314 South 80th Street, Omaha - to the Court of Industrial Relations, replacing John T. Grant, term expiring June 9, 1975

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

May 15, 1974

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

Dear Mr. President and Senators:

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

Alan H. Ihms, Department of Public Welfare, Lincoln - as Director of the Department of Public Welfare effective June 1, 1974, and serves at the pleasure of the Governor

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

May 15, 1974

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

Dear Mr. President and Senators:

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

Joseph C. Vitek, Riverview-Clarke Street, Concord, N.H. - as Director of the Department of Correctional Services effective June 1, 1974

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

June 10, 1974

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments requiring legislative confirmation:

Marlin O. Armbruster, Falls City, and Francis Hanna, Thedford, to the Motor Vehicle Industry Licensing Board for a three year term expiring May 18, 1977

I respectfully submit these reappointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

June 10, 1974

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

Dear Mr. President and Senators:

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

Dr. David H. Smith, Crete, Nebraska, to the Environmental Control Council to complete the unexpired term of Dr. Anthony J. Catana, Jr., resigned. His term expires June 22, 1975.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

June 24, 1974

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to Court of Industrial Relations requiring legislative confirmation:

Wallace Rudolph, 7707 Northshore Drive, Lincoln, to complete unexpired term of John R. Baylor, resigned - term expiring June 9, 1977

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

June 25, 1974

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

Dear Mr. President and Senators:

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

William Byron Quigley, Valentine, to the State Highway Commission to serve out the unexpired term of the late Thane Davis. Term expires September 14, 1977

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

July 11, 1974

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

Dear Mr. President and Senators:

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

Roy R. Robertson, 1415 South 1st Street, Norfolk, Nebraska, to the Power Review Board to fill out unexpired term of the late Leo K. Wortman

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

August 12, 1974

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

Dear Mr. President and Senators:

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

J. Patrick Green, Attorney at Law, Suite 707 City National Bank Building, Omaha 68102, to the Court of Industrial Relations to fill out unexpired term of Walter Nielsen, resigned - term expires Janaury 23, 1976

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

August 12, 1974

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

Dear Mr. President and Senators:

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

Dan T. Drain - Director, Department of Environment Control - succeeds James L. Higgins, deceased

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

September 5, 1974

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment requiring legislative confirmation:

Gerald R. "Bud" Campbell to the Game and Parks Commission for a five year term expiring September 6, 1979

I respectfully submit this reappointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

August 20, 1974

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments requiring legislative confirmation:

To the State Board of Health for three-year terms expiring September 14, 1977:

Mrs. Maxine Morrison, Omaha
Ken Witt, Lincoln
Dr. Clarence Davis, Jr., Osceola
D. M. Krogh, D.C., Omaha
Richard C. Hanna, Lincoln

I respectfully submit these reappointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

September 11, 1974

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

Dear Mr. President and Senators:

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

George J. David, Plant Manager, American Stores Packing Co., 320 N Street, Lincoln, to the Environmental Control Council to complete the unexpired term of W. R. Hunter, resigned - term expires June 22, 1977

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:do

October 22, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
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:

John B. Cassel, P.O. Box 105, Ainsworth 69210 - for a 5-year term expiring October 1, 1979

I respectfully submit this reappointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

November 8, 1974

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the Motor Vehicle Industry Licensing Board:

Reappointment of Julius Novak of Omaha for a three-year term expiring October 19, 1977.

I respectfully submit this reappointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

November 8, 1974

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

Dear Mr. President and Senators:

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

George E. Howard, 27th & Old Cheney Road, Lincoln, Nebraska to the Nebraska Investment Council for a five-year term.

I respectfully submit his appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

December 2, 1974

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following reappointments requiring legislative confirmation:

Ace T. Backer, 506 West 6th, North Platte, Nebraska, to the Commission on Fire Fighting Personnel Standards and Education for a six-year term expiring October 27, 1980.

Ed O'Shaughnessy, 218 East 16th Street, So. Sioux City, Nebraska, to the Commission on Fire Fighting Personnel Standards & Education for a six-year term expiring October 27, 1980.

I respectfully submit these reappointments for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

December 9, 1974

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following reappointments effective January 23, 1975, to the Nebraska Natural Resources Commission:

Emmett Lee, Spalding, Nebraska
Robert W. Bell, 5215 Clay Street, Omaha, Nebraska
Ted Johnson, Elwood, Nebraska

The above members would serve at the pleasure of the Governor.

I respectfully submit these reappointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

January 3, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following reappointment to the State Electrical Board requiring Legislative confirmation:

Mr. Paul Schorr III of Lincoln to another 5-year term, expiring December 26, 1979.

I respectfully submit this reappointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

January 3, 1975

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

Dear Mr. President & Senators:

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

Appointment of Henry Ley, Wayne, Nebraska, to a 6-year term expiring January 1, 1981

Appointment of Murl Mauser, Big Springs, Nebraska, to a 6-year term expiring January 1, 1981

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

January 3, 1975

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

Dear Mr. President & Senators:

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

Appointment of Catherine Dahlquist of Omaha to fill the unexpired term of Timothy Blankenship (deceased). Mrs. Dahlquist's term would end September 9, 1978.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

January 7, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

Marion Ball, of Lincoln, Nebraska, as Director-Department of Water Resources, to serve at the pleasure of the Governor.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

January 7, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

William H. Riley of Grand Island, as Director of Banking, effective January 9, 1975, serving at the pleasure of the Governor.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

January 7, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

Ace T. Backer of North Platte, as State Fire Marshal, effective January 9, 1975, serving at the pleasure of the Governor.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

January 7, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

Roy Gardner of Dewey, Oklahoma, as Director of Personnel, effective January 9, 1975, serving at the pleasure of the Governor.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

MESSAGE FROM SECRETARY OF STATE

January 9, 1975

Speaker of the Legislature
Eighty-Fourth Legislature - Regular
First Session
Lincoln, Nebraska

Honorable Speaker:

We are submitting to you a certificate stating that the bonds and oaths for the following elected officials, for the terms beginning the 9th day of January, 1975, and ending the first Thursday after the first Tuesday in January, 1979, are on file in the office of the Secretary of State:

Governor J. J. Exon
Lieutenant Governor Gerald T. Whelan
Auditor of Public Accounts Ray A. C. Johnson

State Treasurer Frank Marsh
Attorney General Paul L. Douglas

The certificate further states that the required oaths are on file in the office of the Secretary of State for:

Eric Rasmussen, Public Service Commissioner, District Four
Jack Romans, Public Service Commissioner, District Five
Paul W. White, Chief Justice
Hale McCown, Fourth Judicial District
Lawrence M. Clinton, Sixth Judicial District

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that

Governor J. J. Exon
Lieutenant Governor Gerald T. Whelan
Auditor of Public Accounts Ray A. C. Johnson
State Treasurer Frank Marsh, and
Attorney General Paul L. Douglas

have filed their bonds and oaths with the Secretary of State as required by law.

I further certify that the required oaths have been filed in the office of Secretary of State as required by law.

I further certify that the required oaths have been filed in the office of Secretary of State by Eric Rasmussen, Jack Romans, Public Service Commissioners; and Paul W. White, Chief Justice of Supreme Court and Hale McCown, Judge of Supreme Court, Fourth District and Lawrence M. Clinton, Judge of Supreme Court, Sixth Judicial District.

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 seventy-five.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

MESSAGE FROM AUDITOR OF PUBLIC ACCOUNTS

January 9, 1975

Vincent D. Brown
Clerk of the Legislature
State House
Lincoln, Nebraska 68509

Dear Mr. Brown:

Please advise the members of the Legislature that a surety bond for Allen J. Beermann, in the amount of $50,000.00 for the period January 9, 1975, to the first Thursday after the first Tuesday of January 1979, Ohio Farmers Insurance Company, surety, was filed in this office on January 9, 1975.

Witness my hand and official seal this ninth day of January, 1975.

(Signed) Ray A. C. Johnson
Auditor of Public Accounts

RACJ:sd

COMMUNICATIONS

Acknowledged receipt of resolutions from the Independent Trucking Contractors' Association of Utah relative to the energy crisis. (Filed in the Clerk's office)

Acknowledged receipt of resolution from Maryland concerning the Panama Canal Zone. (Filed in the Clerk's office)

Acknowledged receipt of resolution from Independent Trucking Contractors' Association of Utah relative to the International Registration Plan. (Filed in the Clerk's office)

Acknowledged receipt of resolution from the Nebraska Realtors Association relating to the shortage of mortgage money. (Filed in the Clerk's office)

ACKNOWLEDGEMENTS

THE NEBRASKA STATE HISTORICAL SOCIETY
1500 R STREET–LINCOLN, NEBRASKA 68508
gratefully acknowledges the receipt of

Two vote recording machines and
other components of the first electric
roll call voting system used in
the Nebraska State Legislature.

. . . which is a gift to this Society from
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska 68509

Courtesy: Vincent D. Brown
Clerk of the Legislature

(Signed) Marvin F. Kivett
Director

Date October 10, 1974

THE DIRECTORS OF THE NEBRASKA STATE HISTORICAL SOCIETY ACCEPT THIS GIFT ON THE UNDERSTANDING THAT IT IS UNRESTRICTED AND OFFERED WITHOUT LIMITING CONDITIONS.

(SEAL)

PROCLAMATION FROM THE GOVERNOR

WHEREAS, on the 24th day of September, A.D. 1974, Richard F. Proud, Speaker of the Legislature, did issue a call purporting to convene the Legislature of the State of Nebraska, at Lincoln, on the seventh day of October, A.D. 1974;

AND WHEREAS, such action on the part of said Speaker of the Legislature was and is null and void;

AND WHEREAS, the cost of a special legislative session being great and the 1974 Legislature having before it the subject mentioned in said call under consideration, and having refused to legislate upon that subject:

NOW, THEREFORE, I, J. James Exon, Governor of the State of Nebraska, do hereby revoke, rescind, and annul the said proclamation of the Speaker of the Legislature, and do hereby request and enjoin the members of the Legislature that they do not meet at the Capitol pursuant to said call on the 7th day of October, A. D. 1974.

DONE at Lincoln, Nebraska this 24th day of September in the Year of our Lord One Thousand Nine Hundred and Seventy-four, 10:02 p.m.

(SEAL) (Signed) J. J. Exon, Governor

REPORTS

STATE TORT CLAIMS

December 24, 1974

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

In conformity with the provisions of Section 81-8,226, R. R. S. 1943, the following report is made on behalf of the Attorney General to the Legislature for all claims and judgments made under the State Tort Claims Act since the start of the last regular legislative session. In order to avoid repetition with the report made by the Secretary of the State Claims Board only claims appealed to the courts are herein mentioned, the same being covered by the Secretary. Of those tort claims which were denied by the State Claims Board, a considerable number have been appealed to the district courts and are still pending therein. Some nine cases which were appealed have been disposed of during the past biennium. Each of these cases now disposed of are as follows:

Tort Claim No. 0014 - Samuel and Emma Snell - Filed in the District Court of Dawson County, Nebraska, in the amount of $3,960.11. The action was based upon claimed negligence of Department of Roads' employees in operation of a snow plow. After trial in the District Court the case was dismissed, the Court finding no negligence on the part of the state employees.

Tort Claim No. 1012. - Herminio Cortes - Action filed in the District Court of Cass County, Nebraska, in the amount of $14,231.52 for the death of plaintiff's son from drowning in a state lake. The District Court after trial found for the defendant State of Nebraska. The case was appealed to the Supreme Court of Nebraska who affirmed the District Court's decision.

Tort Claim No. 1016 - Russell Baldwin - Action was filed in the District Court of Douglas County, Nebraska, for $367.61 based upon alleged negligence of the Department of Roads and its contractor for repair work upon Interstate 80. The case was dismissed by the plaintiff without trial.

Tort Claim No. 1027 - Northwestern Public Service Company - Action was filed in the District Court of Buffalo County, Nebraska, for $49,728.90 against the State, a building contractor and an architect in relation with the construction of a new building at the Youth Development Center at Kearney. The action was based upon rupture of a gas line during construction work, which rupture caused loss of gas service

to the City of Kearney for approximately a two-day period. The lawsuit became quite involved and settlement between all the parties was finally reached, the State paying $13,675.45 as its share in the settlement.

Tort Claim No. 1028 - Haines Peacock - Action in the District Court of Lancaster County, Nebraska, with prayer for $51,000.00. Claim was based upon a motor vehicle accident alleged to have occurred as a result of mud being upon Interstate I-80 after a heavy rain. Case was dismissed by the plaintiff.

Tort Claim No. 2010 - Robert King - Suit was brought in the District Court of Lancaster County, Nebraska, for $10,000.00 based upon negligence of State Reformatory officials for not properly protecting plaintiff from assault and sexual attack by cellmates at the Penal Complex Reformatory. Denial by the Board was appealed to the District Court of Lancaster County and was dismissed by the Court in finding that no negligence existed on behalf of the State.

Tort Claim No. 2021 - Fred Kuhlmeier - Action brought in the District Court of Cass County, Nebraska, for $30,000.00 for injuries received by the plaintiff in falling down a concrete bank. Settlement was made by this office with payment of judgment entered in the settlement in the amount of $25,000.00.

Miscellaneous Claim No. 52 - Jerry Sheldon - This claim was filed by the Secretary of the State Claims Board as a miscellaneous claim rather than a tort claim as the Secretary knowing that the injury complained of occurred prior to January 1, 1970, felt that it could only be construed as an extra-judicial claim which would only permit a recommendation by the Claims Board rather than actual allowance and payment which would be the case with a tort claim. The plaintiff on being informed that the claim had been disallowed by the State Claims Board filed an action in the District Court of Lancaster County, Nebraska, for $20,000.00, treating the same as a tort claim. Demurrer was filed by the State which was sustained by the District Court because the injury to the plaintiff occurred prior to the passage and effective date of the Tort Claims Act. The claim was based upon plaintiff having suffered from leg injuries while working as a barber in the Nebraska Penal Complex, plaintiff alleging that disability occurrred as a result of lack of proper cushioning on the concrete floor.

Tort Claim No. 3011 - William Konen - Action was filed in the District Court of Webster County, Nebraska, for $529.90. Settlement was made by this office with the plaintiff by payment of $379.90. The claim arose by reason of Department of Roads' employees leaving a fire smoldering on plaintiff's premises resulting in the loss of livestock attracted to warmth of the smoldering fire.

Tort Claim No. 3059 - Sandra Hansen - Action was filed by the plaintiff in the amount of $758,359.16 in the District Court of Dodge County, Nebraska. Action was based upon alleged negligence of state employees in allowing an inmate to visit his wife in Fremont without proper travel orders and without searching at the gate of the Penal Complex, inmate

shooting his wife resulting in her being injured to such an extent that she will never be able to fully take care of herself or to sustain regular employment during the balance of her lifetime. Judgment of the District Court was for $176,000.00. This judgment is pending an appeal by the State in the Supreme Court of Nebraska; summary is included in this report on this claim because of the judgment being in excess of the $50,000 payable by the Board.

There are a considerable number of claims, some of the same being in large amounts, which are now pending in various district courts of the state awaiting action in said courts.

Respectfully submitted,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold S. Salter
Deputy Attorney General
Claims Division

HSS:ct

STATE DEPARTMENT OF ROADS

December 23, 1974

The Honorable J. James Exon
Governor of the State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509
and
Mr. President, Mr. Speaker and
Members of the Eighty-Fourth Legislature, First Session
State Capitol Building
Lincoln, Nebraska 68509

Dear Governor Exon and Members of the Legislature:

In accordance with the provisions of Section 39-1392 R.R.S. 1943, I am submitting herewith a one year and a 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 39-1390, R.R.S. 1943.

This report is presented on the basis of fiscal year programs rather than calendar year programs, since both the Department of Roads and the Game and Parks Commission currently operate on a fiscal year basis.

Section 39-1392, R.R.S. 1943 provides that only projects certified by the Game and Parks Commission may be included in the Department of

Roads One and Five Year Program. Consequently, the Five Year Program we have submitted reflects only projects which have been certified. The report by the Game and Parks Commission will show the projected Five Year Program. It is our understanding that the Game and Parks Commission will provide project certifications from their Five Year Program early in 1975. Within the limitations of the projected funds, our Five Year Program in next year's annual report will reflect selected projects from the Game and Parks Commission's 1975 certification list.

It is estimated that the Recreation Roads which have been certified by the Game and Parks Commission will obligate all funds accruing to the Recreation Road Fund for approximately the next four years. Engineering is progressing on most of these projects so they can be let to contract when sufficient funds are available. It is anticipated that the projects certified by the Game and Parks Commission in early 1975 will provide sufficient projects to allow the Department of Roads to prepare a Five Year Program which will commit all projected funds.

It should be noted that in developing the Department of Roads One Year and Five Year Program for State Recreation Roads, we have adopted the following policy. The Department of Roads One Year Program will be developed within the projected funds available six months beyond the time frame of the One Year Program. The One Year Program for FY 1976 will consist of FY 1976 plus moneys accruing in the first half of FY 1977. Similarly our Five Year Program for FY 1977 through FY 1981 will consist of FY 1977 through FY 1981 funds plus moneys accruing in the first half of FY 1982. Not withstanding the certifications or programs by the Game and Parks Commission, our One Year and Five Year Programs shall be based on the above policy.

Obligation of funds six months in advance will allow maximum utilization of the State Recreation Road Funds, since payout to contractors usually occurs approximately six months after the funds are obligated and let to contract.

Attached hereto are the following documents for your review.

1. One Year Program for FY 1975 (July 1, 1974 to June 30, 1975)
2. One Year Program for FY 1976 (July 1, 1975 to June 30, 1976)
3. Five Year Program for FY 1977 through FY 1981 (July 1, 1976 thru June 30, 1981)
4. A Financial Report of the State Recreation Road Fund showing:
   a. Projected status of the State Recreation Road Fund as of December 31, 1974.
   b. Projected status of the State Recreation Road Fund as of June 30, 1975.
   c. Projected status of the State Recreation Road Fund as of June 30, 1976.
   d. Projected status of the State Recreation Road Fund for the Five Year Program. (Includes 6 months FY 1982 funds)
5. Report of the design, construction and improvements accomplished during calendar year 1972, 1973, and 1974.

The Department of Roads wishes to acknowledge the excellent cooperation of the Game and Parks Commission in providing certified projects for the State Recreation Road Program and in cooperating with the Department during the design and construction of these projects.

If additional details or explanation of our part in the State Recreation Road Program is desired, we shall be pleased to provide them upon request.

Yours very truly,

DEPARTMENT OF ROADS
(Signed) Thomas D. Doyle
Director-State Engineer

NEBRASKA DEPARTMENT OF ROADS

STATE RECREATION ROAD PROGRAM
ONE (1) YEAR PROGRAM

FISCAL YEAR 1975
JULY 1, 1974 through JUNE 30, 1975

Project	County	Location	Estimated Length	Estimated Cost	Scheduled For Design	Scheduled Letting
SR-3(11)	Red Willow & Frontier	Strunk Lake Recreation Road	12.2	$690,000	Completed	July 18, 74
SR-18(3)	Pawnee	Burchard Lake Recreation Road	3.2	299,000	Completed	July 18,74
SR-71(7)	Lancaster	Kildeer Lake Recreation Road	1.9	211,000	Completed	July 18,74
		TOTALS	17.3	$1,200,000		

FISCAL YEAR 1976
JULY 1, 1975 through JUNE 30, 1976

SR-78(7)	Hall	Stolley Park Recreation Road	1.0	$65,000	Being Designed	June 10, 76
SR-69(4)	Buffalo	Cottonmill Lake Recreation Road	1.5	150,000	Being Designed	June 10, 76

STATE RECREATION ROAD PROGRAM
FIVE (5) YEAR PROGRAM
FISCAL YEAR 1977 through FISCAL YEAR 1981
JULY 1, 1976 through JUNE 30, 1981

Project	County	Location	Estimated Length	Estimated Cost
SR-12(2)	Sherman	Sherman Reservoir Recreation Road	3.0	$ 156,000
SR-68(1)	Cass	Plattsmouth Refuge Recreation Road	1.0	65,000
SR-70(1)	Otoe	Riverview Park Marina	1.0	100,000
SR-72(1)	Sheridan	Walgren Lake Recreation Road	4.5	300,000
SR-76(3)	Gage	Big Indian Reservoir Recreation Road	4.0	250,000
SR-10(20)	Buffalo	U.P. State Wayside Area	0.5	58,000
SR-10(21)	Buffalo	War Axe State Wayside Area	0.5	58,000
SR-21(3)	Custer	Victoria Springs Recreation Road	0.8	109,000
SR-23(16)	Dawes	Fort Robinson State Park	4.0	715,000
SR-29(20)	Dodge	Dead Timber State Recreation Area	1.6	174,800
SR-37(13)	Gosper	Johnson Lake State Recreation Area	3.0	280,800
SR-40(11)	Hall	Cheyenne State Wayside Area	1.0	108,600
SR-55(24)	Lancaster	Branched Oak State Recreation Area	8.0	744,000
SR-55(25)	Lancaster	Conestoga State Recreation Area	1.0	109,000
SR-64(9)	Nemaha	Brownville State Recreation Area	1.5	163,500
SR-77(11)	Sarpy	Schramm Park Recreation Area	2.1	197,500
SR-78(9)	Saunders	Memphis State Recreation Area	1.0	108,600
SR-84(1)	Stanton	Pilger Reservoir Natural Resource District	1.6	174,800
		TOTAL		$3,872,600

FINANCIAL STATUS OF THE RECREATION ROAD FUND

		(1)	(2)
Fund Balance, November 30, 1974	$(1,029,608)		
Required to Liquidate Present Obligations	358,086		
Net		$(1,387,694)	$(1,387,694)
Anticipated Maintenance, December 1974		1,500	1,500
Anticipated Motor Vehicle Registration Fees, December 1974		13,000	13,000
Funds Available for Obligation thru December 31, 1974 (Deficit)		(1,376,194)	(1,376,194)
Anticipated Maintenance Jan. 1—June 30, 1975	9,000		
Anticipated Administrative Costs Jan. 1—June 30, 1975	17,080		
Total		26,080	26,080
Anticipated Motor Vehicle Registration Fees Jan. 1—June 30, 1975	660,225		
Anticipated Federal participation on project FH 51(3)	30,000		
Total		690,225	690,225
Anticipated Motor Vehicle Registration Fees - First 6 months FY-76			131,000
Funds Available for Obligation thru June 30 1975 (Deficit)		(712,049)	(581,049)
Anticipated Maintenance FY-76	18,000		
Anticipated Administrative Costs FY-76	10,750		
Total		28,750	28,750
Anticipated Motor Vehicle Registration Fees FY-76		810,000	
Anticipated Federal participation on project FH 51(3)		30,000	30,000
Anticipated Motor Vehicle Registration Fees - Last 6 months FY-76			679,000
Anticipated Motor Vehicle Registration Fees - First 6 months FY-77			136,000
Funds Available for Obligation thru June 30, 1976		99,201	235,201
Planned FY-76 Obligations		215,000	215,000
Funds Available for Obligation thru June 30, 1976 in Excess of Planned FY-76 Obligations		$(115,799)	$20,201
Total Resources Available for Five Year Program FY-77 thru FY-81			$4,892,001*

*Includes anticipated Federal participation on project FH 51(3) of $150,000.

(1) Based on funds on hand thru the period of anticipated obligation.
(2) Based on funds on hand thru the period of anticipated obligation plus anticipated revenue 6 months subsequent to obligations.

1972
STATE RECREATION ROAD PROGRAM
PROJECTS LET TO CONSTRUCTION CONTRACT
DURING CALENDAR YEAR 1972

Project	County	Location	Length in Miles	Total Estimated Cost	Calendar Year Major Portion of Design Work Accomplished	Construction Status
SR-2(2)	Saunders	Memphis Lake Recreation Road	1.100	$ 21,600	1971	Complete
SR-57(1)	Keith	Lake Ogallala Recreation Road	0.489	83,372	1971	Complete
SR-58(1)	Keith	Lake McConaughy Recreation Road South	3.424	303,255	1970	Complete
SR-64(1)	Wheeler	Pibel Lake Recreation Road	0.880	52,160	1971	Complete
		TOTALS	5.893	$459,387		
		1973				
SR-24(2)	Lancaster	Pawnee Lake Recreation Road	2.729	$179,600	1973	Complete
SR-26(2)	Cass	Louisville Lake Recreation Road	1.837	125,500	1972	Complete
SR-34(1)	Nemaha & Richardson	Indian Caves Access Road	4.846	764,000	1971	Complete
SR-34(2)	Richardson	Indian Caves Interior Road	4.428	408,300	1972	Complete
SR-51(16)	Brown	Long Pine Recreation Road	1.057	70,000	1971	Complete
SR-53(1)	Cherry	Merritt Reservoir Recreation	3.525	249,000	1972	Complete
SR-55(2)	Dodge	Fremont Lakes Recreation Road	2.056	137,600	1972	Complete
SR-65(1)	Kearney	Kearney County Recreation Road	3.045	228,900	1972	Complete
SR-66(1)	Dawes	Chadron State Park	4.506	422,500	1972	Complete
SR-74(2)	Garden	Ash Hollow State Park	1.650	134,000	1972	Complete
FH-5-1(2)	Cherry	Nenzel-Merritt Reservoir Recreation Road	10.006	719,000	1972	Complete
SR-67(1)	Washington	Fort Atkinson Historical Park	0.535	71,500	1973	Complete
SR-73(2)	Otoe	Arbor Lodge State Park	1.113	115,900	1973	Complete
SR-75(3)	Dawes	Box Butte Reservoir Road	5.000	264,000	1973	Complete
		TOTALS	46.333	$3,890,200		

1974

SR-3(11)	Red Willow & Frontier	Strunk Lake	12.194	$ 688,930	1974	Complete
SR-34(14)	Richard-son	Indian Caves	3.738	654,280	1973	Complete
SR-18(3)	Pawnee	Burchard Lake	3.122	298,450	1974	Complete
SR-71(7)	Lancaster	Killdeer Lake	1.938	210,580	1974	Complete
		TOTALS	20.992	$1,852,240		

NEBRASKA STATE PROBATION SYSTEM

SUBJECT:
ANNUAL REPORT ON NEBRASKA STATE PROBATION SYSTEM

TO:
Hon. J. J. Exon, Governor
State of Nebraska, Lincoln, Nebraska

Hon. Frank Marsh, President
Nebraska State Legislature, Lincoln, Nebraska

THROUGH:
Hon. William C. Hastings, President
Nebraska District Court Judges Association
Lincoln, Nebraska

FROM:
Edwin H. Garrison, Probation Administrator
State of Nebraska, Lincoln, Nebraska

In compliance with LB 680, Section 7, Paragraph 13, this annual report for the year 1973-74 is submitted on the Nebraska State Probation System. Following the annual Nebraska District Court Judges Association Meeting to be held in Lincoln on June 12, 13, 14, 1974, this report will be forwarded to Governor J. J. Exon and the President of the Legislature.

In 1973-74, a total of 4946 people were processed and supervised by the Nebraska Probation System. This total compares with 3946 processed in the 1972-73 period. Nebraska cooperated with the other 49 states in processing and supervising over 500 probationers in Nebraska from other states. These Interstate Probationers are included in the total of 4946.

Many hours were spent in visitations with State Senators, civic groups, talking to newspaper personnel and appearances on radio and tv programs to inform all citizens in Nebraska about the Probation System and its rehabilitative effects. In addition to the rehabilitative effects many people have been amazed at the amount of money that the Nebraska Probation System saves Nebraska taxpayers by the courts using probation in lieu of incarceration.

Eleven new probation officers were assigned during the past year and thirty-three more have been approved for the coming year. This increase was made because of large increases in the number of people on probation in Nebraska. For example, in 1969-70 we had 1606 probationers. In 1973-74 this had increased to nearly 5,000.

The Advisory Committee, consisting of County and Juvenile Judges established under LB 680 meets twice a year to discuss current probation problems across the State. In addition, individual discussions have been held frequently with individual members of this committee.

The State Probation Administrator has met with the Probation Committee of the District Judges and County Judges four times during the past year. He has also met with individual groups throughout the State.

During the period 1973-74, a total of 3755 presentence investigations were made as compared to 3031 made in the previous year.

Training programs were held during the months of June and October for all probation officers. In addition, many of the probation personnel were allowed to take special college courses or to attend national training sessions.

Because a great interest is being shown throughout the State in volunteer work, the Nebraska Volunteers In Probation program was started on August 1, 1973. Although the program is not a year old, it has been very successful. In that time we have trained three coordinators who cover the entire state. We have trained 526 people in 56 towns. It has been received well by the judiciary and the citizen populace as well. We plan to continue this program and hopefully by making more people aware of the current problems with adults and juveniles we can see a reduction in crime throughout Nebraska.

The Nebraska State Probation System is a member of the following organizations: 1. The American Corrections Association 2. The National Institute on Crime and Delinquency 3. The Council of State Governments.

The goals of the Nebraska Probation System are three-fold: a. To rehabilitate the probationers in their community. b. To reduce crime in communities throughout Nebraska. c. To save money for the Nebraska taxpayer.

If you have any questions on the Nebraska Probation System or the Composite Report which is attached, please give me a call.

Thank you for your continued interest, support and cooperation.

Sincerely,

(Signed) Edwin H. Garrison
State Probation Administrator

EHG:cs
(Detailed report filed in Clerk's Office)

STATE DEPARMENT OF EDUCATION

November 27, 1974

Vincent D. Brown
Clerk of the Legislature
Capitol Building, Room 2018
Lincoln, Nebraska 68509

Dear Mr. Brown:

Attached hereto are the reports required by L.B.1053 to be submitted on December 1, 1974. The reports are as follows:

Attachment No.	Report
1	Attendance, Costs and Tuition at the State Schools
2	Usage of the "Commissioner's Discretionary Fund"
3	Deficiency Appropriation for School Food Services
4	Detailed Report by the Division of Rehab. Services

These reports were approved at the State Board of Education meeting on November 8, 1974.

If you have any questions concerning these reports, please contact Wayne Hake, our Budget and Fiscal Officer, or me for further clarification.

Sincerely,

(Signed) Cecil E. Stanley,
Commissioner of Education

WEH/abh
Distribution:
Governor J. James Exon 5
Senator Eugene Mahoney 10
Senator Richard D. Marvel 5

October 31, 1974

ATTACHMENT NO. 1

MEMORANDUM

TO: State Board of Education
FROM: Wayne E. Hake, Budget & Fiscal Officer
SUBJECT: Attendance, Costs, & Tuition at the State Schools

The following information is being reported in accordance with the provisions of LB 1053:

	No. of Students Receiving Services	Estimated Cost of Providing Service	Anticipated 74-75 Tuition Receipts
Nebraska School for the Deaf	182	$1,224,456	$402,840
Nebraska School for the Visually Handicapped	52	241,997	190,164
Nebraska School for the Trainable Mentally Retarded	38	115,162	43,130

October 30, 1974

ATTACHMENT NO. 2

MEMORANDUM

TO: State Board of Education
FROM: Wayne E. Hake, Budget & Fiscal Officer
SUBJECT: Usage of the "Commissioner's Discretionary Fund"

As required in LB 1053, the report on the usage of the "Commissioner's Discretionary Fund" will be submitted as follows:

Commissioner's Discretionary Fund
(as Identified in LB 1053)

Program-Subprogram	Title	Federal Funds (Title V)	Discretionary General Fund
025-12	Office of the Commissioner		$23,217
025-20	Planning & Evaluation State Matching		19,683
025-45	Systems Design and Data Processing	$15,004	
025-50	Central Accounting Workload Increase		7,100
025-51	Printshop and Equipment	54,525	
025-55	Editorial Services	22,369	
143-31	School Finance Accountant & Equip.	15,900	
508-15	Staff Development, Library Improvement, and Equipment	21,652	

508-21	Teacher Education-Development and Planning	5,000	
508-33	Supplementary Curriculum Services	91,938	
508-37	Supplementary School Management	67,043	
508-39	Supplementary Field Services	18,282	
508-51	Media Support Services	21,192	
	Total	$332,905	$50,000

WEH/abh

7 October 1974

ATTACHMENT NO. 3

TO: Nebraska State Board of Education
SUBJECT: Deficiency Appropriation for School Food Services, Program 508-88 State Matching

The National School Lunch Act requires that Federal funds received under Section 4 of the Act must be matched with State and/or local funds at a rate of $3.00 of State and/or local funds for each $1.00 of Federal funds, except that such ratio shall be reduced by the same percentage that a State's per capita income is below the National per capita income. The Act also requires that 6% of the matching funds shall be from State revenues appropriated or specifically used for program purposes other than State Administration. The State matching requirement for any fiscal year is based on the Section 4 Federal funds for the previous fiscal year.

In our budget request for FY 1975 we requested $380,265 for this purpose. Final reports from the schools determined the actual need to be $508,633. The amount appropriated by L.B. 1053 for this purpose was $230,265, or $278,368 short of our actual need. It has been determined by the USDA that an estimated $104,653 of money appropriated for food services in State operated schools may be counted as matching money. This reduces our unmet need to $173,715. It is, therefore, my recommendation that this amount ($173,715) be requested in a Deficiency Appropriation.

These funds are used solely for providing nutritious meals for Nebraska's young school children and are an investment not only in the education and the future of these children, but also an investment in the future of Nebraska. It is a widely accepted fact that you can not teach a hungry child. It is estimated by the office of Internal Revenue that there are 866,000 taxpayers in Nebraska. This deficiency appropriation would cost each taxpayer approximately 20 cents. This is less than the price of half of a pack of cigarettes.

Although it is true that a portion of State Aid to schools may be

counted toward meeting the $173,715, the uncertainty of the amount is considered too much of a risk. The amount that may be counted is the amount of each schools State Aid multiplied by the percentage of their total budget that was transferred from their general fund to their food service account. Such amounts could not be determined until January of 1976. Payments to the schools must be made by June 30, 1975. Failure to meet the matching requirement requires that the State refund a percent of the Federal funds equal to the percent by which the State failed to meet its requirement. If Nebraska failed to meet its requirement by $173,715, or 34.1% ($173,715 508,633), the amount to be returned to the USDA would be $997,319 ($2,924,690 X 34.1%). This would be an assessment against the State, not the schools, and would have to be paid from State appropriated monies.

Our computation of this amount is as follows:

Section 4 funds used in FY 1974	$2,924,690.36
State matching rate	289.85016%
Amount of matching required	$8,477,219.69
State appropriated funds rate	6%
State appropriated funds required	508,633.18
Funds appropriated for matching purpose	230,265.00
Additional funds needed	278,368.18
Appropriated funds for state operated schools pro-rated (estimated)	104,653.00
Other state appropriated funds required – deficiency appropriation request	173,715.18

(Signed) Ray Steinert, Director
School Food Services
(Detailed report filed in the Clerk's Office).

NEBRASKA STATE COLLEGES

December 19, 1974

TO: Governor J. J. Exon
The Nebraska Legislature

RE: Report on the Development of the
Management Information System

This is in response to the following directive found in Section 9 of LB,1054:

"The Office of the Secretary is directed to: ---(d) Issue a progress report to the Governor and Legislature by January 1, 1975 on the stage of management information system development as of that date, and the projected timetable for full implementation throughout the state

college system;"

I am pleased to report the progess which has been made in the development of a management information system for the State Colleges of Nebraska. Following is a copy of the resolution adopted by the Board of Trustees of the Nebraska State Colleges on June 8, 1974. This resolution was developed as the result of a thorough study by a committee of the Board chaired by Dr. Colwell:

Report of the Date Processing Committee
Dr. Colwell, Chairman

It was moved by Dr. Colwell and seconded by Mr. Egermayer to adopt the following resolution concerning a management information system. A roll call vote was taken. Those voting aye were: Walker, Reesman, Colwell, Egermayer, Lane and Stanley. None voted nay and the motion carried.

WHEREAS, There were appropriated by the 1974 Legislature certain funds to hire a director of planning and development at the Peru State College, Wayne State College and Chadron State College, and

WHEREAS, There were appropriated funds for a part-time position for the Central Board Office, and

WHEREAS, Kearney State College already has an excellent on-going program in this field, and

WHEREAS, The four institutions mutually desire to maintain a closely coordinated and agressive program in data processing, and management information systems, and

WHEREAS, On each campus modern computer facilities are manned by well trained technical staffs, and

WHEREAS, The Legislature has charged each college with the responsibility for developing a sound approach to institutional management, coordinated within the state college system, and now

THEREFORE BE IT RESOLVED, That (1) The Presidents of Peru State College, Wayne State College and Chadron State College be authorized and directed to recruit and employ a professional Director of Planning and Development; (2) Dr. Nelson is designated as "Administrative Advisor" to the MIS project for the system and will retain this responsibility until changed by the Board of Trustees; (3) Dr. Nelson be authorized to engage such consultant services as are necessary to carry out this responsibility as administrative advisor.

Immediately following the passing of this resolution the presidents proceded with the search for candidates for the positions of Director of Institutional Planning and Development. The following persons were named:

William Lovejoy, Chadron State College
Dean Marsh, Kearney State College
John Jacobson, Peru State College
Irv Brandt, Wayne State College

At the time of the adoption of the resolution it was envisioned by the

Board and the college administrators that there would be dedication by all toward the best progress possible. It was recognized, however, that the development of such a system takes time and that the first year may produce little more than the acceptance of common definitions and the establishment of some common data banks on the four campuses. It was agreed that all four colleges must have clear and like data on student information of all types.

The NCHEMS (National Center for Higher Education Management Systems) Data Elements Dictionary was accepted for use with modifications to fit our system. The new Directors of Institutional Planning and Development attended an NCHEMS workshop in Denver in September. This meeting provided the spurt of energy which caused some commitments almost unrealistic for achieving.

While these new directors were organizing their tasks the institutional budget officers had adapted their budgets to the NCHEMS Program Classification Structure in order that they would be able to provide data for the Resource Requirements Prediction Model.

At this early time a number of modules and models are operational and others are envisioned for the near future. They are:

The Student Data Module (SDM). The SDM employs institutional data about students and the classes they take and produces a contribution report and a consumption report. The reports are useful internally in determining such things as the credit hours produced by one department which are taken by majors and by non-majors (indicating departments that are of service to the college, while perhaps low in majors). The number of majors, lower division, upper division, graduate division, whether full or part-time, the FTE, and even an average student load for each major are indicated. The SDM is operating at 100% for Fall 1974 and is one of the inputs to the Resource Requirements Prediction Model 1.6. Normally, three SDM runs per year will be utilized--one for academic year (a full RRPM is for academic year), one for summer sessions, and one for fiscal year (Information Exchange Procedures requires the full year).

The Personnel Data Module (PDM). The PDM makes use of institutional data about employees and the tasks they perform. It produces a person report primarily useful for accuracy checks and a consumption report which indicates where dollars are being expended, by person, division, and course levels. These reports are useful internally for allocation of funds and personnel. The PDM is operating for Fall 1974 on faculty (teaching) dollars only since historic data is not yet available on funds which will be expended in other support categories for 1974-75. Like the SDM, the PDM will normally be run three times a year since it is the other input to both the Resource Requirements Prediction Model and the Information Exchange Procedures.

The Account Crossover Module (ACM). The ACM converts all institutional accounts to account forms readable by the computer. It produces contribution and consumption reports useful internally for

determining dollar allocation and utilization by programs. The ACM is scheduled for implementation in the late spring of 1975 and will be run once a year since it provides data necessary for the Information Exchange Procedures.

The Data Management Module (DMM). The DMM utilizes the output from the SDM, the PDM, and the ACM to produce reports for the Information Exchange Procedures. These reports allow for comparison, based on similar definitions, of institutions nationwide. The module will be run once a year.

The Student Flow Model (SEM). The SFM employs a number of data inputs and produces reports concerning enrollment projection and the student flow through a specified number of years in college. The SFM is envisioned as being run twice a year-once for summer sessions and once for the academic year.

The Resource Requirements Prediction Model 1.6 (RRPM). The RRPM receives its input from the SDM and the PDM. In its historical mode, it produces reports which display the institutions resources in dollars, persons, time, credit production, and percentage utilizations of each. It provides program cost by major, by student, and by department. It is useful internally as a description of past performance and utilization of dollars by program. In its projective mode, it can display the impact across the institution of salary or personnel adjustments, of new program offerings, or of cutbacks. It is important that the projective mode be based on reliable data. While the RRPM normally operates on an academic year's data, it can be utilized in a restricted format. The RRPM is currently operating on full student data for fall only, on personnel tasks for fall only, and on teaching faculty dollars (full compensation) for the academic year. The RRPM will be run twice a year in the historical mode for summer sessions and academic year and twice a year in the predictive mode for summer sessions and academic year.

It is anticipated that the system will have full implementation and utilization of NCHEMS programs for management information over the next several years, including the Outcomes Project. The information derived from each of these programs will become increasingly useful in internal management and in supporting or altering the goals and resources needed as they are listed in this report.

As we plan the MIS activities for the next year our schedule looks like this:

Developing management information:	
Student Data Module	
Fall 1974	Completed
Summer 1974	By 15 March 1975
Academic Year 1974-75	By 15 April 1975
Fiscal Year 1974-75	By 15 July 1975
Personnel Data Module	
Fall 1974	Completed (Instruction only)

Summer 1974	By 15 March 1975
Academic Year 1974-75	By 15 April 1975
Fiscal Year 1974-75	By 15 July 1975
Account Crossover Module	
Fiscal Year 1974-75	By 15 July 1975
Data Management Module	
Fiscal Year 1974-75	By 15 July 1975
Student Flow Model	
Summer 1975	By 15 October 1975
Academic Year 1974-75	By 1 July 1975
Resource Requirements Model	
Fall 1974	Completed (Instruction only)
Academic Year 1974-75 (Historic)	By 1 May 1975
Academic Year 1976-77 (Predictive)	By 1 June 1975
Summer 1975 (Historic)	By 1 October 1975
Summer 1976 (Predictive)	By 1 November 1975

The information which we expect to gather will be especially valuable as we prepare our budget requests for 1976-77.

The Directors of Institutional Planning and Development have worked as a coordinated team with Dr. Nelson as the Administrative Adviser and under the direction of the Council of Presidents.

Respectfully submitted,

(Signed) Edwin C. Nelson
Executive Officer

ECN:gv

PUBLIC EMPLOYEES RETIREMENT BOARD
December 17, 1974

Mr. Vincent D. Brown
Clerk of the Legislature
Lincoln, Nebraska 68509

Dear Mr. Brown:

We are submitting herewith the actuarial valuations of the following retirement systems:

10th Actuarial Report of the Nebraska Judges Retirement System as of June 30, 1974

19th Actuarial Valuation, Nebraska State Patrolmen's Retirement System as of June 30, 1974

23rd Actuarial Report of the Nebraska School Retirement System as of June 30, 1974

Actuarial Valuation, Nebraska State Employees Retirement System as of December 31, 1973

Respectfully submitted,

(Signed) Kenneth D. Steinmiller, Director

KDS/vmf
Enclosures 4

(Actuarial valuations referred to the Committee on Nebraska Retirement Systems.)

STATE CLAIMS BOARD

January 2, 1975

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

In compliance with Section 48-1,104, Revised Statutes of Nebraska, 1972 Cumulative Supplement, attached is a listing of all state workmen's compensation claims and judgments paid for fiscal year 1973-74.

Sincerely yours,

(Signed) Miss Betty Stukenholtz
Secretary, State Claims Board

Enclosure
(Filed in the Clerk's Office)

January 2, 1975

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

In compliance with Section 81-8,226, Revised Statutes of Nebraska, 1972 Cumulative Supplement, enclosed is a report of all claims and judgments paid under the Nebraska State Tort Claims Act during 1974.

Sincerely yours,

(Signed) Miss Betty Stukenholtz
Secretary, State Claims Board

Enclosure
(Filed in the Clerk's Office)

NATURAL RESOURCE DISTRICT REPORTS

August 27, 1974

Governor J. James Exon
State of Nebraska
Lincoln, NE 68509

Mr. Vincent D. Brown
Clerk of the Legislature
Room 2018, State Capitol
Lincoln, NE 68509

Gentlemen:

On July 12, 1974, Legislative Bill 975 as adopted by the Eighty-third Legislature, Second Session, became law. This bill created the Nebraska Resources Development Fund. A provision of the bill calls for an annual report to be submitted to the Governor and the Legislature by September 1 of each year.

I am enclosing herewith a brief report of the progress made to date in setting up the administrative and operational structure for implementing the Development Fund. Included in the report you will find our goals and proposed time table for establishing an operational fund.

I sincerely hope you will find this report beneficial in monitoring the progress being made. If our office can be of further assistance, do not hesitate to call on us.

Sincerely,
(Signed) Gayle Stan
for Dayle E. Williamson
Executive Secretary

DEW:DFM:mfr
Enclosure

NEBRASKA RESOURCES DEVELOPMENT FUND
PROGRESS REPORT
August 26, 1974

The Nebraska Resources Development Fund Act of 1974 created a fund to assist in the development and wise use of Nebraska's water and land resources. It can be used to provide grants and/or loans to local political subdivisions of the state or an agency of the state, or it can be used by the Natural Resources Commission to acquire an interest in a project in the name of the state.

The Act created a conjunctive administrative system with certain delegated responsibilities to the Natural Resources Commission, and other delegated responsibilities to a statutorily created "Advisory Board." The

Advisory Board is made up of agency representatives from the following eight state agencies:

Department of Economic Development
State Office of Planning & Programming
Department of Water Resources
Game & Parks Commission
Conservation & Survey Division
Department of Agriculture
Department of Environmental Control
Nebraska Natural Resources Commission

Advisory Board Function & Progress

The primary function of the Advisory Board is to determine project and program eligibility for Resources Development Fund assistance. The board must also determine the type of assistance appropriate; grant, loan or a combination thereof. To accomplish its responsibilities, the board must adopt appropriate rules and regulations, evaluation standards, specifications, and guidelines for implementation.

To date, the board has held four meetings. It has adopted Procedural Rules and Regulations that govern its internal operations, which has been approved by the Attorney General's office and filed as required by law.

Presently, the Advisory Board is working on a system and procedure for determining project and program eligibility. It must decide what basic types of projects are eligible and also adopt standards to determine whether such projects are feasible. Not only must the projects be engineeringly sound, but they must also be economically and financially feasible and environmentally acceptable.

To accomplish its task, the Advisory Board has broken down into four study committees: Engineering, Economics, Environmental and Eligibility. The committees have been very active in drafting their project evaluation criteria. Adoption of the evaluation criteria is expected at the September Advisory Board meeting.

Once the evaluation criteria has been adopted, it will be necessary to prepare the operational rules and regulations and any other necessary supporting material such as policy, guidelines and accepted evaluation procedures.

Commission Function & Progress

The Commission's primary administrative functions begin once the Advisory Board has reviewed the applications, determined their eligibility and referred those eligible on to the Commission. Determination of priorities for eligible programs or projects is a responsibility soley of the Commission. Prior to an allocation of funds, the Commission must enter into an agreement and negotiate other necessary documents to be assured that the state investment is protected.

Presently, the Commission staff is working on various administrative procedures, agreement considerations, and security assurances. The Commission's Program Committee will meet in early September to discuss staff findings, and to make recommendations for drafting the operational rules and regulations.

Rules and regulations prepared by the Advisory Board will be merged with those prepared by the Commission and submitted as one document. Public hearings will be held on them in late October or early November. Appropriate modifications will then be made and adoption by the Advisory Board and the Commission is expected in January.

One million dollars of General Fund monies was appropriated to the fund for each of the Fiscal Years 1975 and 1976. To date, no funds have been spent or obligated. We anticipate that preliminary applications will be accepted in November or December of 1974 and no funds will be obligated until at least March of 1975.

(Signed) Gayle Stan
for Dayle E. Williamson
Executive Secretary
Nebraska Natural Resources
Commission

DEW:DFM:mfr

DISTRICT	ATTORNEYS	FEE
Central Platte	James Shamberg	$ 2,030.46
Little Blue	Dan W. Baird	555.00
Lower Big Blue	A. E. Wullschleger	5,014.73
	Berri Balka	50.00
Lower Elkhorn	Jewell, Otte, Gatz, Collins	847.25
Lower Loup	None	
Lower Niobrara	None	
Lower Platte North	William Tomek	2,200.00
	Crosby, Pansing & Guenzel	393.65
	Sidner, Svoboda & Schilke	275.75
Lower Platte South	Crosby, Guenzel, Davis, Kessner & Kuester	16,500.00
Lower Republican	None	
Middle Missouri Tribs		3,285.78
Middle Niobrara	None	
Middle Republican	Schroeder & Schroeder	926.71
Nemaha	Phillip F. Nestor	15.00
North Platte	Robert J. Bulger	230.75
	Holtorf, Hansen, Kovarik & Nuttleman, P. C.	679.00
	Byron M. Johnson	175.00
Papio	Taylor, Hornstein, Peters & Cripe	6,097.63

South Platte	None	
Tri-Basin	None	
Upper Big Blue	Svehla & Brugh	300.00
Upper Elkhorn	None	
Upper Loup	John C. Coupland	472.50
Upper Niobrara-White	Bump and Bump	62.50
Upper Republican		17.50

RESOLUTIONS

LEGISLATIVE RESOLUTION 1.

Introduced by Swigart, 8th District.

WHEREAS, critical starvation conditions prevail in both Asia and Africa causing tens of thousands of our fellow human beings to die; and

WHEREAS, particularly in the sub-basin areas of Africa thousands of animals have died of food and water shortages, thus depleting herds for future human needs; and

WHEREAS, the earth in such areas is cracked and parched to such condition as to require many years to regenerate to a productive capacity; and

WHEREAS, no nation or group of nations has come forward with a cohesive plan to solve these catastrophic human needs.

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

1. That the Legislature and Governor of the State of Nebraska hereby request the government of the United States to formulate and adopt a comprehensive plan for resolving world starvation problems. Such plan should include the following elements:

a. The United States take immediate steps to increase its quota of contributions to the starving of the world; and that the government urge all other nations to do the same.

b. The United States government representatives meet with representatives of the midwestern grain state governments in a cooperative effort to provide more food for the starving.

c. That the United States government establish a policy to aid stricken nations in their efforts to rebuild damaged soil, aid in rebuilding their depleted herds of animals, and to invoke modern methods of agriculture to enable self sustenance for the future.

d. The United States government develop a long term policy of working with all receptive nations where critical over population exists and information, education, and other aids which will bring about controls of overpopulation of the world.

STANDING COMMITTEE REPORT
Committee on Committees

Mr. President: Your Committee on Committees submits the following report:

The composition of the standing committees shall be as follows with the names of the chairmen shown as a matter of information as they were selected by the body by secret ballot:

AGRICULTURE AND ENVIRONMENT–Schmit, Chairman

Burrows	Kime
Dickinson	Rumery
DeCamp	Maresh
Kennedy	

APPROPRIATIONS–Marvel, Chairman

Simpson	Johnson
Marsh	Bereuter
Goodrich	Clark
Savage	Stull

BANKING, COMMERCE AND INSURANCE–Murphy, Chairman

Wiltse	Duis
Warner	Mills
Swigart	Hasebroock
Stoney	

CONSTITUTIONAL REVISION AND RECREATION–Syas, Chairman

Keyes	Dworak
Carsten	Cope
Fitzgerald	Swigart

EDUCATION–F. Lewis, Chairman

Burrows	George
Kime	Kremer
Rumery	Fitzgerald
Koch	

GOVERNMENT, MILITARY AND VETERANS AFFAIRS–Rasmussen, Chairman

Stoney	Fowler
Chambers	Koch
Hasebroock	George
Duis	

JUDICIARY–Luedtke, Chairman

Barnett	Syas
Chambers	Schmit
DeCamp	Nichol
Anderson	

LABOR–Maresh, Chairman

F. Lewis	Rumery
Fitzgerald	Murphy
Kennedy	Kime

MISCELLANEOUS SUBJECTS–Anderson, Chairman

Luedtke	Barnett
Skarda	Mahoney
Murphy	F. Lewis
Nichol	

PUBLIC HEALTH AND WELFARE–Kennedy, Chairman

Fowler	Maresh
Cavanaugh	Moylan
Kelly	R. Lewis

PUBLIC WORKS–Kremer, Chairman

Wiltse	Warner
Cavanaugh	Moylan
Kelly	Mills
R. Lewis	

REVENUE–Carsten, Chairman

Keyes	Skarda
Mahoney	Rasmussen
Dworak	Dickinson
Cope	

URBAN AFFAIRS–Fowler, Chairman

Burrows	Koch
Duis	Stoney
George	Swigart
Hasebroock	

RULES–DeCamp, Chairman

Warner	Chambers
Kelly	R. Lewis

ENROLLMENT AND REVIEW–Dworak, Chairman

INTERGOVERNMENTAL COOPERATION–Simpson, Chairman

Marsh	Skarda
Hasebroock	Clark

CONFLICTS OF INTEREST–Skarda, Chairman

Cope	Hasebroock
Maresh	

(Lay members)

Attorney General Paul Douglas
Chaplain - Dr. Robert Palmer
Dick Herman - Lincoln Journal-Star

(Signed) John S. Savage
Chairman

MOTION–Rule Change

Mr. Warner offered the following rule change:

Amend Rule 5 Sec 5d to add "Each standing, select or special committee and the Executive Board of the Legislature shall be limited to the introduction of 10 bills. Provided that the exceptions otherwise provided for in this section shall not be counted under this limitation."

Referred to the Rules committee.

Mr. Stull offered the following rule change:

Amend Rule 5 Sec. 5 Introduction of Bills, Ten Day Limitation strike 10 and insert 20 days.

Referred to the Rules committee.

UNANIMOUS CONSENT–Member Excused

Mr. Fowler asked unanimous consent to be excused until after lunch. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. By Stull, 49th District.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1974, relating to apportionment; to change the boundaries of district court judicial districts; and to repeal the original section.

LEGISLATIVE BILL 2. By Stull, 49th District.

A BILL FOR AN ACT to amend section 48-115, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to authorize a waiver of coverage and termination of waiver as prescribed; and to repeal the original section.

LEGISLATIVE BILL 3. By Stull, 49th District.

A BILL FOR AN ACT to amend section 76-902, Revised Statutes Supplement, 1974, relating to the Documentary Stamp Act; to change provisions relating to exemptions to the tax imposed; and to repeal the original section.

LEGISLATIVE BILL 4. By Stull, 49th District.

A BILL FOR AN ACT to amend section 32-496, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide that canvassing boards shall work full time as prescribed; and to repeal the original section.

LEGISLATIVE BILL 5. By Executive Board: Mahoney, 5th District, Chairman; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 81-8,139, Reissue Revised Statutes of Nebraska, 1943, relating to the State Athletic Commissioner; to provide for the disciplining of amateur athletes; and to repeal the original section.

LEGISLATIVE BILL 6. By Executive Board: Mahoney, 5th District, Chairman; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 28-4,125, Revised Statutes Supplement, 1974, relating to crimes and punishments; to delete erroneous internal references; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 7. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 76-1449, Revised Statutes Supplement, 1974, relating to the Uniform Residential Landlord and Tenant Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 8. By Executive Board: Savage, 10th District; Stull, 49th District; Goodrich, 20th District; Kremer, 34th District; Schmit 23rd District.

A BILL FOR AN ACT to amend section 81-1014, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to harmonize provisions pertaining to mileage allowance; and to repeal the original section.

LEGISLATIVE BILL 9. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Goodrich, 20th District; Kremer, 34th District; Schmit, 23rd District;

A BILL FOR AN ACT to amend section 54-160, Revised Statutes Supplement, 1974, relating to agriculture; to correct internal references; and to repeal the original section.

LEGISLATIVE BILL 10. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT to repeal section 53-112.03, Reissue Revised Statutes of Nebraska, 1943, relating to the Liquor Control Commission.

LEGISLATIVE BILL 11. By Executive Board: Savage, 10th District; Goodrich, 20th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 39-6,113 and 39-6,138, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska Rules of the Road; to delete obsolete matter; to correct an internal reference; and to repeal the original sections.

LEGISLATIVE BILL 12. By Executive Board: Savage, 10th District; Stull, 49th District; Goodrich, 20th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 10, of the Constitution of Nebraska, relating to the

Legislature; to change the date when the Legislature meets in regular session and the terms of members shall commence; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 13. By Executive Board: Savage, 10th District; Stull, 49th District; Goodrich, 20th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1974, Legislative Bill 1054, section 15; to delete the restriction on the appropriation for gerontology studies; and to repeal the original section.

LEGISLATIVE BILL 14. By Executive Board: Savage, 10th District; Stull, 49th District; Goodrich, 20th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 2-953 and 2-954, Reissue Revised Statutes of Nebraska, 1943, and section 2-955, Revised Statutes Supplement, 1974, relating to weed eradication and control; to redefine terms; to provide duties of the Director of Agriculture; to change the manner in which the cost incurred in eradication of weeds is collected; to eliminate county boards of commissioners or supervisors from functioning as weed district boards; and to repeal the original sections, and also section 2-954.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 15. By Savage, 10th District.

A BILL FOR AN ACT to adopt the official state insect.

LEGISLATIVE BILL 16. By Marsh, 29th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to change provisions relating to expenses received by members of the Legislature as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 17. By Marsh, 29th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article IV, section 15, of the Constitution of Nebraska, relating to legislation; to provide for line item override of the Governor's line item veto of appropriations bills; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 18. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 60-409.03, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles operators' licenses; to change qualifications for receiving driver education funds; and to repeal the original section.

LEGISLATIVE BILL 19. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 43-205.06 and 43-205.07, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide for the appointment of a guardian ad litem as prescribed; and to repeal the original section.

LEGISLATIVE BILL 20. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 28-1501, 28-1502, 28-1503, 28-1504, and 28-1506, Revised Statutes Supplement, 1974, relating to abuse of minor children and incompetent or disabled persons; to redefine terms; to provide protection for neglected persons; and to repeal the original sections, and also sections 28-481, 28-482, 28-483, and 28-484, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 21. By Marsh, 29th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to permit the sale of a portion of institutional land; and to declare an emergency.

LEGISLATIVE BILL 22. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 72-1239, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to increase compensation for members of the council; and to repeal the original section.

LEGISLATIVE BILL 23. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 28-409, Reissue Revised Statutes of Nebraska, 1943, and section 28-929, Revised Statutes Supplement, 1974, relating to crimes and punishments; to revise language pertaining to criminal sexual acts as prescribed; to define terms; to provide penalties; and to repeal the original sections, and also sections 28-407 and 28-919, Reissue Revised Statutes of Nebraska, 1943, and section 28-408, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 24. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1974, relating to motor vehicles; to provide age requirements for license applicants; and to repeal the original section.

LEGISLATIVE BILL 25. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 71-173, Revised Statutes Supplement, 1974, relating to the practice of podiatry; to redefine the practice of podiatry as prescribed; and to repeal the original section.

LEGISLATIVE BILL 26. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 23-146, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to raise the limitation on the amount of contracts in which county officers may be interested; and to repeal the original section.

LEGISLATIVE BILL 27. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 84-306.03, Revised Statutes Supplement, 1974, relating to the Auditor of Public Accounts; to revise the mileage allowance for state officers and employees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 28. By Marsh, 29th District; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 44-710.01 and 44-710.03, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide coverage for infants from the day of birth; and to repeal the original sections.

LEGISLATIVE BILL 29. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 84-1307, Revised Statutes Supplement, 1974, relating to the State Employees Retirement Act; to change provisions relating to membership of the retirement system as prescribed; and to repeal the original section.

LEGISLATIVE BILL 30. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 79-1509, 79-1510, 79-1527, and 79-1537, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to change membership and termination provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 31. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 79-2634, 85-106, and 85-320, Revised Statutes Supplement, 1974, relating to retirement benefits; to provide for mandatory participation in retirement plans as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 32. Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 23-2306, Reissue Revised Statutes of Nebraska, 1943, relating to the County Employees Retirement Act; to shorten the waiting period required to be eligible for membership of the retirement system; and to repeal the origianl section.

LEGISLATIVE BILL 33. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 79-1529, Reissue Revised Statutes of Nebraska 1943, relating to the school retirement system; to change the manner in which the retirement allowance shall be determined; and to repeal the original section.

LEGISLATIVE BILL 34. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 79-1049, Revised Statutes Supplement, 1974, relating to the employees' retirement plan applicable to Class V school districts; to reduce the years of creditable services required to leave contributions in the system upon discontinuance of employment; and to repeal the original section.

LEGISLATIVE BILL 35. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; Marvel, 33rd District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 50-416 and 50-417, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislature; to change the name of the Nebraska Retirement Systems Committee; to expand its duties as prescribed; to delete and correct obsolete language; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 36. By Nebraska Retirment Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; Marvel, 33rd District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 84-1501, Revised Statutes Supplement, 1974, relating to the Public Employees Retirement Board; to change the manner in which members are appointed; and to repeal the original section.

LEGISLATIVE BILL 37. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 44-1615, Reissue Revised Statutes of Nebraska, 1943, relating to group insurance; to change the life insurance coverage provisions as prescribed; and to repeal the original section, and also section 44-1618, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 38. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 44-1623, Revised Statutes Supplement, 1974, relating to group insurance; to increase the amount of basic life insurance provided at state expense; and to repeal the original section.

LEGISLATIVE BILL 39. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 79-2634 and 79-2635, Revised Statutes Supplement, 1974, relating to technical community colleges; to provide that the State Board of Technical Community Colleges shall provide uniform retirement and insurance benefits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 40. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that members and employees of the Legislature may be included in an existing retirement system for state officers and employees; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 41. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 84-1323.02, Revised Statutes Supplement, 1974, relating to the State Employees Retirement Act; to change provisions relating to a lump sum settlement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 42. By Nebraska Retirement Systems Commitee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 24-706, Revised Statutes Supplement, 1974, relating to judges retirement; to change the age at which certain judges may receive an annuity; and to repeal the original section.

LEGISLATIVE BILL 43. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 79-1501, 79-1523, 79-1524, and 79-1528, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to redefine disability retirement allowance; to revise the conditions for disability retirement; to revise the payment of retirement allowance; to increase contribution payments to beneficiaries; and to repeal the original sections.

LEGISLATIVE BILL 44. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 79-1521, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to provide for mandatory retirement of school employees as prescribed; to provide exceptions; and to repeal the original section.

LEGISLATIVE BILL 45. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 23-2329, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2301 and 23-2330, Revised Statutes Supplement, 1974, relating to county employees retirement; to redefine terms; to provide for approval of a retirement system; to revise requirements for certification of a retirement system; and to repeal the original sections.

LEGISLATIVE BILL 46. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 84-1308, Reissue Revised Statutes of Nebraska, 1943, relating to state employees retirement; to change the amount of contribution; and to repeal the original section.

LEGISLATIVE BILL 47. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District, F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 23-2315, 23-2319, and 23-2321, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Revised Statutes Supplement, 1974, relating to state employee retirement; to provide definitions; to revise retirement benefits; to provide procedures for receiving benefits; and to repeal the original sections.

LEGISLATIVE BILL 48. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend section 79-1512, Reissue Revised Statutes of Nebraska, 1943, relating to school employees retirement; to revise provisions for transfer of funds upon retirement; and to repeal the original section.

LEGISLATIVE BILL 49. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 24-710, Revised Statutes Supplement, 1974, relating to retirement; to delete obsolete matter; and to repeal the original section.

LEGISLATIVE BILL 50. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 79-1501, 79-1522.01, 79-1524, and 79-1528, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522, Revised Statutes Supplement, 1974, relating to the school retirement system; to redefine and change the method of determining the disability retirement allowance; to provide for changes in the school retirement allowance; to provide for changes in the manner by which the monthly formula annuity shall be determined and received; to provide for a monthly annuity to a surviving spouse as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 51. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 44-1629, 44-1630, and 44-1632, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1620, 44-1623, 44-1627, and 44-1628, Revised Statutes Supplement, 1974, relating to group insurance; to provide that employees of political subdivisions may participate in the Nebraska State Insurance Program as prescribed; to provide duties and coverages; to rename the State Employees Insurance Fund; to provide when coverages shall commence; and to repeal the original sections.

LEGISLATIVE BILL 52. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to repeal sections 14-1321 to 14-1326, Reissue Revised Statutes of Nebraska, 1943, relating to municipal universities.

LEGISLATIVE BILL 53. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to repeal sections 15-1001 to 15-1006 and 15-1008 to 15-1018, Reissue Revised Statutes of Nebraska, 1943, and section 15-1007, Revised Statutes Supplement, 1974, relating to firemen and policemen pensions.

LEGISLATIVE BILL 54. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Stull, 49th District; Marvel, 33rd District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 85-195, Reissue Revised Statutes of Nebraska, 1943, relating to retirement; to provide the State Board of Technical Community Colleges or any area board with authority to purchase retirement annuity contacts; and to repeal the original section.

LEGISLATIVE BILL 55. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 60-458, Revised Statutes Supplement, 1974, relating to the Nebraska State Patrolmen's Retirement System; to provide provisions relating to the death of a patrolman during the deferred annuity period as prescribed; and to repeal the original section.

LEGISLATIVE BILL 56. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 23-2319 and 79-1529, Reissue Revised Statutes of Nebraska, 1943, and section 84-1321, Revised Statutes Supplement, 1974, relating to retirement; to change annuity benefit provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 57. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 24-806, Revised Statutes Supplement, 1974, relating to selection of judges; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 58. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Schmit, 23rd District.

A BILL FOR AN ACT to repeal section 8-354, Reissue Revised Statutes of Nebraska, 1943, relating to savings and loan associations.

LEGISLATIVE BILL 59. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 49-502 and 49-508, Reissue Revised Statutes of Nebraska, 1943, relating to publication and distribution of session laws and journals; to provide how the laws and journals shall be distributed; and to repeal the original sections.

LEGISLATIVE BILL 60. By Executive Board: Mahoney, 5th District, Chairman; Goodrich, 20th District; Kremer, 34th District; Savage, 10th District; Stull, 49th District.

A BILL FOR AN ACT relating to laws applicable to all cities and villages; to provide procedures for any city or village to contract for energy as prescribed; and to declare an emergency.

LEGISLATIVE BILL 61. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Goodrich, 20th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 72-1240, Revised Statutes Supplement, 1974, relating to the Nebraska Investment Council; to change the salary and qualifications for the State Investment Officer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 62. By Executive Board: Mahoney, 5th District, Chairman; Goodrich, 20th District; Kremer, 34th District; Savage, 10th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 70-628.01, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to provide that the exercise of powers of such districts may be delegated; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 63. By Executive Board: Mahoney, 5th District, Chairman; Goodrich 20th District; Kremer, 34th District; Savage, 10th District; Stull, 49th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 70-637, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to change when sealed bids shall be required prior to entering into contracts; to provide exceptions; and to repeal the original section.

LEGISLATIVE BILL 64. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; F. Lewis, 45th District; Luedtke, 28th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 44-1622, Reissue Revised Statutes of Nebraska, 1943, and section 44-1623, Revised Statutes Supplement, 1974, relating to group insurance; to change provisions relating to insurance contracts; to provide duties of the Director of Personnel as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 65. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 71-3807, 71-3818, and 71-3820, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of psychology; to provide the board with greater discretion in fixing licensing fees; to provide powers and duties of the board; and to repeal the original sections.

LEGISLATIVE BILL 66. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 71-208.05, 71-216, and 71-219.01, Reissue Revised Statutes of Nebraska, 1943, and section 71-219, Revised Statutes Supplement, 1974, relating to the practice of barbering; to provide that the Board of Barber Examiners shall set fees to be charged as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 67. By Clark, 47th District.

A BILL FOR AN ACT to amend section 16-673, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to provide that the mayor and city council may contract for public utilities without an election as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 68. By Simpson, 46th District.

A BILL FOR AN ACT relating to alcoholic liquors; to provide for a maximum number of retail alcoholic liquor licenses for each county as prescribed; to declare intent; and to prescribe duties of the Nebraska Liquor Control Commission.

LEGISLATIVE BILL 69. By Keyes, 3rd District.

A BILL FOR AN ACT relating to the Legislature; to provide procedural requirements for general budget bills and amendments thereto.

LEGISLATIVE BILL 70. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 77-202, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to define terms; to provide a tax-exempt status for seed and grain; and to repeal the original section, and also sections 77-1251 to 77-1261, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 71. By Keyes, 3rd District.

A BILL FOR AN ACT relating to taxation; to define terms; to provide additional taxation on commercial livestock feeders; and to provide penalties.

LEGISLATIVE BILL 72. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1974, relating to taxation; to increase the food sales tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 73. By Maresh, 32nd District.

A BILL FOR AN ACT relating to county community buildings; to authorize any county to issue its bonds for purposes thereof; to authorize a tax to retire such bonds; to provide procedures; and to provide for agreements with respect to such buildings.

LEGISLATIVE BILL 74. By Maresh, 32nd District.

A BILL FOR AN ACT to adopt the Nebraska Soybean Resources Act.

LEGISLATIVE BILL 75. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 28-1031.01, Revised Statutes Supplement, 1974, relating to tobacco and cigarettes; to define smoking; to require posting of no smoking notices; and to repeal the original section.

LEGISLATIVE BILL 76. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 79-1531, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to provide that deposits in the School Employees' Savings Fund may be made by the school district; and to repeal the original section.

LEGISLATIVE BILL 77. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 28-926.11, Revised Statutes Supplement, 1974, relating to crimes and punishments; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 78. By Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 77-1837 and 77-1902, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to reduce the period in which a tax deed may be obtained or an action for foreclosure of the lien of a tax sale certificate or tax deed may be brought; to provide for certificates or deeds issued prior to the effective date of this act; and to repeal the original sections.

LEGISLATIVE BILL 79. By Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 37-202 and 37-214.04, Reissue Revised Statutes of Nebraska, 1943, relating to hunting and fishing permits; to provide permanent permits for persons seventy years of age or older; and to repeal the original sections.

LEGISLATIVE BILL 80. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 60-329, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to require passenger motor vehicle registration of pickup trucks as prescribed; and to repeal the original section.

LEGISLATIVE BILL 81. By Simpson, 46th District.

A BILL FOR AN ACT to amend sections 60-311.15, 60-311.16, 60-311.17, 60-311.19, and 60-311.20, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle registration; to redesignate historic or special interest vehicles as historical vehicles; to change conditions for registration and use of such vehicles; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 82. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 79-1254, Reissue Revised Statutes of Nebraska, 1943, and section 79-1254.02, Revised Statutes Supplement, 1974, relating to schools; to require just cause to terminate a teacher's contract; to define just cause; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 83. By Goodrich, 20th District.

A BILL FOR AN ACT relating to public health and welfare; to provide for full and equal access to housing accommodations by blind, visually handicapped, and physically disabled persons as prescribed.

LEGISLATIVE BILL 84. By Barnett, 26th District.

A BILL FOR AN ACT relating to cities of the primary class; to authorize cities of the primary class to create certain business districts; to provide procedures; to provide powers; to allow expenditures; to provide for taxation; and to authorize bonds.

LEGISLATIVE BILL 85. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 39-703, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to make it unlawful to divert water onto or across a public road as prescribed; to increase penalties; to provide exceptions; and to repeal the original section.

LEGISLATIVE BILL 86. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 51-202, Reissue Revised Statutes of Nebraska, 1943, relating to libraries; to provide for the election or appointment of library board members as prescribed; and to repeal the original section.

LEGISLATIVE BILL 87. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1974, relating to taxation; to exempt public libraries from sales and use taxes; and to repeal the original section.

LEGISLATIVE BILL 88. By Moylan, 6th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to create an advisory board to aid in providing services for the visually impaired as prescribed; and to provide duties.

LEGISLATIVE BILL 89. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 79-1522, Revised Statutes Supplement, 1974, relating to the school retirement system; to change provisions relating to a service annuity as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 90. By Maresh

A BILL FOR AN ACT to amend section 80-401.01, Revised Statutes Supplement, 1974, relating to veterans; to provide that eligibility dates for state veterans benefits coincide with those established by the Veterans Administration; and to repeal the original section.

LEGISLATIVE BILL 91. By Simpson, 46th District.

A BILL FOR AN ACT to adopt the Uniform Standard Code for Mobile Home Parks.

LEGISLATIVE BILL 92. By Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 71-179 and 71-1,104, Reissue Revised Statutes of Nebraska, 1943, relating to health; to change qualifications for an individual to be licensed to practice chiropractic or medicine and surgery as prescribed; to define terms; to repeal the original sections, and also Chapter 71, article 4, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 93. By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 16-308, Revised Statutes Supplement, 1974, relating to cities of the first class; to preclude mayors from being administrators; and to repeal the original section.

LEGISLATIVE BILL 94. By Luedtke, 28th 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 all bills be read at large before the vote is taken on final passage; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 95. By Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 21-2063, 21-20,125, 33-101, 87-114, 87-115, 87-210, and 87-211, Reissue Revised Statutes of Nebraska, 1943, and sections 21-2012, 21-2064, and 21-20,113, Revised Statutes Supplement, 1974, relating to procedures for filing documents with the Secretary of State; to impose duties on corporations; to increase fees; and to repeal the original sections.

LEGISLATIVE BILL 96. By Moylan, 6th District.

A BILL FOR AN ACT to amend sections 32-231 and 32-1001.29, Reissue Revised Statutes of Nebraska, 1943, and section 70-610, Revised Statutes Supplement, 1974, relating to elections; to provide when certain salaries shall be set; to change provisions for recounts; to provide for costs for public power district elections as prescribed; and to repeal the original sections, and also section 32-531, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 97. By Mills, 44th District.

A BILL FOR AN ACT relating to courts; to provide for trial in a county adjacent to the one in which cases are pending; to provide for agreements for such trial; to provide procedures; to amend section 29-1301, Reissue

Revised Statutes of Nebraska, 1943, and sections 23-120 and 25-1601.01, Revised Statutes Supplement, 1974; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 98. By Cavanaugh, 9th 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 for tax relief for single family dwellings as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 99. By Public Works Interim Study Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; Moylan, 6th District; Warner, 25th District; R. Lewis, 38th District; Wiltse, 1st District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 2-1506.02, 2-1506.12, and 2-1506.14, Reissue Revised Statutes of Nebraska, 1943, relating to flood control; to define a term; to grant the Nebraska Natural Resources Commission powers over watercourses and drainways; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 100. By Public Works Interim Study Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; Moylan, 6th District; Warner, 25th District; R. Lewis, 38th District; Goodrich, 20th District; Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 37-423 and 37-423.01, Reissue Revised Statutes of Nebraska, 1943, relating to reserves and sanctuaries for game and fish; to change provisions relating to state's consent; and to repeal the original sections.

LEGISLATIVE BILL 101. By Public Works Interim Study Committee: Kremer, 34th District, Chairman; Warner, 25th District; Wiltse, 1st District; Hasebroock, 18th District; Moylan, 6th District; R. Lewis, 38th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to natural resources; to require permits for the construction of wells; to provide for determination of critical areas of water levels; to provide procedures; to provide objectives; to provide exceptions; and to provide an operative date.

LEGISLATIVE BILL 102. By Duis, 39th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XV, section 17, of the Constitution of Nebraska, relating to

investment of public funds; to permit the investment of any funds of political subdivisions in such manner as the Legislature may authorize; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 103. By Duis, 39th District.

A BILL FOR AN ACT to amend section 79-459, Reissue Revised Statutes of Nebraska, 1943, and section 11-119, Revised Statutes Supplement, 1974, relating to bonds; to change bonding provisions for school district treasurers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 104. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Goodrich, 20th District; Kremer, 34th District; Stull, 49th District.

A BILL FOR AN ACT relating to power districts; to provide legislative intent; to provide powers to contract for the generation or transmission of electric power and energy as prescribed; to eliminate exceptions to the Interlocal Cooperation Act; to amend sections 23-2205 and 70-657, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2203 and 70-646, Revised Statutes Supplement, 1974; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 105. By Savage, 10th District.

A BILL FOR AN ACT relating to bonds; to provide that general obligation bonds issued by political subdivisions of this state shall be offered for public sale; to provide limitations on the type of bond to be offered for public sale; and to provide procedures for public bid and sale.

LEGISLATIVE BILL 106. By Savage, 10th District.

A BILL FOR AN ACT relating to boat registration and safety; to provide for registration, numbering, and titling of vessels; to declare policy; to define terms; to impose duties; to provide for administration and enforcement; to make certain acts unlawful; to provide penalties; to provide severability; and to repeal sections 81-815.01 to 81-815.05, 81-815.07 to 81-815.20, and 81-815.36, Reissue Revised Statutes of Nebraska, 1943, and section 81-815.06, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 107. By Savage, 10th District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1974, Legislative Bill 997, section 48; to provide additional funding for the Nebraska Endowment for the Arts Mini-grant Program; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 108. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 2-1506.02, 2-1506.12, and 2-1506.14, Reissue Revised Statutes of Nebraska, 1943, relating to flood control; to define a term; to grant the Nebraska Natural Resources Commission and the Department of Water Resources powers over watercourses and drainways as prescribed; to provide duties of the Director of Water Resources; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 109. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 8-101, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1974, relating to banking; to define terms; to provide for electronic banking transactions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 110. By DeCamp, 40th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 7 and 10, of the Constitution of Nebraska, relating to the Legislature; to provide that all salaries and other costs of the legislative process and the determination of the election of all state officers shall be as set from time to time by law; to remove restrictions on length of legislative sessions; to provide for the time and manner of submission and form of ballot; to permit partisanship of the Legislature to be determined by law; and to provide the effective date thereof.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
1	Judiciary	18	Education
2	Labor	19	Judiciary
3	Revenue	20	Judiciary
4	Gov. Mil. & Vets Afrs	21	Misc. Subjects
5	Pub. Hlth & Wel.	22	Bkg. Comm. & Ins.
6	General File	23	Judiciary
7	General File	24	Public Works
8	General File	25	Pub. Hlth & Wel.
9	General File	26	Gov. Mil. & Vets Afrs
10	General File	27	Misc. Subjects
11	General File	28	Bkg. Comm. & Ins.
12	Cons. Rev. & Rec.	29	Neb. Ret. Systems
13	Appropriations	30	Neb. Ret. Systems
14	Agric. & Env.	31	Neb. Ret. Systems
15	Misc. Subjects	32	Neb. Ret. Systems
16	Cons. Rev. & Rec.	33	Neb. Ret. Systems
17	Cons. Rev. & Rec.	34	Neb. Ret. Systems

LB	Committee	LB	Committee
35	Neb. Ret. Systems	50	Neb. Ret. Systems
36	Neb. Ret. Systems	51	Neb. Ret. Systems
37	Neb. Ret. Systems	52	Neb. Ret. Systems
38	Neb. Ret. Systems	53	Neb. Ret. Systems
39	Neb. Ret. Systems	54	Neb. Ret. Systems
40	Neb. Ret. Systems	55	Neb. Ret. Systems
41	Neb. Ret. Systems	56	Neb. Ret. Systems
42	Neb. Ret. Systems	57	General File
43	Neb. Ret. Systems	58	General File
44	Neb. Ret. Systems	59	General File
45	Neb. Ret. Systems	60	Public Works
46	Neb. Ret. Systems	61	Misc. Subjects
47	Neb. Ret. Systems	62	Public Works
48	Neb. Ret. Systems	63	Public Works
49	Neb. Ret. Systems		

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems Committee

LB 35	Wednesday, January 15, 1975	1:00 P.M.
LB 36	Wednesday, January 15, 1975	1:00 P.M.
LB 41	Wednesday, January 15, 1975	1:00 P.M.
LB 52	Wednesday, January 15, 1975	1:00 P.M.
LB 53	Wednesday, January 15, 1975	1:00 P.M.
LB 42	Friday, January 17, 1975	1:00 P.M.
LB 49	Friday, January 17, 1975	1:00 P.M.
LB 55	Friday, January 17, 1975	1:00 P.M.
LB 56	Friday, January 17, 1975	1:00 P.M.

(Signed) William H. Hasebroock, Chairman

MOTION—Adopt Report

Mr. Savage moved the adoption of the Committee on Committees report on the committee assignments.

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

MOTION—Rule Change

Mr. Chambers offered the following rule change:

Strike Subsection (d) of Rule 5 Sec. 5.

Referred to the Rules Committee.

CONTEST OF ELECTION INQUIRY

Mr. Cavanaugh inquired of the Contest of Election Investigating Committee for a status report.

Mr. Warner announced he was appointed Chairman and R. Lewis was appointed Vice Chairman.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 111. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 15-1102 and 23-174.05, Reissued Revised Statutes of Nebraska, 1943, relating to planning; to provide certain guidelines for governmental policies and actions; and to repeal the original sections.

LEGISLATIVE BILL 112. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 16-672.05, 17-520, 17-918, 19-2412, 19-2419, 31-709.01, 31-755, 39-1619, and 39-1645, Reissue Revised Statutes of Nebraska, 1943, relating to works of internal improvement; to provide contract and payment provisions for work on prescribed works of internal improvement; to provide for payment of interest on delayed payments; and to repeal the original sections.

LEGISLATIVE BILL 113. By Warner, 25th District.

A BILL FOR AN ACT to amend section 37-501, Revised Statutes Supplement, 1974, relating to game and fish; to redefine provisions for hunting from the roadway; and to repeal the original section.

LEGISLATIVE BILL 114. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 39-1406 and 39-1407, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to provide when county road material or supply purchases require public letting; to change notice procedures; and to repeal the original sections.

LEGISLATIVE BILL 115. By Warner, 25th District.

A BILL FOR AN ACT to amend section 39-810, Reissue Revised Statutes of Nebraska, 1943, relating to bridges; to change provisions relating to the construction and repair of bridges, approaches, and culverts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 116. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 39-6,183, Revised Statutes Supplement, 1974, relating to Nebraska Rules of the Road; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 117. By Koch, 12th District.

A BILL FOR AN ACT to amend section 16-230, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground as prescribed; to assess the cost of removal of litter; and to repeal the original section.

LEGISLATIVE BILL 118. By Koch, 12th District.

A BILL FOR AN ACT to amend section 16-401, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change provisions as to what shall constitute a quorum on the council; and to repeal the original section.

LEGISLATIVE BILL 119. By Koch, 12th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 10, of the Constitution of Nebraska, relating to the Legislature; to remove the Lieutenant Governor as presiding officer of the Legislature; to provide that the Speaker shall preside; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 120. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 17-107.01, 17-203.01, 32-4,147, 32-504.02, 32-505, 32-506, 32-530, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 16-302.01, 23-343.25, 79-426.19, 79-701, and 79-706, Revised Statutes Supplement, 1974, relating to elections; to provide for a September primary election; to provide for voting the ballot of either political party; to repeal the original sections, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 121. By Duis, 39th District.

A BILL FOR AN ACT relating to acknowledgments; to authorize and ratify certain acknowledgments.

LEGISLATIVE BILL 122. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide uniform standards for the first issuance of certificates or permits valid for teaching only; and to repeal the original section.

ANNOUNCEMENTS

Mr. Maresh announced the Labor Committee will meet at 1:40 p.m. under the North balcony.

Mr. Luedtke announced the Judiciary Committee would meet during recess under the North balcony.

Mr. Kennedy announced the Public Health and Welfare Committee will meet at 1:30 p.m. under the North balcony.

Mr. F. Lewis announced the Education Committee will meet at 1:30 p.m. under the North balcony.

Mr. Syas announced the Constitutional Revision and Recreation Committee will meet at 1:45 p.m. under the South balcony.

Mr. Rasmussen announced the Government, Military and Veterans Affairs Committee will meet at 1:45 p.m. under the South balcony.

Mr. Murphy announced the Banking, Commerce and Insurance Committee will meet at 1:15 p.m. under the South balcony.

Mr. Anderson announced the Miscellaneous Subjects Committee will meet at 1:45 p.m. under the South balcony.

Mr. Kremer announced the Public Works Committee will meet during recess under the North balcony.

VISITORS

President Marsh introduced a Millard High School Government Class and Mr. Richard Brown, sponsor.

RECESS

At 11:57 a.m., on a motion by Mr. Mahoney, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., President Marsh presiding.

The roll was called and all members were present.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 123. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1974, relating to revenue and taxation; to provide for a graduated corporate income tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 124. By Keyes, 3rd District.

A BILL FOR AN ACT relating to revenue and taxation; to provide for a five per cent tax on income from intangible property; to define terms; to prescribe duties for the Tax Commissioner; and to provide for administration of collection.

LEGISLATIVE BILL 125. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 23-107, Revised Statutes Supplement, 1974, relating to county boards; to provide powers for sale and lease of real property; and to repeal the original section.

LEGISLATIVE BILL 126. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 48-224, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to make it mandatory that withholding and payment be made pursuant to an authorization by public employees; and to repeal the original section.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
64	Neb. Ret. Systems	71	Revenue
65	Pub. Hlth & Wel.	72	Revenue
66	Pub. Hlth & Wel.	73	Revenue
67	Urban Affairs	74	Agric. & Env.
68	Misc. Subjects	75	Pub. Hlth & Wel.
69	Appropriations	76	Neb. Ret. Systems
70	Revenue	77	Judiciary

LB	Committee	LB	Committee
78	Revenue	90	Gov. Mil. & Vets Affrs.
79	Cons. Rev. & Rec.	91	Pub. Hlth & Wel.
80	Public Works	92	Pub. Hlth & Wel.
81	Public Works	93	Urban Affairs
82	Education	94	Cons. Rev. & Rec.
83	Pub. Hlth & Wel.	95	Judiciary
84	Urban Affairs	96	Gov. Mil. & Vets Affrs.
85	Public Works	97	Judiciary
86	Gov. Mil. & Vets Affrs.	98	Cons. Rev. & Rec.
87	Revenue	99	Public Works
88	Pub. Hlth & Wel.	100	Cons. Rev. & Rec.
89	Neb. Ret. Systems	101	Public Works

(Signed) Eugene T. Mahoney, Chairman

ANNOUNCEMENTS

Mr. Syas announced the Constitutional Revision and Recreation Committee would meet immediately under the South balcony.

Mr. Anderson announced the Miscellaneous Subjects Committee would meet immediately under the South balcony.

Mr. Mahoney announced the Revenue Committee would meet immediately under the South balcony.

EASE

The Legislature was at ease from 1:42 p.m. until 2:01 p.m.

INAUGURAL CEREMONIES

Presentation of Colors by the Nebraska National Guard.

MOTION–Escort Board of Regent

Mr. Wiltse moved that a committee of one be appointed to escort member-elect of the Board of Regent.
The Chair appointed Mr. Moylan to escort Mr. Robert Raun to the rostrum.

MOTION–Escort Board of Education

Mr. Carsten moved that a committee of four be appointed to escort members-elect of the Board of Education.

The Chair appointed Messrs. Wiltse, Koch, Fowler and F. Lewis to escort Dorothy Creigh, Margaret Lockwood, Marilyn Fowler and Harold O. Peterson to the rostrum.

MOTION—Escort Public Service Commissioners

Mr. Keyes moved a committee of two be appointed to escort members-elect of the Public Service Commission.
The Chair appointed Messrs. Kelly and Keyes to escort Messrs. Eric Rasmussen and Jack Romans to the rostrum.

MOTION—Escort Attorney General

Mr. Stoney moved that a committee of three be appointed to escort the Attorney General-elect.
The Chair appointed Messrs. Cavanaugh, Luedtke and DeCamp to escort Attorney General-elect Paul Douglas to the rostrum.

MOTION—Escort State Auditor

Mr. Moylan moved that a committee of three be appointed to escort State Auditor-elect.
The Chair appointed Messrs. Hasebroock, Swigart and Murphy to escort Mr. Ray A. C. Johnson to the rostrum.

MOTION—Escort Secretary of State

Mr. Rasmussen moved that a committee of three be appointed to escort the Secretary of State-elect.
The Chair appointed Mrs. Marsh and Messrs. Dworak and Savage to escort Mr. Allen Beermann to the rostrum.

MOTION—Escort Lt. Governor

Mr. Swigart moved that a committee of three be appointed to escort the Lieutenant Governor-elect.
The Chair appointed Messrs. Cope, Anderson and Mahoney to escort Lt. Governor Gerald R. Whelan to the rostrum.

MOTION—Escort Members of Supreme Court

Mr. Cavanaugh moved that a committee of seven be appointed to escort members and members-elect of the Supreme Court.
The Chair appointed Messrs. Dickinson, Maresh, Bereuter, Burrows, Stull, Fitzgerald and Johnson to escort Chief Justice Paul White and Justices Harry Spencer, Leslie Boslaugh, Hale McCown, John E. Newton, Lawrence M. Clinton and Donald Brodkey to the rostrum.

MOTION–Escort Governor

Mr. Koch moved that a committee of five be appointed to escort the Governor-elect.
The Chair appointed Messrs. Burbach, Barnett, Kime, Kremer and Syas to escort Governor J. J. Exon to the rostrum.

SWEARING IN CEREMONIES

Chief Justice Paul White administered the Oath of Office to the following:
Board of Regent – Robert Raun

Board of Education Members
Dorothy Weyer Creigh
Margaret Lockwood
Marilyn Fowler
Harold A. Peterson

Public Service Commissioners
Eric Rasmussen
Jack Romans

Attorney General – Paul Douglas

SPEAKER BURBACH PRESIDING

State Treasurer – Frank Marsh

State Auditor – Ray A. C. Johnson

Secretary of State – Allen J. Beermann

Lieutenant Governor – Gerald T. Whelan

PRESIDENT WHELAN PRESIDING

Supreme Court Justices
Hale McCown
Lawrence M. Clinton

Justice Harry A. Spencer administered the Oath of Office to Chief Justice Paul W. White.
Chief Justice Paul White administered the Oath of Office to Governor J. J. Exon.

MESSAGE FROM THE GOVERNOR

Mr. President, Mr. Speaker, Mr. Chief Justice, and Associate Justices of the Supreme Court, Constitutional Officers, Members of the 84th Session of the Nebraska Legislature, Ladies and Gentlemen. .. . .

Thank you for inviting me to your Chambers for the inaugural ceremonies.

We meet at a time of opportunity and challenge. It's a time for confidence in Nebraska. It is a time for realistic optimism.

As we begin another four years, I think it is well that we reflect for a moment on the past as we proceed, with assurance, to the all important future.

Four years ago, I stood at this podium and outlined my philosophy for the first time to your distinguished body. That philosophy has not changed for the new term which began with my taking the oath a few moments ago.

We have had four years of "Nebraska, The Good Life." We have seen record shattering industrial and tourism growth, and generally good agricultural production except for the 1974 drought and the disastrous plunge of some agriculture prices.

Our past proven record of success is our positive guide to the future.

Economically, 1975 will not be the best year for Nebraskans, but it will be far from the worst by any measurement. We have a firm foundation for confidence. We are again fortunate to be an agricultural state. With normal rainfall, we will enjoy a bountiful harvest because our farmers have the will, the know-how, the equipment and the land. They are our firm backbone, and they have never let us down. National and international demands for food, and Nebraskans' ability to produce, place us in an enviable position.

Soft spots remain in agricultural economy in livestock, poultry and dairy farming. We must continue to press Washington for corrective, constructive and positive actions in these areas.

Our industrial expansion the last four years will further help stabilize the economy while we must anticipate some further increase in unemployment. Nevertheless, we had more people employed in Nebraska in 1974 than ever before, and we are assured of an overall good employment figure this year. The productivity of Nebraska workers is well recognized and will place us in good stead.

Most unfortunately, many of our people are out of work for the first time in their lives. The administration is moving to use all programs available to assist the unemployed.

With the success of our recent court action regarding impoundment of our federal highway funds, and assuming federal authorities will not attempt to punish us further by more delaying tactics, we could count on an additional $63 million being pumped earlier into our 1975 and 1976 highway construction programs. It seems inconceivable that federal

authorities would continue arbitrary impoundment of our funds with the obvious need for highway work and construction jobs. What better noninflationary tonic is there to fight unemployment than using tax money already collected?

We can predict general job stability in all governmental units if elected officials do not cave in to salary demands by some which could force loss of employment for others. We need not expect unusual sacrifices; we do not anticipate reasoned understanding.

As far as state government is concerned, I have recommended increases which will assist all to generally meet the cost of living spiral, with emphasis to help most middle and lower salaried individuals. There are complaints that my recommendations are not enough. It is interesting to note that the extensive fringe benefit package for state employees, one of the best in the nation, is usually overlooked. It is my hope and request that the Legislature will back the executive recommendations in this area.

By far the most important task you will perform here in the next few months will be the construction of the budget and consideration of tax rates.

Your Governor has vetoed more spending measures than any of my predecessors. This was not done to establish records or to cause executive-legislative confrontations. To the contrary, those actions were taken because of my convictions on what I felt was right or wrong and consistent under the circumstances. I have an obligation, as do senators, individually or collectively, to exercise my judgement as one elected by and a representative of all Nebraskans in every section of this great state.

So, as we proceed in 1975, let us first agree that we will not always agree, nor should we be expected to do so.

On the other hand, to solve our problems and to prevent the creation of new ones, mutual understanding must be one of our highest objectives. It is in a personal but yet formal sense that I seek the cooperation of the members of this Legislature so that we might jointly provide the type of leadership which the people of this state deserve and certainly expect.

We have all received a mandate from the citizens to proceed confidently but cautiously in this period of national economic uncertainty. Nebraska has some built-in advantages, as I have outlined, that will be of help as we steer our course through some troubled economic waters. This does not mean, however, that we are a magic island insulated from the realities of recession. This is no time for "business as usual." There are no "instant cures" for the twin problems of recession and inflation. Prudence and patience have been traditional Nebraska virtues; there has never been a more opportune time to employ them.

Inflation has been caused, and its resulting recession bred, by a propensity that we must have everything we want, when we want it, whether we can afford it or not. We are all guilty to a considerable degree, both inside and outside government. We tend to become consumed with material things, new buildings and better machines.

We must zero in on those programs and services which are most important. Which do we value the most? What do we need the most?

We cannot spend our way out of the present situation either as Nebraskans or Americans. Nor can we be blind to legitimate needs and obligations.

We will have the "Good Life" by tempering demands, accepting realism, separating needs from expediency, junking organized spending pleas, even when hawked by those cloaked in the garb of the supposedly untouchables.

In short, we must come to the realization that we must set priorities. There are not enough tax dollars to satisfy the appetites of all, however worthy.

This is certainly a time when Nebraska is facing a decline in revenue growth. Simultaneously, we are seeing the highest demands yet to cover on-going legislative appropriations and known new appropriations for which the Legislature is obligated.

Specifically, for example, I refer to new deficit appropriations of $11.5 million for the community technical colleges and $2.5 million for homestead exemptions. For the 1975-76 budget period, there will be new additional appropriations of $10.3 million for increases in personal property and homestead exemptions. Please note these are not ordinary state operations, but rather expenditures of state tax dollars to aid sub-divisions of state government and the new community technical colleges. An evaluation is in order regarding the $4.5 million required to finance capital construction projects for 1975-76 that was appropriated last year. Furthermore, we are facing new appropriations of several million dollars for cost of living increase for our dedicated state employees.

When you couple this with the fact that we will find ourselves strapped with comparatively little unobligated General Fund balance on June 30, 1975, because of unwise tax cuts in 1973 and 1974, the crunch of the money situation becomes clear.

Current predictions indicate that on June 30, the end of our present fiscal year, the unobligated General Fund balance will be the lowest in the last 7 years. The picture becomes clouded even more when we consider the distinct possibility of further declining state revenue because of a proposed reduction in the Federal Income Tax on which our income tax is based.

I will be presenting to you my budget recommendations and latest revenue projections as soon as possible. There are hard decisions ahead.

The administration will also be sending for your consideration some important legislation generally of a non-spending nature, and I will comment on those measures at that time.

I pledge the cooperation of the Executive Branch and encourage your counsel and advice. Our open door policy will continue as we must thoroughly communicate.

With God's help then, and working together, we can solve any problem, build any bridge to better understanding, and chart a steady course for the people we serve with confidence and realistic optimism.

CLOSING CEREMONY

The Governor was escorted to the Governor's Suite.
The Supreme Court Justices were escorted to the Governor's Suite.

SPEAKER BURBACH PRESIDING

The Lt. Governor was escorted to the Governor's Suite.
The Secretary of State was escorted from the Chamber.
The State Auditor was escorted from the Chamber.
The Chair appointed Messrs. George, Simpson and Kennedy to escort the State Treasurer from the Chamber.
The Attorney General was escorted from the Chamber.
The Public Service Commissioners were escorted from the Chamber.
The members of the Board of Education were escorted from the Chamber.
The Board of Regent was escorted from the Chamber.
Mr. Nichol escorted Mrs. J. J. Exon and family from the Chamber.
Mr. Stull escorted Mrs. Gerald Whelan and family from the Chamber.
The Sergeant at Arms escorted State Officials wives and families from the Chamber.

MR. SAVAGE PRESIDING

ANNOUNCEMENTS

The Chair announced a reception would be held in the Governor's office upon adjournment.

Mr. Warner announced there will be a meeting of the Select Committee pertaining to the contested 48th Legislative seat at 1:30 p.m. on January 10, 1975 in Room 2102.

Mr. Schmit announced a meeting of the Agriculture and Environment Committee under the North balcony upon adjournment.

ADJOURNMENT

At 3:08 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, January 13, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

THIRD DAY—JANUARY 13, 1975

THIRD DAY—JANUARY 13, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 13, 1975

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Whelan presiding.

PRAYER

The Chaplain announced former State Auditor Ray Johnson had passed away and the funeral will be Tuesday, January 14, 1975 at 3:00 p.m. at Westminster Chapel. The members stood for a moment of silence.

Our heavenly Father, in this moment of prayer, when there is silence in this senate chamber, may there not be silence in Thy presence. May our prayers be heard.

May no short circuits be made by our lack of faith, our high professions joined to low attainments, our fine words hiding shabby thoughts, or friendly faces masking cold hearts.

Out of the same old needs, conscious of the same old faults, we pray on the same old terms for new mercies and new blessings. In the name of Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten who was excused and Messrs. Cavanaugh and F. Lewis who were excused until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

ANNOUNCEMENT

The Clerk announced the luncheon scheduled for this noon by the County Extension Board will be cancelled.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 127. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 48-120, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to provide for the furnishing of medical and hospital services, appliances, supplies, prosthetic devices, and medicines as prescribed; to permit the employee to select his own physician; and to repeal the original section.

LEGISLATIVE BILL 128. By Clark, 47th District.

A BILL FOR AN ACT relating to state colleges; to state legislative intent; to provide for a statewide system of state colleges as prescribed; to provide severability; to provide an operative date; to repeal sections 79-1436 to 79-1438.03, 79-1439, 79-1441 to 79-1445.13, 79-1445.15 to 79-1445.36, Chapter 79, articles 16 and 26, and Chapter 85, article 3, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to declare an emergency.

LEGISLATIVE BILL 129. By Hasebroock, 18th District.

A BILL FOR AN ACT relating to county government and officers; to provide for maintenance of abandoned and neglected pioneer cemeteries; to define terms; to authorize expenditures of county funds; and to provide for markers as prescribed.

LEGISLATIVE BILL 130. By Swigart, 8th District.

A BILL FOR AN ACT relating to criminal procedure; to provide for review of judgments in criminal cases as prescribed; and to declare an emergency.

LEGISLATIVE BILL 131. By Swigart, 8th District.

A BILL FOR AN ACT to amend section 60-1902, Revised Statutes Supplement, 1974, relating to motor vehicles; to clarify language concerning abandoned motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 132. By Swigart, 8th District.

A BILL FOR AN ACT to amend section 79-488.07, Reivsed Statutes supplement, 1974, relating to schools; to provide for the number of passengers on school buses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 133. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 37-301, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to specify the length of the open season for pheasants; and to repeal the original section.

MOTION—Bill Distribution

Mr. Stull moved that we provide without cost a set of bills to each Clerk of the counties in Nebraska and, further, that state agencies picking up bills from the Bill Room be provided the same without cost.

The motion prevailed with 37 ayes, 0 nays and 12 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 134. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 42-103, Reissue Revised Statutes of Nebraska, 1943, relating to marriages; to provide that first cousins over sixty years of age may marry; and to repeal the orignal section.

LEGISLATIVE BILL 135. By Stull, 49th District.

A BILL FOR AN ACT to amend sections 23-152, 23-268, 23-284, 32-309, and 32-312, Reissue Revised Statutes of Nebraska, 1943, and section 23-151, Revised Statutes Supplement, 1974, relating to county government and officers; to increase the terms of office of county commissioners and supervisors as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 136. By Stull, 49th District.

A BILL FOR AN ACT to amend sections 54-104.01, 54-105, 54-106, 54-108, 54-109.01, 54-110, 54-112, 54-113, 54-115, 54-131, and 54-135, Reissue Revised Statutes of Nebraska, 1943, and sections 54-101, 54-104, and 54-147, Revised Statutes Supplement, 1974, relating to livestock; to define terms; to place the operational and administrative control of brands and marks under the Nebraska Brand Committee as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 137. By Simpson, 46th District.

A BILL FOR AN ACT relating to public welfare; to provide for distribution of food stamps as prescribed.

LEGISLATIVE BILL 138. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 84-121, Reissue Revised Statutes of Nebraska, 1943, relating to the Governor; to provide that the Governor shall give notice of his absence from the state; and to repeal the original section.

LEGISLATIVE BILL 139. By Luedtke, 28th District.

A BILL FOR AN act to amend section 71-1632, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630.02, Revised Statutes Supplement, 1974, relating to public health and welfare; to provide added duties for city-county boards of health; to clarify language; to establish certain powers for health directors as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 140. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 39-669.12, Revised Statutes Supplement, 1974, relating to serious traffic offenses; to provide immunity to hospitals in withdrawing blood at the request of a law enforcement officer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 141. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 24-513, Revised Statutes Supplement, 1974, relating to judges; to provide for an increase in county judges' salaries as prescribed; to provide for a supplemental salary in certain counties; and to repeal the original section.

LEGISLATIVE BILL 142. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 37-101, 37-307, and 37-308, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to include the mourning dove as a game bird; and to repeal the original sections.

LEGISLATIVE BILL 143. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 53-105, 53-132, 53-138.02, 53-168, 53-168.02, 53-178, and 53-180.02, Reissue Revised Statutes of Nebraska, 1943, and sections 53-124 and 53-135.01, Revised Statutes Supplement, 1974, relating to liquors; to provide for membership on the Nebraska Liquor Control Commission; to provide procedures for issuing alcoholic liquor licenses as prescribed; to provide conditions for issuance of an alcoholic liquor license; to provide for certain transactions in

alcoholic liquors as prescribed; to permit handling of alcoholic liquors by minors as prescribed and to repeal the original sections.

LEGISLATIVE BILL 144. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 32-514 and 32-535, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide for current residency statements by partisan candidates for elected office; and to repeal the original sections.

LEGISLATIVE BILL 145. By Constitutional Revision and Recreation Interim Study Committee: Syas, 13th District, Chairman; Anderson, 37th District; Keyes, 3rd District; Burbach, 19th District.

A BILL FOR AN ACT relating to game and fish; to provide conservation, management, and protection of nongame wildlife, endangered species; to provide enforcement authority; to provide penalties; to provide severability; and to repeal sections 37-105 to 37-108, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 146. By Koch, 12th District.

A BILL FOR AN ACT to amend section 39-1304.02, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to provide additional situations under which the cost of changing or moving utility facilities are paid by the state; and to repeal the original section.

ANNOUNCEMENTS

Mr. Stull announced a meeting of the Transportation Advisory Committee under the South balcony upon adjournment.

Mr. Duis announced a meeting of the former members of the Administrative Rules Committee in room 2101 upon adjournment.

Mr. Schmit announced a meeting of the Agriculture and Environment Committee upon adjournment.

Mr. Savage announced a caucus of the Committee on Committees immediately upon adjournment.

Mr. Mahoney announced a meeting of the Executive Board at 11:00 a.m. today in room 2102.

EXECUTIVE BOARD REPORT

The Executive Board reports the following committee memberships:

Nebraska Retirement Systems
Hasebroock, Chairman; F. Lewis, Vice-Chairman; Luedtke, Goodrich, Stull and Marvel.

Telecommunications
Clark, Chairman; Duis, Marvel, Mahoney, Skarda, Goodrich, Schmit and Warner.

(Signed) Eugene T. Mahoney
Chairman

ADJOURNMENT

At 10:33 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Tuesday, January 14, 1975.

Vincent D. Brown
Clerk of the Legislature

FOURTH DAY—JANUARY 14, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 14, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our Father, as the battery is recharged without sound or motion, so wilt thou, in this moment of quiet, send thy spirit into the hearts and minds of each one here. With newness of life, with spiritual power, vision, and lively faith, enable them to meet all the demands which lie before them with glad anticipation, and then give them peace for the night. Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTION FOR THE JOURNAL

The Journal for the Third Day was approved.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
102	Cons. Rev. & Rec.	110	Cons. Rev. & Rec.
103	Education	111	Urban Affairs
104	Public Works	112	Public Works
105	Gov. Mil. & Vets Afrs	113	Cons. Rev. & Rec.
106	Cons. Rev. & Rec.	114	Public Works
107	Appropriations	115	Public Works
108	Public Works	116	General File
109	Bkg. Comm. & Ins.	117	Urban Affairs

LB	Committee	LB	Committee
118	Urban Affairs	123	Revenue
119	Cons. Rev. & Rec.	124	Revenue
120	Gov. Mil. & Vets Afrs	125	Gov. Mil. & Vets Afrs
121	Judiciary	126	Labor
122	Education		

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARING
Appropriation

Tuesday, January 14, 1975, Room 1003	2:00 p.m.
Wednesday, January 15, 1975, Room 1003	2:00 p.m.
Thursday, January 16, 1975, Room 1003	2:00 p.m.
Friday, January 17, 1975, Room 1003	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

STANDING COMMITTEE REPORT
Committee on Committees

Mr. President: Your Committee on Committees submits the following report:

Vice-Chairman named for the following committees:

Agriculture and Environment – DeCamp
Appropriations – Clark
Banking, Commerce and Insurance – Duis
Constitutional Revision and Recreation – Keyes
Education – George
Government, Military and Veterans Affairs – Koch
Judiciary – DeCamp
Miscellaneous Subjects – Barnett
Labor – Kime
Public Health and Welfare – R. Lewis
Public Works – Wiltse
Revenue – Dworak
Urban Affairs – Swigart
Rules – Warner
Intergovernmental Cooperation – Marsh
Conflicts of Interest – Hasebroock
Retirement – F. Lewis
Transportation Advisory – Savage
Committee on Committees – Hasebroock

(Signed) John S. Savage - Chairman

NOTICE OF COMMITTEE HEARING
Government, Military & Veterans Affairs

LB 26	Thursday, January 23, 1975	2:00 p.m.
LB 86	Thursday, January 23, 1975	2:00 p.m.
LB 96	Thursday, January 23, 1975	2:00 p.m.
LB 4	Friday, January 24, 1975	2:00 p.m.
LB 90	Friday, January 24, 1975	2:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Nebraska Retirement Systems

LB 39	Monday, January 20, 1975	1:00 p.m.
LB 45	Monday, January 20, 1975	1:00 p.m.
LB 47	Monday, January 20, 1975	1:00 p.m.
LB 54	Monday, January 20, 1975	1:00 p.m.
LB 34	Friday, January 24, 1975	1:00 p.m.
LB 48	Friday, January 24, 1975	1:00 p.m.

(Signed) William H. Hasebroock, Chairman

Judiciary

LB 1	Monday, January 20, 1975	2:00 p.m.
LB 95	Monday, January 20, 1975	2:00 p.m.
LB 97	Monday, January 20, 1975	2:00 p.m.
LB 19	Tuesday, January 21, 1975	2:00 p.m.
LB 20	Tuesday, January 21, 1975	2:00 p.m.
LB 23	Wednesday, January 22, 1975	2:00 p.m.
LB 77	Wednesday, January 22, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Education

LB 82	Monday, January 20, 1975	1:30 p.m.

(Signed) F. Lewis, Chairman

Public Health & Welfare Committee

LB 5	Monday, January 20, 1975	2:00 p.m.
LB 92	Monday, January 20, 1975	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 13, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Ackerman, James N. – Lincoln, Bankers Life Nebraska
Adams, Donald D. – Omaha, Omaha National Corporation
Agee, W. B. – Lincoln, Northwestern Bell Telephone Company
Allan, Marilyn J. – Lincoln, The Sperry and Hutchinson Company
Andersen, Edward – Waterloo, Nebraska State Grange
Andersen, Robert C. – Lincoln, Nebraska Cooperative Council
Andrews, Donald – Valley, Omaha Board of Education
Bailey, William J. Jr. – Lincoln, Nebraska Game and Parks Commission
Ballard, Al J. – Lincoln, Nebraska Rural Electric Association
Barry, LeRoy F. – Omaha, Mid-West Retail Farm Equipment Association
Beam, C. Arlen – Lincoln, Association for Better Financial Services in Nebraska, Inc.; National Bank of Commerce Trust & Savings Association; Nebraska State Bar Association; Nebraska State Home Builders Association; Tobacco Tax Council, Inc.
Belz, Paul H. – Lincoln, Nebraska State Education Association
Berkebile, Philip A. – Lincoln, Nebraska Press Advertising Service, Inc.
Blazek, D. R. – Lincoln, Lincoln Electric System
Botsch, Barbara A. – Omaha, Greater Omaha Chamber of Commerce
Boyce, William R. – Beatrice, Nebraska Collectors Association, Inc.
Brakenhoff, Loren – Lincoln, Nebraska Council of School Administrators
Brandt, Wm B. – Unadilla, Nebraska Bankers Association, Inc.
Brauer, S. H. Jr. – Lincoln, Nebraska School Improvement Association
Brennan, William E. – Omaha, Nebraska State AFL-CIO
Brockley, William T. – Nebraska City, Nebraska City Utilities
Brockmeier, Herman A. – Lincoln, National Bank of Commerce Trust and Savings Association
Brown, Louis P. – Lincoln, Disabled American Veterans - Department of Nebraska

Cariotto, Joseph J. – Lincoln, Nebraska Podiatry Association

Carlin, B. L. – Omaha, Nebraska Chapter, National Electrical Contractors Association, Inc.

Carter, Edward F. Jr. – Lincoln, American Mutual Insurance Alliance

Carveth, Roy – Lincoln, Veterans of Foreign Wars, Department of Nebraska

Chace, Charles E. – Lincoln, American Petroleum Institute

Chamberlain, Eugene – Tekamah, Nebraska Association of County Extension Boards

Chambers, David L. – Lincoln, League of Nebraska Municipalities

Collins, Richard E. – Omaha, Pro-Law Association of Nebraska

Critchfield, Forrest G. – Lincoln, Lincoln Chamber of Commerce

Critchfield, James – Lincoln, Nebraska Chapter Associated General Contractors of America, Inc.

Cromer, C. A. – Lincoln, Nebraska Advisory Council for Vocational Education

Crosby, George A. – Lincoln, Capital Association for Retarded Citizens

Crosby, Guenzel, Davis, Kessner and Kuester Law Firm:

Donn E. Davis – Energy Transporation Systems, Inc.

Theodore L. Kessner – Police Officers Association of Nebraska

Crosier, Donald A. – Lincoln, American Petroleum Institute

Danielson, J. Arthur – Lincoln, Finance Committee for Christian Science Churches in Nebraska

Denney, Max A. – Lincoln, Nebraska Mobile Housing Institute

Dirrim, Delbert E. – Omaha, Omaha Public Power District

Douce, Wayne R. – Omaha, Guarantee Mutual Life Company

Eide, Robert A. – Omaha, Northern Natural Gas Company

Eldien, Paul V. – Lincoln, United States Brewers Association

Elm, Howard W. – Lincoln, Association Services, Inc.

Elrod, Don – Grand Island, Nebraska American Federation of State, County and Municipal Employees

Finigan, Edwin J. – Lincoln, The Nebraska Telephone Association

Frazier, Lawrence A. – Lincoln, Farmers Mutual of Nebraska

Fraizer, T. J. – Lincoln, American Insurance Association; American Reciprocal Insurance Association; Mutual of Omaha Insurance Company; United Benefit Life Insurance Company

Gardner, James S. – Omaha, Metropolitan Omaha Builders Association; Nebraska State Home Builders Association

Garey, Robert W. – Hastings, Nebraska Electronics Service Association; Nebraska Funeral Directors Association; Nebraska Optometric Association; Nebraska Veterinary Medical Association

Goodding, Richard D. – Lincoln, Nebraska Farm Bureau Federation

Graham, M. J. – Lincoln, Retail Merchants Association of Nebraska

Greene, William R. – Omaha, Northern Natural Gas Company

Gyger, Bernard R. – Omaha, Omaha Board of Education

Haessler, John – Lincoln, Woodmen Accident and Life Company

Hamon, Esther M. – Lincoln, Women's Political Caucus

Harm, Paul F. – Norfolk, City of Norfolk

Harris, Robert E. – Lincoln, Nebraska Bankers Association, Inc.

Hewitt, James W. – Lincoln, Nebco, Inc.

Holsteen, Ronald D. – Lincoln, Nebraska Rural Electric Association

Hopkins, Julian H. – Lincoln, Bankers Life Insurance Company of Nebraska

Huff, Charles P. – Lincoln, National Association of Theatre Owners of Nebraska; Nebraska Cable Communications Association; Nebraska Consumer Credit Association; Nebraska Lodging Association; Nebraska State Association of Life Underwriters

Huff, Martin B. – Lincoln, Nebraska Mobile Housing Institute, Inc.

Humble, Charles D. – Lincoln, City of Lincoln

Humpal, John E. – Omaha, Blue Cross & Blue Shield of Nebraska

Jacobsen, Ford K. – Omaha, Metropolitan Utilities District of Omaha

Jensen, Martin – Omaha, Nebraska State Legislative Committee; Brotherhood of Railway and Airline Clerks

Jensen, Ronald L. – Lincoln, Nebraska Hospital Association

Johnson, Forrest A. – Lincoln, Nebraska Tax Research Council, Inc.

Johnson, Joseph E. – Anselmo, Nebraska Association of Conservation Officers

Johnson, Michael R. – Lincoln, American Mutual Insurance Alliance

Johnson, Oliver W. – Lincoln, Nebraska Chapter Associated General Contractors of America, Inc.

Kenny, Philip T. – Omaha, Nebraska Railroad Association

King, Condon R. – Lincoln, Veterans of Foreign Wars; Department of Nebraska

Kjeldgaard, Richard H. – Lincoln, Common Cause of Nebraska

Klinker, John – Lincoln, Nebraska Farm Bureau Federation

Kneifl, Philip M. – Omaha, Health Industries, Inc.

Kratz, Dean G. – Omaha, Nebraska Building Chapter, Associated General Contractors; Nebraska League of Savings & Loan Associations

Kruger, E. C. – Fairbury, Nebraska Consumer Credit Association

Leung, Yvonne Norton – Lincoln, Womens Lobby, Incorporated, Nebraska

Long, Donald P. – Holdrege, The Central Nebraska Public Power and Irrigation District

Lynch, Daniel C. – Denver, Colo., United Air Lines and Air Transport Association of America

Lynch, John E. – Lincoln, Nebraska State Education Association

Maronde, Alfred – York, Farmers Union of Nebraska

Marti, Douglas – Lincoln, Nebraska Association of Public Employees

Mastny, Johnny F. – Schuyler, Nebraska Rural Letter Carriers' Association

McCoy, Dale E. – Omaha, United Transportation Union

McDowell, Robert O. – Lincoln, Nebraska New Car Dealers Association

McEniry, Glenn J. – Lincoln, Nebraska Association of Commerce & Industry

Merwick, Michael L. – Lincoln, City of Lincoln

Miesbach, Neal L. – Omaha, Nebraska Association of Mutual Insurance Agents

Millard, Herbert C. – Omaha, Mechanical Contractors Association of Omaha, Inc.

Miller, Edwin R. – Omaha, Nebraska Railroad Association

Moore, Verne, Jr. – Omaha, School District 66, Douglas County, Nebraska

Mount, Stuart C. – Lincoln, Nebraska Hospital Association

Moylan, James H. – Omaha, Douglas County; Nebraska Association of County Officials; Nebraska Credit Union League; Nebraska Licensed Beverage Association; Nebraskans for Independent Banking, Inc.

Murphy, Lawrence E. – Lincoln, Nebraska Chiropractic Physicians Association, Inc.; Nebraska Hearing Aid Association

Muscheites, B. F. – Lincoln, Mid-American Lumbermens Association

Neff, Kenneth – Lincoln, Nebraska Medical Association

Nelson, Ralph D. – Lincoln, City of Lincoln

Ninegar, Louis C. – Kearney, Board of Trustees, Nebraska State Colleges

Nuss, Carol – Grand Island, Nebraska National Hairdressers and Cosmetologist Association

O'Hara, Paul V. – Lincoln, Nebraska Catholic Conference

Olson, Elizabeth A. – Lincoln, Common Cause of Nebraska

Orton, Lee – Lincoln, Nebraska Association of Resources Districts

Pace, Jack M. – Lincoln, Farmers Mutual of Nebraska

Patitz, Patricia L. – Lincoln, Nebraska Association of Resources Districts

Payne, Dale L. – Papillion, Sarpy County Board of Commissioners

Perkins, Dwight C. – Lincoln, Farmers Mutual of Nebraska

Petersen, Nels – Omaha, Nebraska State AFL-CIO

Pierson, David C. – Lincoln, Insurance Federation of Nebraska; Nebraska Dental Association

Phillips, Richard W. – Des Moines, Ia., Distilled Spirits Council of the U.S., Inc.

Plant, J. James – Lincoln, Represents Self

Preston, James N. – Lincoln, Nebraska Motor Carriers' Association, Inc.

Protzman, James W. – Omaha, BancNorthwest

Rader, Glenn P. – Lincoln, Nebraska Farm Bureau Federation

Rall, Frank – Lincoln, Nebraska Public Power District

Rasmussen, Ross H. – Lincoln, Nebraska State School Boards Association

Ritzman, Joanne M. – Lincoln, Nebraska League of Women Voters

Rowson, Joseph P. – Lincoln, School District, City of Lincoln

Ruhnke, Arnold – Lincoln, Nebraska Association of County Officials

Ruth, Larry L. – Lincoln, National Bank of Commerce Trust & Savings Association; Nebraska Republican State Central Committee; Nebraska State Bar Association; Nebraska State Home Builders Association;

Tobacco Tax Council, Inc.

Ryan, James E. – Lincoln, Association For Better Financial Services In Nebraska, Inc.; County Judges Association; Nebraska Beer Wholesalers' Association; Nebraska Liquor Wholesalers' Association; Nebraska Motor Carriers' Association; Nebraska Public Power District

Schellpeper, William L. – Lincoln, Nebraska Medical Association

Scherer, Leo – Lincoln, City of Lincoln

Schimek, Di Anna R. – Lincoln, Lancaster County Democratic Party

Schlaphoff, Elmer C. – Waverly, Nebraska State Grange; Nebraska Stock Growers Association; The Nebraska Livestock Feeders Association

Schlitt, Marge – Lincoln, Common Cause of Nebraska

Schmidt, Kenneth E. – Lincoln, Cooperative Service Company

Schulz, Roger D. – Lincoln, Nebraska Association of Public Employees

Shafer, Patricia – Omaha, Omaha Education Association

Smith, Leo C. – Fairbury, Nebraska State Legislative Board, Brotherhood of Locomotive Engineers

Snodgrass, Del – Lincoln, Nebraska Association of Commerce and Industry

Spitz, Clarence – Omaha, Omaha Public Power District

Stewart, E. Mickey – Alliance, Nebraska Stock Growers Association

Stromer, Gerald A. – Kearney, Nebraska For The Preservation of Progressive Agriculture

Stuve, Gregory K. – Omaha, City of Omaha

Sutej, John M. – Omaha, Local Union 1974, I.B.E.W.

Swanson, William F. – Lincoln, University of Nebraska

Tews and Noren:

Charles F. Noren – Lincoln Telephone and Telegraph Company; Media of Nebraska; Nebraska Association of Insurance Agents; Nebraska Chapter Institute of Architects; Nebraska Motorcycle Dealers Association; Nebraska Realtors Association; Nebraska Society of Certified Public Accountants; Nebraska State Association of Fire Fighters

David D. Tews – Lincoln Telephone and Telegraph Company; Media of Nebraska; Nebraska Association of Insurance Agents; Nebraska Chapter Institute of Architects; Nebraska Motorcycle Dealers Association; Nebraska Realtors Association; Nebraska Society of Certified Public Accountants; Nebraska State Association of Fire Fighters

Thies, John C. – Omaha, Omaha Education Association

Watters, George L. – Lincoln, Nebraska Petroleum Marketers, Inc.

Weber, Audrey K. – Lincoln, Common Cause of Nebraska

Wells, Marie C. – Lincoln, Nebraska Society of Medical Technologist

Wells, Stanley A. – Lincoln, Cooperative Service Company

Wheeler, Stuart L. – Hastings, Kansas-Nebraska Natural Gas Company, Inc. and its subsidiaries

Wiebe, Louis – Lincoln, Farmers Union of Nebraska

Wilson, William A. – Lincoln, The Midwest Life Insurance Company

Wruck, George T. – Omaha, Retail Merchants of Greater Omaha, Inc.

Wunderlich, La Rue – Roca, Nebraska Lutheran Legislative Caucus
Wylie, William M. – Elgin, Nebraska Association of Mutual Insurance Agents; Nebraska Insurance Information Service
Young, Harry D. – Beatrice, Norris Public Power District

ANNOUNCEMENT

Mr. Kremer announced a meeting of the Public Works Committee in the Legislative Council Hearing Room at 2:00 p.m. today.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 147. By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 57-1101 and 57-1103, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain for pipe lines; to expand provisions to include the transportation of coal or products thereof; and to repeal the original sections.

LEGISLATIVE BILL 148. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 43-607, Revised Statutes Supplement, 1974, relating to infants; to include all handicapped children in an existing transportation program as prescribed; and to repeal the original section.

LEGISLATIVE BILL 149. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 21-608, Revised Statutes Supplement, 1974, relating to charitable and fraternal societies; to designate additional societies as corporations; and to repeal the original section.

LEGISLATIVE BILL 150. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 16-201, Revised Statutes Supplement, 1974, relating to cities of the first class; to provide conditions for the lease and option of property by a city of the first class; and to repeal the original section.

LEGISLATIVE BILL 151. By Nichol, 48th District.

A BILL FOR AN ACT relating to county industrial areas; to provide for voluntary exclusion from an area; and to provide for voluntary termination of an area.

LEGISLATIVE BILL 152. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 16-668, Reissue Revised Statutes of Nebraska, 1943, relating to public improvements; to provide that owners of land may petition to have water mains or sewer mains laid; to provide for the assessment of the cost of installation; and to repeal the original section.

LEGISLATIVE BILL 153. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 18-1901, Revised Statutes Supplement, 1974, relating to plumbing inspection; to change membership on the board of plumbers as prescribed; to change members qualifications; and to repeal the original section.

LEGISLATIVE BILL 154. By Nichol, 48th District.

A BILL FOR AN ACT relating to public utilities; to authorize the creation of underground wiring districts as prescribed; to provide duties; to provide for special assessment; and to provide administration.

LEGISLATIVE BILL 155. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 17-107.01, 17-203.01, and 19-404, Reissue Revised Statutes of Nebraska, 1943, and sections 16-302.01 and 19-612, Revised Statutes Supplement, 1974, relating to municipal elections; to change the time of municipal elections as prescribed; to provide for extension of certain offices as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 156. By Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 21-1301 and 21-1303, Reissue Revised Statutes of Nebraska, 1943, relating to cooperative corporations; to provide for required voting percentages; to provide for signed, written votes; to provide quorum requirements; and to repeal the original sections.

LEGISLATIVE BILL 157. By Public Health & Welfare Committee: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Moylan, 6th District; R. Lewis, 38th District; Maresh, 32nd District; Kelly, 35th District; Fowler, 27th District.

A BILL FOR AN ACT to amend sections 71-3501 to 71-3511, 71-3513, 71-3515, and 71-3516, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to define terms; to change annual reporting and registration requirements; to require licensing of all radioactive material; to provide a radiation control agency; and to repeal the original sections.

LEGISLATIVE BILL 158. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Moylan, 6th District; Cavanaugh, 9th District; R. Lewis, 38th District; Fowler, 27th District.

A BILL FOR AN ACT to adopt the Nebraska Ionizing Radiation Licensing Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 159. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Moylan, 6th District; R. Lewis, 38th District; Kelly, 35th District; Maresh, 32nd District; Fowler, 27th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Nebraska Mental Health Commitment Act; to define terms; to provide for voluntary treatment of a mental disorder; to provide for commitment of a dangerous mentally ill person through judicial process; to provide for appeal of a judicial order; to prescribe rights of individuals;; to amend sections 83-1,141, 83-1,144, 83-1,146, 83-218, 83-220, 83-307, 83-308.02, 83-338, 83-348, 83-349, and 83-351, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1,142, 83-1,143, 83-1,143.01 to 83-1,143.07, 83-1,144.01, 83-305, and 83-306, Revised Statutes Supplement, 1974; and to repeal the original sections and also sections 83-221, 83-222, 83-223, 83-312, 83-317 to 83-322.01, 83-324 to 83-328.01, 83-328.03, 83-332 to 83-336, 83-340.01 to 83-344, 83-350, 83-357, and 83-381 to 83-390, Reissue Revised Statutes of Nebraska, 1943, and sections 83-323, 83-323.01, 83-328.02, and 83-337, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 160. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Moylan, 6th District; R. Lewis, 38th District; Maresh, 32nd District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 68-1021, Reissue Revised Statutes of Nebraska, 1943, relating to paupers and public assistance; to provide for a Nursing Home Advisory Committee as prescribed; to provide duties and functions of the Nursing Home Advisory Committee; to provide duties for the Director of Public Welfare; and to repeal the original section.

LEGISLATIVE BILL 161. By Wiltse, 1st District.

A BILL FOR AN ACT relating to laws applicable to all cities and villages; to provide conditions for holding office on village boards or city councils.

LEGISLATIVE BILL 162. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 17-801, Reissue Revised Statutes of Nebraska, 1943, relating to the board of public works in cities of the second class; to change the terms of members; and to repeal the original section.

LEGISLATIVE BILL 163. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 45-338, Reissue Revised Statutes of Nebraska, 1943, relating to installment sales; to delete the add-on provision; and to repeal the original section.

LEGISLATIVE BILL 164. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 77-2340, Revised Statutes Supplement, 1974, relating to county funds; to change security requirements on time deposits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 165. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 68-115, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare; to provide for time to be excluded in determining establishment of a new court of legal settlement; and to repeal the original section.

LEGISLATIVE BILL 166. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1974, relating to taxation; to set a rate of income tax on corporations; and to repeal the original section.

LEGISLATIVE BILL 167. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 77-2703 and 77-2715.01, Revised Statutes Supplement, 1974, relating to taxation; to provide that the Legislature shall set the income and sales tax rates; to set such rates; to provide for an annual report by the Tax Commissioner; and to repeal the original sections.

LEGISLATIVE BILL 168. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 29-104, Reissue Revised Statutes of Nebraska, 1943, and section 29-404, Revised Statutes Supplement, 1974, relating to criminal procedure; to redefine terms; to provide duties of the city attorney or an assistant city attorney in cities of the metropolitan class as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 169. By Stoney, 4th District.

A BILL FOR AN ACT relating to county government and officers; to provide that certain county commissioners shall not hold office longer than three consecutive terms; and to allow for reelection.

LEGISLATIVE BILL 170. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 37-215.03, Revised Statutes Supplement, 1974, relating to hunting permits; to remove the permitholder residence requirement from limited hunting permits; and to repeal the original section.

LEGISLATIVE BILL 171. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 17-568.01, Reissue Revised Statutes of Nebraska, 1943, and section 16-321, Revised Statutes Supplement, 1974, relating to bidding procedures for certain cities as prescribed; to change language pertaining to dollar amounts required for bids; to clarify procedures for entering into a contract; and to repeal the original sections.

LEGISLATIVE BILL 172. By Koch, 12th District.

A BILL FOR AN ACT to amend section 16-503, Reissue Revised Statutes of Nebraska, 1943, and section 16-404, Revised Statutes Supplement, 1974, relating to cities of the first class; to provide that in prescribed situations the mayor may vote; to repeal the original sections; and to declare emergency.

LEGISLATIVE BILL 173. By Nebraska Transportation Committee: Stull, 49th District, Chairman; Kremer, 34th District; Savage, 10th District; Mahoney, 5th District; Burbach, 19th District.

A BILL FOR AN ACT to amend section 75-411, Reissue Revised Statutes of Nebraska, 1943, relating to rail carriers; to change provisions relating to the maintenance of railroad crossings over a public road; and to repeal the original section.

LEGISLATIVE BILL 174. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 81-1219, Revised Statutes Supplement, 1974, relating to the Commission on Indian Affairs; to provide for quarterly meetings of the commission; to provide penalties for failure to attend meetings; to create an executive board of the commission; to establish an interim study committee; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 175. By Fowler, 27th District.

A BILL FOR AN ACT relating to cities of the primary class; to provide for supplemental pension payments for firemen and policemen; and to declare an emergency.

LEGISLATIVE BILL 176. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 81-1329, Revised Statutes Supplement, 1974, relating to the personnel system; to provide for minimum salary requirements for state employees; and to repeal the original section.

LEGISLATIVE BILL 177. By Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 8-403.03, 8-435, 8-439, and 8-446, Revised Statutes Supplement, 1974, relating to industrial loan and investment companies; to change directors' qualifications; to change interest provisions on installment loans as prescribed; to provide additional expenses borrowers may be required to pay; to extend the loan repayment period; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 178. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 79-449, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the procedure for expulsion or suspension of a pupil; and to repeal the original section.

LEGISLATIVE BILL 179. By Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 48-837, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to provide that public employees may confer with labor organization members; to provide penalties for interference; and to repeal the original section.

LEGISLATIVE BILL 180. By Burbach, 19th District; Carsten, 2nd District;

A BILL FOR AN ACT relating to agriculture; to create the Nebraska Soil Survey Fund; to declare intent; and to provide for expenditures from the fund.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 80	Wednesday, January 22, 1975	2:00 p.m.
LB 81	Wednesday, January 22, 1975	2:00 p.m.

LB 85	Thursday, January 23, 1975	2:00 p.m.
LB 99	Thursday, January 23, 1975	2:00 p.m.
LB 108	Thursday, January 23, 1975	2:00 p.m.
LB 101	Friday, January 31, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Anderson announced he has a new son, born Saturday, January 11, 1975.

DISCUSSION

The members discussed privileges of the floor of the Legislative Chamber and possible rule changes.

MOTION—Executive Board Proposal

Mr. Dickinson moved the proposals of the Executive Board set forth in their letter of January 8 be referred to the Rules Committee for their recommendations.

The motion lost with 17 ayes, 24 nays and 8 not voting.

MOTION—Livestock Producers

Mr. DeCamp moved the Administrative Rules Committee & Agriculture & Recreation Committee be directed by the Legislature to make whatever investigation and hearings are necessary and proper with the Administrative Rules and the statutes of the State whether they are being properly enforced and to determine on what can or should be done regarding the livestock producers in this State.

(Signed) John DeCamp

The motion prevailed with 42 ayes, 0 nays and 7 not voting.

ANNOUNCEMENT

Mr. Warner announced a meeting of the Special Committee for the contested 48th District at 3 p.m. January 14, in room 2102.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce, and Insurance

LB 22	Tuesday, January 21, 1975	1:30 p.m.

LB 28 Tuesday, January 21, 1975 1:30 p.m.

(Signed) John R. Murphy, Chairman

Labor

LB 2 Wednesday, January 22, 1975 2:00 p.m.
LB 126 Wednesday, January 22, 1975 2:00 p.m.

(Signed) Richard Maresh, Chairman

Constitutional Revision and Recreation

LB 79 Thursday, January 23, 1975 2:00 p.m.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. F. Lewis asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 181. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 79-1522, Revised Statutes Supplement, 1974, relating to school retirement system; to provide for an annual service annuity adjustment as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 182. By Kelly, 35th District.

A BILL FOR AN ACT relating to elections; to make provisions governing campaign receipts and expenditures; to create the State Campaign Finance Commission; and to provide a penalty.

LEGISLATIVE BILL 183. By Warner, 25th District.

A BILL FOR AN ACT to amend section 8-102, Uniform Commercial Code, relating to investment securities; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 184. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 52-102, Reissue Revised Statutes

of Nebraska, 1943, relating to liens; to define terms; to provide for liens to be paid by disbursers as prescribed; to provide penalties; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 2.

Introduced by Keyes, 3rd District.

WHEREAS, Nebraska's highway construction program has been seriously affected by inflation; and

WHEREAS, the Executive Branch of the federal government has further hindered the progress of Nebraska's highway program by impounding large sums of federal highway user taxes which rightfully belong to Nebraska; and

WHEREAS, Nebraska's state gasoline and diesel fuel tax receipts have been reduced because of a reduction in total miles driven; and

WHEREAS, about two-thirds of Nebraska's highway construction state-source revenue is generated by the state tax on gasoline and diesel fuel; and

WHEREAS, the federal government is considering an increased federal tax on crude oil, gasoline, and/or diesel fuel in order to discourage the use of all fuels; and

WHEREAS, the timely and efficient movement of essential agricultural products from farm to market requires that Nebraska continues to maintain an aggressive and adequate highway construction and maintenance program;

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

1. That not less than 50% of any additional tax at the federal level be returned to the states on an equitable basis; and be it further resolved

2. That the Nebraska Congressional Delegation be requested to officially support and promote the provisions of this Resolution, and be it finally resolved

3. That a copy of this Resolution be forwarded to the President of the United States and all Members of Congress.

LEGISLATIVE RESOLUTION 3.

Introduced by Marsh, 29th District; Duis, 39th District; Bereuter, 24th District; DeCamp, 40th District; F. Lewis, 45th District; Keyes, 3rd District; Luedtke, 28th District; Koch, 12th District.

WHEREAS, the Eighty-third Legislature of Nebraska, Second Session, determined that members of the Legislature shall never again meet to

conduct business on January first of any year; and

WHEREAS, the voters of Nebraska determined the elections of 1974 that the Legislature of the State of Nebraska shall not meet on January first of any year; and

WHEREAS, the Congress of the United States has proclaimed certain dates to be legal national holidays; and

WHEREAS, the annual sessions of the legislative body may produce tension and fatigue among its members due to increases in work volume and complexities of the legislative process; and

WHEREAS, it should be recognized by the members of the Legislature that the quietude and ease afforded to individuals by a holiday can be of great value to all Nebraskans, and particularly those engaged in the Legislative process.

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

That the members of the Legislature shall not meet to conduct the business of the state on any official federal holiday, unless it is determined that taking a period of rest for a holiday at any given time during a legislative session would work to the disadvantage of the state.

MOTION–Executive Board Proposal

Mr. Murphy moved that the suggestion of the Executive Board be adopted, in accordance with section 1 of Rule 2. (Set out in detail in the following letter.)

The motion prevailed with 29 ayes, 14 nays and 6 not voting.

January 8, 1975

Dear Senator:

The Executive Board has discussed several proposals to try to reduce the confusion on the Legislative floor. It is our recommendation, and the Sergeant-at-Arms has been so instructed, that no notes will be delivered to Legislators when they are in session. Persons requesting to see certain Senators will make contact with the Senator's office which, in turn, can reach the Senator by intercom. At that time, the Senator can advise his secretary or the person seeking to reach him when he can meet. This would prevent interruption of Senators in discussion of bills and would reduce the problem of continued activity on the floor.

Further, all staff offices have been instructed that, with the exception of Dr. Jack Rodgers, Vincent Brown, Eldin Ehrlich, Emory Burnett, Bruce Cutshall, and their respective staffs, all employees of the Legislature are to stay out of the Legislative Chamber when they are in session. At times, it will be necessary to have certain staff people come into the Chamber, which is acceptable.

Senators' secretaries should be permitted to come in only to deliver mail or pick up mail and then leave immediately. Dictation should not take place on the floor of the Chamber.

If you concur with these recommendations and the Legislature implements them, we will then reduce considerably the confusion on the floor of the Legislature. If this doesn't work, we will have to go back to the old system; but based on my conversations with Senators, it seems this is more in keeping with what they really want.

Very truly yours,
(Signed) Eugene T. Mahoney, Chairman
Executive Board

ETM:jk

REPORT OF THE EXECUTIVE BOARD

The following members were appointed to the Education Commission of the States by the Legislative Council Executive Board at their meeting of December 16, 1975:

Senator William Hasebroock
Senator Gary Anderson
Senator Gerald Koch
Senator Frank Lewis

The following members were appointed to serve on the Telecommunications Committee by the Legislative Council Executive Board at their meeting of December 16, 1975:

Senator Robert Clark
Senator Herb Duis
Senator Glenn Goodrich
Senator William Skarda
Senator Jerome Warner
Senator Eugene Mahoney
Senator Loran Schmit

(Signed) Senator Eugene Mahoney,
Chairman
Legislative Council
Executive Board

MOTION—Adjournment

Mr. Koch moved to adjourn until 10:00 a.m., Monday, January 20, 1975.

The motion lost with 10 ayes, 27 nays and 12 not voting.

At 11:31 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Wednesday, January 15, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTH DAY—JANUARY 15, 1975

LEGISLATIVE JOURNAL

FIFTH DAY–JANUARY 15, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 15, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Reverend Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> O God, we thank You for this wonderful country of which we are a part, and for our state, blessed by its great natural resources.
>
> We thank You for the greatest of resources, its people. We ask that you will look with favor upon all those who lead and who work for our human betterment.
>
> We lift our prayers for the Governor of this state, for our Lieutenant Governor, and for the members of the legislature, as they endeavor to bring to pass those things which work for our good. By the power of Your Divine Spirit assist them to fulfill creatively, their challenging responsibilities in a just and wise manner.
>
> Help them to stand for what is right, not because it may yield dividends later, but because it is right now. Assist them to the end that, their achievements will bring forth increased blessing for the common good. Through Jesus Christ, our Lord, we pray. Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourth Day was approved.

SELECT COMMITTEE REPORT

January 15, 1975

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

I have been directed by the Select Committee on the contested election in the 48th Legislative District to request from members of the Legislature any suggestions relative to the procedure to be used by the committee.

The next scheduled meeting is for 2:00 P. M. on Friday, January 17, 1975. It is anticipated that the final rules under which the committee is operating will be adopted at that time.

Sincerely,

(Signed) Jerome Warner, Chairman

JW/ea

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 83	Tuesday, January 21, 1975	2:00 p.m.
LB 88	Tuesday, January 21, 1975	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 185. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 60-404, 60-406, 60-409, and 60-415, Reissue Revised Statutes of Nebraska, 1943, and section 60-403.01, Revised Statutes Supplement, 1974, relating to motor vehicle operators' licenses; to provide that Class 6 and Class 7 counties may require a color photograph of the licensee to be attached to certain licenses as prescribed; to provide for temporary licenses; to provide for costs; to increase fees; and to repeal the original sections.

LEGISLATIVE BILL 186. By Clark, 47th District.

A BILL FOR AN ACT to amend section 48-115, Reissue Revised Statutes

of Nebraska, 1943, relating to workmen's compensation; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 187. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 48-125, 48-138, 48-139, 48-140, 48-141, 48-142, 48-143, 48-152, 48-153, 48-163, 48-170, 48-182, 48-185, 48-186, 48-187, 48-188, 48-194, and 48-1,100, Reissue Revised Statutes of Nebraska, 1943, and section 48-108, Revised Statutes Supplement, 1974, relating to the Nebraska Workmen's Compensation Court; to eliminate district court jurisdiction; to provide for direct appeals to the Supreme Court; to provide for an additional judge; to provide for transition; to provide an operative date; to repeal the original sections, and also sections 48-181, 48-183, and 48-184, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 188. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 74-1302, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to provide that a railroad safety transportation district may be established in any city of the first class; and to repeal the original section.

LEGISLATIVE BILL 189. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 15-1001, 15-1002, 15-1004, and 15-1006, Reissue Revised Statutes of Nebraska, 1943, and section 15-1007, Revised Statutes Supplement, 1974, relating to pensions; to define terms; to provide for increased pension benefits for firemen and policemen; to provide that firemen and policemen may receive pension benefits at a younger age; to provide for optional benefits; and to repeal the original sections.

LEGISLATIVE BILL 190. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 44-513, Revised Statutes Supplement, 1974, relating to insurance; to provide that an insured be entitled to reimbursement for services performed by a dentist; and to repeal the original section.

LEGISLATIVE BILL 191. By Stull, 49th District.

A BILL FOR AN ACT relating to county government and officers; to provide for deputy state sheriffs; and to provide for appointments, powers, duties, bonds, and salaries.

LEGISLATIVE BILL 192. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1974, relating to public welfare; to increase maximum payments for aid to dependent children; and to repeal the original section.

LEGISLATIVE BILL 193. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 16-401, 17-105, and 17-106, Reissue Revised Statutes of Nebraska, 1943, and section 17-204, Revised Statutes Supplement, 1974, relating to municipalities; to provide for publication of the minutes of city council and board of trustees meetings; and to repeal the original sections.

LEGISLATIVE BILL 194. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 48-157, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to permit the microfilming of certain records; to provide for evidence; to permit the destruction of certain records without microfilming; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 195. By Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 37-101 and 37-201, Reissue Revised Statutes of Nebraska, 1943, relating to game; to define certain terms; and to repeal the original sections.

LEGISLATIVE BILL 196. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 52-103, Reissue Revised Statutes of Nebraska, 1943, relating to liens; to provide filing and notice requirements for subcontractor's lien as prescribed; and to repeal the original section.

LEGISLATIVE BILL 197. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 39-1106, Reissue Revised Statutes of Nebraska, 1943, relating to the State Highway Commission; to increase the compensation paid to members of the commission; and to repeal the original section.

LEGISLATIVE BILL 198. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 48-121, 48-122, and 48-122.03, Revised Statutes Supplement, 1974, 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.

ANNOUNCEMENT

Mr. DeCamp announced the Rules Committee will meet in the East Senate Lounge at 1:00 p.m. today.

GENERAL FILE

LEGISLATIVE BILL 6. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to E & R for Review with 39 ayes, 0 nays and 10 not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for Review with 39 ayes, 0 nays and 10 not voting.

LEGISLATIVE BILL 11. Title read. Considered.

Advanced to E & R for Review with 40 ayes, 0 nays and 9 not voting.

LEGISLATIVE BILL 57. Title read. Considered.

Advanced to E & R for Review with 41 ayes, 0 nays and 8 not voting.

LEGISLATIVE BILL 58. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 59. Title read. Considered.

Advanced to E & R for Review with 43 ayes, 0 nays and 6 not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Advanced to E & R for Review with 39 ayes, 0 nays and 10 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 199. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 79-1521, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522, Revised Statutes Supplement, 1974, relating to the school retirement system; to provide for county superintendents serving beyond retirement age; to provide for payment of retirement benefits for all serving beyond retirement age; to delete provisions for waiver of benefits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 200. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 16-316, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to limit the power of the mayor to grant reprieves and pardons; and to repeal the original section.

LEGISLATIVE BILL 201. By Savage, 10th District.

A BILL FOR AN ACT to amend section 8-355, Reivsed Statutes Supplement, 1974, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; and to repeal the original section.

LEGISLATIVE BILL 202. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 68-1022, Reissue Revised Statutes of Nebraska, 1943, relating to pauper and public assistance; to no longer require counties to provide medical assistance, as prescribed; and to repeal the original section.

LEGISLATIVE BILL 203. By Burbach, 19th District.

A BILL FOR AN ACT to adopt the Nebraska Family Farm and Ranch Act of 1975.

LEGISLATIVE BILL 204. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 53-103 and 53-168, Reissue Revised Statutes of Nebraska, 1943, and section 53-117, Revised Statutes Supplement, 1974, relating to liquors; to define terms; to provide duties; to prohibit certain acts; and to repeal the original sections.

LEGISLATIVE BILL 205. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 81-1108.22, Revised Statutes Supplement, 1974, relating to state leases; to provide for public advertisement; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 206. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 83-109, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Public Institutions; to provide for review of transfers of patients or residents of regional centers or the Beatrice State Home; and to repeal the original section.

LEGISLATIVE BILL 207. By Kelly, 35th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to authorize the leasing of land owned by the department; and to provide for disposition of lease proceeds as prescribed.

LEGISLATIVE BILL 208. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 8-318, Revised Statutes Supplement, 1974, relating to banking; to provide that a savings and loan association may act as trustee pursuant to terms in the Internal Revenue Code; and to repeal the original section.

ANNOUNCEMENT

Mr. Mahoney announced an Executive Board meeting during the ease this morning for the referral of bills.

EASE

The Legislature was at ease from 10:42 a.m. until 11:36 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 209. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 39-629, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska Rules of the Road; to provide duties of a driver approaching a stopped or parked vehicle; and to repeal the original section.

LEGISLATIVE BILL 210. By Dickinson, 31st District.

A BILL FOR AN ACT relating to criminal procedure; to provide for appeals in misdemeanor cases.

REFERENCE COMMITTEE REPORT

LB	Committee
127	Labor
128	Education
129	Gov. Mil. & Vets Afrs
130	Judiciary
131	Public Works
132	Public Works
133	Cons. Rev. & Rec.
134	Judiciary
135	Gov. Mil. & Vets Afrs
136	Agric. & Env.
137	Pub. Hlth & Wel.
138	Gov. Mil. & Vets Afrs
139	Pub. Hlth & Wel.
140	Judiciary
141	Judiciary
142	Cons. Rev. & Rec.
143	Misc. Subjects
144	Gov. Mil. & Vets Afrs
145	Cons. Rev. & Rec.
146	Public Works
147	Public Works
148	Pub. Hlth & Wel.
149	Misc. Subjects
150	Urban Affairs
151	Gov. Mil. & Vets Afrs
152	Urban Affairs
153	Urban Affairs
154	Urban Affairs
155	Urban Affairs
156	Misc. Subjects
157	Pub. Hlth & Wel.
158	Pub. Hlth & Wel.
159	Pub. Hlth & Wel.
160	Pub. Hlth & Wel.
161	Urban Affairs
162	Urban Affairs
163	Bkg. Comm. & Ins.
164	Revenue
165	Pub. Hlth & Wel.
166	Revenue
167	Revenue
168	Judiciary
169	Gov. Mil. & Vets Afrs
170	Cons. Rev. & Rec.
171	Urban Affairs
172	Urban Affairs
173	Public Works
174	Misc. Subjects
175	Neb. Ret. Systems
176	Gov. Mil. & Vets Afrs
177	Bkg. Comm. & Ins.
178	Education
179	Labor
180	Agric. & Env.
181	Neb. Ret. Systems
182	Gov. Mil. & Vets Afrs
183	Bkg. Comm. & Ins.
184	Judiciary

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Koch asked unanimous consent to be excused Monday, January 20, 1975. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 40	Monday, January 27, 1975	1:00 p.m.
LB 44	Monday, January 27, 1975	1:00 p.m.
LB 43	Friday, January 31, 1975	1:00 p.m.
LB 50	Friday, January 31, 1975	1:00 p.m.

(Signed) William H. Hasebroock, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 211. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 39-1405, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to provide for snow and ice removal as prescribed; and to repeal the original section.

LEGISLATIVE BILL 212. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 42-364, Revised Statutes Supplement, 1974, relating to husband and wife; to provide for intervention by interested persons in child custody determinations; to provide for a collection system for child support payments; to assign duties; to provide for the collection of delinquent payment; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 213. By Bereuter, 24th District.

A BILL FOR AN ACT relating to outdoor advertising; to control advertising along the National System of Interstate and Defense Highways; to provide exclusions; and to provide compensation for removal.

LEGISLATIVE BILL 214. By Bereuter, 24th District.

A BILL FOR AN ACT relating to agriculture; to regulate the ownership of agricultural lands by corporations as prescribed; to define terms; to provide conditions of corporate ownership; to provide for filing reports; to provide penalties; and to declare an emergency.

ADJOURNMENT

At 11:41 a.m., on a motion by Speaker Burbach, the Legislature

adjourned until 10:00 a.m., Thursday, January 16, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTH DAY–JANUARY 16, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 16, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whalen presiding.

PRAYER

The prayer was offered by Reverend Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> We thank You, O God, for the rich heritage of this great and good land; for the evidences of Your favor in the past and the direction of your providence which has made and preserved our State and our Nation.
>
> We thank You for men and women who by toil, tears and sacrifice have forged into being all we hold dear now. Help us to see ourselves as continuing in that never ending purpose.
>
> Show us what to do and how to do it to make Nebraska a better and fairer state for ourselves and our children to live in. May the urgency of the worlds need for food, which impinges upon the farms of our state become a symbol that no state lives unto itself. Grant to our farmers the needed resources that they may go forward for our nation rather than retreat.
>
> Open our eyes that we may observe Your doings among us, O God, then finding your way into the future, may we lead in the legislature so as to advance forward in the face of unending change. In the Spirit of the Christ. Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 121	Wednesday, January 22, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Constitutional Revision and Recreation

LB 145	Thursday, January 23, 1975	2:00 p.m.

(Signed) George Syas, Chairman

Public Works

LB 60	Wednesday, January 29, 1975	2:00 p.m.
LB 62	Wednesday, January 29, 1975	2:00 p.m.
LB 104	Wednesday, January 29, 1975	2:00 p.m.
LB 63	Thursday, January 30, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORT

Nebraska Retirement Systems

LEGISLATIVE BILL 36. Placed on General File.
LEGISLATIVE BILL 41. Placed on General File.
LEGISLATIVE BILL 35. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 4.

Introduced by DeCamp, 40th District; Anderson, 37th District; Barnett, 26th District; Bereuter, 24th District; Burrows, 30th District; Cavanaugh, 9th District; Chambers, 11th District; Cope, 36th District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Kelly, 35th District; Keyes, 3rd District; Koch, 12th District; F. Lewis, 45th District; Luedtke, 28th District; Marsh, 29th District; Marvel, 33rd District; Mills, 44th District; Moylan, 6th District; Nichol, 48th District; Rumery, 42nd District; Schmit, 23rd District; Simpson, 46th District; Stoney, 4th District; Warner, 25th District.

WHEREAS, the 92nd 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-third of each House concurring therein), that the following article is proposes 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. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Sec. 3. This amendment shall take effect two years after the date of ratification, and

WHEREAS, the Eighty-second Legislature, Second Session of the Legislature of Nebraska approved Legislative Resolution 83, and

WHEREAS, the approval of the proposed amendment to the Constitution of the United States of America was obtained by the duly constituted legislative process of Nebraska, and

WHEREAS, the approval of the proposed amendment to the Constitution of the United States of America was withdrawn by the Eighty-third Legislature, First Session of the Legislature of Nebraska in the form of Legislative Resolution 9, and

WHEREAS, the withdrawal of the approval of the proposed amendment was an ill founded decision, and

WHEREAS, the propriety of the withdrawal of an approval made in the regular course of legislative business is highly suspect, and open to grave question, and

WHEREAS, the proposed amendment to the Constitution of the United States of America should be approved by the State of Nebraska.

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

1. That Legislative Resolution 9 of the Eighty-Third Legislature First Session of the Legislature of Nebraska be rescinded.

2. That such proposed amendment to the Constitution of the United States is hereby approved.

3. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

SPECIAL MEETING

There will be a joint meeting of the Education and Appropriations Committees on the 1973 Special Education Bill LB 403 on Tuesday, January 21, 1975 in Room 1019 at 1:30 p.m.

(Signed) F. Lewis

SPECIAL COMMITTEE REPORT

I report the following membership and leadership of the Transportation Advisory Committee:

Senator Stull – Chairman
Senator Savage – Vice Chairman
Senator Warner
Senator Carsten
Senator Kremer

(Signed) Leslie A. Stull

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
185	Public Works	198	Labor
186	Labor	199	Retirement
187	Judiciary	200	Urban Affairs
188	Public Works	201	Bkg. Comm. & Ins.
189	Retirement	202	Pub. Hlth & Wel.
190	Bkg. Comm. & Ins.	203	Agric. & Env.
191	Gov. Mil. & Vets Afrs	204	Misc. Subjects
192	Pub. Hlth & Wel.	205	Gov. Mil. & Vets Afrs
193	Urban Affairs	206	Pub. Hlth & Wel.
194	Judiciary	207	Misc. Subjects
195	Cons. Rev. & Rec.	208	Bkg. Comm. & Ins.
196	Judiciary	209	Public Works
197	Public Works	210	Judiciary

(Signed) Eugene T. Mahoney, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 215. By Rumery, 42nd District.

A BILL FOR AN ACT relating to state office buildings; to recommend and approve purchase or a lease-purchase agreement for land and buildings.

LEGISLATIVE BILL 216. By Clark, 47th District.

A BILL FOR AN ACT to amend section 79-2619, Reissue Revised Statutes of Nebraska, 1943, and 79-2616, Revised Statutes Supplement, 1974, relating to technical community colleges; to preclude modification of contracts with the technical community college state board and area boards; to void any contracts made by such boards after a specified date as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 217. By Duis, 39th District.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Life and Health Insurance Guaranty Association Act; and to provide severability.

LEGISLATIVE BILL 218. By Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 25-2221 and 62-301, Revised Statutes Supplement, 1974, relating to holidays; to designate the last Monday in May as Memorial Day; to provide that federal holidays shall be observed as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 219. By Swigart, 8th District.

A BILL FOR AN ACT to amend section 8-319, Revised Statutes Supplement, 1974, relating to building and loan associations; to change provisions relating to loans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 220. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 37-519, Reissue Revised Statutes of Nebraska, 1943, and section 37-501, Revised Statutes Supplement, 1974, relating to game and fish; to define certain terms; to change the penalty for violations; and to repeal the original sections.

LEGISLATIVE BILL 221. By Goodrich, 20th District.

A BILL FOR AN ACT relating to members of a fire or police department of a municipality or a fire district; to provide a death benefit for members killed while in the performance of their duties or as a result of injuries received while in the performance of their duties as prescribed.

LEGISLATIVE BILL 222. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 48-817 and 48-818, Reissue Revised Statutes of Nebraska, 1943, relating to the court of industrial relations; to eliminate the provision disallowing retroactive orders; to provide additional considerations the court may use in making its orders and findings; and to repeal the original sections.

LEGISLATIVE BILL 223. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Fowler, 27th District; Cavanaugh, 9th District; Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT relating to the practice of medical technology; to define terms; to provide for licensure; to make certain acts unlawful; to create a cash fund; to provide penalties; and to provide severability.

LEGISLATIVE BILL 224. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 43-102 and 43-104, Reissue Revised Statutes of Nebraska, 1943, relating to adoption; to provide procedures for claiming paternity; to provide for judicial hearings; and to repeal the original sections.

MOTION–Rule Change

Mr. Syas moved to amend Rule 4 – Sec. 4, Sec. 5, Sec. 6, and Sec. 8 to read as follows;

Sec. 4. ~~Only those~~ All resolutions ~~specified in sections 2 and 3 of this Rule shall be voted on~~ by the Legislature. ~~Should the rules be suspended to permit a vote upon a resolution it~~ shall ~~then~~ be ~~considered~~ adopted ~~only~~ by an affirmative vote of a majority of the elected members~~.~~ or by unanimous consent.

Sec. 5. ~~The Clerk shall hold all resolutions not otherwise disposed of until the fifth legislative day after introduction or until the last day of the session, whichever first occurs, during which any member may add his name as introducer thereof.~~ The Clerk shall retain the original of all ~~such~~ resolutions ~~in his file~~ and, if called for in the resolution, make and dispose of copies thereof accordingly~~, provided, however, that resolutions not adopted in accordance with secs. 2, 3, or 4 above shall be considered adopted only when there shall have been a majority of the elected members sign the said resolution.~~

Sec. 6. Resolutions which are ~~filed with the Clerk~~ introduced may be explained by the ~~signer~~ introducer ~~thereof either~~ on ~~the day of introduction or~~ any of the 5 succeeding legislative days.

Sec. 8. Reference to Committee. Resolutions other than those covered by

~~sees.~~ sec. ~~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.

Referred to the Rules Committee.

MOTION—Re-Refer LB 105

Mr. Savage moved to re-refer LB 105 from Government, Military & Veterans Affairs Committee to Banking Commerce & Insurance Committee.

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

REFERENCE COMMITTE REPORT

LR	Committee
4	General File

(Signed) Eugene T. Mahoney, Chairman

ANNOUNCEMENT

Mr. Kennedy announced that the Public Health and Welfare Committee will meet at 10:30 a.m. under the North Balcony.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00 noon, Wednesday, January 22, 1975, in Room 2102, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Mr. Dan T. Drain - Director
Department of Environmental Control

Mr. George J. David - Environmental Control Council

Dr. David H. Smith - Environmental Control Council

Mr. Ace T. Backer - State Fire Marshal

Mr. Gerald R. "Bud" Campbell - Game and Parks Commission

(Signed) John S. Savage, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 225. By Kelly, 35th District.

A BILL FOR AN ACT to amend 60-407, Revised Statutes Supplement, 1974, relating to motor vehicles; to provide procedures for notifying the Department of Motor Vehicles of individuals with impaired driving ability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 226. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 70-624.02, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to change the maximum amount payable to members of the board and the president of districts having gross revenue of less than forty million dollars per year; to clarify existing language; and to repeal the original section.

LEGISLATIVE BILL 227. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 48-111, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to extend an exemption from liability; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 21	Thursday, January 23, 1975	2:00 p.m.
LB 27	Thursday, January 23, 1975	2:00 p.m.
LB 149	Thursday, January 23, 1975	2:00 p.m.

(Signed) G. L. Anderson, Chairman

Urban Affairs

LB 93	Wednesday, January 22, 1975	2:00 p.m.
LB 117	Wednesday, January 22, 1975	2:00 p.m.
LB 118	Wednesday, January 22, 1975	2:00 p.m.
LB 152	Wednesday, January 22, 1975	2:00 p.m.
LB 162	Wednesday, January 22, 1975	2:00 p.m.

(Signed) Steve Fowler, Chairman

MOTION—Suspend Rules on LR 4

Mr. DeCamp moved to suspend the rules to consider LR 4 at this time. The motion prevailed with 30 ayes, 18 nays and 1 not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 4. Considered.

Mr. Goodrich moved to refer LR 4 to a committee.

The Chair ruled the motion out of order at this time.

Mr. Goodrich appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion prevailed with 30 ayes, 13 nays and 6 not voting. The Chair was sustained.

Mr. Koch moved to reconsider the suspension of the rules on LR 4.

The motion prevailed with 25 ayes, 23 nays and 1 not voting.

Mr. F. Lewis moved to adjourn until 10 a.m. Monday, pending reading of reports. Motion pending.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused from 11:00 a.m. today until he returns. No objections. So ordered.

ANNOUNCEMENTS

Mr. Marvel announced there would be no meeting of the Appropriations Committee on Friday, January 17, 1975 at 1:30 p.m.

Mr. Carsten announced the Revenue Committee would meet in the Senate Lounge for a few minutes after adjournment.

Mr. Kremer announced the Public Works Committee would meet under the North balcony immediately after adjournment.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 163	Monday, January 27, 1975	2:00 p.m.
LB 177	Monday, January 27, 1975	2:00 p.m.
LB 105	Monday, January 27, 1975	2:00 p.m.

(Signed) J. R. Murphy, Chairman

Government, Military & Veterans Affairs

LB 120	Thursday, January 30, 1975	2:00 p.m.
LB 125	Thursday, January 30, 1975	2:00 p.m.
LB 129	Friday, January 31, 1975	2:00 p.m.
LB 135	Friday, January 31, 1975	2:00 p.m.
LB 182	Friday, January 31, 1975	2:00 p.m.
LB 138	Thursday, February 6, 1975	2:00 p.m.
LB 151	Thursday, February 6, 1975	2:00 p.m.
LB 169	Thursday, February 6, 1975	2:00 p.m.
LB 176	Friday, February 7, 1975	2:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Appropriations

Monday, January 20, 1975 (Deficiencies) Room 1003	2:00 p.m.
Tuesday, January 21, 1975 (LB403-1973) Room 1019	1:30 p.m.
Wednesday, January 22, 1975 (LB 107) Room 1003	2:00 p.m.
Wednesday, January 22, 1975 (State Pay Plan) Room 1003	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 53. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 5.

Introduced by Hasebroock, 18th District; Anderson, 37th District; Barnett, 26th District; Bereuter, 24th District; Burbach, 19th District; Burrows, 30th District; Carsten, 2nd District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; Cope, 36th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Koch, 12th District; Kremer, 34th District; F. Lewis, 45th

District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Mills, 44th District; Moylan, 6th District; Murphy, 17th District; Nichol, 48th District; Rasmussen, 41st District; Rumery, 42nd District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Stoney, 4th District; Stull, 49th District; Swigart, 8th District; Syas, 13th District; Warner, 25th District; Wiltse, 1st District.

WHEREAS, Clarence A. H. Meyer, former Attorney General of the State of Nebraska, has retired from public service; and

WHEREAS, Mr. Meyer began his career of legal public service to Nebraska as Assistant Attorney General in 1949; and

WHEREAS, on November 1, 1952 he was appointed to the position of Deputy Attorney General; and

WHEREAS, he was sworn in as Attorney General of the State of Nebraska in January, 1961, and served in such capacity until January 9, 1975; and

WHEREAS, he has always garnered the respect and esteem of persons in state government and Nebraskans everywhere; and

WHEREAS, he is a recipient of the Wyman Award conferred in 1965 by the National Association of Attorneys General in national recognition of his professional excellence in office; and

WHEREAS, he has always proved to be a willing and skillful counselor to members of the Legislature, as well as all others seeking his aid.

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

1. That the Legislature express its thanks and profound gratitude to Clarence A. H. Meyer for outstanding past public service to Nebraska.

2. That the Legislature express its best wishes to Mr. Meyer in his future endeavors.

3. That the Clerk of the Legislature be directed to forward a copy of this resolution to Mr. Meyer.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 228. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to provide death benefits for enforcement agents dying in the line of duty.

LEGISLATIVE BILL 229. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to state employment; to exempt employees covered by any collective bargaining agreement from certain statutory provisions; to amend sections 32-1046 and 81-1316, Reissue Revised

Statutes of Nebraska, 1943, and sections 44-1620, 81-1320, 81-1328, 81-1329, 84-306.03, 84-1001, and 84-1301, Revised Statutes Supplement, 1974; and to repeal the original sections.

LEGISLATIVE BILL 230. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Luedtke, 28th District; Barnett, 26th District; Nichol, 48th District; Skarda, 7th District; Mahoney, 5th 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 Supreme Court judicial districts; to redistrict Supreme Court judicial districts; to provide for the Chief Justice to be elected at large; to require future redistricting; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

ANNOUNCEMENT

Speaker Burbach announced the Executive Board will meet at 9:30 a.m. on Monday, January 20, 1975.

MOTION–Adjournment

Mr. F. Lewis renewed his motion to adjourn until 10:00 a.m., Monday, January 20, 1975. The motion lost with 17 ayes, 23 nays and 9 not voting.

MOTION–Suspend Rules

Mrs. Marsh moved to suspend the rule to treat resolution as a bill, Rule 4 of Rules, to consider LR 4.

The motion lost with 22 ayes, 23 nays and 4 not voting.

ADJOURNMENT

Mr. Goodrich moved to adjourn until 10:00 a.m., Monday, January 20, 1975. The motion prevailed with 24 ayes, 21 nays and 4 not voting, and 11:31 a.m. the Legislature adjourned.

Vincent D. Brown
Clerk of the Legislature

SEVENTH DAY--JANUARY 20, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 20, 1975

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, before we become involved in the routine of another day, we stop to seek Thy help. Experienced in the ways of men so well, we know all too little of the ways of God. But Thou knowest each one of us, by name and by need. Therefore turn our wayward minds and hearts to Thee. Forgive our faults and failures that we have committed in the past and set us free from them. Forgive our failure to apply to ourselves the standards of conduct we demand of others. Forgive our slowness to see the good in others or to see the evil in ourselves. In our differences may we be kind; in our agreements may we be humble, that Thy will may be done in us and through us in our beloved State. For Jesus' sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Keyes, Kime, and Koch who were excused and Mr Schmit who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

COMMUNICATIONS

January 17, 1975

Mr. Vincent D. Brown
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, Nebraska 68509

Dear Mr. Brown:

I would like your consideration in reading the following statement from the Department of Public Institutions to the honorable body of the Nebraska State Legislature:

It has come to my attention that an organization calling itself "The Farmers for Legalization of Marijuana" wrote a letter to the members of the Legislature using the Department of Public Institutions' envelopes. The envelopes were not given to anyone for this use, and the Department would like to say that it does not support this organization. In view of the fact that we are in the business of trying to help people suffering from mental illness, drugs, and alcoholism, we certainly do not approve the use of any drug which has not been proven safe.

We are now trying to investigate how the envelopes were obtained. They are not the type in present use.

Sincerely,

(Signed) Jack M. Cleavenger
Acting Director

JMC:ms

MESSAGES FROM THE GOVERNOR

January 14, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Code of Ethics Board requiring legislative confirmation:

Tom Doyle, State Engineer, Department of Roads (reappointment)
William E. Peters, State Tax Commissioner, Department of Revenue (reappointment)
Roy Gardner, Director, Department of Personnel (appointment)
Donald R. Treadway, Fullerton (reappointment)
Charles Broderson, Herman (reappointment)

The above appointees will serve a 2-year term expiring January 6, 1977.

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

January 15, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment to the Power Review Board requiring legislative confirmation:

Reappointment of Roy R. Robertson, Norfolk, to serve a 4-year term, expiring January 1, 1979.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

ANNOUNCEMENT

Mr. DeCamp announced a meeting of the Rules Committee at 12:00 noon in the East Senate Lounge, Room 2230 today.

NOTICE OF COMMITTEE HEARING
Banking, Commerce, and Insurance Committee

LB 183	Tuesday, January 28, 1975	2:00 p.m.
LB 190	Tuesday, January 28, 1975	2:00 p.m.
LB 201	Tuesday, January 28, 1975	2:00 p.m.
LB 208	Tuesday, January 28, 1975	2:00 p.m.

(Signed) J. R. Murphy, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
211	Public Works	221	Urban Affairs
212	Judiciary	222	Labor
213	Public Works	223	Pub. Hlth & Wel.
214	Agric. & Env.	224	Judiciary
215	Misc. Subjects	225	Public Works
216	Education	226	Public Works
217	Bkg. Comm. & Ins.	227	Labor
218	Gov. Mil. & Vets Afrs	228	Misc. Subjects
219	Bkg. Comm. & Ins.	229	Labor
220	Cons. Rev. & Rec.	230	Cons. Rev. & Rec.

(Signed) Eugene T. Mahoney

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 49. Placed on General File.
LEGISLATIVE BILL 52. Placed on General File.
LEGISLATIVE BILL 55. Placed on General File.
LEGISLATIVE BILL 56. Placed on General File.

(Signed) W. H. Hasebroock, Chairman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 17, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Allan, Marilyn J. – Lincoln, James E. Ryan

Crosby, Robert B. – Lincoln, First Federal Savings & Loan Association of Lincoln

Crosby, Guenzel, Davis, Kessner and Kuester Law Firm:

Robert B. Crosby, Better Nebraska Association; Engergy Transportation Systems, Inc.; Lower Platte South NRD; Nebraska Association of Industrial Loan and Investment Companies

Robert C. Guenzel, Nebraska Cooperative Council; Railroad Transportation Safety District

Theodore L. Kessner, Lincoln Police Association

James L. Sedgwick, Better Nebraska Association
Crowl, Ralph E. – Omaha, Nebraska State Council of Electrical Workers
Heald, Arlie F. – Lincoln, Nebraska State Council of Electrical Workers
Knudsen, Berkheimer, Ednacott & Beam Law Firm:
C. Arlen Beam, Nebraska Pest Control Association
Larry L. Ruth, Nebraska Pest Control Association
Kratz, Dean G. – Omaha, Nebraska Cemetery Association
Moulton, William S. – Omaha, Nebraska Consulting Engineers Assn. and Professional Engineers of Nebraska
Oltman, Ray – Lincoln, The American Legion, Department of Nebraska
Piester, David L. – Lincoln, Legal Aid Society of Lincoln, Inc.
Singleton, Charles R. – Dix, The American Legion, Department of Nebraska
Tews and Noren
Charles F. Noren, Beatrice Development Corporation; Committee For Consumer Credit; Nebraska Association of Technical Community Colleges; Omaha Public Power District
David D. Tews, Beatrice Develpment Corporation; Committee For Consumer Credit; Nebraska Association of Technical Community Colleges; Omaha Public Power District
Wishnow, Bernard – Lincoln, Omaha Food Retailers Association, Inc.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 231. By Cope, 36th District.

A BILL FOR AN ACT to amend section 33-145, Reissue Revised Statutes of Nebraska, 1943, relating to fees and salaries; to exempt cities and villages from paying court costs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 232. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 45-104, Reissue Revised Statutes of Nebraska, 1943, and section 25-1801, Revised Statutes Supplement, 1974, relating to interest; to provide interest on unsettled accounts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 233. By Appropriations Committee; Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Goodrich, 20th District; Bereuter, 24th District; Simpson, 46th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 77-2106, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1974, relating to taxation; to provide for deposit of estate tax receipts in the General Fund and the making of refunds thereof from the Tax Refund Fund; to provide for lapse; and to repeal the original sections.

LEGISLATIVE BILL 234. By Koch, 12th District.

A BILL FOR AN ACT to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943, 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 235. By Nebraska Retirement Systems Committee; Hasebroock, 18th District, Chairman; F. Lewis, 45th District; Luedtke, 28th District; Stull, 49th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 60-452, Reissue Revised Statutes of Nebraska, 1943, and sections 60-452.01 and 60-458, Revised Statutes Supplement, 1974, relating to the Nebraska State Patrol; to reduce the minimum retirement age; to provide a cost-of-living increase for retired patrolmen; to increase percentage for computation of annuity; to accelerate eligibility for the deferred annuity; and to repeal the original sections.

LEGISLATIVE BILL 236. By Nebraska Retirement Systems Committee; Hasebroock, 18th District, Chairman; F. Lewis, 45th District; Luedtke, 28th District; Stull, 49th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 79-1515, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to revise the requirements for prior service credit; and to repeal the original section.

LEGISLATIVE BILL 237. By Barnett, 26th District.

A BILL FOR AN ACT to adopt the Treatment and Rehabilitation of Alcohol-Dependent People Act; to provide severability; to provide an operative date; to repeal section 53-196, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 238. By Public Health and Welfare Committee; Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Fowler, 27th District; Moylan, 6th District; Maresh, 32nd District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 71-2020, 71-2021, 71-2022, 71-2024, 71-2025, 71-2028, 71-2031, 71-2033, 71-2035, 71-2036, 71-2037, and 71-2040, Reissue Revised Statutes of Nebraska, 1943, and section 71-2045.08, Revised Statutes Supplement, 1974, relating to public health; to change the fee structure; to provide for rules and regulations; to provide for advisory bodies as prescribed; to provide for inspections; to increase the membership of and provide for payment of per diem and expenses of members of the Nursing Home Advisory Council; and to repeal the original sections, and also section 71-2019, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 239. By Public Health and Welfare Committee; Kennedy, 21st District, Chairman; Fowler, 27th District; R. Lewis, 38th District; Maresh, 32nd District; Moylan, 6th District.

A BILL FOR AN ACT relating to public welfare; to provide for granting subrogation rights to county divisions of public welfare and the Department of Public Welfare.

LEGISLATIVE BILL 240. By Public Health and Welfare Committee; Kennedy, 21st District, Chairman; Fowler, 27th District; R. Lewis, 38th District; Maresh, 32nd District; Moylan, 6th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 68-1004 and 68-1005, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to eliminate the minimum age requirements when determining eligibility for certain assistance; to provide for the determination of paternity and child support enforcement in certain welfare cases; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 241. By Public Health and Welfare Committee; Kennedy, 21st District, Chairman; R. Lewis, 38th District; Fowler, 27th District; Cavanaugh, 9th District; Moylan, 6th District; Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 71-102, 71-110, 71-112, 71-113, and 71-116, Reissue Revised Statutes of Nebraska, 1943, and sections 71-122 and 71-162, Revised Statutes Supplement, 1974, relating to public health and welfare; to require a license to practice audiology or speech pathology as prescribed; to create an examining board; to provide for membership, duties, and compensation of such board; to define terms; to provide duties of the Department of Health; to provide penalties; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 242. By Syas, 13th District.

A BILL FOR AN ACT to amend section 81-531, Reissue Revised Statutes of Nebraska, 1943, relating to the State Fire Marshal; to change provisions for paying compensation and mileage of fire department personnel; and to repeal the original section.

LEGISLATIVE BILL 243. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 48-806 and 48-816, Reissue Revised Statutes of Nebraska, 1943, and section 48-808, Revised Statutes Supplement, 1974, relating to labor; to set judges salaries as prescribed; to change duties of the court reporter; to provide for binding arbitration; and to repeal the original sections.

LEGISLATIVE BILL 244. By Dickinson, 31st District; George, 16th District.

A BILL FOR AN ACT relating to flood control; to lapse certain unexpended balances; to repeal Laws 1974, Legislative Bill 1055, sections 16 and 17; and to declare an emergency.

LEGISLATIVE BILL 245. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 71-3305, Revised Statutes Supplement, 1974, relating to public health and welfare; to provide when a fluoridation ordinance may not be adopted; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 246. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1974, relating to motor vehicles; to require motorcycle operator's licenses of individuals accompanying persons with learners' permits on motorcycles; to provide requirements prior to the issuance of a learner's permit; and to repeal the original section.

LEGISLATIVE BILL 247. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 2-2404, Reissue Revised Statutes of Nebraska, 1943, relating to the Weather Control Commission; to remove obsolete matter; to allow the commission to accept and use gifts, grants, and funds; and to repeal the original section.

LEGISLATIVE BILL 248. By Burbach, 19th District.

A BILL FOR AN ACT to adopt the Nebraska Uniform Standards for Manufactured Housing Units Act.

LEGISLATIVE BILL 249. By Burbach, 19th District.

A BILL FOR AN ACT to amend sections 39-6,194 and 39-6,195, Revised Statutes Supplement, 1974, relating to the Grade Crossing Protection Fund; to restate and enlarge the purpose of the Grade Crossing Protection Fund; to provide for and clarify responsibility for maintenance of all automatic railroad crossing protection in this state; to provide for a division of costs of maintenance of some automatic railroad crossing protection in this state; and to repeal the original sections.

LEGISLATIVE BILL 250. By Simpson, 46th District.

A BILL FOR AN ACT relating to criminal procedure; to accord rights as prescribed to persons arrested for operating a motor vehicle while intoxicated; to provide for holding the automobile of such person for safekeeping; and to provide for release of such person to his attorney.

LEGISLATIVE BILL 251. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 81-8,255, 81-8,256, and 81-8,257, Reissue Revised Statutes of Nebraska, 1943, relating to state boards and commissions; to change the membership on and rename the Nebraska Governor's Commission on the Status of Women; to provide for representation by all political parties; to revise procedures for electing officers; and to repeal the original sections.

LEGISLATIVE BILL 252. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 39-677, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska Rules of the Road; to provide what shall constitute overloading of the front seat or obstructing the driver's view; and to repeal the original section.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 6. Placed on Select File.
LEGISLATIVE BILL 7. Placed on Select File.
LEGISLATIVE BILL 8. Placed on Select File.
LEGISLATIVE BILL 9. Placed on Select File.
LEGISLATIVE BILL 10. Placed on Select File.
LEGISLATIVE BILL 11. Placed on Select File.
LEGISLATIVE BILL 57. Placed on Select File.
LEGISLATIVE BILL 58. Placed on Select File.
LEGISLATIVE BILL 59. Placed on Select File as amended.
E & R amendment to LB 59:

1. On page 2, line 27, strike "senator" and insert "person".

LEGISLATIVE BILL 116. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 36. Title read. Considered.

Advanced to E & R for Review with 41 ayes, 0 nays and 8 not voting.

LEGISLATIVE BILL 41. Title read. Considered.

Advanced to E & R for Review with 40 ayes, 0 nays and 9 not voting.

NOTICE OF SPECIAL MEETING

Mr. Warner announced a meeting of the select committee on the 48th Legislative District at 4:30 p.m. today in room 2414, Supreme Court Hearing Room.

NOTICE OF COMMITTEE HEARINGS
Education

LB 18	Monday, January 27, 1975	1:30 p.m.
LB 103	Monday, January 27, 1975	1:30 p.m.

(Signed) Frank Lewis, Chairman

EASE

The Legislature was at ease from 10:22 a.m. until 10:27 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 253. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Kelly, 35th District; Maresh, 32nd District; Moylan, 6th District; R. Lewis, 38th District; Cavanaugh, 9th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 60-1001, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide additional motor vehicles which shall be exempt from being identified as motor vehicles of the State of Nebraska; and to repeal the original section.

LEGISLATIVE BILL 254. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Kelly, 35th District; Moylan, 6th District; R. Lewis, 38th District; Fowler, 27th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 71-317 and 71-327, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of cosmetology; to increase the per diem to members of the Board of Cosmetologist Examiners; to increase required fees; and to repeal the original sections.

LEGISLATIVE BILL 255. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Kelly, 35th District; Maresh, 32nd District; Moylan, 6th District; R. Lewis, 38th District; Fowler, 27th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 71-1,158, Revised Statutes Supplement, 1974, relating to veterinary medicine and surgery; to provide for an increase in license fees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 256. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Kelly, 35th District; Maresh, 32nd District; Moylan, 6th District; R. Lewis, 38th District; Fowler, 27th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 71-604, 71-613, 71-614, and 71-615, Reissue Revised Statutes of Nebraska, 1943, relating to vital statistics; to provide the manner by which a child's surname is recorded on a birth certificate; to provide added penalties; to change the requirement for information concerning marriages and dissolution of marriages; and to repeal the original sections.

LEGISLATIVE BILL 257. By Labor Committee: Maresh, 32nd District, Chairman; F. Lewis, 45th District; Fitzgerald, 14th District; Rumery, 42nd District; Murphy, 17th District; Kennedy, 21st District.

A BILL FOR AN ACT relating to health; to establish safety standards for installation of pipes near electrical equipment; to provide rules and regulations; and to provide penalties.

LEGISLATIVE BILL 258. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 28-530.01, Revised Statutes Supplement, 1974, relating to crimes and punishments; to extend protection to commercial office equipment; and to repeal the original section.

LEGISLATIVE BILL 259. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Barnett, 26th District; Mahoney, 5th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 39-602, 39-669.27, 39-669.30, 60-418, 60-424, 60-429, 60-430.05, and 60-430.06, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for issuance of an employment driving permit; to establish criteria; to provide for fee payment; and to repeal the original sections.

ANNOUNCEMENT

Speaker Burbach asked the members to have all their new bill requests to the bill drafting office by Tuesday evening, January 21, 1975.

EASE

The Legislature was at ease from 10:32 a.m. until 10:46 a.m.

MESSAGE FROM THE GOVERNOR

January 20, 1975

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

Re: New Construction, University Pharmacy Building

Dear Mr. President and Senators:

Attached herewith is a copy of the standard approval from all agencies and details for the start of construction on the new Pharmacy Building on the Medical Campus of the University.

This project was authorized by the 1974 Legislature in total amount of $2,600,000. $145,000 is now requested; the 1975-76 cost is $1,500,000; the 1976-77 cost is $955,000.

Before the project can go forward, my signature is required.

As I have suggested previously, it is obviously necessary that we review past spending authorizations as well as proposed new ones in light of the state's financial crunch.

We are not alone in our joint concerns to conserve our dwindling balances. Michigan plans to save $78.5 million by reducing construction, education and other operations. Florida has adopted percentage reductions in state programs to save $127 million. Kentucky has ordered a 90 day freeze on planned construction. Illinois, Maine and others have taken conservation of resources actions.

The executive wishes to cooperate fully with the Legislature. Contrary unilateral action on my part of your previous construction authorization is not contemplated. This is a time, I emphasize once again, for careful planning.

In keeping with legislative appropriations and direction, I am prepared to grant my required approval. However, so as to give your honorable body an opportunity to review this expenditure, which authorizes the initial step for another new building, I will withhold further action for ten days.

If I have not received appropriate instructions from the Legislature by January 30, 1975, I will assume that you approve this expenditure.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw
cc: Department of Administrative Services
(Copy filed with the Appropriations Committee.)

EXECUTIVE BOARD REPORT

Report by the Executive Board on the Administrative Rules Committee membership appointed:

Senator Herbert J. Duis, Chairman
Senator W. H. Hasebroock
Senator Richard Lewis
Senator Wally Barnett
Senator John DeCamp
Senator Harold Moylan
Senator Thomas Kennedy

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 16	Thursday, January 30, 1975	2:00 p.m.
LB 17	Thursday, January 30, 1975	2:00 p.m.
LB 12	Thursday, January 30, 1975	2:00 p.m.
LB 94	Friday, January 31, 1975	2:00 p.m.
LB 98	Thursday, February 6, 1975	2:00 p.m.
LB 102	Thursday, February 6, 1975	2:00 p.m.

(Signed) George Syas, Chairman

Revenue

LB 3	Monday, January 27, 1975	2:00 p.m.
LB 73	Monday, January 27, 1975	2:00 p.m.
LB 78	Monday, January 27, 1975	2:00 p.m.
LB 164	Monday, January 27, 1975	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 260. By Cavanaugh, 9th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, of the Constitution of Nebraska by adding a new section 12, relating to revenue; to authorize tax increment bond legislation as a method of funding redevelopment projects; to provide for the submission of the proposed amendment to the electors; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 261. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 50-309, 50-310, 50-314, Reissue Revised Statutes of Nebraska, 1943, relating to lobbying; to require that additional information be disclosed in the statement filed with the Clerk of the Legislature as prescribed; to redefine terms; to require duties of the Clerk of the Legislature; to provide registration periods; and to repeal the original sections.

LEGISLATIVE BILL 262. By Bereuter, 24th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to require certain studies and analysis to be made; to allow the assistance of the Governor; and to require annual reports to the Legislature.

LEGISLATIVE BILL 263. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 39-669.27, 39-669.28, and 39-669.29, Reissue Revised Statutes of Nebraska, 1943, relating to serious traffic offenses; to decrease the period of revocation of drivers' licenses; to change the time allowed for notice of revocation; and to repeal the original sections.

ANNOUNCEMENT

Mr. Duis announced a meeting of the Administrative Rules and Regulations Committee immediately upon adjournment today in the West Senate Lounge.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 91	Monday, January 27, 1975	2:00 p.m.
LB 137	Monday, January 27, 1975	2:00 p.m.
LB 139	Monday, January 27, 1975	2:00 p.m.
LB 25	Tuesday, January 28, 1975	2:00 p.m.
LB 65	Tuesday, January 28, 1975	2:00 p.m.
LB 66	Tuesday, January 28, 1975	2:00 p.m.
LB 75	Tuesday, January 28, 1975	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

ADJOURNMENT

Speaker Burbach moved to adjourn until 10:00 a.m., Tuesday, January 21, 1975. The motion prevailed with 31 ayes, 2 nays and 16 not voting and at 10:53 a.m. the Legislature adjourned until 10:00 a.m., Tuesday, January 21, 1975.

Vincent D. Brown
Clerk of the Legislature

EIGHTH DAY—JANUARY 21, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 21, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> We know, our Father, that 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 to speak with clarity and strength. 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, such as this moment, that we may use them to know ourselves, to sympathize with others, and, above all, to know thee. Then shall we be wise. Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kime who was excused.

CORRECTIONS FOR THE JOURNAL

Page 148, line 20, delete "Recreation" and insert "Environment".
The Journal for the Fourth Day was approved as corrected.
The Journal for the Seventh Day was approved.

ANNOUNCEMENT

Mr. Kelly announced the Executive Board has adopted a WATS line (Legislative Hot Line) toll free to constituents. The number is 800-742-7456 and will be available starting Friday, January 24, 1975.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 39. Advanced to General File.
LEGISLATIVE BILL 54. Advanced to General File.

(Signed) William H. Hasebroock, Chairman

NOTICE OF COMMITTEE HEARINGS
Education

LB 122	Tuesday, January 28, 1975	1:30 p.m.
LB 178	Tuesday, January 28, 1975	1:30 p.m.

(Signed) Frank Lewis, Chairman

Banking, Commerce, and Insurance

LB 105	Cancelled - Monday, January 27, 1975	2:00 p.m.
LB 105	Reset - Monday, February 3, 1975	2:00 p.m.

LB 105 is being rescheduled at the request of the introducer, Senator John Savage, in order to permit additional testimony from the opponents of the issue.

(Signed) John R. Murphy, Chairman

Revenue

LB 72	Tuesday, January 28, 1975	2:00 p.m.
LB 124	Tuesday, January 28, 1975	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 5. Placed on General File as amended.
Standing Committee amendment to LB 5:
1. Add a new section to read:
"Sec. 3. Since an emergency exists, this act shall be in full force and effect from and after its passage and approval, according to law."

(Signed) Thomas C. Kennedy, Chairman

VISITORS

President Whelan introduced 86 seniors from Aquinas High School, David City, Nebraska.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 264. By Public Works Committee: Kremer, 34th District, Chairman; Wiltse, 1st District; Kelly, 35th District; Moylan, 6th District; Mills, 44th District; R. Lewis, 38th District; Warner, 25th District.

A BILL FOR AN ACT to amend sections 60-505.02 and 60-549, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to credit fees to the Department of Motor Vehicles Computerization Fund as prescribed; to increase the amount of cash deposits required; and to repeal the original sections.

LEGISLATIVE BILL 265. By Public Works Committee: Kremer, 34th District; Wiltse, 1st District; Moylan, 6th District; Kelly, 35th District; Mills, 44th District; R. Lewis, 38th District; Warner, 35th District.

A BILL FOR AN ACT to amend section 39-669.26, Revised Statutes Supplement, 1974, relating to serious traffic offenses; to change the point system dealing with traffic violations as prescribed; to provide exceptions; and to repeal the original section.

LEGISLATIVE BILL 266. By Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 85-505 and 85-506, Revised Statutes Supplement, 1974, relating to tuition credit; to extend provisions to include members of the Selected Reserves; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 267. By Administrative Rules and Regulations Committee: Duis, 39th District, Chairman.

A BILL FOR AN ACT to amend section 84-906.03, Revised Statutes Supplement, 1974, relating to state officers; to provide for additional duties of the Revisor of Regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 268. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Kremer, 34th District; R. Lewis, 38th District.

A BILL FOR AN ACT relating to power districts and corporations; to state legislative intent; to create the Public Power Grid Board; to provide for its membership; to provide for its powers, duties, and responsibilities; to amend sections 70-501, 70-626, 70-628.01, and 70-704, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 269. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 8-101, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1974, relating to banking; to define terms; to provide for banking transactions through the use of manned or unmanned electronic satellite facilities as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 270. By Syas, 13th District.

A BILL FOR AN ACT to amend sections 37-215.03 and 37-215.08, Revised Statutes Supplement, 1974, relating to hunting permits; to provide limited permits for certain species; to provide for issuance of permits in subsequent seasons and years; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 271. By Syas, 13th District.

A BILL FOR AN ACT to amend section 37-429, Reissue Revised Statutes of Nebraska, 1943, relating to the Land and Water Conservation Fund; to provide for reallocation of funds to political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 272. By Swigart, 8th District.

A BILL FOR AN ACT relating to industrial development; to declare intent for the issuance of bonds; and to declare an emergency.

LEGISLATIVE BILL 273. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Chambers, 11th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT to amend section 25-1222.02, Revised Statutes Supplement, 1974, relating to evidence; to harmonize provisions with the Nebraska Evidence Rules; and to repeal the original section.

LEGISLATIVE BILL 274. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT to amend sections 33-138 and 33-139, Revised Statutes Supplement, 1974, relating to jurors; to eliminate mileage allowance for jury duty; and to repeal the original sections.

LEGISLATIVE BILL 275. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT relating to correctional services; to provide for disciplinary procedures within institutions administered by the Department of Correctional Services as prescribed.

LEGISLATIVE BILL 276. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 47-401, Reissue Revised Statutes of Nebraska, 1943, relating to jails; to provide that individuals convicted of felonies may be granted permission to leave jail as prescribed; and to repeal the original section.

LEGISLATIVE BILL 277. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 33-107, Reissue Revised Statutes of Nebraska, 1943, relating to fees and salaries; to increase compensation paid to bailiffs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 278. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend sections 48-805 and 48-806, Reissue Revised Statutes of Nebraska, 1943, and sections 48-808 and 48-813, Revised Statutes Supplement, 1974, relating to the Court of Industrial Relations; to change judges qualifications and compensation as prescribed; to change the court reporter's duties; to provide when a hearing shall be held to resolve an industrial dispute; and to repeal the original sections.

LEGISLATIVE BILL 279. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to adopt the Nebraska Evidence Rules; and to repeal sections 8-172, 25-1201, 25-1203 to 25-1206, 25-1208, 25-1214, 25-1215, 25-1219, 25-1221, 25-1237, 25-1269, 25-1279, 25-1288,

25-1289, 25-1291, 25-12,108, 25-12,110, 25-12,111, 29-2011, 71-3826, and 76-273, Reissue Revised Statutes of Nebraska, 1943, sections 25-1202, 25-1207, 25-12,109, and 25-12,122, Revised Statutes Supplement, 1974, and section 2-724, Uniform Commercial Code.

LEGISLATIVE BILL 280. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th 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 methods for the disciplining of 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 281. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT to amend sections 24-541, 24-542, 24-543, 24-544, and 24-546, Revised Statutes Supplement, 1974, relating to appeals from certain courts; to provide procedures for new trial; to eliminate introduction of additional evidence on appeal; to change requirements for filing the record on appeal; to prescribe the effect on pending cases; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 282. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Chambers, 11th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT relating to courts; to amend section 26-173.01, Revised Statutes Supplement, 1974; to extend provisions to all courts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 283. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend sections 24-524 and 24-525, Revised Statutes Supplement, 1974, relating to the Small Claims Court; to clarify service requirements; to provide an additional fee; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 284. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Chambers, 11th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT to amend section 29-506, Reissue Revised Statutes of Nebraska, 1943, and sections 29-901 and 29-901.03, Revised Statutes Supplement, 1974, relating to criminal procedure; to clarify appearance and bail bond procedures on bind-overs to district court; to provide for disposition of appearance bond deposits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 285. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Chambers, 11th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT to amend section 29-1804.03 and 29-1804.05, Revised Statutes Supplement, 1974, relating to criminal procedure; to provide for counsel for indigent misdemeanor defendants as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 286. By Judiciary Committee: Luedkte, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 33-130, Reissue Revised Statutes of Nebraska, 1943, and sections 24-511, 24-532, and 29-2709, Revised Statutes Supplement, 1974, relating to fees and costs; to provide that county courts shall transmit fees and costs to the State Treasurer; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 287. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to fees and costs; to amend sections 33-124 and 33-145, Reissue Revised Statutes of Nebraska, 1943, and sections 26-112, 29-812, and 29-2206, Revised Statutes Supplement, 1974; to increase fees for criminal cases in county and municipal courts; to eliminate the fee for issuance of a search warrant; to authorize payment of certain court costs in installments; to provide uniform methods of taxing costs; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 288. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 29-1816, 43-201, 43-202, 43-202.01, 43-202.02, 43-202.03, 43-205, 43-206.03, and 43-218, Revised

Statutes Supplement, 1974, relating to courts; to change arraignment procedures; to define terms; to provide for juvenile court jurisdictions and procedures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 289. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 29-2262, Revised Statutes Supplement, 1974, relating to criminal procedure; to provide additional probation conditions that may be imposed by the court; and to repeal the original section.

LEGISLATIVE BILL 290. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to juvenile courts; to provide conditions which the court may impose on the parent, guardian, or custodian as a prerequisite to the court permitting certain children to remain at home.

LEGISLATIVE BILL 291. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to juvenile courts; to provide for transfer of the records and proceedings to the county where the child lives or is domiciled.

LEGISLATIVE BILL 292. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 43-205.04, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide for a probable cause hearing as prescribed; and to repeal the original section.

LEGISLATIVE BILL 293. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 43-206.03, Revised Statutes Supplement, 1974, relating to juvenile courts; to provide for explaining legal rights as prescribed; to provide for the conduct of hearings; to provide for admissions, confessions, warnings, and quantum of proof as prescribed; and to repeal the original section.

LEGISLATIVE BILL 294. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 43-206.02, Revised Statutes Supplement, 1974, relating to juvenile courts; to provide for evaluations in juvenile court as prescribed; to provide for the costs thereof; to provide for detention in certain state facilities and institutions as prescribed; to provide for the release from detention; and to repeal the original section.

LEGISLATIVE BILL 295. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District, Nichol, 48th District; Chambers, 11th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 42-104, Reissue Revised Statutes of Nebraska, 1943, relating to marriage; to reduce the waiting period between application and issuance of a marriage license; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 296. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 24-729, Revised Statutes Supplement, 1974, relating to judges' retirement; to provide that retired judges of the county court may be assigned to fill vacancies in any county court; and to repeal the original section.

LEGISLATIVE BILL 297. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Stull, 49th District; F. Lewis, 45th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 44-1632, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1620 and 85-304, Revised Statutes Supplement, 1974, relating to group insurance; to include additional employees in the Nebraska State Insurance Program; to provide when coverage commences; to change duties of the board of trustees as prescribed; and to repeal the original sections, and also section 79-2635, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 298. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Stull, 49th District; F. Lewis, 45th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 24-707, Revised Statutes Supplement, 1974, relating to judges retirement; to provide additional benefits for the beneficiary of a judge who dies prior to retirement; and to repeal the original section.

LEGISLATIVE BILL 299. By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 83-101.02, Reissue Revised Statutes of Nebraska, 1943, relating to public institutions; to change qualifications for the director; and to repeal the original section.

LEGISLATIVE BILL 300. By Burbach, 19th District.

A BILL FOR AN ACT to amend sections 71-4601 to 71-4609, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to adopt the Uniform Standard Code for Mobile Homes and Recreational Vehicles; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 301. By Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 66-414 and 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410, 66-424, and 66-428, Revised Statutes Supplement, 1974, relating to motor vehicle and special fuel taxes; to increase the rate of tax; to reduce the shrinkage allowance; to provide for use of the state's share of the increased taxes; and to declare an emergency.

LEGISLATIVE BILL 302. By Murphy, 17th District.

A BILL FOR AN ACT relating to insurance; to restrict the amount of investment by domestic insurance companies as prescribed; and to define terms.

LEGISLATIVE BILL 303. By Syas, 13th District.

A BILL FOR AN ACT to amend section 79-4,153, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that school districts may acquire land contiguous to land already owned as prescribed; and to repeal the origianl section.

LEGISLATIVE BILL 304. By Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 8-304, 8-306, 8-307.01, 8-308, 8-309, 8-310, 8-312, 8-313, 8-315, 8-316, 8-317, 8-320.01, 8-321, 8-324, 8-326, 8-327, 8-335. 8-337, 8-338, 8-339, 8-340, 8-347, and 8-349, Reissue Revised Statutes of Nebraska, 1943, and section 8-318, Revised Statutes Supplement, 1974, relating to banking; to revise provisions regulating building and loan associations; and to repeal the original sections and also sections 8-303, 8-311, 8-314, and 8-354, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 305. By Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 60-1701 and 60-1704, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to require procedures for inspecting the brakes of a vehicle; to require certification of vehicle inspectors; to increase fees for inspection; and to repeal the original sections.

LEGISLATIVE BILL 306. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1974, relating to the Nebraska Rules of the Road; to change provisions relating to exceptions to width restrictions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 307. By Marvel, 33rd District.

A BILL FOR AN ACT relating to counties and cities; to allow municipal corporations to contract for public services as prescribed; and to define terms.

LEGISLATIVE BILL 308. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 77-1736.04, Revised Statutes Supplement, 1974, relating to taxation; to eliminate the publication requirements for unclaimed refunds; and to repeal the original section.

LEGISLATIVE BILL 309. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 77-1736.04, Revised Statutes Supplement, 1974, relating to taxation; to provide additional procedural requirements to be used in refunding taxes illegally collected; and to repeal the original section.

LEGISLATIVE BILL 310. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 76-526, Reissue Revised Statutes of Nebraska, 1943, relating to abstracters; to provide that discounts on fees for abstracting services shall be an unfair practice; and to repeal the original section.

LEGISLATIVE BILL 311. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 75-104, Revised Statutes Supplement, 1974, relating to the Public Service Commission; to increase the annual salary of commissioners; and to repeal the original section.

LEGISLATIVE BILL 312. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 77-202.12 and 77-1502, Revised Statutes Supplement, 1974, relating to revenue; to redefine terms; to revise board of equalization proceedings; and to repeal the original sections.

LEGISLATIVE BILL 313. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 31-734, 31-755, and 31-764, Reissue Revised Statutes of Nebraska, 1943, and sections 31-727, 31-739, 31-740, 31-744, and 31-749, Revised Statutes Supplement, 1974, relating to sanitary and improvement districts; to define terms; to increase the surety bond of trustees; to provide for the maturity of district bonds; to require that the Department of Public Works approve certain contracts; to provide mandatory and uniform assessment for improvements; to provide for payment of warrants issued by a district; to provide for the recording of district boundaries; and to repeal the original sections.

LEGISLATIVE BILL 314. By Keyes, 3rd District.

A BILL FOR AN ACT to appropriate forty thousand dollars from the Nebraska Capital Construction Fund to the Game and Parks Commission to aid in the development of Schramm State Recreation Area.

LEGISLATIVE BILL 315. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 23-1721, Revised Statutes Supplement, 1974, relating to county government and officers; to alter the size of counties to be affected by the Sheriff's Office Merit Commission; and to repeal the original section.

UNANIMOUS CONSENT—Member Excused

Mr. Carsten asked unanimous consent to be excused until 10:45 a.m. No objections. So ordered.

ANNOUNCEMENT

Mr. Warner announced a meeting of the Select Committee on the 48th Legislative District at 4:30 p.m., January 21, 1975 in Room 2414, Supreme Court Hearing Room.

NOTICE OF COMMITTEE HEARING
Public Works

LB 131	Wednesday, February 5, 1975	2:00 p.m.
LB 132	Wednesday, February 5, 1975	2:00 p.m.
LB 197	Wednesday, February 5, 1975	2:00 p.m.
LB 147	Thursday, February 6, 1975	2:00 p.m.
LB 173	Thursday, February 6, 1975	2:00 p.m.
LB 188	Thursday, February 6, 1975	2:00 p.m.
LB 24	Thursday, February 13, 1975	2:00 p.m.
LB 185	Thursday, February 13, 1975	2:00 p.m.
LB 225	Thursday, February 13, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Constitutional Revision and Recreation

LB 119	Friday, January 31, 1975	2:00 p.m.

(Signed) George Syas, Chairman

VISITORS

President Whelan introduced students from Midland College and instructors.

UNANIMOUS CONSENT–Member Excused

Mrs. Marsh asked unanimous consent to be excused at 10:45 a.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 6. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 7. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 8. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 9. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 10. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 11. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 57. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 58. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 59. E & R amendment found in the Journal on page 184 for the Seventh Day was adopted.

Mr. Cavanaugh offered the following amendment:
Add the following:
Section 49-617. Printing of statutes; distribution of copies. The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the State Librarian. These copies shall be held and disposed of by such librarian as follows: Sixty copies to the Nebraska State Library to exchange for statutes of other states; five copies to the Nebraska State Library to keep for daily use; not be exceed twenty-five copies to the Nebraska Legislative Council for bill drafting and related services to the Legislature and executive state officers; not to exceed twenty copies to the Attorney General; twelve copies to the Tax Commissioner; eight copies to the Nebraska Publications Clearinghouse; six copies to the Public Service Commission; four copies to the Secretary of State; four copies to the Clerk of the Nebraska Legislature for use in his office and two copies to be maintained in the legislative chamber under control of the sergeant at arms; two copies each to the Governor of the state, the Chief Justice and each Judge of the Supreme Court, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Auditor of Public Accounts, the Commissioner of Labor, and the Revisor of Statutes; one copy each to the Secretary of State of the United States, the library of the Supreme Court of the United States, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Board of Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Department of Economic Development, the Director of the Public Employees Retirement Board, the Director of Health, the Director-State Engineer, the Director of Banking, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of Water Resources, the Director of Public Welfare, the Director of Public Institutions, the Director of Correctional Services, the Nebraska Emergency Operating Center, each judge of the Nebraska Workmen's Compensation Court, each judge of the Court of Industrial Relations, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the State Real Estate Commission, the

secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Public Institutions, each state institution under the State Department of Education, the State Sheriff, the State Surveyor, the Nebraska State Patrol, Purchasing Agent, State Personnel Office, Nebraska Motor Vehicle Industry Licensing Board, Board of Trustees of the Nebraska State Colleges, each of the Nebraska State Colleges, each district judge of the State of Nebraska, each district county judge, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, each associate county judge, each county attorney, and each county law library of the State of Nebraska, each judge of the municipal court, and the inmate library at all state penal and correctional institutions, and each member of the Legislature shall be entitled to three complete sets, and three complete sets of such volumes as are necessary to update previously issued volumes; Provided, copies of the statutes distributed without charge, as above listed, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the library of the College of Law of the University of Nebraska shall be as provided in Sections 85-176 and 85-177.

The amendment was adopted with 33 ayes, 6 nays, and 10 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 116. Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Mahoney announced the Executive Board will meet at 9:30 a.m. Wednesday, January 22, 1975 for referral of bills.

NOTICE OF COMMITTEE HEARING
Labor

LB 127	Wednesday, January 29, 1975	2:00 p.m.
LB 179	Wednesday, January 29, 1975	2:00 p.m.
LB 186	Wednesday, January 29, 1975	2:00 p.m.
LB 198	Wednesday, January 29, 1975	2:00 p.m.

(Signed) Richard Maresh, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 316. By Executive Board: Mahoney, 5th District, Chairman; Barnett, 26th District, Vice Chairman; Kelly, 35th District; Schmit, 23rd District; Cavanaugh, 9th District; Rasmussen, 41st District; R. Lewis, 38th District; Burbach, 19th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 84-908, Revised Statutes Supplement, 1974, relating to rules of administrative agencies; to increase the membership on the Legislature's committee on administrative agency rules and regulations; to provide for their election; and to repeal the original section.

MOTION—Beef Packers

Mr. DeCamp moved that the Agricultural Committee of the Nebraska Legislature be directed to immediately study and prepare if necessary legislation, recommendations or programs which will aid in resolving the problems of American Beef Packers Inc. and the related financial problems of Nebraska agricultural producers who have suffered and are suffering as a result of the American beef bankruptcy crisis.

Further, that the Agricultural Committee report to the Legislature the findings and recommendations.

The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 4. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 16 nays, and 6 not voting.

LEGISLATIVE BILL 49. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays, and 13 not voting.

LEGISLATIVE BILL 52. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE BILL 55. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, and 14 not voting.

LEGISLATIVE BILL 56. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 317. By Bereuter, 24th District.

A BILL FOR AN ACT relating to the State Office of Planning and Programming; to provide additional responsibilities; and to provide certain requirements for certain classes of municipalities.

LEGISLATIVE BILL 318. By Agriculture and Environment Committee: Schmidt, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Dickinson, 31st District; Burrows, 30th District; Kennedy, 21st District; Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 54-820, 54-821, 54-825, 54-826, 54-827, 54-828, 54-839, and 54-843, Reissue Revised Statutes of Nebraska, 1943, relating to commercial feeds; to redefine terms; to provide for the registration of commercial feed manufacturers and distributors; to change registration and labeling requirements; to provide for the voluntary registration of custom mixed feeds; to change the inspection fees; to change penalty provisions; and to repeal the original sections, and also section 54-829, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 319. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rumery, 42nd District; Kennedy, 21st District; Dickinson, 31st District; DeCamp, 40th District; Burrows, 30th District; Maresh, 32nd District.

A BILL FOR AN ACT relating to agricultural liming materials; to provide for the registration of liming materials and the manufacturers and distributors thereof; to prohibit the adulteration and misbranding of agricultural liming materials; to provide for the inspection, sampling and analysis of agricultural liming materials; to establish fees; and to provide penalties.

LEGISLATIVE BILL 320. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rumery, 42nd District; Kennedy, 21st District; Dickinson, 31st District; DeCamp, 40th District; Burrows, 30th District; Maresh, 32nd District.

A BILL FOR AN ACT to amend section 81-201, Revised Statutes Supplement, 1974, relating to the Department of Agriculture; to authorize the Department of Agriculture to publish and distribute materials valuable to agricultural interests; to provide for the collection of costs of publication; to create the Department of Agriculture Publications Cash Fund; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 130	Monday, January 27, 1975	2:00 p.m.
LB 134	Monday, January 27, 1975	2:00 p.m.
LB 168	Monday, January 27, 1975	2:00 p.m.
LB 184	Monday, January 27, 1975	2:00 p.m.
LB 140	Tuesday, January 28, 1975	2:00 p.m.
LB 212	Tuesday, January 28, 1975	2:00 p.m.
LB 224	Tuesday, January 28, 1975	2:00 p.m.
LB 187	Wednesday, January 29, 1975	2:00 p.m.
LB 194	Wednesday, January 29, 1975	2:00 p.m.
LB 196	Wednesday, January 29, 1975	2:00 p.m.
LB 210	Wednesday, January 29, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

EASE

The Legislature was at ease from 10:58 a.m. until 11:30 a.m.

MOTION—Capital Construction

Mr. Carsten moved that the Governor's letter relating to capital construction be referred to the Appropriations Committee and that said committee review and report to the Legislature.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 38 ayes, 0 nays and 11 not voting.

Mr. Carsten asked unanimous consent to withdraw his motion. No objections. So ordered.

ANNOUNCEMENT

Mr. Savage announced the death of Dr. Bill Brandenburg, former President of Wayne State College.

VISITORS

The President introduced former Senator Richard Ely from Guide Rock and former Senator Leslie Robinson from Kearney.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 321. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Kennedy, 21st District; DeCamp, 40th District; Burrows, 30th District; Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 54-715, 54-1332, 54-1348, and 54-1349, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to eliminate the appraisal of tuberculosis or brucellosis infected cattle; to restrict the administration of brucellosis vaccine; to change herd validation requirements; to provide controls and regulations on the importation of animals; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 322. By Barnett, 26th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article IX, section 4, of the Constitution of Nebraska, relating to counties; to provide that the Legislature shall provide by law for the election or appointment of certain county and township offices; to provide duties of the county board; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 323. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 16-302.01, 16-307, 19-612, and 19-613.01, Revised Statutes Supplement, 1974, relating to elections; to change certain procedures; and to repeal the original sections.

LEGISLATIVE BILL 324. By Simpson, 46th District.

A BILL FOR AN ACT to repeal sections 81-263.37, 81-263.38, 81-263.41, 81-263.42, 81-263.43, 81-263.44, 81-263.45, 81-263.46, 81-263.47, 81-263.48, 81-263.49, 81-263.81, 81-263.82, 81-263.83, 81-263.85, and 81-263.86, Reissue Revised Statutes of Nebraska, 1943, and sections 81-623.39, 81-623.40, and 81-263.84, Revised Statutes Supplement, 1974, relating to the Nebraska Dairy Products Board; and to declare an emergency.

LEGISLATIVE BILL 325. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 79-327 and 85-104, Reissue Revised Statutes of Nebraska, 1943, relating to public meetings; to provide for open public meetings; to provide protection of the public interest; to provide public notice; to provide opportunity to speak at public meetings; to provide severability; to repeal the original sections, and also sections 84-1401 to 84-1407, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 326. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to data processing; to regulate the use and transfer of computerized personal data; to restrict the use of social security account numbers; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 327. By Barnett, 26th District.

A BILL FOR AN ACT to adopt the Nebraska Housing Development Authority Act; and to provide severability.

LEGISLATIVE BILL 328. By Public Works Committee: Kremer, 34th District, Chairman; Warner, 25th District; Wiltse, 1st District; Cavanaugh, 9th District; Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 60-403.02, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide that the protective headgear standards for individuals riding motorcycles recommended by the Natural Standards Institute be adopted; and to repeal the original section.

LEGISLATIVE BILL 329. By Public Works Committee: Kremer, 34th District, Chairman; Warner, 25th District; Wiltse, 1st District; Cavanaugh, 9th District; Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 60-404, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide that each county furnish adequate facilities for the administration of the operator's license examination; and to repeal the original section.

LEGISLATIVE BILL 330. By Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Burrows, 30th District.

A BILL FOR AN ACT relating to labor; to provide for payment of private employment agency fees as prescribed; and to provide penalties.

LEGISLATIVE BILL 331. By Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Burrows, 30th District.

A BILL FOR AN ACT relating to private employment agencies; to preclude private employment agencies from collecting fees under circumstances as prescribed.

LEGISLATIVE BILL 332. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Rumery, 42nd District; Dickinson, 31st District; DeCamp, 40th District; Burrows, 30th District; Kennedy, 21st District.

A BILL FOR AN ACT to adopt the Nebraska Pesticides and Devices Act; to provide penalties; to provide an operative date; to provide severability; and to repeal sections 2-2606 to 2-2611, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2601 to 2-2605, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 333. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Burrows, 30th District; Maresh, 32nd District; Kennedy, 21st District; DeCamp, 40th District; Dickinson, 31st District; Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 81-2,162.01, 81-2,162.02, 81-2,162.03, 81-2,162.05, 81-2,162.06, 81-2,162.07, 81-2,162.08, 81-2,162.11 to 81-2,162.18, 81-2,162.20, 81-2,162.21, and 81-2,162.22, Reissue Revised Statutes of Nebraska, 1943, relating to commercial fertilizers; to redefine terms; to provide for registration of manufacturers and distributors; to provide fees; to provide for analysis of soil conditioners; to change registration and labeling requirements; to change penalty provisions; to retitle the act; and to repeal the original sections, and also sections 81-2,162.04, 81-2,162.09, and 81-2,162.10, Reissue Revised Statutes of Nebraska, 1943.

MOTION–Governor Letter

Mr. Chambers moved that the response of the Legislature to the Governor's letter (dated 1-20-75) be only an acknowledgement of receipt.

Mr. Chambers requested a record vote on the motion.

Voting in the affirmative, 7:

Barnett	Chambers	Duis	Koch	Murphy
Stoney	Syas			

Voting in the negative, 25:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	DeCamp	Dworak	Fowler
Goodrich	Kennedy	Kremer	R. Lewis	Mahoney
Maresh	Marvel	Mills	Moylan	Rasmussen
Rumery	Schmit	Skarda	Swigart	Warner

Not voting, 17:

Cope	Dickinson	Fitzgerald	George	Hasebroock
Johnson	Kelly	Keyes	Kime	F. Lewis
Luedtke	Marsh	Nichol	Savage	Simpson
Stull	Wiltse			

The Chambers motion lost with 7 ayes, 25 nays and 17 not voting.

ADJOURNMENT

At 12:23 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Wednesday, January 22, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 22, 1975

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Whelan 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. Kime who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 334. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 37-502, Reissue Revised Statutes of Nebraska, 1943, relating to regulation of fishing; to increase permit fees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 335. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 81-217.13, Revised Statutes Supplement, 1974, relating to food; to declare intent; to prohibit the sale of food products which do not meet local inspection standards; and to repeal the original section.

LEGISLATIVE BILL 336. By Maresh, 32nd District.

A BILL FOR AN ACT to make an appropriation to the State Department of Education from money derived from income tax; and to provide for distribution.

LEGISLATIVE BILL 337. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to public safety; to provide that certain glazed material shall be installed as prescribed; to define terms; to provide duties; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 338. By Judiciary Committee: Luedtke, 28th District, Chairman; Nichol, 48th District; Barnett, 26th District; DeCamp, 40th District; Syas, 13th District.

A BILL FOR AN ACT to amend sections 60-430.01, 60-430.04, and 60-430.05, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change penalty provisions; and to repeal the original sections.

INVITATION

Mr. Maresh invited the members to tour the Youth Development Center at Geneva on Monday, January 27, 1975. Buses will leave here at 5:00 p.m.

GENERAL FILE

LEGISLATIVE BILL 39. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 54. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Standing Committee amendment found in the Journal on page 192 for the Eighth Day was adopted with 33 ayes, 0 nays and 16 not voting.

Mr. Kennedy offered the following amendment which was adopted with 36 ayes, 0 nays and 13 not voting:

In Sec. 1, Line 17, strike the word "foul" and insert "threatening" in its place.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 339. By Cope, 36th District.

A BILL FOR AN ACT relating to taxation; to authorize cities and counties to impose a sales tax on lodging; to provide definitions; to provide for the collection of such tax; to prescribe the use of the proceeds; and to provide for a convention and visitor committee.

LEGISLATIVE BILL 340. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to alcoholic liquor, except beer; to define terms; to provide for the maximum price at which alcoholic liquors may be sold to wholesalers, distributors, or jobbers; to provide for filings; to prohibit certain acts; to provide penalties and procedure; and to declare an emergency.

LEGISLATIVE BILL 341. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 81-217.21, Revised Statutes Supplement, 1974, relating to the Nebraska Food Act; to provide a labeling requirement; and to repeal the original section.

LEGISLATIVE BILL 342. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 2-1213, Revised Statutes Supplement, 1974, relating to horseracing; to permit horseracing on Sunday in certain counties; and to repeal the original section.

LEGISLATIVE BILL 343. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 37-201 and 37-213, Reissue Revised Statutes of Nebraska, 1943, relating to hunting permits; to specify wildlife for which a permit is required; and to repeal the original sections.

LEGISLATIVE BILL 344. By Kremer, 34th District.

A BILL FOR AN ACT relating to technical community colleges; to state legislative intent; to define terms; to provide for a locally-governed

technical community college system as prescribed; to provide severability; to repeal sections 79-1436 to 79-1438.03, 79-1439, 79-1441 to 79-1445.13, 79-1445.15 to 79-1445.36, and Chapter 79, articles 16 and 26, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to declare an emergency.

LEGISLATIVE BILL 345. By Fowler, 27th District.

A BILL FOR AN ACT relating to political subdivisions; to provide for certain priority expenditures.

LEGISLATIVE BILL 346. By Fowler, 27th District.

A BILL FOR AN ACT relating to aged persons; to declare intent; to define terms; to provide duties and powers; to provide for legal assistance to aged persons as prescribed; and to provide severability.

LEGISLATIVE BILL 347. By Mills, 44th District.

A BILL FOR AN ACT to amend section 71-1,162, Revised Statutes Supplement, 1974, relating to veterinarians; to provide an age exemption for license renewal procedures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 348. By Wiltse, 1st District.

A BILL FOR AN ACT relating to motor vehicles; to provide that the suspension of a motor vehicle shall not be altered in a manner to create an unsafe condition; and to provide penalties.

LEGISLATIVE BILL 349. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 45-102 and 45-105, Reissue Revised Statutes of Nebraska, 1943, relating to interest; to define terms; to change the interest rates as prescribed; to provide exceptions; to allow the recovery of interest; to repeal the original sections, and also section 45-101, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 350. By Murphy, 17th District.

A BILL FOR AN ACT relating to banks and banking; to provide provisions relating to compensation received for advances of money made upon securities as prescribed; and to declare an emergency.

LEGISLATIVE BILL 351. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Mahoney, 5th District; Skarda, 7th District; Barnett, 26th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend section 81-815.45, Revised Statutes Supplement, 1974, relating to state administrative departments; to provide a change cash fund for the Aerospace Museum in Bellevue; and to repeal the original section.

LEGISLATIVE BILL 352. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 77-2715 and 77-2515.01, Revised Statutes Supplement, 1974, relating to revenue and taxation; to provide for a residence property tax credit as prescribed; and to repeal the orignal sections.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment Committee

LB 14	Thursday, January 30, 1975	2:00 p.m.
LB 180	Thursday, January 30, 1975	2:00 p.m.
LB 74	Friday, January 31, 1975	2:00 p.m.
LB 136	Friday, January 31, 1975	2:00 p.m.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 92. Placed on General File as amended.
Standing Committee amendments to LB 92:

1. On page 2, insert a new section 1 to read as follows:

"Section 1. That section 71-162, Revised Statutes Supplement, 1974, be amended to read as follows:

71-162. The following fees shall be collected by the Department of Health and turned in to the state treasury as is now provided by law:

(1) For a license to practice osteopathy, ~~chiropractic,~~ and dental hygiene issued upon the basis of an examination given by the board of examiners, twenty-five dollars;

(2) For a license to practice medicine and surgery issued upon the basis of an examination given by the board of examiners or without examination based on a license granted in another state, territory, or the District of Columbia, one hundred dollars and this may be adjusted

by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(3) For a license to practice emablming issued upon the basis of an examination given by the board of examiners, thirty dollars;

(4) For a license to practice physical therapy issued upon the basis of an examination given by the board of examiners, thirty-five dollars;

(5) For a license to practice chiropractic, dentistry, podiatry, or optometry issued upon the basis of an examination given by the board of examiners, fifty dollars;

(6) For a license to practice pharmacy issued upon the basis of an examination given by the board of examiners, sixty-five dollars;

(7) For a license to practice any of the professions enumerated in subdivisions (1), (3), (4), and (5) of this section, except podiatry, dentistry, and dental hygiene, issued without examination upon a license granted in another state, territory, or the District of Columbia, fifty dollars;

(8) For a license issued to practice dentistry without examination upon a license granted in another state, territory, or the District of Columbia, fifty dollars;

(9) For a license issued to practice podiatry when based upon an examination held by the National Board of Podiatry Examiners, fifty dollars;

(10) For a license to practice podiatry issued without an examination based upon a license granted in another state, territory, or the District of Columbia, one hundred dollars;

(11) For a license to practice pharmacy issued without an examination upon a license granted in another state, territory, or the District of Columbia, one hundred dollars;

(12) For a license to practice dental hygiene issued without examination upon a license granted in another state, territory, or the District of Columbia, twenty-five dollars;

(13) For the annual renewal of a license to practice any of the professions enumerated in this section the fee shall be as follows: Dental hygiene, osteopathy, physical theraphy, and embalming, ten dollars; optometry, twenty-five dollars; and chiropractic, podiatry, pharmacy, dentistry, and medicine and surgery, fifteen dollars. All money paid as license and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees;

(14) For a certified statement that a licensee is licensed in this state, two dollars; and

(15) For a duplicate original license, two dollars.".

2. On page 4, line 1 after the period insert: "Nothing in this section shall be construed to enlarge the scope or definition for practice of any practitioner licensed in accordance with Chapter

71, article 1"; and in line 3 after "1943," insert "and section 71-162, Revised Statutes Supplement, 1974,".

3. Renumber original sections 1 to 5 as sections 2 to 6 respectively.

(Signed) Thomas C. Kennedy, Chairman

NOTICE OF COMMITTEE HEARING
Committee on Committees

January 22, 1975

The Committee on Committees will meet at 12:00 Noon, Wednesday, January 29, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Marion Ball – Director, Department of Water Resources
Catherine Dahlquist – Board of Parole
William H. Riley – Director of Banking
Emmett Lee – Nebr. Natural Resources Commission
Robert W. Bell – Nebr. Natural Resources Commission
Ted Johnson – Nebr. Natural Resources Commission

(Signed) John S. Savage, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
231	Judiciary	247	Agric. & Env.
232	Bkg. Comm. & Ins.	248	Pub. Hlth & Wel.
233	Appropriations	249	Public Works
234	Appropriations	250	Judiciary
235	Neb. Ret. Systems	251	Appropriations
236	Neb. Ret. Systems	252	Public Works
237	Judiciary	253	Pub. Hlth & Wel.
238	Pub. Hlth & Wel.	254	Pub. Hlth & Wel.
239	Pub. Hlth & Wel.	255	Pub. Hlth & Wel.
240	Pub. Hlth & Wel.	256	Pub. Hlth & Wel.
241	Pub. Hlth & Wel.	257	Labor
242	Gov. Mil. & Vets Affrs.	258	Judiciary
243	Judiciary	259	Public Works
244	Appropriations	260	Cons. Rev. & Rec.
245	Pub. Hlth & Wel.	261	Misc. Subjects
246	Public Works	262	Gov. Mil. & Vets Affrs.

LB	Committee
263	Public Works
264	Public Works
265	Public Works
266	Education
267	Misc. Subjects
268	Public Works
269	Bkg. Comm. & Ins.
270	Cons. Rev. & Rec.
271	Cons. Rev. & Rec.
272	Urban Affairs
273	Judiciary
274	Judiciary
275	Judiciary
276	Judiciary
277	Judiciary
278	Judiciary
279	Judiciary
280	Cons. Rev. & Rec.
281	Judiciary
282	Judiciary
283	Judiciary
284	Judiciary
285	Judiciary
286	Judiciary
287	Judiciary
288	Judiciary
289	Judiciary
290	Judiciary
291	Judiciary
292	Judiciary
293	Judiciary
294	Judiciary
295	Judiciary
296	Judiciary
297	Neb. Ret. Systems
298	Neb. Ret. Systems
299	Gov. Mil. & Vets Affrs.
300	Pub. Hlth & Wel.
301	Revenue
302	Bkg. Comm. & Ins.
303	Education
304	Bkg. Comm. & Ins.
305	Public Works
306	Public Works
307	Gov. Mil. & Vets Affrs.
308	Revenue
309	Revenue
310	Judiciary
311	Misc. Subjects
312	Revenue
313	Public Works
314	Appropriations
315	Gov. Mil. & Vets Affrs.
316	General File
317	Gov. Mil. & Vets Affrs.
318	Agric. & Env.
319	Agric. & Env.
320	Agric. & Env.
321	Agric. & Env.
322	Cons. Rev. & Rec.
323	Urban Affairs
324	Agric. & Env.
325	Gov. Mil. & Vets Affrs.
326	Misc. Subjects
327	Gov. Mil. & Vets Affrs.
328	Public Works
329	Public Works
330	Labor
331	Labor
332	Agric. & Env.
333	Agric. & Env.

(Signed) Eugene T. Mahoney, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 353. By Syas, 13th District.

A BILL FOR AN ACT to amend section 74-424, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to allow certain acquisitions of real estate by agencies of the state; and to repeal the original section.

LEGISLATIVE BILL 354. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Duis, 39th District; Swigart, 8th District; Wiltse, 1st District; Hasebroock, 18th District; Stoney, 4th District; Warner, 25th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 81-885.18, 81-885.21, 81-885.24, 81-885.29, and 81-885.45, Revised Statutes Supplement, 1974, relating to the State Real Estate Commission; to provide additional time for setting hearings; to clarify escrow provisions; to make certain acts unlawful; to provide additional grounds for disciplinary action; to provide for probation in lieu of suspension; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 355. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Warner, 25th District; Duis, 39th District; Wiltse, 1st District; Hasebroock, 18th District; Stoney, 4th District; Mills, 44th District; Swigart, 8th District.

A BILL FOR AN ACT to amend section 85-163, Reissue Revised Statutes of Nebraska, 1943, relating to the Conservation and Survey Division; to delete certain duties; and to repeal the original section.

LEGISLATIVE BILL 356. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 26-173.01, Revised Statutes Supplement, 1974, relating to municipal, county and district courts; to provide payment of necessary expenses and witness fees to state employees as prescribed; and to repeal the original section.

NOTICE OF COMMITTEE HEARING

Judiciary

LB 187	(Reset) Tuesday, January 28, 1975	2:00 p.m.
LB 194	(Reset) Tuesday, January 28, 1975	2:00 p.m.

LB 212	(Reset) Wednesday, January 29, 1975	2:00 p.m.
LB 224	(Reset) Wednesday, January 29, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 88. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

ANNOUNCEMENT

Mr. Marvel announced the Appropriations Committee will meet at 11:00 a.m. this morning, in room 1003.

ADJOURNMENT

At 10:30 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Thursday, January 23, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 23, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Great unseen Spirit, eternal and majestic, ruler of the heavens and the earth, before whom a thousand years are as a watch in the night; yet ever mindful of even the small things of the earth - the sparrow that falls from the skies in death; the cup of cold water given to one in need.
>
> We prepare now to invest another week of public trust in the service of those who have entrusted much to us. Grant that we may do nothing to weaken their trust in us, and may they do nothing to betray our confidence in them.
>
> So may we be especially alert at this time to the frustrations and sensitivities of those who somehow feel that we can dispense easy answers to their complex problems.
>
> Guard us against the ever present inclination to over-react when we feel a cause is being over-demonstrated.
>
> Do not permit us to confuse the authentic promptings of the Divine voice with the noisy chatter of other voices we are hearing.
>
> Give us strong backbones that will not sag under the weight of any amount of pressure from man, but will yeild only to the guiding spirit of the God and Father of us all. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kime who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

COMMUNICATIONS

Acknowledged receipt of Resolution from State of Maine regarding food stamp regulation. (Filed in Clerk's office)

ANNOUNCEMENT

Mr. Murphy announced the death this past week of Louis Jeppesen. A former senator of the State of Nebraska who resided in Homer, Nebraska.

STANDING COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL 107. Placed on General File.

(Signed) Richard D. Marvel, Chairman

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 199	Monday, February 3, 1975	1:00 p.m.
LB 236	Monday, February 3, 1975	1:00 p.m.
LB 298	Monday, February 3, 1975	1:00 p.m.

(Signed) William H. Hasebroock, Chairman

Public Works

LB 268	Wednesday, January 29, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Public Health and Welfare

LB 148	Monday, February 3, 1975	1:30 p.m.
LB 192	Monday, February 3, 1975	1:30 p.m.
LB 240	Monday, February 3, 1975	1:30 p.m.
LB 160	Tuesday, February 4, 1975	1:30 p.m.
LB 165	Tuesday, February 4, 1975	1:30 p.m.
LB 202	Tuesday, February 4, 1975	1:30 p.m.
LB 238	Tuesday, February 4, 1975	1:30 p.m.
LB 157	Monday, February 10, 1975	1:30 p.m.
LB 158	Monday, February 10, 1975	1:30 p.m.
LB 223	Monday, February 10, 1975	1:30 p.m.
LB 241	Monday, February 10, 1975	1:30 p.m.

LB 159	Tuesday, February 11, 1975	1:30 p.m.
LB 206	Tuesday, February 11, 1975	1:30 p.m.
LB 239	Tuesday, February 11, 1975	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

Report from Committee on Committees

Mr. Gerald R. (Bud) Campbell was approved by a unanimous vote of the committee for reappointment to the Nebraska Game and Parks Commission. (11 ayes - 2 absent)

Mr. Dan T. Drain was approved for appointment as Director of Environmental Control by a vote of 9 ayes - 2 not voting and 2 absent.

Mr. George J. David, was approved as a member of the Environmental Control Council by a vote of 10 ayes - 1 not voting and 2 absent.

Mr. David H. Smith was approved for reappointment to the Environmental Control Council by a vote of 11 ayes and 2 absent.

It was the decision of the committee to hold the vote on Mr. Ace T. Backer as State Fire Marshal until a later date.

(Signed) John S. Savage, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 357. By Bereuter, 24th District.

A BILL FOR AN ACT relating to land use and planning; to create the Nebraska State Land-Use Study Committee; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 358. By Simpson, 46th District.

A BILL FOR AN ACT relating to the University of Nebraska; to provide increased retirement benefits for certain retirees of the University of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 359. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Simpson, 46th District; Marsh, 29th District.

A BILL FOR AN ACT to amend sections 48-606.01, 81-145, 81-146, 81-154, 81-159, 81-161, 81-161.03, 81-161.05, 81-162, and 81-701.02, Reissue Revised Statutes of Nebraska, 1943, and sections 79-329, 81-153, 81-1108.16, 81-1108.22, and 81-1118, Revised Statutes Supplement, 1974, relating to requisitions by state agencies; to provide that contracts for purchases, leases, and services shall be subject to the competitive bidding process; to provide that the Department of Administrative Services shall exercise authority over bids for contracts as prescribed; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 360. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 88-503, Reissue Revised Statutes of Nebraska, 1943, relating to grain warehouses; to provide that certain businesses and their agents shall be licensed to handle grain; and to repeal the original section.

LEGISLATIVE BILL 361. By Burrows, 30th District.

A BILL FOR AN ACT to amend sections 32-216, 32-216.01, and 32-221, Reissue Revised Statutes of Nebraska, 1943, 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 362. 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 and corporations; to provide for determination of the tax rate; to prescribe tax rate formulae; to provide for administration of this act; to provide severability; and to provide an operative date.

LEGISLATIVE BILL 363. By Burrows, 30th District.

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 penalties.

LEGISLATIVE BILL 364. By Duis, 39th District.

A BILL FOR AN ACT to amend sections 43-626 and 43-627, Reissue Revised Statutes of Nebraska, 1943, relating to special education; to provide that the state shall provide for costs of food and lodging for

special education students as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 365. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 44-1901, Reissue Revised Statutes of Nebraska, 1943, relating to title insurance; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 366. By Mills, 44th District.

A BILL FOR AN ACT to amend section 81-8,280, Revised Statutes Supplement, 1974, relating to the State Real Estate Commission; to provide an additional exemption from the examination requirement; and to repeal the original section.

LEGISLATIVE BILL 367. By Duis, 39th District.

A BILL FOR AN ACT to amend section 81-885.04, Revised Statutes Supplement, 1974, relating to the subdivision of land; to clarify and change an exemption; and to repeal the original section.

LEGISLATIVE BILL 368. By Duis, 39th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1334 and 79-1336, Reissue Revised Statutes of Nebraska, 1943; to change amounts of financial support; to provide a spending limitation; and to repeal the original sections.

LEGISLATIVE BILL 369. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 8-815, Revised Statutes Supplement, 1974, relating to personal loans by banks and trust companies; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 370. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to eliminate the student status from those individuals disqualified for unemployment compensation benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 371. By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 79-2619, Reissue Revised Statutes of Nebraska, 1943, relating to the technical community colleges; to provide area boards with the power to acquire and dispose of property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 372. By Barnett, 26th District.

A BILL FOR AN ACT relating to conflicts of interest; to provide legislative intent; to define terms; to provide for the regulation of conflicts of interest in individuals providing professional services as prescribed; and to provide penalties.

LEGISLATIVE BILL 373. By Barnett, 26th District.

A BILL FOR AN ACT relating to children and youth; to create the Department of Children and Youth as prescribed; to provide for its operation, powers, and responsibilities; to provide for a Children and Youth Advisory Council; to provide for its membership, powers, and duties; to transfer the Nebraska Center for Children and Youth to the Department of Children and Youth; to amend sections 43-105, 43-106.01, 43-107, 43-210.02, 43-214, 43-219, 43-226, 43-227, 43-503, 43-701 to 43-709, 43-901 to 43-910, and 43-913, Reissue Revised Statutes of Nebraska, 1943, and sections 43-208, 43-209, 43-531, 43-654, 81-101, and 81-102, Revised Statutes Supplement, 1974; to provide penalties; to provide an operative date; to provide severability; to repeal the original sections, and also sections 43-901.01, 43-911, and 43-912, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 374. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 44-213.03, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide for retirement plan modifications; and to repeal the original section.

LEGISLATIVE BILL 375. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 35-508 and 35-509, Reissue Revised Statutes of Nebraska, 1943, relating to rural and suburban fire protection districts; to clarify the authority of such districts to incur indebtedness as prescribed; and to repeal the original sections, and also section 35-510, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 376. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1974, relating to vehicles with width limits; to provide authority for the movement of over-width vehicles carrying baled hay during daylight hours; and to repeal the original section.

LEGISLATIVE BILL 377. By Warner, 25th District.

A BILL FOR AN ACT to amend section 84-314, Reissue Revised Statutes of Nebraska, 1943, relating to the Auditor of Public Accounts; to provide qualifications for the deputy auditor; and to repeal the original section.

LEGISLATIVE BILL 378. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 2-201, 2-203.01, and 23-932, Reissue Revised Statutes of Nebraska, 1943, relating to county agricultural societies; to increase the amount of assessment which certain county boards shall pay to the county agriculural society; to provide an exception to the Nebraska Budget Act; and to repeal the original sections.

LEGISLATIVE BILL 379. By Public Works Committee: Kremer, 34th District, Chairman; R. Lewis, 38th District; Mills, 44th District; Warner, 25th District; Moylan, 6th District; Wiltse, 1st District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 39-669.22, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Rules of the Road; to provide procedures for the Director of Motor Vehicles when abstracts of judgment are not received within thirty days; and to repeal the original section.

LEGISLATIVE BILL 380. By Public Works Committee: Kremer, 34th District, Chairman; R. Lewis, 38th District; Mills, 44th District; Warner, 25th District; Wiltse, 1st District; Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT relating to motor vehicles; to create classified motor vehicle licenses as prescribed; to define terms; to provide penalties; and to provide an operative date.

POINT OF PERSONAL PRIVILEGE

Mr. Chambers expressed his views on the special committee report on the Contested 48th Legislative District.

Mr. Warner answered the remarks by Mr. Chambers.

MOTION–Withdraw LB 191

Mr. Stull moved to withdraw LB 191. Motion pending.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 84	Wednesday, February 5, 1975	2:00 p.m.
LB 111	Wednesday, February 5, 1975	2:00 p.m.
LB 150	Wednesday, February 5, 1975	2:00 p.m.
LB 153	Wednesday, February 5, 1975	2:00 p.m.
LB 154	Wednesday, February 5, 1975	2:00 p.m.
LB 171	Wednesday, January 29, 1975	2:00 p.m.
LB 172	Wednesday, January 29, 1975	2:00 p.m.
LB 193	Wednesday, January 29, 1975	2:00 p.m.
LB 200	Wednesday, January 29, 1975	2:00 p.m.

(Signed) Steve Fowler, Chairman

VISITORS

President Whelan introduced 500 members of Nebraska Federation of Womens' Club including Mrs. W. H. Hasebroock.

President Whelan introduced Mr. Paul Childers, Nebraska Jaycee President and members.

SPECIAL COMMITTEE REPORT

Report of Select Committee on
48th Legislative District

1) That the law was not followed regarding the filing of a bond; 2) that ample judicial holdings sustain the requirements for filing a bond; 3) that the Clerk of the Legislature is a depository only in these proceedings and the filing of the bond is the sole responsibility of the person contesting the election; 4) that the question of constitutionality of Section 32-1001.31 cannot properly be determined by the legislative branch; 5) that the filing of a bond is procedural due process to be accorded to the contestee and cannot be abridged; 6) that it is mandatory for the Legislature to follow the law; 7) that Sections 32-1001 through 32-1001.38 constitute a comprehensive act dealing with election contests and the Legislature cannot make only partial use of those sections dealing with a contested legislative seat; 8) that these are the factual findings of the committee, and 9) that the chairman report this to the Legislature.

The report was adopted by the Committee on a vote of 6-1.

Senator Kelly voted No.
Senator Dickinson voted Yes.
Senator Marvel voted Yes.
Senator Hasebroock voted Yes.
Senator Goodrich voted Yes.
Senator R. Lewis voted Yes.
Senator Warner voted Yes.

(Signed) Jerome Warner, Chairman

MOTION–Contest of 48th District

Mr. Warner moved that by failure of Mr. Carpenter to file bond as provided by Sec. 32-1001.31 R.R.S. Nebraska, 1943 (Reissue 1974) the Legislature finds that the Notice of Contest of Election for the 48th District no longer has a right to be heard by the Legislature.

Mr. DeCamp moved the motion be laid over until Thursday, January 30, 1975.

The motion prevailed with 27 ayes, 19 nays and 3 not voting.

POINT OF PERSONAL PRIVILEGE

Mr. Cavanaugh spoke to the report of the Special Committee on the Contested 48th District.

Mr. Warner responded to the remarks of Mr. Cavanaugh.

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

Standing Committee amendments found in the Journal on page 217 for the Ninth Day were considered.

Laid over at request of Mr. Kennedy.

LEGISLATIVE BILL 88. Title read. Considered.

Mr. Moylan offered the following amendment:
On page 4, add a new "Sec. 3", 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."

The amendment was adopted with 39 ayes, 0 nays and 10 not voting.
Advanced to E & R for Review with 38 ayes, 0 nays and 11 not voting.

REQUEST—Refer LB 316

Mr. Duis requested LB 316 be referred back to the Executive Board, reference committee, for referral to a committee.

BILLS ON FIRST READING

The following bills were read the first time by title:

LEGISLATIVE BILL 381. By Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; R. Lewis, 38th District; Mills, 44th District; Warner, 25th District; Wiltse, 1st District; Moylan, 6th District.

A BILL FOR AN ACT to amend sections 39-662, 39-666, and 39-669.26, Revised Statutes Supplement, 1974, relating to rules of the road; to delete provisions for termination of the fifty-five mile per hour speed limit; to repeal the original sections, and also section 39-662.01, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 382. By Duis, 39th District; Kremer, 34th District.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1974, relating to sales and income tax; to change what constitutes net income for the purpose of computing the franchise or income tax levied on corporations; and to repeal the original section.

LEGISLATIVE BILL 383. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that Class VI schools may be annexed; and to repeal the original section.

LEGISLATIVE BILL 384. By Kremer, 34th District.

A BILL FOR AN ACT to adopt the Nebraska Certification of Wastewater Treatment Plant Operators Act; and to provide severability.

LEGISLATIVE BILL 385. By Savage, 10th District.

A BILL FOR AN ACT to repeal sections 81-553, 81-554, 81-557, 81-558, 81-560, 81-561, 81-564, 81-565, 81-568, and 81-570, Reissue Revised Statutes of Nebraska, 1943, and sections 81-555, 81-556, 81-559, 81-562, 81-563, 81-566, 81-567, and 81-569, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 386. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 81-847 and 81-849, Revised Statutes Supplement, 1974, relating to the Board of Examiners for Professional Engineers and Architects; to provide the board with discretion in issuing certificates of registration; to change fees as prescribed; to correct erroneous provisions; and to repeal the original sections.

LEGISLATIVE BILL 387. By Savage, 10th District.

A BILL FOR AN ACT relating to appropriations; to amend section 2, Legislative Bill 1056, Eighty-third Legislature, Second Session, 1974; to increase a project cost authorization; to make an appropriation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 388. By Stull, 49th District; Cope, 36th District.

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, county, and municipal indebtedness; to provide for incurring indebtedness by the State of Nebraska for the purpose of issuing bonds; to provide funds for the creation of a revolving bond fund to purchase revenue obligations of the Board of Regents of the University of Nebraska and Board of Trustees of the Nebraska State Colleges and the State Board of Education; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 389. By Stull, 49th District.

A BILL FOR AN ACT to appropriate four thousand dollars from the state General Fund for the period ending June 30, 1975 to the Fort Robinson Centennial Commission, Agency No. 82, Program 329, to aid in the reconstruction of the race track as prescribed; and to declare an emergency.

LEGISLATIVE BILL 390. By Stull, 49th District.

A BILL FOR AN ACT relating to historic sites; to declare intent; and to authorize the development of plans for establishing a cultural center as prescribed.

LEGISLATIVE BILL 391. By Burbach, 19th District.

A BILL FOR AN ACT relating to land; to provide retrocession of jurisdiction by the United States.

LEGISLATIVE BILL 392. By Koch, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to create the State Tax Review Commission; to establish duties; to provide for a salary and terms of appointment; to establish criteria to justify revaluation of property; to provide for hearings and due process safeguards for effected property owners as prescribed; and to require development of rules and regulations.

LEGISLATIVE BILL 393. By Labor Committee: Maresh, 32nd District; Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Murphy, 17th District; Kennedy, 21st District; F. Lewis, 45th District.

A BILL FOR AN ACT relating to labor; to provide employment of veteran contract provisions in contracts of Nebraska and its political subdivisions as prescribed; to provide duties for the Commissioner of Labor; and to provide a penalty.

LEGISLATIVE BILL 394. By Murphy, 17th District.

A BILL FOR AN ACT to adopt the Nebraska No-Fault Motor Vehicle Insurance Act.

LEGISLATIVE BILL 395. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 16-6,110, Revised Statutes Supplement, 1974, relating to cities of the first class; to permit cities of the first class to use tax funds to support taxi companies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 396. By Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 2-1207 and 2-1208.01, Revised Statutes Supplement, 1974, relating to the State Racing Commission; to increase the tax on pari-mutuel wagering; and to repeal the original sections.

LEGISLATIVE BILL 397. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1974, relating to assistance to dependent children; to provide that the Department of Public Welfare shall establish the amount of assistance payments; and to repeal the original section.

LEGISLATIVE BILL 398. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-157, Revised Statutes Supplement, 1974, relating to banking; to provide for limited branch

banking; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 399. By Schmit, 23rd 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 400. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-101, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1974, relating to banking; to define terms; to provide for electronic credit transactions; to permit the establishment and operation of manned and unmanned electronic facilities for banking transactions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 401. By Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 39-2223 and 39-2224, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Highway Bond Act; to authorize the issuance of bonds as prescribed; to provide how the proceeds of the sale of bonds shall be expended; and to repeal the original sections.

LEGISLATIVE BILL 402. By Schmit, 23rd District.

A BILL FOR AN ACT relating to investment of state funds; to provide duties of the Nebraska Investment Council; and to provide that certain state funds be made available for investment as prescribed.

LEGISLATIVE BILL 403. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Rumery, 42nd District; Maresh, 32nd District; Dickinson, 31st District.

A BILL FOR AN ACT relating to antifreeze; to provide for the registration of antifreeze formulas; to prohibit the adulteration and misbranding of antifreeze; to provide for the inspection, sampling and analysis of antifreeze; to establish an inspection fee; to provide penalties; and to repeal sections 81-2,186 to 81-2,197, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 404. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Rumery, 42nd District; Dickinson, 31st District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 2-3216 and 2-3220, Reissue Revised Statutes of Nebraska, 1943, and section 2-3223, Revised Statutes Supplement, 1974, relating to natural resource districts; to require audit reports of the district to be filed with the Auditor of Public Accounts; to provide additional duties of the board of directors of the district; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 405. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Dickinson, 31st District; Maresh, 32nd District, Rumery, 42nd District.

A BILL FOR AN ACT relating to educational television; to provide for an educational agriculture program series; and to assign duties to the Educational Television Commission as prescribed.

LEGISLATIVE BILL 406. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Rumery, 42nd District; Kennedy, 21st District; Dickinson, 31st District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 81-263.38, 81-263.41, 81-263.42, 81-263.44, and 81-263.46, Reissue Revised Statutes of Nebraska, 1943, and sections 81-263.39 and 81-263.40, Revised Statutes Supplement, 1974, relating to dairy industry trade products; to eliminate provisions relating to minimum basic cost of dairy products; and to repeal the original sections, and also sections 81-263.81, 81-263.82, 81-263.83, 81-263.85, and 81-263.86, Reissue Revised Statutes of Nebraska, 1943, and section 81-263.84, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 407. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1974, relating to taxation; to provide additional sales tax exemptions; to delete obsolete matter; and to repeal the original section.

LEGISLATIVE BILL 408. By Carsten, 2nd District.

A BILL FOR AN ACT relating to educational service units; to authorize the State Board of Education to contract with educational service units as prescribed.

LEGISLATIVE BILL 409. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 1-114, Revised Statutes Supplement, 1974, relating to accountants; to provide additional qualifying experience for certification; and to repeal the original section.

LEGISLATIVE BILL 410. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 16-113, 16-114, 16-114.01, 16-114.02, 18-1303, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-910, 19-911, 19-913, 19-915, 23-114.01, 23-114.04, 23-114.05, 23-164, 23-168.01, 23-168.03, 23-172, 23-173, and 23-372, Reissue Revised Statutes of Nebraska, 1943, and sections 15-106, 16-112, 16-114.03, and 19-901, Revised Statutes Supplement, 1974, relating to zoning; to provide that certain municipalities shall regulate the subdividing of property; to provide that certain municipalities shall adopt zoning regulations and restrictions as prescribed; to require hearings; to revise membership on the board of adjustment; to provide powers and duties; to provide for the adoption of codes; to repeal the original sections, and also sections 23-168 and 23-171, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 411. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Skarda, 7th District; Barnett, 26th District; Murphy, 17th District.

A BILL FOR AN ACT to amend section 53-123.04, Reissue Revised Statutes of Nebraska, 1943, relating to alcoholic liquors; to prohibit off-the-premises delivery of alcoholic liquor to the consumer by a retail licensee, his agent or employee; to provide construction; and to repeal the original section.

LEGISLATIVE BILL 412. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Skarda, 7th District; Murphy, 17th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 53-1,116, Reissue Revised statutes of Nebraska, 1943, relating to the Nebraska Liquor Control Commission; to change appeal procedures; to provide for all appeals to be to the district court of Lancaster County in the case of applications which have not been protested; to provide that appeals shall be de novo on the record; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 413. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Skarda, 7th District; Murphy, 17th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 53-133, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Liquor Control Commission; to provide for a hearing after withdrawal of a protest; to provide for costs; and to repeal the original section.

LEGISLATIVE BILL 414. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Skarda, 7th District; Murphy, 17th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 53-125, Reissue Revised Statutes of Nebraska, 1943, and section 53-124, Revised Statutes Supplement, 1974, relating to alcoholic liquors; to provide for the license fee and occupation tax when the expiration date of a class C license is converted; to provide for leases for less than the full period of the license; to provide for revocation; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 415. By Anderson, 37th District.

A BILL FOR AN ACT relating to public health and safety; to provide that state employees receive training in first aid; to provide that state buildings have emergency equipment; and to provide duties to carry out this act.

LEGISLATIVE BILL 416. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 35-201, 35-203, 35-203.01, 35-206, 35-209, 35-211, and 35-212, Reissue Revised Statutes of Nebraska, 1943, relating to fire companies and firemen; to change the retirement age of certain firemen; to clarify when a fireman may be pensioned; to change provisions relating to return of contributions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 417. By Luedtke, 28th District; Cavanaugh, 9th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to create divisions within the department; to provide and transfer functions, powers duties, and responsibilities as prescribed; to harmonize provisions; to provide for a community-based pilot project in Omaha; to authorize the establishment of jail standards; to authorize the planning and construction of a medium-minimum security unit in Lincoln; to amend sections 47-106, 47-110, 47-111, 47-204, 83-1,137, 83-1,138, 83-1,139, 83-1,140, and 83-4,103, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1,105, and 83-1,136, Revised Statutes Supplement, 1974; and to repeal the original sections.

LEGISLATIVE BILL 418. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Maresh, 32nd District; Kelly, 35th District; Moylan, 6th District; Fowler, 27th District.

A BILL FOR AN ACT to provide for the regulation of ambulance and ambulance attendants as prescribed; to define terms; to provide duties of the Department of Health; to create the Board of Ambulance Advisors; to provide for the board's membership, operation, and responsibilities; to provide penalties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 419. By George, 16th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1974, relating to taxation; to exempt drainage districts from sales and use tax; and to repeal the original section.

LEGISLATIVE BILL 420. By George, 16th District.

A BILL FOR AN ACT to amend section 81-1414, Reissue Revised Statutes of Nebraska, 1943, relating to law enforcement; to provide for regional training of law enforcement officers; and to repeal the original section.

LEGISLATIVE BILL 421. By Skarda, 7th District.

A BILL FOR AN ACT to amend section 53-124.03, Reissue Revised Statutes of Nebraska, 1943, relating to liquor licenses; to allow cities and villages a beneficial interest in more than two liquor licenses; and to repeal the original section.

LEGISLATIVE BILL 422. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 71-1,132.04 to 71-1,132.08, 71-1,132.11, 71-1,132.12, 71-1,132.14 to 71-1,132.16, 71-1,132.20, 71-1,132.27, 71-1,132.29, 71-1,132.30, and 71-1,132.35, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,132.13 and 71-1,132.37, Revised Statutes Supplement, 1974, relating to nursing; to provide definitions; to provide membership of the Board of Nursing; to provide qualifications of board members; to provide duties of the board; to provide requirements for registered and practical nurse licensure; to provide licensure procedures; to provide for license revocation; to provide penalties; and to repeal the original sections, and also sections 71-1,132.10, 71-1,132.17, 71-1,132.38 to 71-1,132.40 and 71-1,132.42, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 423. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 79-1003, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for election of members of the board of education of a Class V school district from districts; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 424. By Chambers, 11th District.

A BILL FOR AN ACT relating to state lands; to return lands and buildings located at Fort Robinson State Park and Recreational Area to the Sioux Nation as prescribed; and to provide a time limit for such land transfer.

LEGISLATIVE BILL 425. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 24-524, Revised Statutes Supplement, 1974, relating to Small Claims Court; to eliminate service by mail; and to repeal the original section.

LEGISLATIVE BILL 426. By Telecommunications Committee: Clark, 47th District, Chairman; Skarda, 7th District; Mahoney, 5th District; Duis, 39th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 75-134 and 75-139, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to change provisions relating to commission orders; to make provisions relating to rate increases as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 427. By Telecommunications Committee: Clark, 47th District, Chairman; Skarda, 7th District; Marvel, 33rd District; Mahoney, 5th District; Duis, 39th District.

A BILL FOR AN ACT to amend sections 23-1715, 81-1120.01, 81-1120.02, 81-1120.03, 81-1120.04, 81-1120.05, 81-1120.06, 81-1120.07, 81-1120.10, 81-1120.11, 81-1120.12, 81-1120.13, 81-1120.14, and 81-1423, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1108.02, 81-1120.08, and 81-1120.09, Revised Statutes Supplement, 1974, relating to administrative departments; to define terms; to create the division of communications and a director thereof as prescribed; to provide duties; to create the State Communications Advisory Board; to establish the Communications Cash Fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 428. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 48-106, 48-114, 48-115, 48-152, and 48-153, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to redefine terms; to change exemptions; to provide an additional judge for the court; to require certain insurance coverage except as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 429. By Chambers, 11th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article 5 of the Constitution of Nebraska, by adding thereto a new section 32, relating to the judiciary; to provide that attorneys shall not be required to belong to a bar association or organization in order to practice law; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 430. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1974, relating to taxation; to exempt food and food products intended for human consumption from the sales and use taxes; to eliminate the food sales tax credit; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 431. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 69-204, Reissue Revised Statutes of Nebraska, 1943, relating to pawnbrokers; to require a fingerprint or color photograph; and to repeal the original section.

LEGISLATIVE BILL 432. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 32-308, Reissue Revised Statutes of Nebraska, 1943, relating to the election of county officers; to provide that the sheriff be appointed in certain counties as prescribed; to provide duties of the county board; and to repeal the original section.

LEGISLATIVE BILL 433. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District; Burrows, 30th District; Dickinson, 31st District.

A BILL FOR AN ACT to adopt the Nebraska Land Resources Management Information Act.

LEGISLATIVE BILL 434. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District; Kennedy, 21st District; Burrows, 30th District; Dickinson, 12th District.

A BILL FOR AN ACT relating to meat retailers; to prescribe time limits, payment conditions, and discount conditions for purchases of meat and meat products by retailers from slaughter livestock meat packers doing business in Nebraska.

LEGISLATIVE BILL 435. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District; Kennedy, 21st District; Burrows, 30th District; Dickinson, 31st District.

A BILL FOR AN ACT relating to ground water; to provide regulations and procedures for the use and development of ground water in critical areas.

LEGISLATIVE BILL 436. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District, Kennedy, 21st District; Burrows, 30th District; Dickinson, 31st District.

A BILL FOR AN ACT relating to livestock; to require that Nebraska slaughter livestock be paid for only by checks drawn on Nebraska banks.

LEGISLATIVE BILL 437. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 44-202, Reissue Revised Statutes of Nebraska, 1943, relating to insurance companies; to provide that insurance companies be authorized to act as trustees or fiduciaries of trusts or plans qualified under the provisions of the Internal Revenue Code of 1954 as amended; and to repeal the original section.

LEGISLATIVE BILL 438. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District, Kennedy, 21st District; Rumery, 42nd District, Dickinson, 31st District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 37-215.03, Revised Statutes Supplement, 1974, relating to permits to hunt and fish; to change provisions relating to the issuance of a limited permit to kill deer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 439. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 70-627.02 and 70-637, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to provide for a moratorium on construction of nuclear power facilities; to declare intent; and to repeal the original sections, and also section 70-627.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 440. By Urban Affairs Committee: Fowler, 27th District, Chairman; George, 16th District; Koch, 12th District; Stoney, 4th District; Swigart, 8th District; Hasebroock, 18th District; Duis, 39th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 71-4305, Revised Statutes Supplement, 1974, relating to public health and welfare; to exempt political subdivisions from payment of swimming pool inspection fees; and to repeal the original section.

LEGISLATIVE BILL 441. By Urban Affairs Committee: Fowler, 27th District, Chairman; George, 16th District; Koch, 12th District; Stoney, 4th District; Duis, 39th District; Burrows, 30th District; Hasebroock, 18th District; Swigart, 8th District.

A BILL FOR AN ACT to amend section 17-107, Revised Statutes Supplement, 1974, relating to cities of the second class and villages; to revise certain language referring to the procedure for removal of officers; and to repeal the original section.

LEGISLATIVE BILL 442. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Marsh, 29th District; Bereuter, 24th District; Johnson, 15th District; Stull, 49th District; Simpson, 46th District.

A BILL FOR AN ACT to amend section 81-1130, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to expand the federal funds review requirement to include funds from all other sources except the General Fund; and to repeal the original section.

LEGISLATIVE BILL 443. By Urban Affairs Committee: Fowler, 27th District, Chairman; Koch, 12th District; George, 16th District; Stoney, 4th District; Hasebroock, 18th District; Swigart, 8th District; Duis, 39th District; Burrows, 30th District.

A BILL FOR AN ACT to amend sections 14-1822.01, 68-1108, and 68-1109, Revised Statutes Supplement, 1974, and section 1, Legislative Bill 875A, Eighty-third Legislature, Second Session, 1974, relating to

transportation services; to include all municipalities; to define eligibility; and to repeal the original sections.

LEGISLATIVE BILL 444. By Urban Affairs Committee: Fowler, 27th District, Chairman; Stoney, 4th District; Koch, 12th District; Hasebroock, 18th District; Duis, 39th District; Burrows, 30th District; Swigart, 8th District.

A BILL FOR AN ACT to amend sections 18-1803 and 18-1804, Reissue Revised Statutes of Nebraska, 1943, and section 18-1101, Revised Statutes Supplement, 1974, relating to revenue instruments; to provide for the usage of revenue notes; to define a term; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 445. By Urban Affairs Committee: Fowler, 27th District, Chairman; Burrows, 30th District; Duis, 39th District; Hasebroock, 18th District; Swigart, 8th District.

A BILL FOR AN ACT to amend sections 18-2101.01 and 18-2144, Revised Statutes Supplement, 1974, relating to community development; to grant certain powers and authorities; and to repeal the original sections.

LEGISLATIVE BILL 446. By Urban Affairs Committee: Koch, 12th District; Stoney, 4th District; Swigart, 8th District; Hasebroock, 18th District; Burrows, 30th District; Duis, 39th District; George, 16th District.

A BILL FOR AN ACT to amend section 19-1306, Reissue Revised Statutes of Nebraska, 1943, relating to funds applicable to cities of the first and second class and villages; to provide for one notice for issuing combined revenue bonds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 447. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Marsh, 29th District; Bereuter, 24th District; Johnson, 15th District; Stull, 49th District; Simpson, 46th District.

A BILL FOR AN ACT to amend sections 81-145, 81-149, 81-161.01, and 81-161.03, Reissue Revised Statutes of Nebraska, 1943, and sections 81-153, 81-161.04, and 81-1118, Revised Statutes Supplement, 1974, relating to the Department of Administrative Services; to harmonize provisions; to change provisions relating to the Purchasing Agent; to provide duties of the materiel division; to change competitive bid procedures; to allow for direct purchase by agencies as prescribed; and to repeal the original sections, and also section 81-161.06, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 448. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Marsh, 29th District; Bereuter, 24th District; Johnson, 15th District; Stull, 49th District; Simpson, 46th District.

A BILL FOR AN ACT to amend section 81-1126, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to raise the costs allowed for administering the United States Savings Bond program; and to repeal the original section.

LEGISLATIVE BILL 449. By Education Committee: F. Lewis, 45th District, Chairman; Fitzgerald, 14th District; Kremer, 34th District; George, 16th District; Burrows, 30th District; Koch, 12th District; Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 79-4,147.01, 79-4,147.02, 79-4,147.03, and 79-4,147.04, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to revise language referring to high school equivalency; to repeal the original sections, and also section 80-401.05, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,147, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 450. By Anderson, 37th District.

A BILL FOR AN ACT relating to insurance; to adopt the Model Health Maintenance Organization Act; and to provide severability.

LEGISLATIVE BILL 451. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 81-1017, Reissue Revised Statutes of Nebraska, 1943, relating to the transportation services bureau; to provide an exemption for the University of Nebraska; and to repeal the original section.

LEGISLATIVE BILL 452. By Swigart, 8th District.

A BILL FOR AN ACT to amend section 21-1780, Reissue Revised Statutes of Nebraska, 1943, and sections 21-1773, 21-1790, and 21-1791, Revised Statutes Supplement, 1974, relating to credit unions; to change the amount a credit union may borrow; to change requirements for determining the fiscal year of a credit union; to revise the powers of a credit union for determining loan security; to revise the duties of the supervisory committee; and to repeal the original sections, and also sections 21-1792 and 21-17,111, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 453. By Anderson, 37th District.

A BILL FOR AN ACT relating to elections; to amend, revise, clarify, harmonize, and adopt provisions for elections; to amend sections 32-210, 32-210.01, 32-211, 32-216, 32-217, 32-231, 32-231.01, 32-231.08, 32-231.10, 32-402.01, 32-403, 32-424, 32-428, 32-450, 32-513, 32-516, 32-517, 32-528, 32-803, 32-807.01, 32-815, 32-1001.25, 32-1001.28, 32-1001.29, 32-1056, 32-1241, 32-1302, 32-1305 to 32-1310, 32-1312 to 32-1314, 46-530, 46-531, and 79-2202.01, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 19-613, 19-3011, 19-3051, 32-503.01, 32-1134, 70-610, 70-611, and 70-615, Revised Statutes Supplement, 1974; and to repeal the original sections, and also sections 23-282, 23-284 to 23-286, 23-288, 23-289, 32-431, 32-438.01, 32-449, 32-453, 32-462, 32-486 to 32-489, 32-493.02, 32-496, 32-498, 32-504.02, 32-531, 32-539 to 32-541, 32-814, 32-817, 32-1301, 32-1311, and 70-613, Reissue Revised Statutes of Nebraska, 1943, and section 19-3033, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 454. By Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 68-1005, Reissue Revised Statutes of Nebraska, 1943, relating to the aged, blind, and disabled; to change the qualifications for assistance; and to repeal the original section.

LEGISLATIVE BILL 455. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 77-202.15, Revised Statutes Supplement, 1974, relating to taxation; to change procedures for applying for a homestead exemption; and to repeal the original section.

LEGISLATIVE BILL 456. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 43-643, 43-645, 43-646, and 43-648, Reissue Revised Statutes of Nebraska, 1943, and sections 43-604 and 43-647, Revised Statutes Supplement, 1974, relating to handicapped individuals; to change certain eligibility requirements; to change certain monetary provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 457. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 70-1002, 70-1008, 70-1009, 70-1010, and 70-1011, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Power Review Board; to broaden rights of electrical suppliers; to revise the procedure for modifying service areas; to provide for the supplying of service outside the service area; and to repeal the original sections.

LEGISLATIVE BILL 458. By Johnson, 15th District.

A BILL FOR AN ACT to amend sections 8-711 and 8-712, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to include additional financial institutions under the National Housing Act as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 459. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 16-250, 16-609.01, 16-661, 18-2002, and 19-2417, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to authorize cities of the first class to conduct public works projects on county property as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 460. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 3-101, 3-104, 3-105, and 3-111, Reissue Revised Statutes of Nebraska, 1943, and section 3-128, Revised Statutes Supplement, 1974, relating to the Department of Aeronautics; to change certain definitions and references; and to repeal the original sections.

LEGISLATIVE BILL 461. By DeCamp, 40th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, by adding a new section 12, of the Constitution of Nebraska, relating to revenue; to provide for tax and expenditure limitations; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 462. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 85-180, Reissue Revised Statutes of Nebraska, 1943, relating to state colleges; to provide for the subsidizing of nonresident tuition for students of veterinary medicine; and to repeal the original section.

LEGISLATIVE BILL 463. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 45-102, Reissue Revised Statutes of Nebraska, 1943, relating to interest; to change the interest rate as prescribed; to allow parties to contract for the rate of interest; and to repeal the original section.

LEGISLATIVE BILL 464. By DeCamp, 40th District.

A BILL FOR AN ACT relating to gambling; to define terms; to prescribe illegal activities; to provide exceptions; to provide penalties; and to repeal sections 28-941 to 28-944, 28-946 to 28-948, 28-952, and 28-953, Reissue Revised Statutes of Nebraska, 1943, and section 28-945, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 465. By DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to provide that policies of liability insurance for motor vehicles shall provide for economic loss benefits as prescribed; and to make provisions relating to basic economic loss benefits.

LEGISLATIVE BILL 466. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Goodrich, 20th District; Simpson, 46th District; Savage, 10th District; Marsh, 29th District; Stull, 49th District; Bereuter, 24th District; Johnson, 15th District.

A BILL FOR AN ACT to amend sections 83-305.01, 83-305.03, 83-308, 83-363, and 83-376, Reissue Revised Statutes of Nebraska, 1943, and sections 83-107.01 and 83-305, Revised Statutes Supplement, 1974, relating to care of the mentally ill; to provide for state payment for care; to provide for transfer of control of the Nebraska Psychiatric Institute; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 467. By Marvel, 33rd District.

A BILL FOR AN ACT relating to public contracts; to prohibit certain contracts.

LEGISLATIVE BILL 468. By Bereuter, 24th District.

A BILL FOR AN ACT relating to laws applicable to all cities and villages; to provide for an appeal from special assessments by cities of the first and second class, and villages as prescribed; and to declare an emergency.

LEGISLATIVE BILL 469. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 23-378, Revised Statutes Supplement, 1974, relating to ambulance service; to provide bidding procedures for service contracts; to require annual review of service; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 470. By Bereuter, 24th District.

A BILL FOR AN ACT relating to planning; to provide that the State Office of Planning and Programming shall keep a record of aid given to local governments; and to declare an emergency.

LEGISLATIVE BILL 471. By Appropriations Committee: Marvel, 33rd District, Chairman; Stull, 49th District; Johnson, 15th District; Savage, 10th District; Marsh, 29th District.

A BILL FOR AN ACT relating to state administrative departments; to provide managerial control over contractual services; to define terms; to assign duties; and to provide for rules and regulations.

LEGISLATIVE BILL 472. By Appropriations Committee: Marvel, 33rd District, Chairman; Stull, 49th District; Johnson, 15th District; Savage, 10th District; Marsh, 29th District.

A BILL FOR AN ACT to amend section 81-1117, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to increase the duties of the data processing administrator as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 473. By Appropriations Committee: Marvel, 33rd District, Chairman; Stull, 49th District; Johnson, 15th District; Savage, 10th District; Marsh, 29th District.

A BILL FOR AN ACT to amend section 81-1113, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to change the state agency budget submission date; to harmonize provisions with annual sessions of the Legislature; and to repeal the original section.

LEGISLATIVE BILL 474. By Appropriations Committee: Marvel, 33rd District, Chairman; Stull, 49th District; Johnson, 15th District; Savage, 10th District; Marsh, 29th District.

A BILL FOR AN ACT to amend sections 81-1011, 81-1015, and 81-1017, Reissue Revised Statutes of Nebraska, 1943, relating to state-owned motor vehicles; to redefine state-owned vehicles; to allow exclusions; to clarify titling procedures; and to repeal the original sections.

LEGISLATIVE BILL 475. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1974, relating to the Employment Security Law; to increase the maximum weekly benefit amount; and to repeal the original sections.

LEGISLATIVE BILL 476. By Fowler, 27th District.

A BILL FOR AN ACT relating to mental health; to provide employment opportunities for mentally impaired individuals; to declare policy; to establish the Committee for the Purchase of Products and Services of Qualified Workshops; to provide duties; to provide a market for services of mentally impaired individuals; and to provide severability.

LEGISLATIVE BILL 477. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Hasebroock, 18th District; Wiltse, 1st District; Swigart, 8th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 45-137 and 45-138, Reissue Revised Statutes of Nebraska, 1943, relating to installment loans; to increase the maximum amount, minimum interest rate, and period for repayment of such loans; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Labor

LB 222	Wednesday, February 5, 1975	2:00 p.m.
LB 227	Wednesday, February 5, 1975	2:00 p.m.
LB 229	Wednesday, February 5, 1975	2:00 p.m..
LB 257	Wednesday, February 12, 1975	2:00 p.m.
LB 330	Wednesday, February 12, 1975	2:00 p.m.
LB 331	Wednesday, February 12, 1975	2:00 p.m.

(Signed) Richard Maresh, Chairman

Miscellaneous Subjects

LB 61	Thursday, January 30, 1975	2:00 p.m.
LB 156	Thursday, January 30, 1975	2:00 p.m.

(Signed) Gary L. Anderson, Chairman

Banking, Commerce and Insurance Committee

LB 105	Monday, February 3, 1975	2:00 p.m.
LB 354	Monday, February 3, 1975	2:00 p.m.
LB 355	Monday, February 3, 1975	2:00 p.m.

LB 219	Tuesday, February 4, 1975	2:00 p.m.
LB 232	Tuesday, February 4, 1975	2:00 p.m.
LB 304	Tuesday, February 4, 1975	2:00 p.m.

(Signed) J. R. Murphy, Chairman

ANNOUNCEMENTS

Mr. F. Lewis announced the Education Committee will meet under the North balcony at 3:00 p.m. today.

Mr. Mahoney announced the Executive Board will meet immediately after adjournment for referral of bills.

RECESS

At 11:23 a.m., on a motion by Speaker Burbach, the Legislature recessed until 4:00 p.m.

AFTER RECESS

The Legislature reconvened at 4:01 p.m., Speaker Burbach presiding.

ROLL CALL

The Roll Call showed a quorum present. Messrs. Carsten and Kime were excused.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
316	Re-referred to Misc. Subjects		
334	Cons. Rev. & Rec.	345	Gov. Mil. & Vets Afrs
335	Agric. & Env.	346	Pub. Hlth & Wel.
336	Appropriation	347	Pub. Hlth & Wel.
337	Pub. Hlth & Wel.	348	Public Works
338	Judiciary	349	Bkg. Comm. & Ins.
339	Revenue	350	Bkg. Comm. & Ins.
340	Misc. Subjects	351	Misc. Subjects
341	Agric. & Env.	352	Revenue
342	Misc. Subjects	353	Public Works
343	Cons. Rev. & Rec.	354	Bkg. Comm. & Ins.
344	Education	355	Bkg. Comm. & Ins.
		356	Judiciary

(Signed) Eugene T. Mahoney, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 478. By Luedtke, 28th District.

A BILL FOR AN ACT relating to motor carriers; to provide when rate increases shall become effective; to provide for refunds; to provide for enforcement; to amend section 75-126, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 479. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District, Anderson, 37th District.

A BILL FOR AN ACT relating to criminal procedure; to define terms; to provide procedure for pretrial diversion of selected offenders in the district courts as prescribed; and to create an advisory board.

LEGISLATIVE BILL 480. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 25-307, Reissue Revised Statutes of Nebraska, 1943, relating to district courts; to provide procedures for commencing suit by an infant; to require court approval prior to dismissing actions commenced; to provide that actions be binding upon the infant; and to repeal the original section.

LEGISLATIVE BILL 481. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to probate proceedings; to harmonize provisions with the Nebraska Probate Code; to change county court fees for probate proceedings and other matters as prescribed; to amend sections 8-201, 8-317, 16-634, 21-20,105, 25-207, 25-307, 25-308, 25-309, 25-819, 30-1601, 30-1610, 31-415, 31-822, 33-125, 33-126.02, 33-126.03, 33-126.04, 33-126.05, 42-105, 42-341, 49-801, 77-2004, 77-2018.01, and 77-2018.02, Reissue Revised Statutes of Nebraska, 1943, and sections 24-536, 24-554, 24-559, 24-601, 30-1603, 30-2622, 30-2487, and 30-2499, Revised Statutes Supplement, 1974; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 482. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to define a term; to provide a penalty; to provide a procedure for sentencing; and to provide severability.

LEGISLATIVE BILL 483. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to hypodermic needles and syringes; to provide who may purchase and possess hypodermic needles and syringes; to provide for the manner of storage and destruction; to provide for standards; to provide penalties; to allow denial, suspension or revocation of licenses of health practitioners, establishments or facilities for violations, and to provide severability.

LEGISLATIVE BILL 484. By Judiciary Committee: Luedtke, 28th District; Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 28-4,135, Revised Statutes Supplement, 1974, relating to the Uniform Controlled Substances Act; to provide for an additional use of seized and condemned conveyances pursuant to court order; and to repeal the original section.

LEGISLATIVE BILL 485. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to drugs; to prohibit the acquisition of certain drugs which can only be lawfully distributed by means of a prescription; and to provide penalties.

LEGISLATIVE BILL 486. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT to amend section 28-4,125, Revised Statutes Supplement, 1974, relating to the Uniform Controlled Substances Act; to provide for treatment and counseling by community mental health facilities; and to repeal the original section.

LEGISLATIVE BILL 487. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to provide for the use of Department of Health analyses of controlled substances as admissible evidence in preliminary hearings in the courts of the state.

LEGISLATIVE BILL 488. By Syas, 13th 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 land on which is situated water and woodlands may receive special tax treatment; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 489. By Syas, 13th District.

A BILL FOR AN ACT to amend sections 37-301 and 37-502, Reissue Revised Statutes of Nebraska, 1943, and section 37-204, Revised Statutes Supplement, 1974, relating to game and fish; to provide regulations for nongame fish; to increase permit fees; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 490. By Mills, 44th District.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to require licensing of recreational vehicle parks as prescribed; to require certain construction permits; to provide for the adoption of rules and regulations; to make certain acts unlawful; and to provide penalties.

LEGISLATIVE BILL 491. By Mills, 44th District.

A BILL FOR AN ACT to repeal section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, relating to guest passengers.

LEGISLATIVE BILL 492. By Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 46-1008 and 46-1015, Reissue Revised Statutes of Nebraska, 1943, relating to rural water districts; to change powers of the district as prescribed; to change provisions relating to revenue bonds; and to repeal the original sections.

LEGISLATIVE BILL 493. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 79-602, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions for the attendance reports for school districts of the first class; and to repeal the original section.

LEGISLATIVE BILL 494. By George, 16th District.

A BILL FOR AN ACT to amend sections 32-216 and 32-515, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide a place of registration; to provide for changes in registration to a political party as prescribed; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Government, Military & Veterans Affairs

LB 120	Thursday, January 30, 1975	2:00 p.m.
LB 125	Thursday, January 30, 1975	2:00 p.m.
LB 129	Friday, January 31, 1975	2:00 p.m.
LB 135	Friday, January 31, 1975	2:00 p.m.
LB 182	Friday, January 31, 1975	2:00 p.m.
LB 138	Thursday, February 6, 1975	2:00 p.m.
LB 151	Thursday, February 6, 1975	2:00 p.m.
LB 169	Thursday, February 6, 1975	2:00 p.m.
LB 176	Friday, February 7, 1975	2:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 1. Placed on General File.
LEGISLATIVE BILL 95. Placed on General File.

LEGISLATIVE BILL 97. Placed on General File as amended.
Standing Committee amendments to LB 97:

1. On page 2, line 9, after the first "court" insert: ", the workmen's compensation court,".
2. On page 2, line 14, after "filed" insert: " or venued".
3. On page 6, line 25, after "29-1301", insert: "and 48-177".
4. On page 7 add a new section as follows:

"Sec. 8. That section 48-177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-177. At the expiration of the time fixed for filing the answer, the presiding judge shall assign one of the judges of the court to hear the cause. It shall be heard in the county in which the accident occurred, except as otherwise provided in section 2 of this act and except that, upon the written stipulation of the parties, the cause may be heard in any other county in the state. Upon a motion for dismissal duly filed by the plaintiff, showing that a dispute between the parties no longer exists, the court may dismiss any such cause without a hearing.".

5. Renumber original sections 8 and 9 as section 9 and 10 respectively.

(Signed) Roland A. Luedtke, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 495. By Miscellaneous Subjects: Anderson, 37th District, Chairman; Mahoney, 5th District; Barnett, 26th District; Nichol, 48th District; Skarda, 7th District; F. Lewis, 45th District; Luedtke, 28th District; Murphy, 17th District.

A BILL FOR AN ACT relating to the time for commencement of actions; to provide when actions to recover damages for breach of warranty or deficiency on improvements to real property shall be commenced as prescribed.

LEGISLATIVE BILL 496. By Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District; F. Lewis, 45th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 81-1329, Revised Statutes Supplement, 1974, relating to the State of Nebraska Classification and Pay Plan; to provide for a cost of living increase in wages subject to the pay plan; and to repeal the original section.

LEGISLATIVE BILL 497. By Labor Committee: Maresh, 32nd District, Chairman; F. Lewis, 45th District; Fitzgerald, 14th District; Rumery, 42nd District.

A BILL FOR AN ACT to amend section 81-117, Reissue Revised Statutes of Nebraska, 1943, and section 84-1001, Revised Statutes Supplement, 1974, relating to state employees; to provide for overtime compensation to state employees as prescribed; to establish a normal work week; and to repeal the original sections.

LEGISLATIVE BILL 498. By Labor Committee: Maresh, 32nd District, Chairman; F. Lewis, 45th District; Fitzgerald, 14th District; Rumery, 42nd District; Murphy, 17th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 48-603, 48-604, and 48-661, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to redefine terms; to exclude certain services from the definition of employment; to eliminate the requirement of mandatory election of coverage by certain state agencies; and to repeal the original sections.

LEGISLATIVE BILL 499. By Labor Committee: Maresh, 32nd District, Chairman; F. Lewis, 45th District; Fitzgerald, 14th District; Rumery, 42nd District.

A BILL FOR AN ACT to amend section 48-660.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Employment Security Law; to provide for the posting of security by nonprofit organizations to secure payments in lieu of contributions by organizations who have elected to make such payments; and to repeal the original section.

LEGISLATIVE BILL 500. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 30-2446, Revised Statutes Supplement, 1974, relating to the probate of wills; to revise the requirements for bonds; and to repeal the original section.

LEGISLATIVE BILL 501. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 16-901 and 17-1001, Reissue Revised Statutes of Nebraska, 1943, relating to zoning; to remove the limitation on the extent of zoning; and to repeal the original sections.

LEGISLATIVE BILL 502. By Barnett, 26th District.

A BILL FOR AN ACT relating to loans; to establish provisions governing escrow accounts as prescribed.

LEGISLATIVE BILL 503. By Fowler, 27th District.

A BILL FOR AN ACT relating to education; to provide conditions under which students may be expelled or excluded from school; to provide procedures; to provide for hearings on the facts; to allow representation; to prescribe powers and duties; to provide for appeals; and to provide for limits of expulsion or exclusion from school.

LEGISLATIVE BILL 504. By Fowler, 27th District.

A BILL FOR AN ACT relating to corrections; to provide that a criminal offender may be granted early parole and release; and to provide conditions for parole.

LEGISLATIVE BILL 505. By Fowler, 27th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to provide for control of beverage containers; to define terms; to provide for enforcement; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 506. By Warner, 25th District.

A BILL FOR AN ACT relating to taxation; to adopt an income and franchise tax act for the support of the public schools as prescribed; to amend section 77-27,132, Revised Statutes Supplement, 1974; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 507. By Koch, 12th District.

A BILL FOR AN ACT to make an appropriation to the Board of Educational Lands and Funds to acquire specified property for school purposes; and to declare an emergency.

LEGISLATIVE BILL 508. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 8-317, Reissue Revised Statutes of Nebraska, 1943, relating to building and loan associations; to provide for additional evidence of an account as prescribed; and to repeal the original section.

LEGISLATIVE BILL 509. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 30-318, Reissue Revised Statutes of Nebraska, 1943, relating to executors and administrators; to provide additional powers to a special administrator; to require court approval prior to dismissing certain actions; and to repeal the original section.

LEGISLATIVE BILL 510. By Warner, 25th District.

A BILL FOR AN ACT to amend section 28-844, Revised Statutes Supplement, 1974, relating to crimes and punishments; to designate the conduct of law enforcement and other officials for which political

subdivisions shall defend and satisfy judgments; and to repeal the original section.

LEGISLATIVE BILL 511. By Kelly, 35th District.

A BILL FOR AN ACT relating to locksmiths; to provide for examination and licensing of locksmiths as prescribed; to create the Board of Examiners in Locksmithing; to assign duties; to establish fees; to create a special fund; to provide penalties; and to repeal section 28-5,103 to 28-5,106, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 512. By Schmit, 23rd District.

A BILL FOR AN ACT relating to banking; to define terms; to provide for the establishment of subsidiary trust companies; and to authorize certain business activities.

LEGISLATIVE BILL 513. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 48-838, Revised Statutes Supplement, 1974, relating to labor; to limit challenges; to revoke certification of bargaining agents as prescribed; to provide increased representation of public employees before the Court of Industrial Relations; to establish conditions for binding negotiated agreements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 514. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District.

A BILL FOR AN ACT to adopt the Nebraska Poultry and Egg Resources Act; and to declare an emergency.

LEGISLATIVE BILL 515. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 54-603, Reissue Revised Statutes of Nebraska, 1943, relating to dogs; to provide that local authorities shall set the amount of a dog license tax; and to repeal the original section.

LEGISLATIVE BILL 516. By Fitzgerald, 14th District.

A BILL FOR AN ACT to amend sections 23-2504, 23-2506, and 23-2515, Revised Statutes Supplement, 1974, relating to the civil service system; to provide new procedures for electing members to the civil service commission; to establish a civil service appeals board; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 517. By Moylan, 6th District.

A BILL FOR AN ACT relating to children; to specify regulations governing the manufacture and sale of toys; to provide inspections; and to provide a penalty.

LEGISLATIVE BILL 518. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 2-3224, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3215 and 2-3227, Revised Statutes Supplement, 1974, relating to natural resources; to extend situations when a vacancy occurs on the board of directors of a natural resource district; to require deposit of district funds; to provide for additional investments of surplus funds; and to repeal the original sections.

LEGISLATIVE BILL 519. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District.

A BILL FOR AN ACT to adopt the County Horse Racing Facilities Bond Act; to amend section 2-1208.01, Revised Statutes Supplement, 1974; and to repeal the original section.

LEGISLATIVE BILL 520. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Koch, 12th District; George, 16th District; Burrows, 30th District.

A BILL FOR AN ACT relating to schools; to provide for a critical health problems and comprehensive health education program in the schools; to broaden the powers of the Commissioner of Education as prescribed; to provide for an advisory committee; and to repeal sections 79-1270, 79-1270.01, and 79-1270.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 521. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Burrows, 30th District; Fitzgerald, 14th District; George, 16th District; Koch, 12th District.

A BILL FOR AN ACT to amend section 79-4,103, Revised Statutes Supplement, 1974, relating to schools; to provide that school districts shall claim nonresident tuition on a calendar quarter basis; and to repeal the original section.

LEGISLATIVE BILL 522. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Burrows, 30th District; Fitzgerald, 14th District; Koch, 12th District; George, 16th District.

A BILL FOR AN ACT to amend section 79-487, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for transportation of children who attend private schools as prescribed; to provide duties of the State Board of Education; and to repeal the original section.

LEGISLATIVE BILL 523. By Keyes, 3rd District.

A BILL FOR AN ACT relating to natural resources; to regulate mining operations and rehabilitation of land affected by ining operations; to declare intent; to define terms; to provide for issuing permits to conduct mining operations and land rehabilitation; to provide for modification of permits and plans; to provide hearings; to make certains act unlawful; to provide penalties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 524. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Luedtke, 28th District; Mahoney, 5th District; Murphy, 17th District; Skarda, 7th District.

A BILL FOR AN ACT relating to crimes and punishments; to provide for criminal record information; to establish the Criminal Offender Records Control Committee; to provide procedures; and to provide penalties.

LEGISLATIVE BILL 525. By Miscellaneous Subjects Committee: Murphy, 17th District; Barnett, 26th District; Mahoney, 5th District; Nichol, 48th District; Skarda, 7th District; Luedtke, 28th District; F. Lewis, 45th District.

A BILL FOR AN ACT to adopt the State Electrical Act; and to repeal sections 81-553 to 81-570, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 526. By Johnson, 15th District.

A BILL FOR AN ACT relating to the State Board of Agriculture; to authorize such board, as a state bicentennial project, to construct and furnish a Heritage Village and Education Building and related facilities on the Nebraska State Fair Grounds; to make an appropriation for such purpose; and to declare an emergency.

LEGISLATIVE BILL 527. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 25-1625, Revised Statutes Supplement, 1972; to provide a minimum salary for jury commissioners in certain counties; and to repeal the original section.

ADJOURNMENT

At 4:32 p.m., on a motion by Mr. Barnett the Legislature adjourned until 10:00 a.m., Friday, January 24, 1975.

Vincent D. Brown
Clerk of the Legislature

ELEVENTH DAY—JANUARY 24, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 24, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Burbach presiding.

PRAYER

The prayer was offered by the Chaplain.

> Creator and Preserver of all life; author and sustainer of our individual lives; high and beyond us, yet nearer than we can think; whose will moves everywhere - whose hand encompasses all the affairs of earth - in whom we live and move and have our being: we invoke your Name and seek your Presence, O Lord our God, as we assemble now for another segment of service. Conscious we are that the actions of this Legislature are being judged by those who have entrusted these offices to us: even more conscious must we be to labor as men and women under Divine judgment. May we stand tall in the eyes of all who watch us here. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Stull who were excused.

CORRECTIONS FOR THE JOURNAL

Page 227, line 17, insert "Koch, 12th District".
Page 261, line 35, delete "1972" and insert "1974".
The Journal for the Tenth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 4
January 21, 1975

Dear Senator Stoney:

You have asked our opinion as to the constitutional validity of a proposed bill which would amend Section 2-3215, R. S. Supp., 1974, by making the following amendments to said section:

> "A vacancy on the board shall exist in the event of the death, disability, resignation or removal from the district or subdistrict of any director ~~or~~, in the event of the elimination or detachment from the district of the territory in which a director resides, or in the event a director shall be absent during all of three consecutive monthly meetings of the board of directors without having obtained prior consent of the board of directors for any of such absences. In the event of a vacancy from any of such causes, or otherwise, such vacancy shall be filled by the board of directors. The person so appointed must have the same qualifications as the person whom he succeeds. Such appointments shall be in writing, for the remainder of the unexpired term, and until a successor is elected and qualified. The written appointment shall be filed with the Secretary of State."

The constitutional problem that arises in our mind in connection with this amendment is whether the director in question will have been afforded due process of law in connection with his removal. If we read Section 2-3215, as amended, alone, it would appear that the vacancy occurs automatically, with no action by the board necessary, and without any notice to the director or opportunity for him to be heard on the matter. So construed, we believe the section in question might deny the director due process of law.

In 67 C.J.S. 255, Officers, Section 61, we find a discussion of the circumstances and manner in which an officer may be removed from office. Apparently some statutes have been upheld permitting the removal of an officer serving a definite term without notice and hearing, although other cases have held that even such statutes impliedly require a hearing according to the principles of natural justice. We note that Article IV, Section 10 of the Nebraska Constitution provides that the Governor may remove a person whom he shall appoint for a term only for cause and after a public hearing. It is possible that the Legislature might provide for removal of an officer elected to a definite term without such notice and hearing, but is certainly somewhat doubtful, and we would not so interpret a statute unless required by unambiguous language.

If the provision in question were passed, we would interpret it in light of Section 2-3216, which provides:

"Members of the board may be removed from office for the same reasons and in the same manner as provided by law for the removal of county officers."

Chapter 23, article 20, makes provision for removal of county officers. Except as to removal by recall, these sections provide for removal after notice and hearing, as prescribed. Under Sections 23-2301 to 23-2309, the removal is by judicial proceeding initiated in the district court. In the absence of statutory provisions to the contrary, this would appear to be the appropriate manner to remove a director because of three consecutive absences from monthly meetings, if this amendment is adopted. What this bill would do, then, is to add a new statutory basis for the removal of a director, that is, three consecutive unexcused absences. We see no constitutional problems in such a provision.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc: Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 42. Placed on General File as amended.
Standing Committee amendments to LB 42:

1. On page 3 after line 7 insert a new "Sec. 2."
to read as follows:

"Sec. 2. That section 84-1329.01, Revised Statutes Supplement, 1974, be amended to read as follows:

84-1329.01. The Public Employees Retirement Board, on behalf of the state, may contract with any state employee or with any judge who is not a state employee, including a person under contract providing services to the state who is not employed by the University of Nebraska, or any of the state colleges, or technical community colleges, to defer a portion of such employee's income and may, subsequently, with the consent of the employee, purchase a life insurance or fixed or variable annuity contract, for the purpose of funding a deferred compensation plan for the employee, from any insurance company licensed to do business in the state. The employing agency of any judge who is not a state employee and who elects to participate in the deferred compensation program as authorized in sections 84-1329.01 to 84-1329.03 is hereby authorized to transfer

such funds as are necessary to implement the provisions of sections 84-1329.01 to 84-1329.03 to the Deferred Compensation Fund. The total of the premiums paid for the purchase of such life insurance contract or annuity contract and the employee's nondeferred income for any year shall not exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to such employee in such year. The deferred compensation program shall exist and serve in addition to, and shall not be a part of, any existing retirement or pension system provided for state employees or any other benefit program. Any income deferred under such a plan shall continue to be included as regular compensation for the purpose of computing the retirement and pension contributions made or benefits earned by any employee. Any sum so deferred shall not be included in the computation of any taxes withheld on behalf of any such employee.".

2. On page 3, line 8 strike "section" and insert "sections", after "24-706" insert "and 84-1329.01," and in line 9 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 47. Placed on General File.

(Signed) William H. Hasebroock, Chairman

Labor

LEGISLATIVE BILL 126. Placed on General File.

(Signed) Richard Maresh, Chairman

NOTICE OF COMMITTEE HEARING
Revenue

LB 70	Monday, February 3, 1975	2:00 p.m.
LB 71	Monday, February 3, 1975	2:00 p.m.
LB 301	Monday, February 3, 1975	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

MOTION—Return LB 7 to Select File

Mr. Simpson moved to return LB 7 to Select File for the following specific amendment:

1. On page 2, insert a new section 1 as follows:

"Section 1. That section 76-1416, Revised Statutes Supplement, 1974, be amended to read as follows:

76-1416. (1) A landlord may not demand or receive security, however denominated, in an amount or

value in excess of one month's periodic rent, except that a pet deposit not in excess of one-fourth of one month's periodic rent may be demanded or received when appropriate, but this subsection shall not be applicable to housing authorities organized or existing under sections 71-1518 to 71-1554.

(2) Upon termination of the tenancy property or money held by the landlord as prepaid rent and security may be applied to the payment of rent and the amount of damages which the landlord has suffered by reason of the tenant's noncompliance with the rental agreement or section 76-1421. The balance, if any, and a written itemization shall be delivered or mailed to the tenant within fourteen days after demand and designation of the location where payment may be made or mailed.

(3) If the landlord fails to comply with subsection (2) the tenant may recover the property and money due him and reasonable attorney's fees.

(4) This section does not preclude the landlord or tenant from recovering other damages to which he may be entitled under sections 24-568 and 76-1401 to 76-1449.

(5) The holder of the landlord's interest in the premises at the time of the termination of the tenancy is bound by this section.

(6) All security deposits received on and after the effective date of this act as described in subsection (1) of this section shall be held by the landlord in a separate account in a licensed financial institution located in this state which account shall be designated as a security deposit trust account. "; in line 9 strike "section" and insert "sections 76-1416 and"; in line 10 strike "is" and insert "are".

2. Renumber original sections 1 to 3 as sections 2 to 4 respectively.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 7. The Simpson specific amendment found in this days Journal was adopted with 28 ayes, 1 nay and 20 not voting.

Advanced to E & R for Engrossment.

MOTION—Approved Appointments

Mr. Savage moved the confirmation of the Governor appointments of Gerald Campbell, Dan Drain, George David and David Smith found in the Journal on page 225 for the Tenth Day and requested a record vote.

Gerald Campbell
Nebraska Game & Parks Commission

Voting in the affirmative, 41:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Kime	Koch
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

DeCamp	Dickinson	Duis	George	Keyes
F. Lewis	Murphy	Stull		

The Chair declared the appointment of Mr. Campbell confirmed.

Dan Drain
Director, Environmental Control

Voting in the affirmative, 40:

Barnett	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Clark	Cope	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	Koch	Kremer
F. Lewis	R. Lewis	Mahoney	Maresh	Marsh
Marvel	Mills	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	Bereuter	DeCamp	Dickinson	Duis
Keyes	Luedtke	Moylan	Stull	

The Chair declared the appointment of Mr. Drain confirmed.

George David
Environmental Control Council

Voting in the affirmative, 34:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Clark	Cope	Dworak	Fitzgerald
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Nichol	Rasmussen	Rumery	Simpson	Skarda
Stoney	Swigart	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 15:

Carsten	Chambers	DeCamp	Dickinson	Duis
Fowler	George	Keyes	Kime	Moylan
Murphy	Savage	Schmit	Stull	Syas

The Chair declared the appointment of Mr. David confirmed.

David Smith
Environmental Control Council

Voting in the affirmative, 41:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Clark	Cope	Dickinson	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Simpson
Skarda	Stoney	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Anderson	Barnett	DeCamp	Duis	Mahoney
Murphy	Schmit	Stull		

The Chair declared the appointment of Mr. Smith confirmed.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 316	Thursday, January 30, 1975	2:00 p.m.

(Signed) Gary L. Anderson, Chairman

Judiciary

LB 288	Monday, February 3, 1975	2:00 p.m.
LB 289	Monday, February 3, 1975	2:00 p.m.
LB 290	Monday, February 3, 1975	2:00 p.m.
LB 291	Monday, February 3, 1975	2:00 p.m.
LB 292	Monday, February 3, 1975	2:00 p.m.
LB 293	Monday, February 3, 1975	2:00 p.m.
LB 294	Monday, February 3, 1975	2:00 p.m.
LB 141	Tuesday, February 4, 1975	2:00 p.m.
LB 276	Tuesday, February 4, 1975	2:00 p.m.
LB 277	Tuesday, February 4, 1975	2:00 p.m.
LB 284	Tuesday, February 4, 1975	2:00 p.m.
LB 285	Tuesday, February 4, 1975	2:00 p.m.
LB 286	Tuesday, February 4, 1975	2:00 p.m.
LB 287	Tuesday, February 4, 1975	2:00 p.m.
LB 273	Wednesday, February 5, 1975	2:00 p.m.
LB 274	Wednesday, February 5, 1975	2:00 p.m.
LB 282	Wednesday, February 5, 1975	2:00 p.m.
LB 283	Wednesday, February 5, 1975	2:00 p.m.
LB 250	Monday, February 10, 1975	2:00 p.m.
LB 237	Monday, February 10, 1975	2:00 p.m.
LB 275	Tuesday, February 11, 1975	2:00 p.m.
LB 279	Monday, February 17, 1975	2:00 p.m.
LB 281	Monday, February 17, 1975	2:00 p.m.
LB 295	Monday, February 17, 1975	2:00 p.m.
LB 310	Monday, February 17, 1975	2:00 p.m.

LB 231	Tuesday, February 18, 1975	2:00 p.m.
LB 243	Tuesday, February 18, 1975	2:00 p.m.
LB 258	Tuesday, February 18, 1975	2:00 p.m.
LB 278	Tuesday, February 18, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT–Add Co-Introducers

Mr. Schmit asked unanimous consent to add the name of Mr. Kennedy to LB 519 and LB 514. No objections. So ordered.

MOTION–Introduce Bill

Mr. Murphy moved the introduction of a new bill by the Banking, Commerce and Insurance Committee. (Req. 674)

The motion prevailed with 32 ayes, 10 nays and 7 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 528. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Warner, 25th District; Swigart, 8th District; Hasebroock, 18th District; Mills, 44th District.

A BILL FOR AN ACT to amend section 44-502, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change the policy loan provisions contained in life or endowment insurance policies as prescribed; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 6.

Introduced by Mahoney, 5th District.

WHEREAS, the state parks of Nebraska are presently under the control of tthe Game and Parks Commission; and

WHEREAS, the Game and Parks Commission collects fees from the issuance of hunting and fishing permits; and

WHEREAS, the Game and Parks Commission uses portions of such permit fees for construction, maintenance, and other functions involving state parks; and

WHEREAS, such uses of permit fees do not allow the Game and Parks Commission to adequately respond to the needs of fishermen and hunters,

and do not allow adequate responses to the needs of those people interested in outdoor recreation.

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

1. That the Constitutional Revision and Recreation Committee study possible methods of transferring control of the state parks from the Game and Parks Commission to either an existing agency or a new agency.

2. That the committee study the effects that any transfer of control would have on federal funds allocated to the state.

3. That the committee report its recommendations to the next session of the Legislature.

Referred to the Executive Board.

MOTION—Records of Contest of Election

Mr. Cavanaugh moved the Special Committee on Credentials to Investigate the Legislative Election in District No. 48 present to the legislature the complete record of the proceedings of the committee to include all books, documents, papers, material, testimony and depositions requested or received by the committee in the course of its deliberations. Each item included in said record shall be numbered and indexed as Exhibits. All motions adopted, proposed by the committee in the course of its proceedings shall be set out and numbered separately. All such material to become known as the permanent record of the Select Committee and to become a part of the permanent record of the legislature in its consideration of the Contest of Election for the 48th District.

Mr. Warner moved the Cavanaugh motion be laid over until after disposition of the Warner motion found in the Journal on page 231, Tenth Day, on Thursday, January 30, 1975.

Mrs. Marsh 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. Cavanuagh requested a record vote on the Warner motion.

Voting in the affirmative, 29:

Barnett	Bereuter	Carsten	Clark	Cope
Dickinson	Dworak	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	R. Lewis	Maresh	Marsh
Marvel	Moylan	Murphy	Rasmussen	Rumery
Stoney	Swigart	Warner	Wiltse	

Voting in the negative, 13:

Anderson	Burbach	Burrows	Cavanaugh	Chambers
Fitzgerald	Fowler	F. Lewis	Luedtke	Mahoney
Schmit	Skarda	Syas		

Not voting, 7:

DeCamp	Duis	Mills	Nichol	Savage
Simpson	Stull			

The motion to lay over prevailed with 29 ayes, 13 nays and 7 not voting.

MOTION—Ballots of Contested Election

Mr. Mahoney moved that the Secretary of State be directed to make copies of the contested ballots as to improper spelling of surname, no first name or improper first name or initial, and those ballots that have no proper designation of the office. That the Secretary of State furnish each Senator with copies of said ballots by Monday, January 27, 1975.

Mr. Warner moved the Mahoney motion be laid over until after dispostion of the Cavanaugh motion on Thursday, January 30, 1975.

Mr. Cavanaugh requested a record vote on the Warner motion.

Voting in the affirmative, 33:

Barnett	Bereuter	Burbach	Carsten	Cavanaugh
Clark	Cope	Dickinson	Dworak	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Koch	Kremer	R. Lewis	Luedtke
Maresh	Marvel	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Simpson	Stoney
Swigart	Warner	Wiltse		

Voting in the negative, 10:

Anderson	Burrows	Chambers	Fitzgerald	Fowler
F. Lewis	Mahoney	Schmit	Skarda	Syas

Not voting, 6:

DeCamp	Duis	Keyes	Marsh	Nichol
Stull				

The motion to lay over the Mahoney motion prevailed with 33 ayes, 10 nays and 6 not voting.

UNANIMOUS CONSENT–Members Excused

Mrs. Marsh and Messrs. Carsten and Duis asked unanimous consent to be excused. No objections. So ordered.

ANNOUNCEMENT

Mr. Mahoney announced the Executive Board will meet immediately for the referral of bills.

EASE

The Legislature was at ease from 11:42 a.m. until 12:12 p.m.

UNANIMOUS CONSENT–Members Excused

Mr. Luedtke asked unanimous consent to excuse Messrs. Anderson, Cavanaugh, Nichol, Schmit and Luedtke at this time for a Judiciary Committee inspection of the Penal and Correctional Complex. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced the following Appropriations Committee meetings:

Monday (1/27/75) 2:00 p.m. room 1003
Tuesday (1/28/75) 2:00 p.m. room 1003
Wednesday (1/29/75) 12 (noon) ETV Bldg.
Thursday (1/30/75) 2:00 p.m. room 1003
Friday (1/31/75) 2:00 p.m. room 1003

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 23, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Anderson, Ben L. - Lincoln – Nebraska Locksmiths Association
Anderson, Robert L. - Lincoln – Nebraska Feed & Grain Dealers Association; Nebraska Fertilizer Institute, Inc.
Bahensky, LeRoy - Lincoln – Loup Power District - Columbus

Blair, Michael J. - Lincoln – Nebraska Student Veterans Organization
Brooks, Jeff - Omaha - BancNorthwest
Everitt, Delores - Lincoln – Nebraska Association for Retarded Citizens
Gauger, Jan - Lincoln – Lancaster County
Jensen, Hans O. - Aurora – Farmers Union
Johnston, Paul - Schuyler – Nebraska Livestock Feeders Association
Kaplin, Roberta M. - Omaha – Eastern Nebraska Human Services Agency
King, Rex E. - Lincoln – Lincoln Central Labor Union
Knudsen, Berkheimer, Endacott & Beam Law Firm:
C. Arlen Beam - Lincoln – National Confectioners Association
Lynch, John E. - Lincoln – Crosby, Guenzel, Davis, Kessner & Kuester
McNeil, Martin J. - Lincoln – United Transportation Union
Peterson, Glenda - Lincoln – Nebraska Civil Liberties Union
Peterson, Robert F. - Lincoln – Lincoln Education Association, Inc.
Skochdopole, Robert A. - Omaha – Missouri Valley Group Health
Tews and Noren:
Charles F. Noren – Nebraska Academy of Ophthalmology; Nebraska Securities Industries Association
David D. Tews – Nebraska Academy of Ophthalmology; Nebraska Securities Industries Association
Whitehead, John C. - Columbus – Leigh Rural Fire Protection District

MOTION–Transcript of Contested Election

Mr. Chambers moved that special committee transcript of 1-10-75 meeting be copied and distributed to all members.

Mr. Chambers asked unanimous consent to withdraw the motion. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
357	Agric. & Env.	369	Bkg. Comm. & Ins.
358	Neb. Ret. Systems	370	Labor
359	Appropriations	371	Education
360	Agric. & Env.	372	Gov. Mil. & Vets Afrs.
361	Gov. Mil. & Vets Afrs.	373	Judiciary
362	Revenue	374	Bkg. Comm. & Ins.
363	Agric. & Env.	375	Gov. Mil. & Vets Afrs.
364	Education	376	Public Works
365	Bkg. Comm. & Ins.	377	Gov. Mil. & Vets Afrs.
366	Bkg. Comm. & Ins.	378	Agric. & Env.
367	Bkg. Comm. & Ins.	379	Public Works
368	Education	380	Public Works

LB	Committee
381	Public Works
382	Revenue
383	Education
384	Public Works
385	Misc. Subjects
386	Misc. Subjects
387	Appropriations
388	Cons. Rev. & Rec.
389	Appropriations
390	Appropriations
391	General File
392	Revenue
393	Labor
394	Bkg. Comm. & Ins.
395	Urban Affairs
396	Revenue
397	Pub. Hlth & Wel.
398	Bkg. Comm. & Ins.
399	Bkg. Comm. & Ins.
400	Bkg. Comm. & Ins.
401	Revenue
402	Bkg. Comm. & Ins.
403	Agric. & Env.
404	Agric. & Env.
405	Agric. & Env.
406	Agric. & Env.
407	Revenue
408	Education
409	Gov. Mil. & Vets Afrs.
410	Gov. Mil. & Vets Afrs.
411	Misc. Subjects
412	Misc. Subjects
413	Misc. Subjects
414	Misc. Subjects
415	Pub. Hlth & Wel.
416	Neb. Ret. Systems
417	Judiciary
418	Pub. Hlth & Wel.
419	Revenue
420	Gov. Mil. & Vets Afrs.
421	Misc. Subjects
422	Pub. Hlth & Wel.
423	Education
424	Cons. Rev. & Rec.
425	Judiciary
426	Public Works
427	Gov. Mil. & Vets Afrs.
428	Labor
429	Cons. Rev. & Rec.
430	Revenue
431	Misc. Subjects
432	Gov. Mil. & Vets Afrs.
433	Agric. & Env.
434	Agric. & Env.
435	Public Works
436	Agric. & Env.
437	Bkg. Comm. & Ins.
438	Cons. Rev. & Rec.
439	Public Works
440	Urban Affairs
441	Urban Affairs
442	Appropriations
443	Urban Affairs
444	Urban Affairs
445	Urban Affairs
446	Urban Affairs
447	Appropriations
448	Appropriations
449	Education
450	Pub. Hlth & Wel.
451	Gov. Mil. & Vets Afrs.
452	Bkg. Comm. & Ins.
453	Gov. Mil. & Vets Afrs.
454	Pub. Hlth & Wel.
455	Revenue
456	Education
457	Public Works
458	Bkg. Comm. & Ins.
459	Urban Affairs
460	Gov. Mil. & Vets Afrs.
461	Cons. Rev. & Rec.
462	Education
463	Bkg. Comm. & Ins.
464	Judiciary
465	Bkg. Comm. & Ins.
466	Appropriations
467	Gov. Mil. & Vets. Afrs.
468	Urban Affairs
469	Gov. Mil. & Vets Afrs.
470	Gov. Mil. & Vets Afrs.
471	Appropriations
472	Appropriations

LB	Committee	LB	Committee
473	Appropriations	475	Labor
474	Appropriations	476	Pub. Hlth & Wel.
		477	Bkg. Comm. & Ins.

(Signed) Eugene T. Mahoney, Chairman

ADJOURNMENT

At 12:19 p.m., on a motion by Mr. Barnett, the Legislature adjourned until 10:00 a.m., Monday, January 27, 1975.

Vincent D. Brown
Clerk of the Legislature

TWELFTH DAY—JANUARY 27, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord, our God: whose work is never done, but ever advanced by the faithful service of men and women: meet with us as we begin another week.
>
> Now that the seats in this House have all been filled, and committees are meeting, and bills are being considered, and the form of legislation is being fashioned, steer us in the proper direction!
>
> Our thoughts, our aspirations, our weaknesses, our abilities, we would dare to dedicate to purposes far larger than ourselves. Share with us in the duties we take up once more that together we may make this a good week for Nebraska. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Johnson, and Wiltse who were excused and Mr. Schmit who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

UNANIMOUS CONSENT—Members Excused

Messrs. Cavanaugh and Murphy asked unanimous consent to be excused until they return. No objection. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 5
January 23, 1975

Dear Senator DeCamp:

In your letter of January 21, 1975, you asked us to review Legislative Bills 203 and 214, and give you our opinion as to their constitutional validity. While these two bills are not identical, they are very similar, and the comments we will make herein are applicable to both.

These bills prohibit, with some exceptions, corporations other than family farm corporations, family ranch corporations, or authorized farm corporations, as defined in the bills, to engage in farming or ranching, or to own agricultural land. We will not set forth the details of the exceptions and qualifications to the general rule, as they are not important in our discussion.

A family farm or ranch corporation under both bills must be incorporated under the laws of the State of Nebraska for agricultural purposes. The majority of the voting stock must be held by members of a family related to each other within the third degree of kindred. At least one of such family members must reside on or actively operate the farm.

An authorized farm corporation is a corporation having not more than ten shareholders, all of whom, other than estates, are natural persons, having only one class of membership, and whose revenues from rent, royalties, dividends, interest and annuities do not exceed 20 percent of its gross receipts.

We have considered similar bills in the past. In an opinion of this office dated January 4, 1972, Report of the Attorney General 1971-72, page 201, we considered a bill which would have prohibited farming by a corporation which, in any one year, sold food or agricultural products valued at five million dollars or more, or sold farm supplies valued at the figure. We held that our court would probably find such a corporation was not threatening a monopoly, and could not be barred from farming, saying:

> "* * *. We suspect that our Court would say that the preservation of one method of production, as contrasted to another method, both of which are freely competitive, is not a proper function of the Legislature, and that the success or failure of various methods of producing agricultural products must depend upon competition in the market place, and not upon legislative fiat."

On March 21, 1972, we wrote another opinion, involving a bill whose general provisions were very similar to the bills in question. See, Report of the Attorney General 1971-72, page 275. We noted that North Dakota had in 1943 upheld a somewhat similar bill, but felt that that case could be

distinguished, and that, in any event, the Nebraska Supreme Court would not follow it. We relied upon Skag-Way Department Stores, Inc. v. City of Grand Island, 176 Neb. 169, 125 N. W. 2d 529, holding that a business or occupation which has no tendency to affect or endanger the public in connection with health, safety, morals, or general welfare, is not within the police power. We also cited Nelsen v. Tilley, 137 Neb. 327, 289 N. W. 388, to the effect that a person has the right to adopt and follow any lawful business pursuit, not injurious to the community, which he may see fit, without being subjected to arbitrary restraints.

Lincoln Dairy Company vs. Finigan, 170 Neb. 777, 104 N. W. 2d 227, which we cited in that opinion, is very significant here. The court said:

> "A citizen clearly has the right to engage in any occupation not detrimental to the public health, safety, and welfare. Measures adopted by the Legislature to protect the public health and secure the public safety and welfare must have some reasonable relation to those proposed ends. A citizen has a constitutional right to own, acquire, and sell property, and if it becomes apparent that the statute, under the guise of a police regulation, does not tend to preserve the public health, safety, or welfare, but tends more to stifle legitimate business by creating a monopoly or trade barrier, it is unconstitutional as an invasion of the property rights of the individual. * * *."

In another opinion dated January 7, 1974, we considered a bill very similar to those under consideration, and again concluded it would be very difficult to sustain its constitutional validity.

It is true that a corporation is a creature of statute, and has only such powers as the state sees fit to give it. Nevertheless, limitations placed upon it cannot be arbitrary. A very serious question of classification arises in our minds with respect to these bills. The Legislature has required special types of corporations as a prerequisite to engaging in various businesses, such as the banking, building and loan, and insurance businesses. These businesses are subject to regulation by state regulatory bodies, for the protection of the public. Because of the nature of such businesses, the types of persons who shall conduct them, the business practices they shall follow, and the financial stability of the corporations involved are of concern to the public.

We can see no rational basis for concern about such matters with respect to the agricultural industry. It is, of course, a tremendously important industry, and much legislation has been adopted to foster and encourage it, and to insure the wholesomeness and purity of the food it produces. We can see no basis for holding that the restriction of the industry to private individuals, partnerships, or the types of corporations described in the bills will promote any legitimate objectives.

There is a two-fold classification question here. First, is there a valid basis for classifying agriculture differently from any other industry, so far as limiting the types of corporations that can engage in the industry? It is

difficult to find such a basis. Second, is there a basis for classifying the corporations described in the acts differently from other corporations? What public interest is served by requiring the majority of stock to be held by family members as prescribed by the acts, or requiring the land to be occupied by or operated by one of those family members?What public harm results from having a farm owned by corporation having more than ten stockholders that will not result from the ownership by a corporation having fewer stockholders?The answer to none of these questions is readily apparent, and we question whether our court would find satisfactory answers.

Our court has frequently stated the rule as to classification to be that it is competent for the Legislature to classify for the purpose of legislation, if the classification rests on some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. See, Shear v. Board of Commissioners, 187 Neb. 849, 195 N. W. 2d 151. We believe the Supreme Court might very well find the classifications involved in these bills unreasonable.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:sh
cc: Mr. Vincent Brown
Clerk of the Legislature

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 93. Placed on General File.

LEGISLATIVE BILL 117. Placed on General File as amended.
Standing Committee amendments to LB 117:

1. On page 3, line 2, after the word "publication", strike: "or by personal service" and insert: "and by certified mail,"

2. On page 2, line 19, after the word "may" insert: "after five days notice by publication and by certified mail,"

LEGISLATIVE BILL 162. Placed on General File.

(Signed) Steve Fowler, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 79. Placed on General File.
LEGISLATIVE BILL 145. Placed on General File.

(Signed) George Syas, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 36. Placed on Select File as amended.
E & R amendment to LB 36:
1. In the title, line 5, strike "manner in which members are appointed" and insert "membership of the board as prescribed".

LEGISLATIVE BILL 41. Placed on Select File as amended.
E & R amendment to LB 41:
1. On page 2, line 6, insert the new matter after "month".

LEGISLATIVE RESOLUTION 4. Placed on Select File.
LEGISLATIVE BILL 49. Placed on Select File.
LEGISLATIVE BILL 52. Placed on Select File.

LEGISLATIVE BILL 55. Placed on Select File as amended.
E & R amendments to LB 55:
1. On page 2, line 27, insert an underscored comma after "period".
2. In the title, line 6, strike "annuity".

LEGISLATIVE BILL 56. Placed on Select File as amended.
E & R amendment to LB 56:
1. On page 2, line 14, page 3, line 23, and page 4, line 15, insert an underscored comma after "member".

LEGISLATIVE BILL 39. Placed on Select File.
LEGISLATIVE BILL 54. Placed on Select File.

LEGISLATIVE BILL 5. Placed on Select File as amended.
E & R amendments to LB 5:
1. In new section 3, line 2, insert "take" after the first "and", and insert a comma after "effect".

2. In the title, line 5, strike "and"; and in line 6, insert "; and to declare an emergency" after section".

LEGISLATIVE BILL 88. Placed on Select File as amended.
E & R amendments to LB 88:

1. Strike the sentence beginning with "No" on page 3. line 2, and insert the same after the period on page 2, line 21.

2. On page 3, line 25, insert "or visually impaired" after "blind".

3. Renumber new section 3 as section 2.

4. In the title, line 3, strike "board" and insert "committee"; in line 5, strike "and", and insert "; and to declare an emergency" after "duties".

Correctly Engrossed

The following bills were correctly engrossed: 6, 8, 9, 10, 11, 57, 58, and 116.

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARING
Judiciary

LB 417	Tuesday, February 11, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Revenue

LB 308	Tuesday, February 4, 1975	2:00 p.m.
LB 309	Tuesday, February 4, 1975	2:00 p.m.
LB 312	Tuesday, February 4, 1975	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 7.

Introduced by Kremer, 34th District; Dworak, 22nd District; Hasebroock, 18th District; Maresh, 32nd District; Cope, 36th District; Carsten, 2nd District; Stull, 49th District; Simpson, 46th District; Luedtke, 28th District; Swigart, 8th District; Nichol, 48th District; F. Lewis, 45th

District; Moylan, 6th District; Rumery, 42nd District; Schmit, 23rd District; DeCamp, 40th District; Duis, 39th District; Bereuter, 24th District; Dickinson, 31st District; R. Lewis, 38th District; Mills, 44th District; Fowler, 27th District; George, 16th District; Warner, 25th District; Kennedy, 21st District; Stoney, 4th District; Koch, 12th District; Anderson, 37th District; Burrows, 30th District; Cavanaugh, 9th District; Kime, 43rd District; Rasmussen, 41st District; Skarda, 7th District; Kelly, 35th District; Marvel, 33rd District; Clark, 49th District; Goodrich, 20th District.

WHEREAS, it appears that, within a very short period of time, the United States Army Corps of Engineers will exercise its power, under federal law, to declare and classify the Platte River a navigable river, and will thereby assume and exercise certain powers over said river; and

WHEREAS, the State of Nebraska in 1967, pursuant to a statewide water plan, adopted legislation which gives the state far-reaching authority to exercise control over physical objects built in the riverbed of the Platte River and in the flood plains surrounding said river; and

WHEREAS, the Legislature of the State of Nebraska, in its current session, is considering further legislation which would give the state additional authority to control the use of the Platte River, the streambed thereof, and the flood plains surrounding such river; and

WHEREAS, since the State of Nebraska has exercised and is continuing to exercise, comprehensive supervision over the Platte River, there is no need to classify the Platte as a navigable river, or for the United States Army Corps of Engineers to assume authority over the river and its streambed.

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

1. That the Nebraska delegation of the Congress of the United States be requested to contact the Commanding General of the United States Army Corps of Engineers in Washington, D.C. and request that classification of the Platte River as a navigable stream be postponed to a date no sooner than April 15, 1975.

MOTION—Withdraw LB 191

Mr. Stull renewed his pending motion found in the Journal on page 229 for the Tenth Day to withdraw LB 191. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

Standing Committee amendments found in the Journal on page 217 for the Ninth Day were adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 107. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 4 nays and 10 not voting.

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 95. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 8 nays and 13 not voting.

LEGISLATIVE BILL 97. Title read. Considered.

Standing Committee amendments found in the Journal on page 255 for the Tenth Day were adopted with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Standing Committee amendments found in the Journal on page 265 for the Eleventh Day were adopted with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Advanced to E & R for Review with 39 ayes, 0 nays and 10 not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Mr. DeCamp moved to indefinitely postpone. The motion lost with 13 ayes, 27 nays and 9 not voting.

Advanced to E & R for Review with 28 ayes, 13 nays and 8 not voting.

UNANIMOUS CONSENT–Add Co-introducer

Mr. Kennedy asked unanimous consent to add his name to LB 433. No objections. So ordered.

MOTION—Suspend Rules

Mr. R. Lewis moved for a suspension of the rules to cancel the hearing date of January 29, 1975 for LB 268, Public Works Committee and have it reset for February 7, 1975—same committee..

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

ANNOUNCEMENT

Mr. Mahoney announced an Executive Board meeting at the adjournment of this morning's session in the Legislative Council Hearing Room.

NOTICE OF COMMITTEE HEARINGS

Constitutional Revision and Recreation Committee

LB 260	Thursday, February 6, 1975	2:00 p.m.

(Signed) George Syas, Chairman

Education

LB 462	Monday, February 3, 1975	1:30 p.m.
LB 266	Monday, February 3, 1975	1:30 p.m.
LB 408	Tuesday, February 4, 1975	1:30 p.m.
LB 456	Tuesday, February 4, 1975	1:30 p.m.

(Signed) F. Lewis, Chairman

MOTION—Suspend Rules

Mr. Swigart moved to suspend the rules to consider LR 1 at this time. The motion prevailed with 30 ayes, 3 nays and 16 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1. Read and considered.

Mr. Schmit moved to refer LR 1 to the Agriculture and Environment Committee for a public hearing. The motion prevailed with 26 ayes, 10 nays and 13 not voting.

UNANIMOUS CONSENT–Add Co-introducer

Mr. Dickinson asked unanimous consent to add his name to LB 270. No objections. So ordered.

UNANIMOUS CONSENT–Re-refer LB 357

Mr. Bereuter asked unanimous consent to re-refer LB 357 from Agriculture and Environment Committee to Urban Affairs Committee.

Mr. Dickinson objected.

Mr. Bereuter moved to re-refer LB 357 from Agriculture and Environment Committee to Urban Affairs Committee. Motion pending.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 338	Wednesday, February 19, 1975	2:00 p.m.
LB 356	Wednesday, February 19, 1975	2:00 p.m.
LB 425	Wednesday, February 19, 1975	2:00 p.m.
LB 464	Wednesday, February 19, 1975	2:00 p.m.
LB 373	Monday, February 24, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

VISITORS

The President introduced a Government class from Stromsburg, Nebraska and sponsors; County Agents from Platte, Polk and Butler Counties.

ADJOURNMENT

Mr. Barnett moved to adjourn until 9:00 a.m., Tuesday, January 28, 1975. The motion lost with 7 ayes, 21 nays and 21 not voting.

Mr. Savage moved to adjourn until 10:00 a.m. The motion prevailed with 26 ayes, 11 nays and 12 not voting.

At 12:20 p.m., the Legislature adjourned until 10:00 a.m., Tuesday, January 28, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTEENTH DAY—JANUARY 28, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Reverend Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> We thank thee O God for the challenge of this new day. Teach us our Father, how to look at the things we see, and to look at them without bias or prejudice. With the truth waiting to be looked at, discovered and applied, forgive us when we refuse to look at it or to welcome it.
>
> Lord of our lives, we pray that Thou wilt fill with new meaning this sacred moment of prayer. Set our perspectives in the context of your will and purpose. Even though they be hard nosed facts that we face, let them be faced with the insight of Your spirit, knowing that human beings are far more precious than property, and peace among our fellowmen more to be desired than discontent.
>
> In this moment of solitute and deep need, release our minds so that we may be free to receive Your guidance for which we have asked. In the spirit of Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Wiltse and Johnson who were excused, Mr. R. Lewis who was excused until 10:30 a.m. and Mr. Burbach who was excused until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

Second Day
Page 125, line 9, delete the word "not".
Twelfth Day
Page 278, last paragraph, delete "Cavanaugh".
The Journal for the Second Day was approved as corrected.
The Journal for the Twelfth Day was approved as corrected.

UNANIMOUS CONSENT–Print in Journal

Mr. Fowler asked unanimous consent to print a letter in the Journal from Len Schropfer.

Mr. Savage objected.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
478	Public Works	503	Education
479	Judiciary	504	Judiciary
480	Judiciary	505	Misc. Subjects
481	Judiciary	506	Revenue
482	Judiciary	507	Appropriations
483	Judiciary	508	Bkg. Comm. & Ins.
484	Judiciary	509	Judiciary
485	Judiciary	510	Judiciary
486	Judiciary	511	Misc. Subjects
487	Judiciary	512	Bkg. Comm. & Ins.
488	Cons. Rev. & Rec.	513	Labor
489	Cons. Rev. & Rec.	514	Agric. & Env.
490	Pub. Hlth & Wel.	515	Gov. Mil. & Vets Afrs
491	Public Works	516	Gov. Mil. & Vets Afrs
492	Public Works	517	Pub. Hlth & Wel.
493	Education	518	Public Works
494	Gov. Mil. & Vets Afrs	519	Agric. & Env.
495	Misc. Subjects	520	Education
496	Labor	521	Education
497	Labor	522	Education
498	Labor	523	Public Works
499	Labor	524	Misc. Subjects
500	Judiciary	525	Misc. Subjects
501	Urban Affairs	526	Agric. & Env.
502	Bkg. Comm. & Ins.	527	Judiciary
		528	Bkg. Comm. & Ins.

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 123	Wednesday, February 5, 1975	2:00 p.m.
LB 166	Wednesday, February 5, 1975	2:00 p.m.
LB 167	Wednesday, February 5, 1975	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

Appropriations

LB 244	Tuesday, February 11, 1975	2:00 p.m.
LB 69	Monday, February 10, 1975	2:00 p.m.
LB 314	Monday, February 10, 1975	2:00 p.m.
LB 13	Monday, February 3, 1975	2:00 p.m.
LB 233	Monday, February 3, 1975	2:00 p.m.
LB 234	Monday, February 3, 1975	2:00 p.m.
LB 251	Monday, February 3, 1975	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

Public Works

LB 268	Cancel hearing on January 29, 1975	2:00 p.m.
LB 268	Reset for Friday, February 7, 1975	2:00 p.m.
LB 379	Thursday, February 13, 1975	2:00 p.m.
LB 114	Friday, February 14, 1975	2:00 p.m.
LB 115	Friday, February 14, 1975	2:00 p.m.
LB 226	Friday, February 14, 1975	2:00 p.m.
LB 313	Friday, February 14, 1975	2:00 p.m.
LB 209	Wednesday, February 19, 1975	2:00 p.m.
LB 213	Wednesday, February 19, 1975	2:00 p.m.
LB 249	Wednesday, February 19, 1975	2:00 p.m.
LB 112	Thursday, February 20, 1975	2:00 p.m.
LB 211	Thursday, February 20, 1975	2:00 p.m.
LB 146	Thursday, February 20, 1975	2:00 p.m.
LB 246	Friday, February 21, 1975	2:00 p.m.
LB 328	Friday, February 21, 1975	2:00 p.m.

LB 252	Wednesday, February 26, 1975	2:00 p.m.
LB 263	Wednesday, February 26, 1975	2:00 p.m.
LB 265	Wednesday, February 26, 1975	2:00 p.m.
LB 264	Thursday, February 27, 1975	2:00 p.m.
LB 305	Thursday, February 27, 1975	2:00 p.m.
LB 306	Thursday, February 27, 1975	2:00 p.m.
LB 329	Thursday, February 27, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Government, Military & Veterans Affairs

LB 218	Friday, February 7, 1975	2:00 p.m.
LB 325	Thursday, February 13, 1975	2:00 p.m.
LB 377	Thursday, February 13, 1975	2:00 p.m.
LB 453	Thursday, February 13, 1975	2:00 p.m.
LB 205	Friday, February 14, 1975	2:00 p.m.
LB 307	Friday, February 14, 1975	2:00 p.m.
LB 467	Friday, February 14, 1975	2:00 p.m.
LB 262	Thursday, February 20, 1975	2:00 p.m.
LB 317	Thursday, February 20, 1975	2:00 p.m.
LB 469	Thursday, February 20, 1975	2:00 p.m.
LB 470	Thursday, February 20, 1975	2:00 p.m.
LB 242	Friday, February 21, 1975	2:00 p.m.
LB 299	Friday, February 21, 1975	2:00 p.m.
LB 375	Friday, February 21, 1975	2:00 p.m.
LB 409	Friday, February 21, 1975	2:00 p.m.
LB 315	Thursday, February 27, 1975	2:00 p.m.
LB 327	Thursday, February 27, 1975	2:00 p.m.
LB 451	Thursday, February 27, 1975	2:00 p.m.
LB 460	Thursday, February 27, 1975	2:00 p.m.
LB 345	Friday, February 28, 1975	2:00 p.m.
LB 420	Friday, February 28, 1975	2:00 p.m.
LB 432	Friday, February 28, 1975	2:00 p.m.
LB 372	Thursday, March 6, 1975	2:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 44. Placed on General File.
LEGISLATIVE BILL 45. Placed on General File.

(Signed) William H. Hasebroock, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 163. Placed on General File.

(Signed) J. R. Murphy, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 59. Replaced on Select File as amended.
E & R amendments to LB 59:

1. In new section 4 added by the Cavanaugh amendment, strike line 1 and insert:

"Sec. 4. That section 49-617, Revised Statutes Supplement, 1974, be amended to read as follows:

49-617."; and insert the following after the comma in line 53: "~~and one complete set to each newly appointed member of the Legislature, two complete sets to each newly elected member of the Legislature, and two complete sets of such volumes as are necessary to update previously issued volumes to all other members of the Legislature~~".

2. On page 3, line 3, insert the following after the third comma: "and section 49-617, Revised Statutes Supplement, 1974,".

3. In the title, line 3, insert "and section 49-617, Revised Statutes Supplement, 1974," after the second comma; and in line 5 insert ", statutes," after both "laws".

LEGISLATIVE BILL 7. Replaced on Select File as amended.
E & R amendments to LB 7:

1. In new section 1, page 2, insert an underscored comma after "act" in line 3 and "section" in line 4; and in line 6, strike "which" and insert ". Such".

2. On page 2, line 1, strike "Section 1" and insert "Sec. 2".

3. In the title, line 2, strike "section" and insert "sections 76-1416 and"; in line 5 insert "to

provide requirements for the handling of security deposits;" after the semicolon; and in line 6 strike "section" and insert "sections".

(Signed) Donald N. Dworak, Chairman

VISITORS

The President introduced 39 students from Nebraska City.

UNANIMOUS CONSENT–Committee Hearings

Mr. Syas asked unanimous consent that Constitutional Revision and Recreation Committee hold all further hearings at 1:30 p.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 36. E & R amendment found in the Journal on page 282 for the Twelfth Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 41. E & R amendment found in the Journal on page 282 for the Twelfth Day was adopted with 33 ayes, 1 nay and 15 not voting.

Advanced to E & R for Engrossment with 30 ayes, 1 nay and 18 not voting.

LEGISLATIVE RESOLUTION 4. Advanced to E & R for Engrossment with 25 ayes, 10 nays and 14 not voting.

LEGISLATIVE BILL 49. Advanced to E & R for Engrossment with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 52. Advanced to E & R for Engrossment with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 55. E & R amendment found in the Journal on page 282 for the Twelfth Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 56. E & R amendment found in the Journal on page 282 for the Twelfth Day was adopted with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Engrossment with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT—Bracket LB 58

Mr. Savage asked unanimous consent to bracket LB 58 on Final Reading until LB 201 is on Final Reading. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 39. Advanced to E & R for Engrossment with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 54. Advanced to E & R for Engrossment with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 5. E & R amendments found in the Journal on page 282 for the Twelfth Day were adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Engrossment with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 88. E & R amendments found in the Journal on page 283 for the Twelfth Day were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment with 27 ayes, 2 nays and 20 not voting.

UNANIMOUS CONSENT—Re-refer LB 427

Mr. Clark asked unanimous consent to re-refer LB 427 from Government, Military and Veterans Affairs Committee to Telecommunications Committee. No objections. So ordered.

UNANIMOUS CONSENT—Re-refer LB 426

Mr. Clark asked unanimous consent to re-refer LB 426 from Public Works Committee to Telecommunications Committee. No objections. So ordered.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 139. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Withdraw Motion on LB 357

Mr. Bereuter asked unanimous consent to withdraw his pending motion found in the Journal on page 287 for the Twelfth Day, to re-refer LB 357. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 8. Introduced by Bereuter, 24th District.

A Resolution to propose an amendment to Article XII of the Constitution of Nebraska by adding thereto a new section 8 to prohibit corporations from engaging in the business of farming or agriculture; to provide an exclusion for family farm corporations; and to permit the Legislature to exempt such other corporations as they determine to be in the best interest of the state.

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

Section 1. That at the general election in November, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XII, of the Constitution of Nebraska, adding a new section 8 thereto, which is hereby proposed by the Legislature:

"Sec. 8. No corporation, domestic or foreign, shall engage in the business of farming or agriculture, except the Legislature shall exempt family farm corporations and may exempt such other corporations as they determine to be in the best interest of the state."

Section 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 prohibit corporations from engaging in the business of farming or agriculture, providing an exclusion for family farm corporations, and permitting the Legislature to exempt such other corporations as they determine to be in the best interest of the state.
>
> For
> Against"

Section 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.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 322	Friday, February 7, 1975	1:30 p.m.
LB 230	Friday, February 7, 1975	1:30 p.m.
LB 280	Thursday, February 13, 1975	1:30 p.m.
LB 106	Thursday, February 13, 1975	1:30 p.m.
LB 388	Thursday, February 13, 1975	1:30 p.m.
LB 429	Friday, February 14, 1975	1:30 p.m.
LB 220	Friday, February 14, 1975	1:30 p.m.

(Signed) George Syas, Chairman

ANNOUNCEMENT

Mr. Marvel announced the Appropriations Committee will meet this afternoon on capital construction, pertinent to the Governor's letter.

GENERAL FILE

LEGISLATIVE BILL 93. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 117. Title read. Considered.

Standing Committee amendment 1 found in the Journal on page 281 for the Twelfth Day was adopted with 28 ayes, 0 nays and 21 not voting.

Standing Committee amendment 2 found in the Journal on page 281 for the Twelfth Day was adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 79. Title read. Considered.

Advanced to E & R for Review with 38 ayes, 0 nays and 11 not voting.

LEGISLATIVE BILL 145. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 6 nays and 15 not voting.

REFERENCE COMMITTEE REPORT

LR 8 – Referred to Constitutional Revision and Recreation Committee

(Signed) Eugene T. Mahoney, Chairman

ADJOURNMENT

At 11:02 a.m., on a motion by Mr. Barnett, the Legislature adjourned until 10:00 a.m., Wednesday, January 29, 1975.

Vincent D. Brown
Clerk of the Legislature

FOURTEENTH DAY—JANUARY 29, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 1975

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Before we do anything else this week, O Lord our God, we would attempt to align our spirits by the Great Creator Spirit of life, so that we might not wobble too noticeably, nor wander too frequently.
>
> This is why we pray. And this is why we offer in prayer whatever endowments we have received of mind and heart and will to the work which is uniquely ours.
>
> May the strength of God pilot us; may the power of God preserve us; may the wisdom of God instruct us; may the hand of God protect us; may the shield of God defend us. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Wiltse who was excused and Mr. R. Lewis who was absent until 10:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

VISITORS

President Whelan introduced students from Huntington School, Lincoln, Nebraska.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 435	Friday, February 7, 1975	2:00 p.m.
LB 384	Friday, February 21, 1975	2:00 p.m.
LB 259	Wednesday, February 26, 1975	2:00 p.m.
LB 376	Friday, February 28, 1975	2:00 p.m.
LB 380	Friday, February 28, 1975	2:00 p.m.
LB 381	Friday, February 28, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Appropriations

LB 251	Monday, February 3, 1975 (Cancelled)	2:00 p.m.
LB 251	Monday, February 10, 1975 (Reset)	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 92. Placed on Select File as amended.
E & R amendments to LB 92:

1. In new section 1, line 6, strike the comma and show the same as stricken.

2. In the new matter added by the standing committee amendment to page 4, insert an underscored period after "1".

3. In the title, line 3, insert "and section 71-162, Revised Statutes Supplement, 1974," after the second comma.

LEGISLATIVE BILL 107. Placed on Select File as amended.
E & R amendments to LB 107:

1. In the title, line 4, strike "provide additional funding" and insert "change the matching provisions".

LEGISLATIVE BILL 1. Placed on Select File.

LEGISLATIVE BILL 95. Placed on Select File as amended.
E & R amendments to to LB 95:

1. On page 9, line 19, strike "have" and insert "has".

2. On page 12, line 6, insert an underscored comma after "State".

3. In the title, line 7, strike beginning with "procedures" through "with"; in line 8, strike beginning with "impose" through "corporations" in line 9; and insert "change procedures for making certain corporation filings.".

LEGISLATIVE BILL 97. Placed on Select File as amended.
E & R amendments to LB 97:

1. In standing committee amendment 4, line 1, strike "7" and insert "6".

2. On page 6, line 25, strike "section" and insert "sections".

3. In the title, line 5, strike "section" and insert "sections"; and in line 6, insert "and 48-177" before the first comma.

LEGISLATIVE BILL 42. Placed on Select File as amended.
E & R amendments to LB 42:

1. In committee amendment 2, line 2, strike the second comma.

2. In the title, line 2, insert "and 84-1329.01" before the comma; in lines 2 and 6 strike "section" and insert "sections"; and in line 5, insert "to include judges who are not state employees;" after the semicolon.

LEGISLATIVE BILL 47. Placed on Select File as amended.
E & R amendments to LB 47:

1. Strike the new matter added to subdivision (5) of section 1, and insert the same after the semicolon on page 3, line 6.

2. In the title, lines 5 and 6, strike "state employee retirement" and insert "the County Employees Retirement Act".

LEGISLATIVE BILL 126. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LR 4, 5, 36, 39, 41, 49, 52, 54, 55, 56, 88.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 82. Placed on General File as amended.
Standing Committee amendments to LB 82:

On page 3, line 12 before "other" strike "or"; and in line 14 after "duties" insert "or a change in circumstances necessitating a reduction in the number of administrators or teachers to be employed by the State Board of Education".

LEGISLATIVE BILL 103. Placed on General File.

(Signed) F. Lewis, Chairman

UNANIMOUS CONSENT–Bracket LB 11

Mr. Moylan asked unanimous consent to bracket LB 11 on Final Reading until Friday, January 31, 1975. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 9.

Introduced by Swigart, 8th District; George, 16th District; Cope, 36th District; Dworak, 22nd District; Keyes, 3rd District; Skarda, 7th District; Carsten, 2nd District; F. Lewis, 45th District; Mills, 44th District; Anderson, 37th District; Mahoney, 5th District; Cavanaugh, 9th District; Savage, 10th District; Clark, 47th District; Marvel, 33rd District; Nichol, 48th District; Moylan, 6th District; Duis, 39th District; Fitzgerald, 14th District; Kremer, 34th District; Murphy, 17th District; Goodrich, 20th District; Barnett, 26th District; Chambers, 11th District; Marsh, 29th District; Bereuter, 24th District.

WHEREAS, critical starvation conditions prevail in both Asia and Africa causing tens of thousands of our fellow human beings to die; and

WHEREAS, particularly in the sub-basin areas of Africa thousands of animals have died of food and water shortages, thus depleting herds for future human needs; and

WHEREAS, the earth in such areas is cracked and parched to such condition as to require many years to regenerate to a productive capacity; and

WHEREAS, no nation or group of nations has come forward with a cohesive plan to solve these catastrophic human needs.

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

1. That the Legislature of the State of Nebraska hereby request the government of the United States to formulate and adopt a comprehensive plan for resolving world starvation problems. Such plan should include the following elements:

a. The United States take immediate steps to increase its quota of contributions to the starving of the world; and that the government urge all other nations to do the same.

b. The United States government representatives meet with representatives of the midwestern grain state governments in a cooperative effort to provide more food for the starving.

c. That the United States government establish a policy to aid stricken nations in their efforts to rebuild damaged soil, aid in rebuilding their depleted herds of animals, and to invoke modern methods of agriculture to enable self sustenance for the future.

d. The United States government develop a long term policy of working with all receptive nations where critical over population exists and information, education, and other aids which will bring about controls of over population of the world.

e. That a copy of this resolution be sent to each member of the Nebraska delegation to the House of Representatives of the United States, and to each Nebraska Senator of the United States.

SELECT FILE

LEGISLATIVE BILL 59. E & R amendments found in the Journal on page 292 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 7. E & R amendments found in the Journal on page 292 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 7 to Reference Committee

Mr. R. Lewis moved to return LB 7 to the Reference Committee for referral for a public hearing.

The motion prevailed with 31 ayes, 3 nays and 15 not voting.

MOTION—Re-refer LB 357

Mr. Bereuter moved to re-refer LB 357 to another committee.

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 Bereuter motion lost with 10 ayes, 29 nays and 10 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. F. Lewis asked unanimous consent to be excused at 10:40 a.m. No objections. So ordered.

ANNOUNCEMENTS

Mr. Carsten announced the Revenue Committee will meet in Executive Session at 1:30 p.m. today.

Speaker Burbach announced we would hold session on Wednesday, February 12 (Lincoln's Birthday) and to not meet on Monday, February 17 (Washington's Birthday).

Speaker Burbach requested that when we adjourn today, we adjourn until 9:00 a.m., Thursday, January 30, 1975, have Prayer, Roll Call, Corrections for the Journal, and Committee Reports and then take up the committee report on the contested 48th District.

Mr. Cavanaugh reported on the committee (Messrs. Cavanaugh, Barnett, Kelly and Schmit) to study the uniform personell policy of the legislative employees.

REFERENCE COMMITTEE REPORT

LB	Committee
7	Urban Affairs

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

The Committee on Committees will meet at 12:00 noon, Wednesday, February 5, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor J. James Exon as follows:

Dr. Clarence Davis – State Board of Health
Richard C. Hanna – State Board of Health
D. M. Krogh – State Board of Health
Maxine Morrison – State Board of Health
Ken Witt – State Board of Health
Roy Gardner – Director of Personnel

George E. Howard – Nebraska Investment Council
Harvey Carne – Accountant with State Auditor

(Signed) John S. Savage, Chairman

Agriculture and Environment

LB 247	Thursday, February 6, 1975	2:00 p.m.
LB 318	Thursday, February 6, 1975	2:00 p.m.
LB 319	Thursday, February 6, 1975	2:00 p.m.
LB 333	Thursday, February 6, 1975	2:00 p.m.

(Signed) Loran Schmit, Chairman

Education

LB 368	Monday, February 10, 1975	1:30 p.m.
LB 266	Monday, February 3, 1975 (Cancelled)	1:30 p.m.
LB 266	Tuesday, February 11, 1975 (Reset)	1:30 p.m.
LB 128	Monday, February 17, 1975	1:30 p.m.
LB 344	Monday, February 17, 1975	1:30 p.m.
Tuesday, February 18, 1975 (Special Hearing on Pershing College)		1:30 p.m.

(Signed) F. Lewis, Chairman

Judiciary

LB 279	Wednesday, February 17, 1975 (Cancelled)	2:00 p.m.
LB 279	Wednesday, February 12, 1975 (Reset)	2:00 p.m.
LB 281	Wednesday, February 17, 1975 (Cancelled)	2:00 p.m.
LB 281	Wednesday, February 12, 1975 (Reset)	2:00 p.m.
LB 295	Wednesday, February 17, 1975 (Cancelled)	2:00 p.m.
LB 295	Wednesday, February 12, 1975 (Reset)	2:00 p.m.
LB 310	Wednesday, February 17, 1975 (Cancelled)	2:00 p.m.
LB 310	Wednesday, February 12, 1975 (Reset)	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Labor

LB 370	Wednesday, February 19, 1975	2:00 p.m.
LB 393	Wednesday, February 19, 1975	2:00 p.m.
LB 475	Wednesday, February 19, 1975	2:00 p.m.

(Signed) Richard Maresh, Chairman

Miscellaneous Subjects

LB 15	Thursday, February 6, 1975	2:00 p.m.
LB 174	Thursday, February 6, 1975	2:00 p.m.
LB 207	Thursday, February 6, 1975	2:00 p.m.
LB 215	Thursday, February 6, 1975	2:00 p.m.

(Signed) G. L. Anderson, Chairman

Urban Affairs

LB 67	Wednesday, February 19, 1975	2:00 p.m.
LB 155	Wednesday, February 19, 1975	2:00 p.m.
LB 221	Wednesday, February 19, 1975	2:00 p.m.
LB 323	Wednesday, February 19, 1975	2:00 p.m.
LB 161	Wednesday, February 26, 1975	2:00 p.m.
LB 395	Wednesday, February 26, 1975	2:00 p.m.
LB 443	Wednesday, February 26, 1975	2:00 p.m.
LB 468	Wednesday, February 26, 1975	2:00 p.m.

(Signed) Steve Fowler, Chairman

Banking, Commerce and Insurance

LB 365	Monday, February 10, 1975	2:00 p.m.
LB 366	Monday, February 10, 1975	2:00 p.m.
LB 367	Monday, February 10, 1975	2:00 p.m.
LB 437	Monday, February 10, 1975	2:00 p.m.
LB 217	Tuesday, February 11, 1975	2:00 p.m.
LB 302	Tuesday, February 11, 1975	2:00 p.m.
LB 374	Tuesday, February 11, 1975	2:00 p.m.
LB 109	Monday, February 17, 1975	2:00 p.m.
LB 269	Monday, February 17, 1975	2:00 p.m.
LB 400	Monday, February 17, 1975	2:00 p.m.

LB 349	Tuesday, February 18, 1975	2:00 p.m.
LB 477	Tuesday, February 18, 1975	2:00 p.m.
LB 463	Tuesday, February 18, 1975	2:00 p.m.
LB 350	Tuesday, February 18, 1975	2:00 p.m.

(Signed) J. R. Murphy, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 77. Placed on General File.
LEGISLATIVE BILL 121. Placed on General File.
LEGISLATIVE BILL 168. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

I move to strike the Warner motion of January 23, 1975 and substitute as follows:
Mr. President, the Legislature finds as follows:
1) On November 5, 1974 an election was held for the office of member of the Legislature from the 48th District. 2) On November 25, 1974 a recount was held on the matter of the election for the office of member of the Legislature from the 48th District. 3) On December 2, 1974 the Secretary of State, State of Nebraska, issued a certificate of election to Mr. William Nichol as member of the Legislature for the 48th District. 4) On December 4, 1974 an appeal was filed in the District Court of Scottsbluff County by Mr. Terry Carpenter in the matter of the election of member of the Legislature from the 48th District. 5) On December 5, 1974 the District Court of Scottsbluff County dismissed the appeal of Mr. Terry Carpenter in the matter of the contest of election for the office of member of the Legislature from the 48th District for lack of jurisdiction. 6) On December 16, 1974 a notice of contest of election for the office of member of the Legislature from the 48th District was filed with the Clerk of the Nebraska Legislature by Mr. Terry Carpenter. 7) On December 30, 1974 an answer to the notice of contest of election for the office of member of the Legislature from the 48th District was filed with the Clerk of the Legislature by Mr. William Nichol. 8) On January 8, 1975 a report of the Legislature's Committee on Credentials was made to the Legislature. 9) On January 8, 1975 Mr. William Nichol was administered the oath as member of the Legislature from the 48th District. 10) On January 8, 1975 the notice of contest of election for the office of member of the

Legislature from the 48th District filed by Mr. Terry Carpenter was reported to the Legislature. 11) On January 8, 1975 a select Committee on Credentials was appointed by the Legislature to consider the contest of the election for the office of member of the Legislature from the 48th District. 12) On January 9, 10, 14, 17, 20, 21, 22, 1975 hearings were held by the select Committee on Credentials to consider the contest of the election for the office of member of the Legislature from the 48th District. 13) On January 23, 1975 a select Committee on Credentials to consider the contest of election for the office of member of the Legislature from the 48th District made a report of its findings to the Legislature. 14) Article 3, Section 10 of the Constitution of the State of Nebraska requires that the Legislature shall be the judge of the election, returns and qualifications of its members. 15) Article 5, Section 2 of the Constitution of the State of Nebraska provides that the Supreme Court shall have no jurisdiction in the matter of contest of election involving members of the Legislature. 16) Article 6, Section 6 of the Constitution of the State of Nebraska requires that the vote of each elector will be preserved. 17) The right to contest any election held for the office of member of the Legislature is a right guaranteed by the Constitution of the State of Nebraska. 18) The Constitution of the State of Nebraska requires the Legislature shall hear and decide all contest of election for members of the Legislature. 19) The Legislature will hear and decide the contest of election for member of the Legislature from the 48th District.

(Signed) John J. Cavanaugh

REPORT

Mr. Marvel reported to the members on capital construction.

GENERAL FILE

LEGISLATIVE BILL 391. Bracketed on General File until printed, at the request of Speaker Burbach.

NOTICE OF COMMITTEE HEARING
Appropriations

Thursday, February 6, 1975 2:00 p.m.
(Hearing on salary policy recommendations)

(Signed) Richard D. Marvel, Chairman

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTEENTH DAY—JANUARY 30, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 1975

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord and Saviour of us all: We need Your help to take resentment out of our thoughts and meditations - sometimes, more than others, but never, it seems, are we completely free of this need - for things happen in life generally, and in the life of this Legislature, of course, which annoy and hurt us.
>
> Words are spoken which we sometimes feel to be personally unkind or unnecessary; and we feel ourselves to be misjudged when we should be congratulated, or overlooked when we should be recognized.
>
> Save us from inner rebellion and bitterness and moodiness, for such things can succeed only in destroying our souls.
>
> Help us today by reminding us of that perfect one who tread these paths before us in the fullness of time; and may the way the Master went be the way the servant travels still. Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Public Health & Welfare

LB 256	Tuesday, February 18, 1975	1:30 p.m.
LB 415	Tuesday, February 18, 1975	1:30 p.m.
LB 418	Tuesday, February 18, 1975	1:30 p.m.
LB 450	Tuesday, February 18, 1975	1:30 p.m.
LB 254	Monday, February 24, 1975	1:30 p.m.
LB 255	Monday, February 24, 1975	1:30 p.m.
LB 347	Monday, February 24, 1975	1:30 p.m.
LB 422	Monday, February 24, 1975	1:30 p.m.
LB 346	Tuesday, February 25, 1975	1:30 p.m.
LB 397	Tuesday, February 25, 1975	1:30 p.m.
LB 454	Tuesday, February 25, 1975	1:30 p.m.
LB 476	Tuesday, February 25, 1975	1:30 p.m.
LB 245	Monday, March 3, 1975	1:30 p.m.
LB 248	Monday, March 3, 1975	1:30 p.m.
LB 300	Monday, March 3, 1975	1:30 p.m.
LB 490	Monday, March 3, 1975	1:30 p.m.
LB 253	Tuesday, March 4, 1975	1:30 p.m.
LB 337	Tuesday, March 4, 1975	1:30 p.m.
LB 517	Tuesday, March 4, 1975	1:30 p.m.

(Signed) Thomas Kennedy, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 59. Replaced on Select File as amended.
E & R amendment to LB 59:

1. Renumber original section 4 as section 5.

LEGISLATIVE BILL 93. Placed on Selct File.

LEGISLATIVE BILL 117. Placed on Select File as amended.
E & R amendments to LB 117:

1. In standing committee amendment 1, line 3, strike the underscored comma after "mail".

2. In standing committee amendment 2, line 2, strike "days" and insert "days' ".

3. On page 2, line 19, insert an underscored comma after the first "may"; in line 23, insert an underscored comma after "may"; and in line 24, insert an underscored comma after "ordinance".

4. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT relating to cities of the first class; to prohibit and control litter; to provide notice before removal by the city; to assess the cost of removal of litter; to amend section 16-230, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.".

LEGISLATIVE BILL 79. Placed on Select File as amended.
E & R amendments to LB 79:

1. On page 2, line 15, insert an underscored comma after the first "permits", and insert "for persons at least seventy years old" after the second "permits"; and in line 16, strike "of this act" and insert an underscored comma after "permits".

2. On page 3, lines 22 and 23, strike the new matter and insert such new matter after the period in line 16.

LEGISLATIVE BILL 145. Placed on Select File as amended.
E & R amendments to LB 145:

1. On page 2, line 11, insert a comma after "include" and a comma after "to".

2. On page 5, line 22, strike "ongoing" and insert "continuing".

3. On page 7, line 25, insert "and" after the semicolon.

4. On page 8, line 10, strike "species" and "a".

5. On page 11, line 7, strike the first "species".

6. On page 12, line 17, strike the first "species".

7. On page 13, line 21, strike "a" and insert "any", and strike "of any section"; and in line 24, strike "any such section" and insert "this act".

8. On page 14, line 7, strike "department" and insert "commission"; and in line 13, insert "with the" after the second comma.

(Signed) Donald N. Dworak, Chairman

MOTION—Suspend Rules

Speaker Burbach moved to suspend the rules to change the order today and go directly to the Contest of Election report.

The motion prevailed with 40 ayes, 0 nays and 9 not voting.

CONTEST OF ELECTION–48th District

Mr. Warner renewed his motion found in the Journal on page 231 for the Tenth Day.

Mr. Cavanaugh asked unanimous consent to change the first 3 lines of his motion found in the Journal on page 306 for the Fourteenth Day as follows:
I move to amend the Warner motion of January 23, 1975 by striking the same and substituting therefore the following: Mr. President, the Legislature finds as follows:

Mrs. Marsh objected.

Mr. Cavanaugh moved the adoption of his original motion found in the Journal on page 306 for the Fourteenth Day.

Mr. Cavanaugh asked unanimous consent to go beyond the ten minute speaking limit.

Mr. Barnett objected.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 29 nays and 7 not voting.

Mr. DeCamp moved to delay one hour on the vote on the Cavanaugh motion. The Chair ruled the motion out of order.

Mr. DeCamp requested a roll call, record vote.

Voting in the affirmative, 19:

Anderson	Bereuter	Burrows	Cavanaugh	Chambers
DeCamp	Duis	Fitzgerald	Fowler	Keyes
Koch	F. Lewis	Luedtke	Mahoney	Schmit
Simpson	Skarda	Stoney	Syas	

Voting in the negative, 29:

Barnett	Burbach	Carsten	Clark	Cope
Dickinson	Dworak	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Kime	Kremer
R. Lewis	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Rasmussen	Rumery	Savage
Stull	Swigart	Warner	Wiltse	

Not voting, 1.

Nichol

The Cavanaugh motion lost with 19 ayes, 29 nays and 1 not voting.

Mr. Kime moved the previous question on the Warner motion, found in the Journal on page 231 for the Tenth Day.

The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 17 nays and 3 not voting.

Mr. Chambers requested a roll call vote on the Warner motion.

Voting in the affirmative, 30:

Barnett	Burbach	Carsten	Clark	Cope
Dickinson	Duis	Dworak	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Kime
Kremer	R. Lewis	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Rasmussen	Rumery
Savage	Stull	Swigart	Warner	Wiltse

Voting in the negative, 18:

Anderson	Bereuter	Burrows	Cavanaugh	Chambers
DeCamp	Fitzgerald	Fowler	Keyes	Koch
F. Lewis	Luedtke	Mahoney	Schmit	Simpson
Skarda	Stoney	Syas		

Not voting, 1:

Nichol

The Warner motion prevailed with 30 ayes, 18 nays and 1 not voting.

Mr. Chambers requested a point of personal privilege at this time. The Chair ruled the request out of order.

Mr. Chambers appealed the decision of the Chair. The question is, " Shall the Chair be sustained?" The motion lost with 22 ayes, 22 nays and 5 not voting.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 480	Monday, February 24, 1975	2:00 p.m.
LB 509	Monday, February 24, 1975	2:00 p.m.
LB 479	Tuesday, February 25, 1975	2:00 p.m.
LB 504	Tuesday, February 25, 1975	2:00 p.m.
LB 481	Wednesday, February 26, 1975	2:00 p.m.
LB 500	Wednesday, February 26, 1975	2:00 p.m.
LB 510	Wednesday, February 26, 1975	2:00 p.m.
LB 527	Wednesday, February 26, 1975	2:00 p.m.
LB 482	Monday, March 3, 1975	2:00 p.m.
LB 483	Monday, March 3, 1975	2:00 p.m.
LB 484	Monday, March 3, 1975	2:00 p.m.
LB 485	Monday, March 3, 1975	2:00 p.m.
LB 486	Monday, March 3, 1975	2:00 p.m.
LB 487	Monday, March 3, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chariman

COMMITTEE ON COMMITTEES
January 30, 1975

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Marion Ball
Director, Department of Water Resources

No one appeared in support of Mr. Ball's appointment and nc one appeared in opposition.

Committee vote: For: (10) Senators Chambers, DeCamp, Duis, Hasebroock, Kelly, Koch, Marsh, Savage, Skarda. Against: None. Not voting: Keyes. Absent: Clark, Wiltse.

William H. Riley – Director of Banking

No one appeared in support of Mr. Riley's appointment and no one appeared in opposition.

Committee vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, Skarda. Against: None. Not voting: Chambers, Koch. Absent: Clark, Wiltse.

Robert W. Bell – Nebraska Resources Commission

No one appeared in support of Mr. Bell's appointment and no one appeared in opposition.

Committee vote: For: (11) Senators Chambers, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda. Against: None. Not voting: Clark. Absent: Wiltse.

Ace T. Backer – State Fire Marshal

No one appeared in support of Mr. Backer's appointment and no one appeared in opposition.

Committee vote: For: (7) Senators Chambers, Hasebroock, Kelly, Keyes, Marsh, Savage, Skarda. Against: Koch. Not voting: DeCamp, Duis, Kime. Absent: Clark, Wiltse.

Mr. Emmett Lee of Spalding, Nebraska and Mr. Ted Johnson of Elwood, Nebraska were scheduled to appear before the Committee on Committees for confirmation of re-appointment to the Natural Resources Commission. Due to illness Mr. Lee was unable to attend and will be rescheduled at a later date. Mr. Johnson requested to be scheduled at a later date also.

Catherine Dahlquist – Board of Parole

Senator John Cavanaugh appeared in support of Catherine Dahlquist to be appointed to the Board of Parole. A letter was received from Sister Mary Angelica, RSM, President of the College of Saint Mary, Omaha, Nebraska in support of Mrs. Dahlquist.
It was the decision of the committee to table the motion to confirm the appointment of Catherine Dahlquist to the Board of Parole for one week.
The following individuals appeared before the Committee on Committees on January 29, 1975 or submitted information regarding a question as to whether or not they should be required to register as a lobbyist and pay a fee of $25.00.
Mr. Len Schropfer, Milligan, Nebraska, Farmers for legalization of marijuana et al; William B. Brandt, Col. USAR ARCOM, Department of the Army, 200 North 23rd St., Lincoln, Nebraska; Don L. Robinson, Area Director, 537 N. Girls School Road, Indianapolis, Indiana, Federation of Independent Business; Albert Schrekinger, 1609 S. 22nd St., Lincoln, Nebraska, Nebraska Welfare Association.
It was the decision of the Committee on Committees that none of the

aforementioned individuals would be required to pay a lobbyist fee. Those who have submitted the fee will have the same returned to them.

Respectfully submitted,

(Signed) John S. Savage, Chairman
Committee on Committees

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 130. Placed on General File as amended.
Standing Committee amendment to LB 130:

1. On page 4, strike lines 2 and 3 and insert:

"(3) When the district court affirms the final order of the trial court, the prosecuting attorney may take exception to the decision of the district court in the manner provided by sections 29-2315.01 to 29-2316, Reissue Revised Statutes of Nebraska, 1943.".

(Signed) Roland A. Luedtke, Chairman

MOTION–Records of 48th District

Mr. Mahoney moved that the ballots and committee records be preserved and kept in the Secretary of State's office for thirty (30) days.

Motion pending.

ANNOUNCEMENT

Mr. Duis announced a meeting of the Administrative Rules and Regulations Committee this afternoon at 1:50 p.m. in the West Senate Lounge.

ADJOURNMENT

At 12:06 p.m. on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, January 31, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 31, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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. Kremer who was excused until 10:00 a.m., Mr. F. Lewis who was absent until 9:15 a.m. and Mr. Cavanaugh who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

REPORT FROM DEPARTMENT OF ROADS
January 29, 1975

Mr. Vincent D. Brown
Executive Director
Legislative Council
Room 2018
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

We are enclosing a report on our Advertising Control Program for 1974 for submittal to the Legislature, pursuant to Section 39-1320.01.

Sincerely,

DEPARTMENT OF ROADS
(Signed) Thomas D. Doyle
Director-State Engineer

TDD/jp
Enclosure

ADVERTISING CONTROL DATA 1974

In 1974 there were 5234 signs removed including those purchased on Right of Way Projects from three sign companies plus abandoned, illegal, nominal value and wind damaged signs.

Total cost of the above signs $428,359.18

This figure includes appraisals, review appraisals advertising control, sign removal, condemnation proceedings equipment, supplies and miscellaneous overhead. Where applicable this includes payments to the sign owner and site owner.

ANTICIPATED SIGN REMOVAL FOR 1975

The estimated total expenditure for the sign removal program in calandar year 1975 is $414,000.00 unless additional Federal money is applied for.

This estimate is based on projects that have been programed for which the State has received Federal authorization to proceed with the acquisition of the signs.

The estimated allocation is shown below

1. Purchases and removal of approximately 524 signs from four sign companies and four highway segment "sign removal only" projects. $365,000.00

2. Purchase and removal of additional signs affected by Right of Way Projects. $49,000.00

The State has no outstanding obligations to pay for signs which have already been purchased or removed.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 30, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Burleigh, Daniel C. – Lincoln, Nebraska Republican State Central Committee

Law Firm of Crosby, Guenzel, Davis, Kessner & Kuester:
(Donn E. Davis) – Lincoln, Tobacco Institute, Inc.

Curry, Douglas L. – Lincoln, Nebraska Sheriffs' and Peace Officers' Association

Hooker, Bob D. – Omaha, Sheet Metal Contractors Association – Omaha–Council Bluffs

Johnson, Vard R. – Omaha, Legal Aid Society of Omaha–Council Bluffs, Inc.

Moore, Verne, Jr. – Omaha, Nebraska Association of Nurse Anesthetists

Pettett, Deane H.–Lincoln, Farmers Mutual of Nebraska

Quackenbush, J. M. – Beatrice, Scully Estates Incorporate

Tews and Noren:
Charles F. Noren – Lincoln, Lincoln Firefighters Association, Local 644 Nebraska Association of Trial Attorneys
David D. Tews – Lincoln, Lincoln Firefighters Association, Local 644 Nebraska Association of Trial Attorneys

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 6. With Emergency.

A BILL FOR AN ACT to amend section 28-4,125, Revised Statutes Supplement, 1974, relating to crimes and punishments; to delete erroneous internal references; 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, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh	Fowler	Kremer	F. 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 8. Bracketed at the request of Mr. Barnett until February 4, 1975.

LEGISLATIVE BILL 9.

A BILL FOR AN ACT to amend section 54-160, Revised Statutes Supplement, 1974, relating to agriculture; to correct internal references; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Cavanaugh	Kremer	F. Lewis

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

LEGISLATIVE BILL 10.

A BILL FOR AN ACT to repeal section 53-112.03, Reissue Revised Statutes of Nebraska, 1943, relating to the Liquor Control Commission.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Chambers	Kime	Kremer	Murphy
Rasmussen				

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

LEGISLATIVE BILL 57.

A BILL FOR AN ACT to amend section 24-806, Revised Statutes Supplement, 1974, relating to selection of judges; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 46:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 1:

Chambers

Not voting, 2:

Cavanaugh Kremer

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

LEGISLATIVE BILL 116.

A BILL FOR AN ACT to amend section 39-6,183, Revised Statutes Supplement, 1974, relating to Nebraska Rules of the Road; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Cavanaugh Kremer

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

LEGISLATIVE BILL 11. Mr. Moylan asked unanimous consent to bracket the bill until February 5, 1975. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 92. E & R amendments found in the Journal on page 299 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 107. E & R amendment found in the Journal on page 299 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1. Mr. Stull offered the following amendments:

1. On page 2, after the period in line 7, add a new section as follows:

"Sec. 2. This act shall become operative on July 1, 1975.".

2. Renumber original section 2 as section 3.

3. On page 2, after the period in line 9, add 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.".

The amendments were adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 95. E & R amendments found in the Journal on page 300 for the the bill was declared passed and the title agreed to.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 97. E & R amendments found in the Journal on page 300 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 42. E & R amendments found in the Journal on page 300 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 47. E & R amendments found in the Journal on page 300 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 126. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 59. E & R amendment found in the Journal on page 309 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 93. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 117. E & R amendments found in the Journal on page 309 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 79. E & R amendments found in the Journal on page 310 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 145. E & R amendments found in the Journal on page 310 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Confirm Appointments

Mr. Savage moved the adoption of the Governor appointments of Marion Ball, William H. Riley, Robert W. Bell and Ace T. Backer found in the Journal on page 313 and 314 for the Fifteenth Day in one record vote.

Voting in the affirmative, 35:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Cope	DeCamp	Dworak
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	R. Lewis	Luedtke	Maresh
Marsh	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Simpson	Skarda
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Stoney

Not voting, 13:

Cavanaugh	Clark	Dickinson	Duis	Fitzgerald
Fowler	George	Koch	Kremer	F. Lewis
Mahoney	Marvel	Schmit		

The President declared the appointments confirmed.

MOTION—Records of 48th District

Mr. Mahoney renewed his pending motion found in the Journal on page 315 for the Fifteenth Day.

Mr. Warner offered the following amendment to the Mahoney motion.
I move that the records and papers in the possession of the Select Committee on the 48th Legislative District be deposited with the Clerk of the Legislature for safe keeping.

The amendment was adopted with 42 ayes, 0 nays and 7 not voting.

The Mahoney motion, as amended was adopted with 42 ayes, 0 nays and 7 not voting.

UNANIMOUS CONSENT–Withdraw Motion

Mr. Mahoney asked unanimous consent to withdraw his motion found in the Journal on page 273 for the Eleventh Day. No objections. So ordered.

UNANIMOUS CONSENT–Add Co-Introducer

Mr. Kime asked unanimous consent to add his name to LB 438. No objections. So ordered.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 164. Placed on General File.

(Signed) Calvin F. Carsten, Chairman

Labor

LEGISLATIVE BILL 2. Placed on General File.
LEGISLATIVE BILL 186. Placed on General File.

(Signed) Richard Maresh, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 22. Placed on General File.
LEGISLATIVE BILL 183. Placed on General File.
LEGISLATIVE BILL 190. Placed on General File.
LEGISLATIVE BILL 201. Placed on General File.
LEGISLATIVE BILL 208. Placed on General File as amended.
Standing Committee amendments to LB 208:

1. Insert a new section to read:

"Section 1. All banks chartered under the laws of Nebraska are qualified to act as trustee or custodian within the provisions of the Federal Self-Employed Individuals Tax Retirement Act of 1962, as amended, or under the terms and provisions of section 408 (a) of the Internal Revenue Code, as amended, if the provisions of such retirement plan require the funds of such trust or custodianship to be invested exclusively in shares or accounts in the bank or in other banks. If any such retirement plan, within the judgment of the bank,

constitutes a qualified plan under the Federal Self-Employed Individuals Tax Retirement Act of 1962, or under the terms and provisions of section 408 (a) of the Internal Revenue Code, as amended, and the regulations promulgated thereunder at the time the trust was established and accepted by the bank, is subsequently determined not to be such a qualified plan or subsequently ceases to be such a qualified plan, in whole or in part, the bank may nevertheless continue to act as trustee of any deposits theretofore made under such plan and to dispose of the same in accordance with the directions of the member and beneficiaries thereof. No bank, in respect to savings made under this section, shall be required to segregate such savings from other assets of the bank; Provided, that the bank shall keep appropriate records showing in proper detail all transactions engaged in under the authority of this section.".

2. Renumber original sections 1 and 2 as sections 2 and 3.

(Signed) J. R. Murphy, Chairman

ANNOUNCEMENT

Mr. Maresh announced that the Labor Committee will meet under the north balcony, upon adjournment.

NOTICE OF COMMITTEE HEARING
Labor

LB 428	Wednesday, February 26, 1975	2:00 p.m.
LB 496	Wednesday, February 26, 1975	2:00 p.m.
LB 497	Wednesday, February 26, 1975	2:00 p.m.
LB 498	Wednesday, March 5, 1975	2:00 p.m.
LB 499	Wednesday, March 5, 1975	2:00 p.m.
LB 513	Wednesday, March 5, 1975	2:00 p.m.

(Signed) Richard Maresh, Chairman

REPORT OF ADMINISTRATIVE RULES & REGULATIONS COMMITTEE to NEBRASKA LEGISLATURE – 84th SESSION

In accordance with Section 84-908.01, the Legislature's Committee on Administrative Rules & Regulations files this report and recommendation pursuant to Section 84-904.

Hearings during the 1974 year are as follows with notations as to the subjects of those hearings:

February 25, 1974

1. Senator Wiltse reporting relative to Motor Vehicles Department
   (a) exhaust systems on automobiles
   (b) height of bumper requirements.
   (Glenn Eppens, Administrator of Motor Vehicle Inspection Department testified.)

2. Discussion of Resolution 112 and Rule 49 pertaining to liquor dispensers.
   (Edward Robinson of the Liquor Commission testified)

   Result – Liquor Commission repealed Rule 49 effective February 28, 1974

March 6, 1974 – Executive Meeting

Discussed memorandums Arlen Beam of Bar Association had submitted.

(1) Administrative Rules & Regulations procedures and method in which to number books, etc.
(2) Meet with Press Association to determine some type of publication.
(3) Matter of legislative bill which would change the Act.
(4) Rule regarding Motor Carriers.

ADMINISTRATIVE RULES & REGULATIONS COMMITTEE HEARINGS DURING INTERIM SESSION 1974

September 13, 1974

Discussion of new format, and when variances to format would be allowed by Committee. This was explained by Robert Woodford, Revisor of Regulations.

October 11, 1974

Department of Welfare reported reasons as to why the Department should have variances from new format. Mr. E. D. Warnholtz and Leatrice Schadd from Welfare Department testified.

Result: – request denied

October 11, 1974

Department of Agriculture stated reasons as to why their Department should request variances. Glenn Kreuscher, Director of the Department and Mr. Enz, legal counsel for the Department testified.

It was their desire to use privately copyrighted material as rules & regulations.

Result: – request denied

October 25, 1974

University of Nebraska Board of Regents requested variances from new format. Testifying was D. B. Varner, President of University of Nebraska, along with the Board's legal advisor, Mr. Flavel Wright. There was a question as to whether or not the Board of Regents complied. It would involve an enormous reprinting of by-laws, etc. Allen Beermann, Secretary of State, was present at this meeting.

Result: – request denied

October 25, 1974

Hearing was held as per Senator R. Lewis' request regarding Dr. W. W. Williams of Arapahoe and his grievance regarding collection of payment from State Welfare Office. Testifying for Welfare Department was Donald Hogg, Chief of Region of Medical Services of State Welfare Department and Mr. McDowell of State Welfare Department.

October 25, 1974

This hearing was for the purpose of meeting with the Revenue Department and to learn their reasons for not complying with the new format. Testifying were Bill Peters, Tax Commissioner, Kent Kalb and John Decker of the Department's legal division. Three

major areas of interest were discussed, (1) Department was concerned of bulk of material to be redone. (this was denied), (2) there was a question of whether or not a pair of volumes published by the Department used for property tax should be permitted by rules and regulations or incorporating by reference as guidelines. (this was for the Department to decide, they could go either way and they decided to drop it), (3) whether or not they could use tax code prefix numbers in their indexing numbering in the new format. (this was permitted by the Committee)

October 25, 1974

As per senator Maresh's request, this hearing was held to learn of a grievance against the Real Estate Commission by two gentlemen, Steve Rasmussen of Grafton, and K. N. Barnard of Milligan, as a result of passing LB 68 and two Rules (No. 3 and No. 21), having affected their business. This stemmed from a law making it necessary for real estate salesmen to have a broker's license. Those testifying against were Paul Quinlan, Director of Real Estate Commission, along with David Sirota, Donald Nielsen, and Robert Peterson.

December 4, 1974

Presented a recap of interim meetings to General Council.

December 16, 1974

Real estate appraiser vs. Department of Revenue. Mike Mullin of Columbus stated his grievance regarding real estate appraisers being undersold by the personnel of the Tax Commissioner's Office with reference to making appraisals. Testifying against the subject was Mr. William Peters, Tax Commissioner and Mr. Joe Vick of the Department of Revenue.

It is my recommendation of the Legislature's Committee on Administrative Rules and Regulations that we continue our work and advance the Revisor of Regulations progress, and also introduce what bills we think are necessary in this session of the Legislature to update and expedite his work.

Also, we recommend that our legislative bill introduced this session which would give the fifty county libraries a copy of the Rules & Regulations, together with the changes, be adopted by the Legislature

January 30, 1975

(Signed) Herbert J. Duis
Senator Herbert J. Duis, Chairman of
Administrative Rules & Regulations
Committee

RESOLUTION

LEGISLATIVE RESOLUTION 10.

Introduced by Maresh, 32nd District; Anderson, 37th District; Barnett, 26th District; Bereuter, 24th District; Burbach, 19th District; Burrows, 30th District; Carsten, 2nd District; Cavanaugh, 9th District; Clark, 47th District; Cope, 36th District, DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District, Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Koch, 12th District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Marsh, 29th District; Marvel, 33rd District; Mills, 44th District; Moylan, 6th District; Murphy, 17th District; Nichol, 48th District; Rasmussen, 41st District; Rumer, 41nd District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Stoney, 4th District; Stull, 49th District; Swigart, 8th District; Syas, 13th District; Warner, 25th District; Wiltse, 1st District.

WHEREAS, John Gewacke has served as the Fillmore County Attorney since January 1935; and

WHEREAS, Mr. Gewacke has faithfully served in that post for forty years; and

WHEREAS, no other person has ever compiled such a long history of dedicated public service as a county attorney in Nebraska.

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

1. That John Gewacke be commended for his longstanding service to the county of Fillmore.

2. That the members of the Legislature extend best wishes to Mr. Gewacke for success in his future endeavors.

3. That the Clerk of the Legislature be directed to send a copy of this resolution to Mr. Gewacke.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 184. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

GENERAL FILE

LEGISLATIVE BILL 162. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 44. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 139. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 82. Mr. Dickinson asked unanimous consent to bracket the bill until February 10.

Mr. F. Lewis objected.

Mr. Dickinson moved to bracket the bill until February 10. The motion lost with 17 ayes, 25 nays and 7 not voting.

Title read. Considered.

Mr. F. Lewis offered the following amendment to the Standing Committee amendment found in the Journal on page 301 for the Fourteenth Day:

Amend committee amendment by striking "State".

The amendment was adopted with 36 ayes, 0 nays and 13 not voting.

The Standing Committee amendment was adopted, as amended, with 42 ayes, 0 nays and 7 not voting.

Mr. Burrows offered the following amendment:

1. On page 2, line 15 insert the following after "period":

. Any superintendant of schools may have this contract of employment terminated without just cause at the close of contract period.", and strike "; Provided, that the" and show as stricken and insert "The".

The amendment was adopted with 25 ayes, 15 nays and 9 not voting.

Mr. Dickinson offered the following amendment:
Page 2 line 6 by insert "IV, V"
after "III"
Page 2 line 11 by insert "IV, V"
after "III"

Mr. Dickinson asked unanimous consent to withdraw the amendment. No objections. So ordered.

Messrs. Dworak and Mills offered the following amendment:
That a 3 year probationary period beginning with the initial contract date.

Mr. Maresh offered the following amendment to the Dworak-Mills amendment:
Amend the Mills-Dworak amendment to stike 3 years and insert 2 years.

The Maresh amendment was adopted with 22 ayes, 19 nays and 8 not voting.

The Dworak-Mills amendment was adopted, as amended with 26 ayes, 13 nays and 10 not voting.

Advanced to E & R for Review with 35 ayes, 5 nays and 9 not voting.

VISITORS

President Whelan introduced the Chairman of the Adams County Board, Mr. Ed Lightner and the Mayor of Hastings, Nebraska, Mr. Monti Malouf.

GENERAL FILE

LEGISLATIVE BILL 103. Title read. Considered.

Mr. Duis offered the following amendment, which was adopted with 36 ayes, 0 nays and 13 not voting.
Since an emergency exists, this act shall be in full force and
take effect, from and after its passage and approval, according
to law.

Advanced to E & R for Review with 38 ayes, 0 nays and 11 not voting.

LEGISLATIVE BILL 77. Title read. Considered.

Mr. Goodrich offered the following amendment, which was adopted with 33 ayes, 0 nays and 16 not voting.

1) Amend Section 1 of Legislative Bill 77 by inserting "(a)" after the word "mean:" in Line 22, Page 3 of the Bill, and by striking "(a)" before the stricken word "~~work~~" in Line 24, Page 3 of the Bill.

2) Add a new Section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and effect, from and after its passage and approval, according to law."

3) Amend the title to conform.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 121. Title read. Considered.

Mr. Luedtke offered the following amendment which was adopted with 29 ayes, 0 nays and 20 not voting.
To add the Emergency Clause to LB 121.

Advanced to E & R for Review with 26 ayes, 2 nays and 21 not voting.

LEGISLATIVE BILL 168. Title read. Considered.

Mr. Stoney offered the following amendment which was adopted with 33 ayes, 0 nays and 16 not voting.
Add a new Section to read,
"Sec. 4. Since an emergency exists, this act shall be in full force and effect, from and after its passage and approval, according to law."

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 130. Title read. Considered.

The Standing Committee amendment found in the Journal on page 315 for the Fifteenth Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 31 ayes, 3 nays and 15 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 7
January 31, 1975

Dear Senator DeCamp:

You have requested an opinion from this office regarding whether, under Section 48-224, R.R.S. 1943, it is mandatory that an employer-agency withhold funds and make payments when authorized by an employee.

The wording of that section is not clear and unambiguous as to whether or not it is a mandatory requirement to withhold once the employee has exercised his option. However, after considering the contents of the Labor Committee hearing and the floor debate of the Legislature, it is quite clear that the intention was that it not be a mandatory requirement until approved by the appropriate authority. From those sources it is quite clear that the requirement of withholding the authorized amount is subject to approval by the "Governor and the Director of Administrative Services, in the case of employees of the State of Nebraska or by the duly elected governing body of such municipal corporation or other public body or agency." Once that approval is given, however, the requirement does become mandatory upon those administering the payroll. This interpretation is in accord with the general rule concerning union dues check-offs. (See, 48 A. L. R. 2d, Labor, Sections 181-186).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary B. Schneider
Special Assistant Attorney General

GBS:sh
cc: Vincent D. Brown

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 17. Placed on General File.

(Signed) George Syas, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 26. Indefinitely postponed.
LEGISLATIVE BILL 86. Indefinitely postponed.
LEGISLATIVE BILL 90. Placed on General File as amended.
Standing Committee amendments to LB 90:

1. Insert two new sections to read:

"Section 1. That section 23-1114, Revised Statutes Supplement, 1974, be amended to read as follows:

23-1114. (1) The salaries of all elected officers of the county ~~and appointive full-time veterans' service officers~~ shall be fixed by the county board at least sixty days prior to the closing of filings of certificates of nomination to place names on the primary ballot for the respective offices, except as provided in section 32-310.01; Provided, that the salaries of the probation officers judicially appointed under section 43-207 shall be fixed by the judges making such

appointment.

(2) The salaries of all deputies in the offices of the elected officers and appointive full-time veterans' service officers of the county shall be fixed by the county board at such times as necessity may require.

Sec. 2. That section 80-301, Revised Statutes Supplement, 1974, be amended to read as follows:

80-301. There shall be established and maintained by the State of Nebraska an institution to be known as the Nebraska Veterans' Home, the object of which shall be to provide domiciliary and nursing home care and subsistence (1) to all persons who served in the armed forces of the United States during a period of war as defined in section 80-401.01; Provided, that at the time of making his application for admission to such home (a) the applicant has been a bona fide resident of the State of Nebraska for at least two years; (b) he has become disabled due to service, old age, or otherwise to an extent that it would prevent him from earning a livelihood; and (c) his income from all sources is such that he would be dependent wholly or partially upon public charities for support, or the type of care needed is available only at a state institution; (2) to the wife of any such person admitted to such home, who has attained the age of fifty years and has been married to such member for at least two years before her entrance into the home; (3) to the widows, ~~and~~ mothers, and fathers of eligible servicemen and women, as defined in subdivision (1) of this section, who died while in the service of the United States, or who have since died of a service connected disability as determined by the Veterans Administration; and (4) to the widows of eligible servicemen, as defined in subdivision (1) of this section, who have since died; Provided, such widows, ~~and~~ mothers, and fathers referred to in subdivision (3) or (4) of this section shall, at the time of applying, have been bona fide residents of the State of Nebraska for at least two years, have attained the age of fifty years, be unable to earn a livelihood, and be dependent wholly or partially upon public charities, or the type of care needed is available only at a state institution. No one admitted to the home under conditions herein enumerated shall have a vested right to a continued residence in such home if such person shall cease to meet any of the above eligibility requirements; Provided, no woman who has been regularly admitted shall be denied continued residence solely because of her marriage to a

member of the home; ~~and~~ provided further, that veterans, wives, widows, ~~and~~ mothers, and fathers admitted to the Nebraska Veterans' Home under the provisions of this section, who have an income in excess of forty dollars per month, including federal pension, compensation, social security, or have sufficient assets will be required to reimburse the state monthly a reasonable amount for the expense of their maintenance, this amount to be determined by the Board of Inquiry and Review; and provided further, all money paid to the state by members of the Nebraska Veterans' Home in compliance with this section will be deposited in the Institutional Cash Fund for the Nebraska Veterans' Home. Any money in the Veterans' Home Building Fund or the Institutional Cash Fund for the Nebraska Veterans' Home available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.".

2. Renumber original section 1 as section 3.

3. Insert two new sections to read:

"Sec. 4. That section 80-411, Revised Statutes Supplement, 1974, be amended to read as follows:

80-411. All tuition shall be waived by the University of Nebraska, the state colleges, and the technical community colleges on behalf of any child, resident of this state, whose father was a member of the armed forces of the United States and who ~~was killed in action~~ died of a service-connected disability in World War I as defined in section 80-401.01, or who ~~was killed in action~~ died of a service-connected disability on December 7, 1941 or subsequently until such future date as the Legislature shall determine or who died subsequent to his discharge as a result of injury or illness sustained while a member of the armed forces which may or may not have resulted in total disability. Such tuition shall similarly be waived on behalf of any child whose mother or father is totally disabled as a result of military service during such periods, or whose mother or father: (1) While a member of the armed forces of the United States is classified as missing in action or as a prisoner of war during armed hostilities after August 4, 1964; and (2) either (a) was a resident of this state at the time he entered the armed forces; or (b) is a resident of, or is married to a resident of, this state at the time such person would attend such state educational institution under the provisions of this section. Application for such waiver shall be submitted through one of the recognized veterans' organizations or

any county service officer on a form to be prescribed by the Director of Veterans' Affairs, which organization, or county service officer, shall thoroughly investigate to determine if the applicant is eligible for such waiver and transmit its or his recommendation for action thereon to the Director of Veterans' Affairs. Residence requirements for such waiver shall be the same as provided in section 80-403. If the Director of Veterans' Affairs determines that the applicant is eligible for such waiver, he shall so certify to the institution in which the applicant desires to enroll. The decision of the Director of Veterans' Affairs shall, in the absence of fraud or misrepresentation on the part of the applicant, be final and shall be binding upon the applicant and upon the institutions specified in this section. Such waiver shall be valid only while the child is pursuing a course of study leading to a baccalaureate degree or a diploma from any technical community college. The Director of Veterans' Affairs shall adopt reasonable rules and regulations for the administration of the provisions of this section. Such waiver of tuition shall be equally available to a wife, widow, or widower of a veteran who meets the requirements set forth in this section as to the mother or father of an entitled child. For the purposes of this section, the definition of a child shall be until age twenty-six, unless the eligible person serves on duty with the armed forces after his eighteenth birthday but before his twenty-sixth birthday, in which case such period shall end five years after his first discharge or release from such duty with the armed forces, but in no event shall such period be extended beyond his thirty-first birthday. Child shall also include legally adopted children and stepchildren.

Sec. 5. That section 80-803, Revised Statutes Supplement, 1974, be amended to read as follows:

80-803. (1) The financial assistance provided for by sections 80-801 to 80-806 shall consist of tuition loans to qualified veterans enrolled in an approved course of training, which loans shall be made by the Department of Veterans' Affairs from such amounts as are appropriated from the General Fund for such specific purpose. ~~A maximum of two hundred such loans shall be made each fiscal year.~~

(2) The amount of financial assistance under sections 80-801 to 80-806 shall be limited to the tuition cost as determined by the approved institution of higher learning.

(3) Except as provided in section 80-804,

repayment of principal together with interest thereon shall be made over a period commencing nine months after the date on which the maker leaves an approved course of training and ending ten years and nine months after such date.

(4) Tuition loans made under sections 80-801 to 80-806 shall bear interest at the rate of five per cent per year from the date of the loan.

(5) Repayment of principal, together with interest thereon, shall be made in equal quarterly, bimonthly, or monthly installments, unless the maker elects to make payment in graduated installments in accordance with such schedules as may be approved by the Department of Veterans' Affairs. Such repayments shall be calculated so that the maker shall repay the total principal amount at the rate of not less than eighty-three and one-third hundredths per cent per month.".

4. On page 4, strike lines 12 and 13 and insert:

"Sec. 6. That original sections 23-1114, 80-301, 80-401.01, 80-411, and 80-803, Revised Statutes Supplement, 1974, are repealed.".

(Signed) Dennis L. Rasmussen, Chairman

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 272	Wednesday, March 5, 1975	2:00 p.m.
LB 444	Wednesday, March 5, 1975	2:00 p.m.
LB 446	Wednesday, March 5, 1975	2:00 p.m.
LB 459	Wednesday, March 5, 1975	2:00 p.m.
LB 440	Wednesday, March 12, 1975	2:00 p.m.
LB 441	Wednesday, March 12, 1975	2:00 p.m.
LB 445	Wednesday, March 12, 1975	2:00 p.m.

(Signed) Steve Fowler, Chairman

Revenue

LB 352	Monday, February 10, 1975	2:00 p.m.
LB 392	Monday, February 10, 1975	2:00 p.m.
LB 455	Monday, February 10, 1975	2:00 p.m.

LB 339	Tuesday, February 11, 1975	2:00 p.m.
LB 382	Tuesday, February 11, 1975	2:00 p.m.
LB 401	Tuesday, February 11, 1975	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

UNANIMOUS CONSENT–Members Excused

Messrs. Burbach and R. Lewis asked unanimous consent to be excused Monday, February 3, 1975. No objections. So ordered.

ADJOURNMENT

At 11:51 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, February 3, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTEENTH DAY—FEBRUARY 3, 1975

LEGISLATIVE JOURNAL

SEVENTEENTH DAY—FEBRUARY 3, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 3, 1975

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Reverend Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> Almighty God, our Father, we confess to You that we are not always the persons we like others to think we are. You have taught us in Your Word that you know us as we are, yet you love us more than we love ourselves.
>
> As you have great faith in us, O God, so we thank you for the daily trust which our fellow citizens have imposed in us. Strengthen us where we are weak; Give us insight and perception for the right solution to the problems confronting us.
>
> When we are brought to the test, steady our nerve and hold us in our faith; that in this day of unrest and uncertainty for our people we shall build confidence.
>
> Grant, our Father, that the legislation we enact will contribute to the welfare of our whole community and to the making of a better world. In the spirit of Christ, we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach and R. Lewis who were excused and Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 323, delete line 11 and insert:
"page 300 for the Fourteenth Day were adopted."
The Journal for the Sixteenth Day was approved as corrected.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 94. Placed on General File.
LEGISLATIVE BILL 119. Placed on General File.

(Signed) George Syas, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 135. Indefinitely postponed.

(Signed) Dennis Rasmussen, Chairman

Urban Affairs

LEGISLATIVE BILL 171. Placed on General File as amended.
Standing Committee amendments to LB 171:

1. On page 3, line 1 reinsert the stricken "five" and strike "ten"; line 15 reinsert the stricken "five" and strike "ten".

2. On page 4, line 26 reinsert the stricken "five" and strike "ten".

3. On page 5, line 4 reinsert the stricken "five" and strike "ten".

LEGISLATIVE BILL 172. Placed on General File as amended.
Standing Committee amendments to LB 172:

1. On page 3, after the period in line 23, insert a new section as follows:

"Sec. 3. That section 17-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-110. The mayor shall preside at all meetings of the city council, and shall have the right to vote when his vote shall be decisive on any pending matter, legislation, or transaction and the mayor shall, for the purpose of such vote, be deemed to be a member of the council. He shall have superintendence and control of all the officers and affairs of the city, and shall take care that the ordinances of the city and all laws governing cities of the second class are complied with.";

Line 24, strike "section" and insert "sections"; after "16-503" insert "and 17-110".

2. Renumber original section 3 and 4 as 5 and 6.

(Signed) Steve Fowler, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 95. Replaced on Select File as amended.
E & R amendment to LB 95:
1. In E & R 3, line 5, strike the first period.

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARING
Telecommunications

LB 426	Monday, February 10, 1975	12:00 noon
LB 427	Monday, February 10, 1975	12:00 noon

(Signed) Robert L. Clark, Chairman

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 4.

WHEREAS, the 92nd 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. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Sec. 3. This amendment shall take effect two years after the date of ratification, and

WHEREAS, the Eighty-second Legislature, Second Session of the Legislature of Nebraska approved Legislative Resolution 83, and

WHEREAS, the approval of the proposed amendment to the Constitution of the United States of America was obtained by the duly constituted legislative process of Nebraska, and

WHEREAS, the approval of the proposed amendment to the Constitution of the United States of America was withdrawn by the Eighty-third Legislature, First Session of the Legislature of Nebraska in the form of Legislative Resolution 9, and

WHEREAS, the withdrawal of the approval of the proposed amendment was an ill founded decision, and

WHEREAS, the propriety of the withdrawal of an approval made in the regular course of legislative business is highly suspect, and open to grave question, and

WHEREAS, the proposed amendment to the Constitution of the United States of America should be approved by the State of Nebraska.

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

1. That Legislative Resolution 9 of the Eighty-third Legislature, First Session of the Legislature of Nebraska be rescinded.

2. That such proposed amendment to the Constitution of the United States is hereby approved.

3. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

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

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Duis	Fitzgerald	Fowler
Kelly	Koch	Luedtke	Mahoney	Marsh
Marvel	Moylan	Savage	Schmit	Simpson
Stoney	Warner			

Voting in the negative, 22:

Carsten	Clark	DeCamp	Dickinson	Dworak
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Kime	Kremer	Maresh	Mills	Murphy
Rasmussen	Rumery	Skarda	Stull	Swigart
Syas	Wiltse			

Not voting, 5:

Burbach	George	F. Lewis	R. Lewis	Nichol

Having failed to receive a constitutional majority voting in the affirmative, the resolution failed to pass.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 5. With Emergency.

A BILL FOR AN ACT to amend section 81-8,139, Reissue Revised Statutes of Nebraska, 1943, relating to the State Athletic Commissioner; to provide for the disciplining of amateur athletes; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 2:

Chambers	Skarda

Not voting, 4:

Burbach	F. Lewis	R. Lewis	Savage

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 36.

A BILL FOR AN ACT to amend section 84-1501, Revised Statutes Supplement, 1974, relating to the Public Employees Retirement Board; to change the membership of the board 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach	DeCamp	F. Lewis	R. Lewis

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

LEGISLATIVE BILL 39.

A BILL FOR AN ACT to amend section 79-2634 and 79-2635, Revised Statutes Supplement, 1974, relating to technical community colleges; to provide that the State Board of Technical Community Colleges shall provide uniform retirement and issurance benefits 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, 45:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp

Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach	Dickinson	F. Lewis	R. Lewis

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

LEGISLATIVE BILL 41.

A BILL FOR AN ACT to amend section 84-1323.02, Revised Statutes Supplement, 1974, relating to the State Employees Retirement Act; to change provisions relating to a lump sum settlement 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach	F. Lewis	R. Lewis	Mahoney

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

LEGISLATIVE BILL 49.

A BILL FOR AN ACT to amend section 24-710, Revised Statutes Supplement, 1974, relating to retirement; to delete obsolete matter; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0:

Not voting, 4:

Burbach	Kime	F. Lewis	R. Lewis

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

LEGISLATIVE BILL 52.

A BILL FOR AN ACT to repeal sections 14-1321 to 14-1326, Reissue Revised Statutes of Nebraska, 1943, relating to municipal universities.

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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer

Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Burbach	F. Lewis	R. Lewis

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

LEGISLATIVE 54.

A BILL FOR AN ACT to amend section 85-195, Reissue Revised Statutes of Nebraska, 1943, relating to retirement; to provide the State Board of Technical Community Colleges or any area board with authority to purchase retirement annuity contracts; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach	George	F. Lewis	R. Lewis

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

LEGISLATIVE BILL 55.

A BILL FOR AN ACT to amend section 60-458, Revised Statutes Supplement, 1974, relating to the Nebraska State Patrolmen's Retirement System; to provide provisions relating to the death of a patrolman during the deferred period 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Koch	Kremer	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Burbach	Dickinson	Keyes	F. Lewis	R. Lewis

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

LEGISLATIVE BILL 56.

A BILL FOR AN ACT to amend sections 23-2319 and 79-1529, Reissue Revised Statutes of Nebraska, 1943, and section 84-1321, Revised Statutes Supplement, 1974, relating to retirement; to change annuity benefit 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, 44:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler

George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	

Voting in the negative, 0.

Not voting, 5:

Burbach	Kime	F. Lewis	R. Lewis	Wiltse

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

LEGISLATIVE BILL 88. With Emergency.

A BILL FOR AN ACT relating to the Department of Public Institutions; to create an advisory committee to aid in providing services for the visually impaired as prescribed; to provide duties; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Cope	DeCamp	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Koch
Kremer	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Burbach	Clark	Dickinson	Dworak	Kime
F. Lewis	R. Lewis	Marvel		

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

VISITORS

The President introduced students and the teacher from Merle Beattie School, Lincoln and students from Omaha Westside.

BILL ON FIRST READING

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

LEGISLATIVE BILL 529. By Speaker Burbach, 19th District, at the request of the Governor.
A BILL FOR AN ACT to amend section 1, Legislative Bill 986, Eighty-third Legislature, Second Session, 1974, sections 19 and 22, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, section 9, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, and sections 6, 7, and 8, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, relating to appropriations; to change appropriations to various agencies; to repeal the original sections; and to declare an emergency.

MOTION—Introduce Bill

Mr. Carsten moved the introduction of a new bill by the committee on Revenue (Req. No. 581)

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 530. By Revenue Committee: Carsten, 2nd District, Chairman; Keyes, 3rd District; Dickinson, 31st District; Rasmussen, 41st District; Dworak, 22nd District; Cope, 36th District; Skarda, 7th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.09, 77-202 and 77-1241.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-331 and 77-1241.09, Revised Statutes Supplement, 1974; to provide a special registration fee in lieu of other fees and ad valorem taxes on motor vehicles proportionally registered; to provide for allocation of such fee; and to repeal the original sections.

LEGISLATIVE BILL 531. By Cavanaugh, 9th District at the request of the Governor.

A BILL FOR AN ACT relating to lobbying; to define terms; to regulate lobbying activities other than before the Legislature or any committee thereof; and to provide penalties.

MOTIONS—Introduce Bills

Mr. Hasebroock moved the introduction of a new bill by the committee on Nebraska Retirement Systems (Req. No. 714)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Hasebroock moved the introduction of a new bill by the committee on Nebraska Retirement Systems (Req. No. 620)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE 532. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Luedtke, 28th District; Stull, 49th District.

A BILL FOR AN ACT to adopt the Nebraska Public Employees Retirement Act; to amend sections 23-2302, 24-702, 48-609, 60-443, 79-1033, 79-1502, and 79-1522.01, Reissue Revised Statutes of Nebraska, 1943, and sections 19-3501, 24-703, 79-2634, 84-1329.01, 84-1503, 85-106, and 85-320, Revised Statutes Supplement, 1974; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 533. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Luedtke, 28th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 84-1301, Revised Statutes Supplement, 1974, relating to the State Employees Retirement Act; to provide that certain employees of the Nebraska Psychiatric Institute shall be eligible for membership in the retirement system; and to repeal the original section.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 42, 59, 92, 93, 107 and 126.

Correctly Enrolled

The following bills were correctly enrolled: 6, 9, 10, 57 and 116.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 6, 9, 10, 57 and 116.

ANNOUNCEMENT

Mr. Luedtke announced an executive session of the Judiciary Committee at 1:30 p.m. today.

UNANIMOUS CONSENT–Member Excused

Mrs. Marsh asked unanimous consent to be excused at 11:00 a.m., Monday and to be excused Tuesday and Wednesday, February 4 and 5 to attend a conference on child abuse. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 244	Tuesday, February 11, 1975 (Cancel)	2:00 p.m.
LB 244	Tuesday, March 11, 1975 (reset)	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

GENERAL FILE

LEGISLATIVE BILL 164. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 7 nays and 15 not voting.

LEGISLATIVE BILL 186. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 22. Title read. Considered.

Mr. Savage moved for a Call of the House on advancing LB 22. The motion prevailed with 26 ayes, 9 nays and 14 not voting.

The Call showed 45 members present.

Mr. Savage moved the Call be raised. The motion prevailed with 41 ayes, 0 nays and 8 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays and 14 not voting.

LEGISLATIVE BILL 183. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 190. Laid over at the request of Mr. Johnson.

LEGISLATIVE BILL 201. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Standing Committee amendments found in the Journal on page 325 for the Sixteenth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 17. Laid over at the request of Mr. Sys.

LEGISLATIVE BILL 90. Laid over at the request of Mr. Rasmussen.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 12. Placed on General File as amended.
Standing Committee amendment to LB 12:

On page 2, line 20, strike "held in an odd-numbered" and show as stricken and insert "commencing in an even-numbered".

(Signed) George Sys, Chairman

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 492	Wednesday, February 12, 1975	2:00 p.m.
LB 518	Wednesday, February 12, 1975	2:00 p.m.
LB 523	Wednesday, February 12, 1975	2:00 p.m.
LB 348	Friday, February 21, 1975	2:00 p.m.
LB 384	Friday, February 21, 1975	2:00 p.m.

LB 353	Wednesday, March 5, 1975	2:00 p.m.
LB 478	Wednesday, March 5, 1975	2:00 p.m.
LB 439	Thursday, March 6, 1975	2:00 p.m.
LB 457	Wednesday, March 12, 1975	2:00 p.m.
LB 491	Wednesday, March 12, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

MOTION–Return LB 145 to Select File

Mr. Kelly moved to return LB 145 to Select File for the following specific amendment:
to strike lines 3, 4, 5, 6, 7, 8 on page 5.

Motion pending. Laid over.

VISITORS

The President introduced Mr. Donald Best from Geneva, Nebraska.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Tuesday, February 4, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTEENTH DAY—FEBRUARY 4, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 4, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Reverend Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> O God, our Father, we pray for thy wisdom and thy guidance upon the members of this body as they meet to consider the serious issues which confront our state and community.
>
> Give to our leaders the highest inner motives and the moral courage to do the right as they are lead to see the right.
>
> May the freedom you espouse be seen not as the right to do as we please but the opportunity to please to do the right.
>
> Let our faith be something that is not merely stamped on our coins, but expressed in our lives.
>
> Bless our senators and their families and keep them this day in the bond of your love. Through Christ's spirit we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fitzgerald, Mahoney, Skarda, Syas and Mrs. Marsh who were excused; Mr. Bereuter who was excused until he arrives and Mr. Koch who was excused until 10:50 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 81. Placed on General File as amended.
Standing Committee amendment to LB 81:

1. On page 3, line 14 strike "thirty" and insert "twenty-five"; and in line 18 strike "fifteen" and insert "~~fifteen~~ fifty".

LEGISLATIVE BILL 85. Placed on General File as amended.
Standing Committee amendment to LB 85:

1. On page 2, line 11, after "the" insert "maintenance, construction, or"; line 12, after the comma, insert "or by allowing water to accumulate on the roadway or traveled surface of the road,"; line 16 strike "one hundred" and insert "twenty-five".

LEGISLATIVE BILL 99. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Replaced on Select File as amended.
E & R amendments to LB 1:

1. In the Stull amendents 1 and 3, line 1, strike "2" and insert "4".
2. In the title, line 5, strike "and" and insert "to provide an operative date;"; and in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 97. Replaced on Select File as amended.
E & R amendment to LB 97:

1. In new section 8, added by the standing committee amendment, in the last line insert "thereon" after "hearing" as in the statutes.

LEGISLATIVE BILL 117. Replaced on Select File as amended.
E & R amendments to LB 117:

1. In standing committee amendment 2, line 1, strike "word" and insert "first".
2. In E & R amendment 4, strike line 3 and insert:

"FOR AN ACT relating to cities and villages, particular classes; to".

LEGISLATIVE BILL 162. Placed on Select File.
LEGISLATIVE BILL 44. Placed on Select File.

LEGISLATIVE BILL 45. Placed on Select File as amended.
E & R amendment to LB 45:
1. On page 4, line 6, insert "for each county" after "effective".

LEGISLATIVE BILL 163. Placed on Select File.

LEGISLATIVE BILL 139. Placed on Select File as amended.
E & R amendments to LB 139:
1. On page 4, line 16, strike "State" and insert "~~State~~ Joint".
2. On page 5, line 9, strike ", provided that such" and insert "which".
3. In the title, line 6, strike "added duties for" and insert "for the establishment of fees by"; and in line 8, strike "certain" and insert "certain" after "for".

LEGISLATIVE BILL 82. Placed on Select File as amended.
E & R amendments to LB 82:
1. In the Burrows amendment, line 4, insert "the" after "of".
2. In lieu of the Dworak-Mills and Maresh amendments, on page 2, line 8, strike "Any" and show as stricken, and insert "Except for the first two years, any"; and before the new sentence added by the Burrows amendment, insert "The first two years of the contract shall be a probationary period. The contract may be terminated during such period without just cause.".
3. On page 2, line 9, insert ", except a superintendent of schools," after "administrator".
4. In the title, line 6, strike "a teacher's contract" and insert "employment contracts; to provide a probationary period".

LEGISLATIVE BILL 103. Placed on Select File as amended.
E & R amendments to LB 103:
1. On page 5, line 8, insert "surety" after "personal".
2. In the Duis amendment, line 1, insert "Sec. 4." before "Since".
3. In the title, line 7, strike "and"; and in line 8, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 77. Placed on Select File as amended.
E & R amendments to LB 77:
1. In the Goodrich amendment 1, strike beginning with "by" in line 2 through the period in line 3 and insert "on page 3, line 24, strike '(a)' and show as stricken.".

2. In new section 3, line 2, insert "take" after the first "and".

3. In the title, line 4, strike "and"; and in line 5, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 121. Placed on Select File as amended.
E & R amendments to LB 121:

1. Add a new section to read as follows:

"Sec. 2. 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 3, insert "; and to declare an emergency" after "acknowledgments".

LEGISLATIVE BILL 168. Placed on Select File as amended.
E & R amendments to LB 168:

1. On page 2, line 6, insert "also" after "shall".

2. In new section 4, line 2, insert "take" after the first "and".

3. In the title, line 8, strike "and"; and in line 9, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 130. Placed on Select File as amended.
E & R amendment to LB 130:

1. On page 2, line 17, insert a comma after "whether", and a comma after "opinion".

Correctly Engrossed

The following bills were correctly engrossed: 47, 79.

Correctly Enrolled

The following bills were correctly enrolled: 5, 36, 39, 41, 49, 52, 54, 55, 56, 88.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 5, 36, 39, 41, 49, 52, 54, 55, 56, 88.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 3, 1975, at 2:30 p.m., were the following bills: LB 6, LB 9, LB 10, LB 57, and LB 116.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Return LB 8 to Select File

Mr. Savage moved to return LB 8 to Select File for the following specific amendment.

1. On page 2, line 10, strike "efficient" and show as stricken, and insert "convenient"; line 13, after "business" insert ", whether at the convenience of the agency, or at the convenience of the state officer or employee, as previously agreed upon by the officer or employee and the agency involved,".

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Add Co-introducer

Mr. F. Lewis asked unanimous consent to add his name to LB 532. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 534. By Warner, 25th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 11-105 and 11-115, Reissue Revised Statutes of Nebraska, 1943, relating to official bonds; to change the time for filing certain bonds; to provide procedures upon failure to file timely; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 95. E & R amendment found in the Journal on page 342 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Withdraw Motion on LB 145

Mr. Kelly asked unanimous consent to withdraw his pending motion found in the Journal on page 355 for the Seventeenth Day to LB 145 and substitute the following. No objections. So ordered.

1. On page 5, line 3 strike "adequate" and insert "any"; line 5 strike "through" and insert "from General Fund", after "appropriations" insert a "."; and strike "or"; and strike lines 6 to 8.

MOTION–Suspend Rules

Mr. Schmit moved to suspend Rule 3, Sec. 5, to permit setting of hearing on LB 434 on Friday, February 7.

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 434 Friday, February 7, 1975 2:00 p.m.

(Signed) Loran Schmit, Chairman

SELECT FILE

LEGISLATIVE BILL 8. The Savage specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Re-Engrossment.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
529	Appropriations	532	Neb. Ret. Systems
530	Revenue	533	Neb. Ret. Systems
531	Gov. Mil. & Vets Afrs		

(Signed) Wally Barnett
Richard Lewis
Dennis L. Rasmussen
Ralph D. Kelly
Jules W. Burbach
John S. Savage
Loran Schmit
John J. Cavanaugh

GENERAL FILE

LEGISLATIVE BILL 190. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Standing Committee amendments found in the Journal on page 334 for the Sixteenth Day were adopted with 29 ayes, 1 nay and 19 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 94. Title read. Considered.

Mr. Goodrich moved the previous question on advancing the bill. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 7 nays and 11 not voting.

Advanced to E & R for Review with 26 ayes, 18 nays and 5 not voting.

LEGISLATIVE BILL 119. Title read. Considered.

Mr. Burbach offered the following amendment:
Line 22, page 2, Legislature to provide for a presiding officer.

The amendment was adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Review with 33 ayes, 2 nays and 14 not voting.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. F. Lewis asked unanimous consent for the Education Committee to hold their hearing in the West Chamber this afternoon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 171. Title read. Considered.

Standing Committee amendments found in the Journal on page 341 for the Seventeenth Day were adopted with 27 ayes, 1 nay and 21 not voting.

Mr. George offered the following amendments:
1. On page 4, line 7, after "receives", strike "no", and insert "fewer than two".
2. On page 6, line 10, after "receives" strike "no" and insert "fewer than two".

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Duis offered the following amendment:
Strike all reference to bidding.

Mr. Duis asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Chambers offered the following amendments:
Page 4, lines 17, 18, strike: "~~Such escalation clauses~~" and remainder of language. Insert: "The escalation clause shall in no case exceed ten per cent of the contract."

Page 6, lines 20, 21, the same amendment.

Mr. Goodrich offered the following amendment to the Chambers amendment:
Amend the Chambers amendment by striking "ten" and inserting "fifteen".

Amendments pending.

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 472	Monday, February 10, 1975	2:00 p.m.
LB 473	Monday, February 10, 1975	2:00 p.m.
LB 474	Monday, February 10, 1975	2:00 p.m.
LB 359	Tuesday, February 11, 1975	2:00 p.m.
LB 442	Tuesday, February 11, 1975	2:00 p.m.
LB 447	Tuesday, February 11, 1975	2:00 p.m.
LB 448	Tuesday, February 11, 1975	2:00 p.m.
LB 471	Tuesday, February 11, 1975	2:00 p.m.
LB 389	Tuesday, February 11, 1975	2:00 p.m.
LB 390	Tuesday, February 11, 1975	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

Judiciary

LB 258	(Cancel) Tuesday, February 18, 1975	2:00 p.m.
LB 258	(Reset) Tuesday, February 11, 1975	2:00 p.m.
LB 479	(Cancel) Tuesday, February 25, 1975	2:00 p.m.
LB 479	(Reset) Tuesday, February 11, 1975	2:00 p.m.
LB 504	(Cancel) Tuesday, February 25, 1975	2:00 p.m.
LB 504	(Reset) Tuesday, February 11, 1975	2:00 p.m.
LB275	(Cancel) Tuesday, February 11, 1975	2:00 p.m.
LB 275	(Reset) Tuesday, February 25, 1975	7:30 p.m.
LB 417	(Cancel) Tuesday, February 11, 1975	2:00 p.m.
LB 417	(Reset) Tuesday, February 25, 1975	7:30 p.m.

(Signed) Roland A. Luedtke, Chairman

Revenue

LB 430 Wednesday, February 12, 1975 2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

MOTION

Mr. President:

I move the Legislature directs the Director of Legislative Research to prepare a complete record of the proceedings of the Contest of Election for member of the Legislature from the 48th District. Said record shall include: the official transcripts of all hearings held by the Select Committee on Credentials to investigate the Contest of Election for member of the Legislature from the 48th District; the official transcripts of all proceedings of the Legislature relative to said contest; all books, documents, papers, material, testimony and depositions requested or received by the Committee or the Legislature in the course of their proceedings. Each item shall be numbered and indexed as Exhibits. All motions proposed or adopted by the Committee or the Legislature in the course of its proceedings and the action taken on each such motion shall be set out and numbered separately. Upon complettion of the preparation of said record, the Director shall present such record to the Legislature for its approval. Upon acceptance and approval of said record by the Legislature, it shall become known as: The Record of the Proceedings of the Eighty-Fourth Legislature Concerning the Contest of Election for Member of the Legislature for the Fourty-Eighth District.

(Signed) John J. Cavanaugh

STANDING COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL 233. Placed on General File.

(Signed) Richard D. Marvel, Chairman

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Wednesday, February 5, 1975.

Vincent D. Brown
Clerk of the Legislature

NINETEENTH DAY–FEBRUARY 5, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 5, 1975

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Reverend Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> Eternal Father, whose kindness is loving, whose patience is infinite, and whose judgments are true and right altogether;
>
> Thou hast made us heirs of a great heritage and trustees of priceless things. Help us to remember the price that was paid for them and the eternal vigilance required to preserve them.
>
> Give us joy in our service, O Lord, and zeal in our labor as we know that a "different nation" cannot be built with indifferent people.
>
> Keep us sensitive and understanding toward the promise of the new without giving up the best of the past.
>
> When our day is done, may we be able to accept Thy continued will and to walk in Thy peace. Through Jesus Christ, our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

ATTORNEY GENERAL OPINION

Opinion No. 9
February 4, 1975

Dear Senator DeCamp:

You have requested an opinion from this office regarding the effect of L.B. 126. You specifically ask whether, under Section 48-224, R. R. S. 1943, it is now mandatory that an employer-agency withhold funds and make payments when authorized by an employee, and if mandatory, why certain state agencies are not complying, which is the problem attempted to be remedied by L.B. 126.

After considering the contents of the Labor Committee hearing and the floor debate of the Legislature when the statute was enacted, it is quite clear that the intention was that it not be a mandatory requirement until approved by the appropriate authority, however, when so approved and authorized, the withholding and payment becomes mandatory. In our opinion, L.B. 126 clarifies Section 48-224, although the additional language is not necessary because it would be redundant.

It is not known at this time what state agencies or departments are having the problem. However, the problem with the withholding and payment may lie elsewhere than with the proposed area of amendment. Section 48-224 applies both to withholding for charitable contributions and for employee organization or union dues. We are assuming the problems arise from the withholding of union dues.

The process whereby the employer withholds union dues from wages is known as "dues checkoff," and is a process which is generally desired by the labor organization. Almost universally this is thought to be a proper subject of collective bargaining. The problem which is sought to be corrected may be arising out of this situation. Section 48-224 is somewhat ambiguous in setting out who the appropriate authority for giving approval may be in a given situation. Certain departments or agencies may be refusing to withhold because the approval has not been given by the "appropriate authority," in their opinion. Also, in the case of dues checkoff, the word "approval" is somewhat ambiguous. Does the word "approval" refer to the recognition and certification of a union as the exclusive bargaining agent, thereby eliminating dues checkoff as a proper subject of collective bargaining? Or conversely, does the word "approval" specifically refer to approval of the act of withholding the union dues, thereby retaining dues checkoff as a proper subject of collective bargining?

Again, we would like to emphasize that this office has no knowledge of what problem is referred to by the Legislature in reference to Section 48-224 which is sought to be remedied by L.B. 126, and we are merely speculating in advising you of possible problems regarding the

interpretation of the "appropriate authority" and the interpretation of the word "approved."

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Special Assistant Attorney General

GBS:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 1975, at 9:45 a.m., were the following bills: LB 5, LB 36, LB 39, LB 41, LB 49, LB 52, LB 54, LB 55, LB 56 and LB 88.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 21. Placed on General File.

LEGISLATIVE BILL 149. Placed on General File as amended.
Standing Committee amendment to LB 149:
1. On page 3, line 20, after "Chi," insert "Delta Sigma Phi,".

(Signed) Gary L. Anderson, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 164. Placed on Select File as amended.
E & R amendment to LB 164:
1. In the title, line 4, strike "security requirements on time deposits" and insert "the amount of time deposits exempt from being secured".

LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 22. Placed on Select File.
LEGISLATIVE BILL 183. Placed on Select File.

LEGISLATIVE BILL 201. Placed on Select File.
LEGISLATIVE BILL 208. Placed on Select File as amended.
E & R amendment to LB 208:

1. Strike lines 2 to 7 of the title and insert:
"FOR AN ACT relating to banking; to provide that banks and savings and loan associations may act as trustees as provided; to amend section 8-318, Revised Statutes Supplement, 1974; and to repeal the original section.".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 8.

Correctly Engrossed

The following bill was correctly engrossed: 95.

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARING
Public Works

LB 376	Friday, February 28, 1975 (Cancel)	2:00 p.m.
LB 376	Wednesday, March 5, 1975 (Reset)	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

PRESENTATION

President Whelan presented Mr. Dickinson an Admiralship in the Nebraska Navy, on behalf of Governor Exon.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 11.

A BILL FOR AN ACT to amend sections 39-6,113 and 39-6,138, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska Rules of the Road; to delete obsolete matter; to correct an internal reference; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marvel
Mills	Moylan	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Goodrich	F. Lewis	Marsh	Murphy

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

MOTIONS–Introduction of Bills

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 538) The motion prevailed with 40 ayes, 0 nays and 9 not voting.

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 482) The motion prevailed with 40 ayes, 0 nays and 9 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 709) The motion prevailed with 42 ayes, 0 nays and 7 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 535. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Burrows, 30th District; Kime, 43rd District; Maresh, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 89-201, Reissue Revised Statutes of Nebraska, 1943, relating to sugar beet weighing and testing; to provide that verification of sugar beet tests shall be handled by the producer and

processor; to provide that certain state services be made available to sugar beet producers; and to repeal the original section, and also section 89-204, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 536. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Burrows, 30th District; Kime, 43rd District; Maresh, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 2-316, Uniform Commercial Code, relating to implied warranties on sales; to provide an exemption on sales of livestock with implied warranty of disease-free condition; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 537. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Goodrich, 20th District; Bereuter, 24th District; Simpson, 46th District.

A BILL FOR AN ACT to amend sections 28, 45, and 53, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, section 5, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, with items of appropriation reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, and section 3, Legislative Bill 1057, Eighty-third Legislature, Second Session, 1974, relating to appropriations; to increase appropriations; to provide for state funding of technical community colleges; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 538. By Kennedy, 21st District, at the request of the Governor.

A BILL FOR AN ACT to amend section 28-743, Reissue Revised Statutes of Nebraska, 1943, and section 28-729.01, Revised Statutes Supplement, 1974, relating to crimes and punishments; to provide penalties for certain offenses against law enforcement officers; to provide a minimum term of imprisonment; and to repeal the original sections.

MOTION—Suspend Rules

Mr. Marvel moved to suspend Rule 3, section 5, to place LB 537 on General File without a public hearing. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 1. E & R amendments found in the Journal on page 357 for the Eignteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 97. E & R amendment found in the Journal on page 357 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 117. E & R amendments found in the Journal on page 357 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 162. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 44. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 45. E & R amendment found in the Journal on page 358 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 163. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 139. E & R amendments found in the Journal on page 358 for the Eighteenth Day were adopted.

Mr. Murphy asked unanimous consent to print the following amendment in the Journal. No objections. So ordered.
I move to amend LB 139. Insert after the word 'Department' on line 13, page 5– Which budget shall be subject to approval by the county and city.

Bracketed at request of Mr. Murphy.

VISITORS

President Whelan introduced students and teachers from Sidney, Nebraska and Merle Beattie School, Lincoln.

SELECT FILE

LEGISLATIVE BILL 82. E & R amendments found in the Journal on page 358 for the Eighteenth Day were adopted with 31 ayes, 3 nays and 15 not voting.

Mr. Mills offered the following amendment:

1. In line 3 of E & R amendment 2, insert "of employment under any contract entered into after the effective date of this act" after "years".

The amendment was adopted with 34 ayes, 0 nays and 15 not voting.

Mr. Burrows offered the following amendment:

1. In line 5 of the Burrows amendment, insert "after being given notice in writing and an opportunity for a hearing" after "period".

The amendment lost with 11 ayes, 22 nays and 16 not voting.

Mr. Duis offered the following amendment:

Amend the Burrows amendment to LB82, Journal page 331, as follows:

1. In line 1 after "Any" insert "administrator or".
2. In line 2 strike "without" and insert "for".

The amendment was adopted with 27 ayes, 12 nays and 10 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 103. E & R amendments found in the Journal on page 358 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77. E & R amendments found in the Journal on page 358 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 121. E & R amendments found in the Journal on page 359 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 168. E & R amendments found in the Journal on page 359 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 130. E & R amendment found in the Journal on page 359 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 342	Thursday, February 13, 1975	2:00 p.m.
LB 351	Thursday, February 13, 1975	2:00 p.m.
LB 267	Thursday, February 13, 1975	2:00 p.m.
LB 431	Thursday, February 13, 1975	2:00 p.m.

(Signed) Gary L. Anderson, Chairman

Agriculture and Environment

LB 320	Friday, February 14, 1975	2:00 p.m.
LB 321	Friday, February 14, 1975	2:00 p.m.
LB 324	Friday, February 14, 1975	2:00 p.m.
LB 332	Friday, February 14, 1975	2:00 p.m.

(Signed) Loran Schmit, Chairman

Constitutional Revision and Recreation

LB 170	Thursday, February 20, 1975	1:30 p.m.
LB 270	Thursday, February 20, 1975	1:30 p.m.
LB 438	Thursday, February 20, 1975	1:30 p.m.
LB 271	Thursday, February 20, 1975	1:30 p.m.
LB 195	Friday, February 21, 1975	1:30 p.m.
LB 489	Friday, February 21, 1975	1:30 p.m.

(Signed) George Syas, Chairman

Committee on Committees

The Committee on Committees will meet at 12:00 Noon, Wednesday, February 12, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor James Exon as follows:

Alan H. Ihms – Director of Public Welfare

Joseph C. Vitek – Director of Correctional Services

H. B. "Tod" Kuntzelman – Game and Parks Commission

(Signed) John S. Savage, Chairman

MOTION—Rule Changes

Speaker Burbach offered the following rule changes:
RULE 7
Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet at noon on the first Tuesday 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.
(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."

RULE 7

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk in writing 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

The following motions shall be delayed one legislative day and the motion shall be printed in the Legislative Journal before action may be taken by the body on such motion:

a. Motion to recommit to a committee
b. Motion to postpone indefinitely on Select File or Final Reading
c. Motion to reconsider
d. Motion to advance bills from committee
e. Motion to place bills on General File, notwithstanding the action of a standing committee
f. Motion to move bills from Final Reading to Select File

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.
(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.
(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.

RULE 7
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.~~ After motion to reconsider is made, action shall be delayed one legislative day and the motion shall be printed in the Legislative Journal before action may be taken on the motion to reconsider.
(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 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.

RULE 7
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 shall be made by the Speaker or in his absence by a member designated by the Speaker. ~~to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.~~

(Signed) Jules W. Burbach

Referred to the Rules Committee.

MOTION–Return LB 145 to Select File

Mr. Kelly moved to return LB 145 to Select File for the specific amendment found in the Journal on page 360 for the Eighteenth Day.

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 145. The Kelly specific amendment found in the Journal on page 360 for the Eighteenth Day was adopted with 36 ayes, 0 nays and 13 not voting.

Advanced to E & R for Engrossment.

PROPOSED RULE CHANGES

RULE 5
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 bill shall be drafted for any member on behalf of, or by request of, any person unless such

member intends to endorse and support such bill. 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. 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.

(Signed) Larry D. Stoney

RULE 3

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 the introducer of a bill attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed if the motion fails to receive ~~a majority vote~~ thirty votes of the members elected to the Legislature.

(Signed) Robert L. Clark

RULE 5

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 and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(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 a bill is voted upon.

~~(d) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.~~

(Signed) Ernest Chambers

RULE 5

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~~ twentieth 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 and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(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) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

(Signed) Leslie A. Stull

RULE 2

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.

(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.

(Signed) Douglas Bereuter

RULE 3
Sec. 25. No member of the Legislature shall sit with a committee at public hearings or participate in any executive session of such committee unless he is a member of such committee.

(Signed) George Syas

I move to amend the Rules, Rule 3, by providing new sections as follows:

Section . Notwithstanding any other provision contained in these Rules, for the first twenty legislative days of each regular session, the Legislature in its entirety, shall meet as a Budget Committee of the Whole. The regular Appropriations Committee shall allocate among the other standing committees those state agencies for which each committee will be responsible for budget review. Allocation of agencies to committees shall be made with the intent to align agencies functionally with committees which have responsibilities hearing legislation related to the major functions of such state agency.

The chairman of the permanent Appropriations Committee shall appoint a member from the Committee to serve as liaison to each of the standing committees to which agencies are assigned for budget review. Such member shall be present at all committee meetings for budget review, but shall not vote.

Upon completion of the hearings by the standing committees, each committee shall forward through its chairman, their budget recommendations to the chairman of the permanent Budget Committee. When the permanent Budget Committee meets to review the standing committee reports, the chairman of each standing committee shall be available to assist and advise in the review of the standing committee reports. This expanded Budget Committee shall compile all necessary information to prepare a final Appropriations Bill to be submitted to the Legislature. In the process of this final review, the expanded Appropriations Committee may alter the recommendations of the sub-committee.

When the Budget Committee reports the Appropriations Bill to the floor of the Legislature, it shall provide an accompanying report which identifies all instances in which the recommended level of appropriations for any state agency differs from that originally recommended by the standing committee which initially reviewed the budget request.

(Signed) Wally Barnett

RULE 2

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 the rule, except the following:

(i) Members of the Legislature and their immediate families and secretaries of members of the Legislature.

(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.
(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.

(Signed) Orval A. Keyes

RULE 3
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~~ three-fifths 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 when the committee fails to act on such bill, and by a vote of ~~a majority~~ three-fourths of the elected members, ~~said~~ such bill shall be placed on General File.
(c) Any time the introducer of a bill attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed if the motion fails to receive a ~~majority~~ vote of three-fourths of the members elected to the Legislature.

(Signed) Gerald D. Koch

RULE 3
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 ~~majority vote~~ 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 making the same or it shall be deemed defeated.

(Signed) Gerald D. Koch

RULE 7

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet at ~~noon~~ 10:00 a.m. on the first ~~Tuesday~~ Wednesday after the first Monday of each year and thereafter on each ~~legislative day~~ Tuesday and Thursday of each week 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~~ until hearings before committees are completed. 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:

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.

(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."

(Signed) Gerald D. Koch

RULE 1
Section 1. Officers To Be Elected. (a) At the commencement of each regular session in odd-numbered years the Executive Committee shall appoint a Credentials Committee to confirm and certify the election of Senators and such certification and swearing in of newly elected Senators shall be the first order of business prior to organization and election of officers for the Legislature.
(b) 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."

(Signed) Gerald D. Koch

RULE 2
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.~~ Rule changes and procedural changes may be proposed only within the first ten legislative days of each session. After the Legislature has adopted its rules of procedure for that session the rules may only be suspended by a four-fifths majority of the elected members by a machine vote, and may only be amended by a four-fifths majority vote of the members elected, provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

(Signed) Gerald D. Koch

RULE 2

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.

(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 or 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 nor use such language to attack the dignity of the Senate or any members thereof.

(c) All questions of privilege shall be channeled through the presiding officer, and presented after unfinished business.

(Signed) Gerald D. Koch

RULE 3

Sec. 4. Meeting Times. Standing committees shall meet at ~~2:00 p.m.~~ 9:00 a.m. on Monday, Wednesday, and Friday of each week, 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.

"Reference Committee. Rule 3, Sec. 19.
Excuse from attendance. Rule 2, Sec. 4."

(Signed) Gerald D. Koch

RULE 7

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. The Speaker may make the motion to adjourn.

(Signed) J. W. Burbach

RULE 6
Sec. 7. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. No bill shall receive a Final Reading except upon the day such reading is scheduled. 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.

"Members to remain in their seat. Rule 2, Sec. 3g. No one to be seated beside member during Final Reading. Rule 2, Sec. 3d."

(Signed) J. W. Burbach

No State Department bill shall be introduced except by request of the Governor. Any person appearing in reference to such bill who is representing the Governor shall so state at the time of his appearance.

(Signed) John W. DeCamp

RULE 5
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 and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature. A standing committee shall introduce no more than ten bills.
(c) A copy of intent of a bill recommended for introduction by a committee must be placed on each members's desk before such introduction of bill is voted upon.
(d) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

(Signed) Richard Lewis

RULE 5
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 and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.
(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) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills. ~~; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members.~~ In regular sessions, each standing, select, or special committee and the Executive Board of the Legislative Council shall be limited to the introduction of 10 bills. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

(Signed) Jerome Warner

MOTION—Records of 48th District

Mr. Cavanaugh renewed his pending motion found in the Journal on page 364 for the Eighteenth Day.

Mr. Marvel asked unanimous consent to have the motion laid over until Monday, February 10, 1975.
Mr. Cavanaugh objected.

Mr. Marvel moved to hold the motion over until Monday, February 10, 1975. The motion prevailed with 31 ayes, 5 nays and 13 not voting.

GENERAL FILE

LEGISLATIVE BILL 171. Considered.

The Goodrich amendment found in the Journal on page 363 to the Chambers amendment found in the Journal on page 362, lost with 9 ayes, 22 nays and 18 not voting.

The Chambers amendment found in the Journal on page 362 lost with 16 ayes, 19 nays and 14 not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Chambers asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

Mr. Bereuter moved to refer LB 171 back to the Urban Affairs Committee.

Mr. Stoney moved to hold the bill until Monday, February 10, 1975. The Chair ruled the Stoney motion out of order.

Mr. Bereuter asked unanimous consent to withdraw his motion to refer the bill back to committee. No objections. So ordered.

Mr. Stoney moved to bracket the bill until Thursday, February 13, 1975. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 11. Introduced by Warner, 25th District; Mills, 44th District; R. Lewis, 38th District; Kelly, 35th District; Savage, 10th District; Dworak, 22nd District; Murphy, 17th District; Rasmussen, 41st District; Burbach, 19th District; Duis, 39th District; Clark, 47th District; Johnson, 15th District; Carsten, 2nd District; Hasebroock, 18th District; Mahoney, 5th District; Wiltse, 1st District; Kremer, 34th District;

Moylan, 6th District; Kennedy, 21st District; Schmit, 23rd District; Maresh, 32nd District; Cope, 36th District; DeCamp, 40th District; Kime, 43rd District; F. Lewis, 45th District; Luedtke, 28th District; Simpson, 46th District; Nichol, 48th District; Goodrich, 20th District; Skarda, 7th District.

WHEREAS, emission, safety and damageability standards being met by 1975 automobiles are the most stringent that any automobiles have ever had to meet in any country; and

WHEREAS, industry tests indicate that control systems being developed for 1977 will result in a reduction in fuel economy; and

WHEREAS, by 1978 the cost to consumers for emission controls and safety equipment and damageability standards may be as much as, $900.00 higher than 1975 costs, per automobile, in addition to such auto's purchase price; and

WHEREAS, these factors will make automobiles more difficult to sell, less economical to operate, more wasteful of our nation's precious energy resources, and cause possible financial hardship on auto industry workers due to a decline in sales and production; and

WHEREAS, the avoidance of such a situation would be of great benefit to the auto buying public in reduced purchase prices, a benefit to auto workers and related industry employees everywhere by preventing factory lay offs, and a benefit to the nation by conservation of fuel resources; and

WHEREAS, a five year moratorium on federal emission, safety, and damageability standards from 1977 to 1981 would provide a ready source of avoiding the problems outlined herein; and

WHEREAS, such a moratorium would result in a nine billion dollar saving to the American car buyer, save twenty billion gallons of gasoline each year, and allow the auto industry to use the five billion dollars which would be needed to meet the 1978 federal standards for additional research regarding better fuel economy, safer automobiles and cleaner engines, allow a reduction of two million tons a year in materials needed to build cars; and

WHEREAS, a five year moratorium would give the country a chance to beat inflation, recover from recession, gain some independence from oil exporters, and to decide whether each future proposed standards are necessary before they are legislated; and

WHEREAS, the Congress of the United States has indicated its willingness to relax the strictures which have caused great difficulty and concern in the auto industry by eliminating regulatory requirements for seat belt interlocks and continuous buzzers in passenger cars.

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

1. That the State of Nebraska urge the Congress of the United States to declare a five year moratorium on emission, safety, and damageability standards to begin with 1977 model automobiles.

2. That a copy of this resolution be sent to each individual member of the House of Representatives, to each Senator of the United States, and to the President of the United States.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTIETH DAY—FEBRUARY 6, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 6, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Creator God of the whole family of man; Father in Heaven of every family on earth; help us to understand that here in this house we are also one family.
>
> We know that we cannot always be of one mind on the diverse issues which await our decision here, for we are - Republican and Democrat, Conservative and liberal, rural and urban, male and female, Catholic and Protestant, Veteran and novice, white and black . . . nevertheless, one house, one family - its members standing side by side, each head bowed before one God, together asking that the common good rather than our individual preferences may guide us in all that we do here. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Fowler who was excused until 10:30 a.m., Mr. Keyes who was excused until he arrives, and Mr. Anderson who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

MESSAGES FROM THE GOVERNOR

February 4, 1975

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 6, 9, 10, 57, and 116.

These bills were signed by me on February 4, 1975 and delivered to the Secretary of State.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

January 31, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Game & Parks Commission:

H. B. "Tod" Kuntzelman, Lake Maloney, North Platte, Nebraska, for a five year term expiring January 15, 1980.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 127. Placed on General File as amended.
Standing Committee amendments to LB 127:

1. On page 2, line 21, after the period, insert: "If the employee shall select a physician located in a community not the home or place of work of the employee, and a physician is available in the local community or in a closer community, no travel expenses shall be required to be paid by the employer or his insurer".

2. On page 4, line 9 strike "ten" and insert "fourteen"; line 14 strike "ten" and insert "fourteen"; line 22, after "medical", insert "and hospital"; and line 24, after the period insert "The party requesting such medical information shall pay the cost thereof.".

3. On page 5, line 22 after the period insert: "For the purpose of this section, physician shall mean any person licensed to practice medicine and surgery, osteopathic medicine, or dentistry.".

(Signed) Richard Maresh, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 190. Placed on Select File as amended.
E & R amendment to LB 190:

1. In the title, line 4, strike "that an insured be entitled to"; and in line 5, insert "or payment" after "reimbursement".

LEGISLATIVE BILL 90. Placed on Select File as amended.
E & R amendments to LB 90:

1. On page 6 of the standing committee amendments strike beginning with the second "the" in line 1 through "until" in line 2, and insert "a person shall be a child until he reaches".

2. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT to amend sections 23-1114, 80-301, 80-401.01, 80-411, and 80-803, Revised Statutes Supplement, 1974, relating to veterans; to eliminate the requirement that veterans' service officers' salaries be set by the county board; to allow certain individuals admission to the Nebraska Veterans' Home; to change certain eligibility dates; to change certain tuition assistance provisions; and to repeal the original sections.".

LEGISLATIVE BILL 94. Placed on Select File.

LEGISLATIVE BILL 119. Placed on Select File as amended.
E & R amendments to LB 119:

1. In lieu of the Burbach amendment, on page 2, line 27, insert an underscored period after "Speaker" and strike the rest of the sentence, showing old matter stricken.

2. On page 3, strike "that" in line 21 and strike line 22 and insert "to remove the requirement that the Speaker shall preside.".

3. In the title, strike line 7 and insert "remove the requirement that the Speaker preside; to".

(Signed) Donald N. Dworak

NOTICE OF COMMITTEE HEARING

Rules

Mr. DeCamp announced the Rules Committee will meet this afternoon at 12:30 p.m. in room 1019 to consider proposed rule changes.

Revenue Committee

LB 87	Wednesday, February 19, 1975	2:00 p.m.
LB 407	Wednesday, February 19, 1975	2:00 p.m.
LB 419	Wednesday, February 19, 1975	2:00 p.m.
LB 362	Wednesday, February 26, 1975	2:00 p.m.
LB 506	Wednesday, February 26, 1975	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

Nebraska Retirement Systems Committee

LB 37	Friday, February 14, 1975	12:30 p.m.
LB 38	Friday, February 14, 1975	12:30 p.m.
LB 64	Friday, February 14, 1975	12:30 p.m.
LB 51	Friday, February 21, 1975	12:30 p.m.
LB 297	Friday, February 21, 1975	12:30 p.m.
LB 533	Friday, February 21, 1975	12:30 p.m.
LB 30	Monday, February 24, 1975	12:30 p.m.
LB 31	Monday, February 24, 1975	12:30 p.m.
LB 33	Monday, February 24, 1975	12:30 p.m.
LB 235	Monday, March 3, 1975	12:30 p.m.
LB 416	Monday, March 3, 1975	12:30 p.m.

LB 29	Monday, March 10, 1975	12:30 p.m.
LB 32	Monday, March 10, 1975	12:30 p.m.
LB 46	Monday, March 10, 1975	12:30 p.m.
LB 175	Friday, March 14, 1975	12:30 p.m.
LB 189	Friday, March 14, 1975	12:30 p.m.
LB 76	Monday, March 17, 1975	12:30 p.m.
LB 358	Monday, March 17, 1975	12:30 p.m.
LB 181	Friday, March 21, 1975	12:30 p.m.
LB 89	Friday, March 21, 1975	12:30 p.m.
LB 532	Tuesday, March 4, 1975	7:30 p.m.
LB 532	Wednesday, March 5, 1975	7:30 p.m.
LB 532	Thursday, March 6, 1975	7:30 p.m.

(Signed) W. H. Hasebroock, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 42.

A BILL FOR AN ACT to amend sections 24-706 and 84-1329.01, Revised Statutes Supplement, 1974, relating to judges retirement; to change the age at which certain judges may receive an annuity; to include judges who are not state employees; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Kime	Koch
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Murphy	Nichol
Rumery	Savage	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	Cavanaugh	Chambers	Fowler	Keyes
F. Lewis	Marvel	Rasmussen	Schmit	

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

MOTION—Return LB 59 to Select File

Mr. Duis moved to return LB 59 to Select File for the following specific 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 motion prevailed with 38 ayes, 0 nays and 11 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 92. With Emergency.

A BILL FOR AN ACT to amend sections 71-179 and 71-1,104, Reissue Revised Statutes of Nebraska, 1943, and section 71-162, Revised Statutes Supplement, 1974, relating to health; to change qualifications for an individual to be licensed to practice chiropractic or medicine and surgery as prescribed; to define terms; to repeal the original sections, and also Chapter 71, article 4, 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, 42:

Barnett	Bereuter	Burbach	Burrows	Carsten
Clark	Cope	Duis	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Anderson	Cavanaugh	Chambers	DeCamp	Dickinson
Fowler	Keyes			

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 93.

A BILL FOR AN ACT to amend section 16-308, Revised Statutes Supplement, 1974, relating to cities of the first class; to preclude mayors from being administrators; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Kime
Koch	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 1:

F. Lewis

Not voting, 4:

Anderson	Chambers	Fowler	Keyes

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

LEGISLATIVE BILL 107. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1974, Legislative Bill 997, section 48; to change the matching provisions for the Nebraska Endowment for the Arts Mini-grant Program; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 1:

Cavanaugh

Not voting, 4:

Anderson	Fowler	Keyes	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 126.

A BILL FOR AN ACT to amend section 48-224, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to make it mandatory that withholding and payment be made pursuant to an authorization by public employees; 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. F. Lewis requested a roll call vote.

Voting in the affirmative, 23:

Bereuter	Burrows	Carsten	Cavanaugh	Chambers
Fitzgerald	Goodrich	Hasebroock	Koch	F. Lewis
Luedtke	Mahoney	Marsh	Moylan	Rumery
Savage	Schmit	Simpson	Stoney	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 21:

Burbach	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	George	Johnson	Kelly
Kennedy	Kremer	R. Lewis	Maresh	Marvel
Mills	Murphy	Nichol	Rasmussen	Skarda
Stull				

Not voting, 5:

Anderson	Barnett	Fowler	Keyes	Kime

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

RESOLUTIONS

LEGISLATIVE RESOLUTION 12.

Introduced by Koch, 12th District; Wiltse, 1st District; Carsten, 2nd District; Keyes, 3rd District; Stoney, 4th District; Mahoney, 5th District; Moylan, 6th District; Skarda, 7th District; Swigart, 8th District; Cavanaugh, 9th District; Savage, 10th District; Syas, 13th District; Fitzgerald, 14th District; Johnson, 15th District; George, 16th District; Murphy, 17th District; Hasebroock, 18th District; Burbach, 19th District; Goodrich, 20th District; Kennedy, 21st District; Dworak, 22nd District; Schmit, 23rd District; Bereuter, 24th District; Warner, 25th District; Barnett, 26th District; Fowler, 27th District; Luedtke, 28th District; Marsh, 29th District; Burrows, 30th District; Dickinson, 31st District; Maresh, 32nd District; Marvel, 33rd District; Kremer, 34th District; Kelly, 35th District; Cope, 36th District; Anderson, 37th District; R. Lewis, 38th District; Duis, 39th District; DeCamp, 40th District; Rasmussen, 41st District; Rumery, 42nd District; Kime, 43rd District; Mills, 44th District; F. Lewis, 45th District; Simpson, 46th District; Clark, 47th District; Nichol, 48th District; Stull, 49th District.

WHEREAS, Dr. H. Vaughn Phelps, Superintendent of the Westside Community Schools, District 66 in Omaha, has been elected President of the American Association of School Administrators; and

WHEREAS, Dr. Robert Den Hartog, Associate Superintendent for Business Affairs for the Lincoln Public Schools, has been elected President-Elect of the National Association of School Business Official; and

WHEREAS, Dr. Jack F. Dodds, Principal at Merle Beattie Elementary School in Lincoln is immediate Past President of the National Association of Elementary School Principals; and

WHEREAS, these gentlemen are indicative of the outstanding leadership provided by school administrators in the State of Nebraska, and have brought national recognition to our state for their efforts in behalf of Nebraska's youth.

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

1. That the Legislature hereby heartily congratulates them, and through them congratulates the educational administrative leadership of the State of Nebraska for outstanding accomplishments.

2. That a copy of this resolution be sent by the Clerk of the Legislature to Dr. Phelps, Dr. Den Hartog, and Dr. Dodds, Westside Community Schools Board of Education and the Lincoln Public Schools Board of Education.

BILL ON FIRST READING

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

LEGISLATIVE BILL 539. By Bereuter, 24th District, at the request of the Governor.

A BILL FOR AN ACT relating to elected constitutional officers; to limit the amount of money spent by a candidate for public office; to change requirements for the filing of statements of receipts and expenditures; to specify violations; to provide penalties; to amend sections 32-1140 and 49-1106, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

MOTIONS—Introduce Bills

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary. (Req. No. 710) The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary. (Req. No. 712) The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary. (Req. No. 715) The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary. (Req. No. 716) The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 540. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-822 and 43-1002, Reissue Revised Statutes of Nebraska, 1943, and section 28-477, Revised Statutes Supplement, 1974; to harmonize provisions; to correct an internal reference; to provide a procedure for accused persons in juvenile court to reclaim seized property; and to repeal the original sections.

LEGISLATIVE BILL 541. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 43-210, Revised Statutes Supplement, 1974, relating to juvenile court procedure; to provide procedures for revocation of probation; and to repeal the original section.

LEGISLATIVE BILL 542. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to juvenile court procedure; to define terms; and to provide a procedure for an informal adjustment of cases as prescribed.

LEGISLATIVE BILL 543. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to juvenile court procedure; to provide for the court to advise parties appearing of their rights; to provide procedure for acceptance and deferred acceptance of an admission of certain charges under juvenile court proceedings; and to provide for expunging the records of any court proceeding as prescribed.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 308. Placed on General File as amended.
Standing Committee amendment to LB 308:
1. On page 4, line 8 after "claims" insert "by first class mail"; and in line 16 strike "any year" and insert "the year following the year of mailing".

LEGISLATIVE BILL 309. Placed on General File as amended.
Standing Committee amendments to LB 309:
1. On page 4, line 27 after "to" insert "such" and strike "of the tax".
2. On page 5, line 1 strike "collected under the provisions of section 79-2626"; line 2 strike "ten" and insert "two"; line 3 after "refunds" insert "or registered claims"; and in line 6 strike "for the purpose of claiming the refund" and insert "in one claim".

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendments to LB 312:
1. On page 2, strike section 1.
2. On page 5, line 9 strike "sections 77-202.12 and" and insert "section"; and in line 10 strike "are" and insert "is".
3. Renumber original sections 2 and 3 as sections 1 and 2 respectively.

(Signed) Calvin F. Carsten, Chairman

SELECT FILE

LEGISLATIVE BILL 164. E & R amendment found in the Journal on page 367 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 2. Bracketed at request of Mr. Stull.

LEGISLATIVE BILL 22. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 183. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 201. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 208. E & R amendment found in the Journal on page 368 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 139 on Select File

Mr. Luedtke asked unanimous consent to unbracket LB 139 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 139. The Murphy amendment found in the Journal on page 371 for the Nineteenth Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

MOTION–Reconsider Action on LR 4

Mr. F. Lewis moved to reconsider action on LR 4. Laid over.

STANDING COMMITTEE REPORTS
Banking

LEGISLATIVE BILL 105. Indefinitely postponed.

(Signed) J.R. Murphy, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1, 44, 77, 97, 103, 117, 121, 145, 162, 163 and 168.

Correctly Enrolled

The following bill was correctly enrolled: 11.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 11.

MOTION–Place LB 105 on General File

Mr. Savage moved to place LB 105 on General File notwithstanding the action of the Committee on Banking, Commerce and Insurance.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 2 nays and 15 not voting.

The Savage motion prevailed with 25 ayes, 18 nays and 6 not voting.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 540	Tuesday, March 4, 1975	2:00 p.m.
LB 541	Tuesday, March 4, 1975	2:00 p.m.
LB 542	Tuesday, March 4, 1975	2:00 p.m.
LB 543	Tuesday, March 4, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Banking, Commerce and Insurance

LB 109	February 17, 1975	Cancel
LB 269	February 17, 1975	Cancel
LB 400	February 17, 1975	Cancel

(Signed) J. R. Murphy, Chairman

SELECT COMMITTEE REPORTS
Rules

Mr. President,
The Rules Committee has acted favorably on the rules submitted by Senator Burbach found on pages 374, 375, 376 and 377 of the Journal.
(Signed) John W. DeCamp, Chairman
Senator Chambers wishes to have it known that he passed on the voting.

SPECIAL COMMITTEE REPORT
Committee on Committees

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Ken Witt – Reappointment to State Board of Health

Senator Roland Luedtke of Lincoln, Nebraska appeared in support of Mr. Witt's appointment. No one appeared in opposition.

Committee Vote: For: (11) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Savage, Wiltse and Skarda. Against: None. Absent and not voting: (2) Senators Chambers and Marsh.

Richard C. Hanna – Reappointment to State Board of Health

No one appeared in support of Mr. Hanna's appointment and no one appeared in opposition.

Committee Vote: For: (11) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Savage, Wiltse and Skarda. Against: None. Absent and not voting: (2) Senators Chambers and Marsh.

George E. Howard – Appointment to Nebraska Investment Council

No one appeared in support of Mr. Howard's appointment and no one appeared in opposition.

Committee Vote: For: (11) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Savage, Wiltse and Skarda. Against: None. Absent and not voting: (2) Senators Chambers and Marsh.

Roy Gardner – Appointment as Director of Personnel

No one appeared in support of Mr. Garner's appointment and no one appeared in opposition.

Committee vote: For: (11) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Savage, Wiltse and Skarda. Against: None. Absent and not voting: (2) Senators Chambers and Marsh.

Harvey Carne
Accountant with State Auditor in accordance
with Revised Statutes Section 84-304

No one appeared in support of Mr. Carne's appointment and no one appeared in opposition.

Committee vote: For: (11) Senators Clark, DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Savage, Wiltse and Skarda. Against: None. Absent and not voting: (2) Senators Chambers and Marsh.

It was the decision of the committee to table the motion to confirm the appointment of Catherine Dahlquist to the Board of Parole for one week.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused at 11:30 a.m. until 2:00 p.m. today and Friday morning, February 7, 1975. No objections. So ordered.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Marvel asked unanimous consent to hold the Appropriations Committee hearing this afternoon in the West Chamber. No objections. So ordered.

MOTION—Adopt Rule Changes

Speaker Burbach moved the adoption of his rule changes found in the Journal on pages 374, 375, 376 and 377 for the Nineteenth Day.

The rule change to Rule 7, Section 1, page 374 was adopted with 38 ayes, 0 nays and 11 not voting.

Mr. Chambers moved to amend the Burbach rule change to Rule 7, Sec. 3, page 375 as follows:
Rule 7, Sec. 3 sub (b) strike "or Final Reading";
strike all of sub (f).

The Chambers amendment was adopted with 32 ayes, 1 nay and 16 not voting.

The Burbach rule change to Rule 7, Sec. 3, page 375, as amended, failed with 25 ayes, 12 nays and 12 not voting.

Speaker Burbach moved the adoption of his rule change to Rule 7, Sec. 7, page 376.
Speaker Burbach asked unanimous consent to withdraw the motion at this time. No objections. So ordered.
Mr. Maresh moved to reconsider action on the Burbach rule change to Rule 7, Sec. 3, page 375. The motion prevailed with 28 ayes, 10 nays and 11 not voting.

Speaker Burbach moved for a Call of the House. The motion prevailed with 27 ayes, 15 nays and 7 not voting.

The Call showed 47 members present.

Mr. Simpson moved the Call be raised. The motion prevailed with 27 ayes, 13 nays and 9 not voting.

The Burbach rule change to Rule 7, Sec. 3, page 375 failed with 28 ayes, 18 nays and 3 not voting.

UNANIMOUS CONSENT–Members Excused

Messrs. Anderson and Rumery asked unanimous consent to be excused at 11:40 a.m. No objections. So ordered.

UNANIMOUS CONSENT–Add Co-introducers

Messrs. Skarda and Dickinson asked unanimous consent to add their names to LB 434. No objections. So ordered.

APPROPRIATIONS REPORT ON LB 403

The Appropriations Committee has held two public hearings concerning the State Department of Education's request for a supplemental appropriation for LB 403 special education programs. At the present time, additional documentation is being prepared by the State Department of Education to determine the appropriate level of state funding for LB 403 during 1974-75.

In cooperation with the recently appointed Commissioner of Education, Anne Campbell, the Appropriations Committee is monitoring the development of the documentation necessary to make a decision on the supplemental appropriation request.

The State Department of Education is also revising LB 403 rules and regulations, financial reimbursement procedures, and identification of handicapped children, plans for special education programs, and special education budgets.

The Appropriations Committee is aware of the concern expressed that a decision be made for funding of LB 403 as soon as possible. As soon as the additional documentation is available from the State Department of Education, the Appropriations Committee will be able to make a LB 403 funding recommendation to the full Legislature.

The Committee's purpose is to insure that state funds are expended for appropriate special education programs according to law.

(Signed) Richard D. Marvel

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, February 7, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIRST DAY—FEBRUARY 7, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 7, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Guide Nebraska Representatives in their crucial work today, as they consider momentous issues, O Lord our God. Continue to inspire them both by an understanding of the power for good which is theirs to use, and the hope for the good life which so many feel is theirs to dispense.
>
> May they not become too dismayed by the barbs of their critics, nor too deluded by the praise of their admirers.
>
> May they realize that they are, even in the midst of personal frustration and partisan attack, among the most respected of Nebraska citizens.
>
> Bless in special measure the members of this Legsialture who are fulfilling roles of special responsibility; and those who are at this time experiencing special physical or spiritual need. So guide Nebraska Representatives, O God, and may their work become a blessing to many. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused and Mr. Cavanaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

MESSAGE FROM THE GOVERNOR

February 5, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 5, 36, 39, 41, 49, 52, 54, 55, and 56.

These bills were signed by me on February 5, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 63. Placed on General File as amended.
Standing Committee amendment to LB 63:
1. On page 2, line 14 strike "one hundred"; line 24 after "contracts" insert "in excess of fifty thousand dollars"; and line 26 after "apparatus" insert ", when the contract does not include on-site labor for the installation thereof,"

LEGISLATIVE BILL 131. Placed on General File.

LEGISLATIVE BILL 80. Indefinitely Postponed.

(Signed) Maurice A. Kremer, Chairman

Government, Military & Veterans Affairs

LEGISLATIVE BILL 125. Placed on General File as amended.
Standing Committee amendments to LB 125:
1. On page 3, line 12 after "Sec. 2." insert "(1)"; and after line 25 insert:
"(2) The county board shall set a date of sale, which shall be within two months of the date of public hearing pursuant

to subsection (1) of this section, and proceed to offer such real estate for lease or sale to the highest bidder.

(3) The county board, prior to the lease or sale, shall cause to be printed and published at least ten days in a legal newspaper in the county, an advertisement for bids on the property to be leased or sold. The advertisement shall state the legal description and address of the real estate and that the real estate shall be leased or sold to the highest bidder.

(4) If the county board receives no bids or if the bids received are substantially lower than the fair market value or the assessed value, the county board may negotiate a contract for lease or sale of the real estate if such negotiated contract is in the best interests of the county.".

LEGISLATIVE BILL 138. Indefinitely Postponed.

(Signed) Dennis L. Rasmussen, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 82. Replaced on Select File as amended.
E & R amendments to LB 82:

1. In the Burrows amendment, line 3, strike "Any" and insert "Except for the first two years of employment under any contract entered into after the effective date of this act, any".

2. In E & R amendment 2, line 4, strike "before" and insert "after".

3. Strike E & R amendment 3.

4. On page 2, strike beginning with "an" in line 8 through "or" in line 9, showing the same as stricken; in line 17, insert ", superintendent," after "administrator", in line 23, strike "or" and insert ", ~~or~~", and insert ", or superintendent" after "administrator".

5. On page 3, lines 2 and 5, strike "or" and insert ", ~~or~~", and insert ", or superintendent" after "administrator" in both places.

LEGISLATIVE BILL 130. Replaced on Select File as amended.
E & R amendments to LB 130:
(There are discrepancies between versions of the bill. The following amendments are offered to harmonize the versions.)

1. Stike E & R 1 adopted 2/5/75.

2. On page 2, lines 5 and 6, strike "an application for leave" and insert "a notice of intent";

in lines 9 and 13 strike "Such application" and insert "The notice"; in line 15 strike "upon presentation,"; insert a comma after "whether" in line 17 and "opinion" in line 18; in lines 21 and 22 strike "present such application to" and insert "file the notice in"; and strike beginning with "if" in line 23 through "court" on page 3, line 1 and insert "within one month from the date of filing the notice shall file a bill of exceptions covering the part of the record referred to in the notice".

3. On page 3, strike line 3 and insert "Sec. 2. When a notice is filed, the".

4. In the committee amendment, line 1, strike "2 and 3" and insert "5 and 6".

LEGISLATIVE BILL 186. Placed on Select File.

Correctly Enrolled

The following bills were correctly enrolled: 42, 92, 93 and 107.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 42, 92, 93 and 107.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 6, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Clarence, Richard E. – Lincoln, Nebraska State Utilities Workers Conference.
Davies, Thomas M. – Lincoln, Bancnorthwest
Dempsey, Timothy L. – Omaha, Douglas County Sheriff Employees Association
Epke, Walter H. – York, Nebraska Wholesale Supplier Association
Frandsen, Gary G. – South Bend, Indiana, Associates Management Corporation
Johnson, Oscar G. – Omaha, Nebraska State Council of Electrical Workers

Lohr, Allen R. – Omaha, Citizen Lobbyist
Moylan, James, H. – Omaha, Committee on Manufactured Housing

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
534	Misc. Subjects	539	Gov. Mil. & Vets Afrs
535	Agric. & Env.	540	Judiciary
536	Agric. & Env.	541	Judiciary
537	General File	542	Judiciary
538	Judiciary	543	Judiciary

(Signed) Eugene T. Mahoney, Chairman

PRESENTED TO GOVERNOR

Presented to the Governor on February 7, 1975, at 8:30 a.m., was the following bill: LB 11.

(Signed) Barbara Jackson, Enrolling Clerk

REPORT OF EMPLOYEES

During the month of January, 1975, there were 150 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total amount paid to these employees was $54,560.96. The figure includes the States's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting office of the Legislative Council.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 47.

A BILL FOR AN ACT to amend sections 23-2315, 23-2319, and 23-2321, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Revised Statutes Supplement, 1974, relating to the County Employees Retirement Act; to provide definitions; to revise retirement benefits; to provide procedures for receiving benefits; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh	Kelly	F. Lewis	Marvel

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

LEGISLATIVE BILL 79.

A BILL FOR AN ACT to amend sections 37-202 and 37-214.04, Reissue Revised Statutes of Nebraska, 1943, relating to hunting and fishing permits; to provide permanent permits for persons seventy years of age or older; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Anderson Cavanaugh Marvel

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

MOTIONS—Introduce Bills

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 740) The motion prevailed with 39 ayes, 0 nays and 10 not voting.

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare. (Req. No. 707) The motion prevailed with 37 ayes, 0 nays and 12 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 544. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Rumery, 42nd District; Maresh, 32nd District; Kennedy, 21st District; Kime, 43rd District; Burrows, 30th District; Dickinson, 31st District.

A BILL FOR AN ACT to amend section 54-1804, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide for payment on sales of livestock as prescribed; to provide for bonding of purchasers of livestock; to provide conditions of bonding; to provide for filing claims on a bond; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 545. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Fowler, 27th District; Moylan, 6th District; Kelly, 35th District R. Lewis, 38th District; Maresh, 32nd District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 43-907, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Center for Children and Youth; to increase the amount of assets which state wards may own; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT—Members excused

Messrs. DeCamp and Schmit asked unanimous consent to be excused for a short time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 190. E & R amendment found in the Journal on page 393 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 90. E & R amendments found in the Journal on page 393 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 94. Mr. Fowler asked unanimous consent to bracket LB 94 and LB 119 on Select File.

Mr. Syas objected.

Mr. Kelly moved to bracket LB 94 on Select File for other constitutional amendments to catch up.

Mr. Chambers moved to amend the Kelly motion to include bracketing all bills of similar subject matter on Select File.

The Chambers amendment lost with 13 ayes, 24 nays and 12 not voting.

The Kelly motion lost with 11 ayes, 31 nays and 7 not voting.

LB 94 was advanced to E & R for Engrossment.

LEGISLATIVE BILL 119. E & R amendments found in the Journal on page 393 for the Twentieth Day were adopted.
Mr. Koch offered the following amendment:

1. On page 2, line 4, strike "section 10" and insert "sections 10 and 14".
2. On page 3, after line 12, insert:
"Sec. 14. 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. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same

shall be clearly expressed in the title. 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 ~~Lieutenant Governor, or the~~ Speaker ~~if acting as presiding officer,~~ or other presiding officer provided for by the Legislature 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.".

3. On page 3, line 22, insert "; and to provide for the signing of bills" before the period.

The amendment was adopted with 29 ayes, 1 nay and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 59. The Duis specific amendment found in the Journal on page 396 for the Twentieth day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-Engrossment.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 108. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

MOTION—Reconsider Action on LB 126

Mr. Barnett moved to reconsider action on LB 126. Laid over.

ATTORNEY GENERAL OPINION

Opinion No. 10
February 3, 1975

Re: L. B. 66

Dear Senator Richard Lewis:

This is in reply to your inquiry concerning the above bill which would give the Board of Barber Examiners complete authority to set the fees for licenses issued by them.

Although, if passed in its present form, the provisions of Section 7 of L. B. 66 would make the intention of the Legislature perfectly clear, it has

been repeatedly held by our Supreme Court that the power to legislate granted to an administrative agency must be administered in accordance with adequate standards and guide the exercise of discretion granted.

In light of the indefiniteness of the terms "necessary expenses and salaries" and "unnecessary surpluses" we cannot say, with any degree of certainty, that the provisions of L. B. 66 are not an unlawful delegation of legislative powers.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:jc
cc: Vincent Brown
Clerk of the Legislature.

GENERAL FILE

LEGISLATIVE BILL 17. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Standing Committee amendments found in the Journal on page 341 for the Seventeenth Day were adopted with 36 ayes, 0 nays and 13 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 12. Title read. Considered.

Standing Committee amendment found in the Journal on page 354 for the Seventeenth Day was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Rumery 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 32 ayes, 3 nays and 14 not voting.

VISITORS

President Whelan introduced students from Huntington School, Lincoln.

GENERAL FILE

LEGISLATIVE BILL 81. Title read. Considered.

Mr. Stull offered the following amendment to the Standing Committee amendment found in the Journal on page 357 for the Eighteenth Day.
Stike from the committee amendment line 1 and "twenty five" on line 2.

The Stull amendment was adopted with 14 ayes, 12 nays and 23 not voting.

Standing Committee amendment, as amended, was adopted with 27 ayes, 7 nays and 15 not voting.

Mr. Warner offered the following amendment:
Amend LB 81
3. Subsection 6, page 4, should be amended to read: "Collectors who on the effective date of this act have vehicles licensed as antiques or historical or special interest vehicles shall have a period of one year from such date to comply with the registration and affidavit requirements as set out in Section 7 of this act, if eligible. No additional fee shall be charged for such re-registration. If an owner of any vehicle presently registered as an antique, historic or special interest vehicle cannot, in good faith, meet the requirements of Subsection 7 of this act, then he shall re-register such automobile as a regular passenger automobile, within one year after the effective date of this act, at the fees regularly assessed therefor."

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

VISITORS

President Whelan introduced students from National Education Association from Kentucky.

GENERAL FILE

LEGISLATIVE BILL 85. Title read. Considered.

Mr. Mills offered the following amendment:
Strike the last line of the committee amendment found in the Journal on page 357 for the Eighteenth Day.

The Mills amendment was adopted with 17 ayes, 7 nays and 25 not voting.

The Standing Committee amendment was adopted, as amended, with 25 ayes, 1 nay and 23 not voting.

Mr. Johnson offered the following amendment:
Add the emergency clause.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 233. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 140. Placed on General File.
LEGISLATIVE BILL 194. Placed on General File.

LEGISLATIVE BILL 196. Placed on General File as amended.
Standing Committee amendments to LB 196:

1. On page 2 insert a new section as follows:

"Section 1. That section 52-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-102. Any person or subcontractor who shall perform any labor for, or furnish any material, machinery, or fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable, for any of the purposes mentioned in section 52-101, to the contractor, or any subcontractor who shall desire to secure a lien upon any of the structures mentioned in said section, may file a sworn statement of the amount due him from such contractor for such labor, material, machinery, equipment rental, or fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable, together with a description of the land upon which the same was done or used, within ~~three~~ four months from the performing of such labor or furnishing such material, machinery, equipment, or fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable, with the register of deeds of the county wherein said land is situated. If the contractor does not pay such person or subcontractor for the same, such subcontractor or person shall have a lien from the amount due for such labor, material, machinery, equipment rental, and fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable, on such lot or lots and the improvements thereon from the same time and in the same manner as such original contractor; and the risk

of all payments made to the original contractor shall be upon the owner until the expiration of the ~~three~~ four months hereinbefore specified. No owner shall be liable to any action by the contractor until the expiration of said ~~three~~ four months, and such owner may pay such subcontractor or person the amount due him from such contractor for such labor, material, machinery, equipment rental, and fixtures, including gas and electric apparatus and lighting fixtures, whether detachable or undetachable; and the amount so paid shall be held and deemed a payment of such amount to the original contractor. In cases when a dispute arises between the contractor and his journeymen, or other persons, for work done or material furnished, the owner may retain the amount claimed by said subcontractor, journeymen, or laborer until the dispute has been settled by arbitration or otherwise. Such sworn statement or claim of lien shall be recorded by such register of deeds in the same manner and remain in force for the same length of time as other liens provided for in section 52-101.".

2. On page 4, line 5 strike "section" and insert "sections 52-102 and"; and in line 6 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

(Signed) Roland A. Luedtke, Chairman

Public Health and Welfare

LEGISLATIVE BILL 165. Placed on General File as amended.
Standing Committee amendment to LB 165:

1. On page 2, line 18 after "facility" insert "licensed as such".

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Dworak asked unanimous consent to be excused at 10:45 a.m. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 538 Wednesday, March 5, 1975 2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Education

LB 128	February 17, 1975 (Cancel)	1:30 p.m.
LB 128	Monday, February 24, 1975 (Reset)	1:30 p.m.
LB 344	February 17, 1975 (Cancel)	1:30 p.m.
LB 344	Monday, February 24, 1975 (Reset)	1:30 p.m.

(Signed) Frank Lewis, Chairman

SELECT COMMITTEE REPORT
Rules

Mr. President,

The Rules Committee has acted favorably on the attached amendment to the rule that was offered yesterday by Senator Burbach which is found on page 375 of the Journal. This also includes revision of Rule 3, Section 12 (Page 16 of the Rules Book) to harmonize the provisions of the suggested change. This revision is also attached.

Senator Chambers wishes to go on record as opposing this proposal.

Dated: February 7, 1975

(Signed) John W. DeCamp, Chairman

Burbach Motion: Rule 7, Sec. 3.

RULE 7
Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk in writing 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.
(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.

RULE 3
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 majority 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 ~~making the same~~ the motion is available for consideration or it shall be deemed defeated.

Mr. Murphy offered the following amendment to the Burbach rule change to Rule 7, Sec. 3:
Amend Rule 7, Sec. 3 by striking "in writing" in line 2 and 3.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

The rule change to Rule 7, Sec. 3 was adopted, as amended, with 30 ayes, 8 nays and 11 not voting.

The rule change to Rule 3, Sec. 12 was adopted with 36 ayes, 0 nays and 13 not voting.

Speaker Burbach asked unanimous consent to withdraw his rule change to Rule 7, Sec. 7 found in the Journal on page 376. No objections. So ordered.

Mr. DeCamp offered the following amendment to the Burbach rule change to Rule 7, Sec. 9 found in the Journal on page 377:
Add the words "or her" after "his". The amendment was adopted with 30 ayes, 1 nay and 18 not voting.

Mr. Kennedy asked unanimous consent to be excused at 12:05 p.m. No objections. So ordered.

The Burbach rule change to Rule 7, Sec. 9 failed with 22 ayes, 16 nays and 11 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Koch asked unanimous consent to be excused until 10:30 a.m. on Monday, February 10, 1975. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 83. Placed on General File as amended.
Standing Committee amendments to LB 83:

1. On page 2, line 12 strike "not more than one" and insert "the owner lives and in which any"; line 18 after "way" insert "to accommodate the special needs of any lessee" and strike "Such person shall not be"; and strike lines 19 to 21.

2. On page 3, line 1 after the period insert "Any person who rents, leases, or provides housing accommodations for compensation may demand or receive a reasonable dog guide deposit, not to exceed one-fourth of one month's periodic rent, from any totally or partially blind person who has or obtains a dog guide.

Sec. 5. That section 20-129, Revised Statutes Supplement, 1974, be amended to read as follows:

20-129. Any person, firm or corporation, or the agent of any person, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 20-127 or otherwise interferes with the rights of a totally or partially blind or otherwise physically disabled person under section 20-127 or sections1 to 4 of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

Sec. 6. That original section 20-129, Revised Statutes Supplement, 1974, is repealed.".

LEGISLATIVE BILL 192. Placed on General File.
LEGISLATIVE BILL 75. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

MOTION—LB 275 & LB 417 Hearings

Mr. Luedtke moved that pursuant to Rule 3, Sec. 4 the Judiciary Committee be permitted to hold a hearing on the 25th day of February, 1975 at 7:30 p.m. at the Studio of the Educational Television Network in Lincoln, Nebraska on LB 275 and LB 417.

Laid over.

VISITORS

President Whelan introduced Mr. William Harbor from Henderson, Iowa, former Speaker of the House of Iowa.

ADJOURNMENT

At 12:13 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, February 10, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SECOND DAY—FEBRUARY 10, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 10, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan 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 amoung us stands in need of special help this week. 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 week, and give us all a good conscience at the week's end. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Moylan who was excused and Mr. Koch who was excused until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-first Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Moylan asked unanimous consent to be excused Monday, Tuesday and Wednesday, February 10, 11 and 12, 1975. No objections. So ordered.

Mr. Carsten asked unanimous consent to be excused Tuesday, February 11, 1975. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 11
February 7, 1975

Dear Senator Sys:

This is in response to your inquiry of January 21, 1975, concerning L. B. 100. You first ask whether the proposed amendments meet constitutional requirements relating to the separation of the legislative and executive powers. We are unable to perceive how such amendments would violate the separation of powers doctrine.

You also ask whether in our opinion the language of L. B. 100 meets the requirements of the federal laws to which Section 37-423, R.R.S. 1943, and Section 37-423.01 refer. Section 37-423 refers to the Act of February 18, 1929, Ch. 257, 45 Stat. 1222, known as the Migratory Bird Conservation Act.

Generally, the act of incorporating by reference a federal act will not also serve to incorporate subsequent amendments of that federal act. You will note that the "Act of Congress" referred to in Section 37-423 has been amended several times since 1929, the effective date of both the federal act and Section 37-423. (See, generally, 16 U.S.C.A., Section 715 through Section 715s.) In view of the amendments to the federal act in question, the Legislature may wish to consider the desirability and necessity of "updating" the internal references in the statutes which are affected by L. B. 100.

L. B. 100 would also amend Section 37-423.01, which likewise refers to a federal act. That act, as amended, is now found in 16 U.S.C.A., Sections 777 through 777k. Again, the specific act to which Section 37-423.01 refers has been amended since it was incorporated in Section 37-423.01 in 1951, and therefore the Legislature may wish to consider the amendments to decide whether "updating" is necessary or desirable.

Section 1 of the act to which Section 37-423.01 refers (codified in 16 U.S.C.A., Section 777), provides in part:

> ". . . No money apportioned under this chapter to any State, except as hereinafter provided, shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of fish, shall have assented to the provisions of this chapter. . . ." (Emphasis added.)

Section 37-423.01, if amended by L. B. 100, would provide that the Legislature and the Governor "may assent to any of the provisions . . ." (emphasis added). If such assent was given to only some of the provisions

of the act, there may be a question whether the federal government would consider this an assent "to the provisions of this chapter" as required in 16 U.S.C.A., Section 777. Thus, the purpose of the federal act could be frustrated.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Steven C. Smith
Special Assistant Attorney General

SCS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING
Rules

The Rules Committee will hold a public hearing February 11, 1975 at 8:00 a.m. in Room 1019.

(Signed) John W. DeCamp, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 354. Placed on General File as amended.
Standing Committee amendment to LB 354:
1. On page 9, line 10 after "felony" insert "or entered a plea of guilty or nolo contendere to a felony charge".

LEGISLATIVE BILL 355. Placed on General File as amended.
Standing Committee amendment to LB 355:
1. On page 3, line 14 strike "and" and show as stricken; line 18 strike ";" and insert "~~;~~ in".

(Signed) J.R. Murphy, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 10, 1975, at 9:10 a.m., were the following bills: LB 42, LB 92, LB 93, and LB 107.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 139. Replaced on Select File as amended.
E & R amendment to LB 139:
1. On page 5, line 13, insert an underscored comma immediately after "department".

Correctly Engrossed

The following bills were correctly engrossed: 22, 164, 183, 201 and 208.

Correctly Enrolled

The following bills were correctly enrolled: 47 and 79.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 47 and 79.

ANNOUNCEMENT

Mr. Fowler announced an executive session of the Urban Affairs Committee at 2:00 p.m., Wednesday, February 12, 1975 in the East Senate Lounge, Room 2230.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT to amend sections 21-2063, 21-20,125, 33-101, 87-114, 87-115, 87-210, and 87-211, Reissue Revised Statutes of Nebraska, 1943, and sections 21-2012, 21-2064, and 21-20,113, Revised Statutes Supplement, 1974, relating to the Secretary of State; to change procedures for making certain corporation filings; to increase fees; 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, 26:

Anderson	Barnett	Burbach	Burrows	Carsten
Cope	DeCamp	Fowler	Goodrich	Hasebroock
Kelly	Keyes	Kremer	Luedtke	Marsh
Mills	Nichol	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Swigart	Syas
Wiltse				

Voting in the negative,18:

Bereuter	Cavanaugh	Chambers	Clark	Dickinson
Duis	Dworak	Fitzgerald	Kennedy	Kime
F. Lewis	R. Lewis	Maresh	Marvel	Murphy
Rasmussen	Stull	Warner		

Not voting, 5:

George	Johnson	Koch	Mahoney	Moylan

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

LEGISLATIVE BILL 8.

A BILL FOR AN ACT to amend section 81-1014, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to harmonize provisions pertaining to mileage allowance; 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:

Anderson	Barnett	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Fitzgerald	Fowler	George	Hasebroock
Johnson	Kennedy	Keyes	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Marsh	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 8:

Bereuter	Cavanaugh	Dworak	Goodrich	Kelly
Maresh	Marvel	Mills		

Not voting, 3:

Kime	Koch	Moylan

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

SELECT FILE

LEGISLATIVE BILL 82. E & R amendments found in the Journal on page 410 for the Twenty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 130. E & R amendments found in the Journal on page 410 for the Twenty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 186. Advanced to E & R for Engrossment.

MOTION—Reconsider Action on LB 8

Mr. Chambers moved to reconsider action on passage of LB 8.

Mr. Cavanaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 3 nays and 10 not voting.

The Chambers motion to reconsider prevailed with 35 ayes, 2 nays and 12 not voting.

Mr. Anderson asked unanimous consent to bracket LB 8 on Final Reading.

Mr. Stull objected.

Mr. Anderson moved to bracket LB 8 on Final Reading until action is taken on LB 27. The motion prevailed with 29 ayes, 10 nays and 10 not voting.

MOTION—Place LB 75 on General File

Mrs. Marsh moved to place LB 75 on General File notwithstanding the committee action.

Laid over.

MOTION–Approve Governor Appointments

Mr. Savage moved the confirmation of the Governor appointments of Messrs. Ken Witt, Richard C. Hanna, George E. Howard, Roy Gardner and Harvey Carne found in the Journal on page 404 and 405 for the Twentieth Day.

Mr. Chambers requested a separate vote on the appointment of Mr. Roy Gardner. No objections. So ordered.

Voting in the affirmative, 37:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Murphy	Nichol	Rumery	Savage
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Clark	Dickinson	Duis	Dworak	Kime
R. Lewis	Marvel	Mills	Moylan	Rasmussen
Schmit	Simpson			

The Chair declared the appointments of Messrs. Witt, Hanna, Howard and Carne confirmed.

Mr. Marvel asked unanimous consent that the appointment of Roy Gardner be laid over until Wednesday, February 12, 1975.

Mr. Savage objected.

Mr. Savage moved the appointment of Mr. Gardner be confirmed.

Voting in the affirmative, 31:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dworak	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kremer	Luedtke	Mahoney	Maresh
Marsh	Mills	Nichol	Rumery	Savage
Schmit	Skarda	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 3:

Chambers	Fitzgerald	Simpson

Not voting, 15:

Dickinson	Duis	Fowler	George	Keyes
Kime	Koch	F. Lewis	R. Lewis	Marvel
Moylan	Murphy	Rasmussen	Stoney	Warner

The chair declared the appointment of Mr. Gardner confirmed.

UNANIMOUS CONSENT—Print in Journal

Mr. Stoney asked unanimous consent to print the following amendment to LB 171 in the Journal. No objections. So ordered.

Strike Section 4, page 4 and insert the following:

(4) If, after advertising for bids as provided in subsections (2) and (3) of this section, the city council receives no bids on a contract for services, material, or labor, or if the bids received by the city council contain a price which exceeds the estimated cost of the project, the mayor and the city council shall have the authority to negotiate a contract for services, material, or labor in an attempt to complete the proposed project at a cost commensurate with the estimate given.

(5) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the city council or board of public works, no cost can be estimated until the materials have been manufactured and/or assembled to the specific qualifications of the purchasing municipality, the city council or board of public works may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

Strike section 3, page 6 and insert the following:

(3) If after advertising for bids as provided in subsections (1) and (2) of this section, the council or board of trustees receives no bids on a contract for any work or improvement, or if the bids received by the council or board of trustees contain a price which exceeds the estimated cost of the project, the mayor and the council or board of trustees shall have the authority to negotiate a contract in an attempt to complete the proposed project at a cost commensurate with the estimate given.

(4) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the city council, board of trustees or board of public works, no cost can be estimated until the materials have been manufactured and/or assembled to the specific qualifications of the purchasing municipality, the city council,

board of trustees or board of public works may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 27. Placed on General File.

(Signed) Gary L. Anderson, Chairman

Education

LEGISLATIVE BILL 122. Placed on General File as amended.
Standing Committee amendment to LB 122:

1. On page 3, line 11 after the period insert:
"If the policy of the board shall be to require a baccalaureate degree prior to the issuance of any certificate or permit valid for teaching, any individual holding a certificate or permit to teach shall have four years from September 1 of the next school year following such policy determination to comply with such requirement. Any person who has a valid teaching certificate or permit may for reasons of hardship appeal to the board for an exception to the requirement of having a baccalaureate degree. The board shall prescribe and adopt rules and regulations to be used in determining hardship cases."

(Signed) Frank Lewis, Chairman

Public Health and Welfare

LEGISLATIVE BILL 148. Placed on General File as amended.
Standing Committee amendment to LB 148:

1. On page 3, line 2 after "district" insert
", except those handicapped children receiving special education services for the educable mentally handicapped or speech therapy services, and who receive no other special education services at the normal school of attendance facility for each such handicapped child".

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. R. Lewis asked unanimous consent to be excused Tuesday, February 11, 1975. No objections. So ordered.

MOTION—Records of 48th District

Mr. Cavanaugh renewed his pending motion found in the Journal on page 364 for the Eighteenth Day.

Mr. Warner offered the following amendment as a substitute to the Cavanaugh motion.

I move the Legislature direct the Director of Legislative Research to compile a complete record of the proceedings of the Contest of Election for the member of the Legislature from the 48th.District. Said record shall include: the official transcripts of all hearings held by the Select Committee on Credentials to investigate the Contest of Election for the member of the Legislature from the 48th. District; the official transcripts of all proceedings of the Legislature relative to said contest; all books, documents (except ballots) papers, materials, testimony and depositions requested or received by the Committee or the Legislature in the course of their proceedings. Each item shall be numbered and indexed as Exhibits. All motions proposed or adopted by the Committee or the Legislature in the course of their proceedings and the action taken on each such motion shall be set out and numbered separately. When compiled as set forth above it shall be filed with the records of the Legislature in the office of the Clerk of the Legislature.

The Warner substitute amendment prevailed with 27 ayes, 9 nays and 13 not voting.

The Warner motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION—Contest of 48th District

Mr. DeCamp moved the adoption of the following motion which had previously been ruled out of order by the Chair to the Warner motion.

Mr. President:

I move that any records or transcripts of the Contest of Election for the member of the Legislature for the 48th District shall include the following:

1. A copy of the certified bond for appeal and contest of election filed by Senator Terry Carpenter and approved by the Clerk of the District Court of Scotts Bluff County, said bond in the amount of $1,000,000 and specifically covering all obligees.

2. A copy of the entire legislative history on LB 420 from the year 1961 of the Nebraska Unicameral records.

The motion lost with 9 ayes, 22 nays and 18 not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 289. Placed on General File as amended.
Standing Committee amendments to LB 289:

1. On page 2, line 10, after "confined" insert "periodically"; and in line 12 strike "thirty" and insert "ninety".

2. On page 3, line 13 strike "or" and show as stricken and insert:

"(n) To pay for blood, urine, or breath alcohol tests, psychological evaluations, and rehabilitative services required in the identification, evaluation, and treatment of offenders if such offender has the financial ability to pay for such services; or"; renumber original subdivision "(n)" as subdivision "(o)"; after line 15 insert a new section 2 as follows:

"Sec. 2. That section 29-2263, Revised Statutes Supplement, 1974, be amended to read as follows:

29-2263. (1) When a court has sentenced an offender to probation, the court shall specify the term of such probation which shall not be more than five years upon conviction of a felony or second offense misdemeanor ~~or~~ and two years upon the conviction of a first offense misdemeanor. The court, on application of a probation officer or of the offender or on its own motion, may discharge an offender at any time.

(2) During the term of probation, the court on application of a probation officer or of the offender, or its own motion, may modify or eliminate any of the conditions imposed on the offender or add further conditions authorized by section 29-2262.

(3) Upon completion of the term of probation, or the earlier discharge of the offender, the offender shall be relieved of any obligations imposed by the order of the court and shall have satisfied his sentence for his crime.

(4) Whenever a probationer disappears or leaves the jurisdiction of the court without permission, the time during which he keeps his whereabouts hidden or remains away from the jurisdiction of the court shall be added to the original term of probation."; in line 16 strike "section" and insert "sections" and after "29-2262" insert "and 29-2263"; and in line 17 strike "is" and insert "are".

LEGISLATIVE BILL 291. Placed on General File.

LEGISLATIVE BILL 292. Placed on General File as amended.
Standing Committee amendment to LB 292:

1. On page 3, line 2 strike "forty-eight hours" and insert "a reasonable period of time".

LEGISLATIVE BILL 294. Placed on General File as amended.
Standing Committee amendments to LB 294:

1. On page 2, line 3 after "43-206.02." insert "(1)"; and in line 24 before "Pending" insert "(2)".

2. On page 3 strike beginning with line 11 through the period in line 19 and show the old matter as stricken and insert:

"(3) To aid the court in determining (a) a material allegation in the petition relating to the child's physical or mental condition, (b) the child's competence to participate in the proceedings, (c) the child's legal responsibility for his acts, or (d) to provide emergency medical treatment, the court, pending adjudication, may order such child examined by a physician, surgeon, psychiatrist, duly authorized community mental health service program, or psychologist." in line 19 before "The" insert "(4)" and start a new paragraph; and in line 22 after "," insert "for the purposes of subdivision (3) (a), (b), (c), or (d) of this section".

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARING
Appropriations

LB 336	Wednesday, March 5, 1975	2:00 p.m.
LB 387	Tuesday, February 18, 1975	2:00 p.m.
LB 466	Tuesday, February 18, 1975	2:00 p.m.
LB 529	Tuesday, February 18, 1975	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

REPORT ON REVENUES AND EXPENDITURES

Mr. Marvel announced he has distributed a report of Revenues and Expenditures to the members and explained the report to the Legislature.

UNANIMOUS CONSENT—Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

48-224. Any employee of the State of Nebraska, any municipal corporation or any public body or agency created by the laws of this state, who desires to participate voluntarily in any employee organization, credit union, or, for employees of the State of Nebraska, any community charity or public welfare plan that has been approved by the Governor and the Director of Administrative Services, and, for employees of other governmental subdivisions, has been approved by the duly elected governing body of such municipal corporation or other public body or agency, may execute an order authorizing

the governing board, or if no governing board and an employee of the State of Nebraska, the Department of Administrative Services, to withhold from any wages or salary paid to such employee of a sum each month or pay period as designated in the authorization and the same ~~to~~ shall be paid to the ~~designated~~ recipient designated in the authorization within five days after each pay period. ~~thereof, and withholding and payment shall be made pursuant to any such authorization.~~

(Signed) Wally Barnett

MOTION–Hearings on LB 275 and LB 417

Mr. Luedtke renewed his pending motion found in the Journal on page 424 for the Twenty-first Day to hold the public hearings on LB 275 and LB 417 on February 25, 1975 at 7:30 p.m. at the studio of the Educational Television Commission.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 7 nays and 10 not voting.

The Luedtke motion prevailed with 33 ayes, 4 nays and 12 not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 60. Placed on General File as amended.
Standing Committee amendment to LB 60:

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

"Section 1. Any city or village owning or operating electric generation or transmission facilities may enter into contracts for the purchase of electric energy, power and energy, or capacity, or any combination thereof, upon such terms and conditions and for such periods as the governing body of such city or village may by ordinance authorize. Such terms and conditions may obligate the city or village to make payment under the contracts during such time or times as the facility, if any, to which the contract pertains may be incapable of being operated or may not be in operation for any reason. Any contract authorized by this section may be entered into by the city or village with nonprofit corporations of this or any other state among whose purposes is the financing of electric properties, projects or undertakings for such city or village, other municipalities of this or any other state, public power districts and public power and irrigation districts of this or any other state, other governmental entities or agencies of this or any other state or the federal government, electric cooperatives or electric membership cooperatives of this

or any other state, or investor owned electric utilities organized under the laws of any other state. The obligation and liability of such city or village under the contract shall be limited to the electric revenues of such city or village, unless prior to the execution of the contract by the city or village the contract shall have been approved by a majority of the qualified voters of the city or village voting upon the question.

Sec. 2. The provisions of this act shall be liberally construed to effectuate the purposes thereof. The provisions of this act shall be independent of and supplemental and in addition to any other provisions of law or charter. The provisions hereof shall not be considered amendatory of or limited by any other provision of law or charter.".

LEGISLATIVE BILL 62. Placed on General File as amended.
Standing Committee amendments to LB 62:

1. Strike original section 1 and insert the following:

"Section 1. That section 70-628.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-628.01. (1) Such district shall have and may exercise any one or more of the powers, rights, privileges, and franchises mentioned in sections 70-625 to 70-628, either alone or jointly with one or more other such district. In any joint exercise of powers, rights, privileges and franchises with respect to the construction, operation and maintenance of electric generation or transmission facilities, each district shall own an undivided interest in such facility and be entitled to the share of the output or capacity therefrom attributable to its undivided interest. Each district may enter into an agreement or agreements with respect to any electric generation or transmission facility with the other district or districts participating therein, and any such agreement shall contain such terms, conditions and provisions consistent with the provisions of this section as the board of directors of the district shall deem to be in the interests of the district.

(2) The agreement may include, but not be limited to, (a) provisions for the construction, operation, and maintenance of an electric generation or transmission facility by any one of the participating districts, which shall be designated in or pursuant to such agreement as agent, on behalf of itself and the other participating districts or by such other means as may be determined by the participating districts, and (b) provisions for a uniform method of determining and allocating among participating districts the costs of construction, operation, maintenance, renewals, replacements, and improvements with respect to such facility. In carrying out its functions and activities as the agent with respect to construction, operation and maintenance of a facility, such

agent shall be governed by the laws and regulations applicable to such agent as a separate legal entity and not by any laws or regulations which may be applicable to any of the other participating districts.

(3) Notwithstanding the provisions of any other law to the contrary, pursuant to the terms of the agreement, any participating district or districts may delegate its powers and duties with respect to the construction, operation, and maintenance of a facility to the participating district acting as agent, and all actions taken by such agent in accordance with the provisions of the agreement shall be binding upon each of such participating districts without further action or approval by their respective boards of directors. The district acting as the agent shall be required to exercise all such powers and perform its duties and functions under the agreement in a manner consistent with prudent utility practice. As used in this section, prudent utility practice shall mean any of the practices, methods, and acts at a particular time which, in the exercise of reasonable judgment in the light of the facts, including but not limited to the practices, methods, and acts engaged in or approved by a significant portion of the electrical utility industry prior thereto, known at the time the decision was made, would have been expected to accomplish the desired result at the lowest reasonable cost consistent with reliability, safety and expedition. In no event shall anything in this act be deemed to authorize any district to become liable for and to pay for any costs, expenses, or liabilities attributable to the undivided interest of any other district participating in such electric generation or transmission facility. Any district that is interested by ownership, lease, or otherwise in the operation of electric power plants, distribution systems, or transmission lines, either alone or in association with another district or districts, in thirteen or more counties in the state may sell, lease, combine, merge, or consolidate all or a part of its property with the property of any other district or districts. ~~; Provided, that nothing in this act shall permit the board of directors of any such district to delegate its duties to any other district or group of districts.~~".

LEGISLATIVE BILL 104. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office)

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Hasebroock announced an executive session at noon today of the Nebraska Retirement Systems Committee in Room 1019. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 82

Mr. Dworak asked unanimous consent to bracket LB 82 on E & R Engrossment.

Mr. Koch objected.

ADJOURNMENT

At 12:16 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, February 11, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTY-THIRD DAY—FEBRUARY 11, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 11, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty Father, in decisions before us which effect the lives of human beings, give us an equation between the telescopic and the microscopic view of life. May we endeavor to see issues in their minute details and also from a long range perspective. May we not be absorbed in the tyranny of trifles and lose the meaning of the larger issues. Give us clear minds. May we not be submerged in indecisions which multiply our problems, divide our worth, add to our sleeplessness, and subtract from our value to the people of our State. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Moylan and R. Lewis who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 119. Replaced on Select File as amended.
E & R amendments to LB 119:
1. In the Koch amendment, line 19, strike "Speaker" and show as stricken and strike "or other".

2. In the title, line 6, insert "to provide for the signing of bills;" after the semicolon.

LEGISLATIVE BILL 17. Placed on Select File as amended.
E & R amendments to LB 17:

1. On page 2, line 14, insert "individually" after "reconsider" and strike the same in line 15.

2. On page 3, insert "any" at the end of line 10; and in line 11 insert "or items" after "item".

LEGISLATIVE BILL 172. Placed on Select File as amended.
E & R amendments to LB 172:

1. In new section 3, line 4, strike "shall have the right to", showing the same as stricken, and insert "may"; and in line 6, insert an underscored comma after "transaction".

2. In standing committee amendment 2, strike "5 and 6" and insert "4 and 5".

3. In the title, line 2, strike "section", and insert "sections" and insert "and 17-110" after "16-503"; and strike beginning with "of" in line 5 through "vote" in line 7, and insert "; to clarify the voting power of the mayor".

LEGISLATIVE BILL 12. Placed on Select File.

LEGISLATIVE BILL 81. Placed on Select File as amended.
E & R amendments to LB 81:

1. In lieu of the Stull amendment, strike the standing committee amendment to page 3, line 14.

2. In lieu of the Warner amendment, strike beginning with line 24 on page 4 through the period on page 5, line 5, showing the old matter as stricken, and insert:

"(6) Collectors who, on the effective date of this act, have vehicles licensed as historical or special interest vehicles shall, if eligible, have a period of one year from such date to comply with the registration and affidavit requirements set out in subsection (7) of this section. No additional fee shall be charged for such reregistration. If an owner of any vehicle presently registered as a historical or special interest vehicle cannot, in good faith, comply with the requirements of subsection (7) of this section, then the owner shall register such automobile as a regular passenger automobile within one year after the effective date of this act, and shall pay the taxes and fees assessed for such registration.".

3. On page 6, lines 3, 6, and 15, strike "cannot" and insert "shall not".

4. In the title, line 8, insert "to provide for reregistrations;" after the semicolon.

LEGISLATIVE BILL 85. Placed on Select File as amended.
E & R amendments to LB 85:

1. In the new section added by the Johnson amendment, insert "Sec. 3." before "Since".

2. In the title, line 6, strike "and"; and in line 7, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 233. Placed on Select File.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 59.

Correctly Engrossed

The following bills were correctly engrossed: 90, 94, 130, 186, 190.

Correctly Enrolled

The following bill was correctly enrolled: 95.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 95.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 11, 1975, at 8:55 a.m., were the following bills: LB 47 and LB 79.

(Signed) Barbara Jackson, Enrolling Clerk

MEMBER'S BIRTHDAY

Speaker Burbach announced today is Senator Syas' birthday.

VISITORS

President Whelan introduced 12 students from Central Catholic High School in Grand Island.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1. With Emergency.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1974, relating to apportionment; to change the boundaries of district court judicial districts; 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, 41:

Barnett	Bereuter	Burbach	Burrows	Clark
Cope	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Anderson	Carsten	Cavanaugh	Chambers	Kime
R. Lewis	Mills	Moylan		

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 44.

A BILL FOR AN ACT to amend section 79-1521, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to provide for mandatory retirement of school employees as prescribed; 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, 40:

Barnett	Bereuter	Burbach	Burrows	Clark
Cope	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	Carsten	Cavanaugh	Chambers	Kime
R. Lewis	Marvel	Moylan	Murphy	

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

LEGISLATIVE BILL 77. Bracketed until February 13, 1975 at request of Mr. DeCamp.

LEGISLATIVE BILL 97. With Emergency.

A BILL FOR AN ACT relating to courts; to provide for trial in a county adjacent to the one in which cases are pending; to provide for agreements for such trial; to provide procedures; to amend sections 29-1301 and 48-177, Reissue Revised Statutes of Nebraska, 1943, and sections 23-120 and 25-1601.01, Revised Statutes Supplement, 1974; 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:

Barnett	Bereuter	Burbach	Burrows	Cavanaugh
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich

Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Anderson	Carsten	Chambers	R. Lewis	Moylan

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 103. With Emergency.

A BILL FOR AN ACT to amend section 79-459, Reissue Revised Statutes of Nebraska, 1943, and section 11-119, Revised Statutes Supplement, 1974, relating to bonds; to change bonding provisions for school district treasurers 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, 43:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Carsten	Chambers	Dworak	Kime	R. Lewis
Moylan				

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

LEGISLATIVE BILL 117.

A BILL FOR AN ACT relating to cities and villages, particular classes; to prohibit and control litter; to provide notice before removal by the city; to assess the cost of removal of litter; to amend section 16-230, Reissue Revised Statutes of Nebraska, 1943; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 0.

Not voting, 6:

Carsten	Chambers	Kime	R. Lewis	Moylan
Wiltse				

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

LEGISLATIVE BILL 121. With Emergency.

A BILL FOR AN ACT relating to acknowledgments; to authorize and ratify certain acknowledgments; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cope	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Mills	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 2:

Cavanaugh Kelly

Not voting, 7:

Carsten	Chambers	Clark	R. Lewis	Marsh
Marvel	Moylan			

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 145. Mr. Kime moved to return LB 145 to Select File for the following specific amendment:
Strike the enacting clause

Mr. F. Lewis 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 Kime motion lost with 14 ayes, 27 nays and 8 not voting.

Mr. Mills moved to return LB 145 to Select File for the following specific amendment:
Strike Sec. 6, line 18 including acquisition of land or aquatic habitat or interests therein,

Mr. Mills asked unanimous consent to withdraw the motion and substitute a new motion. No objections. So ordered.

SPEAKER BURBACH PRESIDING

Mr. Mills moved to return LB 145 to Select File for the following specific amendments:

1. On page 11, lines 18 and 19 strike ", including acquisition of land or aquatic habitat or interest therein,".

2. On page 12, line 2 after "species" insert a period, strike "including, when"; and strikes lines 3 to 5.

Mr. Dickinson offered the following amendment to the Mills amendment: Striking on line 17, page 11, shall and inserting may.

The Dickinson amendment was adopted with 20 ayes, 16 nays and 13 not voting.

Mr. Savage moved to reconsider action on adoption of the Dickinson amendment. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Schmit asked unanimous consent to bracket LB 145 until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 162.

A BILL FOR AN ACT to amend section 17-801, Reissue Revised Statutes of Nebraska, 1943, relating to the board of public works in cities of the second class; to change the terms of 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:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Burbach	Carsten	Chambers	R. Lewis	Moylan

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

LEGISLATIVE BILL 163.

A BILL FOR AN ACT to amend section 45-338, Reissue Revised Statutes of Nebraska, 1943, relating to installment sales; to delete the add-on provisions; and to repeal the original section.

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

Voting in the affirmative, 36:

Anderson	Bereuter	Burbach	Cavanaugh	Clark
Cope	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Marsh	Marvel
Mills	Murphy	Nichol	Savage	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 8:

Barnett	Burrows	Fowler	Keyes	Maresh
Rumery	Schmit	Simpson		

Not voting, 5:

Carsten	Chambers	R. Lewis	Moylan	Rasmussen

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

LEGISLATIVE BILL 168. With Emergency.

A BILL FOR AN ACT to amend section 29-104, Reissue Revised Statutes of Nebraska, 1943, and section 29-404, Revised Statutes Supplement, 1974, relating to criminal procedure; to redefine terms; to provide duties of the city attorney or an assistant city attorney in cities of the metropolitan class 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:

Bereuter	Burbach	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Anderson

Not voting, 8:

Barnett	Burrows	Carsten	Cavanaugh	Chambers
Kime	R. Lewis	Moylan		

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

VISITORS

Speaker Burbach introduced exchange students from four countries and sponsors.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 224. Placed on General File as amended.
Standing Committee amendment to LB 224:

1. On page 5, line 10 after "for" insert "an adjudication of the claim of paternity."; strike "a determination of whether or not" and strike line 11.

LEGISLATIVE BILL 276. Placed on General File as amended.
Standing Committee amendment to LB 276:

1. On page 2, line 5 after "felony," insert "contempt,"; line 11 strike "his" and insert "~~his~~ such person's"; line 12 strike ", in the case of a" and show as stricken; in line 13 strike "woman," and show as stricken, and strike "her" and insert "~~her~~ such person's".

LEGISLATIVE BILL 290. Placed on General File as amended.
Standing Committee amendment to LB 290:

1. On page 2, line 22 after "medical" insert ", psychological,".

LEGISLATIVE BILL 293. Placed on General File as amended.
Staning Committee amendments to LB 293:

1. On page 2, line 9, strike the underscored period; line 10, reinstate "applying the customary rules of evidence"; line 11, reinstate "in use in" and "trials without a jury"; and line 12, reinstate the stricken period.

2. On page 3, line 1, strike "has"; line 2 strike "accused", and insert "testifies against"; line 3 strike "and"; line 5, strike the underscored period, and insert an underscored semicolon; after line 5, insert the following:

"(f) Of the right of a child to a speedy adjudication; and
(g) Of the right to appeal.".

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 335	Thursday, February 20, 1975	2:00 p.m.
LB 341	Thursday, February 20, 1975	2:00 p.m.
LB 360	Thursday, February 20, 1975	2:00 p.m.
LB 378	Thursday, February 20, 1975	2:00 p.m.
LB 403	Friday, February 21, 1975	2:00 p.m.
LB 404	Friday, February 21, 1975	2:00 p.m.
LB 405	Friday, February 21, 1975	2:00 p.m.
LB 406	Friday, February 22, 1975	2:00 p.m.

(Signed) Loran Schmit, Chairman

Miscellaneous Subjects

LB 261	Thursday, February 20, 1975	2:00 p.m.
LB 386	Thursday, February 20, 1975	2:00 p.m.
LB 525	Thursday, February 20, 1975	2:00 p.m.

(Signed) Gary L. Anderson, Chairman

Judiciary

LB 237	(Continued) Tuesday, February 25, 1975	2:00 p.m.

The Judiciary Committee will have an Executive Session at 1:00 p.m. Wednesday, February 12, 1975.

(Signed) Roland A. Luedtke, Chairman

MOTION–Withdraw LB 501

Mr. Hasebroock moved to withdraw LB 501. Laid over.

MOTION–Withdraw LB 457

Mr. Dworak moved to withdraw LB 457. Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 13.

Introduced by Warner, 25th District; Wiltse, 1st District; Keyes, 3rd District; Stoney, 4th District; Mahoney, 5th District; Skarda, 7th District; Swigart, 8th District; Cavanaugh, 9th District; Savage, 10th District; Koch, 12th District; Syas, 13th District; Fitzgerald, 14th District; Johnson; 15th District; George, 16th District; Murphy, 17th District; Hasebroock, 18th District; Burbach, 19th District; Goodrich, 20th District; Kennedy, 21st District; Dworak, 22nd District; Schmit, 23rd District; Bereuter, 24th District; Barnett, 26th District; Fowler, 27th District; Luedtke, 28th District; Marsh, 29th District; Burrows, 30th District; Dickinson, 31st District; Maresh, 32nd District; Marvel, 33rd District; Kremer, 34th District; Kelly, 35th District; Cope, 36th District; Duis, 39th District; DeCamp, 40th District; Rasmussen, 41st District; Rumery, 42nd District; Kime, 43rd District; Mills, 44th District; F. Lewis, 45th District; Simpson, 46th District; Clark, 47th District; Nichol, 48th District; Stull, 49th District.

WHEREAS, Mrs. Mary Schowengerdt will celebrate her 100th birthday on February 20, 1975; and

WHEREAS, Mrs. Schowengerdt will become one of an elite group of Nebraska citizens who have experienced a century of life and its constantly changing conditions.

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

1. That the Legislature hereby congratulates Mrs. Schowengerdt upon the occasion of the 100th anniversary of her birth and wishes her good health and happiness in the time to come.

2. That a copy of this resolution be sent by the Clerk of the Legislature to Mrs. Mary Schowengerdt at the Lakeview Rest Home of Firth, Nebraska.

MR. SIMPSON PRESIDING

MOTION—Introduce Bills

Mr. Maresh moved the introduction of a new bill by the Committee on Labor. (Req. No. 744)

Mr. Maresh moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay and 27 not voting.

Mr. Maresh moved the Call be raised. The motion prevailed with 31 ayes, 2 nays and 16 not voting.

The Maresh motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Mahoney moved to introduce a new bill by the Executive Board. (Req. No. 741)

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

VISITORS

Mr. Simpson introduced 36 girl scouts from Troop No. 186 in Kearney, Nebraska and Mrs. Charles Perkins, sponsor.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 546. By Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; F. Lewis, 45th District; Kime, 43rd District.

A BILL FOR AN ACT relating to contracts; to provide that certain covenants not to compete shall be void; and to provide exceptions.

LEGISLATIVE BILL 547. By Executive Board: Mahoney, 5th District, Chairman; Kelly, 35th District; Savage, 10th District; Barnett, 26th District; Rasmussen, 41st District; Schmit, 23rd District; Cavanaugh, 9th District; Burbach, 19th District.

A BILL FOR AN ACT to amend section 39-6,112, Revised Statutes Supplement, 1974, relating to the Nebraska Rules of the Road; to extend the penalty provision to those situations where no penalty is specifically prescribed; to repeal the original section; and to declare an emergency.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 236. Placed on General File as amended.
Standing Committee amendment to LB 236:

1. On page 3, line 3, strike "July 1" and show as stricken and insert "September 30"; and line 8, after the second comma strike "while" and show as stricken and insert "after having served as".

LEGISLATIVE BILL 43. Indefinitely postponed.
LEGISLATIVE BILL 48. Indefinitely postponed.
LEGISLATIVE BILL 199. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Simpson asked unanimous consent to print the following amendments to LB 81 in the Journal. No objections. So ordered.

1. On page 2, insert a new section 1 to read as follows:

"Section 1. That section 60-311.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.11. Plates issued pursuant to sections 60-305.08, 60-311, and 60-311.10 to 60-311.13 shall be the same size and of the same basic design as the regular number plates. The following conditions shall apply to all personalized prestige plates:

(1) County prefixes shall not be used;

(2) The characters used shall consist only of letters and numerals of the same size and design used on regular plates;

(3) A maximum of six characters may be used, and no more than ~~one numeral~~ three numerals may be used, but no numeral shall appear in the spaces normally provided for the first two characters from the left margin of the plate;

(4) The license number used shall not conflict with or duplicate any license number used or to be used on the regular license plates, or any license number already approved pursuant to sections 60-305.08, 60-311, and 60-311.10 to 60-311.13;

(5) The license number shall not express, connote, or imply any obscene or objectionable words or abbreviations; and

(6) The Department of Motor Vehicles shall have sole authority to determine if the conditions of this section have been met.".

2. On page 8, line 18 after "sections" insert "60-311.11,".

3. Renumber original sections 1 to 8 as 2 to 9 respectively.

VISITORS

The Chair introduced four ladies from the Corrigon PTA in Omaha; nine students from Clay Center High School with their sponsor; and 75 members of the Nebraska Congress of PTA.

SELECT FILE

LEGISLATIVE BILL 139. E & R amendment found in the Journal on page 428 for the Twenty-second Day were adopted.

Advanced to E & R for Engrossment.

SPEAKER BURBACH PRESIDING

MOTION—Return LB 82 to Select File

Mr. Dworak moved to return LB 82 to Select File for the following specific amendment:

1. Strike the Duis amendment, Journal page 372, to the Burrows amendment to LB 82, Journal page 331.
2. Strike E & R amendments 1, 2, 4, and 5 to LB 82, Journal page 410, adopted on February 10, 1975.

Mr. Simpson raised a point of order that the amendment is a reconsideration.

The Chair ruled the amendment would be a reconsideration and out of time.

Mr. Dworak moved to return LB 82 to Select File for the following specific amendment:
Page 2, line 15 insert after period, only superintendents or assistant superintendents may have (as in on page 331 of the Journal).

The motion prevailed with 27 ayes, 14 nays and 8 not voting.

SELECT FILE

LEGISLATIVE BILL 82. The Dworak specific amendment found in this day's Journal was adopted with 25 ayes, 12 nays and 12 not voting.

Mr. Simpson requested a machine vote on Advancing to E & R for Re-engrossment.

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

MOTION–Return LB 82 to Select File

Mr. Koch moved to return LB 82 to Select File for the following specific amendment:

1. Insert a new section to read:

"Sec. 3. The board of education of a Class I, II, III, or VI school district shall give notice in writing, not later than April 15, of its intention to terminate the contract of any superintendent or associate superintendent. Any superintendent or associate superintendent receiving such notice shall have the right to file within five days of receipt of such notice a written request for a hearing before the board. Upon receipt of such request, the board shall order the hearing to be held within ten days, and shall give written notice of the time and place of the hearing to the superindentent or associate superindentent. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract, and the superintendent or associate superintendent shall be permitted to produce evidence related thereto. The board shall render its final decision within ten days following the hearing. If no request for a hearing is received, the board may proceed to terminate the contract.".

2. Renumber original sections 3 and 4 as sections 4 and 5.

Motion pending.

Mr. Maresh asked unanimous consent to hold the bill until tomorrow. No objections. So ordered.

MOTION–Place LB 75 on General File

Mrs. Marsh renewed her pending motion found in the Journal on page 430 for the twenty-second day to place LB 75 on General File notwithstanding with committee action.

The motion prevailed with 25 ayes, 6 nays and 18 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
544	Agric. & Env.	546	Labor
545	Pub. Hlth & Wel.	547	Public Works

(Signed) Eugene T. Mahoney, Chairman; Cavanaugh, Rasmussen, Savage, Kelly, Barnett.

MR. SIMPSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 391. Title read. Considered.

Mr. Chambers moved to refer LB 391 to a committee for a public hearing. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 149. Title read. Considered.

Standing Committee amendment found in the Journal on page 367 for the Nineteenth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Marvel asked unanimous consent to print the following amendment to LB 233 in the Journal. No objections. So ordered.

1. On page 3, line 19 strike "effective" and insert "operative"; and after line 25 insert:
"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.".

(Signed) Richard D. Marvel, Chairman
Appropriations Committee

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, February 12, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FOURTH DAY—FEBRUARY 12, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 12, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The Chaplain read a Creed of Abraham Lincoln.

> 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. We ask for this in the Name of Thy loving Son, Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Moylan who was excused.

CORRECTIONS FOR THE JOURNAL

Page 452, line 28, delete "February 22" and insert "February 21".
The Journal for the Twenty-third Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Barnett asked unanimous consent to be excused at 10:45 a.m., for the remainder of the morning.

MESSAGES FROM THE GOVERNOR

February 10, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 88.

This bill was signed by me on February 10, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

February 11, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 11, 42, 92, 93, and 107.

These bill were signed by me on February 10, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 1, 44, 97, 103, 117, 121, 162, 163, 168.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1, 44, 97, 103, 117, 121, 162, 163 and 168.

REFERENCE COMMITTEE REPORT

LB	Committee
391	Re-referred from General File to Government, Military and Veterans' Affairs

(Signed) Eugene T. Mahoney

UNANIMOUS CONSENT–Withdraw Motion on LB 145

Mr. Mills asked unanimous consent to withdraw his pending motion found in the Journal on page 449 for the Twenty-second Day to return LB 145 to Select File for a specific amendment. No objections. So ordered.

MOTION–Return LB 145 to Select File

Mr. Mills moved to return LB 145 to Select File for the following specific amendment:

1. On page 11, line 21 after the period insert "Acquisition for the purposes of this subsection shall not include the power to obtain by eminent domain.".

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 119. E & R amendments found in the Journal on page 441 for the Twenty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17. E & R amendments found in the Journal on page 442 for the Twenty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 172. E & R amendments found in the Journal on page 442 for the Twenty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 12. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 81. E & R amendments found in the Journal on page 442 for the Twenty-third Day were adopted.

The Simpson amendment found in the Journal on page 455 for the Twenty-third Day was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 85. E & R amendments found in the Journal on page 443 for the Twenty-third Day were adopted.

Mr. Barnett offered the following amendment:
Amend page 3, line 10, by adding after "right-of-way" the following:
"or when a municipality has granted permission along or across the right-of-way under its jurisdiction"

The amendment was adopted with 36 ayes, 0 nays and 13 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 233. The Marvel amendment found in the Journal on page 458 for the Twenty-third Day was adopted with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 145. The Mills specific amendment found in this day's Journal was adopted with 32 ayes, 3 nays and 14 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 145 to Select File

Mr. Skarda moved to return LB 145 to Select File for the following specific amendment:

1. Amend Sec. 4, at page 6, at line 6, after the word "any" by adding the following words: "person, other than a motor" and at line 7, after the word "carrier" insert the following: "under the jurisdiction of the Nebraska Public Service Commission or the Interstate Commerce Commission" and at line 7 after the word "transport" add the following: ", ship"

2. At page 9, line 27, after the word "whatsoever," insert the following words: "except as a common or contract

motor carrier under the jurisdiction of the Nebraska Public Service Commission or the Interstate Commerce Commission"

3. At page 11, line 6, after the word "transportation" insert: "other than the jurisdiction of the Nebraska Public Service Commission,"

4. At page 13, at line 19, after the word "equipment," insert: "other than equipment owned or operated by any common or contract motor carrier under the jurisdiction of the Nebraska Public Service Commission or the Interstate Commerce Commission"

5. At page 14, at line 4, after the word "Equipment," insert: "other than equipment owned or operated by common or contract motor carrier under the jurisdiction of the Nebraska Public Service Commission or the Interstate Commerce Commission"

6. At page 15, at line 4, after the word "transportation" insert: "by a person other than a motor common or contract carrier under the jurisdiction of the Nebraska Public Service Commission or the Interstate Commerce Commission"

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 145.
The Skarda specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Re-engrossment.

GENERAL FILE

LEGISLATIVE BILL 21. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 537. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 127. Title read. Considered.

Mr. Maresh offered the following amendment to the Standing Committee amendments found in the Journal on page 393 for the Twentieth Day.

1. In line 6 of the standing committee amendment to page 5, line 22, insert "chiropractic," after the comma.

The amendment was adopted with 23 ayes, 17 nays and 9 not voting.

The Standing Committee amendments were adopted, as amended with 27 ayes, 4 nays and 18 not voting.

Mr. Goodrich offered the following amendment:
Amend Page 5 line 22 before last period in Committee Amendment insert "or podiatry."

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mrs. Marsh moved to reconsider action on the adoption of the Maresh amendment to the Standing Committee amendment.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 8 nays and 13 not voting.

The Marsh motion to reconsider the Maresh amendment prevailed with 26 ayes, 17 nays and 6 not voting.

Mr. Barnett 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. Maresh re-offered his amendment found in this day's Journal. The amendment failed with 19 ayes, 23 nays and 7 not voting.

Mr. Stoney moved to reconsider the adoption of the Goodrich amendment found in this day's Journal.

Mr. Chambers 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 Stoney motion to reconsider the Goodrich amendment prevailed with 28 ayes, 11 nays and 10 not voting.

Mr. Johnson moved the adoption of the Goodrich amendment found in this day's Journal. The Goodrich amendment failed with 13 ayes, 24 nays and 12 not voting.

Mr. Chambers moved to reconsider action on adoption of the Standing Committee amendments.

Mr. Koch moved to bracket the bill. The motion lost with 4 ayes, 36 nays and 9 not voting.

The Chambers motion to reconsider the Standing Committee amendments failed with 9 ayes, 25 nays and 15 not voting.

Advanced to E & R for Review with 29 ayes, 14 nays and 6 not voting.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 98. Placed on General File as amended.
Standing Committee amendment to LB 98:

1. On page 2, line 1 strike "general" and insert "primary"; line 2 strike "November" and insert "May"; line 16, after "provide" insert an underscored comma; after "for" insert "a period not to exceed five years"; after "of" strike "land" and insert "the increase in the assessed valuation of structures"; line 17 after "purposes" strike "and" and insert "due to"; line 19 strike "obsolete,"; and after "decadent" strike the underscored comma.

LEGISLATIVE BILL 260. Placed on General File as amended.
Standing Committee amendments to LB 260:

1. Strike original sections 1 and 2 insert new sections 1 and 2 as follows:

"Section 1. At the primary election in May, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII of the Constitution of Nebraska by adding thereto a new section 12 which is hereby proposed by the Legislature:

"Sec. 12. Notwithstanding any other provision in the Constitution, the Legislature by general law may authorize any city, village, municipality, county or other political subdivision or other public corporation of the state, under such terms and conditions as the Legislature may determine and without regard to charter limitations and restrictions, to incur indebtedness, whether by bonds, loans, notes, advance of money or otherwise, for the purpose of acquiring and redeveloping substandard or blighted property in a redevelopment project area as determined by law and to pledge for and apply to the payment of the principal, interest and any premium on such indebtedness all or such portion as the Legislature may determine of all taxes levied by all taxing bodies, which taxes shall be at such rate or rates as the Legislature may authorize, on the assessed valuation of the property in the project area that is in excess of the assessed valuation of such property for the year prior to such acquisition and redevelopment.

When such indebtedness and the interest thereon has been paid in full then such property thereafter shall be taxed as is other

property in the respective taxing jurisdiction and such taxes applied as all other taxes of the respective taxing body.".

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 may authorize a political subdivision to issue bonds for the funding of redevelopment projects which bonds shall be paid by property taxes on new valuations in such projects.
For
Against".

(Signed) George Syas, Chairman

Judiciary

LEGISLATIVE BILL 284. Placed on General File as amended.
Standing Committee amendments to LB 284:

1. On page 4, line 3 strike "or other qualified security" and show as stricken.

2. On page 6, line 6 after the "," insert "and".

LEGISLATIVE BILL 285. Placed on General File.
LEGISLATIVE BILL 286. Placed on General File.

(Signed) Roland A. Luedtke

NOTICE OF COMMITTEE HEARINGS
Education

LB 383	Monday, March 3, 1975	2:00 p.m.
LB 493	Monday, March 3, 1975	2:00 p.m.
LB 503	Tuesday, March 4, 1975	2:00 p.m.
LB 303	Monday, March 10, 1975	2:00 p.m.
LB 364	Monday, March 10, 1975	2:00 p.m.
LB 423	Tuesday, March 11, 1975	2:00 p.m.
LB 522	Monday, March 17, 1975	2:00 p.m.
LB 449	Tuesday, March 18, 1975	2:00 p.m.
LB 371	Tuesday, March 18, 1975	2:00 p.m.

LB 520	Tuesday, March 25, 1975	2:00 p.m.
LB 521	Tuesday, March 25, 1975	2:00 p.m.

(Signed) Frank Lewis, Chairman

Public Works

LB 146	(Cancel) Thursday, February 20, 1975	2:00 p.m.
LB 146	(Reset) Thursday, March 6, 1975	2:00 p.m.
LB 457	(Cancel) Wednesday, March 12, 1975	2:00 p.m.
LB 547	Thursday, February 20, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Committee on Committees

The Committee on Committees will meet at 12:00 Noon, Wednesday, February 19, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor J. James Exon as follows:

Dr. Clarence Davis – State Board of Health
D. M. Krogh – State Board of Health
Emmet Lee – Nebraska Natural Resources Commission
Maxine Morrison – State Board of Health
William Byron Quigley – State Highway Commission

(Signed) John S. Savage, Chairman

Rules

Mr. President,

The Rules Committee met this morning, February 11, 1975, and acted favorably on the attached rule change.

RULE 7
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.

(Signed) John W. DeCamp, Chairman

POINT OF PERSONAL PRIVILEGE

Mr. Marvel spoke to the members on budget matters and passed out a book compiled by the staff.

ATTORNEY GENERAL'S OPINION

Opinion No. 12
February 11, 1975

Dear Senator Duis:

We have examined the amendment to Legislative Bill 153, a copy of which was transmitted with your letter of February 7, 1975.

In our opinion the Plumbing Board of a metropolitan class city has no power, without approval by the mayor and council, to grant variances or waivers of its rules and regulations without an amendment to Section 18-1906, somewhat along the lines contained in the amendment you furnished us.

Section 18-1906 provides that the rules and regulations of the Plumbing Board (except such as are adopted for its own convenience only) must be "approved by ordinance by the mayor and council." In the event the mayor and council should, by appropriate official action, authorize the Plumbing Board to grant variances or waivers, in our opinion, the Board would then be free to modify its rules and regulations accordingly; and this, we believe, could be done without any amendment to Section 18-1906.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:sh
cc: Mr. Vincent Brown
Clerk of the Legislature

MOTION–Introduce Bill

Mr. Luedtke moved the introduction of a new bill by the committee on Judiciary. (Req. No. 742) 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 548. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District, Schmit, 23rd District.

A BILL FOR AN ACT to amend section 43-1002, Reissue Revised Statutes of Nebraska, 1943, and section 28-477, Revised Statutes Supplement, 1974, relating to juveniles; to redefine a term; to change provisions relating to contributing to delinquency of certain children; and to repeal the original sections.

MOTION–Withdraw LB 501

Mr. Hasebroock renewed his pending motion found in the Journal on page 453 for the Twenty-third Day to withdraw LB 501. The motion prevailed.

MOTION–Withdraw LB 457

Mr. Dworak renewed his pending motion found in the Journal on page 453 for the Twenty-third Day to withdraw LB 457. The motion prevailed.

MOTION–Return LB 82 to Select File

Mr. Koch renewed his pending motion found in the Journal on page 457 for the Twenty-third Day to return LB 82 to Select File for the specific amendment found in the Journal on page 457.

The motion prevailed with 27 ayes, 6 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 82. The Koch specific amendment found in the Journal on page 457 for the Twenty-third Day was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT–Members Excused

Messrs. Kremer and Wiltse asked unanimous consent to be excused Thursday, February 13, 1975. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 308. Title read. Considered.

Standing Committee amendment found in the Journal on page 402 for the Twentieth Day was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 309. Title read. Considered.

Standing Committee amendments found in the Journal on page 402 for the Twentieth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

ANNOUNCEMENT

Mr. Clark announced an executive session of the Telecommunications Committee in the Senator's Lounge at 12 noon today.

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 198. Placed on General File as amended.
Standing Committee amendments to LB 198:

1. On page 2, line 9, after "~~eight-nine~~" insert "ninety-six"; line 10, reinstate "~~dollars per week~~" and strike "the maximum weekly income benefit"; line 11, strike the new matter; line 24, after "~~eighty-nine~~" insert ninety-six", reinstate "~~dollars per week~~", and strike "the maximum"; and line 25, strike the new matter.
2. On page 6, line 15, after "~~eighty-nine~~", insert "ninety-six", reinstate "~~dollars per week~~", and strike "the maximum weekly"; and line 16, strike the new matter.
3. On page 7, line 16, after "~~eighty-nine~~", insert "ninety-six", reinstate "~~dollars per week~~", and strike "the maximum weekly"; line 17, strike the new matter; line 24, reinstate "~~and~~", and strike the new matter; and line 25, strike "act".
4. On page 9, strike lines 16 to 27.

5. On page 10, strike lines 1 to 26.
6. On page 11, strike lines 1 to 26.
7. On page 12, strike lines 1 to 27.
8. On page 13, line 1, strike the first comma and insert "and"; line 2, strike "and 48-122.03,"; and renumber original sections 10 and 11 as sections 4 and 5.

LEGISLATIVE BILL 227. Placed on General File.

(Signed) Richard Maresh, Chairman

ADJOURNMENT

At 11:49 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIFTH DAY—FEBRUARY 13, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 Messrs. Kremer and Wiltse who were excused.

CORRECTIONS FOR THE JOURNAL

Page 461, line 12, delete "second" and insert "third".
The Journal for the Twenty-fourth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Kelly asked unanimous consent to be excused at 10:30 a.m. until noon. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused at 11:15 a.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 139. Replaced on Select File as amended.
E & R amendments to LB 139:
1. On page 2, line 22 strike "of" and insert "~~of~~".
2. On page 5, line 9, reinstate the comma.

LEGISLATIVE BILL 119. Replaced on Select File as amended.
E & R amendment to LB 119:
1. In the title, line 3, strike "section 10" and insert "sections 10 and 14".

LEGISLATIVE BILL 149. Placed on Select File.
LEGISLATIVE BILL 537. Placed on Select File.

Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 77. Mr. DeCamp asked unanimous consent to bracket LB 77.

Mr. Goodrich objected.

Mr. DeCamp moved to bracket LB 77 until Tuesday, February 18, 1975. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 22.

A BILL FOR AN ACT to amend section 72-1239, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to increase compensation for members of the council; 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. Cavanaugh moved for a Call of the House. The motion prevailed with 26 ayes, 9 nays and 14 not voting.

The Call showed 47 members present.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 27:

Barnett	Burbach	Carsten	Cavanaugh	Clark
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
Goodrich	Hasebroock	Kelly	Koch	F. Lewis
Luedtke	Mahoney	Marsh	Mills	Moylan
Murphy	Nichol	Savage	Schmit	Stoney
Stull	Syas			

Voting in the negative, 20:

Anderson	Bereuter	Burrows	Chambers	Cope
Dworak	George	Johnson	Kennedy	Keyes
Kime	R. Lewis	Maresh	Marvel	Rasmussen
Rumery	Simpson	Skarda	Swigart	Warner

Not voting, 2:

Kremer	Wiltse

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

Mr. Barnett moved the Call be raised. The motion prevailed with 36 ayes, 1 nay and 12 not voting.

LEGISLATIVE BILL 164. With Emergency.

A BILL FOR AN ACT to amend section 77-2340, Revised Statutes Supplement, 1974, relating to county funds; to change the amount of time deposits exempt from being secured; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
R. Lewis	Luedtke	Mahoney	Maresh	Marsh

Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner				

Voting in the negative, 1:

F. Lewis

Not voting, 2:

Kremer Wiltse

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 183. With Emergency.

A BILL FOR AN ACT to amend section 8-102, Uniform Commercial Code, relating to investment securities; to redefine a term; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Kime	Koch	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	

Voting in the negative, 2:

R. Lewis Marvel

Not voting, 8:

Carsten	Chambers	Johnson	Kremer	F. Lewis
Mills	Schmit	Wiltse		

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 201.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1974, 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, 41:

Anderson	Barnett	Bereuter	Burbach	Carsten
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Kime
Koch	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Nichol	Rasmussen	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner				

Voting in the negative, 1:

Burrows

Not voting, 7:

Cavanaugh	Chambers	Keyes	Kremer	Murphy
Rumery	Wiltse			

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

LEGISLATIVE BILL 208.

A BILL FOR AN ACT relating to banking; to provide that banks and savings and loan associations may act as trustees as provided; to amend section 8-318, Revised Statutes Supplement, 1974; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Chambers	Kremer	F. Lewis	Murphy
Wiltse				

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

UNANIMOUS CONSENT–Member Excused

Mr. Skarda asked unanimous consent to be excused tomorrow, February 14, 1975. No objections. So ordered.

UNANIMOUS CONSENT–Unbracket LB 58

Mr. Savage asked unanimous consent to unbracket LB 58 on Final Reading. No objections. So ordered.

MOTION–Return LB 58 to Select File

Mr. Savage moved to return LB 58 to Select File for the following specific amendment:
Strike the enacting clause.

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

PRESENTED TO GOVERNOR

Presented to the Governor on February 13, 1975 at 9:05 a.m., were the following bills: LB 97, LB 168, LB 163, LB 121, LB 162, LB 117, LB 103, LB 44 and LB 1.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 12, 17, 85 and 172.

(Signed) Donald N. Dworak, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
548	Judiciary

(Signed) Eugene T. Mahoney, Chairman

GENERAL FILE

LEGISLATIVE BILL 171. Considered.

The Stoney pending amendments found in the Journal on page 432 for the Twenty-second Day were adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 312. Title read. Considered.

The Standing Committee amendments found in the Journal on page 402 for the Twentieth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 105. Mr. DeCamp asked unanimous consent to bracket until February 24, 1975.

Mr. Murphy objected.

Mr. DeCamp moved to bracket until February 24, 1975. The motion lost with 23 ayes, 5 nays and 21 not voting.

Mr. Savage moved to bracket until February 25, 1975. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 63. Title read. Considered.

Standing Committee amendment found in the Journal on page 409 for the Twenty-first Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 131. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 125. Title read. Considered.

Standing Committee amendments found in the Journal on page 409 for the Twenty-first Day were adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Barnett offered the following amendment:
To amend LB 125 on Page 2, lines 23 and 24 by striking 200,000 and inserting 60,000 and Page 3, lines 12 and 13 by striking 200,000 and inserting 60,000.

Mr. Nichol offered the following amendment to the Barnett amendment:
That all counties in Nebraska be included in LB 125.
Page 2 line 23 strike new matter, insert "by any county board"
Same on Sec. 2, page 3 line 12-13.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

The Barnett amendment, as amended, was adopted with 27 ayes, 1 nay and 21 not voting.

Speaker Burbach requested LB 125 be re-referred to Government, Military and Veterans Affairs committee for a public hearing.

Mr. Stull moved the decision of the Speaker be overruled.

Mr. Stull moved for a Call of the House. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

The Stull motion to overrule the Speaker prevailed with 26 ayes, 15 nays and 8 not voting.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 108. Laid over.

LEGISLATIVE BILL 140. Title read. Considered.

Mr. Cavanaugh offered the following amendment:
Strike lines 3 through 7.

Mr. DeCamp offered the following amendment as a substitute to the Cavanaugh amendment:

1. On page 2, line 4 after "held" insert "personally"

2. On page 2, line 7 after "section 39-669.08" insert", provided, however, such physician, registered nurse, laboratory technologist or hospital shall be an agent of the State of Nebraska when performing the act of withdrawing blood at the request of a law enforcement officer pursuant to section 39-669.08 and the state shall be liable for the negligence of such agents".

The DeCamp amendment failed with 14 ayes, 26 nays and 9 not voting.

Mr. Cavanaugh requested a record vote on his amendment.

Voting in the affirmative, 26:

Barnett	Burrows	Cavanaugh	Clark	DeCamp
Dickinson	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Koch	F. Lewis	R. Lewis	Mahoney
Maresh	Marsh	Marvel	Moylan	Rasmussen
Schmit	Simpson	Skarda	Stoney	Swigart
Wiltse				

Voting in the negative, 17:

Anderson	Bereuter	Burbach	Cope	Dworak
Kennedy	Keyes	Kime	Luedtke	Mills
Murphy	Nichol	Rumery	Savage	Stull
Syas	Warner			

Not voting, 6:

Carsten	Chambers	Duis	Johnson	Kelly
Kremer				

The amendment was adopted with 26 ayes, 17 nays and 6 not voting.

Mr. Warner asked unanimous consent to bracket until Tuesday, February 18, 1975.
Mr. Cavanaugh objected.

Failed to advance to E & R with 15 ayes, 22 nays and 12 not voting.

VISITORS

President Whelan introduced students from Kearney, Nebraska.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 18. Placed on General File.
LEGISLATIVE BILL 408. Indefinitely Postponed.

(Signed) Frank Lewis, Chairman

Appropriations

LEGISLATIVE BILL 13. Placed on General File as amended.
Standing Committee amendments to LB 13:

1. On page 4, line 2 strike "152,452" show as stricken and insert "76,452".

2. On page 8, line 24 strike "5,110,668" show as stricken and insert "5,034,668"; and in line 27 strike "10,933,265" show as stricken and insert "10,857,265".

3. On page 11, line 24 strike "8,975,079" show as stricken and insert "8,899,079".

4. On page 12, line 1 strike "17,876,196" show as stricken and insert "17,800,196".

LEGISLATIVE BILL 234. Placed on General File as amended.
Standing Committee amendments to LB 234:

1. On page 2, lines 9 and 24, strike "twelve" and insert "nine"; and in line 10, strike "1979" and insert "1975".

2. Strike section 2 and renumber original sections 3 and 4 as sections 2 and 3 respectively.

LEGISLATIVE BILL 251. Placed on General File as amended.
Standing Committee amendments to LB 251:

1. On page 2, line 7 reinstate "by the Governor" after "~~basis~~" insert ", six" and after "from" insert "each of".

2. On page 3, line 6 strike "which, with the" and show as stricken; and strike "chairperson," and insert "~~,~~ who"; in line 8 strike "his" insert "~~his~~ a"; and after line 17 insert the following new section:

"Sec. 4. The Nebraska Commission on the Status of Women

is hereby authorized to receive or apply for and receive gifts, grants, contributions, and other funds from the federal government, private agencies, affiliated associations, and individuals for the purpose of carrying out the provisions of this act and for defraying expenses incurred in carrying out its duties.".

3. Renumber original section 4 as section 5.

LEGISLATIVE BILL 474. Placed on General File.

(Signed) Richard D. Marvel, Chairman

Revenue

LEGISLATIVE BILL 3. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 322. Indefinitely postponed.

(Signed) George Syas, Chairman

ANNOUNCEMENT

Mr. Kennedy announced an executive session at 1:00 p.m. today under the North Balcony of the Public Health and Welfare Committee.

NOTICE OF COMMITTEE HEARINGS

Constitutional Revision and Recreation

LB 100	Thursday, February 27, 1975	1:30 p.m.
LB 334	Thursday, February 27, 1975	1:30 p.m.
LB 343	Thursday, February 27, 1975	1:30 p.m.
LB 110	Friday, February 28, 1975	1:30 p.m.
LB 113	Friday, February 28, 1975	1:30 p.m.

(Signed) George Syas, Chairman

Government, Military and Veterans Affairs

LB 515	Friday, February 28, 1975	2:00 p.m.
LB 391	Thursday, March 6, 1975	2:00 p.m.
LB 494	Thursday, March 6, 1975	2:00 p.m.
LB 531	Thursday, March 6, 1975	2:00 p.m.

LB 361	Friday, March 7, 1975	2:00 p.m.
LB 516	Friday, March 7, 1975	2:00 p.m.
LB 539	Friday, March 7, 1975	2:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

SELECT COMMITTEE REPORTS

Committee on Committees

February 12, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Alan H. Ihms – Appointment as Director of Public Welfare

No one appeared in support of Mr. Ihm's appointment and no one appeared in opposition.

Committee Vote: For: (10) Senators Chambers, DeCamp, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, Skarda and Wiltse. Against: None. Absent and not voting: (3) Senators Koch, Clark and Duis.

Joseph C. Vitek
Appointment as Director of Correctional Services

Senator John DeCamp and Senator Ernest Chambers appeared in support of Mr. Vitek's appointment. No one appeared in opposition.

Committee Vote: For: (11) Senators Chambers, DeCamp, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda and Wiltse. Against: None. Absent and not voting: (2) Senators Clark and Duis.

H. B. "Tod" Kuntzelman
Appointment to Game and Parks Commission

No one appeared in support of Mr. Kuntzelman's appointment and no one appeared in opposition.

Committee Vote: For: (11) Senators Chambers, DeCamp, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda and Wiltse. Against: None. Absent and not voting: (2) Senators Clark and Duis.

Catherine Dahlquist – Appointment to Board of Parole

The decision to approve the appointment of Catherine Dahlquist is listed as follows:

Committee Vote: For: (8) Senators DeCamp, Hasebroock, Kelly, Keyes, Kime, Savage, Skarda and Wiltse. Against: (1) Senator Koch. Absent and not voting: (4) Senators Chambers, Marsh, Clark and Duis.

(Signed) John S. Savage, Chairman

February 13, 1975

The following individuals appeared before the Committee on Committees on February 12, 1975, or submitted information regarding a question as to whether or not they should be required to register as a lobbyist and pay a fee of $25.00.

Betty Olson, Kappie Weber, Dick Kjelgaard and Marge Schlitt, are the four individuals registered as volunteer lobbyists for Common Cause/Nebraska.

It was the decision of the Committee on Committees that none of the aforementioned individuals would be required to pay a lobbyist fee. Those who have submitted the fee will have the same returned to them.

Committee Vote: For: (8) Senators Chambers, DeCamp, Hasebroock, Kelly, Kime, Marsh, Savage and Skarda. Against: (1) Senator Keyes. Absent and not voting: (4) Senators Koch, Wiltse, Duis and Clark

Signed) John S. Savage, Chairman

ANNOUNCEMENT

Mr. Anderson announced an Executive Session on Miscellaneous Subjects Committee at 1:30 p.m. today.

UNANIMOUS CONSENT–Withdraw Motion on LR 4

Mr. F. Lewis asked unanimous consent to withdraw his pending motion found in the Journal on page 403 for the Twentieth Day to reconsider action on LR 4. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 14.

Introduced by Rasmussen, 41st District; Simpson, 46th District; Luedtke, 28th District; Cope, 36th District; Syas, 13th District; Maresh, 32nd District; Johnson, 15th District; Hasebroock, 18th District; Moylan, 6th District; Rumery, 42nd District; Keyes, 3rd District; Fowler, 27th District; Barnett, 26th District; Dickinson, 31st District; George, 16th District; Warner, 25th District; Murphy, 17th District; Carsten, 2nd District; Clark, 47th District; Goodrich, 20th District; Stull, 49th District; Marvel, 33rd District; Mills, 44th District; Koch, 12th District; Burrows, 30th District; Kennedy, 21st District, Anderson, 37th District; R. Lewis, 38th District; Kime, 43rd District; Kelly, 35th District; Skarda, 7th District; Dworak, 22nd District; Marsh, 29th District; Bereuter, 24th District; Duis, 39th District; Savage, 10th District; Swigart, 8th District; Nichol, 48th District; F. Lewis, 45th District; Fitzgerald, 14th District; DeCamp, 40th District.

WHEREAS, a nationwide program to recognize and provide support for the National Guard will focus on "March is Minuteman Month"; and

WHEREAS, it is appropriate that this coincides with the national bicentennial celebration inasmuch as the history of the nation and its National Guard or organized militia are inextricable; and

WHEREAS, now, as at Concord and Bunker Hill, the modern day successors of the organized militia, our Army and Air National Guard, stand ready to serve our citizens, communities, state, and nation, with but a minutes notice, in peace and war; and

WHEREAS, the Nebraska National Guard war time record includes service in the Indian Wars, the Civil War, the Spanish American War, the Phillipine Insurrection, World Wars I and II, Mexican Border Service, the Berlin Crisis, and the Korean War; and

WHEREAS, the Nebraska National Guard has been called to state duty 90 times in the past 25 years and has invested 110,084 man days coping with a variety of emergencies and disasters ranging from fire to flood, drouth to blizzard, rescue missions to civil disturbance; and

WHEREAS, now, as in yesteryear, the capability of our National Guard in times of emergency or disaster will be directly related to the year-around support of the National Guard provided by our citizens and institutions; and

WHEREAS, service in the Nebraska National Guard provides a rewarding, diverse, and challenging experience, with opportunity to learn new skills of direct vocational and avocational impact, such as mechanical, electrical, communications, aircraft maintenance, data processing, leadership, teaching, photography, and many others, which are of value to the individual and his employer and community.

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

1. That the leaders of Nebraska communities are urged to join the Legislature in recognizing "March is Minuteman Month" in honor of our National Guard and to provide such other recognition of and support to the Guard as may be appropriate.

2. That Nebraska employers are urged to provide special support by encouraging their employees to become members of the National Guard and adjusting work schedules so as to allow their employees to participate in National Guard training and other activities, and that Nebraska employers are particularly urged to execute pledges to support the National Guard and Army Reserve.

3. That career counselors of the high schools and colleges of the state become familiar with the benefits of National Guard membership in order to be able to adequately counsel their clients about service in our Nebraska National Guard.

4. That the youth of Nebraska be particularly urged to consider the mutual advantage of membership in the National Guard.

5. That the Legislature wishes to express its appreciation to those now serving and those who have served in the Nebraska National Guard, Army and Air, and accordingly requests the Adjutant General for Nebraska to bring this message to the attention of his units and troops.

6. That the news media is particularly requested to assist by public service and news coverage to support the Nebraska National Guard and "March is Minuteman Month".

VISITORS

President Whelan introduced a group of Democratic ladies from the Second Congressional District.

MOTION—Reconsider Action on LB 126

Mr. Barnett renewed his pending motion found in the Journal on page 416 for the Twenty-first Day to reconsider action on Final Reading of LB 126.

The motion prevailed with 31 ayes, 10 nays and 8 not voting.

MOTION—Return LB 126 to Select File

Mr. Barnett moved to return LB 126 to Select File for the specific amendment found in the Journal on page 436 for the Twenty-second Day.

The motion prevailed with 25 ayes, 7 nays and 17 not voting.

MR. SIMPSON PRESIDING

SELECT FILE

LEGISLATIVE BILL 126. The Barnett specific amendment found in the Journal on page 436 for the Twenty-second Day was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Re-engrossment with 27 ayes, 6 nays and 16 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Marvel asked unanimous consent to print the following in the Journal. No objections. So ordered.

AGENCIES – BY AGENCY NUMBER – 1975-76

Legis. Council, Eldin Ehrlich

Supreme Court, Bill Mullan
District Courts, Bill Mullan
Governor, Eldin Ehrlich
Lt. Governor, Bill Mullan
Sec. of State, Sheldon Demke
Auditor, Sheldon Demke
Attorney General, Bill Mullan
Treasurer, Bill Brunsen
Education Department
Voc. Rehabilitation
Special Education, Dale Johnson
Pub. Service Comm., Joe Lang
Board of Pardons, Bill Mullan
Tax Commissioner, Sheldon Demke
Aeronautics, Joe Lang
Agriculture Dept., Steve Morris
Banking, Bill Brunsen
Health Dept., Jim Hanlon
Fire Marshal, Jim Hanlon
Insurance Dept., Bill Brunsen
Labor Dept., Dale Johnson
Motor Vehicles, Joe Lang
Public Institutions
Mental Health
Mental Retardation
Nebraska Veterans Home
Doc Coulter & Dale Johnson

26 Welfare Dept., Jim Hanlon
27 Roads Dept., Loe Land
28 Veterans Affairs, Doc Coulter
29 Water Resources, Steve Morris
30 Code of Ethics Bd., Sheldon Demke
31 Military Dept., Joe Lang
32 Educational Lds & Fds, Joe Lang
33 Game & Parks Comm., John Rochford
34 Library Comm., Bruce Beecher
35 Liquor Comm., Joe Lang
36 Racing Comm., Jim Hanlon
37 Workmen's Comp. Court, Doc Coulter
38 Comm. of Status of Women, Jim Hanlon
39 Brand Committee, Steve Morris
40 Motor Vehicle License Bd., Joe Lang
41 Real Estate Comm., Steve Morris
42
43 Athletic Commission, Judy Corliss
44 Nursing Board, Doc Coulter
45 Barber Examiners, Jim Hanlon
46 Dept. of Corrections, Bill Mullan
47 Educ. Television, Dick Burbach
48
49 Bd of Trustees of Nebraska,
State Colleges, Dick Burbach
50 State Colleges
Chadron 50-1, Dick Burbach
Kearney 50-2, Dick Burbach
Peru 50-3, Dick Burbach
Wayne 50-4, Dick Burbach
51 University of Nebr., Alan Moeller
52 Bd of Agriculture, Steve Morris
53 Agricultural Activities, Steve Morris
54 Historical Society, Judy Corliss
55 Natural Resources, Steve Morris
56
57 Oil & Gas Conservation, Steve Morris
58 Engineers & Architects, Doc Coulter
59 Joint Merit System, Sheldon Demke
60 Agricultural Products Industrial
Utilization Comm., Steve Morris
61
62 Land Surveyors, Doc Coulter
63 Bd of Public Accountancy, Sheldon Demke
64 State Patrol, Joe Lang
65 Administrative Services, Sheldon Demke

66 Abstracters' Board, Doc Coulter
67 Equal Opportunity Comm., Bill Mullan
68 Mexican-American Comm., Jim Hanlon
69 Arts Council, Bruce Beecher
70 Economic Opportunity Comm , Jim Hanlon
71 Advisory Comm. on Aging, Jim Hanlon
72 Economic Development Dept., Jim Hanlon
73 Landscape Architects, Doc Coulter
74
75 Investment Council, Bill Brunsen
76 Bd of Examiners for Psychologists, Doc Coulter
77 Court of Industrial Relations, Bill Mullan
78 Law Enforcement & Criminal Justice, Bill Mullan
79 Nebr. Comm. on Drugs, Bill Mullan
80 State Personnel Office, Sheldon Demke
81 Hall of Fame, Judy Corliss
82
83 State Board for Vocational Tech. Colleges, Bruce Beecher
84 Environmental Control, Steve Morris
85 Public Employees' Retirement Board, Sheldon Demke
86
87
88
89 State Claims Board, Bill Mullan
90 Nebr. American Bicentennial Revolution Comm., Judy Corliss

APPROPRIATIONS COMMITTEE
FEBRUARY 18, 1975 to FEBRUARY 28, 1975
AGENDA

TUESDAY, FEBRUARY 18

2:00	Public Hearing: LB387, LB466, LB529
2:30	Staff Briefing: Game & Parks Commission Dept. of Environmental Control
3:30	Public Hearing: Game & Parks Commission Dept. of Environmental Control

WEDNESDAY, FEBRUARY 19
2:00 Staff Briefing on all other Natural Resource agencies and Decisions
THURSDAY, FEBRUARY 20
2:00 Staff Briefing:
Dept. of Public Welfare
3:00 Public Hearing:
Dept. of Public Welfare
FRIDAY, FEBRUARY 21
2:00 Staff Briefing:
Dept. of Public Institutions
3:00 Public Hearing:
Dept. of Public Institutions
MONDAY, FEBRUARY 24
2:00 Staff Briefing:
Dept. of Correctional Services
3:00 Public Hearing:
Dept. of Correctional Services
TUESDAY, FEBRUARY 25
2:00 Staff Briefing on all other Human Resources agencies and Decisions
WEDNESDAY, FEBRUARY 26
2:00 Staff Briefing on Dept. of Roads and all other Transportation agencies
3:00 Public Hearing:
Dept. of Roads
3:30 Decisions
THURSDAY, FEBRUARY 27
2:00 Staff Briefing:
Auditor of Public Accounts
2:30 Public Hearing:
Auditor of Public Accounts
3:00 Staff Briefing on all other Public Safety agencies and Decisions
FRIDAY, FEBRUARY 28
2:00 OPEN

MARCH 3, 1975 TO MARCH 21, 1975
AGENDA

MONDAY, MARCH 3
2:00 Staff Briefing:
University of Nebr. at Omaha
3:00 Public Hearing:
University of Nebr. at Omaha

TUESDAY, MARCH 4
2:00 Staff Briefing:
University of Nebr. at Lincoln
3:00 Public Hearing:
University of Nebr. at Lincoln
WEDNESDAY, MARCH 5
2:00 Public Hearing: LB336
2:30 Staff Briefing:
University of Nebr. Medical Center
3:30 Public Hearing:
University of Nebr. Medical Center
THURSDAY, MARCH 6
2:00 Staff Briefing:
University – WIDE
State University of Nebr. (SUN)
Educational Television Commission
3:00 Public Hearing:
University – WIDE
State University of Nebr. (SUN)
4:00 Public Hearing:
Educational Television Commission
FRIDAY, MARCH 7
2:00 OPEN – Decisions
MONDAY, MARCH 10
2:00 Staff Briefing:
Department of Education
3:00 Public Hearing:
Department of Education
TUESDAY, MARCH 11
2:00 Public Hearing: LB244
WEDNESDAY, MARCH 12
2:00 Staff Briefing:
Technical Community Colleges
3:00 Public Hearing:
Technical Community Colleges
THURSDAY, MARCH 13
2:00 Staff Briefing:
Technical Community Colleges
3:00 Public Hearing:
Technical Community Colleges
FRIDAY, March 14
2:00 OPEN – Decisions
MONDAY, MARCH 17
2:00 Staff Briefing:
State Colleges
3:00 Public Hearing:
Chadron State College
Kearney State College

TUESDAY, MARCH 18
2:00 Staff Briefing:
State Colleges
3:00 Public Hearing:
Peru State College
Wayne State College
WEDNESDAY, MARCH 19
2:00 Staff Briefings on all other Education agencies and Decisions
THURSDAY, MARCH 20
2:00 Staff Briefing:
Dept. of Administrative Services
3:00 Public Hearing:
Dept. of Administrative Services
FRIDAY, MARCH 21
2:00 Staff Briefings on all other General Government agencies and Decisions

(Signed) Richard D. Marvel, Chairman
Appropriations Committee

MOTION—Rule Change

Mr. DeCamp moved the adoption of the rule change to Rule 7, Sec. 9 found in the Journal on page 467 for the Twenty-fourth Day.

The rule change was adopted with 32 ayes, 0 nays and 17 not voting.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 548 Tuesday, March 4, 1975 2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

MESSAGE FROM THE GOVERNOR

February 13, 1975

The Honorable Jules Burbach
Speaker of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Senator Burbach:

I respectfully request the opportunity to address your honorable body on Friday, February 14, 1975, at 11:30 a.m.

My purpose will be to present the executive budget recommendations. Kindly advise if this suggested arrangement is satisfactory.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

ADJOURNMENT

At 11:50 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, February 14, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

TWENTY-SIXTH DAY—FEBRUARY 14, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 14, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> In this prayer, O God, we come to Thee as children to a loving Father. We pray that thou wilt help our senators to face the problems that confront them, not alone by giving them wisdom greater than their own, but also by relieving their minds of all other anxieties.
>
> May they now turn over to Thee loved ones who need the healing touch of the Great Physician, with every confidence that Thou wilt hear our prayer of intercession, and as we do the work that is before us, that Thou wilt do Thy work of healing in those whom we love. May Thy help be so plain and practical in our family affairs that we shall come to believe strongly in the help that Thou dost offer in our state affairs. Deliver thy servants from personal worries, that they may be able to give themselves wholly to the challenge of this hour. In Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Mahoney, Skarda and Stull who were excused.

CORRECTIONS FOR THE JOURNAL

Page 488, line 27, correct to read:
27 Roads Dept., Joe Lang
The Journal for the Twenty-fifth Day was approved as corrected.

UNANIMOUS CONSENT–Member Excused

Mr. Barnett asked unanimous consent to be excused at 10:30 a.m. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 13, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 47 and 79.

These bills were signed by me on February 12, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 81. Replaced on Select File as amended.
E & R amendments to LB 81.

1. In lieu of the Simpson amendment 3, renumber original sections 1 to 7 as sections 2 to 8.

2. In the title, line 2, insert "60-311.11," after "sections"; and in line 5, insert "to change conditions for prestige plates;" after the semicolon.

LEGISLATIVE BILL 145. Replaced on Select File as amended.
E & R amendments to LB 145:

1. In the Skarda amendments 1 and 4, line 4, amendments 2, 5, and 6, line 3, and amendment 3, line 2, strike "Nebraska".

2. In the Skarda amendment 1, line 3, strike "motor" and insert the same after "contract" on page 6, line 8.

3. In the Skarda amendment 1, line 1, strike "line 6" and insert "line 7"; and in lines 3 and 6, strike "line 7" and insert "line 8"; and in line 8 insert a comma after "ship".

4. In the Skarda amendment 2, line 1, strike the third comma.

5. In the Skarda amendment 3, line 3, strike the comma.

6. In the Skarda amendment 4, line 1, strike the third comma.

7. In the Skarda amendment 5, line 1, strike the third comma; and in line 2 insert "any" after "by".

8. In the Skarda amendment 6, line 2, strike "motor" and insert the same after "contract".

LEGISLATIVE BILL 82. Replaced on Select File as amended.
E & R amendments to LB 82:

1. Strike Dworak amendments adopted 2/11/75 and all prior amendments except the standing committee and F. Lewis amendments.

2. On page 2, line 8, strike "Any" and insert "~~Any~~ Except for the first two years of employment under any contract entered into after the effective date of this act, any"; and in line 15 strike "; Provided, that the" and insert ". The first two years of the contract shall be a probationary period during which it may be terminated without just cause. Any superintendent or associate superintendent may have his contract of employment terminated without just cause at the close of the contract period. ~~; Provided, that the~~ The".

3. In new section 3, line 13, strike "amendment or".

4. In the title, line 6, strike "contract;" and insert "or administrator's contract; to provide a probationary period;"; and in line 7 insert "to provide procedures for the termination of a superintendent's or associate superintendent's contract;" after the first semicolon.

LEGISLATIVE BILL 21. Placed on Select File.

LEGISLATIVE BILL 127. Placed on Select File as amended.
E & R amendments to LB 127:

1. In standing committee amendment 1, line 5, insert an underscored period after "insurer".

2. In standing committee amendment 2, line 4, insert "and hospital" after "medical".

3. On page 4, insert underscored commas after "unless" in line 9, and after "treatment" in line 10.

4. In the title, line 8, insert "to define a term;" after the semicolon.

LEGISLATIVE BILL 308. Placed on Select File as amended.
E & R amendments to LB 308:

1. In the title, strike beginning with "requirements" in line 4 through "refunds" in line 5 and insert "of unclaimed refunds and unclaimed registered claims".

Correctly Engrossed

The following bill was correctly engrossed: 233.

Correctly Enrolled

The following bills were correctly enrolled: 22, 164, 183, 201, and 208.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 22, 164, 183, 201 and 208.

MESSAGE FROM THE GOVERNOR

February 10, 1975

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 to the Department of Economic Development, requiring Legislative confirmation:

Reappointment of Charles Davey, P.O. Box 206, Scottsbluff, to serve a term ending July 1, 1977.

Appointment of Burnham M. Yates, 2900 Bonacum, Lincoln, to serve the unexpired term of Bennett S. Martin (deceased). Mr. Yates will serve until July 1, 1977.

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 545	Monday, March 10, 1975	1:30 p.m.
LB 337	Cancel hearing on March 4, 1975	
LB 337	(Reset) Monday, March 10, 1975	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 13, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Crosby, Guenzel, Davis, Kessner & Kuester Law Firm:
(Robert B. Crosby) – Lincoln, Northwestern Mutual Life Insurance Company
(James L. Sedgwick) – Lincoln, Northwestern Mutual Life Insurance Company
Epke, Walter H. – York, Nebraska Upland Game Association; Bancnorthwest
Hartsock, Dick H. – Lincoln, Nebraska Educational Sales & Services, Incorporated
Henderson, H. C. – Lincoln, Nebraska State Bar Association
Knudsen, Berkheimer, Endacott & Beam Law Firm:
(C. Arlen Beam) – Lincoln, Johnson Imperial Home Co. of Hastings
McCoy, Dale E. – Omaha, (temporarily withdrawn) United Transportation Union
Owens, Randy – Omaha, Eastern Nebraska Heavy Contractors Association
Stallard, Bryce D. – Omaha, Omaha Suburban Area Council of Schools
Wylie, Wm. M. – Elgin, Walter H. Epke
Young, Malcolm D. – Omaha, Eastern Nebraska Heavy Contractors Association

UNANIMOUS CONSENT–Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 82 in the Journal. No objections. So ordered.

1. In line 2 of E & R amendment 2, adopted 2/18/75, strike "first two years of employment" and insert "probationary period of employment provided for in this section"; in line 5, strike "two" and insert "three

successive"; and after the period in line 7 insert "Upon renewal of such contract for a fourth successive year, it may be terminated by the board only for just cause unless, by a majority vote of the board, the probationary period is extended either one or two years.".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 59. With Emergency.

A BILL FOR AN ACT to amend sections 49-502 and 49-508, Reissue Revised Statutes of Nebraska, 1943, and section 49-617, Revised Statutes Supplement, 1974, relating to publication and distribution of session laws, statutes, and journals; to provide how the laws, statutes, and journals shall be distributed; 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:

Anderson	Barnett	Burbach	Burrows	Carsten
Chambers	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Moylan	Murphy	Nichol	Rasmussen
Rumery	Schmit	Simpson	Stoney	Swigart
Syas	Warner			

Voting in the negative, 4:

Bereuter	Cope	Marvel	Mills

Not voting, 8:

Cavanaugh	Clark	Keyes	Mahoney	Savage
Skarda	Stull	Wiltse		

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 90.

A BILL FOR AN ACT to amend sections 23-1114, 80-301, 80-401.01, 80-411, and 80-803, Revised Statutes Supplement, 1974, relating to veterans; to eliminate the requirement that veterans' service officers' salaries be set by the county board; to allow certain individuals admission to the Nebraska Veterans' Home; to change certain eligibility dates; to change certain tuition assistance provisions; and to repeal the original sections.

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

Voting in the affirmative, 43:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Schmit	Simpson	Stoney
Swigart	Syas	Warner		

Voting in the negative, 1:

Clark

Not voting, 5:

Mahoney	Savage	Skarda	Stull	Wiltse

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

LEGISLATIVE BILL 94. Mr. Luedtke asked unanimous consent to bracket LB 94 until Tuesday, February 18, 1975. No objections. So ordered.

LEGISLATIVE BILL 130. Mr. Cavanaugh moved to bracket LB 130 until Tuesday, February 18, 1975. The motion prevailed with 33 ayes, 4 nays and 12 not voting.

LEGISLATIVE BILL 186.

A BILL FOR AN ACT to amend section 48-115, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to redefine 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Syas	Warner	Wiltse		

Voting in the negative, 1:

Duis

Not voting, 5:

Dworak	Mahoney	Skarda	Stull	Swigart

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

LEGISLATIVE BILL 190.

A BILL FOR AN ACT to amend section 44-513, Revised Statutes Supplement, 1974, relating to insurance; to provide reimbursement or payment for services performed by a dentist; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope

DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Dickinson	Mahoney	Nichol	Skarda	Stull

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

SELECT FILE

LEGISLATIVE BILL 139. E & R amendments found in the Journal on page 473 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 119. E & R amendment found in the Journal on page 473 for the Twenty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 149. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 537. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 58. Mr. Savage asked unanimous consent to withdraw his specific amendment found in the Journal on page 477. No objections. So ordered.

Mr. Savage moved to return LB 58 to Final Reading. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

GENERAL FILE

LEGISLATIVE BILL 108. Laid over at request of Mr. Kremer.

LEGISLATIVE BILL 140. Considered.

The Speaker requested the bill be sent back to the Reference Committee for referral to a committee.

Mr. Cavanaugh moved the decision of the Speaker be overruled.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 8:

Cavanaugh	Chambers	Clark	Fowler	Kelly
Maresh	Marvel	Simpson		

Voting in the negative, 29:

Anderson	Barnett	Bereuter	Burbach	Carsten
Cope	DeCamp	Dickinson	Dworak	Fitzgerald
Goodrich	Hasebroock	Kennedy	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mills	Murphy
Nichol	Rumery	Savage	Schmit	Stoney
Swigart	Syas	Warner	Wiltse	

Not voting, 12:

Burrows	Duis	George	Johnson	Kime
R. Lewis	Mahoney	Marsh	Moylan	Rasmussen
Skarda	Stull			

The motion lost with 8 ayes, 29 nays, and 12 not voting.

LB 140 was referred to the Reference Committee for referral.

LEGISLATIVE BILL 194. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 2 nays and 18 not voting.

LEGISLATIVE BILL 196. Title read. Considered.

Standing Committee amendments found in the Journal on page 419 for the Twenty-first Day were adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 165. Title read. Considered.

Standing Committee amendment found in the Journal on page 420 for the Twenty-first Day was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Cavanaugh offered the following amendments:
Page 2, line 26 strike "and"
Page 2, Strike line 27
Page 3, Strike line 1, 2, 3

The amendments were adopted with 26 ayes, 9 nays and 14 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 83. Title read. Considered.

Standing Committee amendments found in the Journal on page 423 for the Twenty-first Day were adopted with 27 ayes, 1 nay and 21 not voting.

PRESIDENT WHELAN PRESIDING

Mr. Cavanaugh offered the following amendment which was adopted with 31 ayes, 2 nays and 16 not voting.

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 192. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 7 nays and 14 not voting.

LEGISLATIVE BILL 355. Title read. Considered.
Standing Committee amendment found in the Journal on page 427 for the Twenty-second Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 354. Title read. Considered.

Standing Committee amendment found in the Journal on page 427 for the Twenty-second Day was adopted with 27 ayes, 2 nays and 20 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 27. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 122. Title read. Considered.

Standing Committee amendment found in the Journal on page 433 for the Twenty-second Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 29 ayes, 1 nay and 19 not voting.

LEGISLATIVE BILL 148. Title read. Considered.

Mr. Kennedy offered the following amendment to the Standing Committee amendment found in the Journal on page 433 for the Twenty-second Day, which was adopted with 28 ayes, 0 nays and 21 not voting.

Line 4 of committee amendment between "services" and "at" insert a comma.

Mr. F. Lewis moved to bracket the bill until March 17, 1975. The motion lost with 23 ayes, 19 nays and 7 not voting.

Standing Committee amendment was adopted as amended with 33 ayes, 1 nay and 15 not voting.

Bracketed at request of Mr. Goodrich.

VISITORS

President Whelan introduced 31 students from Metro College, Omaha.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce & Insurance

LB 508	Monday, February 24, 1975	2:00 p.m.
LB 452	Monday, February 24, 1975	2:00 p.m.
LB 528	Monday, February 24, 1975	2:00 p.m.
LB 369	Tuesday, February 25, 1975	2:00 p.m.
LB 458	Tuesday, February 25, 1975	2:00 p.m.
LB 394	Monday, March 3, 1975	2:00 p.m.
LB 465	Monday, March 3, 1975	2:00 p.m.
LB 398	Tuesday, March 4, 1975	2:00 p.m.
LB 399	Tuesday, March 4, 1975	2:00 p.m.
LB 109	Monday, March 10, 1975	2:00 p.m.
LB 269	Monday, March 10, 1975	2:00 p.m.
LB 400	Monday, March 10, 1975	2:00 p.m.

LB 402	Tuesday, March 11, 1975	2:00 p.m.
LB 502	Tuesday, March 11, 1975	2:00 p.m.

(Signed) J. R. Murphy, Chairman

Revenue

LB 396	Wednesday, March 5, 1975	2:00 p.m.
LB 530	Wednesday, March 5, 1975	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

EASTER RECESS

Speaker Burbach suggested the following calendar for Easter recess, to adjourn on Wednesday, March 26, 1975 and take off Thursday, March 27, Friday, March 28, and Monday, March 31 and return on Tuesday, April 1, 1975.

COMMITTEE TO ESCORT GOVERNOR

The Chair appointed Messrs. Savage, Simpson and Mills to escort Governor J. James Exon to the Chamber to deliver his Budget Message.

EASE

The Legislature was at ease from 11:31 a.m. until 11:36 a.m.

The Committee escorted the Governor to the rostrum where he delivered the following Budget Message.

Mr. President, Mr. Speaker, Members of the Legislature, Ladies and Gentlemen:

Thank you for allowing me the time this morning to present the Executive Budget Recommendations which meet the twin tests of restraint and realism.

I am offering for your consideration a sound and balanced budget, and will outline the perimeters of spending and taxes necessary to finance this program.

This is the fifth consecutive budget proposal where I have recommended a budget based on the State tax rates of 2½% on sales, and 13% on income that were in effect as far back as 1970. I am forced, in order to assure the State's solvency, to ask that you forthwith enact a 13% income tax retroactive to January 1, 1975. If it is the Legislature's desire, I will introduce a bill for this purpose.

I have many times previously cautioned against "Political Tax Tinkering" and a Yo-Yo approach to the State's tax needs and legitimate balances. Had my previous recommendations been followed, it would not be necessary for me to request such legislative action, and we would not find the State in the financial crunch it is experiencing in 1975. Even your tax action that I have requested will allow little leeway and future substantial deterioration of Nebraska's economy or a reoccurrence of drought this summer could produce serious revenue problems.

There are some major economic time bombs that are ticking away in Nebraska that cannot be brushed aside just because we are confident of our future. Information just received in my office indicates that Nebraska unemployment jumped in January by over 1%, up from 4.7% in December to 5.8% in January.

I call once again for the Legislature to assume rate setting authority as your counterparts have done in all other states as well as the legislative body of the Federal government. The Nebraska Legislature, for reasons best known to itself, has maintained that it should appropriate but not tax. Besides not being workable, the system encourages spending because those setting in the budgets, in effect, rely on others to shoulder the responsibility for tax rates. If the Legislature wishes to wait until November 15 each year to set tax rates, you could agree to reserve your last Legislative day each year for that purpose. Another workable solution would be for the Legislature to set tax rates for the current year the first day it meets in January.

My recommendations are for a $327.4 million General Fund Operations Budget, and a $4.1 Million General Fund Capital Construction Budget. This is the minimum recommendation that we should consider if we are to act responsibly. In addition, your body must consider, and I support, other pending obligations as follows:

1975–76 previously authorized capital construction appropriations of $1.9 million as amended by my bill, $1 million for the Resources Development Fund, an additional $1.6 million for Aid to Dependent Children, $1 million in deficit appropriations as I previously presented, and $1 million for the Veterans' Trust Fund.

I have also recognized deficit funding requirements for the Community Technical Colleges and Homestead Exemptions in my considerations of available General Fund Revenues.

The total All Funds Budget, including General Funds, Cash Funds, and Federal Funds for 1975–76 is $712.1 million.

This budget proposal was hewn from a massive portfolio of documents and spending requests and is a product of many long hours of work, study, and most difficult decisions. In total, I have reduced by some $36.6 million the General Fund requests of all agencies. The final determinations were based upon my interpretation of what I believe to be the highest priorities on what we can afford.

You will discover some decisions that may appear to many as harsh. There is little or no room for any of the new and increased spending proposals introduced and being considered by the Legislature. Indeed there are some suggestions to cut back or delay some of the previous Legislature's authorizations. In your deliberations I encourage all to look about and see what drastic reductions are being made in other states as they meet their similar responsibilities.

All agency budgets incorporate our previous recommendations for a 5% pay step increase on the State Pay Plan for our dedicated State employees plus an additional $468 per year per employee. This provides a significant increase especially for the lower and middle income employees; a fact that is evident, notwithstanding claims to the contrary.

We support a moderate increase for ADC recipients to help meet increased costs for those most in need. For example, for an unemployed mother and one child, we are suggesting an increase from the present $175 per month to $210.

To improve the care and provide for marked increases in patient loads for the State's Regional Centers, we must provide an additional $2.7 million over the current fiscal year.

In Penal Reform and Construction, we are asking for a total of $1.5 million, which is similar to our suggestions of last year which were not fully funded. This is a high priority item agreed to jointly by the Judiciary Committee, our Department of Corrections, and the Governor. Included in this request is $300,000 which will generate $2.5 million in Federal funds and provide the important new and expanded programs at both the community and institutional levels. I urge your appropriation authority accordingly.

The University of Nebraska received a General Fund increase in operational appropriations last year of approximately 25%. This was by far the largest increase in the Big 8. This year, the University had requested a further percentage increase of 34% representing an additional $22 million for a requested total yearly General Fund Appropriation of $86 million for 1975–76. I have reduced this by $14 million while allowing a percentage increase of 11.4%. This amount is necessary basically to meet pay increases and expenses, and to encourage our University to maintain itself as a top-flight institution of higher learning. By comparison with funding for other universities in the Big 8 and elsewhere, this is an entirely fair proposal.

Since the University Operations Budget will be considered "tight" by their officials, I am recommending an aggregate appropriation to the entire system of $71.6 million and suggest allowing the elected regents and their extensive administrative staffs to set their own spending priorities. With their all-funds budget of $180 million, I feel all legitimate needs can be met as we all struggle with increased spending demands even in the face of overall static or declining enrollments.

With the constraints of available resources, we have been forced to be extremely conservative on capital construction, including the University.

The high priority State Construction Projects totaling $25 million for 1975–76 should not be interrupted, because it would be unwise and wasteful. I believe the top priority for new construction should be the new ambulatorium at the Medical School. $1.2 million is recommended for this purpose to meet the matching Federal funds of $2.6 million.

The funding of this building will directly increase the number of physicians being trained to practice medicine in Nebraska. This represents an important step in alleviating Nebraska's physician shortage. I believe, however, that in conjunction with funding for the ambulatorium, there should be an increased effort by the Medical Center to select for admission to Medical School those candidates who are most likely to return to practice in our medically deficient areas. Under current policies, 60% of those admitted to the Medical School come from Nebraska urban areas, which represents 40% of the population, while only 40% come from rural and outstate Nebraska, which makes up 60% of the population. In short, we should start to recruit and admit more students for the Medical School who come from our small towns and rural areas, and who are more likely to return to their home communities. If we do not begin to put our house in order, we can expect Federal legislation which may impose physician quotas and possibly even a physician draft.

However, primarily as a result of this decision, I am recommending delay in appropriations previously authorized of $2.7 million at UNO for construction of another physical education facility. This surely can wait as we struggle with priorities.

I further recommend that you rescind for one year the previous $960 thousand appropriation for the lease-purchase of the Omaha State Office Building. In lieu of this, I am suggesting a $40 thousand authorization for preliminary planning money. It is obvious the previous $960 thousand appropriation cannot be expended in 1975–76, and therefore is not necessary this year.

I realize these are not popular suggestions. This is not designed as a budget to win any popularity contests. If there is any beauty to the budget, I am hopeful that it is trim and one that meets necessities.

For the State colleges, we are requesting an 11.4% increase primarily to meet their inflation costs. I would like to express my appreciation and thanks to the Board of Trustees and their administrators for their budget preparations. They were most reasonable, and we basically funded their on-going budget requests.

As for the Technical Community Colleges, we recommend a return to local control with a moderate increase in State aid for these institutions.

With regard to post-secondary education, we are faced with the necessity for some type of coordination. The Legislature has discussed this matter the last two sessions, but has not acted. As a result, I proceeded under executive authority to establish a 1202 Commission. It is my suggestion that this commission be continued in an advisory capacity and will present you with a bill for this purpose.

As we attempt to build a workable budget that will fit the restraints of revenue, I ask that the Legislature bracket all measures with "A" bills, where possible, and refer them to your Appropriations Committee so all can get a handle on total appropriations.

I also respectfully suggest that members of the Legislature have before them daily a current picture, showing declining balances as each spending appropriation is voted on; otherwise I cannot see how each senator can be fully informed.

When considering the receipts by State Government, it is important to recognize that approximately 50% of the State collections, totaling $183.4 million go back to governmental subdivisions and citizens in the form of State Aid to Schools, Property Tax Relief, Homestead Exemptions, and Social Services.

The Executive Budget recommends continuation of the $55 million Aid to Education. It should be pointed out that total State Funds will be paid to school districts in total of at least $85 million in fiscal 1975–76 when all aid is considered.

I caution against implementation of any further increase in the basic present $55 million aid this year. This simply cannot be financed because of necessary budget restraints. It is important to note that because of prudent actions by the State Board of Educational Lands and Funds, there will be available to the school districts an additional $9 million this year over last. That, in itself, is a significant increase in funding.

Before we can proceed to an equitable long-range solution to State Aid, I believe we need passage of a constitutional amendment to allow the Legislature to reclassify real property. We will present you with such an amendment which could be approved by the people next year.

In lieu of a Veterans' Bonus, Nebraska has chosen to provide for financial assistance to needy veterans from proceeds from investments of an $8 million dollar trust fund established after World War II. Because of increasing demands, the fund must be increased gradually to produce higher returns. We are requesting a $1 million appropriation to the fund in fiscal 1975–76. With regard to meeting increasing veteran's needs, we are ready to begin occupancy of the new Veterans' Home in Scottsbluff, and further expansion will be made as soon as possible.

We must continue our battle in behalf of our Number 1 industry, agriculture. Last Tuesday, President Ford assured me and other Midwest governors in Topeka that the Administration was still reviewing the possibility of curtailing red meat, poultry and dairy imports. The President agreed he had the authority, but made no promises to act immediately. The President was also made aware of steadily declining prices in grain. He renewed the plea for full production, and could only promise agricultural fuel availability, but was not specific on its cost to the farmer.

It is my hope that some of the suggestions for protection of farmers in selling their products to processors can be enacted. Among other suggestions being made, I direct your attention to the proposed Federally administered one cent checkoff per head by the seller and one cent by the buyer at slaughter to create a fund to guarantee payments.

Looking ahead to the needs of agriculture, our budget provides $20,000 for planning for a new Plant Science Building at the University. We are also continuing the State's increased role in water resources development with an additional $1 million contribution to the Natural Resources Development Fund.

Road construction in Nebraska received the expected boost when we were finally successful in prying loose at least part of our impounded highway funds. We can proceed with our orderly planned programs. It would appear we will realize approximately $42 million in new money for bid lettings this spring.

We will continue to press our successful legal action to recover an additional $42 million due Nebraska. These funds will be employed primarily for noninterstate construction. Unlike many the other states, we are not hampered by a lack of state matching funds, and due to the excellent planning by Director Doyle and his staff, we have engineered jobs on the shelf and ready for bid.

I remain opposed to any gas tax increase at this time at either the State or Federal level. Again I renew my opposition to deficit financing of roads by bonded debt, but again would welcome standby authority in this area to meet any presently unforeseen emergencies.

The Budget Bill that I have presented this morning will not satisfy the spending demands of most State Agencies or special interest groups. I assume that indeed it will be criticized by some State Senators. The budget was not structured to satisfy everyone or every group, rather, it was built on minimum needs of required State services within a reasonable perimeter of what we should expect from the State's taxpayers. There will undoubtedly be cries of anguish and even despair in some circles. With its presentation, we can now all declare "open season" on the Governor's recommendations. It's fair game, as it should be, but in the end, I presume something very similar to its total will be enacted. The Legislature certainly has the right to make any changes it deems necessary, and it is not offered as an infallible document.

Hopefully, we can all agree that restraint in spending authorizations must be a paramount consideration. We must jointly address ourselves as to how we can balance expenditures with income. There will be disputes as to priorities. That too is as it should be. However, working in consort, and attempting to understand another's point of view, I am sure that we can accomplish our difficult budget task without rancor and agree on tax rates necessary to support the eventual decision. That task will not be easy nor are these easy times.

The Committee escorted the Governor from the Chamber.

ADJOURNMENT

At 12:04 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Tuesday, February 18, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SEVENTH DAY—FEBRUARY 18, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 18, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Burbach 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 Mr. Skarda who was excused and Mr. Cavanaugh who was absent until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-sixth Day was approved.

ATTORNEY GENERAL OPINIONS

Opinion No. 16
February 13, 1975

The Honorable Harold D. Simpson
Member of the Legislature
Capitol Building
Lincoln, Nebraska

Dear Senator:

You have submitted to this office a proposed amendment to Section 81-1329, R. S. Supp., 1974. This section basically provides for the approval by the Legislature of the State of Nebraska classification and pay plan, as revised, with provision for its future amendment by the Director of Personnel and the Merit System office. Your request our advice as to the consitutionality of said legislation.

Reviewing the new language proposed we cannot say that the amendment is clearly valid. We note that the Director of Personnel and the Merit System office shall on the specified dates amend the state classification and pay plan by changing the rate of pay in accordance with the consumer price index as determined by the United States Bureau of Labor Statistics. There appears to be no discretion granted the Director of Personnel in this area. Whatever figures may be adopted by the Bureau of Labor Statistics are imposed upon the Director of Personnel and the Merit System office. In Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492, our court held that the Legislature has no power to delegate any of its legislative powers to an outside agency such as the Congress of the United States. If we are here dealing with a legislative power then there would be no question as to the invalidity of the proposed legislation. However, a question could be raised that the power involved is not legislative, but executive. If executive, it could well comprise an improper exercise of executive power by the Legislature, or an improper delegation to an agency not a part of state government.

Your attention is called to Section 1, Article II, Constitution of Nebraska. This section prohibits the Legislature from exercising any power properly belonging to the executive. Recognition of the powers of the executive has been pointed out by our court in several cases. In Wittler v. Baumgartner, 180 Neb. 446, 144 N.W. 2d 62, our court specifically found invalid a statutory provision which limited the Governor in his appointment of officers to a certain unnamed individual or to a limited few as being an invalid encroachment by the Legislature upon the powers of the Governor. We also note that in State ex rel. Meyer v. State Board of Education and Assessment, 185 Neb. 490, 176 N.W. 2d 920, the court was dealing with annual personal service limitation placed in the appropriations

of each of the departments of state government. In that case the court held the annual limitation as to the amount each department might spend of its appropriation for personal services based on a total yearly amount was valid. However, the court did point out that the Legislature could not through the power of appropriation exercise or invade the constitutional rights and powers of the executive branch of the government. The court said that the Legislature, "* * * cannot administer the appropriation once it has been made." These cases recognize that there are executive powers and the Legislature may not, by legislation or otherwise, invade those powers.

In view of the foregoing, we cannot say with any degree of assurance that your proposed legislation would be valid.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:smh
cc: Mr. Vincent Brown
Clerk of the Nebraska Legislature

Opinion No. 17
February 13, 1975

Dear Senator DeCamp:

In your letter of February 12, 1975, you ask for our evaluation of the constitutional validity of L.B. 77. This bill would amend Section 28-926.11(9), which now reads as follows:

> "Obscene shall mean: (a) Work, material, conduct or live performance which taken as a whole predominantly appeals to the prurient interest, a shameful or morbid interest in nudity, sex or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters, (b) work, material, conduct or live performance which depicts or describes in a patently offensive way sexual conduct specifically set out in sections 28-926.11 to 28-926.33, and (c) work, conduct, material or live performance which taken as a whole lacks serious literary, artistic, political, or scientific value as determined by the average person applying contemporary community standards;"

This bill would amend this subsection by moving the language concerning "an average person applying contemporary community standards" from test (c) of the definition of obscenity to test (a), and by eliminating the provision that the material, conduct or live performance

must go "substantially beyond customary limits of candor in the description or representation" of matters appealing to the prurient interest, or a shameful or morbid interest in nudity, sex, or excretion.

As to the movement of the language concerning the average person applying contemporary community standards, we see no constitutional objections, and, as a matter of fact, it brings the statute more nearly in line with the language of Miller v. California, 413 U.S. 15, 37 L.Ed. 2d 419, 93 S. Ct. 2607. As the statute now reads, with this language at the end of test (c), it can be construed as applying the community standards, determined by the average person, to test (c), dealing with the question of whether the material lacks serious literary, artistic, political, or scientific value. Or it can be construed as applying such community standards to all three of the tests. Miller v. California, supra, applies such standards to test (a), and we believe the change effected by L.B. 77 is an improvement.

The other amendment, however, presents some problems. In Jacobellis v. Ohio, 378 U. S. 184, 12 L. Ed. 2d 793, 84 S. Ct. 1676 (1964), we find this language:

> "* * *. It should also be recognized that the Roth standard requires in the first instance a finding that the material 'goes substantially beyond customary limits of candor in description or representation of such matters.' This was a requirement of the Model Penal Code test that we approved in Roth, 354 US at 487, note 20, 1 L ed 2d at 1508, and it is explicitly reaffirmed in the more recent 'Proposed Official Draft' of the Code. In the absence of such a deviation from society's standards of decency, we do not see how any official inquiry into the allegedly prurient appeal of a work of expression can be squared with the guarantees of the First and Fourteenth Amendments. See Manual Enterprises, Inc., v. Day, 370 US 478, 482-488, 8 L ed 2d 639, 643-647, 82 S Ct 1432 (opinion of Harlan, J.)."

The case of Miller v. California, supra, and its companion cases modified somewhat previous definitions of obscenity, but we believe it would be a mistake to take the position that those cases repudiated all of the previous law with respect to obscenity. Those cases were not an attempt to completely rewrite the law, but only to modify some of the requirements of previous cases. We find no language in any of them suggesting that the above-quoted passage from Jacobellis is no longer valid.

In Miller v. California, the court said:

> "* * *. The jury, however, was explicitly instructed that, in determining whether the 'dominant theme of the material as a whole . . . appeals to the prurient interest' and in determining whether the material 'goes substantially beyond customary limits of candor and affronts contemporary community standards of decency,' it was to apply 'contemporary community standards of the State of California.' "

We believe that this is the proper approach, and the constitutional requirement. Before the material can be found to appeal to the prurient

interest, the jury must find, applying contemporary community standards, that the material goes substantially beyond customary limits of candor in the description or representation of such matters.

This is not to say that the provision that the material must go substantially beyond the customary limits of candor must remain in definition section, where it now is. We would see no objection to amending Section 28-926.11(9) as L.B. 77 now would do, if the provision in question were inserted in some other section of the obscenity statute, as, for example, the section on instructions to the jury, Section 28-926.18. We do, however, feel that it should be somewhere in those statutes, because if the Supreme Court were faced with a legislative history of a statute containing this constitutionally-required language which was amended to eliminate it, the court would be hard pressed to construe it back in.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:sh

cc: Mr. Vincent Brown
Clerk of the Nebraska Legislature

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 111. Placed on General File as amended.
Standing Committee amendments to LB 111:

1. On page 2, line 15 after "historic" insert ", archaeological, cultural,"; line 16 after "value" insert "or significance"; and in line 26 after "resources" insert ", the preservation of sites of historic, cultural, archaeological, and architectural significance and value".

2. On page 4, line 24 after "historic" insert ", archaeological, cultural,"; and in line 25 after "value" insert "or significance".

3. On page 5, line 7 after "resources" insert ", the preservation of sites of historic, cultural, archaeological, and architectural significance and value".

4. On page 2, line 6, strike "guide" and insert "plan".

5. On page 4, after line 8, insert a new section as follows:

"Sec. 2. That section 15-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-1103. The planning director shall be responsible for preparing the comprehensive plan and ~~all~~ amendments and extensions

thereto, and for submitting such plans and modifications to the city planning commission for its consideration and action. The commission shall review such plans and modifications, and those which the city council may suggest, and, after holding at least one public hearing on each proposed action, shall provide its recommendations to the city council within a reasonable period of time. The city council shall review the recommendations of the planning commission and after at least one public hearing on each proposed action, shall ~~approve~~ adopt or reject such plans in whole or in part and with or without modifications. ~~The commission shall submit certified copies of all plans, amendments, and extensions which it adopts, to the mayor and council of such city of the primary class.~~"; line 15 strike "guide" and insert "plan" and renumber original section 2 as section 3.

6. On page 6, after line 16, insert a new section as follows:

"Sec. 4. That section 23-174.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-174.06. The planning director shall be responsible for preparing a comprehensive plan of the county and ~~all~~ amendments and extensions thereto, and for submitting such plans and modifications to the county planning commission for its consideration and action. The commission shall review such plans and modifications, and those which the county board may suggest, and, after holding at least one public hearing on each proposed action, shall provide its recommendations to the county board of commissioners with a reasonable period of time. The county board of commissioners shall review the recommendations of the planning commission and, after at least one public hearing on each proposed action, shall ~~approve~~ adopt or reject such plans in whole or in part and with or without modifications. ~~The commission shall submit certified copies of all plans, amendments, and extensions which it adopts, to the board of commissioners of such county.~~"; line 17 after "15-1102" strike "and" and insert ",15-1103,"; line 18 after the first comma insert "and 23-174.06,"; and renumber original section 3 as section 5.

(Signed) Steve Fowler, Chairman

Labor

LEGISLATIVE BILL 222. Indefinitely postponed.
LEGISLATIVE BILL 257. Indefinitely postponed.
LEGISLATIVE BILL 330. Indefinitely postponed.
LEGISLATIVE BILL 331. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

AGRICULTURE AND ENVIRONMENT

LEGISLATIVE BILL 136. Placed on General File as amended.
Standing Committee amendments to LB 136:

1. On page 11, lines 19 and 20 reinstate the stricken matter and strike the new matter.

2. On page 13, line 4 strike "ninety" and insert "~~ninety~~ sixty".

3. On page 17, line 25 after "1943," insert "only at the time of a brand renewal period"; and in line 26 strike "five" and insert "~~five~~ four".

4. On page 20 after line 4 insert the following new sections:

"Sec. 14. That section 54-137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-137. The committee shall employ a secretary who shall keep a record of all proceedings, transactions, communications and official acts of the committee, shall be custodian of all records of the committee and shall perform such other duties as the committee may require. The Secretary shall call a meeting at the direction of the Secretary of State or upon the written request of two or more members of the committee. The committee shall employ such other employees as may be necessary properly to carry out the provisions of sections 54-134 to 54-156, and assist in enforcing and carrying out the provisions of sections 28-509, 28-510, 54-101 to 54-133.03, and 54-415 and shall also be authorized to fix the salaries of such employees as may be employed by it and to make such expenditures as are necessary properly to carry out the provisions of said sections. The committee shall select and designate a place within the brand inspection area where the committee shall keep and maintain an office and where all records of the ~~committee~~ brand inspection and investigation proceedings, transactions, communications, and official acts shall be kept. The brand committee shall maintain an office in the State Capitol Building or State Office Building where the committee records relative to and concerning the Brand Recorder's duties shall be kept.

(1) As used in this section, unless the context otherwise requires, secretary shall mean the executive officer employed by the Nebraska Brand Committee, who shall also be the chief brand inspector and the chief brand investigator.

(2) The secretary shall have supervisory authority to direct and control all full and part-time Nebraska Brand Committee employees, except the Brand Recorder shall have supervisory authority over those employees in the brand recording office. This authority shall allow the secretary or Brand Recorder to hire such employees as are needed on an interim basis subject to approval or confirmation by the Nebraska Brand Committee for regular employment. The secretary or Brand Recorder shall have the authority to place employees on probation. The secretary or Brand Recorder may discharge an employee.

(3) If any employee of the Nebraska Brand Committee after having been disciplined, placed on probation or his services terminated desires to have a hearing before the entire Nebraska Brand Committee, such a hearing shall be granted as soon as is practicable and convenient for all persons concerned.

The request for such a hearing shall be made in writing by the employee alleging the grievance, and directed to the secretary or Brand Recorder. After hearing all testimony surrounding the grievance of such employee, the Nebraska Brand Committee, at its discretion, may approve, rescind, nullify or amend all actions as previously taken by the secretary or Brand Recorder.

(4) In the absence of the secretary or Brand Recorder, either by reason of illness, vacation or official business away from the department's headquarters, the assistant secretary or assistant to the recorder shall have similar authority as above outlined for the secretary.

Sec. 15. The committee shall employ a Brand Recorder who shall perform those duties prescribed in subdivision (37) of section 54-101 and shall also: (1) Process all brand renewal applications; (2) make timely deposits of all fees and money collected; (3) issue duplicate certificates when necessary; (4) prepare and distribute as provided by law the official brand books; (5) prepare and submit such reports as may be required by state law or requested by the Nebraska Brand Committee; (6) prepare and submit budget information and maintain personnel records of the Brand Recorder's office; and (7) be responsible for presenting to the committee information that may be required under subdivision (1) (e) of section 54-104. The brand committee shall have the authority to determine and prescribe and assign other duties as they deem necessary to the Brand Recorder.".

5. On page 21 after line 4 insert the following new sections:

"Sec. 17. The Secretary of State as chairman of the Nebraska Brand Committee and in his capacity as Secretary of State shall have the authority and duty to place his signature and the seal of the state upon all brand certificates and other documents that may by law require certification by signature and seal. Such documents shall include but not be limited to new brand certificates, brand transfer certificates, duplicate certificates, and brand renewal notices.

Sec. 18. All furniture, equipment, books, files, and records in the possession and used by the Secretary of State to carry out the provisions of Chapter 54, article 1 shall be transferred to the Nebraska Brand Committee on the operative date of this act. Any unexpended balance in the Secretary of State's Brand Fund shall be transferred to the Nebraska Brand Inspection and Theft Prevention Fund on the operative date of this act.

Sec. 19. This act shall become operative July 1, 1975.";

line 7 strike "and", and after "54-135," insert "and 54-137,"; and after line 10 insert a new section as follows:

"Sec. 21. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

6. Renumber original sections 14 and 15 as sections 16 and 20 respectively.

LEGISLATIVE BILL 180. Placed on General File as amended.
Standing Committee amendment to LB 180:

1. On page 2, line 24 strike "or reappropriated by the Legislature" and insert ", and such funds, fees, donations, gifts, services, devises, or bequests of real or personal

property received by the Nebraska Natural Resources Commission from any source, federal, state, public or private, to be used by the commission for the purposes of accelerating the completion of modern soil surveys".

LEGISLATIVE BILL 247. Placed on General File as amended.
Standing Committee amendments to LB 247:

1. On page 2, line 8 after "University" insert "or his representative" and in lines 8 and 9 strike "the Director of the Conservation and Survey Division of the University of Nebraska," and show as stricken; after line 16 insert a new section 2 to read as follows:

"Sec. 2. That section 2-2407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2407. (1) Any person desiring to cause, or attempting to cause, condensation or precipitation of rain, snow, moisture, or water in any form contained in the atmosphere, or who shall prevent or attempt to prevent by artificial means the natural condensation or precipitation of rain, snow, moisture, or water in any form contained in the atmosphere, shall make application to the department in writing, on forms supplied by the department, to do so. Each application shall be accompanied by a fee of fifty dollars.

(2) Any person issued a license to do any of the acts specified in subsection (1) of this section shall pay a fee of two hundred dollars.

(3) No fee shall be charged for experimental or research work.

(4) The money collected from such fees shall be deposited with the state treasury and by the State Treasurer credited to the ~~General Fund~~ special funds and accounts established by section 4 of this act."; in line 17 strike "commission" and insert "department"; after line 21 insert a new section 4 to read as follows:

"Sec. 4. The State Treasurer is hereby designated as the custodian of all funds, fees, donations, gifts, services, devises, or bequests of real or personal property received by the department from any source, federal, state, public or private, to be used by the commission in the performance of its duties. The State Treasurer is authorized to receive and provide for the proper custody of such funds, fees, donations, gifts, services, devises, or bequests of real or personal property and establish such special weather control funds and accounts as may be necessary to carry out the intent and purposes of this act. The Director of Administrative Services shall draw warrants upon such funds or accounts upon presentation of proper vouchers by the department. Any money in the special weather control funds or accounts available for investment shall be invested by the state investment officer pursuant to the provisions of Chapter 72, article 12."; in line 22 strike "section" and insert "sections" and after "2-2404" insert "and 2-2407"; and in line 23 strike "is" and insert "are".

2. Renumber original sections 2 and 3 as sections 3 and 5 respectively.

(Signed) Loran Schmit, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 28. Placed on General File as amended.
Standing Committee amendments to LB 28:

1. Strike original sections 1 to 3 and insert the following:

"Section 1. (1) All individual and group health insurance policies providing coverage on an expense incurred basis and individual and group service or indemnity type contracts, which provide coverage for a family member of the insured or subscriber shall, as to such family members' coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of the insured or subscriber from the moment of birth.

(2) The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

(3) A policy of or contract may require that notification of birth of a newly born child and payment of the required premium or fees shall be furnished to the insurer or nonprofit service or idemnity corporation within thirty-one days after the date of birth in order to have the coverage continue beyond such thirty-one day period.

(4) The requirements of this act shall apply to all insurance policies and subscriber contracts delivered or issued for delivery in this state on or after January 1, 1976.".

2. In the title strike lines 2 to 6 and insert:

"FOR AN ACT relating to insurance; to provide coverage for infants from the day of birth; and to provide when insurance policies shall be required to provide such coverage.".

(Signed) J. R. Murphy, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 126. Replaced on Select File as amended.
E & R amendments to LB 126:

1. In the Barnett amendment, line 6, insert "~~in the case of employees of the State of Nebraska or~~" after the first comma; in line 6 strike "other"; in line 10 insert "~~the withholding~~" after "withhold"; and strike lines 14 and 15 and insert "~~thereof.~~".

2. In the title, strike lines 4 and 5 and "by" in line 6 and insert "to change voluntary wage withholding provisions for".

LEGISLATIVE BILL 131. Placed on Select File.

LEGISLATIVE BILL 125. Placed on Select File as amended.
E & R amendments to LB 125:

1. In the standing committee amendment, in lines 6, 7, and 16, strike "lease or sale" and insert "sale or lease"; and in lines 10 and 12, strike "leased or sold" and insert "sold or leased".

2. On page 3, line 14, strike "lease or sell"

and insert "sell or lease ".

3. In lieu of the Barnett and Nichol amendments, on page 2, strike beginning with "by" in line 23 through "inhabitants" in line 24 and insert "by any county board"; and on page 3, strike beginning with "The" in line 12 through "inhabitants" in line 13 and insert "Any county board".

LEGISLATIVE BILL 171. Placed on Select File as amended.
E & R amendments to LB 171:

1. Strike line 1 of the Stoney amendment to page 4 and insert:

"On page 4, strike subsection (4) and insert new subsections (4) and (5) to read as follows: "; and in line 3, strike "no" and insert "fewer than two".

2. In line 13 of the Stoney amendment to page 4, strike "and/or" and insert "or".

3. Strike line 1 of the Stoney amendment to page 6 and insert:

"On page 6, strike subsection (3) and insert new subsections (3) and (4) to read as follows: "; and in line 4, strike "no" and insert "fewer than two".

4. In line 2 of the Stoney amendment to page 6, insert an underscored comma after "If"; and in line 13, strike "and/or" and insert "or".

5. On page 3, line 4, reinstate the stricken "five" and strike "ten".

6. In the title, strike lines 5 to 10 and insert : "relating to cities and villages; to provide bidding procedures for certain contracts; to provide authority for contract negotiation; and to repeal the original sections.".

LEGISLATIVE BILL 312. Placed on Select File as amended.
E & R amendment to LB 312:

1. In the title, line 2, strike "sections 77-202.12 and" and insert "section"; in line 4 strike "to redefine terms;" and in line 6 strike "sections" and insert "section".

LEGISLATIVE BILL 63. Placed on Select File as amended.
E & R amendments to LB 63:

1. In the standing committee amendment, strike lines 3 and 4, and insert "and on page 3, line 2, insert 'when the contract does not include on-site labor for the installation thereof,' " after the first comma.

2. On page 3, line 6, insert an underscored comma after "bids".

Correctly Engrossed

The following bills were correctly engrossed: 119, 139, and 149.

Correctly Enrolled

The following bills were correctly enrolled: 59, 90, 186, and 190.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 59, 90, 186 and 190.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 18, 1975, at 9:00 a.m., were the following bills: LB 22, LB 208, LB 201, LB 183 and LB 164.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Labor

LB 546 Wednesday, March 12, 1975 2:00 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Kime asked unanimous consent to be excused until Tuesday noon. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 94.

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 all bills be read at large before the vote is taken on final passage; 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, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 14. 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 before

the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. 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 Lieutenant Governor, or the Speaker if acting as presiding officer, 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."

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 eliminate the requirement that every bill be read at large before the vote is taken on final passage.
> 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. Mahoney moved for a Call of the House. The motion prevailed with 33 ayes, 6 nays and 10 not voting.

The Call showed 47 members present.

Mr. Luedtke requested a roll call vote.

Voting in the affirmative, 30:

Anderson	Bereuter	Burrows	Carsten	Chambers
Cope	DeCamp	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Marsh
Moylan	Nichol	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Wiltse

Voting in the negative, 18:

Barnett	Burbach	Cavanaugh	Clark	Dickinson
Dworak	Kelly	Kennedy	Keyes	Kime
R. Lewis	Maresh	Marvel	Mills	Murphy
Rasmussen	Rumery	Warner		

Not voting, 1:

Skarda

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

Mr. Stull moved the Call be raised. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE BILL 130. With Emergency.

A BILL FOR AN ACT relating to criminal procedure; to provide for review of judgments in criminal cases 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nichol	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 4:

Dworak	R. Lewis	Mills	Rasmussen

Not voting, 4:

Burbach	Kremer	F. Lewis	Skarda

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 77. Mr. Goodrich asked unanimous consent to bracket the bill. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 81. E & R amendments found in the Journal on page 495 for the Twenty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 145. E & R amendments found in the Journal on page 495 for the Twenty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 82. E & R amendments found in the Journal on page 496 for the Twenty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 21. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 127. E & R amendments found in the Journal on page 496 for the Twenty-sixth Day were adopted.

Mr. Moylan offered the following amendment:
1. In line 3 of standing committee amendment 3, insert "chiropractic, podiatry," after the second comma.

The amendment was adopted with 35 ayes, 8 nays and 6 not voting.

Advanced to E & R for Engrossment.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the Moylan amendment on LB 127.

(Signed) Richard D. Marvel

VISITORS

Speaker Burbach introduced students and teachers from Brownell School, Lincoln.

MR. SAVAGE PRESIDING

SELECT FILE

LEGISLATIVE BILL 308. E & R amendment found in the Journal on page 497 for the Twenty-sixth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 2

Mr. Stull asked unanimous consent to unbracket LB 2 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 2. Mr. Stull offered the following amendment which was adopted with 32 ayes, 0 nays and 17 not voting.
Amend LB 2 on page 5, line 24, strike 10 and insert 20

Advanced to E & R for Engrossment.

MOTION–Return LB 82 to Select File

Mr. Murphy moved to return LB 82 to Select File for the specific amendment found in the Journal on page 498 for the Twenty-sixth Day.

Mr. Murphy requested a roll call vote.

Voting in the affirmative, 19:

Anderson	Bereuter	Carsten	Clark	Cope
Dickinson	Hasebroock	Kelly	Kennedy	Kime
Kremer	Maresh	Moylan	Murphy	Nichol
Rasmussen	Stull	Warner	Wiltse	

Voting in the negative, 28:

Barnett	Burrows	Cavanaugh	Chambers	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Johnson	Keyes	Koch	F. Lewis
R. Lewis	Luedtke	Mahoney	Marsh	Marvel
Mills	Rumery	Savage	Schmit	Simpson
Stoney	Swigart	Syas		

Not voting, 2:

Burbach Skarda
The Murphy motion failed with 19 ayes, 28 nays and 2 not voting.

MOTION—Return LB 82 to Select File

Mr. Nichol moved to return LB 82 to Select File for the following specific amendment:

1. On page 2, lines 8 and 9, strike "an administrator or" and show as stricken; in line 17 strike "administrator or" and show as stricken; and in line 23 strike "or administrator" and show as stricken.

2. On page 3, line 2, insert an underscored period after "teacher" and strike "or administrator." and show as stricken; and in line 5 strike "or administrator" and show as stricken.

3. In the committee amendment, lines 3 and 4, strike "administrators or".

4. In new section 3, strike "associate superintendent" each place it appears and insert "administrator".

5. In lines 7 and 8 of E & R 2 adopted 2/18/75, strike "associate superintendent" and insert "administrator".

The motion failed with 15 ayes, 25 nays and 9 not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 19. Placed on General File as amended.
Standing Committee amendment to LB 19:

1. On page 4, after line 27, insert the following:

"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 20. Placed on General File as amended.
Standing Committee amendments to LB 20:

1. On page 2 line 6, after "Welfare" insert "of the State of Nebraska"; line 19, after "abused" insert ". No child or incompetent or disabled person shall be considered neglected or lack necessary care for the sole reason he or she is being provided treatment by spiritual means through prayer alone in accordance with a recognized religious remedial method of healing".

2. On page 5, after line 24, insert the following:

"Sec. 7. 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 283. Placed on General File as amended.
Standing Committee amendments to LB 283:

1. On page 2, line 20 after "served" strike "personally" and show as stricken; lines 23 to 25, strike the new matter.

2. On page 4, line 3 after "desires" strike "trial to a jury" and show as stricken, insert "to transfer the case to the regular docket"; line 12, after "a" strike "jury" and insert "transfer to the regular docket"; after line 12, insert a new section as follows:

"Sec. 3. That section 24-527, Revised Statutes Supplement, 1974, be amended to read as follows:

24-527. If either party is dissatisfied with the judgment of the Small Claims Court, he may appeal to the district court of the county where the judgment was rendered. Any such appeal shall be ~~tried de novo without a jury~~ subject to the provisions of sections 24-542 to 24-544, except that no bill of exceptions shall be required. Parties may be represented by attorneys on appeal, and the district court shall try any such appeal de novo without a jury, pursuant to the rules of civil procedure in the district courts."; line 13 after "24-524" strike "and" and insert a comma; line 14 after the first comma insert "and 24-527,"; and renumber original sections 3 and 4 as sections 4 and 5 respectively.

(Signed) Roland A. Luedtke, Chairman

MOTION–Rule Change

Mr. Duis offered the following rule change.
Amend Rule 6, Sec. 7 by adding:
(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 and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Referred to Rules Committee.

REFERENCE COMMITTEE REPORT

LB	Committee
140	Re-referred to Judiciary

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 7 Wednesday, February 26, 1975 2:00 p.m.

(Signed) Steve Fowler, Chairman

UNANIMOUS CONSENT—LR 14 Corrective Amendment

Mr. Rasmussen asked unanimous consent to amend Legislative Resolution 14 as it appears in the Legislative Journal on page 486, paragraph 2, delete word "army" in last line.

No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 108. Title read. Considered.

Mr. Bereuter offered the following amendment, which was adopted with 36 ayes, 1 nay and 12 not voting.

Amend page 6, lines 13 and 14, delete after "Resources" the following:
"and the Commission"

Speaker Burbach asked unanimous consent to go off of General File at this time. No objections. So ordered.

SPEAKER BURBACH PRESIDING

MOTION—Approve Governor Appointments

Mr. Savage moved the appointments of Alan H. Ihms, Joseph C. Vitek, H. B. "Tod" Kuntzelman and Catherine Dahlquist, found in the Journal on pages 483 and 484 for the Twenty-fifth Day, be confirmed and suggests a record vote on each.

Vote on Alan Ihms

Voting in the affirmative, 39:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dickinson	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Simpson	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 10:

DeCamp	Duis	Fowler	Keyes	Kime
Mahoney	Marsh	Marvel	Schmit	Skarda

The Speaker declared the appointment of Mr. Ihms confirmed.

Vote on Joseph C. Vitek

Voting in the affirmative, 41:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dickinson	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Koch	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

DeCamp	Duis	Keyes	Kime	Kremer
Marvel	Schmit	Skarda		

The Speaker declared the appointment of Mr. Vitek confirmed.

Vote on H. B. "Tod" Kuntzelman

Voting in the affirmative, 42:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Cavanaugh	Duis	Johnson	Kime	R. Lewis
Schmit	Skarda			

The Speaker declared the appointment of Mr. Kuntzelman confirmed.

Mr. Kelly moved the Catherine Dahlquist confirmation report be returned to the Committee on Committees to complete the study.

The motion lost with 11 ayes, 26 nays and 12 not voting.

Mr. Savage renewed his motion to confirm the Dahlquist appointment.

Vote on Catherine Dahlquist

Voting in the affirmative, 32:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Mills	Moylan	Rumery
Savage	Simpson	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 2:

Chambers	Koch

Not voting, 15:

Barnett	Clark	Cope	George	Johnson
Kime	R. Lewis	Marsh	Marvel	Murphy
Nichol	Rasmussen	Schmit	Skarda	Stoney

The Speaker declared the appointment of Mrs. Dahlquist confirmed.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 347	Cancel Monday, February 24, 1975	1:30 p.m.
LB 347	Reset Monday, March 10, 1975	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 549. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations and reappropriations for capital construction and improvements and land acquisition; to provide conditions; to amend sections 7, 26, and 49, Legislative Bill 1055, Eighty-Third Legislature, Second Session, 1974, and section 77-2602, Revised Statutes Supplement, 1974; to delete an appropriation; to defer certain projects; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 550. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Library Commission; to create a cash fund; to prescribe its name and purpose; and to provide for deposits.

LEGISLATIVE BILL 551. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT to provide for the payment of the salaries of the officers of the 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, 1976; to provide for the payment thereof; and to declare an emergency.

LEGISLATIVE BILL 552. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Public Institutions; to create the Office on Chemical Dependency; to provide powers and duties; to create the Advisory Council on Chemical Dependency; to provide an operative date; to repeal sections 81-1435 to 81-1437 and 83-159 to 83-169, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1430 to 81-1434, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 553. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 8, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, relating to appropriations

for capital construction; to increase an appropriation as prescribed; to make an appropriation to the Department of Correctional Services for a prescribed purpose; to reappropriate unexpired balances; to authorize a fund transfer; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 554. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations for agencies of state government for the period July 1, 1975, to June 30, 1976; to recite limits and conditions on the expenditure of funds; and to declare an emergency.

UNANIMOUS CONSENT—Print in Journal

Mr. Carsten asked unanimous consent to have the following letter printed in the Journal. No objections. So ordered.

NEBRASKA SCHOOL FOR THE VISUALLY HANDICAPPED
Nebraska City, Nebraska 68410

On February 19, 1875 the Legislature of Nebraska approved an Act that stated "There shall be maintained at Nebraska City, in the County of Otoe, an institution for the blind, and there is hereby appropriated for that purpose the sum of $10,000. for erection of a building and furnishing of same: provided, that the citizens of Nebraska City shall raise $3,000. and pay it to the Board of Trustees either in money or property. Said institution can not be less than 10 acres, and not to exceed one mile in distance from the Courthouse."

The faculty, students and alumni of the Nebraska School for the Visually Handicapped wishes to express our appreciation for the support of the school by the Legislature over the years. We would also, like to invite the Senators to an open house, Sunday, February 23 from 2:30 to 5:00PM celebrating the beginning of the school's centennial year.

We further would like to acknowledge the memory of Dr. Claire E. Owen, a graduate of our school who represented Fillmore County in the Legislature in 1931 and 1935.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
549	Appropriations	552	Appropriations
550	Appropriations	553	Appropriations
551	Appropriations	554	Appropriations

(Signed) Eugene T. Mahoney, Chairman

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 280. Placed on General File.

LEGISLATIVE BILL 106. Indefinitely postponed.

(Signed) George Syas, Chairman

ADJOURNMENT

At 12:20 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, February 19, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTY-EIGHTH DAY—FEBRUARY 19, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 19, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Burbach 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 Mr. Kime who was excused.

CORRECTIONS FOR THE JOURNAL

Page 526, line 13, insert "Re-" before "Engrossment".
The Journal for the Twenty-seventh Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

February 14, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 1, 44, 95, 97, 103, 117, 121, 162, 163, and 168.

These bills were signed by me on February 14, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINIONS

February 13, 1975

Dear Mr. Brown:

In your letter of February 7, 1975, you ask our opinion as to which, if any, of the materials given you by the Select Committee of the Legislature on the contested election in the 48th Legislative District should be considered private or confidential and not be therefore made available for public review and copy.

Section 84-1213, R. S. Supp., 1974, provides in part:

> "All records made or received by or under the authority of, or coming into the custody, control or possession of public officials and agencies in any of the three branches of the state government, or of any local political subdivision, in the course of their public duties, are the property of the government concerned, and shall not be mutilated, destroyed, transferred, removed, damaged, or otherwise disposed of, in whole or in part, except as provided by law." (Emphasis added.)

Section 84-712, R. R. S. 1943, provides:

> "Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, are hereby fully empowered and authorized

to examine the same, and to make memoranda and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business."

Section 32-1001.06, R. R. S. 1943, specifically dealing with depositions taken pursuant to a contested legislative election, provides in part:

". . . The taking of depositions and all matters relating thereto shall be conducted in the manner now provided by law for the taking of depositions in civil procedure."

Section 25-1267.22, R. R. S. 1943, provides in part:

"After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and upon notice and for good cause shown, the court in which the action is pending may make an order. . . ; (7) that after being sealed the deposition shall be opened only by order of the court; . . . ; (10) the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression." (Emphasis added.)

It is our opinion that the depositions, even though presently contained in envelopes which have not been opened, have come into the custody of public officials and are now the property of the Legislature. It would also be our opinion that they are now public records within the meaning of Section 84-712, R. R. S. 1943.

The Legislature could, however, impose the provisions of Section 25-1267.22(7) and/or (10), R. R. S. 1943, acting in their quasi-judicial capacity as judge of the election of its members, as provided in Article III, section 10 of the Nebraska Constitution. The Legislature could also, acting in this same quasi-judicial capacity, allow the contestants to withdraw the depositions submitted.

Absent such actions by the Legislature, these depositions and other records of the Committee and legislative deliberations now in your possession would be in our opinion public documents open to inspection and copy.

You also inquire as to the status of the ballots cast in the election for representative from the 48th Legislative District. These ballots are now within the custody and control of the Secretary of State and all questions relative to their status and disposition should be directed to him.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Special Assistant Attorney General

TRS:sh

Opinion No. 19
February 18, 1975

Dear Senator DeCamp:

You direct a letter to this office stating that it is your thought to amend the Constitution to permit the Legislature to write the gambling laws of the state. You call our attention to L.B. 464 and request our opinion on its constitutionality and "any other observations or suggestions you might have on this matter."

We have reviewed L.B. 464. Essentially, it purports to regulate gambling and games of chance with certain exceptions. Certain of these exceptions are presently authorized under our constitutional provision prohibiting gambling and games of chance. These include pari-mutuel wagering on horse races, bingo, and lotteries and gift enterprises as restricted by the Constitution. The bill then goes one step beyond this. Section 2 makes it illegal for an individual, corporation or association to knowingly engage in gambling and then provides that it is a defense to a prosecution for gambling "(a) That the actor engaged in gambling in a private place; (b) That no participant received any economic benefit other than personal winnings; and (c) That, except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants."

This language, obviously, would authorize private gambling. A private place in the bill is defined as, "Private place shall mean a place to which the public does not have access."

Insofar as applicable, Section 24, Article III, Constitution of Nebraska, states, "The Legislature shall not authorize any game of chance, * * *." There are certain exceptions recognized in this constitutional provision but this bill obviously goes beyond the specific exceptions authorized. The proposed legislation, in our opinion, seeks to avoid, in part, this specific restriction in the Constitution of this State.

We note that the definition of a "private place" is really extremely broad. It would encompass not only the private homes and residences of individuals, but also private clubs and private organizations. It obviously could encompass a private club organized specifically for the purpose of gambling. We are certain that this is not contemplated by the restrictive language of our constitutional provision.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:sh
cc: Mr. Vincent Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1975, at 8:55 a.m., were the following bills: LB 59, LB 90, LB 186, and LB 190.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORT
Telecommunications

LEGISLATIVE BILL 427. Placed on General File.

(Signed) Robert L. Clark, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 94 and 130.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 94 and 130.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGSILATIVE BILL 45. Replaced on Select File as amended.
E & R amendments to LB 45:

1. For correlation purposes, on page 2, line 7, strike "more than" and insert "or more" after "twenty".

2. For correlation purposes, on page 3 after the semicolon in line 4 insert "Provided, that service shall not include any period of disability for which disability retirement benefits are received under the provisions of section 23-2315;"; and in line 24, strike "and".

3. For correlation purposes, on page 4, line 1, strike the period and insert a semicolon, and after line 1, insert

"(14) Disability shall mean an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or be of a long and indefinite duration; and

(15) Date of disability shall mean the date on which a member is determined by the board to be disabled.".

4. For correlation purposes, on page 2, line 2, insert ", as amended by section 1, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1974" after "1974".

5. For correlation purposes, in the title, lines 3 and 4 and on page 5 lines 3 and 4 strike "and sections 23-2301 and" and insert "section"; and in line 5 of the title and on page 5, line 4, insert ", and section 23-2301, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1974" after "1974".

LEGISLATIVE BILL 194. Placed on Select File as amended.
E & R amendments to LB 194:

1. On page 2, line 27, strike the underscored comma and insert the same after "and", and insert an underscored comma after "certified".

2. In the title, line 5, insert "court" after "certain"; and in line 6, insert "the admissibility of microfilm records as" after "for".

LEGISLATIVE BILL 196. Placed on Select File as amended.
E & R amendment to LB 196:

1. In the title, line 2, strike "section" and insert "sections 52-102 and"; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 165. Placed on Select File as amended.
E & R amendments to LB 165:

1. In the Kennedy amendment, line 2, insert "and" after "such".

2. In lieu of the Cavanaugh amendments, on page 2, line 26, strike the semicolon, show as stricken and insert an underscored period; and strike beginning with "and" through the period on page 3, line 3, showing the same as stricken.

3. In the title, line 5, strike "court" and insert "county"; and in line 6, insert "to delete the settlement requirement for a married woman;" after the semicolon.

LEGISLATIVE BILL 83. Placed on Select File as amended.
E & R amendments to LB 83:

1, Number the section added by the Cavanaugh amendment as "Sec. 7.".

2. On page 2, line 6, insert "sections 1 to 4 of " after "in", and insert an underscored comma after "act"; in line 7, insert an underscored comma after "requires"; and in lines 15 and 25, insert "sections 1 to 4 of" after "in".

3. In the title, line 5, insert "; to amend section 20-129, Revised Statutes Supplement, 1974; to repeal the original section; and to declare an emergency" after "prescribed".

LEGISLATIVE BILL 192. Placed on Select File.

LEGISLATIVE BILL 355. Placed on Select File as amended.
E & R amendments to LB 355:

1. In lieu of the standing committee amendment to line 18, on page 3, line 18, strike the semicolon and insert ".; In".

LEGISLATIVE BILL 354. Placed on Select File as amended.
E & R amendments to LB 354:

1. On page 9, line 27, insert an underscored comma after "commission".

2. In the title, line 6, insert "on refusals of applications" after "hearings"; and in line 7, strike "escrow" and insert "trust account".

LEGISLATIVE BILL 27. Placed on Select File.

LEGISLATIVE BILL 122. Placed on Select File as amended.
E & R amendments to LB 122:

1. In the standing committee amendment, line 8, insert underscored commas after "may" and "hardship".

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 12. Laid over at the request of Mr. Barnett.

LEGISLATIVE BILL 17.

A BILL FOR AN ACT for submission to the electors of an amendment to Article IV, section 15, of the Constitution of Nebraska, relating to legislation; to provide for line item override of the Governor's line item veto of appropriations bills; 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 Novemeber, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 15, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 15. Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill with the objections as a whole, or proceed to reconsider individually the item or items disapproved or reduced. If then three-fifths of the members elected agree to pass the bill with objections it shall become a law, or if three-fifths of the members elected agree to repass any item or items disapproved or reduced, the bill with such repassage shall become a law. In all cases the vote shall be determined by yeas and nays, to be entered upon the journal. Any bill which shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it; unless the Legislature by their adjournment prevent its return; in which case it shall be filed, with his objections, in the office of the Secretary of State within five days after such adjournment, or become a law. The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless the Legislature has reconsidered the item or items disapproved or reduced and has repassed any such item or items over the objection of the Governor by a three-fifths approval of the members elected."

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 authorize the Legislature to line item override the Governor's line item veto of appropriations bills, and to allow the Legislature to consider appropriation items individually for purposes of approving or overriding the Governor's veto.

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, 42:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Anderson	Chambers	Fowler	Johnson	Kime
Murphy	Schmit			

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

LEGISLATIVE BILL 85. With Emergency.

A BILL FOR AN ACT to amend section 39-703, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to make it unlawful to divert water onto or across a public road as prescribed; to increase penalties; to provide exceptions; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Keyes	Koch	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Chambers	Kennedy	Kime	F. Lewis	Mahoney
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 172. With Emergency.

A BILL FOR AN ACT to amend sections 16-503 and 17-110, Reissue Revised Statutes of Nebraska, 1943, and section 16-404, Revised Statutes Supplement, 1974, relating to cities; to clarify the voting power of the mayor; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Chambers	Kime

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 12.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 10, of the Constitution of Nebraska, relating to the Legislature; to change the date when the Legislature meets in regular session and the terms of members shall commence; 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, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning with the year 1976, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the second Monday in December of each year and the terms of members shall commence on such date. The duration of regular sessions held shall not exceed ninety legislative days in sessions commencing in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in sessions commencing in odd-numbered years unless extended by vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session commencing in an even-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. 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. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior."

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 date when the Legislature meets in regular session and when the terms of members shall commence.
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, 37:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	DeCamp	Dickinson	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marvel	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Wiltse			

Voting in the negative, 6:

Duis	Kelly	Kennedy	R. Lewis	Marsh
Warner				

Not voting, 6:

Cavanaugh	Chambers	Cope	Keyes	Kime
Murphy				

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

UNANIMOUS CONSENT–Unbracket LB 77

Mr. DeCamp asked unanimous consent to unbracket LB 77 on Final Reading. No objections. So ordered.

MOTION—Return LB 77 to Select File

Mr. DeCamp moved to return LB 77 to Select File for the following specific amendment:

1. On page 5, after line 11 insert a new section as follows:

"Sec. 2. That section 28-926.18, Revised Statutes Supplement, 1974, be amended to read as follows:

28-936.18. (1) Criminal prosecutions involving the ultimate issue of obscenity, as distinguished from the issue of probable cause, shall be tried by jury, unless the defendant shall waive a jury trial in writing or by statement in open court entered in the minutes.

~~(2) The jury represents a cross-section of the community and has a special aptitude for expressing the view of the average person. As the trier of fact, it is the judge of the common conscience of the community and the embodiment of community standards.~~

~~(3)~~(2) The judge shall instruct the jury that the guidelines in determining whether a work, material, conduct, or live exhibition is obscene are: (a) The average person applying contemporary community standards would find the work taken as a whole goes substantially beyond contemporary limits of candor in description or presentation of such matters and predominantly appeals to the prurient, shameful, or morbid interest; (b) the work depicts in a patently offensive way sexual conduct specifically referred to in sections 28-926.11 to 28-926.33; (c) the work as a whole lacks serious literary, artistic, political, or scientific value; and (d) in applying these guidelines to the determination of whether or not the work, material, conduct or live exhibition is obscene, each element of each guideline must be established beyond a reasonable doubt.

~~(4)~~(3)In any proceeding, civil or criminal, under sections 28-926.11 to 28-926.32, where there is an issue as to whether or not the matter is obscene, either party shall have the right to introduce, in addition to all other relevant evidence, the testimony of expert witnesses on such issue as to any artistic, literary, scientific, political or other societal value in the determination of the issue of obscenity."; line 12 strike "section" and insert "sections"; after "28-926.11" insert "and 28-926.18".

2. Renumber original section 2 as section 3.

The motion prevailed with 37 ayes, 1 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 126. E & R amendments found in the Journal on page 521 for the Twenty-seventh Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 131. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 125. E & R amendments found in the Journal on page 521 for the Twenty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 171. E & R amendments found in the Journal on page 522 for the Twenty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 312. E & R amendment found in the Journal on page 522 for the Twenty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 63. E & R amendments found in the Journal on page 522 for the Twenty-seventh Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 108. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 289. Title read. Considered.

Standing Committee amendments found in the Journal on page 435 for the Twenty-second Day were adopted with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 291. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 292. Title read. Considered.

Standing Committee amendment found in the Journal on page 435 for the Twenty-second Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 294. Title read. Considered.

Standing Committee amendments found in the Journal on page 436 for the Twenty-second Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Mills asked unanimous consent to bracket LB 294 until February 25, 1975. No objections. So ordered.

VISITORS

The President introduced Junior League members and Marilyn Jensen from District 12, Omaha and Miss Kim Dunavon, Burke High, Omaha.

UNANIMOUS CONSENT—Change of Order

Mr. Kremer asked unanimous consent to consider LB 104 on General File before LB 60. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 104. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 439 for the Twenty-second Day were adopted with 28 ayes, 0 nays and 21 not voting.

Mr. R. Lewis offered the following amendment:

1. On page 10, after the period in line 19, insert a new section as follows:

"Sec. 7. That section 70-626.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-626.05. When a power agency has requested wheeling service under sections 70-626.01 to 70-626.03, the parties shall develop a contract for such wheeling service. Any provisions of the contract which cannot be resolved by the parties regarding the reasonableness of the charges for wheeling service or the availability of transmission line capacity for wheeling service shall then be the subject of ~~a dispute~~ an application filed with the board for settlement of such dispute. ~~The provisions of this section whall not include the matter of rates to be paid for such wheeling service in the contract.~~

Upon receipt of such application, the board shall issue notice and hold a hearing in the same manner as provided for in section 70-1013. After such hearing, the board shall, within forty-five days, enter an order in settlement of such dispute which shall be binding on the parties. Any final order of the board may be appealed by any party in the same manner as provided in section 70-1016.".

2. On page 16, line 6 after "23-2205" insert ", 70-626.05,".

3. Renumber original sections 7 to 15 as sections 8 to 16 respectively.

The amendment lost with 11 ayes, 22 nays and 16 not voting.

Mr. Kelly offered the following amendment:

1. On page 15 after line 4 insert a new section to read as follows:

"Sec. 12. When a joint venture, agreement, or contract has been entered into by two or more parties for the construction, operation, or maintenance of facilities for the generation or transmission of electric power and energy, and situations not contemplated at the time of the agreement or contract have resulted in inequities to electric ratepayers of this state, any party to the joint venture, agreement, or contract which results in such inequities may submit the matter to the Nebraska Power Review Board for hearing and determination. Any determination by such board regarding rates shall be advisory only and not binding upon the parties. After such hearing the board may make recommendations to the members of the joint venture for purposes of providing electric power and energy in an equitable, reliable, and safe manner.".

2. Renumber section 12 of the committee amendment as section 13.

3. Renumber original sections 13 to 15 as sections 14 to 16 respectively.

The amendment lost with 13 ayes, 20 nays and 16 not voting.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

LEGISLATIVE BILL 60. Title read. Considered.

Standing Committee amendment found in the Journal on page 437 for the Twenty-second Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 62. Title read. Considered.

Standing Committee amendment found in the Journal on page 431 for the Twenty-second Day was adopted with 30 ayes, 0 nays and 19 not voting.

SPEAKER BURBACH PRESIDING

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 224. Title read. Considered.

Standing Committee amendment found in the Journal on page 451 for the Twenty-third Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 276. Title read. Considered.

Mr. Luedtke offered the following amendment to the Standing Committee amendment found in the Journal on page 451 for the Twenty-third Day. Add the Emergency Clause on LB 276.

The amendment was adopted.

The Standing Committee amendment was adopted, as amended, with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 290. Title read. Considered.

Standing Committee amendment found in the Journal on page 452 for the Twenty-third Day was adopted with 26 ayes, 0 nays and 23 not voting.

Motion to advance to E & R for Review pending.

UNANIMOUS CONSENT—Member Excused

Mr. Koch asked unanimous consent to be excused on February 20 and 21. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 537

Mr. Marvel asked unanimous consent to bracket LB 537 on E & R Final pending several specific amendments for other deficiencies yet to be prepared by the Appropriation Committee. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

February 19, 1975

The Committee on Committees will meet at 12:00 Noon, Wednesday, February 26, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

J. Patrick Green
Court of Industrial Relations

Wallace Rudolph
Court of Industrial Relations

Benjamin M. Wall
Court of Industrial Relations

(Signed) John S. Savage, Chairman

Agriculture and Environment

LB 203	Thursday, March 6, 1975	2:00 p.m.
LB 214	Thursday, March 6, 1975	2:00 p.m.
LB 363	Thursday, March 6, 1975	2:00 p.m.
LB 436	Thursday, March 6, 1975	2:00 p.m.
LB 433	Friday, March 7, 1975	2:00 p.m.
LB 514	Friday, March 7, 1975	2:00 p.m.
LB 544	Friday, March 7, 1975	2:00 p.m.
LB 519	Thursday, March 13, 1975	2:00 p.m.
LB 526	Thursday, March 13, 1975	2:00 p.m.
LB 535	Thursday, March 13, 1975	2:00 p.m.
LB 536	Thursday, March 13, 1975	2:00 p.m.
LB 357	Friday, March 14, 1975	2:00 p.m.

(Signed) Loran Schmit, Chairman

Miscellaneous Subjects

LB 311	Thursday, February 27, 1975	2:00 p.m.
LB 495	Thursday, February 27, 1975	2:00 p.m.
LB 524	Thursday, February 27, 1975	2:00 p.m.
LB 342	Thursday, March 6, 1975	2:00 p.m.
LB 326	Thursday, March 6, 1975	2:00 p.m.
LB 505	Thursday, March 6, 1975	2:00 p.m.

(Signed) Gary L. Anderson, Chairman

Constitutional Revision and Recreation

LB 461	Thursday, March 6, 1975	1:30 p.m.
LB 488	Thursday, March 6, 1975	1:30 p.m.
LB 133	Thursday, March 13, 1975	1:30 p.m.
LB 142	Friday, March 14, 1975	1:30 p.m.

(Signed) George Syas, Chairman

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 388. Placed on General File as amended.
Standing Committee amendment to LB 388:

1. On page 4, line 14 after "certain" insert "state" and strike "from cigarette and"; and in line 15 strike "other taxes".

(Signed) George Syas, Chairman

Urban Affairs

LEGISLATIVE BILL 152. Placed on General File as amended.
Standing Committee amendments to LB 152:

1. On page 2, strike lines 12 to 20; and in line 21 strike "or water main has been so placed".

2. On page 3, line 3 reinstate the old matter and strike the new matter.

LEGISLATIVE BILL 193. Placed on General File as amended.
Standing Committee amendments to LB 193:

1. Strike original sections 1 to 5 and insert the following:

"Section 1. That section 19-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-1102. It shall be the duty of every village or city clerk in every village or city having a population of not more than forty thousand to prepare and publish the official proceedings of the village or city board, council or commission within thirty days from any meetings of said board, council or commission~~; Provided, the~~ which publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item, in

a newspaper of general circulation in the city or village. Between July 15 and August 15 of each year the names of all employees and their current annual, monthly, or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January, and April shall be published during the months of November, February, and May. The charge for said publication shall not exceed the rates provided by law for the publication of proceedings of county boards.

Sec. 2. That original section 19-1102, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title strike lines 2 to 8 and insert the following: "For an act to amend section 19-1102, Reissue Revised Statutes of Nebraska, 1943, relating to municipalities; to provide for publication of the official proceedings of the governing board; and to repeal the original section.".

LEGISLATIVE BILL 200. Placed on General File as amended.
Standing Committee amendment to LB 200:

1. On page 2, lines 7 to 9, strike the new matter and insert the following: "Upon receipt of notice of a pardon granted pursuant to this section, the Director of Motor Vehicles shall not restore points assessed against an individual as provided by section 39-669.26, or reinstate any permit to operate a motor vehicle revoked as provided by section 39-669.27.".

(Signed) Steve Fowler, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 15. Placed on General File.
LEGISLATIVE BILL 156. Placed on General File as amended.
Standing Committee amendment to LB 156:

1. On page 2, line 10, after the period insert: "Nothing in this act shall be deemed to apply to electrical cooperatives or electric member associations.".

(Signed) Gary L. Anderson, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 192A. By Simpson, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, Eighty-fourth Legislature, First Session, 1975.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 2, 21, 81, 82, 127 and 308.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 188. Placed on General File.
LEGISLATIVE BILL 379. Placed on General File.
LEGISLATIVE BILL 492. Placed on General File.
LEGISLATIVE BILL 173. Indefinitely postponed.
LEGISLATIVE BILL 185. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Judiciary

LEGISLATIVE BILL 273. Placed on General File.
LEGISLATIVE BILL 274. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

MOTION—Adjourn

Mr. Kelly moved to adjourn and requested a record vote.

Voting in the affirmative, 0.

Voting in the negative, 20:

Barnett	Bereuter	Burbach	Cope	DeCamp
Dickinson	Dworak	Hasebroock	Johnson	F. Lewis
Luedtke	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Schmit	Swigart	Syas

Not voting, 29:

Anderson	Burrows	Carsten	Cavanaugh	Chambers
Clark	Duis	Fitzgerald	Fowler	George
Goodrich	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	R. Lewis	Mahoney	Maresh

Marsh	Marvel	Nichol	Simpson	Skarda
Stoney	Stull	Warner	Wiltse	

The motion lost with 0 ayes, 20 nays and 29 not voting.

ADJOURNMENT

At 11:56 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 1975.

Vincent D. Brown
Clerk of the Legislature

TWENTY-NINTH DAY—FEBRUARY 20, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 1975

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

PRAYER

The prayer was offered by Reverend Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> O God, who art eternal, yet ever present with us; we gladly acknowledge you to be our source from which we draw life, meaning, strength, and wisdom.
>
> Grant each one of us may find in you that which we need.
>
> When perplexed may we receive your guidance. When tempted to over-confidency may we sense your resistive power. When inner doubts arise; beyond what knowledge is given us, let us seek your inward certainty and faith to go forward. Dispel our sadness with renewed courage and help us not to be afraid to do the right thing. We give thanks for all things we enjoy and for all people who are dear to us.
>
> Through Jesus Christ, our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused and Mr. Cavanaugh who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-eighth Day was approved.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 66. Placed on General File.

LEGISLATIVE BILL 206. Placed on General File.
LEGISLATIVE BILL 240. Placed on General File.

(Signed) Thomas Kennedy, Chairman

Revenue

LEGISLATIVE BILL 78. Placed on General File.
LEGISLATIVE BILL 166. Indefinitely postponed.
LEGISLATIVE BILL 301. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 145. Replaced on Select File as amended.
E & R amendments to LB 145:

1. In E & R amendment 3 to the Skarda amendment 1, line 3, strike the second "8" and insert "7".

2. In the Skarda amendment 3, line 2, insert "under" after "than".

LEGISLATIVE BILL 126. Replaced on Select File as amended.
E & R amendment to LB 126:

1. In line 9 of the Barnett amendment insert "there is" after "if"; strike "board and " and insert "body and for"; and in line 11 strike "of" and show stricken.

(Signed) Donald N. Dworak, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 20
February 19, 1975

Re: Constitutionality of L.B. 101

Dear Senator Bereuter:

You have requested of this office an opinion regarding the constitutionality of L.B. 101, specifically Section 7 (1) (a) and (b). You ask essentially whether the state may constitutionally deny a person the right to withdraw a reasonable amount of water from underneath his land. The constitutional question involved is whether the state may prohibit a person from withdrawing groundwaters from his land without paying just compensation therefor. In our opinion the state may regulate the further appropriation of groundwater.

The Nebraska Supreme Court in the case Metropolitan Utilities District v. Merritt Beach Company, 179 Neb. 783, 140 N.W. 2d 626 (1966) held that groundwaters are a part of the public waters of the state. Syllabus No. 8 on page 784 reads as follows:

> "Waters: Public Policy. All public waters of the state, whether they be surface or underground waters, are a natural want by constitutional declaration. The waste of such waters as a natural resource is against public policy."

On page 800 of the same opinion the Supreme Court indicates that groundwaters of the state are subject to the same regulation as surface waters by the following language:

> "* * *. Underground waters are a part of the source of water supply to a growing population and an expanding economy the same as the surface waters flowing in a live stream on the surface of the ground. Because of the ever-increasing demands for water control of underground waters as well as the flow of rivers and streams, it is becoming more important and extremely necessary that regulation and control of all sources of water supply be attained. * * *."

The only limitation upon the state's right to regulate in this area is that the state may not take vested property rights without paying just compensation therefor. It is only in the following two areas in which a water right in the nature of a vested property right appears: (1) riparian rights, and (2) the right of prior appropriation.

Riparian rights are generally applied only as to surface water and it is not known at this time whether such rights would apply to groundwater in Nebraska. However, even if such rights would apply to groundwater they are restricted. Ordinarily a riparian owner's right to use of the water of a stream is limited to its use for domestic purposes. L.B. 101, however, does not relate to domestic purposes but applies only to agricultural or manufacturing purposes. In limited cases riparian rights may also apply to using water for irrigation purposes. However, for such rights to attach, the water must have actually been used for irrigation purposes prior to 1889 at which time rights of prior appropriation replaced riparian rights in Nebraska. See, Crawford Co. v. Hathaway, 67 Neb. 325 (1903). Because of the very restrictive nature of riparian rights it would only be in a very rare situation that such would appear in Nebraska.

The second type of vested property right which must be recognized is the right of prior appropriation. This right was first enacted in Nebraska by statute in 1889. This right was given constitutional proportions in 1920 in what is now Article XV, section 6 of the Constitution of Nebraska. In essence a person is granted a property right in his priority of appropriation. Section 7 (1) (a) only applies to the denial of further appropriation. It does not divest vested priorities which have accrued in the past. Therefore, in our opinion, just compensation is not required. However, a problem does exist with respect to Section 7 (1) (b) and (c) of L.B. 101. By our reading those sections put all prior appropriations upon

an equal basis for apportionment or rotation. In essence, therefore, those sections take away vested rights to priority in appropriation and just compensation may constitutionally be required.

In conclusion, it is our opinion that Section 7 (1) (a) of L.B. 101 which authorizes the denial of further appropriation in a critical area is constitutional. Just compensation may be constitutionally required to be given to those persons who under Section 7 (1) (b) and (c) of L.B. 101 are denied their vested right in priority of appropriation and relegated to an equal footing with those who have subordinate rights of appropriation.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Special Assistant Attorney General

GBS:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 233. With Emergency.

A BILL FOR AN ACT to amend section 77-2106, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1974, relating to taxation; to provide for deposit of estate tax receipts in the General Fund and the making of refunds thereof from the Tax Refund Fund; to provide for lapse; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Dickinson	Duis	Johnson	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 58.

A BILL FOR AN ACT to repeal section 8-354, Reissue Revised Statutes of Nebraska, 1943, relating to savings and loan associations.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Kelly	Kennedy
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Johnson	Keyes	Koch	Marvel
Murphy				

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

SELECT FILE

LEGISLATIVE BILL 45. E & R amendments found in the Journal on page 540 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 194. E & R amendments found in the Journal on page 541 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 196. E & R amendment found in the Journal on page 541 for the Twenty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 165. E & R amendments found in the Journal on page 541 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 83. E & R amendments found in the Journal on page 541 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 192. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 355. E & R amendment found in the Journal on page 542 for the Twenty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 354. E & R amendments found in the Journal on page 542 for the Twenty-eighth day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 27. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 122. E & R amendment found in the Journal on page 542 for the Twenty-eighth day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77. The DeCamp specific amendment found in the Journal on page 548 for the Twenty-eighth Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 1975, at 9:05 a.m., were the following bills: LB 130 and LB 94.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 125, 131, 171 and 312.

Correctly Enrolled

The following bills were correctly enrolled: 12, 17, 85 and 172.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 12, 17, 85 and 172.

ANNOUNCEMENT

Mr. F. Lewis announced an Executive Session of the Education Committee at 9:30 a.m. under the North Balcony.

GENERAL FILE

LEGISLATIVE BILL 290. Laid over temporarily at request of Mr. Barnett.

LEGISLATIVE BILL 293. Title read. Considered.

Standing Committee amendments found in the Journal on page 452 for the Twenty-third Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 290. Considered.

Mr. Fowler moved to bracket the bill until February 25, 1975.

MR. SAVAGE PRESIDING

The Fowler motion lost with 10 ayes, 18 nays and 21 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays and 17 not voting.

LEGISLATIVE BILL 192A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays and 18 not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Standing Committee amendment found in the Journal on page 455 for the Twenty-third Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 75. Title read. Considered.

Mr. Kelly offered the following amendment:
Page 2, line 12, 13, 14 to elevator. Delete new language.

The amendment lost with 6 ayes, 23 nays and 20 not voting.

Mr. F. Lewis offered the following amendment:
To amend LB 75 to repeal original section 28-1031.01.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 6:

Clark	Johnson	Kelly	Kennedy	F. Lewis
Rasmussen				

Voting in the negative, 25:

Bereuter	Burrows	Carsten	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	George
Keyes	Kremer	Luedtke	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rumery
Savage	Skarda	Stoney	Swigart	Syas

Not voting, 18:

Anderson	Barnett	Burbach	Cavanaugh	Chambers
Fowler	Goodrich	Hasebroock	Kime	Koch
R. Lewis	Mahoney	Marvel	Schmit	Simpson
Stull	Warner	Wiltse		

The amendment lost with 6 ayes, 25 nays and 18 not voting.

Advanced to E & R for Review with 28 ayes, 6 nays and 15 not voting.

LEGISLATIVE BILL 98. Title read. Considered.

Standing Committee amendment found in the Journal on page 465 for the Twenty-fourth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 28 ayes, 7 nays and 14 not voting.

MR. BARNETT PRESIDING

LEGISLATIVE BILL 260. Title read. Considered.

Standing Committee amendment found in the Journal on page 465 for the Twenty-fourth Day was adopted with 32 ayes, 0 nays and 17 not voting.

SPEAKER BURBACH PRESIDING

Advanced to E & R for Review with 26 ayes, 8 nays and 15 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Dworak asked uananimous consent to be excused Friday, February 21, 1975 until he arrives. No objections. So ordered.

Messrs. F. Lewis and Wiltse asked unanimous consent to be excused Friday, February 21, 1975. No objections. So ordered.

MOTION—Place LB 185 on General File

Mr. Goodrich moved to place LB 185 on General File notwithstanding the action of the committee. Motion pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 1975, at 8:30 a.m., was the following bill: LB 95.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 538	Wednesday, March 5, 1975 (Cancel)	2:00 p.m.
LB 538	Wednesday, March 12, 1975 (Reset)	2:00 p.m.

LB 279	Wednesday, March 5, 1975 (Continued)	2:00 p.m.
LB 140	Wednesday, March 5, 1975 (Continued)	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Public Health and Welfare

LB 65	Tuesday, March 11, 1975 (Reset)	1:30 p.m.

(Signed) Thomas Kennedy, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

February 19, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. J. Exon. The Committee suggests the appointments be confirmed by the legislative body and suggests a record vote.

Dr. Clarence Davis – State Board of Health – Reappointment

No one appeared in support of Dr. Davis' appointment and no one appeared in opposition.

Committee Vote: For: (7) Senators Hasebroock, Kelly, Keyes, Kime, Savage, Skarda and Wiltse. Against: None. Absent and not voting: (6) Senators Chambers, Clark, DeCamp, Duis, Koch and Marsh.

Dr. D. M. Krogh – State Board of Health – Reappointment

No one appeared in support of Dr. Krogh's appointment and no one appeared in opposition.

Committee Vote: For: (7) Senators Hasebroock, Kelly, Keyes, Kime, Savage, Skarda and Wiltse. Against: None. Absent and not voting: (6) Senators Chambers, Clark, DeCamp, Duis, Koch and Marsh.

Maxine Morrison – State Board of Health – Reappointment

No one appeared in support of Mrs. Morrison's appointment and no one appeared in opposition.

Committee Vote: For: (7) Senators Hasebroock, Kelly, Keyes, Kime, Savage, Skarda and Wiltse. Against: None. Absent and not voting: (6) Senators Chambers, Clark, DeCamp, Duis, Koch and Marsh.

William Byron Quigley – State Highway Commission – Appointment

No one appeared in support of Mr. Quigley's appointment and no one appeared in opposition. Senator Otho Kime stated his wholehearted approval of Mr. Quigley.

Committee Vote: For: (7) Senators Hasebroock, Kelly, Keyes, Kime, Savage, Skarda and Wiltse. Against: None. Absent and not voting: (6) Senators Chambers, Clark, DeCamp, Duis, Koch and Marsh.

Emmet Lee – Nebraska Natural Resources Commission – Reappointment

No one appeared in support of Mr. Lee's appointment and no one appeared in opposition. Mr. Dayle Williamson, Executive Director of Natural Resources Commission stated his approval of Mr. Lee.

Committee Vote: For: (7) Senators Hasebroock, Kelly, Keyes, Kime, Savage, Skarda and Wiltse. Against: None. Absent and not voting: (6) Senators Chambers, Clark, DeCamp, Duis, Koch and Marsh.

(Signed) John S. Savage, Chairman

ANNOUNCEMENT

Mr. Stoney announced a tour of the Penal Complex at 4:00 p.m. today for those wishing to go.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 61. Placed on General File as amended.
Standing Committee amendment to LB 61:

1. On page 2, line 15 strike "thirty-five" and insert "thirty".

(Signed) Wally Barnett, Vice-Chairman

LEGISLATIVE BILL 351. Placed on General File.

(Signed) Gary L. Anderson, Chairman

Revenue

LEGISLATIVE BILL 71. Indefinitely postponed.
LEGISLATIVE BILL 72. Indefinitely postponed.
LEGISLATIVE BILL 73. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 220. Placed on General File as amended.
Standing Committee amendment to LB 220:

1. On page 2, line 6 after the first comma, strike "to hunt, shoot, or take or attempt to", strike lines 7 to 13 and show all old matter as stricken; line 14 strike "such vehicle." and insert "to project or cast the rays of a spotlight, headlight, or other artificial light attached to or used from a vehicle while in the act of hunting, in any field, pasture, woodland, forest, prairie, or other area which may be inhabited by wild animals or birds, while having in possession or control, either singly or as one of a group of persons, any fire-arm or bow and arrow.".

(Signed) George Syas, Chairman

MOTION–Introduce Bill

Mr. F. Lewis moved the introduction of a new bill by the Committee on Education (Req. 782).

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 38 ayes, 0 nays and 11 not voting.

The motion to introduce the bill prevailed with 40 ayes, 0 nays and 9 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 555. By Education Committee: F. Lewis, 45th District, Chairman; Kremer, 34th District; Kime, 43rd District; Fitzgerald, 14th District; George, 16th District; Burrows, 30th District; Rumery, 42nd District.

A BILL FOR AN ACT relating to the care and education of handicapped children; to provide financial assistance to school boards for resident handicapped children receiving special education services as prescribed; to provide duties of the school boards; to amend section 43-648, Reissue Revised Statutes of Nebraska, 1943; to provide when sections shall expire; to repeal the original section; and to declare an emergency.

MOTION—Suspend Rules

Mr. F. Lewis moved to suspend the rules, Rule 3, Sec. 5 and Rule 3, Sec. 19, and place LB 555 on General File without a public hearing.

The motion prevailed with 31 ayes, 5 nays and 13 not voting.

UNANIMOUS CONSENT—Bracket LB 555

Mr. F. Lewis asked unanimous consent to bracket LB 555 on General File for Monday, February 24, 1975. No objections. So ordered.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, February 21, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTIETH DAY—FEBRUARY 21, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 21, 1975

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

PRAYER

The prayer was offered by the Chaplain.

> Another week of big things and little things now approaches its end, O Lord our God, and we seek Divine help once more, as we pursue the work of the day, then go to our homes.
>
> Even now we know that when we go, it will be with a sense of satisfaction because of our accomplishments, and unhappiness due to our failures . . . for we have been party to both this week.
>
> For the sake of the work remaining to be done, strengthen the ties that bind us together as members of one family in this House, and weaken the forces that would divide us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, F. Lewis and Wiltse who were excused and Mr. Dworak who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 63. Replaced on Select File as amended.
E & R amendment on LB 63:

1. On page 3, line 2, strike the first comma.

LEGISLATIVE BILL 108. Placed on Select File as amended.
E & R amendments on LB 108:

1. On page 6, insert underscored commas after "Resources" in line 15, after "commission" in line 16, and after "hearing" in line 17.

2. In the title, strike beginning with "Nebraska" in line 5 through "the" in line 6; and in lines 7 and 8, strike "watercourses and drainways" and insert "floodways or flood plains".

LEGISLATIVE BILL 289. Placed on Select File as amended.
E & R amendments on LB 289:

1. In new section 2, line 5, strike "not be" and insert "be not" as in the statutes.

2. Renumber original section 2 as section 3.

3. In the title, line 2, strike "section", insert "sections", and insert "and 29-2263" before the comma; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 291. Placed on Select File as amended.
E & R amendment to LB 291:

1. On page 2, insert commas in line 5 after "court", and in line 7 after "jurisdiction".

LEGISLATIVE BILL 292. Placed on Select File as amended.
E & R amendment to LB 292:

1. On page 2, line 13, strike the comma and show as stricken and insert an underscored comma at the end of the line; and in line 27 strike the comma.

LEGISLATIVE BILL 104. Placed on Select File.

LEGISLATIVE BILL 60. Placed on Select File as amended.
E & R amendment to LB 60:

1. In the title, strike lines 3 to 5 and insert "villages; to provide powers for cities or villages owning or operating prescribed electric facilities; to provide for construction; and to declare an emergency.".

LEGISLATIVE BILL 62. Placed on Select File as amended.
E & R amendments to LB 62:

1. In new section 1, subsection (3), line 2, strike the second comma; and in line 21, strike "act" and insert "section".

2. In the title, strike beginning with "that" in line 4 through line 5 and insert "additional powers; to remove the prohibition against the delegation of powers;".

LEGISLATIVE BILL 224. Placed on Select File as amended.
E & R amendments to LB 224:

1. On page 3, line 27, strike "and".

2. On page 4, line 14, strike "is" and insert "shall be"; and insert underscored commas in line 25, after "request" and in line 26, after "supply".

3. On page 5, line 2, strike the underscored comma.

4. On page 6, line 7, insert an underscored comma after "litem".

LEGISLATIVE BILL 276. Placed on Select File as amended.
E & R amendments to LB 276:

1. Pursuant to the Luedtke amendment, add a new section 3 to read:

"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 "felonies" and insert "a felony or contempt"; in line 6, strike "and"; and in line 7, insert "; and to declare an emergency" after "section".

Correctly Enrolled

The following bills were correctly enrolled: 58 and 233.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 58 and 233.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 20, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Eason, Thomas F. – Lincoln, The Security Mutual Life Insurance Company of Lincoln, Nebraska
Mahaffey, John C. – Lincoln, Nebraska Association of Public Employees
Powell, David W. – Lincoln, Nebraska Association For Retarded Citizens

Sheldon, James P. – Lincoln, The Security Mutual Life Insurance Company of Lincoln, Nebraska
Stromer, Gerald – Kearney, Nebraska Chapter, National Electrical Contractors Association, Inc.
Sward, Alfred W. – Lincoln, The Security Mutual Life Insurance Company of Lincoln, Nebraska
Tews and Noren
(Charles F. Noren) – Lincoln, Friends of Higher Education; Buffalo County Livestock Improvement Association
(David D. Tews) – Lincoln, Friends of Higher Education; Buffalo County Livestock Improvement Association

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 21, 1975, at 8:30 a.m., were the following bills: LB 12, LB 17, LB 85, and LB 172.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 157. Placed on General File as amended.
Standing Committee amendments to LB 157:

1. On page 4, line 17 strike "gamma rays," and show as stricken; strike line 18 and show as stricken; in line 19 strike "neutrons, protons and other nuclear particles or rays" and show as stricken and before "in" insert "radiation".

2. On page 5, line 11 strike "coordinator of" and show as stricken; strike line 12 and show as stricken; in line 13 strike "71-3501 to 71-3519" and show as stricken and insert "Director of Health".

3. On page 6, line 23 strike "isotome" and insert "isotope".

LEGISLATIVE BILL 202. Placed on General File as amended.
Standing Committee amendment to LB 202:

1. On page 2 in lines 4 to 11 reinstate the stricken matter and strike the new matter; in line 10 after "settlement" insert ", except (1) commencing July 1, 1976, the county shall pay fifteen per cent of the cost of such medical assistance, (2) commencing July 1, 1977, the county shall pay ten per cent of the cost of such medical assistance, (3) commencing July 1, 1978 to June 30, 1979, the county shall pay five per cent of the cost of such medical assistance, and (4) thereafter medical assistance shall be paid from state funds and such funds as may be allocated by the government of the United States".

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Savage asked unanimous consent to print the following amendments to LB 105 in the Journal. No objections. So ordered.

1. On page 2, strike beginning with "(a)" in line 15 through "(b)" in line 18; and in line 27 strike "three weeks" and insert "fourteen days".

2. On page 3, after the period in line 8, insert "The Auditor of Public Accounts shall provide a copy of such weekly listing to any person requesting it upon payment of a fee of one dollar.".

3. Amend section 3 to read:

"Sec. 3. The governing body may reject any and all bids. If no bids are received, or if all bids are rejected, the governing body may either readvertise the bonds or sell them at a private, negotiated sale.".

VISITORS

The Speaker introduced Mr. & Mrs. Joe Brown from Trenton, Nebraska, parents of Mr. Vince Brown.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 119. Mr. Koch asked unanimous consent to bracket until February 24, 1975. No objections. So ordered.

LEGISLATIVE BILL 139.

A BILL FOR AN ACT to amend section 71-1632, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630.02, Revised Statutes Supplement, 1974, relating to public health and welfare; to provide for the establishment of fees by city-county boards of health; to clarify language; to establish powers for certain health directors 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, 41:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Fitzgerald	George	Goodrich	Hasebroock	Johnson

Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner				

Voting in the negative, 0.

Not voting, 8:

Anderson	Cavanaugh	Duis	Dworak	Fowler
Koch	F. Lewis	Wiltse		

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

LEGISLATIVE BILL 149.

A BILL FOR AN ACT to amend section 21-608, Revised Statutes Supplement, 1974, relating to charitable and fraternal societies; to designate additional societies as corporations; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas

Voting in the negative, 0.

Not voting, 9:

Duis	Dworak	Keyes	Koch	F. Lewis
Nichol	Rumery	Warner	Wiltse	

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

SELECT FILE

LEGISLATIVE BILL 145. E & R amendments found in the Journal on page 559 for the Twenty-ninth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 126. E & R amendment found in the Journal on page 559 for the Twenty-ninth was adopted.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 284. Title read. Considered.

Standing Committee amendments found in the Journal on page 466 for the Twenty-fourth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 285. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 286. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 198. Title read. Considered.

Mr. Cavanaugh asked unanimous consent to bracket the bill. No objections. So ordered.

LEGISLATIVE BILL 227. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 18. Title read. Considered.

Mrs. Marsh asked unanimous consent to bracket LB 18 until February 24, 1975. No objections. So ordered.

VISITORS

The Speaker introduced Evelyn Crane and six students from Rushville, Nebraska.

GENERAL FILE

LEGISLATIVE BILL 13. Title read. Considered.

Standing Committee amendments found in the Journal on page 481 for the Twenty-fifth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 234. Laid over.

LEGISLATIVE BILL 251. Title read. Considered.

Standing Committee amendments found in the Journal on page 481 for the Twenty-fifth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 474. Title read. Considered.

Mr. Marvel asked unanimous consent to bracket LB 474 until February 25, 1975. No objections. So ordered.

LEGISLATIVE BILL 111. Mr. Warner asked unanimous consent to bracket LB 111 until February 26, 1975. No objections. So ordered.

LEGISLATIVE BILL 136. Title read. Considered.

Standing Committee amendments found in the Journal on page 518 for the Twenty-seventh Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 180. Title read. Considered.

Standing Committee amendment found in the Journal on page 519 for the Twenty-seventh Day was adopted with 27 ayes, 0 nays and 22 not voting.

Speaker Burbach moved for a Call of the House. The motion prevailed with 22 ayes, 5 nays and 22 not voting.

The Call showed 43 members present.

Speaker Burbach moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Review with 25 ayes, 11 nays and 13 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 290 in the Journal. No objections. So ordered.
Page 2, strike line 22 through 27.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 45, 83, 165, 192, 194, 196 and 355.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 258. Placed on General File as amended.
Standing Committee amendments to LB 258:

1. Strike original sections 1 and 2 and insert:
"Section 1. That section 28-530.01, Revised Statutes Supplement, 1974, is repealed.".
2. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT to repeal section 28-530.01, Revised Statutes Supplement, 1974, relating to crimes and punishments.".

LEGISLATIVE BILL 134. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Urban Affairs

LEGISLATIVE BILL 153. Placed on General File as amended.
Standing Committee amendments to LB 153:

1. On page 4, after line 9 insert the following:
"Beginning in the year 1976, upon the expiration of the terms of the journeyman and master plumber members of the

board, the mayor in cities of the metropolitan class shall appoint, by and with the consent of the city council, one journeyman and one master plumber who shall serve for two years and one journeyman and one master plumber who shall serve for three years, and upon the expiration of the term of each appointed member, the mayor, by and with the consent of the city council shall appoint a member who shall serve for a term of three years.

Sec. 2 That section 18-1906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1906. The plumbing board shall have power, and it shall be its duty, to adopt rules and regulations, not inconsistent with the laws of the state or the ordinances of the city or village, for the sanitary construction, alteration, and inspection of plumbing and sewerage connections and drains placed in, or in connection with, any and every building in such city or village, in which it will prescribe the kind and size of materials to be used in such plumbing and the manner in which such work shall be done, which rules and regulations, except such as are adopted for its own convenience only, shall be approved by ordinance by the mayor and council of such city or by the chairman and board of trustees of such village. The board shall have the power to amend or repeal its rules and regulations, subject, except such as relate to its own convenience only, to the approval of the mayor and council of such city or chairman and board of trustees of such village. In cities of the metropolitan class the plumbing board shall have the power, without the approval of the mayor and city council, to grant a variance from its ordinances, rules and regulations (1) in the kind and size of materials to be used, or (2) in the manner in which the work is to be performed. The variance shall apply only to a single building and shall not be considered as a part of the ordinances or rules and regulations of the plumbing board. If there are practical difficulties or unnecessary hardships in the manner of strictly carrying out such ordinance, the plumbing board shall have the power, in passing upon a variance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, so that the intent of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The board shall have power to compel the owner

or contractor to first submit the plans and specifications for plumbing that is to be placed in any building or adjoining premises to the board for approval before it shall be installed in such building or premises. When an owner or contractor submits a request for a variance, the plumbing board shall charge a reasonable fee, payable to the General Fund, not to exceed twenty-five dollars.".

2. Line 10, after "original" insert "section 18-1906, Reissue Revised Statutes of Nebraska, 1943, and "; line 11, after the second comma, strike "is" and insert "are".

(Signed) Steve Fowler, Chairman

MOTION–Withdraw LB 513

Mr. Anderson moved to withdraw LB 513.

Motion pending.

RESOLUTION

LEGISLATIVE RESOLUTION 15.

Introduced by Fitzgerald, 14th District; Carsten, 2nd District; Nichol, 48th District; Swigart, 8th District; Syas, 13th District; Moylan, 6th District; Stoney, 4th District; Kennedy, 21st District; Mahoney, 5th District; Kime, 43rd District; Dickinson, 31st District; Rasmussen, 41st District; Barnett, 26th District; Kelly, 35th District; Rumery, 42nd District; Burrows, 30th District; Anderson, 37th District; Skarda, 7th District; Marsh, 29th District; Cope, 36th District; Maresh, 32nd District; Johnson, 15th District; DeCamp, 40th District; Murphy, 17th District; Hasebroock, 18th District; Fowler, 27th District.

WHEREAS, America is faced with an energy crisis that is sapping the economic strength of our country; and

WHEREAS, it is of the utmost importance that Americans voluntarily conserve gasoline; and

WHEREAS, a program has been formulated calling for American car owners to make five gallons of gasoline do the work of six and thereby reduce daily dependence upon foreign oil imports by one million barrels; and

WHEREAS, this program, initiated by the American Automobile Association and its affiliate clubs, has the full endorsement of the President of the United States and the President's Council on Energy Conservation.

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

1. That the Gas Watchers Program is hereby supported and endorsed by this Legislature.

2. That all Nebraskans are hereby called upon to reduce their gasoline usage by fifteen per cent as a means for strengthing America's and Nebraska's economy and well-being.

SPEAKER BURBACH PRESIDING

MOTION—Suspend Rules

Mr. Barnett moved to suspend the rules and introduce the eleven new bills ready for introduction in one vote.

The motion lost with 6 ayes, 22 nays and 21 not voting.

MOTION—Introduce Bills

Mr. Maresh moved the introduction of a new bill by the Committee on Labor (Request 727).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Maresh moved the introduction of a new bill by the Committee on Labor (Request 726).

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary (Request 729).

Mr. Luedtke moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays and 30 not voting.

Mr. Luedtke moved the Call be raised. The motion prevailed with 39 ayes, 0 nays and 10 not voting.

The motion to introduce prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Request 738).

The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Mr. Duis moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance (Request 750).

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Murphy moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance (Request 768).

The motion prevailed with 30 ayes, 7 nays and 12 not voting.

Mr. Murphy moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance (Request 769).

The motion prevailed with 31 ayes, 4 nays and 14 not voting.

Mr. Syas moved the introduction of a new bill by the Committee on Constitutional Revision and Recreation (Request 759).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Fowler moved the introduction of a new bill by the Committee on Urban Affairs (Request 760).

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Fowler moved the introduction of a new bill by the Committee on Urban Affairs (Request 762).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Anderson moved the introduction of a new bill by the Committee on Miscellaneous Subjects (Request 756).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 556. By Labor Committee: Maresh, 32nd District, Chairman; Kennedy, 21st District; Rumery, 42nd District; Fitzgerald, 14th District; F. Lewis, 45th District; Kime, 43rd District; Murphy, 17th District.

A BILL FOR AN ACT to disallow certain claims against the state.

LEGISLATIVE BILL 557. By Labor Committee: Maresh, 32nd District, Chairman; Kennedy, 21st District; Rumery, 42nd District; Fitzgerald, 14th District; F. Lewis, 45th District; Kime, 43rd District; Murphy, 17th District.

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.

LEGISLATIVE BILL 558. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Nichol, 48th District; Anderson, 37th District; Schmit, 22nd District; Barnett, 26th District.

A BILL FOR AN ACT to adopt the Nebraska Indigent Defense Services Act; to provide severability; to provide an operative date; to repeal sections 29-1804, 29-1804.03 to 29-1804.12, and 29-1805.01 to 29-1805.11, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 559. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rumery, 42nd District; DeCamp, 40th District; Maresh, 32nd District; Kennedy, 21st District; Dickinson, 31st District.

A BILL FOR AN ACT to adopt the Nebraska Solid Waste Management Act; to amend sections 19-2101, 19-2103, 19-2104, 19-2105, 23-379, 23-380, and 23-381, Reissue Revised Statutes of Nebraska, 1943, and sections 19-2106, 81-1502, and 81-1528, Revised Statutes Supplement, 1974; to provide conformity with the Nebraska Solid Waste Management Act; and to repeal the original sections.

LEGISLATIVE BILL 560. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Stoney, 4th District; Duis, 39th District; Wiltse, 1st District; Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 25-1222.01, Revised Statutes Supplement, 1974, relating to civil procedure; to provide that certain payments made to an injured person shall not be an admission of liability; and to repeal the original section.

LEGISLATIVE BILL 561. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Hasebroock, 18th District; Warner, 25th District; Stoney, 4th District; Duis, 39th District; Swigart, 8th District; Mills, 44th District; Wiltse, 1st District.

A BILL FOR AN ACT to change the names of the Department of Banking and the Director of Banking to Department of Finance and Director of Finance respectively; to amend sections 8-101 and 81-301, Reissue Revised Statutes of Nebraska, 1943, and sections 81-101 and 81-102, Revised Statutes Supplement, 1974; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 562. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Warner, 25th District; Stoney, 4th District; Duis, 39th District; Swigart, 8th District; Mills, 44th District; Hasebroock, 18th District; Wiltse, 1st District.

A BILL FOR AN ACT to amend section 8-140, Revised Statutes Supplement, 1974, relating to banks and banking; to increase the maximum loan that may be made to officers or employees of a bank; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 563. By Constitutional Revision and Recreation Committee: Syas, 13th District, Chairman; Swigart, 8th District; Carsten, 2nd District; Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 5-109, 24-803, and 24-806, Revised Statutes Supplement, 1974, relating to apportionment; to provide for Supreme Court judicial districts; to provide for judicial nominating commissions; to provide for representation; and to repeal the original sections.

LEGISLATIVE BILL 564. By Urban Affairs Committee: Fowler, 27th District, Chairman; George, 16th District; Stoney, 4th District; Swigart, 8th District; Koch, 12th District; Hasebroock, 18th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 19-3326, Reissue Revised Statutes of Nebraska, 1943, and sections 19-3311, 19-3315, and 19-3327, Revised Statutes Supplement, 1974, relating to off-street parking; to provide that certain cities may create off-street parking districts; to provide duties; to provide for bonds; to provide opportunity for notice and hearing; and to repeal the original sections.

LEGISLATIVE BILL 565. By Urban Affairs Committee: Fowler, 27th District, Chairman; George, 16th District; Stoney, 4th District; Swigart, 8th District; Koch, 12th District; Hasebroock, 18th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 23-381, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide that county boards may exclude certain lands from a tax levied to cover the cost of garbage disposal; and to repeal the original section.

LEGISLATIVE BILL 566. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Murphy, 17th District; Nichol, 48th District; Barnett, 26th District; Luedtke, 28th District; Skarda, 7th District; Mahoney, 5th District.

A BILL FOR AN ACT to amend sections 33-117.01 and 47-113, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1974, relating to county jails; to provide how each county shall be reimbursed for boarding prisoners; to repeal the original sections, and also section 47-113.01, Reissue Revised Statutes of Nebraska, 1943.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 239. Placed on General File as amended.
Standing Committee amendment to LB 239:
1. On page 2, lines 1 and 2 strike "public assistance payments or"; in line 2 strike ", or both,"; and in line 10 strike "personal maintenance or".

(Signed) Thomas C. Kennedy, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 270. Placed on General File as amended.
Standing Committee amendment to LB 270:
1. On page 2, strike line 18; in line 19 strike "commission" and insert "and shall not apply to the land of other persons".

LEGISLATIVE BILL 271. Placed on General File.

(Signed) George Syas, Chairman

MOTION--Approve Governor Appointments

Mr. Savage moved the Governor appointments of Dr. Clarence Davis, Dr. D. M. Krogh, Maxine Morrison, William Byron Quigley and Emmet Lee found in the Journal on page 567, 568 be confirmed.

Vote on Dr. Davis

Voting in the affirmative, 27:

Burbach	Burrows	Carsten	Cavanaugh	Clark
Cope	Hasebroock	Kelly	Kennedy	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nichol	Rasmussen	Rumery	Savage
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 22:

Anderson	Barnett	Bereuter	Chambers	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Johnson	Keyes	Kime
Koch	F. Lewis	R. Lewis	Mills	Murphy
Schmit	Skarda			

The Speaker declared the appointment of Dr. Davis confirmed.

Mr. Savage asked unanimous consent to take the remainder of the appointments by one vote. No objections. So ordered.

Voting in the affirmative, 25:

Burbach	Burrows	Carsten	Chambers	Cope
Fowler	George	Goodrich	Hasebroock	Kelly
Kennedy	Kremer	Mahoney	Maresh	Marsh
Moylan	Murphy	Nichol	Rumery	Savage
Stoney	Stull	Swigart	Syas	Wiltse

Voting in the negative, 0.

Not voting, 24:

Anderson	Barnett	Bereuter	Cavanaugh	Clark
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Johnson	Keyes	Kime	Koch	F. Lewis
R. Lewis	Luedtke	Marvel	Mills	Rasmussen
Schmit	Simpson	Skarda	Warner	

The Speaker declared the appointments of Dr. Krogh, Mrs. Morrison, Mr. Quigley and Mr. Lee confirmed.

UNANIMOUS CONSENT–Print in Journal

Mr. Marvel asked unanimous consent to print the following amendments to LB 537 in the Journal. No objections. So ordered.

1. Insert two new sections to read:

"Section 1. That section 7, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 7. Agency No. 09 -- Secretary of State

(1) Program No. 022 -- Departmental Administration

GENERAL FUND	~~102,186~~
	106,186
PROGRAM TOTAL	~~102,186~~
	106,186

(2) Program No. 051 -- Enforcement of Standards - Corporations

GENERAL FUND	71,774
PROGRAM TOTAL	71,774

(3) Program No. 052 -- Enforcement of Standards - Stock Brands

The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated.

CASH FUND	~~50,072~~	
		57,072
PROGRAM TOTAL	~~50,072~~	
		57,072

(4) Program No. 053 -- Enforcement of Standards - Collection Agencies

The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated.

CASH FUND	~~3,911~~	
		5,023
PROGRAM TOTAL	~~3,911~~	
		5,023

(5) Program No. 086 -- Enforcement of Standards - Records Management

GENERAL FUND	~~147,318~~	
		143,318
PROGRAM TOTAL	~~147,318~~	
		143,318

For Informational Purposes Only: Total Appropriations to Agency No. 09 and Fund Source

GENERAL FUND	321,278	
CASH FUND	~~53,983~~	
		62,095
AGENCY TOTAL	~~375,261~~	
		383,373

Sec. 2. That section 23, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 23. Agency No. 32 -- Board of Educational Lands and Funds

(1) Program No. 528 -- Administration of School Trusts

GENERAL FUND	~~438,125~~	
		476,003
PROGRAM TOTAL	~~438,125~~	
		476,003

(2) Program No. 529 -- Land Surveys

GENERAL FUND	92,499
PROGRAM TOTAL	92,499

(3) Program No. 554 -- Disputed Surveys

The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated. Cash Fund expenditures shall not be limited to the amount shown.

CASH FUND 2,000
PROGRAM TOTAL 2,000
For Informational Purposes Only: Total Appropriations to Agency No. 32 and Fund Source
GENERAL FUND ~~530,624~~ 568,502
CASH FUND 2,000
AGENCY TOTAL ~~532,624~~ 570,502".

2. Renumber original section 1 as section 3.

3. Insert a new section to read:

"Sec. 4. That section 44, Legislative Bill 997, Eighty-third Legislature, Second Session, be amended to read as follows:

Sec. 44. Agency No. 63 -- Nebraska State Board of Public Accountancy

Program No. 084 -- Enforcement of Standards - Public Accountancy

The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated. Cash Fund expenditures shall not be limited to the amount shown.

CASH FUND ~~35,004~~ 38,083
PROGRAM TOTAL ~~35,004~~ 38,083
For Informational Purposes Only: Total Appropriations to Agency No. 63 and Fund Source
CASH FUND ~~35,004~~ 38,083
AGENCY TOTAL ~~35,004~~ 38,083".

4. Renumber original section 2 as section 5.

5. Insert a new section to read:

"Sec. 6. That section 46, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 46. Agency No. 67 -- Equal Opportunity Commission

Program No. 059 -- Enforcement of Standards - Equal Employment and Housing Standards

GENERAL FUND ~~151,236~~ 158,936
PROGRAM TOTAL ~~151,236~~ 158,936
For Informational Purposes Only: Total Appropriations to Agency No. 67 and Fund Source

GENERAL FUND ~~151,236~~
158,936
AGENCY TOTAL ~~151,236~~
158,936".

6. Renumber original sections 3 to 7 as sections 7 to 11.

7. On page 20, line 8, insert "7, 23," after "sections", insert "44," after the first comma, and insert "46," after the second comma.

(Signed) Richard D. Marvel, Chairman
Appropriations Committee

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, February 24, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FIRST DAY—FEBRUARY 24, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 24, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: by now it seems so very familiar to us all - the dash back to the Statehouse for the tasks of another week; the rap of the Speaker's gavel; the prayer of the Chaplain; the pile of unopened letters on our desks from those who see so clearly what we should be doing here; the guests in the gallery who are trying to see what we are doing here; the reporters who will tell the folks back home what they believe we have been doing here; and beyond all these, the things which we have convinced ourselves that we are in fact doing here; by now it seems so very familiar to use all - we've been down this road so many times before.
>
> But the more familiar the way, the more treacherous the detours. Keep us on course, we pray!
>
> Save us from the sin of over-familiarity with public trust.
>
> May our accomplishments for Nebraska be so significant that even we, when we describe them, may not be guilty of bragging - nor when we accept our checks, guilty of sponging. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Murphy who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Fitzgerald asked unanimous consent to be excused Tuesday, February 25, 1975. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 21
February 21, 1975

Dear Senator Fowler:

Section 18-1901, R. S. Supp., 1974, provides that in all cities of the primary, first, and second class and villages there may be appointed a board for the examination and licensing of plumbers. (In metropolitan class cities there must be a plumbing board.) Section 18-1907 requires that any person desiring to do any plumbing or to work at the business of plumbing in a city or village which has established a plumbing board shall obtain a license from such board. The establishment of a plumbing board in all cities and villages, except metropolitan class, appears to be entirely discretionary. You have asked our opinion as to whether such cities and villages have any authority to require the licensing of plumbers in the absence of establishing a plumbing board; for example, whether the municipality may require licensing by some other department or agency of the municipality.

In Interstate Power Co. v. City of Ainsworth, 125 Neb. 419, 250 N.W. 649, the Nebraska Supreme Court noted that a municipality is purely a creature of the Legislature and has only such power as it derives from that source. The court further declared that when the Legislature has prescribed a specific method whereby a municipality may exercise one of the powers granted to it that statutory method is exclusive and any attempt to exercise that particular power in any other way is ultra vires and void.

Accordingly, it is our opinion that in the event any municipality desires to make provision for the licensing of plumbers, it must establish a plumbers board and follow the procedures set forth in Chapter 18, Article 19 of the statutes.

Legislative Bill 153, which is pending in the current session of the Legislature, has as one of its purposes the elimination of first and second class cities and villages from the provisions of Section 18-1901 et seq. The amendment to Section 18-1901 which would be effectuated if that bill be enacted has no bearing upon the conclusion which we expressed above. The effect of the amendment, in our opinion, would be to preclude cities of the first and second class and villages from establishing a plumbing

board. As is the case now, the establishment of a plumbing board in cities of the primary class would remain discretionary.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 24, 1975, at 9:05 a.m., were the following bills: LB 58 and LB 233.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 102. Indefinitely postponed.
LEGISLATIVE BILL 170. Indefinitely postponed.
LEGISLATIVE BILL 230. Indefinitely postponed.
LEGISLATIVE BILL 438. Indefinitely postponed.

(Signed) George Syas, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 354. Replaced on Select File as amended.
E & R amendments to LB 354:
1. On page 4, line 24, strike "81-885-24" and insert "81-885.24".
2. On page 10, line 14, strike "to" and insert "~~to~~ shall".

LEGISLATIVE BILL 77. Replaced on Select File as amended.
E & R amendments to LB 77:
1. On page 5, line 13, strike "is" and insert "are".
2. Renumber the new section provided by the Goodrich amendment as section 4.

3. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend sections 28-926.11 and 28-926.18, Revised Statutes Supplement 1974, relating to offenses against public morals; to redefine a term; to provide obscenity guidelines; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 293. Placed on Select File as amended.
E & R amendments to LB 293:

1. In lieu of the standing committee amendment to page 2, line 12, insert an underscored period after the reinstated "jury" in line 11.

2. On page 2, line 14, insert an underscored comma after "43-202"; and in line 18, strike the comma.

3. On page 3, line 6, strike "the foregoing" and insert "such"; in line 7, insert an underscored comma after "admonitions"; and in line 9, strike "provided" and insert "if".

4. On page 4, insert underscored commas in line 14, after "child", in line 15, after the second "court", and in line 16, after "section"; and in line 17, strike "proceedings" and insert "proceeding".

5. In the title, strike line 4 and "prescribed" in line 5, and insert "to provide for the explanation of legal rights".

LEGISLATIVE BILL 290. Placed on Select File as amended.
E & R amendment to LB 290:

1. On page 2, strike beginning with "Reissue" in line 3 through "thereto" in line 4, and insert "Revised Statutes Supplement, 1974"; and in line 11, insert "and" after the third comma.

LEGISLATIVE BILL 192A. Placed on Select File.
LEGISLATIVE BILL 236. Placed on Select File.

LEGISLATIVE BILL 75. Placed on Select File as amended.
E & R amendment to LB 75:

1. On page 2, line 15, insert an underscored comma after "section".

LEGISLATIVE BILL 98. Placed on Select File as amended.
E & R amendment to LB 98:

1. In the standing committee amendment, line 4, insert an underscored comma after "years".

LEGISLATIVE BILL 260. Placed on Select File as amended.
E & R amendments to LB 260.

1. In new section 1, line 1, strike "At" and insert "That at"; in line 4, insert a comma after "Nebraska" and after "12"; and insert a comma in line 14 after "law", and in line 15 after "interest".

2. In new section 2, line 8, insert a comma after "projects".

Correctly Engrossed

The following bills were correctly engrossed: 27 and 122.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 126 and 145.

Correctly Enrolled

The following bills were correctly enrolled: 139 and 149.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 139 and 149.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
556	Labor	562	Bkg. Comm. & Ins.
557	Labor	563	Judiciary
558	Judiciary	564	Urban Affairs
559	Agric. & Env.	565	Gov. Mil. & Vets Afrs
560	Judiciary	566	Misc. Subjects
561	Bkg. Comm. & Ins.		

(Signed) Eugene T. Mahoney, Chairman; Wally Barnett; John S. Savage; DennisL. Rasmussen; Richard Lewis; R. D. Kelly; J. W. Burbach; John Cavanaugh.

BILL ON FIRST READING

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

LEGISLATIVE BILL 180A. By Burbach, 19th District; Carsten, 2nd District.

A BILL FOR AN ACT to approriate funds to aid in carrying out the provisions of Legislative Bill 180, Eighty-fourth Legislature, First Session, 1975.

ANNOUNCEMENT

Mr. DeCamp announced the Rules Committee will hold a public hearing in Room 1019 at 8:00 a.m., February 25, 1975.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 2.

A BILL FOR AN ACT to amend section 48-115, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to authorize a waiver of coverage and termination of waiver 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:

Anderson	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 7:

Barnett	Cavanaugh	Duis	Fowler	Kelly
Marvel	Simpson			

Not voting, 1:
Murphy

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

LEGISLATIVE BILL 119.

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 the Legislature; to remove the Lieutenant Governor as presiding officer of the Legislature; to provide for the signing of bills; to remove the requirement that the Speaker preside; 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, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 10 and 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular session held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker. 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. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior."

"Sec. 14. 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. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. 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 presiding officer provided for by the Legislature 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."

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 propositon for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to provide that the Lieutenant Governor shall be removed as presiding officer of the Legislature and to remove the requirement that the Speaker shall preside; and to provide for the signing of bills.
> 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, 38:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Johnson	Kelly	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Marsh
Marvel	Nichol	Rasmussen	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 10:

Anderson	Fowler	Kennedy	Keyes	Kime
R. Lewis	Maresh	Mills	Moylan	Rumery

Not voting, 1:

Murphy

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

LEGISLATIVE BILL 21. With Emergency

A BILL FOR AN ACT relating to the Department of Public Institutions; to permit the sale of a portion of institutional land; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 1:

Cavanaugh

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.

LEGISLATIVE BILL 81. Mr. R. Lewis asked unanimous consent to bracket LB 81 for one week. No objections. So ordered.

LEGISLATIVE BILL 82. With Emergency.

A BILL FOR AN ACT to amend section 79-1254, Reissue Revised Statutes of Nebraska, 1943, and section 79-1254.02, Revised Statutes Supplement, 1974, relating to schools; to require just cause to terminate a teacher's or administrator's contract; to provide a probationary period; to define just cause; to provide procedures for the termination of a superintendent's or associate superintendent's contract; 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, 35:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Kelly	Keyes	Koch	F. Lewis	Luedtke
Mahoney	Marsh	Marvel	Mills	Moylan
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Swigart	Syas	Wiltse

Voting in the negative, 13:

Bereuter	Burbach	Carsten	Hasebroock	Johnson
Kennedy	Kime	Kremer	R. Lewis	Maresh
Nichol	Stull	Warner		

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.

LEGISLATIVE BILL 127.

A BILL FOR AN ACT to amend section 48-120, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to provide for the furnishing of medical and hospital services, appliances, supplies, prosthetic devices, and medicines as prescribed; to permit the employee to select his own physician; 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, 38:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Cope	DeCamp	Dickinson
Fitzgerald	Fowler	Goodrich	Hasebroock	Keyes

Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 9:

Cavanaugh	Clark	Duis	Dworak	George
Kelly	Kennedy	Kime	Mills	

Not voting, 2:

Johnson Murphy

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

LEGISLATIVE BILL 308.

A BILL FOR AN ACT to amend section 77-1736.04, Revised Statutes Supplement, 1974, relating to taxation; to eliminate the publication of unclaimed refunds and unclaimed registered claims; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 1:

Chambers

Not voting, 2:

Kime Murphy

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

MESSAGE FROM THE GOVERNOR

February 24, 1975

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

Dear Mr. President and Senators:

I am hereby returning LB 22 without my signature and with my objections.

LB 22 would increase the per diem paid to members of the Nebraska Investment Council from $20 to $50. At a time when we are asking for sacrifices in state government, I think it unwise to be increasing the expenditure of funds in the manner proposed in LB 22.

To increase the per diems paid to members of state government commissions and committees across the board would certainly be a very expensive undertaking. In addition, we have many commissions and committees in state government in which no per diems are paid to the members. I think a review of our policy with regard to the payment of per diems would be in order.

It would seem to me that the present $20 per diem for members of the Nebraska Investment Council is sufficient and that the proposed increase is not of such a priority that it should be enacted by your honorable body.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah2

PRESIDENT INTRODUCED

The President introduced students from Milford High School.

SELECT FILE

LEGISLATIVE BILL 63. E & R amendment found in the Journal on page 571 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 108. E & R amendments found in the Journal on page 572 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 289. E & R amendments found in the Journal on page 572 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 291. E & R amendment found in the Journal on page 572 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 292. E & R amendment found in the Journal on page 572 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 104. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 60. E & R amendment found in the Journal on page 572 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 62. E & R amendments found in the Journal on page 572 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 224. E & R amendments found in the Journal on page 573 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 276. E & R amendments found in the Journal on page 573 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Member Excused

Mr. Rumery asked unanimous consent to be excused on February 28, 1975. No objections. So ordered.

NOTICE OF COMMITTEE REPORT
Nebraska Retirement Systems

Senator William Hasebroock has announced that the Nebraska Retirement Systems Committee will hold public hearings on LB 532, the Uniform Retirement Bill, on Tuesday, Wednesday and Thursday evenings, March 4th, 5th and 6th beginning at 7:30 P.M. in the East Chamber of the State Capitol. No objections. So ordered.
The following schedule has been arranged for hearing this bill:

Tuesday – March 4th
State Employees
County Employees
University of Nebraska
State Colleges
Technical Community Colleges

Wednesday – March 5th
School Employees
Omaha Teachers
Judges
Natural Resource Districts
Mental Retardation Regions
Mental Health Regions

Thursday – March 6th
Municipal Employees
State Patrol
Policemen
Firemen
All others

(Signed) William Hasebroock, Chairman

ANNOUNCEMENT

Mr. Carsten announced an executive session of the Revenue Committee at 2:00 p.m. today in Room 1019.

MOTION—Withdraw LB 61

Mr. Mahoney moved to withdraw LB 61.

Laid over.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused at 11:15 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 555. Title read. Considered.

Mr. F. Lewis offered the following amendments:

1. On page 2, line 9 strike "August 15" and insert "December 31"; in line 17 after "diagnosed" insert "by a professional diagnostician"; in line 18 strike "services" and insert "service each handicapped child"; in line 21 after "provide" insert "a maximum of"; in line 25 strike "one hundred sixty" and insert "eighty"; in line 26 strike "four" and insert "two"; and in line 27 strike "sixty" and insert "thirty".

2. On page 3, line 1 strike "two" and insert "one"; line 4 strike "one thousand" and insert "five hundred" and after the semicolon insert "and

(e) For each physically handicapped child, thirty dollars."; strike lines 5 to 10; in line 11 strike "the"; and in lines 26 and 27 strike "in four approximately equal payments," and show as stricken.

3. On page 4, line 3 after "distribute" insert "a maximum of" and after "dollars" insert "from funds appropriated in subdivision (4) of section 4, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974,".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Laid over temporarily.

EASTER SEAL CHILD

The President appointed Messrs. Hasebroock and Kennedy to escort Jeffrey Folsom, the Easter Seal Child, and his mother to the front of the Chamber. Jeffrey is the son of Mr. & Mrs. Benjamin Folsom of Lincoln. Speaker Burbach read a Proclamation for the Easter Seal Child. The Committee escorted Jeffrey and his mother from the Chamber.

GENERAL FILE

LEGISLATIVE BILL 555. Considered.

Advanced to E & R for Review with 29 ayes, 9 nays and 11 not voting.

Mr. F. Lewis asked unanimous consent to expedite LB 555. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 16.

Introduced by Bereuter, 24th District.

WHEREAS, H. K. Diers, former member of the Nebraska Legislature, died February 23, 1975; and

WHEREAS, Mr. Diers served in the Nebraska Legislature in 1951, 1953, 1955, 1959, and 1960 exhibiting progressive and able leadership; and

WHEREAS, his death takes from the State of Nebraska one of its proud citizens who firmly believed that service to his state went beyond a pledge of good citizenship.

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

1. That the Legislature extend its sympathy to the survivors of H. K. Diers.

2. That the Legislature welcomes the opportunity to acknowledge and honor the contributions and service rendered to Nebraskans through Mr. Diers' activities and leadership in the Legislature and his community.

Mr. Bereuter moved to suspend the rules, Rule 4, Sec. 4, and consider LR 16 at this time.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

LR 16 was adopted with 36 ayes, 0 nays and 13 not voting.

The members stood for a moment of silence in Mr. Diers' memory.

Mr. Bereuter asked unanimous consent to add the names of all members to LR 16. No objections. So ordered.

Mr. Bereuter announced the funeral of Mr. Diers' will be at 2:00 p.m. on Wednesday, February 26, 1975 at Gresham, Nebraska.

BILL ON FIRST READING

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

LEGISLATIVE BILL 234A. By Appropriations Committee: Marvel, 33rd District; Chairman; Marsh, 29th District; Savage, 10th District; Bereuter, 24th District; Goodrich, 20th District; Clark, 47th District; Johnson, 15th District; Stull, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 234, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 564	Wednesday, March 5, 1975	2:00 p.m.
LB 565	Wednesday, March 12, 1975	2:00 p.m.

(Signed) Steve Fowler, Chairman

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 195. Placed on General File.
LEGISLATIVE BILL 429. Placed on General File.
LEGISLATIVE BILL 489. Placed on General File.

(Signed) George Syas, Chairman

Urban Affairs

LEGISLATIVE BILL 67. Placed on General File as amended.
Standing Committee amendment to LB 67:

1. On page 2, lines 6 to 8 and lines 11 and 12, strike the new matter and reinstate the stricken matter.

(Signed) Steve Fowler, Chairman

Public Works

LEGISLATIVE BILL 24. Placed on General File.
LEGISLATIVE BILL 523. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 151. Placed on General File.
LEGISLATIVE BILL 375. Placed on General File.
LEGISLATIVE BILL 377. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

MOTION–Withdraw LB 513

Mr. Anderson renewed his pending motion found in the Journal on page 581 for the Thirtieth Day to withdraw LB 513. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

VISITORS

The President introduced students from the Norfolk Technical College.

GENERAL FILE

LEGISLATIVE BILL 18. Considered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 20 ayes, 10 nays and 19 not voting.

The Call showed 45 members present.

Mr. DeCamp moved the Call be raised. The motion prevailed with 34 ayes, 5 nays and 10 not voting.

LB 18 failed to advance to E & R for Review with 23 ayes, 14 nays and 12 not voting.

Mr. Stoney moved to reconsider action on advancing LB 18. The motion prevailed with 25 ayes, 17 nays and 7 not voting.

Mr. DeCamp moved to indefinitely postpone LB 18. Motion pending.

ADJOURNMENT

Speaker Burbach moved to adjourn until 9:00 a.m. The motion prevailed with 26 ayes, 8 nays and 15 not voting and at 12:09 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, February 25, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SECOND DAY—FEBRUARY 25, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> We acknowledge a creative and redemptive Power in events beyond our own; We seek forgiveness for whatever of our past that never should have been; We ask strength for whatever of the present is as it should be; We desire guidance toward those hopes for the future which conform to the Creator's design. O Lord our God: Forgive us, strengthen us, guide us For our own sake, and for the sake of the people we represent. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Fitzgerald who was excused , Messrs. George and Goodrich who were excused until they arrive and Mr. Fowler who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-first Day was approved.

MESSAGE FROM THE GOVERNOR

February 24, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 12, 17, 85, 90, 94, 130, 164, 183, 186, 190, 201, and 208, and Reengrossed Legislative Bill No. 59.

These bills were signed by me on February 22, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

Opinion No. 22
February 24, 1975

Dear Senator Maresh:

This is in reply to your inquiry concerning L.B. 290 which provides in effect that as a condition of permitting a child to remain in its own home under Section 43-208 (relating to dependent and neglected children) and 43-210 (relating to delinquent children) the court may impose certain conditions upon the parents.

It should be noted that under either of these sections the court is authorized in the first instance to remove the child from the home and place the child with the care of a suitable family or in a suitable institution including, in a case of dependent and neglected children, the Department of Public Welfare and as to delinquent children, the Department of Correctional Services.

The jurisdiction of the juvenile court to remove a child from the home after an adjudication of dependency, neglect and delinquency and the constitutionality of the statutes authorizing the same have been upheld by the Nebraska Supreme Court many times. See State ex rel. Weiner v. Hans, 174 Neb. 612; Mingus v. Stuchlick, 185 Neb. 139.

As mentioned earlier, L.B. 290 provides conditions which may be imposed upon the parents as a consideration for permitting the child to remain in its own home; if the parents do not live up to the conditions the court may remove the child as it could have done in the first instance. Surely if the court had the authority to remove the child from the home in the first instance it may do so if the parents do not wish to live up to the conditions imposed by the court.

Therefore, in our opinion, the statute is constitutional and would be within the jurisdiction of the juvenile court.

We are not unmindful of the decision from Florida attached to your letter. That decision, as we read it, provides that the Florida district court did not have jurisdiction to order a parent of a delinquent child to participate in a rehabilitation program for the child. All that case holds is that Florida does not have a statute for the action taken. The constitutionality of any particular statute was not considered.

Respectfully submitted,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Special Assistant Attorney General

cc Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 289. Replaced on Select File as amended.
E & R amendment to LB 289:
1. In new section 2, line 6, strike "the" as in the statutes.

LEGISLATIVE BILL 555. Placed on Select File as amended.
E & R amendment to LB 555:
1. In the title, line 4, strike "boards" and insert "districts".

LEGISLATIVE BILL 284. Placed on Select File as amended.
E & R amendment to LB 284:
1. In standing committee amendment 2, strike "after" and insert "before".

LEGISLATIVE BILL 285. Placed on Select File as amended.
E & R amendment to LB 285:
1. In the title, line 4, insert "to provide an additional duty for public defenders;" after the semicolon.

LEGISLATIVE BILL 286. Placed on Select File as amended.
E & R amendment to LB 286:
1. In the title, line 7, insert "to remove a duty of county judges as prescribed;" after the semicolon.

LEGISLATIVE BILL 227. Placed on Select File.

LEGISLATIVE BILL 13. Placed on Select File as amended.
E & R amendment to LB 13:

1. In the title, line 5, insert "to decrease an appropriation;" after the semicolon.

LEGISLATIVE BILL 251. Placed on Select File as amended.
E & R amendments to LB 251:

1. In standing committee amendment 1, strike "after" in line 1; in lieu of line 2 insert an underscored period after the reinstated "Governor"; after the stricken matter insert "Six of such persons shall be appointed"; and insert "each of" after "from".

2. In the title, strike beginning with "to" in line 7 through the semicolon in line 8 and insert "to limit political party representation on the board; to provide authorization for receipt of money from various sources;".

LEGISLATIVE BILL 136. Placed on Select File as amended.
E & R amendments to LB 136:

1. In new section 14, line 17, strike "said" and insert "~~said~~ such"; in line 23, strike the first "Building"; and in line 32, insert "who" after "Recorder".

2. In new section 15, line 13, strike the first "and" and insert an underscored comma, and insert an underscored comma after "prescribe".

3. In new section 17, insert underscored commas in lines 1 and 3 after "State", in line 6 after "include", and in line 7, after "to".

4. In new section 18, line 2, insert "of" after "possession".

5. In the title, line 4, strike "and", and insert "and 54-137," before "Reissue"; in line 11, insert "to provide an operative date;" after the semicolon; strike "and" in line 11; and in line 12, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 180. Placed on Select File as amended.
E & R amendments to LB 180:

1. On page 2, line 22, strike "is directed".

2. On page 3, line 3, strike "said funds" and insert "such fund".

3. In the title, line 3, insert "to specify sources of money for the fund;" after the first semicolon.

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 534	Thursday, March 6, 1975	2:00 p.m.
LB 505	Thursday, March 6, 1975 (Cancel)	2:00 p.m.
LB 505	Thursday, March 13, 1975 (Reset)	2:00 p.m.

(Signed) Gary L. Anderson, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 131.

A BILL FOR AN ACT to amend section 60-1902, Revised Statutes Supplement, 1974, relating to motor vehicles; to clarify language concerning abandoned motor vehicles; 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:

Anderson	Barnett	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Bereuter	Cavanaugh	Fitzgerald	Fowler	George
Goodrich	Kime	F. Lewis		

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

LEGISLATIVE BILL 125.

A BILL FOR AN ACT to amend section 23-107, Revised Statutes Supplement, 1974, relating to county boards; to provide powers for sale and lease of real 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, 42:

Anderson	Barnett	Burrows	Carsten	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Bereuter	Burbach	Cavanaugh	Fitzgerald	Fowler
George	Goodrich			

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

LEGISLATIVE BILL 171.

A BILL FOR AN ACT to amend section 17-568.01, Reissue Revised Statutes of Nebraska, 1943, and section 16-321, Revised Statutes Supplement, 1974, relating to cities and villages; to provide bidding procedures for certain contracts; to provide authority for contract negotiation; 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:

Anderson	Barnett	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson

Duis	Dworak	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Bereuter	Cavanaugh	Fitzgerald	Fowler	George
Goodrich				

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

LEGISLATIVE BILL 312.

A BILL FOR AN ACT to amend section 77-1502, Revised Statutes Supplement, 1974, relating to revenue; to revise board of equalization proceedings; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Fitzgerald	Fowler	George	Goodrich	Murphy

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 February 25, 1975, at 9:10 a.m., were the following bills: LB 139 and LB 149.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 63, 108, 291 and 292.

Correctly Enrolled

The following bills were correctly enrolled: 2, 21, 82, 119, 127, 308 and LR 16.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of tranacting business, the President signed the following bills: 2, 21, 82, 119, 127, 308 and LR 16.

UNANIMOUS CONSENT—Members Excused

Messrs. Bereuter, R. Lewis and Kremer asked unanimous consent to be excused at 11:30 today. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused on February 27 and 28, 1975. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 354. E & R amendments found in the Journal on page 593 for the Thirty-first day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77. E & R amendments found in the Journal on page 593 for the Thirty-first Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 293. E & R amendments found in the Journal on page 594 for the Thirty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 290. E & R amendment found in the Journal on page 594 for the Thirty-first Day was adopted.

The Cavanaugh amendment found in the Journal on page 579 for the Thirtieth Day was adopted with 27 ayes, 7 nays and 15 not voting.

Mr. Maresh asked unanimous consent to have LB 290 laid over. No objections. So ordered.

LEGISLATIVE BILL 192A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 236. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 75. E & R amendment found in the Journal on page 594 for the Thirty-first Day was adopted.

Mr. Cavanaugh offered the following amendment:
Page 2 strike line 12, 13 and 14 up to the word "For".

The amendment lost with 11 ayes, 19 nays and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 98. E & R amendment found in the Journal on page 594 for the Thirty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 260. E & R amendments found in the Journal on page 595 for the Thirty-first Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Consider LB 290 on Select File

Mr. Maresh asked unanimous consent to revert to LB 290 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 290. Advanced to E & R for Engrossment

UNANIMOUS CONSENT—Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 193 in the Journal. No objections. So ordered.

In Section 1, Line 5, after the word "publish" insert the words "in a newspaper of general circulation in the city or village or post in three public places within the municipality."

In Line 8 insert after the word "publication" "or posting".

In Line 12 place a period after the word "item" and strike the word "in".

Strike Line 13.

In Line 16 after the word "publish" insert "or posted in three public places within the municipality".

In Line 18 after the word "publish" insert the words "or posted in three public places within the municipality."

SELECT COMMITTEE REPORT
Rules

Mr. President,

The Rules Committee met this morning, February 25, 1975, and acted favorably on the following rule change and also acted favorably on the attached rule change.

"Amend Rule 6, Sec. 7 by adding:
(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be re-advanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members."

Rule 4

Sec. 1. Identifications. A resolution shall be designated as Legislative Resolution ___. ~~The~~ All resolutions shall be numbered consecutively for each Legislature. All ~~other~~ resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

Sec. 2. same

Sec. 3. same

Sec. 4. ~~Only those~~ All resolutions ~~specified in sections 2 and 3 of this Rule~~ shall be adopted ~~voted on by the Legislature. Should the rules be suspended to permit a vote upon a resolution it shall then be considered adopted only~~ by an affirmative vote of a majority of the elected members or by unanimous consent, except for those specified in Section 2 which shall be considered and adopted in the same manner as bills.

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

~~Sec. 5. The Clerk shall hold all resolutions not otherwise disposed of until the fifth legislative day after introduction or until the last day of the session, whichever first occurs, during which any member may add his name as introducer thereof. The Clerk shall retain the original of all such resolutions in his file and, if called for in the resolution, make and dispose of copies thereof accordingly, provided, however, that resolutions not adopted in accordance with secs. 2, 3, or 4 above shall be considered adopted only when there shall have been a majority of the elected members sign the said resolution.~~

Sec. ~~6.~~ 5. Resolutions ~~which are filed with the Clerk may be explained by the signer thereof either on the day of introduction or any of the 5 succeeding legislative days.~~ shall lie over for consideration at least one legislative day after introduction.

Sec. ~~7.~~ 6. (otherwise, same)

Sec. ~~8.~~ 7. (otherwise, same)

Sec. ~~9.~~ 8. (otherwise, same)

~~Sec. 10. Resolutions referred to General File may be adopted by a majority vote of the elected members, unless otherwise provided for herein. (See Sec. 2) Emergency seat of government; Resolution providing for, must be signed by Governor. RRS 23-2103, 1943, by Governor.~~

Sec. ~~11.~~ 9. (otherwise, same)

(Signed) John W. DeCamp, Chairman

UNANIMOUS CONSENT–Consider LB 555 on Select File

Mr. F. Lewis asked unanimous consent to consider LB 555 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 555. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Member Excused

Speaker Burbach asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 18. Mr. DeCamp renewed his pending motion found in the Journal on page 608 for the Thirty-first Day to indefinitely postpone LB 18.

The motion prevailed with 26 ayes, 14 nays and 9 not voting.

LEGISLATIVE BILL 105. Title read. Considered.

The Savage amendment found in the Journal on page 575 was adopted with 25 ayes, 8 nays and 16 not voting.

Mr. Mills moved to indefinitely postpone LB 105.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?"

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

The motion to indefinitely postpone prevailed with 27 ayes, 14 nays and 8 not voting.

LEGISLATIVE BILL 294. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 474. Mr. Marvel asked unanimous consent to hold the bill over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 180A. Title read. Considered.

Mr. Skarda moved to indefinitely postpone. Motion pending.

Mr. Stull moved to bracket the bill until tomorrow. The motion prevailed with 25 ayes, 12 nays and 12 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 377 in the Journal. No objections. So ordered.

1. That section 84-206, Revised Statutes Supplement, 1974, be amended to read as follows:

84-206. The Attorney General shall appoint ~~a~~ such ~~deputy attorney general,~~ deputies ~~who~~ and assistants as he may deem necessary. Each deputy attorney general shall give bond to the State of Nebraska in the sum of five thousand dollars with good and sufficient sureties to be approved by the Governor. The bond, together with a copy of the appointment, shall be deposited in the office of the Secretary of State. ~~The~~ Each deputy may do and perform, in the absence of the Attorney General, all the acts and duties that may be authorized and required to be performed by the Attorney General. The Attorney General shall be responsible for ~~all~~ the acts of ~~said~~ any deputy. ~~The~~ Each deputy attorney general and assistant attorney general shall receive a salary ~~of~~ in such amount as shall be fixed by the Attorney General, to be paid on a monthly basis by warrant of the Director of Administrative Services on the State Treasurer. ~~; Pro-~~

vided, ~~that the salary of the deputy attorney general and each full time assitant attorney general shall be not less than twenty thousand dollars.~~

UNANIMOUS CONSENT--Member Excused

Mr. Simpson asked unanimous consent to excuse Messrs. Hasebroock, Luedtke, Schmit and Simpson Friday, February 28, 1975. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 565 Wednesday, March 12, 1975 (Cancel) 2:00 p.m.

(Signed) Steve Fowler, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 112. Placed on General File as amended.
Standing Committee amendment to LB 112:
1. On page 10, line 23, strike "eighty-five" and show as stricken, and insert "ninety-five".

LEGISLATIVE BILL 211. Placed on General File as amended.
Standing Committee amendments to LB 211:
1. On page 2, lines 7 to 12, strike the new matter and insert the following:
"The county board of commissioners in counties having a population of sixty thousand inhabitants or more may, after the clearance of snow and ice from the county road system, clear snow and ice from all public streets of incorporated sanitary and improvement districts in the same manner as if such streets were part of the county road system.
Any county board performing such snow and ice clearance in a sanitary and improvement district shall not be held liable for any damages arising from such snow and ice clearance, unless damages arise as a result of gross negligence.".

LEGISLATIVE BILL 225. Placed on General File as amended.
Standing Committee amendment to LB 225:
1. On page 2, lines 6, 19, and 22 strike "glasses" and insert "~~glasses~~ corrective lenses"; and in lines 14 and 18 strike "doctor's" and insert "~~doctor's~~ physician's".

LEGISLATIVE BILL 547. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

MOTIONS—Introduce Bills

Mr. DeCamp moved the introduction of a new bill by the Committee on Judiciary. (Req. 751)
The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Mr. DeCamp moved the introduction of a new bill by the Committee on Judiciary. (Req. 752)
The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. DeCamp moved the introduction of a new bill by the Committee on Judiciary. (Req. 168)
The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Mr. DeCamp moved the introduction of a new bill by the Committee on Judiciary. (Req. 775)

Mr. DeCamp moved for a Call of the House.

The motion prevailed with 21 ayes, 17 nays and 11 not voting.

The Call showed 44 members present.

Mr. DeCamp moved the Call be raised.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The motion to introduce the bill prevailed with 31 ayes, 11 nays and 7 not voting.

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (request 788). The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Moylan moved the introduction of a new bill by the Committee on Public Works (request 748). The motion prevailed with 30 ayes, 5 nays and 14 not voting.

Mr. Barnett moved the introduction of a new bill by the Executive Board (request 790). The motion prevailed with 32 ayes, 1 nay and 16 not voting.

Mr. Stoney moved the introduction of a new bill by the Committee on Government, Military and Veterans Affairs (request 789). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION–Withdraw LB 61

Mr. Mahoney renewed his pending motion found in the Journal on page 604 for the Thirty-first Day to withdraw LB 61.

The motion lost with 18 ayes, 21 nays and 10 not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 70. Indefinitely postponed.
LEGISLATIVE BILL 87. Indefinitely postponed.
LEGISLATIVE BILL 419. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 555. Correctly engrossed.

(Signed) Donald N. Dworak, Chairman

MOTION–Withdraw LB 511

Mr. Kelly moved to withdraw LB 511. Motion pending.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 560	Tuesday, March 11, 1975	2:00 p.m.
LB 558	Wednesday, March 12, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 567. By Committee on Judiciary: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 83-1,109 and 83-1,118, Reissue Revised Statutes of Nebraska, 1943, and sections 83-170, 83-1,107, 83-1,110, and 83-1,111, Revised Statutes Supplement, 1974, relating to

the Department of Correctional Services; to define terms; to provide for the reduction of sentences of committed offenders as prescribed; to provide for restitution of the civil rights of such persons upon release from custody or supervision; to assign duties to the Director of Correctional Services; to correct obsolete language; to provide for retroactive application of this act; and to repeal the original sections.

LEGISLATIVE BILL 568. By Committee on Judiciary: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to correctional services; to provide for payments to released persons as prescribed; to define terms; to provide duties for the Director of Correctional Services; and to create a fund and prescribe its name and purpose.

LEGISLATIVE BILL 569. By Committee on Judiciary: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 60-419, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle operators' licenses; to end keeping of records of license revocations of incarcerated persons; to provide duties for the Director of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 570. By Committee on Judiciary: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 44-211, 48-503, 53-142, 69-1205, 69-1207, 71-147, 71-217, 71-331, 71-1333, 71-2717, and 77-3002, Reissue Revised Statutes of Nebraska, 1943, and sections 8-1103, 60-1411.02, 71-2045.02, 81-885.12, 81-8,280, and 81-8,283, Revised Statutes Supplement, 1974, relating to disqualification of applicants with criminal records for a permit, registration, certificate, or license to practice a trade, occupation, or profession; to declare intent; to eliminate such disqualification for persons convicted of a felony or a crime of moral turpitude; to repeal the original sections, and also section 71-3206, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 571. By Committee on Public Health and Welfare: Kennedy, 21st District, Chairman; Fowler, 27th District; Moylan, 6th District; Maresh, 32nd District; Cavanaugh, 9th District; R. Lewis, 38th District; Kelly, 35th District.

A BILL FOR AN ACT relating to health education; to provide resident physician education programs for the state; and to provide funding.

LEGISLATIVE BILL 572. By Committee on Public Works: Kremer, 34th District, Chairman; Wiltse, 1st District; Moylan, 6th District; Warner, 25th District; R. Lewis, 38th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 60-115, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to increase the amount of fees for certificates; and to repeal the original section.

LEGISLATIVE BILL 573. By Executive Board: Mahoney, 5th District, Chairman; Schmit, 23rd District; Barnett, 26th District; Burbach, 19th District; Cavanaugh, 9th District; Kelly, 35th District; Rasmussen, 41st District; R. Lewis, 38th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 28-1011.25, Revised Statutes Supplement, 1974, relating to weapons and explosives; to raise the age required in order to be issued a permit to store or use explosive materials; and to repeal the original section.

LEGISLATIVE BILL 574. By Committee on Government, Military and Veterans Affairs: Rasmussen, 41st District, Chairman; Fowler, 27th District; Chambers, 11th District; Koch, 12th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 28-561, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to make certain acts unlawful; to change penalties; and to repeal the original section.

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee on Wednesday, February 26, 1975 at 7:00 a.m. in his office.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Barnett, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTY-THIRD DAY—FEBRUARY 26, 1975

LEGISLATIVE JOURNAL

THIRTY-THIRD DAY—FEBRUARY 26, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 26, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father of all mankind, Who has given us the commandment to love one another - give us also, we ask, the grace to fulfill it. Make us to be courteous, patient, forbearing. So direct our lives that we may look each to the good of the other, and together, to the good of all. May nothing this day obstruct the blessings of love from flowing through us here, to the benefit of many far beyond these hallowed chambers. O Lord our God. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Mahoney who was excused and Messrs. F. Lewis and Carsten who were excused until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-second Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Kelly asked unanimous consent to be excused at 10:00 a.m. on Friday, February 28, 1975. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 26, 1975, at 8:50 a.m., were the following bills: LB 2, LB 21, LB 82, LB 119, LB 127 and LB 308.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 77. Replaced on Select File as amended.
E & R amendment to LB 77:
1. In new section 2, line 3, strike "28-936.18."
and insert "28-926.18.".

LEGISLATIVE BILL 290. Replaced on Select File as amended.
E & R amendment to LB 290:
1. On page 2, insert "and" at the end of line 19;
and in line 21 strike "; and" and insert a period.

Correctly Enrolled

The following bills were correctly enrolled: 125, 131, 171 and 312.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 125, 131, 171 and 312.

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 370. Placed on General File as amended.
Standing Committee amendment to LB 370:
1. Add a new section 3 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.

LEGISLATIVE BILL 179. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 410	Friday, March 7, 1975	2:00 p.m.
LB 565	Friday, March 7, 1975	2:00 p.m.
LB 490	Thursday, March 13, 1975 (Continuation)	2:00 p.m.
LB 144	Thursday, March 13, 1975	2:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 45.

A BILL FOR AN ACT to amend section 23-2329, Reissue Revised Statutes of Nebraska, 1943, section 23-2330, Revised Statutes Supplement, 1974, and section 23-2301, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1974, relating to county employees retirement; to redefine terms; to provide for approval of a retirement system; to revise requirements for certification of a retirement system; 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, 37:

Anderson	Barnett	Bereuter	Burbach	Burrows
Chambers	Cope	DeCamp	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 4:

Clark	Dworak	Koch	Marvel

Not voting, 8:

Carsten	Cavanaugh	Dickinson	Duis	Goodrich
F. Lewis	Mahoney	Murphy		

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

LEGISLATIVE BILL 83. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to provide for full and equal access to housing accommodations by blind, visually handicapped, and physically disabled persons as prescribed; to amend

section 20-129, Revised Statutues Supplement, 1974; 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, 42:

Anderson	Barnett	Bereuter	Burbach	Burrows
Chambers	Clark	Cope	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage Schmit		Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Carsten	Cavanaugh	DeCamp	Goodrich	F. Lewis
Mahoney	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 165.

A BILL FOR AN ACT to amend section 68-115, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare; to provide for time to be excluded in determining establishment of a new county of legal settlement; to delete the settlement requirement for a married woman; 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:

Bereuter	Burbach	Burrows	Chambers	Clark
Cope	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Hasebroock	Johnson

Kelly	Kennedy	Keyes	Koch	Kremer
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Anderson	Barnett	Carsten	Cavanaugh	Goodrich
Kime	F. Lewis	Mahoney		

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

LEGISLATIVE BILL 194. With Emergency.

A BILL FOR AN ACT to amend section 48-157, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to permit the microfilming of certain court records; to provide for the admissibility of microfilm records as evidence; to permit the destruction of certain records without microfilming; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

Anderson	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 1:

Barnett

Not voting, 4:

Cavanaugh Goodrich F. Lewis Mahoney

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 196.

A BILL FOR AN ACT to amend sections 52-102 and 52-103, Reissue Revised Statutes of Nebraska, 1943, relating to liens; to provide filing and notice requirements for subcontractor's lien 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, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Duis

Not voting, 3:

Dickinson F. Lewis Mahoney

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

LEGISLATIVE BILL 355.

A BILL FOR AN ACT to amend section 85-163, Reissue Revised Statutes of Nebraska, 1943, relating to the Conservation and Survey Division; to delete certain 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, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 1:

Savage

Not voting, 4:

George	F. Lewis	R. Lewis	Mahoney

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

SELECT FILE

LEGISLATIVE BILL 289. E & R amendment found in the Journal on page 611 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 284. E & R amendment found in the Journal on page 611 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 285. E & R amendment found in the Journal on page 611 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 286. E & R amendment found in the Journal on page 611 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 227. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 13. E & R amendment found in the Journal on page 612 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 251. E & R amendments found in the Journal on page 612 for the Thirty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 136. E & R amendments found in the Journal on page 612 for the Thirty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 180. E & R amendments found in the Journal on page 612 for the Thirty-second Day were adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 251 to Select File

Mrs. Marsh moved to return LB 251 to Select File for the following specific amendment:

Amend LB 251 by changing the word "Six" in the E & R amendment to "Five".

The motion prevailed with 27 ayes, 1 nay and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 251. Mrs. Marsh asked unanimous consent to withdraw the specific amendment found in this day's Journal. No objections. So ordered.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Fowler announced the Urban Affairs Committee will meet in executive session today at 1:30 p.m. in the East Lounge.

GENERAL FILE

LEGISLATIVE BILL 180A. Considered.

Mr. Skarda renewed his pending motion found in the Journal on page 620 for the Thirty-second day, to indefinitely postpone.

Speaker Burbach asked unanimous consent to bracket LB 180A. Mr. Skarda objected.

Speaker Burbach moved to bracket LB 180A.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Speaker Burbach moved for a Call of the House. The motion prevailed with 23 ayes, 15 nays and 11 not voting.

The Call showed 39 members present.

Speaker Burbach moved the Call be raised. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

The Burbach motion to bracket LB 180A prevailed with 25 ayes, 20 nays and 4 not voting.

The Skarda motion to indefinitely postpone is pending.

LEGISLATIVE BILL 111. Mr. Warner asked unanimous consent to have LB 111 laid over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 474. Considered.

Mr. Keyes offered the following amendment:

1. On page 3, after line 8 insert the following:

"Sec. 4. (1) The Legislature hereby declares that the purpose and intent of sections 4 and 5 of this act are to take positive steps to reduce the consumption of gasoline in this state and to make the most efficient and economical use of the nation's resources and the state's funds.

(2) After the effective date of this act, not less than one half of all state-owned passenger cars purchased, leased or approved for purchase or lease by the transportation services bureau shall be of the compact class or smaller. For purposes of this section compact shall be defined as any

passenger car having a wheelbase of between one hundred eight and one hundred fifteen inches.

Sec. 5. After the effective date of this act, not less than one half of all passenger cars, except vehicles which are considered duty stations such as vehicles used by law enforcement agents, purchased, leased, or otherwise controlled by any political subdivision of this state shall be of the compact class or smaller. For purposes of this section compact shall be defined as any passenger car having a wheelbase of between one hundred eight and one hundred fifteen inches.".

2. Renumber original section 4 as section 6.

Mr. Barnett offered the following amendment to the Keyes amendment:
In Sec. 4 (2) strike "not less than one half of"
In Sec. 5. strike "not less than one half of"

The Barnett amendment lost with 6 ayes, 19 nays and 24 not voting.

The Keyes amendment was adopted with 28 ayes, 5 nays and 16 not voting.

Advanced to E & R for Review with 29 ayes, 3 nays and 17 not voting.

LEGISLATIVE BILL 234. Title read. Considered.

Standing Committee amendments found in the Journal on page 481 for the Twenty-fifth Day were adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 30 ayes, 2 nays and 17 not voting.

LEGISLATIVE BILL 234A. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 230 in the Journal. No objections. So ordered.

1. On page 2, line 16 after "be", strike "the same as the congressional"; strike line 17; line 18 strike "of this act" and insert "of approximately equal population based upon the last federal decennial census"; line 23 after the second "to" strike "each change in congressional"; line 24 strike "districts", and insert "any change in population

distribution as determined by the most recent federal decennial census or at any other time in order to preserve the rights of the citizens of this state".

BILL ON FIRST READING

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

LEGISLATIVE BILL 575. By Burbach, 19th District, 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, 1975 to June 30, 1976; and to declare an emergency.

SELECT COMMITTEE REPORTS

Committee on Committees

The Committee on Committees will meet at 12:00 Noon, Wednesday, March 5, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Charles Broderson – Code of Ethics Board
Tom Doyle – Code of Ethics Board
Roy Gardner – Code of Ethics Board
William E. Peters – Code of Ethics Board
Donald R. Treadway – Code of Ethics Board
Paul Schorr, III – State Electrical Board

(Signed) John S. Savage, Chairman

Enrollment and Review
Correctly Engrossed

The following bills were correctly engrossed: 60, 62, 75, 98, 104, 192A, 224, 236, 260, 276, 293 and 354.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Agruculture and Environment

LEGISLATIVE BILL 378. Placed on General File.
LEGISLATIVE BILL 403. Indefinitely postponed.
LEGISLATIVE BILL 406. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 559 Friday, March 14, 1975 2:00 p.m.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT–LB 575

Speaker Burbach asked unanimous consent to place LB 575 on General File without a public hearing. No objections. So ordered.

ANNOUNCEMENT

Mr. R. Lewis announced a reminder to the freshman senators of an invitation to a luncheon at the University Club, February 28, 1975. Transportation will be furnished if needed.

GENERAL FILE

LEGISLATIVE BILL 247. Title read. Considered.

Standing Committee amendments found in the Journal on page 520 for the Twenty-seventh Day were adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Cavanaugh offered the following amendment:
Amend LB 247:
Page 2, line 18, strike "donations, gifts devices, or bequest of Real" Page 2, line 19, strike "or personal property" Committee amendment Sec. 4, strike "donations, gifts, services, devices of bequest of real or personal property

The amendment was adopted with 25 ayes, 10 nays and 14 not voting.

Laid over temporarily.

VISITOR

President Whelan introduced Mr. Jimmy Carter, former Governor of Georgia. Mr. Carter addressed the members.

GENERAL FILE

LEGISLATIVE BILL 247. Considered

Mr. Kelly offered the following amendment:
Strike Control and insert Modification
page 2, line 5 and the title
Change all from Control
to Modification

MR SAVAGE PRESIDING

The amendment was adopted with 28 ayes, 2 nays and 19 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, and 23 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 23
February 24, 1975

Re: Authority of a Court to Include Support for an Adult Child in a Divorce Decree if Not Contracted For Between the Parties

Dear Senator DeCamp:

In determining whether you will introduce legislation on the above subject, you have asked us whether a district court is legally empowered to order, in the absence of a property settlement, that a parent support a child able to care for itself beyond the age of majority or emancipation. This is a question for judicial resolution, but we can assess the probabilities for you.

A "minor" is defined by statute as all persons under 19 years of age. In case any person under the age of 19 marries, his minority ends. Section 38-101, R. R. S. 1943. The father and mother are the natural guardians of their minor children and are equally entitled to their custody, services and earnings and to direct their education. Section 38-107, R. R. S. 1943. For this a father has a legal duty to support his minor child. Mabe v. Gross, 167 Neb. 593, 797, 94 N. W. 2d 12 (1959). These rights and duties arising

from the relation of parent and child are reciprocal. 67 C.J.S., "Parent and Child," Sections 2.b., p. 629. But there may be a mutual abandonment of the rights and duties of parent and child and a relinquishment by the parent of all property in the child's earnings. Clemens v. Brillhart, 17 Neb. 335, 22 N. W. 799 (1885). The result is an emancipated minor.

As defined for establishing domicile for resident tuition purposes, an emancipated minor is one who has not lived with nor been supported by his parents, or either of them, for two years or more. Section 85-502(3), R. R. S. 1943. The statute making parents liable for the intentional torts of "their minor or unemancipated children residing with them" emphasizes the right of custody as an element on which liability rests. Section 43-801, R. R. S. 1943. So does the statute making parents liable for expenses for treatment for venereal disease of "minors under their custody" even though the parents' consent to treatment is not necessary and they need not be notified. Section 71-1121, R. S. Supp., 1974. The parents may remain liable even though they do not have custody of the child if they have voluntarily relinquished custody to other persons, Section 43-801, or when custody has been taken from them by court order. Section 43-210.03, R. R. S. 1943.

Although "unemancipated children residing with the parents" may be the equivalent of a "minor" in determining whether their parents are liable for their intentional torts or medical bills incurred in the treatment of venereal disease, we cannot say that in the face of an express statutory definition of "minor" that the authority of the district court to issue an order for child support is so limited. It is thus possible that a court can include support for an emancipated minor in a divorce decree under the authority granted to it in Section 42-351, R. R. S. 1943, and Section 42-364, R. S. Supp., 1974. At least a parent seeking to avoid rendering such support should have the burden of establishing that the child is an emancipated minor.

It is unlikely that a court can include in a divorce decree support for a child who has reached his majority. Not only has the Nebraska Supreme Court expressly said in Waldbaum v. Waldbaum, 171 Neb. 625, 107 N. W. 2d 407 (1961), that the father's legal duty to support his child ceases when the child comes of age, but the above statutes expressly grant authority to issue such orders only in respect to minor children. Furthermore, child support judgments cease to be liens on property ten years from the date the youngest child becomes of age or dies. Section 42-371(2), R. R. S. 1943.

Even in jurisdictions where the court is given authority to include provision for "children" in a divorce decree, it is generally held that such duty of support applies only to minor children and terminates when the children reach majority. See Annotation in 162 A.L.R. 1084, "Power of Court in Divorce or Separation Suit to Provide for Support of, or Aid to, Adult Child or to Continue Provision for Support After Child Attains Majority." Such a conclusion is buttressed in Nebraska by the fact that the

crime of nonsupport refers only to minor children, Section 28-449, R. S. Supp., 1974. The crime of neglect refers only to children under 18, Section 28-477, R. S. Supp., 1974. The crime of willfully abandoning, cruelly or unlawfully punishing, or willfully or negligently depriving a child of necessary food, clothing or shelter applies only to children under the age of 16 years, Sections 38-115 and 38-117, R. R. S. 1943.

With the repeal in 1969 of Section 68-101 and 68-102 of the pauper and public welfare laws, it is questionable whether in Nebraska a parent is ever legally liable for the support of his adult children unless he has contracted to be liable.

We conclude that the district court is authorized to enter orders in divorce decrees only with respect to minor children of the parties involved. This may or may not include support of emancipated minors.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Special Assistant Attorney General

MBH:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 277. Placed on General File.
LEGISLATIVE BILL 287. Placed on General File.
LEGISLATIVE BILL 295. Placed on General File.
LEGISLATIVE BILL 310. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

MOTION—Withdraw LB 511

Mr. Kelly renewed his pending motion found in the Journal on page 623 for the Thirty-second Day to withdraw LB 511. The motion prevailed with 17 ayes, 4 nays and 30 not voting.

MOTION—Return LB 108 To Select File

Mr. Kremer moved to return LB 108 to Select File for the following specific amendment:
1. On page 4, line 12, insert "and be limited to" between "mean" and "any".

2. On page 4, line 15, insert between "regulations" and ";" the following: "when and only when such term appears in sections 2-1506.01 to 2-1506.10 and 2-1506.12 to 2-1506.14 in reference to a local subdivision's responsibility or authority to enforce the provisions of said sections".

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 108. The Kremer specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

MOTION–Place LB 185 on General File

Mr. Goodrich renewed his pending motion found in the Journal on page 566 for the Twenty-ninth Day to place LB 185 on General File notwithstanding the committee action.

The motion lost with 10 ayes, 25 nays and 14 not voting.

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 341. Placed on General File.

(Signed) Loran Schmit, Chairman

Revenue

LEGISLATIVE BILL 352. Indefinitely postponed.
LEGISLATIVE BILL 407. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 567	Monday, March 10, 1975	2:00 p.m.
LB 568	Monday, March 10, 1975	2:00 p.m.
LB 569	Monday, March 10, 1975	2:00 p.m.
LB 570	Monday, March 10, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Barnett, the Legislature adjourned until 9:00 a.m., Thursday, February 27, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FOURTH DAY—FEBRUARY 27, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 27, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Burbach 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. Kennedy and Mahoney who were excused and Mr. DeCamp who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 294. Placed on Select File as amended.
E & R amendments to LB 294:

1. On page 2, line 26, insert "either (a)" after "be".

2. In the last line of standing committee amendment 2, insert an underscored comma after "section".

3. On page 3, line 2, strike "or may be" and insert "~~or may be~~ (b)"; in line 4, strike "or may be" and insert "(c)"; in line 5, insert "(d)" after "or"; and in line 25, insert "either of" after the first comma.

4. On page 4, insert an underscored comma after "child" in line 4 and "application" in line 14; and in line 22 strike "this procedure" and insert "the procedure provided in this section".

5. In the title, line 9, insert "to provide for medical examinations;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 30. Placed on General File.
LEGISLATIVE BILL 34. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 129. Placed on General File as amended.
Standing Committee amendments to LB 129:

1. On page 2, line 12 strike "July 4, 1876" and insert "January 1, 1900" in line 16 after "Nebraskans" insert "," and strike "prior to 1900,"; and in line 19 strike "fifty" and insert "twenty".

2. On page 3, line 7 strike "shall" and insert "may".

LEGISLATIVE BILL 169. Placed on General File as amended.
Standing Committee amendments to LB 169:

1. On page 2, strike lines 6 to 11 and insert the following:

"(2) Any such county commissioner serving on the effective date of this act shall be entitled to reelection for not more than the additional terms after such date, and thereafter shall not be entitled to seek reelection except as provided in subsection (3) of this section.".

(Signed) Dennis L. Rasmussen, Chairman

Public Health and Welfare

LEGISLATIVE BILL 254. Placed on General File as amended.
Standing Committee amendment to LB 254:
1. On page 3, lines 9 and 10 strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 255. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 24
February 26, 1975

Re: Contempt of the Legislature

Dear Senator DeCamp:

You have requested an opinion from this office regarding whether it would be proper for the Legislature to raise the fine for contempt of the Legislature to $500.00. In our opinion, it is questionable whether the Legislature would have the power to levy a fine for any such contempt.

The Constitution of the State of Nebraska, Article III, Section 10, specifically grants to the Legislature the power to imprison for disorderly or contemptuous behavior in the presence of the Legislature. However, there is no constitutional grant to the Legislature of the power to fine for such contempt.

> ". . . The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly of contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior." (Constitution of Nebraska, Article III, Section 10.)

Since the Legislature has no express constitutional grant of such power to fine, it must be determined whether that power is inherent in the Legislature. Historically, the legislative power to punish by contempt has been for the purpose of the protection of the dignity and order of its proceedings rather than for the "punishment" of a wrongful act. See, State ex rel. Groppi v. Leslie, 44 Wis. 2d 282, 171 N. W. 2d 192 (1969). In addition, the oft-quoted test of Anderson v. Dunn, 6 Wheaton, 19 U. S. 204 (1821), should be considered: "[T]he least possible power adequate to the end proposed, "which is often stated as the minimum of necessity principle. This historical contempt power seems to be almost exactly that

which is granted by the Nebraska Constitution.

In our opinion, the reason why the power to fine is not granted by the Nebraska Constitution and does not seem to have been recognized historically is that a fine, by its nature, is for the purpose of punishing a wrongful act rather than for protecting the dignity and order of proceedings. It is for these reasons that we find it to be questionable whether the Legislature has the power to punish for contempt by a fine.

In addition, under the statutory procedure for contempt of the Legislature as set out in Sections 50-105 through 109, R. R. S. 1943, it is questionable whether any punishment other than that for the protection of the proceedings would meet constitutional due process requirements. The case of Groppi v. Leslie, 404 U. S. 496, 30 L. Ed. 2d 632, 92 S. Ct. 582 (1972), holds that under certain circumstances due process may require that before the Legislature levies punishment for contempt of its body, notice and an opportunity to be heard must be given to the contemnor while at the same time recognizing that a Legislature, like a court, possesses the power to act immediately and instantly to quell disorders in the chamber by imposing summary punishment for contempt committed in its presence. That case specifically involves a situation in which the Legislature imposed the punishment two days after the contemptuous action occurred. The Supreme Court held that the contemnor's rights to due process had been violated since he was not given notice, the opportunity to be present, or to respond to the charges. Because of the nature of a fine, in the opinion of this office, it is questionable whether one could be imposed without affording the rights of due process outlined in Groppi.

Further, we would like to point out two additional constitutional arguments which may be made without commenting upon the merits of those arguments. One argument which may be made is that the Legislature may be usurping the power of the court and thereby violating the constitutional separation of powers. Second, it may be argued that such a punishment would constitute an unconstitutional bill of attainder.

In conclusion, we find it questionable whether the Legislature has the power to fine for contempt of the Legislature because (1) the power is not specifically granted in the Constitution and (2) it is questionable whether it is within the historical inherent powers of the Legislature. If, however, the Legislature does have such power, the procedures used to impose such a fine should be examined so as to be brought in line with Groppi.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Special Assistant Attorney General

GBS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 25
February 26, 1975

Dear Senator Fowler:

In your letter of February 10, 1975, you ask if a governing body of a municipality has statutory authority to enter into contracts or leases for a period of time exceeding the term of office of the incumbent city council or village board of trustees. You also ask if Section 19-2421, R. R. S. 1943, is the source of this authority.

With a few exceptions such as Section 19-2421, R. R. S. 1943, governing bodies do not have statutory authority to enter into such contracts or leases. As to their authority generally, the Nebraska Supreme Court has stated:

> "* * * It is well settled that the Legislature may authorize municipal boards to enter into contracts which will extend beyond their own official term. Whether such board has the implied power so to do depends largely upon the nature of the contract. The distinction has been thus expressed: 'A city has two classes of powers, the one legislative or governmental, by virtue of which it controls its people as their sovereign, the other proprietary or business, by means of which it acts and contracts for the private advantage of the inhabitants of the city and of the city itself. In the exercise of powers which are strictly governmental or legislative the officers of a city are trustees for the public and they may make no grant or contract which will bind the municipality beyond the terms of their offices because they may not lawfully circumscribe the legislative powers of their successors. But in the exercise of the business powers of a city, the municipality and its officers are controlled by no such rule and they may lawfully exercise these powers in the same way and in their exercise the city will be governed by the same rules which control a private individual or a business corporation under like circumstances.' " (Leidigh v. City of Nebraska City, 138 Neb. 136, 292 N. W. 115)

As to the provisions of Section 19-2421, R. R. S. 1943, it should be noted that this section concerns only contracts for lease of real or personal property and only cities of the first and second class and villages.

We would be most willing to attempt to be of more specific assistance on these matters if you desire.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Special Assistant Attorney General

TRS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 26
February 26, 1975

Dear Senator Goodrich:

This is in response to your inquiry of February 24, 1975, concerning the "amended version" of L. B. 185 which has apparently been postponed indefinitely by committee.

You specifically ask whether any constitutional question arises out of permitting Class 6 and 7 counties to adopt a plan which would require a photograph on each individual's motor vehicle operator's license issued in that county, for an extra fee of one dollar.

The amended version of L. B. 185 may be suspect as special legislation which is generally prohibited under Article III, Section 18, of the Constitution of Nebraska. However, the Supreme Court of this state in Omaha Parking Authority v. City of Omaha, 163 Neb. 97, 77 N. W. 2d 862 (1956), has ruled that the Legislature, for purposes of legislation, may classify counties and cities if such classification rests upon some rational basis. The court stated:

> "... The rule is well established that the legislature may, for the purpose of legislating, classify persons, places, objects or subjects, but such classification must rest upon some difference in situation or circumstance which, in reason, calls for distinction or circumstance which, in reason, calls for distinctive legislation for the class. The class must have a substantial quality or attribute which requires legislation appropriate or necessary for those in the class which would be inappropriate or unnecessary for those without the class. . . ."

In Fougeron v. County of Seward, 174 Neb. 753, 119 N. W. 2d 298 (1963), the court ruled:

> "... The power of classificiation rests with the Legislature and it will not be interferred with by the courts if real and substantial differences exist which afford a rational basis for classification. The act is not special if it operates uniformly upon a classification reasonably made. . . ."

The validity of this bill then may rest upon whether there is some difference in the situation and circumstances of Class 6 and 7 counties which calls for distinctive legislation for those counties. We cannot accurately predict whether the courts would consider such a law a reasonable classification. The purpose of the bill is not stated within its text. If the purpose of the bill is for identification purpose, this would appear to be a matter which is at least arguably common to all counties in the state, in which case legislation applicable only to Class 6 and 7 counties may be constitutionally suspect. Unless there exists some reasonable basis for making this classification, L. B. 185, as amended, may be constitutionally defective.

You may also wish to refer to an opinion of the Attorney General, No. 46, March 20, 1959, a copy of which is attached hereto.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Steven C. Smith
Special Assistant Attorney General

SCS:ejg
enc.
cc Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 562	Tuesday, March 11, 1975	2:00 p.m.
LB 512	Monday, March 17, 1975	2:00 p.m.
LB 561	Monday, March 17, 1975	2:00 p.m.

(Signed) J. R. Murphy, Chairman

Government, Military and Veterans Affairs

LB 409	Thursday, March 13, 1975 (Continuation)	2:00 p.m.
LB 490	Thursday, March 13, 1975 (Cancel)	2:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 27.

A BILL FOR AN ACT to amend section 84-306.03, Revised Statutes Supplement, 1974, relating to the Auditor of Public Accounts; to revise the mileage allowance for state officers and employees 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, 32:

Anderson	Barnett	Burbach	Burrows	Carsten
Clark	Dickinson	Duis	Fitzgerald	Fowler
George	Hasebroock	Kelly	Keyes	Kime
Koch	F. Lewis	R. Lewis	Luedtke	Marsh
Mills	Moylan	Nichol	Rasmussen	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Wiltse			

Voting in the negative, 8:

Cavanaugh	Chambers	Cope	Dworak	Goodrich
Kremer	Maresh	Warner		

Not voting, 9:

Bereuter	DeCamp	Johnson	Kennedy	Mahoney
Marvel	Murphy	Rumery	Savage	

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

LEGISLATIVE BILL 122.

A BILL FOR AN ACT to amend section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide uniform standards for the first issuance of certificates or permits valid for teaching only; 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:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Cope	Dickinson	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Mills
Moylan	Rasmussen	Schmit	Simpson	Skarda
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 5:

Barnett	Clark	Duis	Nichol	Stull

Not voting, 9:

Bereuter	DeCamp	Kennedy	Kime	Mahoney
Marvel	Murphy	Rumery	Savage	

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

LEGISLATIVE BILL 126.

A BILL FOR AN ACT to amend section 48-224, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to change voluntary wage withholding provisions for public employees; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Fitzgerald	Fowler
Goodrich	Keyes	Koch	F. Lewis	Luedtke
Maresh	Marsh	Moylan	Rumery	Savage
Simpson	Skarda	Stoney	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 16:

Clark	Cope	Dickinson	Duis	Dworak
George	Hasebroock	Kelly	Kremer	R. Lewis
Marvel	Mills	Nichol	Rasmussen	Schmit
Stull				

Not voting, 6:

DeCamp	Johnson	Kennedy	Kime	Mahoney
Murphy				

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

LEGISLATIVE BILL 145. Laid over until Monday, March 3, 1975, at the request of Mr. Mahoney.

MOTION—Suspend Rules

Mr. F. Lewis moved to suspend the rules to consider LB 555 on Final Reading today.

The motion prevailed with 32 ayes, 12 nays and 5 not voting.

The Chair declared the bill would have to be held over one more day, according to the constitution.

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused Friday, February 28, 1975. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 77. E & R amendment found in the Journal on page 627 for the Thirty-third Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 290. E & R amendment found in the Journal on page 627 for the Thirty-third Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 251 to Select File

Mrs. Marsh moved to return LB 251 to Select File for the following specific amendments:

1. On page 2, line 6, strike "thirty-six" and insert "thirty".

2. In E & R 1, line 4, strike "Six" and insert "Five".

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 251. The Marsh specific amendments found in this day's Journal were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

PRESENTED TO GOVERNOR

Presented to the Governor on February 27, 1975 at 9:20 a.m., were the following bills: 125, 131, 171 and 312.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 227, 284, 285, 286 and 289.

Correctly Enrolled

The following bills were correctly enrolled: 45, 83, 165, 194, 196 and 355.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of tranacting business, the Speaker signed the following bills: 45, 83, 165, 194, 196 and 355.

ANNOUNCEMENTS

Mr. Anderson announced an Executive Session of the Miscellaneous Subjects Committee on February 27, 1975 at 1:00 p.m. in room 1019.

Mr. Schmit announced the Executive Session of the Agriculture and Environment Committee this afternoon at 2:00 p.m. has been cancelled.

UNANIMOUS CONSENT

Mr. Duis asked unanimous consent to be excused Friday, February 28, 1975. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 111. Title read. Considered.

Standing Committee amendments found in the Journal on page 516 for the Twenty-seventh Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Bereuter offered the following amendment:

1. In the Standing Committee Amendment 5, line 14 after "plans" insert "as submitted, except that the city council may, by an affirmative vote of at least five members of the city council, adopt a plan or amendments to the proposed plan different from that recommended by the planning commission"; and in lines 14 and 15 strike "in whole or in part and with or without modifications" and show as stricken.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 28. Title read. Considered.

Standing Committee amendments found in the Journal on page 521 for the Twenty-seventh Day were adopted with 25 ayes, 0 nays and 24 not voting.

MR. SAVAGE PRESIDING

Mr. Mills moved the previous question. The question is "Shall the debate now close?" The motion lost with 16 ayes, 13 nays and 20 not voting.

Mr. Koch offered the following amendment:
Subsection 3, after the word "Coverage" strike "Continue" and insert the word "discontinued"

The amendment lost with 12 ayes, 16 nays and 21 not voting.

Advanced to E & R for Review with 30 ayes, 6 nays and 13 not voting.

LEGISLATIVE BILL 19. Title read. Considered.

Standing Committee amendment found in the Journal on page 528 for the Twenty-seventh Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 20. Title read. Considered.

Standing Committee amendment No. 1 found in the Journal on page 528 for the Twenty-seventh Day was adopted with 25 ayes, 1 nay and 23 not voting.

Standing Committee amendment No. 2 found in the Journal on page 528 for the Twenty-seventh Day was adopted with 26 ayes, 0 nays and 23 not voting.

Mrs. Marsh offered the following amendments:

1. On page 3, line 7 after "shall" insert "first"; and in line 8 after "welfare" insert "and thereafter such division of public welfare shall submit a report of the incident to the proper law enforcement agency".

2. On page 4, line 24 after "the" insert "proper law enforcement agency in the county and to the".

Mr. Goodrich asked unanimous consent to hold the bill over until tomorrow and print Mrs. Marsh's amendments and his amendments to LB 20 in the Journal. No objections. So ordered.

Mr. Goodrich offered the following amendments:

1. On page 3, line 5 after "agency" strike the underscored comma and insert an underscored period; strike "except in" and insert "In"; line 6 after "of" strike "two" and insert "one"; after "more" strike "where"; line 7 after "shall:" insert "first be made to the proper law enforcement agency and thereafter shall", and after "made" insert "by the law enforcement agency"; line 26 after "agency" insert the following: "(1) to enter such report upon a record maintained by it, (2)".

2. On page 4, line 1 after "made" strike "and" and show as stricken and insert ", (3)"; line 2 after "warranted" insert an underscored comma; line 3 after the comma insert "(4)"; line 4 after the comma insert "and (5)"; line 24 after "the" insert "proper law enforcement agency in the county not later than the next working day after the receipt of any report and to the".

LEGISLATIVE BILL 283. Title read. Considered.

Standing Committee amendments found in the Journal on page 529 for the Twenty-seventh Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 280. Mr. Luedtke asked unanimous consent to bracket LB 280. No objections. So ordered.

LEGISLATIVE BILL 427. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 388. Title read. Considered.

Standing Committee amendments found in the Journal on page 554 for the Twenty-eighth Day were adopted with 26 ayes, 2 nays and 21 not voting.

SPEAKER BURBACH PRESIDING

Mr. Koch moved to indefinitely postpone LB 388.

Motion pending.

SELECT COMMITTEE REPORTS
Committee on Committees

February 12, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were supmitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

J. Patrick Green - Court of Industrial Relations

No one appeared in support of Mr. Green's appointment and no one appeared in opposition.

Committee vote: For: (8) Senators Chambers, Duis, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senators Clark, DeCamp, Hasebroock, Kelly and Wiltse.

Wallace Rudolph - Court of Industrial Relations

No one appeared in support of Mr. Rudolph's appointment and no one appeared in opposition.

Committee vote: For: (8) Senators Chambers, Duis, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senators Clark, DeCamp, Hasebroock, Kelly and Wiltse.

Benjamin M. Wall - Court of Industrial Relations

No one appeared in support of Mr. Wall's appointment and no one appeared in opposition.

Committee vote: For: (8) Senators Chambers, Duis, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senators Clark, DeCamp, Hasebroock, Kelly and Wiltse.

(Signed) John S. Savage, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
567	Judiciary	571	Pub. Hlth & Wel.
568	Judiciary	572	Public Works
569	Judiciary	573	Judiciary
570	Judiciary	574	Judiciary

(Signed) Barnett, Vice Chairman; Cavanaugh; R. Lewis; Burbach; Schmit; Savage; Kelly; Rasmussen.

RESOLUTION

LEGISLATIVE RESOLUTION 17.

Introduced by Goodrich, 20th District; Nichol, 48th District; Simpson, 46th District; Luedtke, 28th District; Kremer, 34th District; Moylan, 6th District; George, 16th District; Stoney, 4th District; Burrows, 30th District; Johnson, 15th District; Swigart, 8th District; DeCamp, 40th District; Rumery, 42nd District; Fowler, 27th District; Warner, 25th District; Rasmussen, 41st District; Anderson, 37th District; Fitzgerald, 14th District; R., Lewis, 38th District; Chambers, 11th District; Cavanaugh, 9th District; Dickinson, 31st District; F., Lewis, 45th District; Syas, 13th District; Savage, 10th District; Barnett, 26th District; Mills, 44th District; Skarda, 7th District; Kime, 43rd District.

WHEREAS, the Department of Public Welfare on March 1, 1975 intends to implement a new percentage rate that service workers may authorize and pay to subsidize day care service recipients; and

WHEREAS, the implementation of such proposed fee schedule will greatly reduce the amount of money available to day care service consumers; and

WHEREAS, the proposed fee schedule will jeopardize the quality and continuance of day care programs in Nebraska; and

WHEREAS, the hardships inflicted by implementation of such schedule will rest most heavily upon low income citizens least able to pay for quality day care services.

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

1. That the Legislature direct that the proposed fee schedule shall not be implemented.

2. That the present fee schedule for day care services shall be retained.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 339. Placed on General File.

LEGISLATIVE BILL 430. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

Urban Affairs

LEGISLATIVE BILL 155. Indefinitely postponed.

LEGISLATIVE BILL 323. Placed on General File as amended.
Standing Committee amendments to LB 323:

1. On page 4, line 21 after "votes" strike "when the" and insert the following: "in the precinct or ward or of the at large candidate, whichever the case may be, at the preceeding election in which candidates were elected to serve the precinct or ward or of the at large candidates if the election was held at large"; strike line 22; line 23 strike "election".

2. On page 10, line 14 after "votes" strike "when the" and insert the following: "in the precinct or ward or if the at large candidate, whichever the case may be, at the preceeding election in which candidates were elected to serve the precinct or ward or of the at large candidates if the election was held at large"; strike line 15; line 16 strike "election".

3. On page 12, after line 19 insert a new section as follows:

"Sec. 5. (1) Commencing with the primary election in 1976 and every four years thereafter, all elected officers in all second class cities shall be nominated at the statewide primary election and elected at the statewide general election.

(2) The term of office of any member of such board that would expire prior to the first regular board meeting in December, 1976, is hereby extended to such date.

(3) The term of office of any member that would expire after such latter date and prior to the first regular board meeting in December, 1978 is hereby extended to the first regular board meeting in December 1978.

(4) If the number of candidates properly filed for nomination at the primary election shall not exceed two for each vacancy to be filled, all candidates so filed shall be considered nominated and no primary election for their nomination shall be required.

(5) When any village by law becomes a second class city and adopts the second class city form of government and such second class city is holding its initial election of all officers, the county clerk or election commissioner shall place the names of the candidates receiving the greatest number of votes at the primary election on the general election ballot, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. At the first election one half or the bare majority of the candidates in each precinct or ward or at large candidates, as the case may be, receiving the greatest number of votes at the general election shall be elected to terms of the longest duration and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

(6) When the name of a candidate is written in and voted for as a candidate for councilman who did not file or become a petition candidate for such nomination, such person

shall not be entitled to a certificate of nomination at a statewide primary election nor have his name placed on the general election ballot unless he shall have received not less than twenty per cent of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward or of the at large candidate, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at large candidates, if the election was held at large. In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(7) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election.

(8) The candidates receiving the greatest number of votes to fill the vacancy for which they were candidates shall be elected to terms of the longest duration and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

(9) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. The term of office of all such members shall commence on the first regular meeting of such board in December following their election."; line 22 after "1974," insert "and also section 17-107.01, Reissue Revised Statutes of Nebraska, 1943,".

(Signed) Steve Fowler, Chairman

Judiciary

LEGISLATIVE BILL 278. Indefinitely postponed.

LEGISLATIVE BILL 243. Placed on General File as amended.
Standing Committee amendments to LB 243:

1 On page 2, line 17 after ~~"duplicate"~~ insert "as necessary"; in line 18 after "court" insert "." and strike the comma and show as stricken; and strike lines 20 to 23 and show as stricken.

2. On page 6, after line 5 insert the follwing new sections:

"Sec. 4. That section 48-838, Revised Statutes Supplement, 1974, be amended to read as follows:

48-838. (1) The court shall determine questions of representation for purposes of collective bargaining for and on

behalf of employees, and shall make rules and regulations for the conduct of elections to determine the exclusive collective bargaining agent for employees; Provided, that in no event shall a contract between an employer and an exclusive collective bargaining agent act as a bar for more than three years to any other party seeking to represent employees, nor shall any contract bar for more than three years a petition by employees seeking an election to revoke the authority of an agent to represent them. The court shall certify the exclusive collective bargaining agent for employees affected by sections 48-801 to 48-823 following an election by secret ballot, which election shall be conducted according to rules and regulations established by the court. Any representative labor organization which has been recognized by the employer of the employees in an appropriate unit by resolution, ordinance, or any other official action shall be empowered to represent such employees pursuant to Chapter 48, article 8.

(2) The election shall be conducted by one member of the court who shall be designated to act in such capacity by the presiding judge of the court, or the court may appoint the clerk of the district court of the county in which the principal office of the employer is located to conduct the election in accordance with the rules and regulations established by the court. The court shall also determine the appropriate unit for bargaining and for voting in the election, and in making such determination the court shall consider established bargaining units and established policies of the employer. It shall be presumed, in the case of governmental subdivisions such as municipalities, counties, power districts, or utility districts with no previous history of collective bargaining, that units of employees of less than departmental size shall not be appropriate.

(3) The court shall not order an election until it has determined that at least thirty per cent of the employees in an appropriate unit have requested in writing that the court hold such an election. Such request in writing by an employee may be in any form in which an employee specificially either requests an election or authorizes the employee organization to represent him in bargaining, or otherwise evidences a desire that an election be conducted. Unless requested by the employee, this authorization shall remain in effect. Such request of an employee shall not become a matter of public record. No election shall be ordered in one unit more than once a year. No other labor organization may intervene in any election ordered by the court until it shall be determined that at least ten per cent of the employees in an appropriate unit have requested in writing that the court allow it to intervene.

(4) The court shall only certify an exclusive collective bargaining agent if a majority of the employees voting in the election vote for the agent. A certified exclusive collective bargaining agent shall represent all employees in the appropriate unit with respect to wages, hours, and conditions of employment; Provided, that such right of exclusive recognition shall not preclude any employee, regardless of whether or not he is a member of a labor organization, from bringing matters to the attention of his superior or other appropriate officials, and any employee may choose his own representative in any grievance or legal action, and such right of representation shall not preclude any employer from consulting with lawful religious, social, fraternal, or other similar associations on general matters affecting employees so long as such contracts do not assume the character of formal negotiations in regard to wages,

hours, and conditions of employment. Such consultations shall not alter any collective bargaining agreement which may be in effect.

Sec. 5. Any agreement between public employers and employees which has been bargained for pursuant to the provisions of Chapter 48, article 8, shall be binding upon the parties to such agreement."; in line 8 strike "section" and insert "sections" and after "48-808" insert "and 48-838".

3. Renumber original section 4 as section 6.

LEGISLATIVE BILL 288. Placed on General File as amended.
Standing Committee amendments to LB 288:

1. On page 4, line 20 after "have" strike "exclusive original" and show as stricken; line 22 after "as" strike "to the following" and show as stricken, and insert "follows"; line 23 after "(1)" strike "Any" and show as stricken, and insert "Exclusive original jurisdiction as to any"; and line 26 after "(2)" strike "Any" and show as stricken and insert "Exclusive original jurisdiction as to any".

2. On page 5 line 12 after "(a)" strike "Any" and show as stricken and insert "Exclusive original jurisdiction as to any"; line 20 after "concurrent" insert "original"; and line 24 after "concurrent" insert "original".

3. On page 6, line 8 after "(4)" strike "Any" and show as stricken and insert "Exclusive original jurisdiction as to any"; line 15 after "(5)" strike "The" and show as stricken and insert "Exclusive original jurisdiction as to the"; line 17 after "(6)" strike "Proceedings" and show as stricken and insert "Exclusive original jurisdiction as to proceedings".

4. On page 11 strike lines 1 to 7 and show the old matter as stricken and insert the following:

"In all cases involving an alleged violation of a city or village ordinance where the juvenile court has concurrent jurisdiction, the city or village prosecutor may file the petition in juvenile court."; line 17 reinstate the following stricken matter, "applying the customary rules of evidence"; and line 18 reinstate "in use in" and after the stricken "civil" reinstate "trials without a jury".

5. On page 12, line 9 after the period insert the following: "Strict rules of evidence shall not be applied at any dispositional hearing.".

(Signed) Roland A. Luedtke, Chairman

MR. SAVAGE PRESIDING

MOTION–Place LB 430 on General File

Mr. Chambers moved to place on LB 430 on General File notwithstanding the committee action.

Mr. Chambers moved to suspend the rules, Rule 7, sec. 3, Subsection (a) to consider the motion today. The motion to suspend the rules prevailed with 30 ayes, 12 nays and 7 not voting.

Mr. Dworak requested a record vote on the Chambers motion to place LB 430 on General File notwithstanding the committee action.

Voting in the affirmative, 29:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Duis	Fitzgerald	Fowler	George
Hasebroock	Johnson	Kelly	Keyes	Koch
Kremer	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Moylan	Nichol	Savage	Simpson
Stoney	Swigart	Syas	Wiltse	

Voting in the negative, 12:

Burbach	Carsten	Cope	Dickinson	Dworak
Kime	R. Lewis	Murphy	Rasmussen	Skarda
Stull	Warner			

Not voting, 8:

Clark	DeCamp	Goodrich	Kennedy	Mahoney
Mills	Rumery	Schmit		

The motion prevailed with 29 ayes, 12 nays and 8 not voting.

MOTION—Introduce Bills

Mr. George moved the introduction of a new bill by the Committee on Education. (Req. 776) The motion prevailed with 32 ayes, 0 nays and 17 not voting.

SPEAKER BURBACH PRESIDING

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works. (Req. 795) The motion prevailed with 34 ayes, 0 nays and 15 not voting.

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works. (Req. 796) The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 576. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Burrows, 30th District; Kremer, 34th District; Kime, 43rd District; Koch, 12th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to transfer land owned by the Game and Parks Commission as prescribed; and to create a fund.

LEGISLATIVE BILL 577. By Public Works Committee: Kremer, 34th District, Chairman; Cavanaugh, 9th District; Mills, 44th District; Kelly, 35th District; Moylan, 6th District; Warner, 25th District; Wiltse, 1st District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 46-602, 46-603, 46-629, and 46-630, Reissue Revised Statutes of Nebraska, 1943, and section 2-3225, Revised Statutes Supplement, 1974, relating to ground water; to place restrictions on the use of ground water under prescribed conditions; to adopt the Nebraska Ground Water Management Act; to provide severability; and to repeal the original sections, and also section 2-3237, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 578. By Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; Moylan, 6th District; Wiltse, 1st District; Cavanaugh, 9th District; Warner, 25th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 46-124, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation districts; to change requirements for board meetings; to delete the requirement for publication of a statement of proceedings; and to repeal the original section.

EASE

The Legislature was at ease from 11:59 a.m. until 12:04 p.m.

REFERENCE COMMITTEE REPORT

LB	Committee
576	Cons. Rev. & Rec.
577	Public Works
578	Public Works

(Signed) Wally Barnett, Vice Chairman

VISITORS

Mr. Savage introduced 13 students and teacher from St. Marys School, Lincoln, State Medical Auxillary members, 20 Seniors and teachers from East High, Lincoln, and 34 students and teachers from Leigh, Nebraska.

ADJOURNMENT

At 12:06 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, February 28, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FIFTH DAY—FEBRUARY 28, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 28, 1975

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

PRAYER

The prayer was offered by the Chaplain.

> Almighty God, before whose face the generations of men rise and pass away, we thank you for this day for the opportunity of celebrating the birthday of our State. We remember in gratitude this native land – and all who have sacrificed so much to keep her strong and right.
>
> We are thankful that our land was born and nurtured in liberty, and that those who settled on these plains were men and women who desired the opportunity to build here a better place in which all could live together in harmony and justice.
>
> We are thankful that when there have been dangers before our State there have been those who have risen to defend her – placing their State's welfare above private gain.
>
> So may this Nebraska celebration remind us anew of the importance of a continuing heritage, served by the Senators here and those who assist them, and by all the people of the State, that together we may have a sense that this land is not only our land, but Your land, of the people, for the people, and by the people. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Duis, Hasebroock, Kennedy, Luedtke, Mahoney, Rumery, Schmit, Simpson and Wiltse who were excused and Mr. Anderson who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-fourth Day was approved.

MESSAGE FROM THE GOVERNOR

February 26, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received engrossed Legislative Bills Nos. 58, 139, 149, and 233. These bills were signed by me on February 25, 1975 and delivered to the Secretary of State.

We have also received engrossed Legislative Bills Nos. 21, 82, 119, 127, 172, and 308. These bills were signed by me on February 26, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:FW

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 136. Replaced on Select File as amended.
E & R amendments to LB 136:

1. In new section 15, line 10, strike "the Brand Recorder's" and insert "his", and in the last line, strike "they deem" and insert "it deems".
2. In new section 18, line 3, insert an underscored comma after "1".
3. In new section 19, line 1, insert "on" before "July".

LEGISLATIVE BILL 180. Replaced on Select File as amended.
E & R amendments to LB 180:

1. On page 2, line 16, strike "of the state".
2. On page 3, line 6, insert "Nebraska" after "The".

LEGISLATIVE BILL 474. Placed on Select File as amended.
E & R amendments to LB 474:

1. In new section 4, line 9, insert an underscored comma after "leased"; and in line 11, insert "and section 5 of this act," after "section".

2. In new section 5, strike beginning with "For" in line 6 through the end of the section.

3. On page 2, insert underscored commas after "which" in line 13, and "usage" in line 14.

4. In the title, line 6, insert "to require the purchase of compact passenger cars; to define a term;" after the second semicolon.

LEGISLATIVE BILL 234. Placed on Select File as amended.
E & R amendment to LB 234:

1. In the title, strike beginning with the first "to" in line 5 through "appropriations" in line 6.

LEGISLATIVE BILL 234A. Placed on Select File as amended.
E & R amendment to LB 234A:

1. On page 2, line 3, insert "the Department of Veterans' Affairs, Agency 28, for" after the first "to".

LEGISLATIVE BILL 247. Placed on Select File as amended.
E & R amendments to LB 247:

1. In standing committee amendment 1, line 1, strike "University" and insert "Nebraska".

2. In lieu of the Cavanaugh amendment to section 4, in new section 4, strike beginning with the first comma in lines 2 and 7 through "property" in lines 3 and 8 and insert "or fees".

3. In lieu of the Kelly amendment, on page 2, line 5, strike "Control" and show as stricken and insert "Modification"; and in new section 4, lines 9 and 13, strike "control" and insert "modification".

4. On page 2, line 17, strike both commas and insert "or".

5. In the title, line 2, strike "section 2-2404" and insert "sections 2-2404 and 2-2407"; in line 4, strike "Control" and insert "Modification" and in line 7, strike "section" and insert "sections".

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARING
Labor

LB 513	Wednesday, March 5, 1975 (Cancel)	2:00 p.m.
LB 556	Wednesday, March 19, 1975	2:00 p.m.
LB 557	Wednesday, March 19, 1975	2:00 p.m.

(Signed) Richard Maresh, Chairman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 27, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Brown, Jim L. – Lincoln, Nebraska Nursing Home Association
Crosby, Guenzel, Davis, Kessner & Kuester Law Firm
(Donn E. Davis) – Lincoln, First Federal Savings & Loan Association, Lincoln
Epke, Walter H. – York, Sandhills Association for Preservation of Progressive Agriculture
Johnson, Joseph E. – Anselmo, Mid-Nebraska Wildlife Clubs
Keillor, James H. – Omaha, Nebraska Nursing Home Association
Moylan, James H. – Omaha, State Surety Company
Rasmussen, Delmar L. – Omaha, Kirchner, Moore, Omaha, Nebr.
Ryan, James E. – Lincoln, Nebraska Press Association
Tews and Noren
(Charles F. Noren) – Lincoln, Nebraska District Court Judges Association
(David D. Tews) – Lincoln, Nebraska District Court Judges Association
Thompson, Eugene J. – Lincoln, Nebraska Nursing Home Association

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 63.

A BILL FOR AN ACT to amend section 70-637, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to change when sealed bids shall be required prior to entering into contracts; 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, 34:

Barnett	Bereuter	Burbach	Burrows	Carsten
Clark	Cope	DeCamp	Dickinson	Dworak
Fitzgerald	Fowler	Goodrich	Kelly	Keyes

Kime	Koch	Kremer	F. Lewis	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rasmussen	Savage	Skarda	Stoney
Stull	Swigart	Syas	Warner	

Voting in the negative, 0.

Not voting, 15:

Anderson	Cavanaugh	Chambers	Duis	George
Hasebroock	Johnson	Kennedy	R. Lewis	Luedtke
Mahoney	Rumery	Schmit	Simpson	Wiltse

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

LEGISLATIVE BILL 291.

A BILL FOR AN ACT relating to juvenile courts; to provide for transfer of the records and proceedings to the county where the child lives or is domiciled.

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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Clark	Cope	DeCamp	Dickinson	Dworak
Fitzgerald	Fowler	Goodrich	Johnson	Kelly
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Savage	Skarda
Stoney	Stull	Swigart	Syas	Warner

Voting in the negative, 0.

Not voting, 14:

Anderson	Cavanaugh	Chambers	Duis	George
Hasebroock	Kennedy	Kime	Luedtke	Mahoney
Rumery	Schmit	Simpson	Wiltse	

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

LEGISLATIVE BILL 292.

A BILL FOR AN ACT to amend section 43-205.04, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide for a probable cause hearing 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:

Barnett	Bereuter	Burrows	Cavanaugh	Clark
DeCamp	Dworak	Fitzgerald	Fowler	Goodrich
Johnson	Kelly	Keyes	Koch	F. Lewis
R. Lewis	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Savage	Skarda	Stoney
Stull	Swigart	Syas	Warner	

Voting in the negative, 6:

Burbach	Cope	Dickinson	Kime	Kremer
Maresh				

Not voting, 14:

Anderson	Carsten	Chambers	Duis	George
Hasebroock	Kennedy	Luedtke	Mahoney	Marvel
Rumery	Schmit	Simpson	Wiltse	

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

LEGISLATIVE BILL 555. F. Lewis asked unanimous consent to hold the bill over until Monday, March 3, 1975. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 294. E & R amendments found in the Journal on page 643 for the Thirty-fourth Day were adopted.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 1975, at 9:10 a.m., were the following bills: 45, 83, 165, 194, 196 and 355.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 13, 251, and 290.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 77 and 108.

Correctly Enrolled

The following bills were correctly enrolled: 27, 122, and 126.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 27, 122, and 126.

GENERAL FILE

LEGISLATIVE BILL 388. Mr. Stull asked unanimous consent to bracket LB 388 indefinitely. No objections. So ordered.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 20. Considered.

Mrs. Marsh renewed her pending amendment found in the Journal on page 655 for the Thirty-fourth Day.

Mr. Cavanaugh offered the following amendment to the Marsh amendment.
Line 4 after agency add "If as a result of investigation of the protective service agency it appears a law has been violated".
On page 3 Line 7 strike "shall" - add "may".

The amendment was adopted with 18 ayes, 1 nay and 30 not voting.

Mr. Chambers raised the point of order on debate closing.

The Chair declared the debate had not closed.

Mr. Chambers appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 14 ayes, 16nays and 19 not voting.

The Chair was not sustained.

The Marsh amendment, as amended, was adopted with 25 ayes, 1 nay and 23 not voting.

The Goodrich amendment found in the Journal on page 655 for the Thirty-fourth Day lost with 10 ayes, 12 nays and 27 not voting.

Mr. Goodrich moved to indefinitely postpone.

The motion lost with 4 ayes, 19 nays and 26 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. R. Lewis asked unanimous consent to be excused at 10:20 a.m. No objections. So ordered.

Mr. Warner asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 152. Title read. Considered.

Standing Committee amendments found in the Journal on page 554 for the Twenty-eighth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Nichol offered the following amendment:
Add the emergency clause.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 193. Mr. F. Lewis asked unanimous consent to hold the bill over until Monday, March 3, 1975. No objections. So ordered.

LEGISLATIVE BILL 200. Title read. Considered.

Standing Committee amendment found in the Journal on page 555 for the Twenty-eighth Day lost with 21 ayes, 5 nays and 23 not voting.

Mr. Clark moved to reconsider action on the Standing Committee amendment.

Mr. Skarda 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 Clark motion to reconsider action on the Standing Committee amendment prevailed with 27 ayes, 2 nays and 20 not voting.

The Standing Committee amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Cavanaugh moved to indefinitely postpone LB 200.

Mr. Stull requested a record vote.

Voting in the affirmative, 3:

Cavanaugh	Fitzgerald	F. Lewis

Voting in the negative, 28:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cope	DeCamp	Dickinson	Dworak	Fowler
George	Keyes	Kime	Koch	Kremer
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Skarda	Stoney
Stull	Swigart	Syas		

Not voting, 18:

Burbach	Chambers	Clark	Duis	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	R. Lewis
Luedtke	Mahoney	Rumery	Savage	Schmit
Simpson	Warner	Wiltse		

The motion to indefinitely postpone lost with 3 ayes, 28 nays and 18 not voting.

Mr. Barnett offered the following amendment:
Amend LB 200 by striking Sec. 16-316 Page 2 Lines 4 through 9 and showing the same as stricken

Mr. Murphy asked the Chair for a ruling on the Barnett amendment.

The Chair ruled the amendment was germane.

The Barnett amendment lost with 7 ayes, 22 nays and 20 not voting.

Mr. Maresh offered the following amendment:
Amend LB 200 by inserting on line 6 after offenses (except in county court).

The amendment lost with 7 ayes, 18 nays and 24 not voting.

Mr. Bereuter moved to bracket LB 200 until March 6, 1975.

Mrs. Marsh 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 Bereuter motion to bracket lost with 10 ayes, 20 nays and 19 not voting.

Advanced to E & R for Review with 27 ayes, 4 nays and 18 not voting.

SPEAKER BURBACH PRESIDING

LEGISLATIVE BILL 15. Mr. Barnett asked unanimous consent to bracket until March 5, 1975. No objections. So ordered.

LEGISLATIVE BILL 156. Title read. Considered.

Standing Committee amendment found in the Journal on page 555 for the Twenty-eighth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 nays, 0 nays and 24 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 27
February 27, 1975

Dear Senator Rasmussen:

You have requested that we examine Legislative Bill 525 and that we express our views with respect to the validity thereof.

L. B. 525 would be known as the State Electrical Act. Among other things, the act would: create an Electrical Board; establish various job classifications for persons performing electrical work and require licensing of such persons; provide for state inspection of electrical installations and equipment; and, provide criminal penalties for various violations of the act or rules and regulations promulgated pursuant thereto.

There is no question but what the Legislature, as a general proposition, has the power to impose reasonable regulations concerning the practice of the electrical trade, including the matter of licensure. However, there are

some features of this bill which could give rise to serious questions as to legality and enforceability. Hereunder we shall mention a few of those which readily draw attention.

Section 16 refers to the licensing of a person who has been examined or submitted satisfactory evidence "that he is qualified to undertake and perform work in his trade or skill, to the end that such work will be safely and properly accomplished and installed in accordance with approved standards for such work." (Emphasis ours) The bill contains no further definition or specification as to what are "approved standards." Similarly, in Sections 25, 27, 34 and 36, relative to inspections, there are references to "accepted standards of construction for safety to life and property." (Emphasis ours) Again, the bill contains no further definition or specification as to what are "accepted standards." Section 2(4) provides for a job classification of "special electrician" for persons "installing or repairing special classes of electrical wiring, apparatus, or equipment." Nowhere in the bill do we find any specification as to what constitutes "special classes."

In Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N. W. 2d 227, the Nebraska Supreme Court said:

> "Limitations of power granted an administrative agency and the standards by which the granted powers are to be administered must be clearly and definitely stated in an authorizing act, and they may not rest on indefinite, obscure or vague generalties, or upon extrinsic evidence not readily available."

In view of this ruling by the Nebraska court, we believe it would be difficult to defend the bill against an attack upon its validity.

In Sections 31 and 36 there are provisions to the effect that once an electrical job has been inspected and approved by a state certified inspector, the supplier of the electrical service shall be relieved of all liability in cases of subsequent damage or loss arising from any cause. Although flagrant negligence in the installation of electric service and equipment should be discoverable by a competent inspection, the fact remains that inspection and approval is not and cannot be a guarantee of absolute freedom from defects. This bill, therefore, could have the effect of precluding a party from any recovery of just compensation for damages resulting from the negligence of his electrical contractor. Such a provision, we feel, might well be contrary to public policy, violative of constitutional guarantees of due process and equal protection.

Finally, we mention a matter of perhaps less substantial question concerning the bill. Section 21(7) would exempt from licensure requirements persons making repairs of electrical equipment in municipalities having a population of less than 2,500 inhabitants. That provision, arguably at least, might constitute an unlawful classification.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:jc
cc: Vincent D. Brown
Clerk of the Legislature

Opinion No. 28
February 28, 1975

Dear Senator Barnett:

In your letter of February 19, 1975, you ask if Section 6 of Legislative Bill 237 would give law enforcement or public health officials the legal right to take an intoxicated person into custody even though no crime would have been committed by that person.

Section 6 of Legislative Bill 237 provides:

> "Any peace or health officer, or someone under such officer's supervision, may take an intoxicated person in need of emergency care and rehabilitation into custody and transport him to a certified or court-approved program for detoxification. Such peace or health officer, or someone under such officer's supervision, shall make application for admission for such person to the certified or court-approved program for detoxification. Such application shall contain a statement of the circumstances and reasons why such person was taken into custody. A copy of such application shall be given to such person upon admission." (Emphasis added.)

A person "in need of emergency care and rehabilitation" is defined in Section 5(2) of the act as a person who is "intoxicated and in danger of causing injury to himself or others." An intoxicated person is defined in Section 3(11) of the act as "a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol."

It is our opinion that Legislative Bill 237 would give law enforcement and public health officials a legal or statutory right to take "intoxicated" persons into custody and the right to transfer them to a "certified or court-approved program for detoxification" when that person was "in danger of causing injury to himself or others."

Acts similar to Legislative Bill 237 have been passed by a number of other states. Questions could be raised as to whether or not an individual has been deprived of his constitutional right to due process of law through the provisions of this act which would deprive him of his liberty under certain specified, although rather general, conditions, i.e., when he is in need of emergency care and supervision and is a danger to himself or others. Many of these other states' laws are relatively new and many have not yet been tested in the courts.

It has been argued that the power to act in this manner is derived from a state's common law power known as "parens patriae" generally meaning the sovereign's power of guardianship over persons under disability and/or from the state's inherent "police power."

It would be our opinion that the constitutionality of Legislative Bill 237 would be more defensible if several amendments were to be made. It may be difficult to justify constitutionally holding an individual against his will for seventy-two hours as presently provided by the act. Some states provide for a much shorter period, such as twelve hours, or provide that the individual may be released upon his request at any time when he ceases to be intoxicated or when he ceases to be a danger to himself or others. Some states have also given the designated authorities the added option of taking the intoxicated individual to his home in appropriate circumstances. The act would also be more defensible if more specific guidance could be given as to what constitutes an "intoxicated person" who is "in danger of causing injury to himself and others" and who is in "need of emergency care and rehabilitation."

We would be most willing to visit with you further on these matters if you desire.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Special Assistant Attorney General

TRS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 579. By F. Lewis, 45th District, at the request of the Governor.

A BILL FOR AN ACT relating to education; to declare intent; to create the Nebraska Coordinating Commission for Postsecondary Education; to provide for membership; to provide for powers and duties of the commission; to provide for funds; and to declare an emergency.

LEGISLATIVE BILL 580. By Anderson, 37th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 81-1108.43, Revised Statutes Supplement, 1974, relating to capital facilities; to provide an additional exemption from certain restrictions; and to repeal the original section.

LEGISLATIVE BILL 581. By Anderson, 37th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 83-474.01 and 83-914, Revised Statutes Supplement, 1974, relating to the Department of Correctional Services; to change a cash fund to a revolving fund; to clarify provisions; to provide for a transfer of funds; to increase the maximum amount in the emergency revolving funds; and to repeal the original sections.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 360. Placed on General File.

LEGISLATIVE BILL 405. Placed on General File as amended.
Standing Committee amendment to LB 405:

1. On page 2 line 21 insert the following:

"Sec. 5. The Educational Television Commission shall be authorized to accept and expend grants from the federal government and grants, gifts, and donations from other public or private sources for the purpose of carrying out the provisions of sections 1 to 4 of this act.".

(Signed) Loran Schmit, Chairman

Education

LEGISLATIVE BILL 368. Placed on General File as amended.
Standing Committee amendment to LB 368:

1. Strike original sections 1 to 7 and insert the following:

"Section 1. That section 79-1333, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1333. All state financial assistance to districts pursuant to sections 79-1330 to 79-1344 shall be based upon the annual financial reports of such districts as required by section 79-451, and shall be paid in the following manner: One-fourth on September 30, one-fourth on January 15, one-fourth on March 15, and one-fourth on May 15. Such reports shall be submitted to the State Board of Education by Class ~~I, II, III, or VI~~ or II school districts on or before the first day of September of each year, and by Class III, IV, ~~and~~ V, or VI school districts on or before the first day of November of each year. When any Class ~~I, II, III, or VI~~ or II school district fails to submit its report by the first day of September, any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the first day of October, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year. When

any Class III, IV, ~~or~~ V, or VI school district fails to submit its report by the first day of November any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the fifteenth day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year.

Sec. 2. That section 79-1334, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1334. Each district shall receive financial support from the School Foundation and Equalization Fund as follows: ~~Seventeen dollars and fifty cents~~ Seventy-five dollars per kindergarten pupil, ~~thirty-five~~ one hundred fifty dollars per pupil in grades one through six, ~~forty-two~~ one hundred seventy-five dollars per pupil in grades seven and eight, and ~~forty-nine~~ two hundred dollars per pupil in grades nine through twelve, the applicable sum for each category to be multiplied by the preceding year's average daily membership of resident and nonresident pupils in each category.

Sec. 3. That section 79-1335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1335. To be eligible for aid, except for foundation aid under the provisions of section 79-1334, from the School Foundation and Equalization Fund each district shall have levied, in the manner prescribed by law, a tax on the valuation of all taxable property within the district for the preceding year, except intangible property, as follows: (1) For Class I districts offering instruction in grades kindergarten to six, not less than ~~eight~~ ten mills; (2) for Class I districts offering instruction in grades kindergarten to eight, not less than twelve mills; ~~(2)~~ (3) for Class II, III, IV, and V districts, not less than ~~twelve~~ twenty mills; (4) for Class VI districts offering instruction in grades seven to twelve, not less than ten mills; and ~~(3)~~ (5) for Class VI districts offering instruction in grades nine to twelve, not less than ~~five~~ eight mills.

Sec. 4. That section 79-1336, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1336. Subject to the conditions imposed by sections 79-1330 to 79-1344, the School Foundation and Equalization Fund shall be used to insure each district the following total financial support:

(1) ~~Two hundred twenty-five~~ Three hundred dollars per kindergarten pupil, ~~four~~ six hundred ~~fifty~~ dollars per pupil in grades one through six, ~~five~~ seven hundred twenty dollars per pupil in grades seven and eight, and ~~five~~ nine hundred ~~fifty~~ sixty dollars per pupil in grades nine through twelve, the applicable sum for each category to be multiplied by the average daily membership for the preceding year of resident and nonresident pupils in each category; and

(2) When the population density in any county is less than four persons per square mile, as determined from the most recent federal decennial census, the total financial support under subdivision (1) of this section insured for each district in the county shall be increased by the following percentages: (a) If the population density is three or more but less than four persons per square mile, ten per cent; (b) if the density is two or more but less than three persons per square mile, twenty per cent;

(c) if the density is one or more but less than two persons per square mile, thirty per cent; and (d) if the density is less than one person per square mile, forty per cent; Provided, any school district within a qualifying county showing a density greater than provided in this subdivision shall not qualify for such percentage increases.

Sec. 5. That section 79-1343, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1343. ~~The funding requirements of section 79-1334 shall have first priority and the funding requirements of section 79-1340 shall have second priority on money available from~~ Any funds available for distribution under the School Foundation and Equalization ~~Fund~~ Act shall be used to first fund the requirements of section 79-1340 and the remainder of any appropriation shall be equally distributed to fund the requirements of sections 79-1334 and 79-1339.

Sec. 6. (1) The state shall provide an annual increase of fifteen million dollars per year until the state provides forty per cent of the current operating expense for elementary and secondary public education.

(2) It is the intent of the Legislature that there be appropriated seventy million dollars to implement the provisions of sections 79-1330 to 79-1344 for the school year 1975 to 1976, and that there be appropriated eighty-five million dollars to implement the provisions of sections 79-1330 to 79-1344 for school year 1976 to 1977.

(3) This section shall be considered as establishing express obligations of the State of Nebraska for the purpose of setting tax rates as provided in section 77-2715.01.

Sec. 7. For the purpose of this act current operational expenditures shall be defined as total current expense including summer school services and specifically excluding expenditures for (a) capital outlay, (b) community services, (c) adult education programs, (d) debt service, (e) school lunch services, (f) transportation services, (g) capital construction, (h) acquisition funds, and (i) payments of interest and principal on bonded indebtedness.

Sec. 8. The general fund budget of any school district may not be increased over its budget for the preceding year to more than the amount arrived at pursuant to the following computations:

(1) To the amount of salary and salary related items shall be added an amount equal to two per cent of the salary and salary related items and this total shall be increased by a factor or percentage which shall be the increase in the Consumer Price Index as established by the United States Department of Labor for the immediately preceding year ending March 31;

(2) To the amount of other expenses shall be added an amount equal to two per cent of the other expenses and this total shall be increased by a factor or percentage which shall be the increase in the Wholesale Price Index as established by the United States Department of Commerce for the immediately preceding year ending March 31, to which may be added an amount by which the average of the preceding five years' expenditures for other expenses exceeds the expenditures for other expenses of the preceding year; and

(3) The amounts resulting from computations pursuant to subdivisions (1) and (2) of this section shall be added to-

gether and shall constitute the dollar amount to which the general fund budget, described in section 79-4,161, may be increased, except that if there is an increase in student enrollment the amount determined under this subdivision may be further increased by the percentage increase in student enrollment.

Sec. 9. That section 79-4,166, Revised Statutes Supplement, 1974, be amended to read as follows:

79-4,166. In making computations required pursuant to sections 79-4,160 to 79-4,168, the school districts shall use estimates whenever final figures are not available, but when final figures become available the amounts shall be recomputed. If the recomputation shows that lower expenditures were required than was estimated, the amount of difference shall be determined. If expenditures are made in excess of the amount permitted under sections 79-4,160 to 79-4,168, the State Board of Education through the State Department of Education shall for each dollar of excess expenditure subtract one dollar from any state funds being distributed to such district for general school purposes. The amounts so subtracted shall ~~revert to the state General~~ remain in the School Foundation and Equalization Fund. Such subtraction shall be from such funds next distributed to the school district and such district shall not use such excess expenditures in computing its succeeding general fund expenditures or expenditure limitation. Such reduction shall not exceed the amount of state aid received the previous year by the school district pursuant to the School Foundation and Equalization Act.

Sec. 10. That original sections 79-1333, 79-1334, 79-1335, 79-1336, and 79-1343, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,166, Revised Statutes Supplement, 1974, and also section 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,164, Revised Statutes Supplement, 1974, are repealed.".

2. In the title, line 2 after "sections" insert "79-1333," and after "79-1334" insert ", 79-1335,"; line 3 strike "and", and after the comma insert "and 79-1343,"; line 4 after "1943" insert ", and section 79-4,166, Revised Statutes Supplement, 1974,"; line 6 before the period insert "and also section 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,164, Revised Statutes Supplement, 1974".

(Signed) F. Lewis, Chairman

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 572	Wednesday, March 12, 1975	2:00 p.m.
LB 578	Wednesday, March 12, 1975	2:00 p.m.
LB 577	Thursday, March 13, 1975	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Constitutional Revision and Recreation

LB 576	Thursday, March 13, 1975	1:30 p.m.

LB 424 Thursday, March 20, 1975 1:30 p.m.

LR 8 Friday, March 21, 1975 1:30p.m.

(Signed) George Syas, Chairman

MOTION—Approve Governor Appointments

Mr. Savage moved the confirmation of the Governor's appointments of J. Patrick Green, Wallace Rudolph and Benjamin M. Wall, found in the Journal on page 656 for the Thirty-fourth Day, in one record vote.

Voting in the affirmative, 26:

Anderson	Barnett	Burbach	Carsten	Chambers
Cope	Dickinson	Fitzgerald	Fowler	Goodrich
Keyes	Koch	Kremer	F. Lewis	Maresh
Mills	Moylan	Murphy	Nichol	Rasmussen
Savage	Skarda	Stoney	Stull	Swigart
Syas				

Voting in the negative, 0.

Not voting, 23:

Bereuter	Burrows	Cavanaugh	Clark	DeCamp
Duis	Dworak	George	Hasebroock	Johnson
Kelly	Kennedy	Kime	R. Lewis	Luedtke
Mahoney	Marsh	Marvel	Rumery	Schmit
Simpson	Warner	Wiltse		

The Speaker declared the appointments confirmed.

REFERENCE COMMITTEE REPORT

LB	Committee
579	Education
580	Govt, Mil. & Vets Afrs
581	Judiciary

(Signed) Wally Barnett, Vice-Chairman; John Cavanaugh; John S. Savage; Dennis L. Rasmussen and J. W. Burbach.

GENERAL FILE

LEGISLATIVE BILL 188. Title read. Considered.

Mr. Marvel offered the following amendment:
Add the emergency clause

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 18.

Introduced by Stull, 49th District.

WHEREAS, the Legislature has long recognized the need for positive action in providing higher education for the citizens of Nebraska; and

WHEREAS, higher education in Nebraska and nationwide has entered a period of declining enrollment at a time when budgets continue to rise because of inflationary pressures; and

WHEREAS, revenue bond facilities valued in the tens of millions of dollars exist on public postsecondary campuses across the state and uncertainties exist regarding the constitutional provisions and state liabilities relating to these facilities; and

WHEREAS, there is no state agency with the authority to coordinate the various institutions and programs of higher education in Nebraska; and

WHEREAS, it is the responsibility of the Legislature to prevent duplication in state-supported programs, and to guarantee that state-supported programs of higher education are of high quality and operated in an efficient and economical manner; and

WHEREAS, optimal utilization of all facilities and resources presently available to students is in the interest of the state.

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

1. That the Legislature of the State of Nebraska direct the Appropriations Committee to study the problems arising from this lack of coordination in higher education.

2. That the committee specifically study the problems of (a) common data reporting among institutions, (b) course and program proliferation, (c) declining enrollments and increasing attrition, (d) changing faculty workload patterns, and (e) differential tuition rates among institutions.

3. That the committee give special attention to the status of revenue bonds at all publicly supported institutions of higher education including (a) an inventory of such facilities, (b) an investigation of the possibility of any institution defaulting on bond obligation, and (c) an inquiry into the constitutional and statutory responsibilities of the state in these matters.

4. That the committee report to the next regular session of the Legislature the findings of study and investigations with recommendation

for the overall coordination of higher education appropriations, facilities, administration, and programs.

Referred to the Executive Board.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, March 3, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SIXTH DAY—MARCH 3, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 3, 1975

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> Our Father, in heaven, as we unite in prayer for your blessings upon the members of this body, we know that you are 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 your servants, the Senators with good health. May they commit all their personal cares to you that no undue anxiety shall keep them from doing their best work.
>
> In these troubled times when men make deceit a habit, and lying an art, cruelty a science, keep us straight and help us to live the life of moral integrity and compassionate understanding which we cherish, through Jesus Christ, we pray, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. F. Lewis and Kelly who were excused.

CORRECTIONS FOR THE JOURNAL

Page 668, after line 14, insert: "Class Six School Association".
Page 684, line 1, strike "SIXTH" and insert "FIFTH".
The Journal for the Thirty-fifth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 29
February 28, 1975

Dear Senator Duis:

This is in reply to your inquiry concerning the word "felony" as applied in L.B. 276.

Section 29-102, R. R. S. 1943, defines the term felony as follows:

> "The term felony signifies such an offense as may be punished with death or imprisonment in the Nebraska Penal and Correctional Complex. Any other offense is denominated a misdemeanor."

This section has been interpreted to mean that if the possible maximum penalty is imprisonment in the Penitentiary, the crime is a felony even though the individual may actually be sentenced to a fine or a county jail sentence.

As you know, a number of our crimes now carry a wide range of penalties giving the judge a discretion as to whether to impose a fine, a term in the county jail, or both, or impose a sentence in the Penitentiary. Under such a penalty provision the crime would be defined as a felony because a possible maximum sentence would be imprisonment in the Penitentiary even though the judge in an individual case may actually sentence the individual to a fine or a county jail sentence.

If you have any further questions please contact us.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:sh
cc: Mr. Vincent Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 294. Replaced on Select File as amended.
E & R amendment to LB 294:

1. In standing committee amendment 2, line 6, insert "whether or not" after "(d)".

LEGISLATIVE BILL 19. Placed on Select File as amended.
E & R amendments to LB 19:

1. On page 2, line 14, strike "desire" and insert "~~desire~~ desires".

2. On page 3, line 8, strike "person" and insert "child"; and in line 21, strike "where" and insert "when".

3. Insert "ad litem" after "guardian" on page 3, line 27, and page 4, line 2 and line 5.

4. On page 4, line 2, strike "where" and insert "when".

5. In the title, line 6, strike "and"; and in line 7, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 28. Placed on Select File as amended.
E & R amendment to LB 28:

1. In new section 1, line 3, strike the comma and insert "and"; and in lines 7 and 8, insert a comma after "payable" and "subscriber".

LEGISLATIVE BILL 111. Placed on Select File as amended.
E & R amendments to LB 111:

1. In standing committee amendments 1 and 2, lines 1 and 2, strike ", archaeological, cultural," and insert ", cultural, archaeological,"; and in line 2 strike "after 'value' insert 'or significance' " and insert "insert significance or before value".

2. In standing committee amendment 1, line 4, strike the second "and" and insert "or".

3. In standing committee amendment 3, line 3, strike "and" and insert "or".

4. In new section 2, line 12, insert an underscored comma after "and".

5. In the Bereuter amendment, line 1, strike "14" and insert "15"; and in line 2, strike "after 'plans' " and insert "before the period".

6. In new section 4, strike beginning with "in" in line 14 through "modifications" in line 15, showing the same as stricken and in line 15 insert "as submitted, except that the county board may, by an affirmative vote of at least five members of the county board, adopt a plan or amendments to the proposed plan different from that recommended by the planning commission" before the period.

7. In the title, line 2, strike "and" and insert ", 15-1103,"; at the end of line 2 insert "and 23-174.06,"; and in line 6 insert "to change review procedures;" after the semicolon.

LEGISLATIVE BILL 283. Placed on Select File as amended.
E & R amendments to LB 283:

1. In standing committee amendment 2, strike the amendment to page 4, line 12, and insert "in line 12, strike the first "or"; insert an underscored comma after

"setoff" and "counterclaim"; strike "a jury" and insert "such transfer".

2. In the title, line 2, strike "and" and insert a comma; and insert "and 24-527," before "Revised"; and in line 5, insert "to provide appeal procedure;" after the second semicolon.

LEGISLATIVE BILL 309. Placed on Select File as amended.
E & R amendment to LB 309:

1. For correlation purposes, on page 2, line 2, page 5, line 8, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 308, Eighty-fourth Legislature, First Session, 1974" after "1974"; on page 4, line 8, insert "by first-class mail" after "claims"; strike beginning with "If" in line 10 through the period in line 15; in line 16, insert "by June 1 of the year following the year of mailing," after "claimed"; and strike beginning with "within" in line 16 through the comma in line 17.

Correctly Enrolled

The following bills were correctly enrolled: 63, 291, and 292.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 63, 291, and 292.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1975, at 8:40 a.m., were the following bills: 126, 27 and 122.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 320. Placed on General File as amended.
Standing Committee amendments to LB 320:

1. On page 2 strike lines 24 to 27.

2. On page 3 strike beginning with "educational" in line 1 through "Fund" in line 19 and insert "to publish and distribute the Nebraska Weed Book and the Nebraska Insect Book and supplemental inserts thereto, for sale and distribution to the public for an

amount not to exceed the cost of publication and distribution. All money collected from the sale of the publications shall be paid to the State Treasurer and deposited in the Department of Agriculture Publications Fund, which fund is hereby created. All money so deposited shall be appropriated to the Department of Agriculture for publication and distribution of the Nebraska Weed Book and the Nebraska Insect Book and supplemental inserts thereto.".

(Signed) Loran Schmit, Chairman

Public Health and Welfare

LEGISLATIVE BILL 418. Placed on General File as amended.
Standing Committee amendments to LB 418:

1. On page 2, line 9 strike "state"; line 11 after "services" insert "approved by the board"; and in line 17 after "Ambulance" insert "or rescue service unit".

2. On page 3, line 4 after "ambulance" insert a semicolon and strike the remainder of the line; strike line 5; line 9 after "Health" strike "of the State of Nebraska".

3. On page 4, line 13 after "with" strike "advice" and insert "approval"; line 25 after "records" strike "upon such forms"; strike lines 26 and 27.

4. On page 5, line 1 strike "continued licensure"; line 2 strike "furnished" and insert "made available"; strike lines 3 to 22.

5. On page 6, line 1 after "attendant" strike ", who may be the driver"; line 3 after "physician" insert "or registered nurse"; line 11 after the first "the" strike "advice" and insert "approval".

6. On page 7, line 2 after the second "the" strike "advice" and insert "approval"; line 20 after "residence" strike "authorizing him to drive an"; line 21 strike "ambulance".

7. On page 8, line 2 after the second "the" strike "advice" and insert "approval"; line 14 after "If" strike "the department determines" and insert "there is a determination"; line 16 after the first comma strike "it" and insert "the department".

8. On page 10, line 22 strike "from the Emergency Medical Services Committee of" and insert "by the Nebraska State Firemen's Volunteer Association executive committee for".

9. On page 13, line 2 after "state" insert ", except in case of emergency"; line 14 after the second "the" strike "advice" and insert "approval"; line 19 strike "with a population of less than five hundred".

10. Renumber original sections 9 to 24 as sections 8 to 23, respectively.

11. On page 14, after line 17 insert a new section

as follows:

"Sec. 24. That section 60-337, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-337. For all ambulances, except publicly-owned ambulances, and hearses, the registration fee shall be fifteen dollars."; after line 19 insert a new section as follows:

"Sec. 26. That original section 60-337, Reissue Revised Statutes of Nebraska, 1943, is repealed."; renumber original section 26 as section 27.

(Signed) Thomas Kennedy, Chairman

COMMUNICATIONS

Acknowledged receipt of a Proclamation from the Commonwealth of Massachusetts adopting February 26, 1975 as Mass MIA Day. (Filed in the Clerk's Office)

EXPLANATION OF VOTE

Had I been present on Friday, February28, 1975, I would have voted "aye" on LB 63; LB 291; and LB 292.

(Signed) Roland A. Luedtke

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Murphy asked unanimous consent to use the West Chamber for the Banking, Commerce and Insurance Committee hearing this afternoon. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 145.

A BILL FOR AN ACT relating to game and fish; to provide conservation, management, and protection of nongame wildlife, endangered species, and threatened species; to provide enforcement authority; to provide penalties; to provide severability; and to repeal sections 37-105 to 37-108, 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, 36:

Anderson	Bereuter	Burbach	Carsten	Cavanaugh
Clark	Cope	DeCamp	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Johnson	Kennedy
Keyes	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Marvel	Mills	Moylan	Murphy
Nichol	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 6:

Dickinson	Duis	Kime	Maresh	Rasmussen
Rumery				

Not voting, 7:

Barnett	Burrows	Chambers	Fowler	Kelly
F. Lewis	Marsh			

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

LEGISLATIVE BILL 555. Mr. Marvel asked unanimous consent to hold LB 555 over one day.

Mr. Cavanaugh objected.

Mr. Marvel moved to hold the bill over. The motion prevailed with 32 ayes, 11 nays and 6 not voting.

LEGISLATIVE BILL 81. Laid over temporarily.

LEGISLATIVE BILL 60. With Emergency.

A BILL FOR AN ACT relating to laws applicable to all cities and villages; to provide powers for cities or villages owning or operating prescribed electric facilities; to provide for construction; 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:

Anderson	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson

Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Barnett	Cavanaugh	Johnson	Kelly	Koch
F. 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 81. Mr. Simpson asked unanimous consent to hold the bill over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 62. With Emergency.

A BILL FOR AN ACT to amend section 70-628.01, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to provide additional powers; to remove the prohibition against the delegation of powers; 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, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh	Chambers	Kelly	F. 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 75.

A BILL FOR AN ACT to amend section 28-1031.01, Revised Statutes Supplement, 1974, relating to tobacco and cigarettes; to define smoking; to require posting of no smoking notices; 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:

Barnett	Bereuter	Burrows	Chambers	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Kennedy	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 12:

Anderson	Burbach	Cavanaugh	Clark	Goodrich
Hasebroock	Johnson	Keyes	Koch	Mahoney
Rasmussen	Stull			

Not voting, 4:

Carsten	Kelly	Kime	F. Lewis

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

LEGISLATIVE BILL 98.

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 for tax relief for single family dwellings 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 primary election in May, 1976, 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. The Legislature, by general law and upon any terms, conditions, and restrictions as prescribed, may provide, for a period not to exceed five years, relief from taxation of the increase in the assessed valuation of structures devoted exclusively to single family dwelling purposes due to the reconstruction, redevelopment, and rehabilitation of decadent or blighted single family dwellings. 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 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:

"Constitutional amendment to authorize the Legislature to provide, by general law, for tax relief on certain single family dwellings.

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, 29:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Keyes
Koch	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Rumery	Savage	Simpson
Skarda	Stoney	Swigart	Syas	

Voting in the negative, 15:

Burbach	Carsten	DeCamp	Hasebroock	Johnson
Kennedy	Kremer	R. Lewis	Murphy	Nichol
Rasmussen	Schmit	Stull	Warner	Wiltse

Not voting, 5:

Clark	Kelly	Kime	F. Lewis	Marvel

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the bill failed to pass for the primary election. The question now is, "Shall the bill pass for the general election?"

Voting in the affirmative, 28:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Keyes
Koch	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Rumery	Savage	Simpson
Stoney	Swigart	Syas		

Voting in the negative, 16:

Burbach	Carsten	DeCamp	Hasebroock	Johnson
Kennedy	Kremer	R. Lewis	Marvel	Murphy
Nichol	Rasmussen	Skarda	Stull	Warner
Wiltse				

Not voting, 5:

Clark	Kelly	Kime	F. Lewis	Schmit

Having failed to receive a constitutional three- fifths majority voting in the affirmative, the bill failed to pass for the general election.

LEGISLATIVE BILL 104. With Emergency.

A BILL FOR AN ACT relating to power districts; to provide legislative intent; to provide powers to contract for the generation or transmission of electric power and energy as prescribed; to eliminate exceptions to the Interlocal Cooperation Act; to amend sections 23-2205 and 70-657, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2203 and 70-646, Revised Statutes Supplement, 1974; 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, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Cavanaugh	Chambers	Kelly	F. Lewis	Marvel

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 192.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1974, relating to public welfare; to increase maximum payments for aid to dependent children; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Goodrich

Not voting, 3:

Dworak Kelly F. Lewis

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

ANNOUNCEMENT

President Whelan announced that Senator Gary Anderson had been elected Outstanding Young Man by the Nebraska Jaycees this last weekend.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 192A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, Eighty-fourth Legislature, First Session, 1975.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Hasebroock	Johnson	Kennedy
Keyes	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Goodrich

Not voting, 3:

Kelly	Kime	F. Lewis

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

LEGISLATIVE BILL 224.

A BILL FOR AN ACT to amend sections 43-102 and 43-104, Reissue Revised Statutes of Nebraska, 1943, relating to adoption; to provide procedures for claiming paternity; to provide for judicial hearings; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit

Simpson	Skarda	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 5:

Cavanaugh	Chambers	Mahoney	Mills	Stoney

Not voting, 2:

Kelly	F. Lewis

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

LEGISLATIVE BILL 236.

A BILL FOR AN ACT to amend section 79-1515, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to revise the requirements for prior service credit; 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, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kennedy	Keyes	Kime	Koch	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Kelly	F. Lewis

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

LEGISLATIVE BILL 260. Mr. Chambers moved to return LB 260 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 18 ayes, 23 nays and 8 not voting.

Mr. Cavanaugh asked unanimous consent to hold LB 260 over until Wednesday, March 5, 1975.

Mr. Chambers objected.

Mr. Cavanaugh moved to hold the bill over until Wednesday, March 5, 1975.

The motion prevailed with 35 ayes, 7 nays and 7 not voting.

MOTIONS—Request Return of Bills from Governor

Mr. Koch moved to request the Governor to return LB 126 to the Legislature for further consideration. The motion prevailed with 27 ayes, 9 nays and 13 not voting.

Mr. Stull moved that the Governor be requested to return LB 2 to the Legislature for return to Enrollment and Review to correlate it with LB 186 which has been signed by the Governor. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

Mr. Hasebroock moved to request the Governor to return LB 45 to the Legislature for further consideration. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

EXPLANATIONS OF VOTE

I would have voted aye on LB 145 if I had been present.

(Signed) Shirley Marsh

Had I been present I would have voted in favor of LB 145.

(Signed) Wally Barnett

RESOLUTIONS

LEGISLATIVE RESOLUTION 19.

Introduced by Nichol, 48th District; Simpson, 46th District; Hasebroock, 18th District; Maresh, 32nd District; Johnson, 15th District; Cope, 36th District; Schmit, 23rd District; Rumery, 42nd District; Moylan, 6th

District; Stull, 49th District; Syas, 13th District; Wiltse, 1st District; Dickinson, 31st District; Keyes, 3rd District; Kennedy, 21st District; Burrows, 30th District; Anderson, 37th District; Dworak, 22nd District; Mills, 44th District; R. Lewis, 38th District; Skarda, 7th District; Rasmussen, 47th District; Kime, 43rd District; Marsh, 29th District; Duis, 39th District; Savage, 10th District.

WHEREAS, Paul and Helen Henderson of Bridgeport, Nebraska have pursued an active interest in the Oregon Trail and its history for more than four decades; and

WHEREAS, the dedication of this couple has resulted in the compilation of an extraordinary collection of more than 32,000 slides and photographs of the Oregon Trail together with a large collection of historic books, documents, and maps relating to this subject; and

WHEREAS, the Hendersons have always exhibited an outstanding willingness to share their knowledge and the contents of their collection with anyone expressing an interest in the Oregon Trail; and

WHEREAS, the Hendersons' devotion to, and thoroughness of their research, has earned them recognition as "Mr. and Mrs. Oregon Trail Historians".

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

1. That the Legislature extend its congratulations to Paul and Helen Henderson for their accomplishments in the realm of historical research.

2. That the Legislature thank the Hendersons for their efforts to preserve for future generations a vital part of Nebraska's rich pioneer heritage.

MOTION—Rule Change

Mr. Burbach offered the following rule change:

Sec. 10. (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~~ three-fifths of the elected members, said bill shall be placed on General File.

(c) Any time the introducer of a bill attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed if the motion fails to receive a majority vote of the members elected to the Legislature.

Referred to Rules Committee.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 389. Placed on General File.
LEGISLATIVE BILL 447. Placed on General File.

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Marvel asked unanimous consent to print the following amendments and statement on LB 555 in the Journal. No objections. So ordered.

Strike the entire contents of LB 555 and insert in lieu thereof the following, and amend the title to conform. . .

Section 1. (1) Within twenty-one days after the effective date of this act, the board of education of each school district in this state shall submit and have on file with the State Department of Education, on a form provided by the State Department of Education which has been approved by the Attorney General, a certified report of each diagnosed resident handicapped child who:

(a) Has been professionally diagnosed by a licensed psychologist or physician since September 1, 1971 and was found to have one or more handicapping conditions as defined in Section 43-604,

(b) Has received special education programs since August 15, 1974; and

(c) Is five to eighteen years of age.

(2) The board of education of each school district in which there is no diagnosed handicapped child attending school shall certify the same to the State Department of Education.

Section 2. The report form shall be sent by the State Department of Education to the secretary of each school board by certified mail, return receipt requested, and the certified report shall be submitted to the State Department of Education by each school board by sworn affidavit signed by the president or secretary and one other member of the board of education and shall contain (1) the county and school district number, and (2) the full name of each diagnosed handicapped child, date of birth, identification of the handicap, date last diagnosed, name of the person who made the diagnosis, identify the special education received since August 15, 1974 and the actual number of hours spent each week in the special education program.

Section 3. (1) The State Department of Education shall, not later than 42 days after the effective date of this act, provide a maximum of 7 million, one hundred and sixty thousand one hundred dollars in financial assistance to school districts which have complied with all the provisions of this act which payment shall be made on the following basis:

(a) For each educable mentally handicapped child three hundred and twenty dollars;

(b) For each mentally retarded child, one thousand dollars;

(c) For each emotionally disturbed child, six hundred dollars;

(d) For each orthopedically handicapped child two thousand, four hundred dollars; and

(e) For each physically handicapped child, one hundred thirty dollars.

(2) If 7,160,100 is insufficient to provide the financial assistance required in this section, the State Department of Education shall apportion the funds available among the qualifying districts. The sum granted each district shall represent a proportionate reduction from the sum that it would otherwise receive.

Section 4. That section 43-648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-648. Effective July 1, 1974, the State Department of Education shall reimburse each school district for ninety percent of the excess cost of the special education programs, as defined in Section 43-645. The payments shall be made by the State Department of Education to the resident school district in four approximately equal payments on September 30, December 30, March 30 and June 30. The State Department of Education in lieu of the September 30 and December 30, 1974 and March 30 and June 30, 1975 payments due the school district shall distribute in a single payment a maximum of $7,160,100 from funds appropriated in subdivision (4) of Section 4, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974 to the qualifying school districts as determined by and provided for in sections 1 to 3 and 5 to 7 of this act.

Section 5. (1) All September 30 and December 30, 1974 payments authorized and made to school districts by the State Department of Education provided for in 43-648, prior to the enactment of this act, shall be reduced by the amount of such payments from the amount of the payment due the school district as provided for in Section 3 and 4 of this act.

(2) Each school district which received payments for September 30 and/or December 30, 1974 prior to the enactment of this act, which total exceeded the amount due the school district under the provisions of Section 3 and 4 of this act, shall return such overpayments to the State Department of Education; all such overpayments returned to the State Department of Education shall be deposited by the State Treasurer in the State's General Fund and the Legislature shall appropriate the amount necessary to meet the funding requirements of Section 3 of this act.

(3) Any such overpayments due the state shall be made by the school board at the time of their submission of the certified report of handicapped children required by Section 1 and 2 of this act.

(4) Each school board who received September 30 and/or December 30, 1974 payments prior to the effective date of this act, which resulted in overpayments as provided in (2) of this section and who has not restored the full amount of the overpayment to the State Department of Education within 21 days of the effective date of this act shall have the amount of the overpayment reduced from the state payments due the school district as provided for in 79-1330 to 79-1344.

Section 6. The members of the school board shall be held personally liable under 28-543 and 77-2416 for the submission of false or incorrect information on the certified reports of handicapped children required by Section 1 and 2 of this act and which results in the school district receiving a payment in excess of the amount due the school district as provided for in section 3 and 4 of this act.

Section 7. The State Department of Education shall withhold from each school district the state payments due the school district under 79-1330 to 79-1344, whose

school board fails to file the certified report of handicapped children required in section 1 and 2 of this act, until said report has been filed with the State Department of Education.

Section 8. Any school board who received the September 30 and/or December 30, 1974 payments provided for in Section 43-648 and whose school district did not have a diagnosed resident handicapped child in a special education program and was instructed by the State Department of Education to pay the amount of the state payment to a servicing agency shall have the right to file a claim against the servicing agency for the recovery of all such state funds paid to any such servicing agency.

Section 9. Sections 1 to 3 and 5 and 6 of this act shall expire six weeks after their effective date.

Section 10. That original section 43-648, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Section 11. 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) Richard D. Marvel

PROVISIONS OF LB 555 AS AMENDED
and
STATEMENT OF INTENTION

1) Based upon the certified report of resident handicapped students provided by the school board of every school district, which is due within twenty-one days following the effective date of this act, the Department of Education will pay in a single payment up to $7,160,100 to school districts for special education programs using a weighted per student factor in lieu of the September 30 and December 30, 1974 and March 30 and June 30, 1975, LB403 excess cost reimbursement payments due the school districts. Such payments shall be made by the SDE within six weeks of the effective date of this act.

2) The certified report submitted by the school boards shall include:
   a) sworn affidavit signed by two members of the school board;
   b) identification of the school district and county; and
   c) handicapped child data:
      i) full name
      ii) date of birth
      iii) classification of handicap
      iv) date of diagnosis
      v) name of person who made diagnosis
      vi) primary special education program received since 8-15-1974
      vii) time spent in special education program

3) The $7,160,100.00 is distributed as follows for each child:

a) Educable Mentally Handicapped	$ 320
b) Mentally Retarded	$1000
c) Emotionally Disturbed	$ 600
d) Orthopedically Handicapped	$2400
e) Physically Handicapped	$ 130

Based upon the State Department of Education's January 30, 1975 estimate of the students, the following calculations are made:

Educable Mentally Handicapped	5,846	x $ 320	=	$1,870,720
Mentally Retarded	2,185	x 1000	=	2,185,000
Emotionally Disturbed	950	x 600	=	570,000
Orthopedically Handicapped	215	x 2400	=	516,000
Physically Handicapped	15,526	x 130	=	2,018,380
Annualized Payment	24,722			$7,160,100

4) The requirment of four equal payments is repealed.
5) The $7,160,000 is designated to be paid from funds already appropriated for special education.
6) Makes provision for the method of adjustments in the overpayments which may have been made previously.
7) Makes provision for the restitution of overpayments by school districts which exceed the payments which would otherwise be made under the terms of this act.
8) Provides for the withholding of general state aid funds when a school board fails to make restitution of overpayments to the state.
9) Establishes personal liability and the penalty for certifying incorrect or false information on handicapped children which results in the state overpaying the school district.
10) Provides for penalty for failure of school board to file required report.
11) Establishes that school boards have right to file claims against the servicing agencies to recover state funds payed such agencies upon instructions from the State Department of Education even though there were no handicapped children in the school district.
12) The provisions for the distribution of special education funds by this formula is repealed 6 weeks after the effective date of this act.

(Signed) Richard D. Marvel

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 563	Tuesday, March 11, 1975	2:00 p.m.
LB 573	Tuesday, March 11, 1975	2:00 p.m.
LB 574	Wednesday, March 12, 1975	2:00 p.m.
LB 581	Wednesday, March 12, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

ANNOUNCEMENTS

Mr. Carsten announced an Executive Session of the Revenue Committee at 2:00 p.m., today in room 1019.

Mr. Luedtke announced there will be shown to all interested parties a 25 minute film from the Texas Department of Corrections dealing with new concepts in rehabilitation. It will give us all additional background information concerning corrections and what must be done about it. The film will be shown at 1:00 pm. Wednesday, March 5 in the Senator's Lounge.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 463. Indefinitely postponed.
LEGISLATIVE BILL 349. Placed on General File.
LEGISLATIVE BILL 528. Placed on General File.

(Signed) John R. Murphy, Chairman

VISITORS

The President introduced 65 students from Norfolk Sacred Heart School, Norfolk; 25 students from Belmont School, Lincoln; and 32 students and teacher from Malcolm Public School.

ADJOURNMENT

At 10:58 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, March 4, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SEVENTH DAY—MARCH 4, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 4, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Father Charles J. Keenan, Blessed Sacrament Church, Lincoln.

> O, God, we offer ourselves to you this day to do with us and build with us as you choose. Take away our weaknesses so that victory over them may bear witness to others of your goodness, your power and your way of life.
>
> We pray you, O God of might, wisdom and justice, through whom authority is rightly administered, laws are enacted, and judgment decreed, assist with your holy spirit of counsel and fortitude the President of these United States, that his administration may be conducted in righteousness, and be eminently useful to Thy people over whom he presides: by encouraging due respect for virtue and religion and by a faithful execution of the laws in justice and mercy. Let the light of your divine wisdom direct the deliberations of Congress, and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge; and may perpetuate to us the blessings of equal liberty.
>
> We pray for his excellency, the Governor of this State, for the members of this Legislature, for all judges, magistrates, and other officers who are appointed to guard our political welfare, that they may be enabled, by your powerful protection, to discharge the duties of their respective stations with honesty and ability.
>
> We recommend likewise, to your unbound mercy, all our brethren and fellow-citizens throughout the United States, that they may be blessed in the knowledge and sanctified in the

observance of your most holy law; that they may be preserved in union, and in that peace which the world cannot give; and, after enjoying the blessing of this life, be admitted to those which are eternal. May we do your will always. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Lewis who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-sixth Day was approved.

COMMUNICATIONS ON LB2, LB45, and LB126

March 3, 1975

The Honorable J. J. Exon
Governor of Nebraska
Lincoln, Nebraska 68509

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 2 to the Legislature for further consideration.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt

March 3, 1975

The Honorable J. J. Exon
Governor of Nebraska
Lincoln, Nebraska 68509

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 45 to the Legislature for further consideration.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt

March 3, 1975

The Honorable J. J. Exon
Governor of Nebraska
Lincoln, Nebraska

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 126 to the Legislature for further consideration.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt

March 3, 1975

The Honorable Jules Burbach
Speaker, Nebraska Legislature
Room 2022, State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

I am transmitting herewith to the Legislature LB 2, LB 45, and LB 126, the same having been returned by the Governor to the Legislature for further consideration. These bills will be placed on final reading pending the further action of the Legislature.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt
Enclosures

ATTORNEY GENERAL'S OPINIONS

Opinion No. 30
February 28, 1975

Dear Senator Luedtke:

Under existing law, you have asked if a privately-owned business school whose corporate charter allows it to "do what is necessary and convenient" in carrying out the aims of its charter may issue associate degrees or whether additional legislation is necessary.

Neb. Rev. Stat. Sections 79-1819 to 79-1824 (Reissue 1971), as amended, govern the licensing of privately-owned correspondence,

business, or trade schools and Neb. Rev. Stat. Sections 79-1809 to 79-1818 (Reissue 1971) govern the accreditation of said schools. Neither these statutes nor any other Nebraska statutes would limit the type or kind of degree that may be awarded by a school such as the one you have described with the exception of those matters which are prohibited by the criminal law. We are therefore of the opinion that in the absence of criminal conduct, a privately-owned business school in Nebraska whose corporate charter allows it to "do what is necessary and convenient" to carry out the aims of its charter may issue associate degrees under existing law provided the same is also consistent with the corporation's by-laws.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:sh
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 31
February 28, 1975

Dear Senator Barnett:

You state that L.B. 327 would establish a Nebraska Housing Development Authority. The purpose of the authority would be to generate loans for rehabilitation and construction of residential housing by issuing tax exempt revenue bonds of the authority. You request our advice as to the constitutionality of this bill.

This bill does attempt to set up the Nebraska Housing Development Authority as an independent agency. The memorandum which accompanies your request letter is directed toward this point. We call your attention to the case of State ex rel. Meyer v. Duxbury, 183 Neb. 302. The court therein held the Nebraska Clean Water Commission Act, Chapter 71, Article 42, R.S.Supp., 1967, invalid in part. The legislation you present to this office attempts to avoid the debt limiting provisions of our Constitution. We will assume for the purpose of this discussion that the Housing Development Authority is established as an independent political subdivision of the State of Nebraska and is not in fact a state agency. There are several minor areas which, while probably not sufficient to make the entire bill invalid, would certainly be suspect in an appropriate action before the court.

In State ex rel. Meyer v. Duxbury the court did point out that "to the extent that the act authorizes the pledging of such funds for the payment

of the bonds and notes of the commission, the act violates the constitutional limitation upon indebtedness." The court also noted in the same opinion that a part of the funds to be pledged for the bonds to be issued by the authority was a provision in the act that the "Legislature may appropriate supplemental funds from the general revenue fund of the state to supply any deficiency so that the debt service reserve fund may be maintained at the full amount prescribed in the act." The act there considered went on to provide further that it was to be the policy of the state and the state pledged and agreed that to the extent appropriations may be made from state funds for the limited purposes stated in the act that such was intended as compensation to the commission as an agent of the state for the accomplishment of a state governmental purpose. This was a part of the funds pledged by the state which the court held to be unconstitutional in the Duxbury case.

We note that the proposed act purportedly does not pledge any state funds. Note the following language in Section 30, "[e]ach obligation issued under this act shall contain on the face thereof a statement that neither the faith nor credit nor the taxing power of this state or any political subdivision thereof is pledged to the payment of the principal of or the interest on such obligation." Nevertheless, subsection 3 of Section 32, provides that pursuant to agreements with the bondholders the bonds issued by the authority under the act may "[p]ledge any money, loans or grants received from the federal government, the state, or any city, county, or political subdivision of this state for any housing development financed in whole or in part from the sale proceeds of bonds issued by the authority under this act." (Emphasis supplied.) Again, in Section 40 of the act there is established a housing finance fund. This fund is to consist of the proceeds of the sale of bonds, fees and other money received by the authority under this act and "funds appropriated by the state for use by the authority in carrying out this act." Not only that, but in Section 44 the notes and bonds of the authority are to be considered legal investments in which all public officers and public bodies of this state, its political subdivisions, all municipalities and municipal subdivisions, and others can invest.

We thus have the bill making the positive statement that the credit of the state shall not be pledged and the state shall have no liability with reference to the repayment of the bonds but yet apparently attempting to give to the bond holders a dangling carrot to say that the Legislature may appropriate funds in the future in aid of the authority. Deceptive, to say the least. We question the validity of these provisions.

We note in Section 45 subprovision (2) states: "contracts for the construction and acquisition of any housing developments undertaken pursuant to this act may not comply with the provisions of any other state law applicable to contracts for the construction and acquisition of state-owned property." This language, we may point out, is certainly not clear and should be made more descriptive. For example, fire and safety

regulations could well be applicable to contracts for the construction of such units. Does this language mean that adequate electrical wiring does not need to be made a part of the construction contract, or perhaps that antidiscrimination provisions which are presently required by state law need be ignored? We do not believe that this is intended, but this is certainly not clear.

We may concede that the Nebraska Housing Development Authority is an independent public corporation. It may not be a state agency for the purpose of state indebtedness. However, it is certainly a political entity or a political subdivision of the state if it is not in fact representative of the state itself. In State ex rel. Beck v. City of York, 164 Neb. 223, 82 N. W. 2d 269, the court pointed out that the prohibition contained in Article XIII, Section 3, Constitution of Nebraska, relating to the giving or loaning of credit in aid of any individual, association, or corporation, applies to the state and all political subdivisions thereof. In that case the court was concerned with the Industrial Development Act. Here we are concerned with the furnishing money to private entities for the purpose of furnishing private rental housing. It does this by the issuance of tax free bonds and then loaning the proceeds from those bonds and other public funds to qualified housing sponsors. These sponsors may be individuals, joint ventures, partnerships, limited partnerships, trusts, firms, associations, public bodies or other legal entities or any combination thereof.

We think we need point only to what the court said in State ex rel. Beck v. City of York, 164 Neb. 223, 82 N. W. 2d 269:

> "The constitutional prohibition against the State as to giving or loaning its credit to an individual, association, or corporation is applicable to all subdivisions of the State. The issuance of revenue bonds by a city, although the city is not generally liable for their payment, is an obligation of the city even though the source and method of payment is restricted. The money realized from revenue bonds is public money and it may not be appropriated for a private purpose or used for the purpose of acquiring property for the benefit of a private concern. It is not material what such undertakings may be called, or what forms are devised to conceal their main purpose, or how worthwhile they may appear to be, when the question of constitutionality is presented, their substance will be examined. The financing of private enterprises with public funds is foreign to the fundamental concepts of our constitutional system. To permit such encroachments upon the prohibitions of the Constitution would bring about, as experience and history have demonstrated, the ultimate destruction of the private enterprise system. We have not overlooked the fact that the Legislature determined that the Act was for a public purpose. While such a legislative declaration is entitled to great weight, it is not conclusive. There are limits beyond which the Legislature

cannot go. It cannot authorize a city to spend public money, or lend or give away, directly or indirectly, its credit or property for a purpose which is not a public one."

In view of the foregoing we certainly feel that the validity of the proposed legislation is questionable.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:jc
cc: Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 197. Placed on General File as amended.
Standing Committee amendment to LB 197:
1. On page 2, line 8, strike "forty" and insert "thirty".

LEGISLATIVE BILL 209. Placed on General File as amended.
Standing Committee amendments to LB 209:
1. On page 2, line 27, after the second "such" insert "legally".
2. On page 3, line 1, after "or" insert "legally".

LEGISLATIVE BILL 252. Placed on General File.
LEGISLATIVE BILL 263. Placed on General File.
LEGISLATIVE BILL 328. Placed on General File as amended.
Standing Committee amendment to LB 328:
1. On page 2, line 13 after "the" strike "Natural" and insert "National".

(Signed) Maurice A. Kremer, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 100. Indefinitely postponed.

(Signed) George Syas, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 145, 60, 62, 75, 104, 192, 192A, 224 and 236.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 145, 60, 62, 75, 104, 192, 192A, 224 and 236.

SELECT FILE

LEGISLATIVE BILL 427. Placed on Select File as amended.
E & R amendments to LB 427:

1. On page 4, lines 8 and 9, reinstate "the bureaus of"; and in line 10, strike the first comma and show as stricken.

2. On page 6, line 15, strike "a" and show as stricken.

3. On page 9, line 6, strike "inspections and"; in line 19 strike "81-1120.04." and show as stricken; and in line 23, strike the comma.

4. On page 11, line 14, strike "81-1120.06" and insert "10 of this act"; in line 23, strike "81-1120.14" showing the same as stricken and insert "81-1120.03 and sections 6 to 19 of this act"; and in line 26, strike "81-1120.06" and show as stricken, and insert "10 of this act".

5. On page 12, line 13, strike "81-1120.05." and show as stricken.

6. On page 13, line 6, insert "so as" after "determine"; and in line 24, strike "81-1120.06." and show as stricken.

7. On page 15, line 2, strike "81-1120.07." and show as stricken; and in line 17, strike "81-1120.08." and show as stricken.

8. On page 16, line 17, strike "81-1120.09." and show as stricken; and in lines 20 and 21, and line 23, strike "sections 81-1120.01 to 81-1120.14", show as stricken, and insert "this act".

9. On page 17, line 8, strike "81-1120.10." and show as stricken; and in line 25, strike 81-1120.11." and show as stricken.

10. On page 18, line 5, strike "81-1120.12." and show as stricken.

11. On page 19, line 7, strike "81-1120.13." and show as stricken; and in line 14, strike "81-1120.14." and show as stricken.

LEGISLATIVE BILL 20. Placed on Select File as amended.
E & R amendments to LB 20:

1. In the standing committee amendment, line 3, strike "lack" and insert "lacking"; and in line 4 insert "that" after "reason".

2. In the title, line 7, strike "and"; and in line 10, insert "; and to declare an emergency" after "1974".

LEGISLATIVE BILL 152. Placed on Select File as amended.
E & R amendments to LB 152:

1. In lieu of the Nichol amendment, add a new section 3 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, strike lines 2 to 8 and insert:

"FOR AN ACT to amend section 16-668, Reissue Revised Statutes of Nebraska, 1943, relating to public improvements; to provide a limitation on assessment of the cost of a special benefit to abutting lands; to provide for payment of excess costs; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 200. Placed on Select File as amended.
E & R amendment to LB 200:

1. In the title, strike beginning with "to" in line 4 through the semicolon in line 5 and insert "to prohibit the restoration of operators' license points and reinstatement of an operator's license by the Director of Motor Vehicles after issuance of a pardon or reprieve by the mayor.".

LEGISLATIVE BILL 156. Placed on Select File as amended.
E & R amendment to LB 156:
1. In the title, line 7, insert "to provide an exclusion;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1975, at 8:45 a.m., were the following bills: 63, 291, and 292.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Rules

The Rules Committee will hold a public hearing on March 4, 1975 at 12 noon in Room 1019.

(Signed) John W. DeCamp, Chairman

UNANIMOUS CONSENT—Members Excused

Mr. Stull asked unanimous consent to be excused tomorrow, March 5, 1975, until he arrives. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 555. Mr. Burbach asked unanimous consent to hold the bill until Wednesday, March 5, 1975. No objections. So ordered.

MOTION—Reconsider Action on LB 2

Mr. Stull moved to reconsider action on LB 2 on Final Reading. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

Mr. Stull moved to return LB 2 to E & R Final for correlation with LB 186. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

MOTION—Reconsider Action on LB 45

Mr. Hasebroock moved to reconsider action on LB 45 on Final Reading. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

Mr. Stull moved to return LB 45 to Select File for the following specific amendment.

1. In the Final Reading bill, page 5,
line 18, and in the title, line 8, strike "1974" and
insert "1975".

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

MOTION—Return LB 81 to Select File

Mr. Simpson moved to return LB 81 to Select File for the following specific amendment:
Amend Section 1, line 14 by placing period after "used". Strike "but" and lines 15, 16 and 17.

The motion prevailed with 41 ayes, 1 nay and 7 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 276. Mr. Duis moved to return LB 276 to Select File for the following specific amendment:
To strike the word felony in line 5 page 2.

The motion lost with 23 ayes, 24 nays and 2 not voting.

LEGISLATIVE BILL 276. With Emergency.

A BILL FOR AN ACT to amend section 47-401, Reissue Revised Statutes of Nebraska, 1943, relating to jails; to provide that individuals convicted of a felony or contempt may be granted permission to leave jail 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, 28:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Fowler	George	Hasebroock	Johnson	Koch
Kremer	Luedtke	Mahoney	Maresh	Marsh
Moylan	Rumery	Savage	Simpson	Stoney
Swigart	Syas	Wiltse		

Voting in the negative; 20:

Clark	Dickinson	Duis	Dworak	Fitzgerald
Goodrich	Kelly	Kennedy	Keyes	Kime
R. Lewis	Marvel	Mills	Murphy	Nichol
Rasmussen	Schmit	Skarda	Stull	Warner

Not voting, 1:

F. Lewis

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Fowler	George	Hasebroock	Johnson	Koch
Kremer	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Rumery	Simpson	Stoney
Swigart	Wiltse			

Voting in the negative, 20:

Clark	Dickinson	Duis	Dworak	Fitzgerald
Goodrich	Kelly	Kennedy	Keyes	Kime
R. Lewis	Marvel	Nichol	Rasmussen	Savage
Schmit	Skarda	Stull	Syas	Warner

Not voting, 2:

F. Lewis Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 293.

A BILL FOR AN ACT to amend section 43-206.03, Revised Statutes Supplement, 1974, relating to juvenile courts; to provide for the explanation of legal rights; to provide for the conduct of hearings; to provide for admissions, confessions, warnings, and quantum of proof 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Luedtke	Mahoney
Marsh	Mills	Moylan	Murphy	Nichol
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 6:

Dworak	Kime	Kremer	R. Lewis	Maresh
Rasmussen				

Not voting, 2:

F. Lewis Marvel

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

LEGISLATIVE BILL 354.

A BILL FOR AN ACT to amend sections 81-885.18, 81-885.21, 81-885.24, 81-885.29, and 81-885.45, Revised Statutes Supplement, 1974, relating to the State Real Estate Commission; to provide additional time for setting hearings on refusals of applications; to clarify trust account provisions; to make certain acts unlawful; to provide additional grounds for disciplinary action; to provide for probation in lieu of suspension; 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, 39:

Anderson	Barnett	Burbach	Burrows	Carsten
Cope	Dickinson	Duis	Dworak	Fitzgerald
Fowler	Goodrich	Hasebroock	Johnson	Kelly

Kime	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 5:

Cavanaugh	Chambers	George	Kennedy	Keyes

Not voting, 5:

Bereuter	Clark	DeCamp	F. Lewis	Murphy

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

LEGISLATIVE BILL 227.

A BILL FOR AN ACT to amend section 48-111, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to extend an exemption from liability; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Cavanaugh	DeCamp	F. Lewis

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

LEGISLATIVE BILL 284. With Emergency.

A BILL FOR AN ACT to amend section 29-506, Reissue Revised Statutes of Nebraska, 1943, and sections 29-901 and 29-901.02, Revised Statutes Supplement, 1974, relating to criminal procedure; to clarify appearance and bail bond procedures on bind-overs to district court; to provide for disposition of appearnace bond deposits; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 2:

R. Lewis Rasmussen

Not voting, 3:

Dickinson F. Lewis Marvel

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 285. With Emergency.

A BILL FOR AN ACT to amend sections 29-1804.03 and 29-1804.05, Revised Statutes Supplement, 1974, relating to criminal procedure; to provide an additional duty for public defenders; to provide for counsel for indigent misdemeanor defendants 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, 25:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Duis	Fowler
Hasebroock	Keyes	Koch	Luedtke	Mahoney
Marsh	Moylan	Nichol	Savage	Schmit
Simpson	Stoney	Swigart	Syas	Warner

Voting in the negative, 21:

Clark	Cope	Dickinson	Dworak	Fitzgerald
George	Goodrich	Kelly	Kennedy	Kime
Kremer	R. Lewis	Maresh	Marvel	Mills
Murphy	Rasmussen	Rumery	Skarda	Stull
Wiltse				

Not voting, 3:

DeCamp	Johnson	F. Lewis

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 26:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	DeCamp	Duis
Fowler	Hasebroock	Koch	Luedtke	Mahoney
Marsh	Moylan	Nichol	Savage	Schmit
Simpson	Stoney	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 20:

Clark	Cope	Dickinson	Dworak	Fitzgerald
George	Goodrich	Kelly	Kennedy	Kime
Kremer	R. Lewis	Maresh	Marvel	Mills
Murphy	Rasmussen	Rumery	Skarda	Stull

Not voting, 3:

Johnson	Keyes	F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 286. With Emergency.

A BILL FOR AN ACT to amend section 33-130, Reissue Revised Statutes of Nebraska, 1943, and sections 24-511, 24-532, and 29-2709, Revised Statutes Supplement, 1974, relating to fees and costs; to provide that county courts shall transmit fees and costs to the State Treasurer; to remove a duty of county judges 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, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Cavanaugh F. 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 289.

A BILL FOR AN ACT to amend sections 29-2262 and 29-2263, Revised Statutes Supplement, 1974, relating to criminal procedure; to provide additional probation conditions that may be imposed by the court; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	DeCamp	Dickinson	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Keyes	Koch	Kremer	Luedtke
Mahoney	Marsh	Moylan	Rumery	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 14:

Chambers	Clark	Cope	Duis	Kelly
Kennedy	R. Lewis	Maresh	Marvel	Mills
Murphy	Nichol	Rasmussen	Savage	

Not voting, 2:

Kime	F. Lewis

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

SELECT FILE

LEGISLATIVE BILL 45. The Hasebroock specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 81. The Simpson specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 136. E & R amendments found in the Journal on page 666 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 180. E & R amendments found in the Journal on page 666 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 474. E & R amendments found in the Journal on page 666 for the Thirty-fifth Day were adopted.

Laid over at request of Mr. Marvel.

LEGISLATIVE BILL 234. E & R amendment found in the Journal on page 667 for the Thirty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 234A. E & R amendment found in the Journal on page 667 for the Thirty-fifth Day was adopted.

Mr. Marvel offered the following amendment:

1. On page 2, lines 2 and 3, strike "for the period 1974-75 to" and insert "to the Department of Veterans' Affairs, Agency 28, for"; and at the end of line 5 insert "The amount so appropriated shall be transferred to the Nebraska Veterans' Aid Fund by the State Treasurer on July 1, 1975.".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 247. E & R amendments found in the Journal on page 667 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 294. E & R amendment found in the Journal on page 686 for the Thirty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 19. E & R amendments found in the Journal on page 686 for the Thirty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 28. E & R amendment found in the Journal on page 687 for the Thirty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 111. E & R amendments found in the Journal on page 687 for the Thirty-sixth Day were adopted.

Mr. Warner offered the following amendment:
Amend LB 111 to add the "E" clause

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 283. E & R amendments found in the Journal on page 687 for the Thirty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 309. E & R amendment found in the Journal on page 688 for the Thirty-sixth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 193. Mr. Burbach asked unanimous consent to hold LB 193 over. No objections. So ordered.

LEGISLATIVE BILL 188. Considered.

Laid over temporarily at the request of Mr. Marvel.

LEGISLATIVE BILL 379. Mr. Kremer asked unanimous consent to bracket LB 379 until Friday, March 7, 1975. No objections. So ordered.

LEGISLATIVE BILL 492. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 273. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 274. Title read. Considered.

Laid over at the request of Mr. Luedtke.

LEGISLATIVE BILL 66. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 7 nays and 17 not voting.

LEGISLATIVE BILL 188. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 206. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 240. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 78. Mr. Carsten asked unanimous consent to hold the bill over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 61. Title read. Considered.

Standing Committee amendment found in the Journal on page 568 for the Twenty-ninth Day was adopted with 25 ayes, 8 nays and 16 not voting.

Mr. Murphy moved to indefinitely postpone.

The motion lost with 19 ayes, 23 nays and 7 not voting.

Mr. Warner offered the following amendment:
Line 14 strike the word "Council" and insert "Governor" strike balance of sentence in lines 14, 15 and 16.

The amendment lost with 15 ayes, 20 nays and 14 not voting.

Mr. Cavanaugh requested a roll call vote on advancing LB 61.

Voting in the affirmative, 24:

Barnett	Bereuter	Carsten	Cavanaugh	Chambers
Clark	Cope	DeCamp	Fitzgerald	Fowler
Goodrich	Keyes	Koch	Kremer	Luedtke
Marsh	Marvel	Mills	Simpson	Skarda
Stull	Swigart	Syas	Wiltse	

Voting in the negative, 21:

Anderson	Burbach	Burrows	Dickinson	Duis
Dworak	George	Hasebroock	Johnson	Kennedy
Kime	R. Lewis	Maresh	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Stoney
Warner				

Not voting, 4:

Kelly F. Lewis Mahoney Schmit

Failed to advance to E & R for Review with 24 ayes, 21 nays and 4 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 32
February 28, 1975

Re: L. B. 372, Section 7

Dear Senator Barnett:

You have asked whether a contract which meets all the requirements established by law that has already been completed can be declared null and void because it resulted from the efforts of one not complying with the provisions of L. B. 372 regarding conflict of interest.

Sections 1 and 3 of L. B. 372 state a public policy of avoiding conflict of interest or apparent conflict of interest by indivduals providing professional services for state agencies. (This supplements Chapter 49, article 11 of Nebraska Revised Statutes which states a similar policy in regard to state officials and employees.) A contract contrary to public policy is generally held to be void and unenforceable. As the court held in Atwater v. Sellers, 122 Neb. 118, 239 N. W. 629 (1931):

> "* * *. Courts of justice will never recognize or uphold any transaction which in its object, operation or tendency is calculated to be prejudicial to the public welfare; * * *." Supra at 126.

Thus, the conditions you pose may be mutally exclusive. Under L. B. 372 an agreement negotiated by one having an undisclosed conflict of interest would not meet all the requirements established by law for a contract. It would therefore be void and unenforceable.

The rule is quite generally recognized that the validity of a contract depends upon the state of the law at the time it was made, subject of course to any limitations subsequently made under the police power of the state. Vonburg v. Farmers Irrigation District, 132 Neb. 12, 17, 18, 270 N. W. 835 (1937). The general rule codifies Article I, Section 16 of the Nebraska Constitution which proscribes ex post facto laws. As stated in Travelers Insurance Company v. Ohler, 119 Neb. 121, 125, 227 N. W. 449 (1929), the general rule is:

> "A legislative act will not be permitted, even if an attempt so to do is disclosed, to operate retrospectively where it will have the

effect to invalidate or impair the obligation of contracts or interfere with vested rights. * * *."

The exception is defined and rationalized in Chicago, B. & Q. R. Co. v. State, 47 Neb. 549, 564, 66 N. W. 624 (1896):

> "The essential quality of the police power as a governmental agency is that it imposes upon persons and property burdens designed to promote the safety and welfare of the general public. It is one of the powers which has been reserved by the people of the state, and which cannot be surrendered, to require persons and corporations to so exercise and enjoy their rights as not unnecessarily to injure others. That the principle stated is especially applicable to existing rights, without regard to the time of their acquirement or to the source from whence they are derived, appears to us a self-evident proposition not requiring argument, and the subject will not therefore be further pursued in this connection."

L. B. 372 Section 7, at least insofar as it applies to transactions or negotiations actually entered into in violation of Section 3 of the bill, appears to have a clear and real connection with the public policy stated in Section 1 of the bill. L. B. 372 Section 7 is to that extent a valid exercise of the police power, bringing it within the above exception. See United States Brewers' Assn., Inc. V. State, 192 Neb. 328, 333, 220 N. W. 2d 544 (1974).

Accordingly, if L. B. 372 is adopted, it will invalidate all contracts procured in violation of its provisions. In the absence of an actual contract, the courts are likely to imply a contract by which the party retaining benefit from work already performed will be liable to the performing party for time and materials.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Special Assistant Attorney General

MBH:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 33
March 3, 1975

Dear Senator F. Lewis:

You have asked if L. B. 522 of the Eighty-Fourth Legislature, First

Session, is constitutional. The same is hereinafter discussed.

In substance, L. B. 522 would require school districts to provide the same transportation along its regular school bus routes for nonpublic school pupils as it provides for public school pupils. It would appear that it does not violate the "establishment of religion" clause of the First Amendment of the Constitution of the United States. Everson v. Board of Education, 330 U. S. 1, 67 S. Ct. 504, 91 L. Ed. 711 (1947). It also appears that it has a secular legislative purpose of protecting health and safety of children traveling to and from nonpublic schools and thus would not violate Section 11 of Article VII of the Constitution of Nebraska, although the same is not free from doubt. See, for example, Board of Education v. Bakalis, 54 Ill, 2d 448, 299 N. Ed. 2d 737 (1973). Consequently, we cannot say that L. B. 522 is unconstitutional.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 118. Placed on General File as amended.
Standing Committee amendment to LB 118:
1. On page 2, line 9, after the word "business," insert: "except as otherwise required by law,"

(Signed) Steve Fowler, Chairman

Judiciary
Corrected Report

LEGISLATIVE BILL 274. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Judiciary

LEGISLATIVE BILL 356. Indefinitely postponed.
LEGISLATIVE BILL 141. Placed on General File.
LEGISLATIVE BILL 481. Placed on General File.

LEGISLATIVE BILL 500. Placed on General File as amended.
Standing Committee amendments to LB 500:

1. On page 2, after the period in line 3 to the period in line 20, strike all old matter not previously stricken and show as stricken and strike all the new matter.

2. On page 3, after line 4 insert the following:

"(1) No bond shall be required of a personal representative when:

(a) The will expressly waives the bond, expressly requests that there be no bond, or waives the requirement of a surety thereon other than the personal representative;

(b) All of the heirs, if no will has been probated, or all of the devisees under a will which does not provide for relieving the personal representative of bond in accordance with subdivision (1) (a) of this section, file with the court a written waiver of the bond requirement. A duly appointed guardian or conservator may waive on behalf of his ward or protected person unless the guardian or conservator is the personal representative;

(c) The personal representative is a national banking association, a holder of a banking permit under the laws of this state, or a trust company holding a certificate to engage in trust business from the Department of Banking; or

(d) The petition for formal or informal appointment alleges that the probable value of the entire estate will permit summary procedures under section 30-24,127.

(2) In any case where bond is not required under subsection (1) of this section, the court may, upon petition of any interested person and upon reasonable proof that the interest of the petitioning person is in danger of being lost because of the administration of the estate, require a bond in such amount as the court may direct in order to protect the interest of the petitioner or of the petitioner and others. An heir or devisee who initially waived bond may be a petitioner under this sub-section.

(3) If a bond is not initially required because the petition for appointment alleges that the probable value of the entire estate will permit summary procedures under section 30-24,127, and it later appears from the inventory and appraisal that the value of the estate will not permit use of such procedures, then the personal representative shall promptly file a bond unless one is not required for some other reason under subsection (1) of this section.".

LEGISLATIVE BILL 527. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 580 Thursday, March 13, 1975 2:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

MOTION—Place LB 230 on General File

Mr. Cavanaugh moved to place LB 230 on General File notwithstanding the committee action.

Motion pending.

UNANIMOUS CONSENT—Change of Hearing Rooms

Mr. Murphy requested unanimous consent to use the West Chamber for a Banking, Commerce and Insurance Committee hearing today, March 4, 1975. No objections. So ordered.

Mr. Maresh asked unanimous consent to hold the Labor Committee hearing tomorrow March 5th in Room No. 1003 and the Appropriations Committee will hold its hearing in the Supreme Court Hearing Room. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 157A. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Kelly, 35th District; Maresh, 32nd District; Cavanaugh, 9th District; Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, Eighty-fourth Legislature, First Session, 1975.

LEGISLATIVE BILL 240A. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Kelly, 35th District; Maresh, 32nd District; Moylan, 6th District; Cavanaugh, 9th District; Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 240, Eighty-fourth Legislature, First Session, 1975.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 422. Placed on General File as amended.
Standing Committee amendments to LB 422:

1. On page 4, line 17 after "and" strike "executing" and insert "through the execution of"; and in line 27 strike "primary".

2. On page 5, line 8 after "of" insert "proper" and after "nursing" insert "practices;"; strike line 9; and in line 20 after "Performing" insert "the above act and" and strike "that" and insert "as".

3. On page 7, line 11 strike "registered".

4. On page 8, line 8 after "States" strike "or" and show as stricken; and in line 9 strike "Dominion of Canada" and show as stricken.

5. On page 9, line 13 after "be" insert "equally"; and in line 14 after "represented" insert "by the voting members".

6. On page 10 strike beginning with "Nebraska" in line 1 through "serve" in line 5 and show as stricken and insert "Governor may consult with appropriate professional nursing organizations regarding candidates for appointment"; in line 5 strike "from this list" and show as stricken; in line 9 after "Governor" insert "."; and strike beginning with "from" in line 9 through the period in line 12 and show the old matter as stricken.

7. On page 12 strike beginning with "have" in line 2 through the semicolon in line 4.

8. On page 20, line 13 after "fee" insert "." in line 14 strike "of five dollars." and show as stricken; and in line 18 strike "The" and insert "After January 1, 1980 the".

9. On page 24, line 16 strike "Has" and insert "~~Has~~ Commencing July 1, 1976, has" and strike "two" and insert "~~two~~ four".

10. On page 25, after line 15 insert the following:

"Sec. 19. The provisions of Chapter 84, article 9, shall apply to administrative proceedings required by this act.".

11. Renumber original sections 19 and 20 as sections 20 and 21 respectively.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Schmit asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

MOTION—Rule Changes

Mr. DeCamp moved the adoption of the rule change to Rule 4, found on pages 618 and 619 of the Journal for the Thirty-second Day.

Mr. Simpson offered the following amendment to Rule 4, Sec. 4:
Strike "or by unanimous consent".

The amendment was adopted with 32 ayes, 2 nays and 15 not voting.

Speaker Burbach 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 rule change to Rule 4, as amended, was adopted with 33 ayes, 6 nays and 10 not voting.

UNANIMOUS CONSENT—LR 17

Mr. Warner asked unanimous consent to withdraw his name from LR 17. No objections. So ordered.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Marvel asked unanimous consent to use the West Chamber for the Appropriations Committee Hearing on LB 244, Tuesday, March 11, 1975 at 2:00 p.m. No objections. So ordered.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 458. Placed on General File as amended.
Standing Committee amendments to LB 458:

1. On page 2, line 8, after "to" strike "such"; line 9, strike "financial" and insert "other"; line 11, after the comma strike "as" and show as stricken; strike line 12 and show as stricken; line 13, strike "Administrator" and show as stricken as insert "made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way by the Secretary of the Department of Housing and Urban Development or any other officer of agency of the federal government, or under or in connection with a housing or urban development program administered by the Secretary, or a housing or related program administered by any other such officer or agency"; line 13, after "insurance" insert ", guarantee, or assistance"; line 15, strike "Federal

Housing Administrator" and show as stricken and insert "Secretary of Housing and Urban Development or any other officer or agency of the federal government", and after "insures" insert "or guarantees"; line 16, after "insure" insert "or guarantee", and after "insurance" insert "or guarantee"; line 23, after "to" strike "such financial" and insert "other".

2. On page 3, lines 2 and 3 strike "Federal Housing Administrator" and show as stricken and insert "or guaranteed by the Secretary of Housing and Urban Development or any other officer or agency of the federal government."; line 3, after "the" strike "Federal" and show as stricken; line 4, strike "Housing Administrator" and show as stricken, and insert "Secretary of Housing and Urban Development".

(Signed) J. R. Murphy, Chairman

UNANIMOUS CONSENT–Bracket LB 111

Mr. Warner asked unanimous consent to bracket LB 111 on E & R Final and print the following amendment to LB 111 in the Journal. No objections. So ordered.

Amend LB 111, E & R amendment on page 687 of Journal.

Section 6 strike "five" in line 5 of section and insert "two".

ADJOURNMENT

At 12:07 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 1975.

Vincent D. Brown
Clerk of the Legislature

THIRTY-EIGHTH DAY—MARCH 5, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 5, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Gathered here this morning are a very special group of men - men who make laws - men who make decisions that affect the lives of millions of people. They are men who have pledged to be responsive to the needs of the people - men who have committed themselves to represent the best interests of their constituents. Like all of us, God, these men 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 men, 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 problem. 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 men 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 Mr. Stull who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 717, line 2, delete "Stull" and insert "Hasebroock".
The Journal for the Thirty-seventh Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 2. Replaced on Select File as amended.
E & R amendment to LB 2:
1. For correlation purposes, on page 2, line 2, page 7, line 2, and in the title, line 3, insert "as amended by section 1, Legislative Bill 186, Eighty-fourth Legislature, First Session, 1975," after the second comma; on page 6, line 5, strike "(a)" and "casual, and which is"; and on page 6, line 7, insert a period after "employer" and strike the rest of the sentence.

LEGISLATIVE BILL 45. Replaced on Select File as amended.
E & R amendment to LB 45:
1. In the Final Reading bill, page 2, line 4, strike "1974" and insert "1975".

LEGISLATIVE BILL 81. Replaced on Select File as amended.
E & R amendment to LB 81:
1. In lieu of the Simpson amendment adopted 3/4/75, in the Final Reading bill, strike beginning with the comma on page 2, line 14, through "plate" in line 17.

LEGISLATIVE BILL 234A. Replaced on Select File as amended.
E & R amendment to LB 234A:
1. Because of the Marvel amendment, strike the E & R amendment adopted 3/4/75.

LEGISLATIVE BILL 247. Replaced on Select File as amended.
E & R amendments to LB 247:
1. On page 2, line 18, strike ", services,".
2. In E & R amendment 4, line 1, insert "after 'funds' " after "and".
3. In the title, line 5, strike "commission" and insert "department"; and in line 6, strike "gifts, grants, and".

LEGISLATIVE BILL 309. Replaced on Select File as amended.
E & R amendment to LB 309:
1. In line 4 of E & R 1 adopted 3/4/75, strike the first "1974" and insert "1975".

Correctly Enrolled

The following bills were correctly enrolled: 227, 276, 284, 285, 286, 289, 293 and 354.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 227, 276, 284, 285, 286, 289, 293 and 354.

UNANIMOUS CONSENT—Print in Journal

Mr. Marvel asked unanimous consent to print the following amendments to LB 537 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office.)

UNANIMOUS CONSENT—Members Excused

Mr. R. Lewis asked unanimous consent to be excused Thursday, March 6, 1975. No objections. So ordered.

Messrs. Skarda and Nichol asked unanimous consent to be excused Friday, March 7, 1975. No objections. So ordered.

PRESENTED TO GOVERNOR

Presented to the Governor on March 5, 1975, at 8:50 a.m., were the following bills: 145, 60, 192A, 62, 75, 104, 192, 224, and 236.

(Signed) Barbara Jackson, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 555. Mr. Marvel moved to return LB 555 for the specific amendments found in the Journal on page 702 for the Thirty-sixth Day.

Mr. Marvel asked unanimous consent to withdraw the motion to return LB 555. No objections. So ordered.

Mr. F. Lewis requested a point of personal privilege on LB 555. The Chair ruled him out of order.

Mr. F. Lewis appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 13 ayes, 30 nays and 6 not voting.

The Chair was not sustained.

Mr. Warner moved to return LB 555 to Select File for the following specific amendment:
Strike the enacting clause

Mr. Warner asked unanimous consent to withdraw his motion. No objections. So ordered.

LEGISLATIVE BILL 555. With Emergency.

A BILL FOR AN ACT relating to the care and education of handicapped children; to provide financial assistance to school districts for resident handicapped children receiving special education services as prescribed; to provide duties of the school boards; to amend section 43-648, Reissue Revised Statutes of Nebraska, 1943; to provide when sections shall expire; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Dickinson	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Keyes	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 7:

Clark	Dworak	Kelly	Kennedy	Marvel
Murphy	Skarda			

Not voting, 2:

Kime Stull

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 260.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, of the Constitution of Nebraska by adding a new section 12, relating to revenue; to authorize tax increment bond legislation as a method of funding redevelopment projects; to provide for the submission of the proposed amendment to the electors; 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 primary election in May, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII of the Constitution of Nebraska, by adding thereto a new section 12, which is hereby proposed by the Legislature:

"Sec. 12. Notwithstanding any other provision in the Constitution, the Legislature by general law may authorize any city, village, municipality, county or other political subdivision or other public corporation of the state, under such terms and conditions as the Legislature may determine and without regard to charter limitations and restrictions, to incur indebtedness, whether by bonds, loans, notes, advance of money or otherwise, for the purpose of acquiring and redeveloping substandard or blighted property in a redevelopment project area as determined by law, and to pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all or such portion as the Legislature may determine of all taxes levied by all taxing bodies, which taxes shall be at such rate or rates as the Legislature may authorize, on the assessed valuation of the property in the project area that is in excess of the assessed valuation of such property for the year prior to such acquisition and redevelpment.

When such indebtedness and the interest thereon has been paid in full then such property thereafter shall be taxed as is other property in the respective taxing jurisdiction and such taxes applied as all other taxes of the respective taxing body."

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 may authorize a political subdivision to issue bonds for the funding of redevelopment projects, which bonds shall be paid by property taxes on new valuations in such projects.
> 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, 32:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Johnson	Keyes	Koch	F. Lewis	Luedtke
Mahoney	Marsh	Moylan	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Syas	Wiltse			

Voting in the negative, 16:

Barnett	Clark	Fowler	Hasebroock	Kelly
Kennedy	Kime	Kremer	R. Lewis	Maresh
Marvel	Mills	Murphy	Nichol	Rasmussen
Warner				

Not voting, 1:

Stull

Having failed to receive a constitutional four-fifths majority voting in the affirmative with the primary election clause attached, the question is "Shall the bill pass with the general election clause inserted?"

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 31:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	George	Goodrich
Johnson	Keyes	Koch	F. Lewis	Luedtke
Mahoney	Marsh	Moylan	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Syas				

Voting in the negative, 17:

Clark	Duis	Fowler	Hasebroock	Kelly
Kennedy	Kime	Kremer	R. Lewis	Maresh
Marvel	Mills	Murphy	Nichol	Rasmussen
Warner	Wiltse			

Not voting, 1:

Stull

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed with the general election clause and the title agreed to.

Mr. Kime asked unanimous consent to be excused for one hour. No objections. So ordered.

LEGISLATIVE BILL 13.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1974, Legislative Bill 1054, section 15; to delete the restriction on the appropriation for gerontology studies; to decrease an appropriation; 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, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald

Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Kime Stull

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

LEGISLATIVE BILL 77. With Emergency.

A BILL FOR AN ACT to amend sections 28-926.11 and 28-926.18, Revised Statutes Supplement, 1974, relating to offenses against public morals; to redefine a term; to provide obscenity guidelines; 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:

Anderson	Barnett	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Fitzgerald	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marvel
Mills	Moylan	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 3:

Chambers Dworak Murphy

Not voting, 6:

Bereuter	Fowler	Kime	Koch	F. 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 108. With Emergency.

A BILL FOR AN ACT to amend sections 2-1506.02, 2-1506.12, and 2-1506.14, Reissue Revised Statutes of Nebraska, 1943, relating to flood control; to define a term; to grant the Department of Water Resources powers over floodways or flood plains as prescribed; to provide duties of the Director of Water Resources; to provide penalties; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Cavanaugh	Chambers	Kime

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 251.

A BILL FOR AN ACT to amend sections 81-8,255, 81-8,256, and 81-8,257, Reissue Revised Statutes of Nebraska, 1943, relating to state boards and commissions; to change the membership on and rename the Nebraska Governor's Commission on the Status of Women; to limit

political party representation on the board; to provide authorization for receipt of money from various sources; to revise procedures for electing officers; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

DeCamp Kime

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

LEGISLATIVE BILL 290. Mr. Chambers moved to return LB 290 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 18 ayes, 26 nays and 5 not voting.

A BILL FOR AN ACT relating to juvenile courts; to provide conditions which the court may impose on the parent, guardian, or custodian as a prerequisite to the court permitting certain children to remain at home.

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:

Anderson	Barnett	Bereuter	Burbach	Carsten
Cavanaugh	Cope	DeCamp	George	Goodrich
Hasebroock	Johnson	Keyes	Koch	Kremer
F. Lewis	Luedtke	Marsh	Moylan	Murphy
Nichol	Rumery	Savage	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 14:

Chambers	Clark	Dworak	Fitzgerald	Fowler
Kelly	Kennedy	R. Lewis	Maresh	Marvel
Mills	Rasmussen	Schmit	Skarda	

Not voting, 5:

Burrows	Dickinson	Duis	Kime	Mahoney

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

SELECT FILE

LEGISLATIVE BILL 474. Mr. Marvel asked unanimous consent to hold until March 6, 1975. No objections. So ordered.

LEGISLATIVE BILL 427. E & R amendments found in the Journal on page 714 for the Thirty-seventh Day were adopted.

Mr. Clark offered the following amendments:

1. On page 8, insert "and" at the end of line 1; in line 16 strike "; and" and insert an underscored period; and strike lines 17 to 19.

2. On page 9, line 9, insert "and" after the second comma; and in lines 9 and 10 strike "and all public works of the state".

3. On page 10, reinstate the stricken matter in line 4.

4. On page 14, line 16, insert ", except for existing state-owned facilities," after "that"; and in line 18 strike "only".

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 20. E & R amendments found in the Journal on page 715 for the Thirty-seventh Day were adopted.

Mr. Goodrich offered the following amendments:

1. On page 3, line 5 after "agency" strike the underscored comma and insert an underscored period; strike "except in" and insert "In"; line 6 after "of" strike "two" and insert "one"; after "more" strike "where"; line 7 after "shall" insert "first be made to the proper law enforcement agency and thereafter shall", and after "made" insert "by the law enforcement agency"; line 26 after "agency" insert the following: "(1) to enter such report upon a record maintained by it, (2)".

2. On page 4, line 1 after "made" strike "and" and show as stricken and insert ",(3)"; line 2 after "warranted" insert an underscored comma; line 3 after the comma insert "(4)"; line 4 after the comma insert "and (5)"; line 24 after "the" insert "proper law enforcement agency in the county not later than the next working day after the receipt of any report and to the".

Mr. Goodrich requested a roll call vote.

The Chair ruled a roll call vote is in order after a machine vote has been announced.

Mr. Chambers appealed the ruling of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 19 ayes, 18 nays and 12 not voting.

The Chair was not sustained.

The Goodrich amendment lost with 17 ayes, 15 nays and 17 not voting.

Mr. Goodrich offered the following amendment:
To amend LB 20 on page 3, line 6, after "of" strike "Two" and insert one.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 22 ayes, 13 nays and 14 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

The Goodrich amendment was adopted with 26 ayes, 17 nays and 6 not voting.

Mrs. Marsh moved for reconsideration of the Goodrich amendment just adopted.

Mr. Murphy moved to recommit LB 20 to the Judiciary Committee for public hearing. The motion prevailed with 28 ayes, 8 nays and 13 not voting.

LEGISLATIVE BILL 152. E & R amendments found in the Journal on page 715 for the Thirty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 200. Laid over at request of Speaker Burbach.

LEGISLATIVE BILL 156. E & R amendment found in the Journal on page 716 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 15. Title read. Considered.

Advanced to E & R for Review with 42 ayes, 1 nay and 6 not voting.

UNANIMOUS CONSENT—Revert to Select File

Mr. Marvel asked unanimous consent to revert to Select File.

UNANIMOUS CONSENT—Unbracket LB 537

Mr. Marvel asked unanimous consent to unbracket LB 537 on Select File. No objections. So ordered.

MOTION—Return LB 537 to Select File

Mr. Clark moved to return LB 537 to Select File for the Marvel specific amendment referred to in this day's Journal on page 738 and the following Clark amendment:
To amend the Marvel Amendments found on pages 587-590 of the Legislative Journal.
On Page 587, lines 10 and 12, strike 106,186 and insert 108,131.
On page 588, line 17, strike 321,278 and insert 323,223; and on line 21, strike 383,373 and insert 385,318.
This amendment will increase the Secretary of State's budget by $1,945 general fund to pay for the Scottsbluff recount.
The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 537. The Clark-Marvel specific amendments referred to above were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

MOTION--Return LB 537 to Select File

Mr. Marvel moved to return LB 537 to Select File for the specific amendments found in the Journal on page 587-590 as amended by the Clark amendment adopted today. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 537. The Marvel specific amendments found in the Journal on pages 587-590, as amended, were adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Engrossment.

MOTION--Return LB 537 to Select File

Mr. Kelly moved to return LB 537 to Select File for the following specific amendment:
Strike 40,032 Cosmetology Program, Marvel Amendment.

Speaker Burbach 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. Kelly requested a record vote.

Voting in the affirmative, 16:

Anderson	Bereuter	Clark	Cope	DeCamp
Dworak	Kelly	Kennedy	Kime	R. Lewis
Marsh	Murphy	Nichol	Savage	Schmit
Warner				

Voting in the negative, 25:

Burbach	Burrows	Carsten	Cavanaugh	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Keyes
Koch	Luedtke	Mahoney	Maresh	Marvel
Mills	Moylan	Rasmussen	Rumery	Simpson
Skarda	Stoney	Stull	Swigart	Syas

Not voting, 8:

Barnett	Chambers	Dickinson	Duis	Johnson
Kremer	F. Lewis	Wiltse		

The Kelly motion lost with 16 ayes, 25 nays and 8 not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 15.

(Signed) W. H. Hasebroock

Had I been present on March 3, 1975, I would have voted "aye" on the following bills: 45, 60, 62, 104, 192, 192A, 224 and 236, and I would have voted "nay" on both votes on LB 98.

(Signed) R. D. Kelly

UNANIMOUS CONSENT—Member Excused

Mr. Mahoney asked unanimous consent to be excused Friday, March 7, 1975. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 111

Mr. Warner asked unanimous consent to bracket LB 111 on E & R Final until Tuesday, March 11, 1975. No objections. So ordered.

MOTIONS—Reconsider Action

Mr. Chambers moved to reconsider action on LB 260 on Final Reading.

Motion pending.

Mr. F. Lewis moved to reconsider action on LB 98.

Motion pending.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 443(and amendments thereon) Wednesday, March 12, 1975 2:00 p.m.

(Signed) Steve Fowler, Chairman

Miscellaneous Subjects

LB 566 Thursday, March 13, 1975 2:00 p.m.

(Signed) Gary L. Anderson, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 136, 180, 234 and 294.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 366. Placed on General File as amended.
Standing Committee amendment to LB 366:
1. On page 3, line 16 after "a" strike "member" and show as stricken and insert "Member" after "Institute" insert ", or a Residential Member"; line 18 after "Analyst" strike "or" and show as stricken and insert ",", and after "Appraiser" insert ", or a Senior Residential Appraiser".

(Signed) J. R. Murphy, Chairman

Appropriations

LEGISLATIVE BILL 448. Placed on General File as amended.
Standing Committee amendment to LB 448:
1. On page 2, lines 11 and 12 strike "his regular monthly" and show as stricken and insert "each pay period"; in line 12 strike "three" and insert "~~three~~ one"; and in line 13 strike "seventy-five" and insert "~~seventy-five~~ twenty-five".

LEGISLATIVE BILL 466. Placed on General File as amended.
Standing Committee amendments to LB 466:
1. On page 3, line 19 strike "may, upon proper request from" and show as stricken and insert "or"; line 20 strike the comma and show as stricken and insert "may"; and line 21 after "the" insert "Department of Public Institutions or the".
2. On page 4, line 5 after "Institutions" insert "or the Department of Correctional Services"; and line 8 after "trans-

ferred" insert "by the respective department".

3. On page 5 strike original section 7.

4. On page 6, line 20 after the second comma insert "and"; and after "83-363," strike "and 83-376,".

5. Renumber original sections 8 to 11 as 7 to 10 respectively.

LEGISLATIVE BILL 473. Placed on General File as amended.
Standing Committee amendments to LB 473:

1. On page 2 insert two new sections to read as follows:

"Section 1. That section 81-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-125. (1) The governor shall ~~on or~~ before the ~~thirtieth day~~ expiration of fourteen calendar days after the convening of each regular session of the Legislature present to the Legislature a complete itemized budget for all the activities of the state receiving appropriations or requesting appropriations. Such budget shall be a tentative work program for the coming biennium, containing a full and itemized report of the expenditures from appropriations made by the previous Legislature and the items which the Governor deems worthy of consideration for the coming biennium for the respective departments, offices and institutions, and for all other purposes; the estimated revenue from taxation, the estimated revenue from sources other than taxation, and an estimate of the amount required to be raised by taxation. The budget as transmitted to the Legislature shall show the estimated requirements for each activity of the state as prepared by the Department of Administrative Services and the final recommendation of the Governor. The budget shall comprise the complete report to the Legislature of all appropriations made by the previous Legislature and expenditures therefrom by all agencies receiving appropriations, and the report of expenditures contained in the budget shall be in lieu of all other biennial or other financial reports required by statute to the Legislature by expending agencies of appropriations and expenditures for their own activities, except the biennial report of the State Treasurer and Director of Administrative Services.

(2) The Governor's budget recommendations shall include recommendations to correct funding deficiencies which involve all commissions, boards, and agencies which have or may have in the current fiscal year, insufficient funds to carry out the programs charged to such agency. The recommendations shall include all necessary fund adjustments involved with such insufficient fund situations.

Sec. 2. That section 81-132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-132. (1) It shall be the duty of all departments, offices and institutions of the state government requesting appropriations, to file in the office of the Director of Administrative Services on or before ~~September~~ October 15 the blanks which were furnished them by the director, which blanks shall show their total estimated requirements for the next biennium for each unit of their organization and activity, classified as to object of expenditure. With such blanks,

each department, office, institution and expending agency shall file a report showing all money received by such department, office, institution or expending agency, together with the estimated receipts for the coming biennium. Such estimates shall be accompanied by a statement in writing giving facts and explanations of reasons for each item of increased appropriation requested.

(2) No extension of the deadline for filing budget requests, pursuant to this section, shall be granted. Where an emergency or unforeseen events require such budget to be amended or corrected by the department, office, or institution, the Director of Administrative Services shall adopt and promulgate regulations to be used for amending and correcting the filed budgets.".

2. On page 3, after line 16 insert a new section as follows:

"Sec. 4. Any state agency which fails to submit its budget requests by October 15 shall be subject to the following penalties: (1) The name of the agency and chief executive officer of the agency shall be published in a newspaper of general circulation which publication shall state the noncompliance of such agency; and (2) the salary of the chief executive officer of the agency shall be withheld and forfeited for each day that the budget is not filed after October 15."; in line 17 strike "section" and insert "sections 81-125, 81-132, and"; and in line 18 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 3 and 5 respectively.

LEGISLATIVE BILL 529. Placed on General File as amended.

Standing Committee amendments to LB 529:

1. Insert four new sections to read:

"Sec. 8. That section 18, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 18. Agency No. 65 —— Department of Administrative Services

(1) Program No. 049 —— Departmental Administration

GENERAL FUND	61,620
FEDERAL FUND est.	15,000
PROGRAM TOTAL	76,620

(2) Program No. 171 —— Supporting Services, Materials Division

GENERAL FUND	139,005
REVOLVING FUND est.	975,616
PROGRAM TOTAL	1,114,621

(3) Program No. 172 —— Supporting Services, Central Data Processing

The director and administrator shall develop, with the assistance of user agencies, a state plan for computerization which shall include such components as will effectively meet the needs of state agencies, boards, and commissions. Such plan shall be filed, along with the budget request, by the administrator. The plan shall be renewed annually and include, but not be limited to, the following components:

(a) Application and scope of computer network system;

(b) Definition of standards and common data elements;

(c) Program continuation requirements;

(d) Workload expansion requirements;

(e) New program requirements;

(f) Scope of services provided centrally; and

(g) Scope of services provided remotely or through additional computer locations.

The director and administrator shall review and approve all proposals for equipment and system modifications, whether purchased, leased, or rented, for all state agencies, boards, and commissions, to insure that such proposals are within the scope of the state plan for electronic data processing.

The administrator shall maintain a current inventory of all data processing equipment and system applications, along with indicators of utilization.

The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated.

GENERAL FUND	78,396
CASH FUND	4,137,387
PROGRAM TOTAL	4,215,783

(4) Program No. 173 -- Communications

There is included in the amount shown funds for a director and clerical staff to administer the provisions of section 81-1120.04 and related statutes.

GENERAL FUND	26,528
PROGRAM TOTAL	26,528

(5) Program No. 175 -- Supporting Services, Central Telephone System

REVOLVING FUND est.	60,123
PROGRAM TOTAL	60,123

(6) Program No. 179 -- General Services

GENERAL FUND	40,140
REVOLVING FUND est.	545,393
PROGRAM TOTAL	585,533

(7) Program No. 509 -- Budget Administration

GENERAL FUND	24,100
FEDERAL FUND est.	27,647
PROGRAM TOTAL	271,747

(8) Program No. 510 -- Social Security Administration

GENERAL FUND	~~27,610~~ 125,768
PROGRAM TOTAL	~~27,610~~ 125,768

There is included in the amount shown $98,158 General Funds for the payment of the state's contribution and interest liability for social security.

(9) Program No. 511 -- Planning and Programming

GENERAL FUND	142,771
FEDERAL FUND est.	458,918
PROGRAM TOTAL	601,689

(10) Program No. 560 -- Buildings and Grounds

There is included in the amount shown $64,817 General Funds for the operation and maintenance of the state laboratory, which amount shall not be spent for any other purpose. There is also included $600 General Funds to maintain the voting machine in the legislative chamber.

GENERAL FUND	794,887
PROGRAM TOTAL	794,887

(11) Program No. 567 –– Fiscal Administration

There is included $352,750 General Funds which shall be used to accomplish the following minimum objectives:

(a) Publish a correct and current state accounting manual by October 1, 1974;

(b) Develop and implement a comprehensive personnel-payroll data system by July 1, 1975. It is the intent of the Legislature that all state agencies, boards, and commissions cooperate with the Department of Administrative Services, Department of Personnel, and Joint Merit System so that a common system of information relating to personnel and payroll can be established; and

(c) Develop and present by March 1, 1975, to the Governor and Legislature, several alternatives for the implementation of an accrual accounting system.

There is included in the amount shown funds to employ additional staff to improve the processing of documents in the accounting division.

GENERAL FUND	935,751
PROGRAM TOTAL	935,751

For Informational Purposes Only: Total Appropriations to Agency No. 65 and Fund Source

GENERAL FUND	~~2,490,808~~ 2,588,966
CASH FUND	4,137,387
FEDERAL FUND est.	501,565
REVOLVING FUND est.	1,581,132
AGENCY TOTAL	~~8,710,892~~ 8,809,050

Sec. 9. That section 8, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 8. The Department of Public Institutions is hereby authorized to renovate "R" Building, Lincoln Regional Center, with a total project cost not to exceed ~~$1,060,000~~ $1,399,400. There is hereby appropriated $750,000 from the State Building Fund and $339,400 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1975, to complete working drawings and the initial construction phase for the "R" Building renovation project. The unexpended balances existing in such appropriations on June 30, 1975, are hereby reappropriated. There is hereby appropriated $310,000 from the State Building Fund for the fiscal year ending June 30, 1976, for obligations and expenditures to complete the "R" Building renovation project.

Sec. 10. The Department of Correctional Services is hereby authorized to purchase the Crete Missile Base with a total cost not to exceed $75,000 for the purpose of establishing a Chemical Dependency Facility. The Department of Correctional Services is further authorized to make the necessary repairs and renovations to the facility, including the purchase of equipment, with a total cost not to exceed $43,200. There is hereby appropriated $11,820 from the State

Building Fund and $106,380 from federal funds for the fiscal year ending June 30, 1975 for the purchase and renovation of the Crete Missile Base for use as a Chemical Dependency Facility. The unexpended balances existing in such appropriations on June 30, 1975 are hereby reappropriated.

Sec. 11. That section 50, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 50. The University of Nebraska Medical Center is hereby authorized to construct a School of Pharmacy facility with a total project cost from state funds not to exceed $2,600,000. There is hereby appropriated $145,000 from the State Building Fund for the fiscal year ending June 30, 1975, for physical planning. ~~and the demolition of the Child Savings Institute.~~ There is hereby appropriated $1,500,000 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1976, for obligations and expenditures for the initial construction phase of the School of Pharmacy building project. There is hereby appropriated $955,000 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1977, for obligations and expenditures to complete the School of Pharmacy project.".

2. Renumber original sections 8 and 9 as sections 12 and 13.

3. On page 37, line 9, strike the first "and" and strike "and 8" and insert "8, and 18"; and in line 10 insert ", and sections 8 and 50, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974" after "1974".

(Signed) Richard D. Marvel, Chairman

Judiciary

LEGISLATIVE BILL 23. Placed on General File as amended.
Standing Committee amendments to LB 23:

1. Strike original sections 1 to 10 and insert the following:

"Section 1. The Legislature hereby recognizes and declares that it is of vital importance to the welfare of the citizens of this state that laws be enacted which respond to the needs and desires of society. The Legislature also recognizes and declares that the citizens of the state should have and enjoy the right to privacy in respect to their person and their activites. Such findings are especially applicable in the area of criminal sexual offenses and the laws which are concerned with such offenses. It is the intent of the Legislature to enact laws dealing with sexual assault and related criminal sexual offenses which will protect the dignity of the victim at all stages of judicial process, which will insure that the alleged offender in a criminal sexual offense case have preserved the constitutionally guaranteed due process of law procedures, which will preserve the rights of privacy and freedom from undesirable publicity, and which will establish a system of investigation, prosecution, punishment, and rehabilitation for the welfare and benefit of the citizens of this

state as such system is employed in the area of criminal sexual offenses.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Actor shall mean a person accused of sexual assault;

(2) Intimate parts shall mean the genital area, groin, inner thighs, buttocks, or breast;

(3) Serious personal injury shall mean great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;

(4) Sexual contact shall mean the intentional touching of the victim's sexual or intimate parts, the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact includes only that aforementioned conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification;

(5) Sexual penetration shall mean sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's body or any object manipulated by the actor into the genital or anal openings of the victim's body. Sexual penetration does not require emission of semen; and

(6) Victim shall mean the person alleging to have been sexually assaulted.

Sec. 3. (1) A person shall be guilty of sexual assault in the first degree when such person subjects another person to sexual penetration, and (a) overcomes the victim by force, threat of force, express or implied, coercion, or deception, (b) knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) the actor is more than eighteen years of age and the victim is less than thirteen years of age.

(2) Sexual assault in the first degree shall be punishable by imprisonment in the Nebraska Penal and Correctional Complex for not less than one year nor more than fifty years. The sentencing judge shall consider whether the actor shall have caused serious personal injury to the victim in reaching his decision on the sentence.

Sec. 4. (1) A person shall be guilty of sexual assault in the second degree when such person subjects another person to sexual penetration and threatens to injure the person or another person with a dangerous weapon.

(2) Sexual assault in the second degree shall be punishable by imprisonment in the Nebraska Penal and Correctional Complex for not less than one year nor more than twenty years.

Sec. 5. (1) A person shall be guilty of sexual assault in the third degree when such person subjects another person to sexual contact, and (a) overcomes the victim by force, threat of force, express or implied, coercion, or deception, or (b) knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct.

(2) Sexual assault in the third degree shall be punishable by imprisonment for not more than one year unless the actor shall have caused serious personal injury to the victim, in which case it shall be punishable by imprisonment in the Nebraska Penal and Correctional Complex for not more than fifteen years.

Sec. 6. (1) Upon motion to the court by either party in a prosecution on a case of sexual assault, an in-camera hearing shall be conducted in the presence of the judge, under guidelines established by the judge, to determine the relevance of evidence of the victim's or defendant's past sexual conduct.

(2) If it is determined that there is relevant evidence concerning the past sexual conduct of the victim or the defendant, such evidence shall be admissible during the prosecution, but only to the extent allowed by the judge.

(3) Specific instances of prior sexual activity between the victim and any person other than the defendant shall not be admitted into evidence in prosecutions under this act unless consent by the victim is at issue, when such evidence may be admitted if it is first established to the court at an in-camera hearing that such activity shows such a relation to the conduct involved in the case and that it tends to establish a pattern of conduct or behavior on the part of the victim which is relevant to the issue of consent.

Sec. 7. A person shall not be guilty of criminal sexual assault under this act if the victim is his or her legal spouse unless the couple is living apart and one of them has filed for separate maintenance and support or for divorce.

Sec. 8. If the defendant in any prosecution on a case of sexual assault shall be convicted, the court shall conduct hearings and receive all evidence necessary to determine whether any particular medical or psychiatric treatment may be employed to prevent the recurrence of any sexual assault perpetrated by the defendant, and the court shall have the authority to impose such treatment.

Sec. 9. That section 28-401, Revised Statutes Supplement, 1974, be amended to read as follows:

28-401. Whoever shall purposely and of deliberate and premeditated malice or in the perpetration of or attempt to perpetrate any ~~rape~~ sexual assault in the first or second degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary, or by administering poison, or causing the same to be done, kill another; or, whoever by willful and corrupt perjury or subornation of the same, shall purposely procure the conviction and execution of any innocent person, every person so offending shall be deemed guilty of murder in the first degree, and upon conviction thereof shall suffer death or shall be imprisoned in the Nebraska Penal and Correctional Complex during life. The punishment shall be determined and fixed in the manner provided by sections 29-2520 to 29-2524.

Sec. 10. That section 28-919, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-919. Whoever has carnal copulation with a beast, ~~or in a opening of the body except sexual parts with another human being,~~ shall be guilty of ~~sodomy~~ a felony and shall be imprisoned in the Nebraska Penal and Correctional Complex not more than twenty years.

Sec. 11. That section 28-929, Revised Statutes Supplement, 1974, be amended to read as follows:

28-929. (1) Whoever shall debauch the person or deprave the morals of any boy or girl under the age of ~~twenty-one~~ nineteen years, (a) either by lewdly inducing such boy carnally to know any femal person, or lewdly inducing such girl carnally to know any male person; (b) by communicating to any such boy or girl, by indecent bodily contact with the person of such boy or girl, any venereal or other loathsome disease; (c) by soliciting any such boy or girl to visit a house of prostitution or other place where prostitution, debauchery, or other immoral practices are permitted or encouraged, for the purpose of prostitution, sexual intercourse, or other immoral practices; (d) by directing or accompanying any such boy or girl to any such place for such purpose or purposes; (e) by arranging or assisting in arranging any meeting for such purpose between any such

boy or girl and any female or male of dissolute character or any inmate of any place where prostitution, debauchery, or other immoral practices are permitted or encouraged; or (f) by arranging or aiding or assisting in arranging any meeting between any such boy or girl and any other person of the opposite sex for the purpose of sexual intercourse, or other immoral practices; (2) whoever shall fondle or massage in an indecent manner the sexual organs of any boy or girl under the age of sixteen years; or (3) whoever, being of the age of eighteen years or upward, shall willfully make an indecent exposure of his or her person to any boy or girl under the age of sixteen years, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished as follows: If such conviction is for a first offense, such person, before sentence is imposed by the court, may be examined by two physicians as provided by sections 29-2901 to 29-2907 and, if such person is found to be a sexual sociopath, he or she shall be confined as provided by sections 29-2901 to 29-2907, but if such person is not found to be a sexual sociopath, he or she shall be fined in any sum not exceeding five hundred dollars or imprisoned in the county jail not to exceed six months, or both such a fine and imprisonment, or imprisoned in the Nebraska Penal and Correctional Complex for not less than one nor more than five years; and if such conviction is for a second offense, such person, before sentence is imposed by the court, shall be examined by two physicians as provided by sections 29-2901 to 29-2907 and, if such person is found to be a sexual sociopath, he or she shall be confined as provided by sections 29-2901 to 29-2907, but if such person is not found to be a sexual sociopath, he or she shall be imprisoned in the Nebraska Penal and Correctional Complex for not less than ~~five years~~ one year nor more than ten years.

Sec. 12. That original section 28-919, Reissue Revised Statutes of Nebraska, 1943, and sections 28-401 and 28-929, Revised Statutes Supplement, 1974, and also sections 28-407 and 28-409, Reissue Revised Statutes of Nebraska, 1943, and section 28-408, Revised Statutes Supplement, 1974, are repealed.".

2. In the title line 2 strike "28-409" and insert "28-919"; in line 3 strike "section" and insert "sections 28-401 and"; in line 8 strike "28-919" and insert "28-409".

(Signed) Roland A. Luedtke, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 350. Placed on General File.

LEGISLATIVE BILL 437. Placed on General File as amended.
Standing Committee amendment to LB 437:

1. On page 3, line 6, after "annuities" strike ", qualified" and insert "if, in the judgment of the company, such plans constitute qualified plans".

LEGISLATIVE BILL 304. Indefinitely postponed.
LEGISLATIVE BILL 369. Indefinitely postponed.

(Signed) J. R. Murphy, Chairman

UNANIMOUS CONSENT–Bracket LB 28

Mr. Dworak asked unanimous consent to bracket LB 28 on E & R Final. No objections. So ordered.

VISITORS

President Whelan introduced 19 graduate students, and instructor Dr. Dale Mills of Kearney State College, Kearney, Nebraska; 80 4th grade students and teachers from Millard, Nebraska; 4 students from Iowa State University.

Mr. Savage introduced 49 students and teachers from Calvert Elementary School, Auburn, Nebraska.

ADJOURNMENT

At 12:11 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, March 6, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 6, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father Almighty from all eternity:
>
> In whose eyes a thousand years are but as yesterday when it is past, and as a watch in the night, guide and direct the Nebraska Legislature as we prepare now to invest yet another of the segments of time entrusted to our use.
>
> The needs of the moment are many and pressing, and we may be inclined to forget that current needs seem always of such magnitude; therefore we would ask that they might not seem so overwhelming in our thoughts as to obscure the more distant goals toward which we should be advancing.
>
> We feel that we might become better equipped to handle the pressures of the present, if our roots are sent deep into the soil of eternal values.
>
> This is why we pray just now. Not because of any worthiness on our part; not because of any inherent right to special privilege or favor; but simply because we want to do our part to improve the allotment of time which is uniquely our own.
>
> So hear us, and help us today - and throughout this week. Amen.

ROLL CALL

The roll was called and all members were present except Mr. R. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 754, second line 16 of the amendment strike "24,100" and insert "244,100".

The Journal for the Thirty-eighth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 5, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 27, 83, 125, 131, 165, 171, 194, 196, 312, and 355.

These bills were signed by me on March 4, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 6, 1975, at 8:40 a.m., were the following bills: 227, 276, 293, 289, 354, 284, 285, and 286.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 19, 156 and 283.

Correctly Enrolled

The following bills were correctly enrolled: 13, 77, 108, 251, 260, 290 and 555.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 13, 77, 108, 251, 260, 290 and 555.

UNANIMOUS CONSENT–Refer LR 17

Mr. Goodrich asked unanimous consent to refer LR 17 to a committee for public hearing. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 200. E & R amendment found in the Journal on page 715 for the Thirty-seventh Day was adopted.

Mr. Dworak offered the following amendment:

1. Strike sections 1 and 2 and insert a new section 1 to read as follows:

"Section 1. Upon receipt of notice of a pardon granted by any mayor of any city or any chairman of the board of trustees of any village, the Director of Motor Vehicles shall not restore points assessed against an individual as provided by section 39-669.26, Revised Statutes Supplement, 1974, or reinstate any permit to operate a motor vehicle revoked pursuant to section 39-669.27, Reissue Revised Statutes of Nebraska, 1943.".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 474. Mr. Marvel asked unanimous consent to hold the bill over. No objections. So ordered.

LEGISLATIVE BILL 2. E & R amendment found in the Journal on page 737 for the Thirty-eighth Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 45. E & R amendment found in the Journal on page 737 for the Thirty-eighth Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 81. E & R amendment found in the Journal on page 737 for the Thirty-eighth Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 234A. E & R amendment found in the Journal on page 737 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 247. E & R amendments found in the Journal on page 737 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 309. E & R amendments found in the Journal on page 737 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 81 to Select File

Mr. Warner moved to return LB 81 to Select File for the following specific amendments:

1. Strike E & R amendment 2. to LB81 as printed on Journal page 442 and adopted, Journal page 462.

2. Strike the Warner amendment to LB81 as printed and adopted on Journal page 418.

3. In lieu of the stricken amendments, on pages 4 and 5, strike lines 24 to 27 and lines 1 to 5 respectively, showing the old matter as stricken, and insert the following:

"(6) Collectors who, on the effective date of this act, have vehicles registered and licensed as antique vehicles shall be permitted to retain such registration and license if the collector submits an affidavit to the Department of Motor Vehicles sworn to by the vehicle owner that the vehicle is being collected, preserved, restored, and maintained as a hobby and not for the general use of the vehicle. Such collectors shall also comply with the registration requirements of subsection (7) of this section, but no additional fee shall be charged for such reregistration. If an owner of any vehicle presently registered and licensed as an antique vehicle cannot, in good faith, comply with the requirements of this subsection or subsection (7) of this section, then the owner shall register such vehicle as a regular passenger vehicle within one year after the effective date of this act, and shall pay the taxes and fees assessed for such registration.".

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 81. The Warner specific amendments found in this day's Journal were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 28 to Select File

Mr. Dworak moved to return LB 28 to Select File for the following specific amendments:

1. On page 2, line 19, strike "; any" and show as stricken and insert ". A policy covering the policyholder and his family which provides maternity coverage, shall contain no disclaimer waiver, or other limitation of coverage relative to the maternity coverage for single, unwed women who are children of, or dependents of, the policyholder. Any".

2. On page 4, line 16, strike "and" and show as stricken and after "(7)" insert "it contains no disclaimer, waiver, or other limitation of coverage relative to the accident and sickness coverage in relation to drug abuse and alcoholism; and (8)".

Mr. Kelly asked unanimous consent to hold the motion over.

Mrs. Marsh objected.

Mr. Koch moved the previous question. The question is, "Shall debate now close?" The motion prevailed with 26 ayes, 8 nays and 15 not voting.

Mr. Dworak asked unanimous consent to withdraw his motion to return LB 28 to Select File for the specific amendments. No objections. So ordered.

Mr. Dworak asked unanimous consent to print the following amendments in the Journal. No objections. So ordered.

1. On page 2, line 19, strike "; any" and show as stricken and insert ". A policy covering the policyholder and his family which provides maternity coverage, shall contain no disclaimer waiver, or other limitation of coverage relative to the maternity coverage for single, unwed women who are children of, or dependents of, the policyholder. Any".

2. On page 4, line 16, strike "and" and show as stricken and after "(7)" insert "it contains no disclaimer, waiver, or other limitation of coverage relative to the accident and sickness coverage in relation to drug abuse and alcoholism; and (8)".

UNANIMOUS CONSENT–Unbracket LB 28

Mr. Kelly asked unanimous consent to unbracket LB 28 on E & R Final.

Mr. Dworak objected.

Mr. Kelly moved to unbracket LB 28 on E & R Final.

The motion lost with 8 ayes, 18 nays and 23 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 152. Replaced on Select File as amended.
E & R amendment to LB 152:

1. On page 3, line 10, strike ", the",
and insert ". ~~the~~ Upon such approval, the".

LEGISLATIVE BILL 427. Replaced on Select File as amended.
E & R amendment to LB 427:

1. On page 12, line 22, strike "Nebraska".

LEGISLATIVE BILL 537. Placed on Select File as amended.
E & R amendments to LB 537:

1. Renumber sections as follows: Those sections amending sections 7, 23, 28, 44, 45, 46, and 53 of Legislative Bill 997 as sections 1 to 7 respectively; those sections amending sections 5 and 7 of Legislative Bill 1053 as sections 8 and 9 respectively; those sections amending sections 14 to 17 of Legislative Bill 1054 as sections 10 to 13, respectively; the section amending section 3 of Legislative Bill 1057 as section 14; and original sections 6 and 7 as sections 15 and 16.

2. In lieu of the second Clark amendment, in the Marvel amendments, page 588 of the Journal, in numbered line 17, strike "321,278" and insert "~~321,278~~ 323,223".

3. For correlation purposes, in renumbered section 11, line 2, insert ", as amended by section 1, Legislative Bill 13, Eighty-fourth Legislature, First Session, 1975" after "1974"; in Program No. 791, page 2, line 13, strike "152,452" and insert "76,452" and strike the lines 14 to 20; and in Program No. 791, page 7, strike the stricken matter in line 8 and insert "~~5,034,668~~"; strike line 9 and insert "5,059,668"; in line 12, strike the stricken matter and insert "~~10,857,265~~"; and strike line 13 and insert "10,882,265"; on the last page of the section, strike the stricken matter in line 10 and insert "~~8,899,079~~"; strike line 11 and insert "8,924,079"; in line 15, strike the stricken matter and insert "~~17,800,196~~"; and strike line 16 and insert "17,825,196".

4. In lieu of all previous amendments thereto, on page 20, line 8, strike "28, 45," and insert "7, 23, 28,

44, 45, 46," in line 10, strike "section 5" and insert "sections 5 and 7"; in line 14 strike "and" and insert "sections 14, 16, and 17, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974,"; and in line 15 insert ", and section 15, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, as amended by section 1, Legislative Bill 13, Eighty-fourth Legislature, First Session, 1975" after "1974".

5. In the title, line 2, strike "28, 45," and insert "7, 23, 28, 44, 45, 46,"; in line 4 strike "section 5" and insert "sections 5 and 7"; and in line 9 strike "and" and insert "sections 14, 16, 17, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974,"; and in line 11 insert ", and section 15, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, as amended by section 1, Legislative Bill 13, Eighty-fourth Legislature, First Session, 1975" after "1974"; and in line 12 strike "increase" and insert "change various items of".

LEGISLATIVE BILL 492. Placed on Select File as amended.
E & R amendment to LB 492:

1. In the title, strike beginning with the second "to" in line 4 through the semicolon in line 5, and insert "to provide a presumption of legal organization; to change powers as prescribed;".

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendment to LB 273:

1. On page 2, insert an underscored comma after "therein" in line 8.

LEGISLATIVE BILL 66. Placed on Select File as amended.
E & R amendments to LB 66:

1. On page 6, line 22, strike "prescribed" and insert "set".

2. On page 7, line 3, strike "said" and insert "such"; and strike beginning with "the" in line 15 through "with" in line 16, and insert "all deficiencies found by inspection of such shop have been corrected".

3. On page 8, line 14, strike "so" and insert "in such a manner"; and in line 18 strike "fixed" and insert "set".

LEGISLATIVE BILL 188. Placed on Select File as amended.
E & R amendments to LB 188:

1. In lieu of the Marvel amendment, add 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 6, strike "and"; and in line 7, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 206. Placed on Select File.
LEGISLATIVE BILL 240. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 35
March 4, 1975

Dear Senator Stoney:

You have requested our opinion as to the constitutionality of Legislative Bill 432, which provides for the appointment rather than election of the county sheriff in counties with a population of 200,000 or more.

> Article IX, section 4 of the Constitution of Nebraska provides:
> "The Legislature shall provide by law for the election of such county and township officers as may be necessary * * *."

In State ex rel. O'Connor v. Tusa, 130 Neb. 528, the Nebraska Supreme Court held that a legislative act which provided for the appointment of county officers, such as register of deeds, was contrary to Article IX, section 4 and, therefore, void. The same reasoning, we believe, is applicable to the office of county sheriff. Accordingly, it is our opinion that L.B. 432 would be held void in the event it were subjected to a constitutional attack.

Furthermore, we believe it is impossible to amend this bill, or otherwise to draft legislation providing for the appointment of a county sheriff, without there first being adopted an enabling constitutional amendment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assitant Attorney General

CCS;smh
cc: Mr. Vincent Brown
Clerk of the Legisalture

Opinion No. 36
March 5, 1975

Dear Senator Chambers:

This is in reply to your letter of March 4, 1975, concerning Legislative Bill 432 which provides for the appointment of county sheriffs in counties with a population of 200,000 or more. As you know, Senator Stoney has directed to us an inquiry regarding the constitutionality of this bill; and we enclose a copy of our reply to him.

We note your comment to the effect that is the constitutional provision empowering the Legislature to create county offices automatically required those positions to be filled by election, no county offices could be created without their being filled by election. Atricle IX, Section 4 of the Constitution does not enumerate the county officers to which the election provision has reference. As was observed by the court in State ex rel. O'Connor v. Tusa, 130 Neb. 528, the words "office" and "officer" are terms of vague and variable import, the meaning of which necessarily varies with the connection in which they are used; and, to determine the correct meaning in any particular instance, regard must be had to the intention of the statute and the subject matter in reference to which the term is used. Not all persons who may be considered or referred to as county officials are "county officers," within the meaning of Article IX, Section 4 of the Constitution. In our opinion, the constitutional provision regarding the election of officers has reference to the traditional executive branch type of offices which the Legislature has created; that is to say, county clerk, county assessor, county attorney, county treasurer, register of deeds, clerk of the district court and county sheriff.

We do not share your interpretation of Dinsmore v. State, 61 Neb. 418, as being authority for the proposition that the Legislature may in its discretion decide whether all or any of the traditional county officers shall be elected or appointed. In the context of the Dinsmore case, it is our belief that the word "character," as used in the excerpt from the opinion which you quote, has reference to the status or capacity in which the various county officers shall function.

Nor do we see anything of significance in the fact that the Director of the Division of Corrections in counties of 300,000 or more population is an appointive officer. There still remains an elected sheriff who performs the customary duties of that office, with the only apparent function of the County Board of Corrections and the Division of Corrections being to assist the sheriff in carrying out his duties and responsibilities in the operation of the county jail in a progressively enlightened manner.

As we indicated in our opinion to Senator Stoney, in our judgment L.B. 432 is seriously vulnerable to constitutional attack.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistnat Attorney General

CCA:jc
cc: Vincent D. Brown
Clerk of the Legislature
enc.

MOTION—Reconsider Action on LB 260

Mr. Chambers renewed his pending motion found in the Journal on page 750 for the Thirty-eighth Day to reconsider action on LB 260 on Final Reading.

The President ruled the motion is not debatable.

Mr. Warner appealed the decision of the Chair.

The question is "Shall the Chair be sustained?" The motion lost with 6 ayes, 27 nays and 16 not voting. The Chair was not sustained.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays and 16 not voting.

The Chambers motion to reconsider action on LB 260 lost with 23 ayes, 23 nays and 3 not voting.

MOTION—Reconsider Action on LB 98

Mr. F. Lewis renewed his pending motion found in the Journal on page 750 for the Thirty-eighth Day to reconsider action on LB 98 on Final Reading.

Mr. Stoney moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays and 15 not voting.

The F. Lewis motion to reconsider action on LB 98 lost with 25 ayes, 20 nays and 4 not voting.

MOTION–Place LB 230 on General File

Mr. Cavanaugh renewed his pending motion found in the Journal on page 732 for the Thirty-seventh Day to place LB 230 on General File notwithstanding the committee action.

The motion lost with 26 ayes, 16 nays and 7 not voting.

REFERENCE COMMITTEE REPORT

LR	Committee
17	Appropriations

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT–Change of Hearing Room

Mr. Schmit asked unanimous consent for the Agriculture and Environment Committee to use the West Chamber for a hearing this afternoon, March 6, 1975 at 2:00 p.m. No objections. So ordered.

NOTICE OF COMMITTEE REPORT
Committee on Committees

The Committee on Committees will meet at 12:00 Noon, Wednesday, March 12, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

John B. Cassel – Board of Educational Lands & Funds
Henry Ley – Board of Trustees, Nebraska State Colleges
Murl Mauser – Board of Trustees, Nebraska State Colleges
Ed O'Shaughnessy – Commission on Fire Fighting Personnel Standards

March 19, 1975

The Committee on Committees will meet at 12:00 Noon, Wednesday, March 19, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Francis Hanna – Motor Vehicle Industry Licensing Board
Marlin Armbruster – Motor Vehicle Industry Licensing Board
Roy R. Robertson – Power Review Board

(Signed) John S. Savage, Chairman

ANNOUNCEMENT

Mr. Anderson announced the Miscellaneous Subjects Committee will hold an Executive Session, Thursday, 6 March 1975 at 1:30 p.m. in Room 1019.

SELECT COMMITTEE REPORT
Rules

Mr. President,

The Rules Committee met Tuesday afternoon, March 4, 1975 and took the following action:

A proposal to limit the number of bills drafted was rejected by the Committee, with Senator R. Lewis voting for the proposal.

A proposal to allow written communication between lobbyists and Senators on the floor and a proposal to designate an area for lobbyists to meet with Senators were tabled for further consideration.

The Rules Committee acted favorably on the following two rule changes:

RULE 5

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 and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(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) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, these bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitations.~~

RULE 5

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 and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature. A standing, select, or special committee and the Executive Board of the Legislative Council shall introduce no more than ten bills.
(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) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members or committee bills. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

(Signed) John W. DeCamp, Chairman

NOTICE OF COMMITTEE HEARING
Judiciary

LB 20 Wednesday, March 12, 1975 2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

March 6, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Tom Doyle – Code of Ethics Board

No one appeared in support of Mr. Doyle's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Duis and Wiltse.

William E. Peters – Code of Ethics Board

No one appeared in support of Mr. Peter's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Duis and Wiltse.

Roy Gardner – Code of Ethics Board

No one appeared in support of Mr. Gardner's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senator Chambers, Clark, DeCamp, Duis and Wiltse.

Donald R. Treadway – Code of Ethics Board

No one appeared in support of Mr. Treadway's appointment and no one appeared in oppoisiton.

Committee Vote: For: (8) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Duis and Wiltse.

Charles Broderson – Code of Ethics Board

No one appeared in support of Mr. Broderson's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Duis and Wiltse.

Paul Schorr III – State Electrical Board

No one appeared in support of Mr. Schorr's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage and Skarda. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Duis and Wiltse.

Mrs. Larue Wunderlich, registered as lobbyist for Nebraska Lutheran Legislative Caucus appeared before the committee regarding the question as to whether or not she should be required to register as a lobbyist and pay a fee of $25.00. Mr. Gordon Simmons of the same organization appeared before the committee and explained that Mrs. Wunderlich received no compensation for this position.

It was the decision of the Committee on Committees that the lobbyist fee of $25.00 be returned to Mrs. Wunderlich.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Moylan asked unanimous consent to be excused Friday, March 7, 1975. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 96. Placed on General File as amended.
Standing Committee amendments to LB 96:

1. Strike original sections 1 to 4 and insert the following:

"Section 1. That section 32-210.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-210.01. At the discretion of the district or precinct election inspectors any clerk of election may perform the duties of a judge of election, except the signing of ballots, and any judge of election may perform the duties of a clerk of election. In all counties in which an appointed election commissioner conducts the election, the judges and clerks of election and the board of canvassers for the county, shall receive two dollars and thirty cents for each hour of service rendered, except that in precincts having counting boards no member of the receiving board shall receive pay for more than fourteen hours of service. District inspectors shall be paid at the rate of three dollars per hour for the hours they shall serve. Each member of the election board shall sign an affidavit stating the number of hours such member has worked. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.

Sec. 2. That section 32-231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-231. In counties having a population of more than two hundred thousand inhabitants: (1) The election commissioner shall receive a salary during the time he shall serve and hold office at the rate of not less than ten thousand five hundred dollars per annum to be paid

periodically as other county employees out of the general fund, and the chief deputy commissioner shall receive a salary during the period of his employment at the rate of not less than nine thousand dollars per annum to be paid periodically as other county employees. The election commissioner, although appointed by the Governor, shall be a county employee and the county board shall set the salaries of the election commissioner and chief deputy at least sixty days prior to the expiration of the term of office of the election commissioner. ~~the time of setting the elected officials' salaries as provided in section 23-1114. The election commissioner and chief deputy, if serving any portion of an appointed term, shall receive the salary as set by the county board and be permitted to receive any increase in salary granted by such board for the remainder of their appointed term, if any, beginning with the effective date of the salary increase of the elective county officials; (2) judges and clerks of the election receiving board shall be paid twenty-eight dollars for services rendered from seven a. m. to nine p.m., Provided, that in precincts or wards using the receiving board for counting or employing a separate counting board, each member shall receive two dollars per hour for each hour of service rendered; and (3) district inspectors shall be paid at the rate of two dollars and sixty-five cents per hour for the time they shall serve. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.~~

Sec. 3. That section 32-231.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-231.01. In counties having a population of more than one hundred fifty thousand and not more than two hundred thousand inhabitants: (1) The election commissioner shall receive a salary during the time he shall serve and hold office at the rate of not less than seven thousand five hundred dollars per annum to be paid periodically as other county employees, and the chief deputy commissioner shall receive a salary during the period of his employment at the rate of not less than six thousand dollars per annum to be paid periodically as other county employees. The election commissioner, although appointed by the Governor, shall be a county employee and the county board shall set the salaries of the election commissioner and chief deputy at least sixty days prior to the expiration of the term of office of the election commissioner. ~~the time of setting the elected officials' salaries as provided in section 23-114. The election commissioner and chief deputy, if serving any portion of an appointed term, shall receive the salary as set by the county board and be permitted to receive any increase in salary granted by such board for the remainder of their appointed term, if any, beginning with the effective date of the salary increase of the elected county officials; (2) judges and clerks of the election receiving board shall be paid twenty-eight dollars for services rendered from seven a.m. to nine p.m.; Provided, that in precincts or wards using the receiving~~

~~board for counting or employing a separate counting board, each member shall receive two dollars per hour for each hour of service rendered; and (3) district and precinct inspectors shall be paid an hourly wage at a rate of two dollars and sixty-five cents for the time during which they shall serve. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.~~

Sec. 4. That section 32-231.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-231.08. In all counties having a population of more than fifty thousand and not more than one hundred fifty thousand inhabitants: (1) The election commissioner shall receive a salary during the time he shall serve and hold office at the rate of not less than nine thousand five hundred dollars per annum payable monthly, and the chief deputy commissioner shall receive a salary during the period of his employment at the rate of not less than eight thousand five hundred dollars per annum payable monthly. The election commissioner, although appointed by the Governor, shall be a county employee and the county board shall set the salaries of the election commissioner and chief deputy at least sixty days prior to the expiration of the term of office of the election commissioner. ~~the time of setting the elected officials' salaries as provided in section 23-1114. The election commissioner and chief deputy, if serving any portion of an appointed term, shall receive the salary as set by the county board and be permitted to receive any increase in salary granted by such board for the remainder of their appointed term, if any, beginning with the effective date of the salary increase of the elected county officials; (2) judges and clerks of the election receiving board shall be paid twenty-eight dollars for services rendered from seven a.m. to nine p.m.; Provided, that in precincts or wards using the receiving board for counting or employing a separate counting board, each member shall receive two dollars per hour for each hour of service rendered; and (3) district and precinct inspectors shall be paid two dollars and sixty-five cents per hour for the time during which they shall serve. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.~~

Sec. 5. That section 32-231.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-231.10. In counties having a population of not less than twenty thousand nor more than fifty thousand inhabitants:

(1) The election commissioner shall receive a salary during the time he shall serve and hold office at the rate of not less than six thousand five hundred dollars per annum payable monthly, and the chief deputy commissioner if one is appointed shall receive a salary during the period of his employment at the rate of not less than five thousand dollars per annum payable

monthly. Such salaries shall be set by the proper governing board of the county at least sixty days prior to the expiration of the term of office of the election commissioner. ~~;~~

~~(2) Judges and clerks of the election receiving board shall be paid twenty-eight dollars for services rendered from seven a.m. to nine p.m.; Provided, that in precincts or wards using the receiving board for counting or employing a separate counting board, each member shall receive two dollars per hour for each hour of service rendered; and~~

~~(3) District and precinct inspectors shall be paid two dollars and sixty-five cents per hour for the time during which they shall serve.~~

~~All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.~~

Sec. 6. That original sections 32-210.01, 32-231, 32-231.01, 32-231.08, and 32-231.10, Reissue Revised Statutes of Nebraska, 1943, and also section 32-531, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title strike lines 2 to 11 and insert:

"FOR AN ACT to amend sections 32-210.01, 32-231, 32-231.01, 32-231.08, and 32-231.10, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide when certain salaries shall be set; to prescribe the compensation to be paid to election officials and employees; and to repeal the original sections, and also section 32-531, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 307. Placed on General File.
LEGISLATIVE BILL 345. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

Labor

LEGISLATIVE BILL 475. Placed on General File as amended.
Standing Committee amendments to LB 475:

1. On page 3, line 26 strike "effective" and insert "operative".

2. On page 4 lines 4 and 8 strike "effective" and insert "operative"; after line 10 insert a new section as follows:

"Sec. 3. This act shall become operative June 1, 1975."; and after line 12 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.".

3. Renumber original section 3 as section 4.

(Signed) Richard Maresh, Chairman

MOTION–Adopt Rule Changes

Mr. DeCamp moved the adoption of the rule change found in the Journal on pages 618 and 619 for the Thirty-second Day.

The rule change was adopted with 34 ayes, 1 nay and 14 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 368A. By Koch, 12th District; Duis, 39th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 368, Eighty-fourth Legislature, First Session, 1975.

MOTION–Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 745)

The motion prevailed with 32 ayes, 5 nays and 12 not voting.

MOTION–Suspend Rules

Mr. Barnett moved to suspend the rules (Rule 5, Sec b) and introduce all six new proposed bills in one vote.

The motion lost with 15 ayes, 21 nays and 13 not voting.

MOTION–Introduce Bills

Mr. Cavanaugh moved the introduction of a new bill by the Executive Board. (Req. No. 783)

SPEAKER BURBACH PRESIDING

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary. (Req. No. 592)

PRESIDENT WHELAN PRESIDING

The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary. (Req. No. 594)

Mr. Luedtke moved for a Call of the House. The motion prevailed with 23 ayes, 8 nays and 18 not voting.

Mr. Dickinson moved the Call be raised. The motion prevailed with 34 ayes, 1 nay and 14 not voting.

The motion to introduce a new bill prevailed with 32 ayes, 4 nays and 13 not voting.

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary. (Req. No. 804)

Mr. Luedtke moved for a Call of the House. The motion prevailed with 27 ayes, 6 nays and 16 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The motion to introduce a new bill prevailed with 32 ayes, 4 nays and 13 not voting.

Mr. F. Lewis moved the introduction of a new bill by the Committee on Education. (Req. No. 717)

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 5 nays and 20 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

The motion to introduce a new bill prevailed with 33 ayes, 6 nays and 10 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 415)

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 582. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Burrows, 30th

District; Maresh, 32nd District; Dickinson, 31st District; Kime, 43rd District.

A BILL FOR AN ACT to amend section 2-1203, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to provide that certain duties may be delegated to a board of stewards; and to repeal the original section.

LEGISLATIVE BILL 583. By Executive Board: Mahoney, 5th District; Chairman; Barnett, 26th District; Cavanaugh, 9th District; Kelly, 35th District; R. Lewis, 38th District; Rasmussen, 41st District; Schmit, 23rd District; Savage, 10th District; Burbach, 19th District.

A BILL FOR AN ACT to amend section 86-705, Reissue Revised Statutes of Nebraska, 1943, relating to the interception of wire or oral communications; to provide that a communication common carrier shall assist in setting up a wire tap; to provide that an inventory containing information on the wire tap shall be issued; to provide for a right of appeal; to require the attendance of witnesses and production of evidence; to prohibit certain uses of information from an intercepted communication; to authorize the use of subpoenas to compel attendance of witnesses; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 584. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Anderson, 37th District.

A BILL FOR AN ACT to adopt the Uniform Act on Interstate Arbitration and Compromise of Death Taxes.

LEGISLATIVE BILL 585. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Anderson, 37th District.

A BILL FOR AN ACT to amend sections 77-2002, 77-2003, 77-2004, 77-2005, 77-2007, 77-2010, 77-2014, 77-2018, 77-2018.01, 77-2018.02, 77-2019, 77-2020, 77-2024, 77-2027, 77-2028, 77-2029, 77-2030, and 77-2102, Reissue Revised Statutes of Nebraska, 1943, and sections 24-519 and 77-2037, Revised Statutes Supplement, 1974, relating to inheritance tax; to provide a comprehensive revision of existing statutes as prescribed; to update procedures; to provide duties of the county court; to provide an operative date; and to repeal the original sections, and also section 77-2016, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 586. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Anderson, 37th District; Syas, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to relieve certain individuals from liability for slander, libel, defamation of character, or breach of a privileged communication as prescribed.

LEGISLATIVE BILL 587. By Education Committee: F. Lewis, 45th District, Chairman; Burrows, 30th District; Kremer, 34th District; Kime, 43rd District; George, 16th District; Koch, 12th District.

A BILL FOR AN ACT to amend section 79-458, Reissue Revised Statutes of Nebraska, 1943, relating to the school census; to increase the number of school districts eligible to establish a permanent census of school children; and to repeal the original section.

LEGISLATIVE BILL 588. By Appropriations Committee: Marsh, 29th District; Goodrich, 20th District; Johnson, 15th District; Simpson, 46th District; Bereuter, 24th District.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to require amendments to the State of Nebraska Classification and Pay Plan; to provide duties; to provide for the expiration of provisions; and to declare an emergency.

MOTION—Suspend Rules

Mr. Mahoney moved to suspend the rules (Rule 3, Sec. 19) to place LB 582 on General File without a public hearing.

Mr. Simpson moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays and 29 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 36 ayes, 1 nay and 12 not voting.

The motion to suspend the rules prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Mahoney moved LB 582 be placed at the top of General File. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

STANDING COMMITTEE REPORT
Government, Military & Veterans Affairs

LEGISLATIVE BILL 242. Indefinitely postponed.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 507 Monday, March 24, 1975 2:00 p.m.

(Signed) Richard D. Marvel, Chairman

Committee on Committees

March 26, 1975

The Committee on Committees will meet at 12:00 Noon, Wednesday, March 26, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Charles Davey - Department of Economic Development

Burnham M. Yates - Department of Economic Development

(Signed) John S. Savage, Chairman

ANNOUNCEMENT

As Speaker and Chairman of the Executive Board, we hereby request that all new bills must be in the hands of the Clerk and read Friday, March 7th, and after that date only the Appropriations Committee receive permission to enter budget bills.

(Signed) Eugene T. Mahoney, Chairman
Executive Board
(Signed) J. W. Burbach, Speaker

ANNOUNCEMENT

Mr. Murphy announced an executive session of the Banking, Commerce and Insurance Committee under the North balcony immediately upon adjournment.

VISITORS

President Whelan introduced 12 students and teachers from Trinity Lutheran School, Lincoln; 20 students and teacher from Merry Manor Nursery School, Lincoln; Mr. Frank Kjeldgaard from Big Springs, Nebraska; 14 members of the Washington County Extension Board from Blair and Arlington, Nebraska; 15 students and teacher from Dodge Public

5th grade, Dodge, Nebraska; 20 members of the Contented Gals Extension Club of Beatrice, Nebraska; Mrs. Larry Hadan and Mrs. Dean Johns from Bennington and the Papio Valley.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, March 7, 1975.

Vincent D. Brown
Clerk of the Legislature

FORTIETH DAY—MARCH 7, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 7, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord, help us to see the world in true perspective. In the pressures of daily life we sometimes lose our sense of proportions. We forget the great and eternal realities while we wrestle with the immediate and the temporal.
>
> The grass looks large, the stars look small, and Thou seemest far away.
>
> We pray Thee, restore to us the far look and the confident faith. In the midst of our struggles, let us know that there is a source of strength which will not fail us. Under the roar of machinery let us hear the everlasting harmony; after the earthquake, the wind and the fire, let us hear the still small voice. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Keyes, Mahoney, Moylan, Nichol and Skarda who were excused and Mr. Cavanaugh who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

Page 764, line 38, insert "Re-" before "Engrossment".
The Journal for the Thirty-ninth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 37
March 6, 1975

Dear Senator Burbach:

In your letter of March 5, 1975, you enclose amendments to L. B. 203, and ask us for an opinion as to the constitutionality of the bill, as it would read under the proposed amendments.

The amended bill, briefly, is intended to prohibit vertical integration in the agricultural industry. It would make it unlawful for any business entity having net assets in excess of five million dollars and engaged in farming or ranching to engage, through vertical integration, in any other business activity in the storing, processing, or marketing of agricultural products other than on-farm or on-ranch storage of its own products.

In an opinion of this office dated January 4, 1972, Report of the Attorney General, 1971-72, page 201, we considered a somewhat similar bill to prohibit vertical integration in the agricultural industry. The preamble to that bill indicated that the primary purposes of the bill were to preserve opportunity for family farm producers of agricultural products, and to prevent monopoly. We reached the conclusion in that opinion that the preservation of the family farm was not a proper function of the Legislature, and that the business enterprises being regulated did not present any ascertainable danger of monopoly, and concluded that the bill was of doubtful constitutionality.

Section 1 of the proposed amendments is somewhat different from the corresponding section we considered in our previous opinion. Section 1 of the proposed amendments provides:

> "The Legislature finds that the growing development of large scale vertical integration by corporations or other business entitities organized for profit in the production, processing, and distribution of farm or ranch products places the ordinary farmer or rancher at a severe competitive disadvantage and threatens the stability of the agricultural economy of the state."

If a factual showing could be made to establish the findings set forth in Section 1 of the bill under consideration, our Supreme Court might sustain it. The rule with respect to classification is that the classification must rest upon real differences in situation and circumstances surrounding members of the class relative to the subject of legislation. The court has also held that the power of classification rests with the Legislature and cannot be interfered with by the courts unless it is clearly apparent that the Legislature has by artificial and baseless classification attempted to evade and violate provisions of the Constitution prohibiting local and special legislation. See City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N. W. 2d 74.

It is not readily apparent to us how the vertical integration L. B. 203 would prohibit places the ordinary farmer or rancher at a severe economic disadvantage and threatens the stability of the agricultural economy of the state. On the other hand, we cannot definitely say that these findings by the Legislature could not be sustained. The subject is too complex for us

to give categorical answers at this time.

Under the circumstances, we are unable to give a definite assurance that the court would sustain the bill under consideration, nor can we say that the court would strike it down. The only way this matter could be determined would be by a court test after passage of the bill, at which time supporters of the bill might be able to present evidence showing the necessity for such legislation. If any substantial factual showing were made, the court would probably sustain the legislation, even if it disagreed as to its wisdom.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 6, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Moylan, James – Omaha (Withdrawn), Committee on Manufactured Housing
Oldfather, Charles E. – Lincoln, Scully Estates, Inc., a Nebraska corporation
Schimek, Di Anna R. – Lincoln, Nebraska State Democratic Central Committee
Stromer, Gerald – Kearney, Atokad Agriculture & Racing Association
Tews and Noren
(Charles F. Noren) – Lincoln, Metro Mail Advertising Company
(David D. Tews) – Lincoln, Metro Mail Advertising Company

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 200. Replaced on Select File as amended.
E & R amendment to LB 200:
1. In the title, strike lines 2 through 6,
and all amendments thereto, and insert:

"FOR AN ACT to prohibit the restoration of operators' license points and reinstatement of an operator's license by the Director of Motor Vehicles after issuance of a pardon or reprieve by any mayor or chairman of the board of trustees.".

LEGISLATIVE BILL 15. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused at 10:00 a.m. until he returns. No objections. So ordered.

ANNOUNCEMENT

Mr. Kremer announced an Executive Session of the Public Works Committee at 1:30 today.

SELECT FILE

LEGISLATIVE BILL 474. Laid over at the request of Mr. Marvel.

LEGISLATIVE BILL 152. E & R amendment found in the Journal on page 766 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 427. E & R amendment found in the Journal on page 766 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 537. E & R amendment found in the Journal on page 766 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 492. E & R amendment found in the Journal on page 767 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273. E & R amendment found in the Journal on page 767 for the Thirty-ninth Day was adopted.

Mr. Luedtke asked unanimous consent to bracket LB 273 on Select File until LB 279 is on Select File. No objections. So ordered.

LEGISLATIVE BILL 66. E & R amendments found in the Journal on page 767 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 188. E & R amendments found in the Journal on page 767 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 206. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 240. Advanced to E & R for Engrossment.

MOTION–Unbracket LB 28

Speaker Burbach moved to unbracket LB 28 on E & R Final. The motion prevailed.

MOTION–Return LB 28 to Select File

Mr. Dworak moved to return LB 28 to Select File for the specific amendment found in the Journal on page 765 for the Thirty-ninth Day.

The motion lost with 7 ayes, 18 nays and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 582. Title read. Considered.

Mr. Simpson offered the following amendment:
Add "E" Clause on LB 582.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

Mr. Simpson asked unanimous consent to expedite LB 582.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules (Rule 3, Sec. 5, Sec. 19) to place LB 588 on General File without a public hearing.

Mr. Marvel moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Marvel moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The motion to suspend the rules prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Marvel moved to place LB 588 on General File. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Clark and Duis asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 379. Title read. Considered.

Mr. Kremer offered the following amendment:

Page 2, Line 13 STRIKE: ~~"forthwith"~~
TO SAY: "within thirty days"
Page 2, Line 17 STRIKE: ~~"void and shall not be made a part of a driving record"~~
TO SAY: "reported by the director to the State Court Administrator."
Page 2, Line 21 STRIKE: ~~"unless and"~~
Page 3, Lines 1, 2, 3, 4, 5, 6, 7
STRIKE: "... ~~In the event that a person successfully completes his probation and is discharged by the court, no points shall be assessed against such person for the violation which resulted in such person being placed on probation. When a person successfully completes probation and is discharged the court shall notify the director of such fact.~~"
TO SAY: "When a person fails to successfully complete probation is shall be the duty of the court to notify the director immediately."

Mr. Dworak moved to have the bill bracketed.

The motion lost with 8 ayes, 25 nays and 16 not voting.

The Kremer amendment was adopted with 25 ayes, 3 nays and 21 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays and 22 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 31 ayes, 2 nays and 16 not voting.

Advanced to E & R for Review with 30 ayes, 5 nays and 14 not voting.

LEGISLATIVE BILL 575. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 1 nay and 14 not voting.

LEGISLATIVE BILL 529. Title read. Considered.

Standing Committee amendments found in the Journal on page 753-756 for the Thirty-eighth Day were adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Marvel offered the following amendments:

1. On page 4, line 16, strike "hereby appropriated $50,000" and insert "included in the amount shown $50,234". On page 4, line 22, strike "316,405" and insert "~~316,405~~ 366,639"; and in line 23, strike "1,004,328" and insert "~~1,004,328~~ 1,054,562"; on page 5, line 13, strike "474,389" and insert "~~474,389~~ 524,623"; and in line 15, strike "3,762,116" and insert "~~3,762,116~~ 3,812,350".

2. On page 5, line 25, strike "1,464,600" and insert "250,000"; on page 6, line 1, strike "1,984,600" and insert "770,000"; on page 7, line 8, strike "3,030,636" and insert "~~3,030,636~~ 1,816,036"; and in line 11, strike "4,020,175" and insert "~~4,020,175~~ 2,805,575".

3. On page 21, line 14, strike "3,050,000" and insert "3,421,477"; in line 18, strike "17,992,245" and insert "18,363,722"; in line 23, strike "10,141,656" and insert "~~10,141,656~~ 10,513,133"; and in line 27, strike "41,187,414" and insert "41,558,891".

4. On page 26, line 13, strike "31,587,560" and insert "31,692,560"; in line 17 strike "105,002,500" and insert "105,107,500"; on page 28, line 2, strike "2,233,993" and insert "2,128,993"; and in line 6, strike "5,048,412" and insert "4,943,412".

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

NOTICE OF COMMITTEE HEARINGS

Education

LB 216	Monday, March 24, 1975	2:00 p.m.
LB 579	Monday, March 24, 1975	2:00 p.m.

(Signed) F. Lewis, Chairman

Public Health and Welfare

LB 571	Monday, March 17, 1975	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

ANNOUNCEMENT

Mr. Syas announced an Executive Session of the Constitutional Revision and Recreation Committee at 1:00 p.m. today.

Mr. Fowler announced an Executive Session of the Urban Affairs Committee Tuesday morning, March 11, at 8:15 a.m. in Room 1019.

RESOLUTIONS

LEGISLATIVE RESOLUTION 20.

Introduced by Duis, 39th District.

WHEREAS, it has been a desirable and valued practice to begin each legislative day with a prayer; and

WHEREAS, these devotions provide inspiration and guidance for each member of the Legislature; and

WHEREAS, the wisdom contained in these devotions would be more readily preserved if selected examples of the prayers were assembled in book form.

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

1. That the Chaplainbe authorized to select and assemble those prayers most likely to embody the spiritual tenor of legislative devotions.

2. That the Clerk of the Legislature be directed to cause to be published in book form and distributed the prayers so assembled by the Chaplain.

Laid over.

UNANIMOUS CONSENT–Print in Journal

Mr. Marvel asked unanimous consent to print the following amendment to LB 474 in the Journal.

1. In the Keyes amendment to LB 474 as printed in Journal page 634 and adopted, Journal page 635, strike lines 8 to 12 on page 634 and lines 1 to 11 on page 635 and in lieu thereof insert the following:

"(2) After the effective date of this act, all state-owned passenger cars except those vehicles which are considered duty stations as defined in section 81-1011, purchased, leased, or approved for purchase or lease by the transportation services bureau, shall be of the intermediate or compact class or smaller. Not less than fifty per cent of such passenger cars shall be of the compact class unless the costs to operate and maintain are not to the advantage of the state or meet the intent of this act. For purposes of this section, compact shall be defined as any passenger car having a wheelbase of between one hundred eight and one hundred fifteen inches.

Sec. 5. After the effective date of this act, all passenger cars purchased, leased, or otherwise controlled by any political subdivision of the state shall be of the intermediate or compact class or smaller. Passenger cars considered as duty station vehicles, such as vehicles used by law enforcement agents, shall be excluded from this provision. For purposes of this section, compact shall be defined as any passenger car having a wheelbase of between one hundred eight and one hundred fifteen inches.".

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 158. Indefinitely postponed.
LEGISLATIVE BILL 223. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 316. Placed on General File as amended.
Standing Committee amendments to LB 316:

1. On page 2, line 17, strike "nominate from"; line 18 strike "the floor and"; strike lines 19 to 22; line 23 strike "and 47 to 49.", and insert the following:
"the three congressional districts as they are constituted

on the effective date of this act. Nominations for membership on such committee shall be made by the caucus for each congressional district.".

(Signed) Gary L. Anderson, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 1975, at 9:30 a.m., were the following bills: 290, 251, 108, 77, 13, 260, and 555.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 2, 45 and 81.

Correctly Engrossed

The following bills were correctly engrossed: 234A, 247 and 309.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 240A. Title read. Mr. Warner asked unanimous to have LB 240A laid over. No objections. So ordered.

LEGISLATIVE BILL 193. Title read. Mr. Nichol asked unanimous consent to have LB 193 laid over. No objections. So ordered.

LEGISLATIVE BILL 61. Considered.

Mr. Savage 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. F. Lewis moved for a Call of the House on advancing LB 61. The motion prevailed with 21 ayes, 7 nays and 21 not voting.

Mr. Savage requested a record vote.

The Call showed 36 members present.

Mr. R. Lewis moved the Call be raised. The motion lost with 14 ayes, 12 nays and 23 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 27 ayes, 3 nays and 19 not voting.

LB 61 failed to advance to E & R for Review with 24 ayes, 13 nays and 12 not voting.

Voting in the affirmative, 24:

Barnett	Bereuter	Burbach	Cavanaugh	Chambers
Cope	Fitzgerald	Fowler	Goodrich	Koch
Kremer	F. Lewis	Luedtke	Marsh	Marvel
Mills	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Syas	Wiltse	

Voting in the negative, 13:

Anderson	Burrows	Dickinson	Dworak	George
Hasebroock	Kime	R. Lewis	Maresh	Murphy
Rasmussen	Rumery	Warner		

Not voting, 12:

Carsten	Clark	DeCamp	Duis	Johnson
Kelly	Kennedy	Keyes	Mahoney	Moylan
Nichol	Skarda			

LEGISLATIVE BILL 351. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 220. Title read. Considered.

Standing Committee amendment found in the Journal on page 569 for the Twenty-ninth Day failed with 21 ayes, 2 nays and 26 not voting.

Mr. F. Lewis moved to reconsider the action on the Standing Committee amendment. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The Standing Committee amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 157. Title read. Considered.

Standing Committee amendments found in the Journal on page 574 for the Thirtieth Day failed with 18 ayes, 0 nays and 31 not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 187. Placed on General File as amended.
Standing Committee amendment to LB 187:

1. On page 21, strike sections 21 and 23 and renumber section 22 as section 21.

LEGISLATIVE BILL 282. Placed on General File as amended.
Standing Committee amendments to LB 282:

1. On page 2, after line 16 insert a new section to read as follows:

"Sec. 2. That section 33-139, Revised Statutes Supplement, 1974, be amended to read as follows:

33-139. Witnesses before the district, county, or municipal court and grand jury shall receive twenty dollars and witnesses before the Small Claims Court shall receive eight dollars for each day actually employed in attendance on the court or grand jury, and if the said witness shall reside more than one mile from the courthouse or place where the court is held, he shall receive eight cents for each mile necessarily traveled."; in line 17 strike "section" and insert "sections" and after "26-173.01" insert "and 33-139"; and in line 18 strike "is" and insert "are".

2. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

LEGISLATIVE BILL 425. Placed on General File as amended.
Standing Committee amendments to LB 425:

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

"Section 1. That section 25-508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-508. When the defendant is an individual, the service shall be by delivering a copy of the summons to the defendant personally ~~or by leaving one at his usual place of residence~~ on or before the return day; Provided, ~~however,~~ as to any person designated as a defendant otherwise than by his real name the summons must contain the words "real name unknown," and the service of such summons shall be by delivering a copy thereof to such defendant personally.

Sec. 2. That original section 25-508, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, strike lines 2 to 5 and insert "FOR AN ACT to amend section 25-508, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to remove the provision authorizing service of summons at place of residence; and to repeal the original section.".

(Signed) Roland A. Luedtke, Chairman

MOTION–Adjourn

Mr. Chambers moved to adjourn. The motion lost.

GENERAL FILE

LEGISLATIVE BILL 157. Mr. R. Lewis asked unanimous consent to hold the bill over along with LB 157A. No objections. So ordered.

LEGISLATIVE BILL 270. Title read. Considered.

Standing Committee amendment found in the Journal on page 586 for the Thirtieth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Swigart 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 31 ayes, 1 nay and 17 not voting.

LEGISLATIVE BILL 271. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 195. Title read. Considered.

Mr. Syas offered the following amendment:
1. On page 2, line 12 after "elk," insert "raccoon, opossum,".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 3 nays and 20 not voting.

LEGISLATIVE BILL 489. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 4 nays and 19 not voting.

MOTION–Approve Governor Appointments

Mr. Savage moved the confirmation of the Governor appointments, found in the Journal on page 773 and 774 for the Thirty-ninth Day, of Tom Doyle, William E. Peters, Roy Gardner, Donald R. Treadway, Charles Broderson and Paul Schorr III.

Mr. George requested a separate record vote on each confirmation.

Vote on Tom Doyle

Voting in the affirmative, 26:

Anderson	Burbach	Burrows	Cope	Dickinson
Dworak	Fitzgerald	Hasebroock	Kelly	Kime
Koch	Kremer	F. Lewis	Maresh	Marsh
Mills	Murphy	Rumery	Savage	Schmit
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 1:

George

Not voting, 22:

Barnett	Bereuter	Carsten	Cavanaugh	Chambers
Clark	DeCamp	Duis	Fowler	Goodrich
Johnson	Kennedy	Keyes	R. Lewis	Luedtke
Mahoney	Marvel	Moylan	Nichol	Rasmussen
Simpson	Skarda			

The President declared the appointment of Mr. Doyle confirmed.

Vote on William E. Peters

Voting in the affirmative, 25:

Anderson	Barnett	Burbach	Burrows	Cope
Dickinson	Dworak	Fitzgerald	George	Hasebroock
Koch	Kremer	F. Lewis	Luedtke	Maresh
Marsh	Mills	Murphy	Rumery	Savage
Stoney	Stull	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 24:

Bereuter	Carsten	Cavanaugh	Chambers	Clark
DeCamp	Duis	Fowler	Goodrich	Johnson
Kelly	Kennedy	Keyes	Kime	R. Lewis
Mahoney	Marvel	Moylan	Nichol	Rasmussen
Schmit	Simpson	Skarda	Swigart	

The President declared the appointment of Mr. Peters confirmed.

Vote on Roy Gardner

Voting in the affirmative, 26:

Anderson	Burbach	Burrows	Cope	Dickinson
Dworak	Fitzgerald	George	Hasebroock	Kelly
Kime	Koch	Kremer	Luedtke	Maresh
Marsh	Mills	Murphy	Rumery	Savage
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 23:

Barnett	Bereuter	Carsten	Cavanaugh	Chambers
Clark	DeCamp	Duis	Fowler	Goodrich
Johnson	Kennedy	Keyes	F. Lewis	R. Lewis
Mahoney	Marvel	Moylan	Nichol	Rasmussen
Schmit	Simpson	Skarda		

The President declared the appointment of Mr. Gardner confirmed.

Vote on Donald R. Treadway

Voting in the affirmative, 25:

Anderson	Bereuter	Burbach	Burrows	Cope
Dickinson	Dworak	Fitzgerald	Hasebroock	Kelly
Kremer	Luedtke	Maresh	Marsh	Mills
Murphy	Rumery	Savage	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 24:

Barnett	Carsten	Cavanaugh	Chambers	Clark
DeCamp	Duis	Fowler	George	Goodrich
Johnson	Kennedy	Keyes	Kime	Koch
F. Lewis	R. Lewis	Mahoney	Marvel	Moylan
Nichol	Rasmussen	Schmit	Skarda	

The President declared the appointment of Mr. Treadway confirmed.

Vote on Charles Broderson

Voting in the affirmative, 28:

Anderson	Bereuter	Burbach	Burrows	Cope
Dickinson	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Kelly	Kime	Kremer	Luedtke
Maresh	Marsh	Mills	Murphy	Rumery
Savage	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 21:

Barnett	Carsten	Cavanaugh	Chambers	Clark
DeCamp	Duis	Fowler	Johnson	Kennedy
Keyes	Koch	F. Lewis	R. Lewis	Mahoney
Marvel	Moylan	Nichol	Rasmussen	Schmit
Skarda				

The President declared the appointment of Mr. Broderson confirmed.

Vote on Paul Schorr

Voting in the affirmative, 27:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cope	Dickinson	Fitzgerald	Hasebroock	Kime
Koch	Kremer	Luedtke	Maresh	Marsh
Marvel	Mills	Murphy	Rumery	Savage
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 22:

Carsten	Cavanaugh	Chambers	Clark	DeCamp
Duis	Dworak	Fowler	George	Goodrich
Johnson	Kelly	Kennedy	Keyes	F. Lewis
R. Lewis	Mahoney	Moylan	Nichol	Rasmussen
Schmit	Skarda			

The President declared the appointment of Mr. Schorr confirmed.

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 393. Indefinitely postponed.
LEGISLATIVE BILL 428. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 254 in the Journal. No objections. So ordered.

1. On page 2, insert new sections as follows:

"Section 1. That section 71-313, Revised Statutes Supplement, 1974, be amended to read as follows:

71-313. As used in sections 71-313 to 71-339, unless the context otherwise requires:

(1) Cosmetology shall mean any one or combination of practices generally and usually performed by, and known as the occupation of beauty culturists, cosmetologists, hairdressers, or of any other person holding himself out as practicing cosmetology by whatever designation and within the meaning of sections 71-313 to 71-339 and in and upon whatever place or premises, and in particular cosmetology shall mean but not be limited to the following practices, or any one or combination thereof: Arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, or similar work, upon the hair, wig, wiglet, or hair piece of any person by any means, with hands or mechanical or electrical apparatus or applicances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, hands, or manicuring the nails of any person; Provided, that nothing in this section shall be interpreted to prevent individuals licensed pursuant to Chapter 71, articles 2 and 3 from arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, or doing similar work, upon the hair, wig, wiglet, or hair piece of any person by any means, with hands or mechanical or electrical apparatus or applicances;

(2) Cosmetologist shall mean any person, not an apprentice or a student, following or practicing cosmetology, and who shall have the qualifications provided by sections 71-313 to 71-339 for a cosmetologist;

~~(3) Manicurist shall mean any person who engages only in the practice of manicuring the nails of any person;~~

~~(4)~~ (3) Demonstrator shall mean any person who possesses the qualifications of a cosmetologist but who limits his practice to the performing of cosmetological operations upon persons provided for the purpose of being the subjects or models upon whom demonstrations of such practices are to be performed, such demonstrations to be performed before groups of apprentices, students, cosmetologists, instructors, demonstrators, salon owners or school owners, or any combination thereof;

~~(5)~~ (4) Apprentice shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and,

while so learning, performs or assists in any of the practices of cosmetology in a salon registered or licensed under sections 71-313 to 71-339;

~~(6)~~ (5) Student shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a school accredited under sections 71-313 to 71-339 under the instruction or immediate supervision of an instructor, licensed as such under sections 71-313 to 71-339;

~~(7)~~ (6) Instructor shall mean any person who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly accredited school of cosmetology;

~~(8)~~ (7) Student instructor shall mean a cosmetologist who is receiving instruction in instructor's training in a duly accredited school of cosmetology and who shall have the qualifications provided by sections 71-313 to 71-339 for a student instructor;

~~(9)~~ (8) Beauty salon shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetological or beauty salon or establishment or whether the person practicing cosmetology there holds himself out as a cosmetologist or beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein;

~~(10)~~ (9) School of cosmetology shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students but not including a beauty salon within the meaning of sections 71-313 to 71-339;

~~(11)~~ (10) Place of cosmetology shall mean such place wherein or whereupon cosmetology is practices on the members of the general public for compensation; and such place wherein or whereupon cosmetology is taught to students shall hereinafter be considered as a school of cosmetology, and any appropriate name herein mentioned may be used for either such beauty salon or for such school of cosmetology, respectively, but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty salon or school of cosmetology, as the case may be, within the meaning of sections 71-313 to 71-339. Either of such establishments shall be entirely distinct and permanently separated from any living quarters and have a separate entrance entering into such establishment, except that in the case of duly registered beauty salons there may be no more than one door connecting the beauty salon;

~~(12)~~ (11) Board shall mean the Board of Cosmetologist Examiners, as provided for in section 71-316;

~~(13)~~ (12) Director shall mean the Director of Health for the Department of Health of the State of Nebraska;

~~(14)~~ (13) Department shall mean the Department of Health of the State of Nebraska; and

~~(15)~~ (14) Person shall mean any individual, firm, copartnership, corporation, company, association, or joint stock association; and includes any trustee, receiver, assignee or personal representative thereof.

Sec. 2. That section 71-314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-314. It shall be unlawful for any person in this state to engage in or to follow or to attempt to engage in or to follow

or to hold himself out as engaging in or following, or to advertise or to assume to engage in or to follow the occupation of cosmetology as a cosmetologist, ~~manicurist,~~ demonstrator, apprentice, student, in and upon whatever place or premises, unless such person shall have first obtained a license from the Department of Health, or to engage in the teaching of cosmetology, or to receive teacher's training in a school of cosmetology, without first procuring a license from and becoming registered with the Department of Health, except that persons practicing in this state on October 23, 1967, the removal of superfluous hair on the human body by electrolysis shall not be required to be licensed hereunder and shall be exempt from the provisions of sections 71-313 to 71-339."; renumber original section 1 as section 3; after line 11 insert a new section as follows:

"Sec. 4. That section 71-320, Revised Statutes Supplement, 1974, be amended to read as follows:

71-320. No person shall be admitted to examination or licensed under sections 71-313 to 71-339, except as provided for in section 71-329 or 71-330, unless such person shall possess the following qualifications:

(1) No person may be licensed as a cosmetologist in any one or a combination of the practices of cosmetology under the provisions of sections 71-313 to 71-339, unless such person shall pay the original licensing fee as provided in section 71-327 and have a high school diploma or equivalent education, or an education equivalent to the completion of the second year of high school and be at least eighteen years of age; Provided, that a person who has received his secondary education in a foreign country under a system which does not grant a high school diploma may be licensed if the board finds that such person has an education equivalent to that of a person completing high school in the State of Nebraska; and provided further, that the board in its sole discretion may license any person even though such person does not have a high school diploma, if such person is over thirty-five years of age. Each such applicant shall also have satisfied the following requirements:

(a) Satisfactory completion of either a complete course of cosmetology in a school of cosmetology having a current certificate of accreditation from the department, including study of all or the majority of practices of cosmetology, consisting of at least twenty-one hundred hours of training in a three-year period of time, but not to exceed eight hours in any one day, except that those hours not earned within such three-year period of time shall be honored at sixty per cent of their total if earned within a concurrent four-year period of time, less twenty per cent thereof for each additional year for those hours earned within additional years, upon payment of a special fee of thirty dollars, or training as an apprentice in a beauty salon having a current certificate of registration from the department for a period of not less than twenty-one hundred hours of training over a minimum period of ten months, but not to exceed eight hours in any one day; or

(b) When application is made for a license to enegage in one or a combination, but less than all, of the practices of cosmetology, completion of such proportionate hours of training in such practice or practices and such other subjects as are necessarily related thereto as the board shall uniformly determine; and

(c) Passage of the examination required by the provisions of sections 71-313 to 71-339 except that any such student or apprentice, who completes his course in a school of cosmetology or his apprenticeship more than ten days prior to the next regularly scheduled

examination, may apply for and shall be entitled to receive a nonrenewable temporary license to practice cosmetology under the supervision of a licensed cosmetologist upon the filing of an application required by section 71-323 to take the next regularly scheduled examination and upon payment of the additional fee. Such temporary license shall expire upon the happening of any of the following events: (1) Failure to take the next regularly scheduled examination, (2) receipt of notice of failure to successfully complete the examination, or (3) receipt of a cosmetology license.

~~(2) No person may be licensed as a manicurist unless such person shall pay the original licensing fee as provided in section 71-327 and shall have completed a course of training of not less than three hundred hours in a period of time not to exceed three months in a school of cosmetology and shall have passed an examination to the satisfaction of the board as provided for in sections 71-313 to 71-339.~~

~~(3)~~ (2) No person may be licensed as a demonstrator, unless such person shall pay the original licensing fee as provided in section 71-327 and shall be either a licensed cosmetologist or shall file proof with the department that he has continuously practiced as a licensed cosmetologist for a period of at least three years prior to the application for license as such demonstrator.

~~(4)~~ (3) Apprentices in cosmetology shall be registered upon the payment of the original fee as provided in section 71-327, payable upon the commencement of the apprenticeship in a duly registered beauty salon. Such an apprentice shall be at least sixteen years of age at the time of such registration. Any beauty salon that shall take any apprentice shall immediately file with the department the name and age of each apprentice, and the department shall cause the same to be entered in a registry kept for that purpose.

~~(5)~~ (4) Students in cosmetology shall be registered by the department without fee, upon enrollment in an accredited school of cosmetology and upon certification by such school of such enrollment. A student shall be at least sixteen years of age and have an education equivalent to the completion of the tenth grade in school at the time of such registration. Any school of cosmetology which shall enroll such student shall immediately file with the department the name and age of such student, and the department shall cause the same to be entered in a register kept for that purpose.

~~(6)~~ (5) No person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall pay the original licensing fee as provided in section 71-327, and shall hold a license as a cosmetologist issued to him pursuant to subdivision (1) of this section, and in addition, shall have at least a high school diploma, shall have six months' instructor's training in an accredited school of cosmetology, and shall submit notarized evidence of at least ten hours of advanced teacher training instruction in cosmetology approved by the board for each renewal. Any person licensed as an instructor on October 23, 1967 may continue to hold and renew his license notwithstanding the fact that he may not meet the increased requirement of a high school diploma.

~~(7)~~ (6) No license which has lapsed or which has not been renewed shall be reinstated until the applicant has submitted notarized evidence of at least ten hours of advanced instruction in cosmetology for each year or fraction thereof that such license has lapsed.

~~(8)~~ (7) Before an applicant can retake any examination for a cosmetologist's license such applicant shall complete at least

two hundred hours of additional training as either a student or apprentice, as determined by the nature of the applicant's original training. The requirements as set out in this section shall apply to each reapplication for examination."; and renumber original section 2 as section 5.

2. On page 3, strike lines 5, 6, and 27 and show the old matter as stricken.

3. On page 4, strike line 1; line 3 after "sections" insert "71-314,"; line 4, after "1943," insert "and sections 71-313 and 71-320, Revised Statutes Supplement, 1974,".

ADJOURNMENT

At 12:01 p.m. on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, March 10, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FORTY-FIRST DAY—MARCH 10, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 10, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord Our God, as we assemble today for another week of work together, we ask Thee to look down with Thy love upon this our Senate family. Bless him who presides over us with the virtue of patience, bless the Senators with uprightness, the secretaries and stenographers with clear minds, the staff members with perseverance, the counsels and clerks with understanding, the doorkeepers with discernment, those in the gallery with dignity and those at the desk with zeal.
>
> Give to each of us who serve in this House, we pray, some of that wisdom which cometh only from Thee so that we may be enabled to understand the problems that confront us before we even attempt to deal with them.
>
> Many of us, O Lord, have loved ones who are far from us this day. Bless our dear wives, our children and all those for whom we would especially pray in our hearts.
>
> And now, O God, we beseech Thee to so guide the State and all its people - Thy people - that we may be strengthened and prospered in our undertaking this day as we put our trust in Thee. In Thy blessed name we ask. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

MESSAGES FROM THE GOVERNOR

March 7, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 60, 62, 63, 75, 104, 145, 192, 192A, 224, 236, 291, and 292.

These bills were signed by me on March 7, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 7, 1975

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

Dear Mr. President and Senators:

I am returning herewith LB 122 without my signature and with my objections.

In my opinion, LB 122 sets up machinery that could unfairly penalize some of our smaller school districts in the state, their students, and some dedicated and highly qualified teachers. At issue also is how far does state government rightfully go in exercising control over local school boards.

We have some 19,000 teachers in Nebraska, and this bill is directly aimed at only a distinct minority of some 500. The minority needs some protection and consideration in all fields.

For your information, I am attaching a breakdown by counties where these primarily K-6 teachers affected are located.

In many instances, I am fearful that many of these primarily rural districts might have difficulty in locating qualified and acceptable teachers if current staffs are unable to meet standards and time limits recommended by LB 122 and administered by the State Board of Education.

I do feel that we should continue to upgrade educational standards for teachers and generally support the baccalaureate degree minimum.

No new certificates should be issued to anyone for less than a four year degree, while grandfathering in by some method those relatively few already certified teachers that do not have such full four year degrees. All should recognize that in years past, other deserving professionals have been protected with grandfather rights as requirements were raised.

Many will not agree with my action herewith. However, I hope the Legislature will join me in protecting the rights of a distinct minority in our less populated areas, the school boards, their children, and their teachers.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

Enclosure filed in the Clerk's office.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 152, 188, 240, 427 and 492.

LEGISLATIVE BILL 28. Replaced on Select File as amended.
E & R amendments to LB 28:
1. Strike the E & R amendment to section 1, line 3.
2. In new section 1, line 13, strike the first "of".

LEGISLATIVE BILL 66. Replaced on Select File as amended.
E & R amendment to LB 66:
1. Strike "prescribed" and insert "set" on page 2, line 10, page 3, line 6, page 7, line 7, and page 8, line 1.

LEGISLATIVE BILL 582. Placed on Select File as amended.
E & R amendments to LB 582:
1. On page 2, line 10, strike "this act" and insert "sections 2-1201 to 2-1219"; and in line 11 strike the comma.
2. Pursuant to the Simpson amendment, add a new section to read:
"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.".

3. In the title, line 6, strike "and" and insert "; and to declare an emergency" after "section".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL91. Placed on General File as amended.
Standing Committee amendments to LB 91:

1. On page 8 strike the sentence beginning with "The" in line 7 and ending with the period in line 13; in line 23 after "city" insert ", village, or county", and strike "of the metropolitan class, primary class or of any"; strike lines 24 and 25; and in line 26, strike "decennial census".

2. On page 9, line 3, strike "by the"; strike line 4, in line 5, strike "association,", line 22, after "city" insert ", village, or county", and strike "of the metropolitan class, primary", strike lines 23 and 24; and line 25 strike "most recent federal decennial census".

3. On page 11, line 13 after "city" insert ", village, or county", and strike "of the metropolitan class, primary"; strike lines 14 and 15; and in line 16 strike "most recent federal decennial census".

4. On page 12, line 3, after "city" insert ", village, or county" and strike "of the"; strike lines 4, 5, and 6; and line 7, strike "federal decennial census".

(Signed) Thomas C. Kennedy, Chairman

Labor

LEGISLATIVE BILL 496. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT–Change of Hearing Rooms

Mr. Murphy asked unanimous consent to use the East Chamber for the Banking Committee and the East Lounge for the Education Committee Monday, March 10, 1975.

ANNOUNCEMENT

Mr. Murphy announced an Executive Session of the Banking, Commerce and Insurance Committee in Room 2230 at 1:00 p.m., today.

BILL ON FIRST READING

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

LEGISLATIVE BILL 405A. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 405, Eighty-fourth Legislature, First Session, 1975.

MOTION—Suspend Rules

Mr. Schmit moved to suspend the rules (Rule 3, Sec 5) and hold a public hearing on LB 433, March 14, 1975.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 433 Friday, March 14, 1975 2:00 p.m.

(Signed) Loran Schmit, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
583	Judiciary	586	Pub. Hlth & Wel.
584	Judiciary	587	Education
585	Judiciary		

(Signed) Eugene T. Mahoney, Chairman

ANNOUNCEMENT

Mr. Carsten announced an Executive Session of the Revenue Committee at 2:00 p.m. today in Room 1019.

INVITATION

Mr. Dworak invited the members, on behalf of the Lincoln Chapter of the Fellowship of Christian Athletes, to a breakfast on Friday, March 14, 1975, at the Cornhusker Hotel.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 136. With Emergency.

A BILL FOR AN ACT to amend sections 54-104.01, 54-105, 54-106, 54-108, 54-109.01, 54-110, 54-112, 54-113, 54-115, 54-131, 54-135, and 54-137, Reissue Revised Statutes of Nebraska, 1943, and sections 54-101, 54-104, and 54-147, Revised Statutes Supplement, 1974, relating to livestock; to define terms; to place the operational and administrative control of brands and marks under the Nebraska Brand Committee 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, 46:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Anderson	Cavanaugh	F. 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 294.

A BILL FOR AN ACT to amend section 43-206.02, Revised Statutes Supplement, 1974, relating to juvenile courts; to provide for evaluations in

juvenile court as prescribed; to provide for the costs thereof; to provide for detention in certain state facilities and institutions as prescribed; to provide for the release from detention; to provide for medical examinations; 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:

Barnett	Bereuter	Burbach	Carsten	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 2:

Burrows Rasmussen

Not voting, 3:

Anderson Cavanaugh R. Lewis

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

SELECT FILE

LEGISLATIVE BILL 474. Mr. Marvel offered the following amendments:

1. In the Keyes amendment to LB 474 as printed in Journal page 634 and adopted, Journal page 635, strike lines 8 to 12 on page 634 and lines 1 to 11 on page 635 and in lieu thereof insert the following:

"(2) After the effective date of this act, all state-owned passenger cars except those vehicles which are considered duty stations as defined in section 81-1011, purchased, leased, or approved for purchase or lease by the transportation services bureau shall be of the intermediate or compact class or smaller. Not less than fifty per cent of such passenger cars shall be of the compact class unless the costs to operate and maintain are not to the advantage of the state or meet the intent of this act. For purposes of this section and section 5 of this act, (a) intermediate shall be defined as any passenger car having a wheelbase

of between one hundred fifteen and one hundred twenty inches, and (b) compact shall be defined as any passenger car having a wheelbase between one hundred eight and one hundred fifteen inches.

Sec. 5. After the effective date of this act, all passenger cars purchased, leased, or otherwise controlled by any political subdivision of the state shall be of the intermediate or compact class or smaller. Passenger cars considered as duty station vehicles, such as vehicles used by law enforcement agents, shall be excluded from this provision. When purchasing such passenger cars, all political subdivisions shall use the specifications developed by the state purchasing agent."

The amendment was adopted with 31 ayes, 1 nay and 17 not voting.

Mr. Marvel asked unanimous consent to withdraw his pending amendment found in the Journal on page 793 for the Fortieth Day. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 200. E & R amendment found in the Journal on page 787 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 15. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 23 in the Journal. No objections. So ordered.

1. Amend committee amendment provided on pages 756 to 759 of the Journal by:

1. On page 757 of the Journal strike section 4; in section 5, lines 2 and 7 strike "third" and insert "second".

2. On page 758 of the Journal section 7, line 3 strike "and" and insert "or"; in section 7 line 5 strike "or second".

3. Renumber sections 5 to 12 as sections 4 to 11 respectively.

MOTION–Reconsider Action on LB 126

Mr. Koch moved to reconsider action on LB 126 on Final Reading.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION—Return LB 126 to Select File

Mr. Koch moved to return LB 126 to Select File for the following specific amendment:

1. On page 2, line 4 before "any" insert "(1)"; in lines 8 to 23 strike the new matter and reinstate the stricken matter; in line 23 after "thereof" insert ", and withholding and payment shall be made pursuant to any such authorization"; and after the period in line 23 insert

"(2) Any school employee may execute an order authorizing the withholding from any wages or salary paid to such employee a sum each month or pay period as provided in subsection (1) of this section, and such individual employer may withhold and made payment pursuant to such authorization.".

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 240A. Considered.

Mr. Kennedy offered the following amendment:

1. On page 2, line 6, insert "to June 30, 1976," after "1975".

Mr. Kennedy moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Kennedy moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Kremer asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused at 11:15 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 193. Considered.

Standing Committee amendments found in the Journal on page 554 for the Twenty-eighth Day were adopted with 31 ayes, 0 nays and 18 not voting.

The Nichol amendment found in the Journal on page 618 for the Thirty-second Day lost with 14 ayes, 23 nays and 12 not voting.

Mr. Maresh offered the following amendment:

Amend LB 193 to strike in line 4 (Committee amendment) (Having a population of not more than forty thousand).

Mr. F. Lewis 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 Maresh amendment lost with 17 ayes, 25 nays and 7 not voting.

Mr. Stull requested a record vote on advancing LB 193.

Voting in the affirmative, 28:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cope	Duis	Dworak	Fitzgerald	Fowler
Hasebroock	Johnson	Keyes	Kime	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stull	Swigart		

Voting in the negative, 5:

Dickinson	Kelly	Mills	Stoney	Syas

Not voting, 16:

Carsten	Cavanaugh	Chambers	Clark	DeCamp
George	Goodrich	Kennedy	Koch	Kremer
Mahoney	Moylan	Murphy	Nichol	Warner
Wiltse				

Advanced to E & R for Review with 28 ayes, 5 nays and 16 not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Mr. Carsten offered the following amendment:

1. On page 2, line 5 after "time" strike "within" and show as stricken and insert "following".

2. On page 3, line 7 after "brought" strike "within" and show as stricken and insert "following".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 6 nays and 18 not voting.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 488. Placed on General File.
LEGISLATIVE BILL 461. Indefinitely postponed.

(Signed) George Syas, Chairman

Judiciary

LEGISLATIVE BILL 210. Placed on General File as amended.
Standing Committee amendments to LB 210:

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

"Section 1. A prosecuting attorney, as defined in section 29-104, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 168, Eighty-fourth Legislature, First Session, may take exception to any ruling or decision of the district court made under section 29-613, Revised Statutes Supplement, 1974, by presenting to the court an application to docket error proceedings in the Supreme Court with reference to the rulings or decision of which complaint is made. Such application shall be made in the manner provided by section 29-2315.01, Reissue Revised Statutes of Nebraska, 1943.

Sec. 2. 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 3, strike "in misdemeanor cases" and insert "or decisions in district courts as prescribed".

LEGISLATIVE BILL 480. Placed on General File.
LEGISLATIVE BILL 486. Placed on General File.

LEGISLATIVE BILL 541. Placed on General File as amended.
Standing Committee amendment to LB 541:

1. On page 3, line 4 after "a" strike "delinquent" and show as stricken; lines 5 and 6 strike all the new matter.

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 584 Monday, March 17, 1975 2:00 p.m.

LB 585	Monday, March 17, 1975	2:00 p.m.
LB 586	Monday, March 17, 1975	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Dworak asked unanimous consent to print the following amendments to LB 220 in the Journal. No objections. So ordered.

1. Strike the standing committee amendment.
2. On page 2, strike beginning with "with" in line 7 through the period in line 14, showing the old matter as stricken, and in line 7 insert "by projecting or casting the rays of a spotlight, headlight, or other artificial light attached to or used from a vehicle, in any field, pasture, woodland, forest, prairie, or other area which may be inhabited by wild animals or birds, while having in possession or control, either singly or as one of a group of persons, any firearm or bow and arrow.".

SELECT COMMITTEE REPORT
Rules

Mr. President,

The Rules Committee met this morning, March 10, 1975, and acted favorably on Rule 3, Section 12 found on page 382 of the Journal and which was submitted by Senator Gerald Koch.

Dated: March 10, 1975 (Signed) John W. DeCamp, Chairman

VISITORS

The President introduced 40 students and teachers from Pebble Valley School, West Point; 68 seniors and teacher from Randolph High School; 31 fifth grade students and teachers from May Morley school, Lincoln; Administrator Trainees Class from Chadron State College.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, March 11, 1975.

Vincent D. Brown
Clerk of the Legislature

FORTY-SECOND DAY – March 11, 1975

LEGISLATIVE JOURNAL

FORTY-SECOND DAY–MARCH 11, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 11, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Many years ago a psalmist asked God a question, which was also in a sense a testimony and a witness. He asked: "Whither shall I go from Thy Spirit and whither shall I go from Thy presence and whither shall I flee from Thy Spirit? If I ascend up into Heaven Thou art there; if I make my bed in the grave, behold Thou art there; if I take the wings of the morning and dwell in the uttermost parts of the sea, even there shall Thy hand lead me and Thy right hand shall hold me.
>
> "If I say surely the darkness shall cover me, even the night is become light about me. The darkness hideth not from Thee but the night shineth as the day. The darkness and the light are both alike to Thee."
>
> Let us pray together to our God. It is strange, Our Father, and yet true, that though there is no escaping Thee and wherever we turn Thou art already there. Thou dost surround us completely and we shall never successfully flee from Thee; yet we find it so easy to shut Thee out in the hurried affairs of the day with all the demands and pressures that come upon us we forget Thee, and in our forgetfulness we are successful in denying Thy will.
>
> Watch over us then, we pray, especially in these sessions of this Legislative Session. Guide us through each day as pressures increase, as obligations multiply, as voices conflict with voices, urging us to do this or that, and grant that somehow inside each of our lives there shall be a central place of calm and quietness where we can turn and listen to a voice which is like a sound of gentle stillness, a still, small voice that guides and directs our lives, infallibly.

Help us to do Thy will in this House and in this Legislature through this and every year, we ask in Jesus' name. Amen.

We remember especially in our prayers this morning, Paul Thein, Assistant Fire Marshal of the State of Nebraska. Paul was tragically killed in an accident last night. Our thoughts go out to his family and dear ones, as we stand for a moment of silent prayer.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused.

CORRECTIONS FOR THE JOURNAL

Fortieth Day:
Page 785, line 7, delete "Wednesday" and insert "Friday".
The Journal for the Fortieth Day was approved as corrected.
The Journal for the Forty-first Day was approved.

NOTICE OF COMMITTEE HEARING
Rules

Mr. DeCamp announced that the Rules Committee will hold a public hearing at 8:00 a.m., March 12, 1975 in Room 1019.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 474. Replaced on Select File as amended.
E & R amendments to LB 474:

1. In the Marvel amendment, line 12, insert "such requirement fails to" after "or".

2. In lieu of E & R 4 adopted 3/4/75, in the title, line 6, insert "to provide standards for passenger cars of the state and its political subdivisions; to define terms;" after the second semicolon.

LEGISLATIVE BILL 379. Placed on Select File as amended.
E & R amendments to LB 379:

1. In lieu of the Kramer amendments, on page 2, line 13, strike "forthwith", show as stricken, and insert "within thirty days"; in line 17, strike "void and shall not be made a part of a driving record", and insert "reported by the director to the State Court Administrator"; and in line 21, strike "unless and", and show as stricken. On page 3, strike beginning with "In" in line 1 through "fact" in line 7, show as stricken, and

insert "When a person fails to successfully complete probation, it shall be the duty of the court to notify the director immediately".

2. In the title, line 7, insert "to provide a duty for courts;" after the semicolon.

LEGISLATIVE BILL 575. Placed on Select File.

LEGISLATIVE BILL 529. Placed on Select File as amended.
E & R amendment to LB 529:

1. In the title, line 8, strike the first "and" and strike "and 8" and insert "8, and 18"; in line 10 insert ", and sections 8 and 50, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974" after "1974"; and in line 11 insert "to make new appropriations; to reappropriate certain unexpended balances;" after the semicolon.

LEGISLATIVE BILL 351. Placed on Select File.

LEGISLATIVE BILL 220. Placed on Select File as amended.
E & R amendment to LB 220:

1. In the title, lines 5 and 6, strike "to define certain terms;" and insert "to restrict the use of artificial light;".

LEGISLATIVE BILL 270. Placed on Select File as amended.
E & R amendment to LB 270:

1. In lieu of the standing committee amendments, on page 2, strike line 18; in line 19 strike "commission.", and reinstate the remainder of line 19; and reinstate "persons" in line 20 and insert an underscored period after the reinstated "persons".

LEGISLATIVE BILL 271. Placed on Select File.

LEGISLATIVE BILL 195. Placed on Select File as amended.
E & R amendments to LB 195:

1. On page 5, line 7, insert an underscored comma after "predator".

2. In the title, line 4, insert "to allow destruction of predators causing agricultural depredation;" after the second semicolon.

LEGISLATIVE BILL 489. Placed on Select File as amended.
E & R amendment to LB 489:

1. In the title, line 6, strike "regulations for nongame fish;" and insert "that nongame fish be regulated by the Game and Parks Commission;".

Correctly Engrossed

The following bills were correctly engrossed: 15 and 200.

Correctly Enrolled

The following bills were correctly enrolled: 136 and 294.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 136 and 294.

STANDING COMMITTEE REPORT
Labor

LEGISLATIVE BILL 229. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused at 9:30 a.m. for the remainder of the morning. No objections. So ordered.

CODE OF ETHICS BOARD REPORT

March 7, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Friend Vince:

This is the summary report of the activities of the Code of Ethics Board to be filed with you each odd numbered year covering the preceding two year period under the provisions of Section 49-1115 of the Nebraska statutes.

Attached hereto is a copy of the minutes of the meeting of April 5, 1973 and a copy of the meeting of March 5, 1975. During the interim two year period we have been called upon to make an investigation and determination as an advisory opinion under Section 49-1114 to the State

Fire Marshal's office. No other advisory opinion nor complaints of violations of the Code of Ethics has been filed with this Board during the preceding two year interim period.

The Code of Ethics Board has filed, prior to 1973, the regulations called for under Section 49-1116 R.R.S. Nebraska. If you do not have these regulations, please so inform Mr. Bill Peters and he will present you with a copy.

Sincerely,

(Signed) Donald R. Treadway
Chairman, Code of Ethics Board

DRT/jb
CC: All Board Members
(Minutes filed in the Clerk's Office)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 19. With Emergency.

A BILL FOR AN ACT to amend sections 43-205.06 and 43-205.07, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide for the appointment of a guardian ad litem 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, 43:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	R. Lewis	Luedtke
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	DeCamp	Kremer	F. Lewis	Mahoney
Marvel				

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 156.

A BILL FOR AN ACT to amend sections 21-1301 and 21-1303, Reissue Revised Statutes of Nebraska, 1943, relating to cooperative corporations; to provide for required voting percentages; to provide for signed, written votes; to provide quorum requirements; to provide an exclusion; 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:

Anderson	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Barnett	Cavanaugh	Fowler	Marvel

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

LEGISLATIVE BILL 283. With Emergency.

A BILL FOR AN ACT to amend sections 24-524, 24-525, and 24-527, Revised Statutes Supplement, 1974, relating to the Small Claims Court; to clarify service requirements; to provide an additional fee; to provide appeal procedure; 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:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Barnett Marvel

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

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 132. Placed on General File as amended.
Standing Committee amendment to LB 132:

1. On page 2, lines 7 to 9, strike the new matter and insert the following:

"It shall be unlawful for a school bus to be operated in this state in such a way that passengers are standing while the school bus is in motion. No school bus shall be operated in this state when the total weight of the passengers contained therein exceeds the sum of one hundred fifty pounds for the driver and the figure arrived by multiplying one hundred twenty pounds by the maximum seating capacity of the bus, as posted on such bus by the manufacturer of the bus body. The above limitations on standing passengers and weight shall not apply in cases where severe and inclement weather, breakdowns in transportation equipment, or any other emergency requires that a school bus transport passengers in excess of the above limitations."; after line 22 insert a new subsection as follows:

"(4) Any person who violates or causes the violation of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars.".

LEGISLATIVE BILL 264. Placed on General File as amended.
Standing Committee amendment to LB 264:
1. On page 2, lines 20 and 21, strike the new matter and reinstate the old matter.

LEGISLATIVE BILL 101. Indefinitely postponed.
LEGISLATIVE BILL 246. Indefinitely postponed.
LEGISLATIVE BILL 353. Indefinitely postponed.
LEGISLATIVE BILL 376. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Public Health and Welfare

LEGISLATIVE BILL 238. Indefinitely postponed.
LEGISLATIVE BILL 490. Indefinitely postponed.

(Signed) Thomas Kennedy, Chairman

SELECT FILE

LEGISLATIVE BILL 28. E & R amendments found in the Journal on page 808 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 66. E & R amendment found in the Journal on page 808 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 582. E & R amendments found in the Journal on page 808 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 126. Mr. Koch asked unanimous consent to withdraw his pending specific amendment found in the Journal on page 814 for the Forty-first Day. No objections. So ordered.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 126 to Select File

Mr. Barnett moved to return LB 126 to Select File for the following specific amendment:
Line 23 - replace "5" with 21.
The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 126. The Barnett specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 126 to Select File

Mr. Koch moved to return LB 126 to Select File for the following specific amendment:

1. On page 2, line 4 before "any" insert "(1)"; in lines 8 to 23 strike the new matter and reinstate the stricken matter; in line 23 after "thereof" insert ", and withholding and payment shall be made pursuant to any such authorization"; and after the period in line 23 insert

"(2) Any employee of a board of education of any school district may execute an order authorizing the withholding from any wages or salary paid to such employee a sum each month or pay period as provided in subsection (1) of this section, and such individuals employer may withhold and make payment pursuant to such authorization.".

Mr. Koch moved for a Call of the House. The motion prevailed with 24 ayes, 10 nays and 15 not voting.

The Call showed 43 members present.

Mrs. Marsh moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. F. Lewis requested a record vote on the Koch motion.

Voting in the affirmative, 26:

Anderson	Carsten	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	George	Goodrich
Kelly	Kennedy	Kime	Koch	R. Lewis
Maresh	Mills	Murphy	Nichol	Rasmussen
Rumery	Stoney	Stull	Swigart	Syas
Warner				

Voting in the negative, 11:

Burbach	Burrows	Cavanaugh	Fitzgerald	Fowler
Keyes	F. Lewis	Mahoney	Marsh	Moylan
Simpson				

Not voting, 12:

Barnett	Bereuter	Chambers	Hasebroock	Johnson
Kremer	Luedtke	Marvel	Savage	Schmit
Skarda	Wiltse			

The motion prevailed with 26 ayes, 11 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 126. The Koch specific amendment found in this day's Journal was renewed.

Mr. Koch moved for a Call of the House. The motion prevailed with 18 ayes, 14 nays and 17 not voting.

The Call showed 42 members present.

Mr. Koch moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Koch requested a record vote on his specific amendment.

Voting in the affirmative, 22:

Carsten	Clark	DeCamp	Dickinson	Dworak
George	Hasebroock	Kelly	Kennedy	Kime
Koch	R. Lewis	Maresh	Mills	Murphy
Nichol	Rasmussen	Stoney	Stull	Swigart
Warner	Wiltse			

Voting in the negative, 17:

Bereuter	Burrows	Cavanaugh	Cope	Fitzgerald
Fowler	Keyes	F. Lewis	Luedtke	Mahoney
Marsh	Moylan	Rumery	Savage	Simpson
Skarda	Syas			

Not voting, 10:

Anderson	Barnett	Burbach	Chambers	Duis
Goodrich	Johnson	Kremer	Marvel	Schmit

The Koch amendment lost with 22 ayes, 17 nays and 10 not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT–Withdraw Amendment on LB 111

Mr. Warner asked unanimous consent to withdraw his amendment found in the Journal on page 735. No objections. So ordered.

MOTION–Return LB 111 to Select File

Mr. Warner moved to return LB 111 to Select File for the following specific amendment:
To amend LB 111 by striking the E & R amendment number 6 found on page 687 of the Journal.

SPEAKER BURBACH PRESIDING

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 111. The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays and 23 not voting.

MOTION–Return LB 66 to Select File

Mr. Chambers moved to return LB 66 to Select File for the following specific amendment:
To add the emergency clause to LB 66.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

The Chambers specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 537 to Select File

Mr. Clark moved to return LB 537 to Select File for the following specific amendment:

1. Insert two new sections to read:
"Section 1. That section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, as amended by section 30, Legislative Bill 1054,

Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 4. Agency No. 05 -- Supreme Court

(1) Program No. 034 -- Court Administrator

There is included in the amount shown funds to provide for a uniform court records analysis system. The development and analysis of this system shall be performed in cooperation with the Department of Corrections -- Agency No. 46, Nebraska Commission on Law Enforcement and Criminal Justice -- Agency No. 78, and the District Courts -- Agency No. 06.

GENERAL FUND	76,368
FEDERAL FUND est.	56,185
PROGRAM TOTAL	132,553

(2) Program No. 251 -- State Law Library

GENERAL FUND	98,114
PROGRAM TOTAL	98,114

(3) Program No. 391 -- Office of Clerk

GENERAL FUND	240,929
PROGRAM TOTAL	240,929

(4) Program No. 394 -- Judicial Nominating Commission

GENERAL FUND	3,356
PROGRAM TOTAL	3,356

(5) Program No. 395 -- Office of Reporter

GENERAL FUND	41,557
PROGRAM TOTAL	41,557

(6) Program No. 396 -- County Court System

GENERAL FUND	2,804,708
FEDERAL FUND est.	30,000
PROGRAM TOTAL	2,834,708

(7) Program No. 399 -- Court Reporters

GENERAL FUND	642,145
PROGRAM TOTAL	642,145

(8) Program No. 505 -- Commission on Judicial Qualifications

GENERAL FUND	6,973
PROGRAM TOTAL	6,973

~~(9) Program No. 531 -- Court of Industrial Relations~~

~~GENERAL FUND~~	~~36,494~~
~~PROGRAM TOTAL~~	~~36,494~~

For Informational Purposes Only: Total Appropriations to Agency No. 05 and Fund Source

GENERAL FUND	~~3,950,644~~
	3,914,150
FEDERAL FUND est.	86,185
AGENCY TOTAL	~~4,036,829~~
	4,000,335

Sec. 2. There is hereby appropriated from the General Fund the sum of fifty-nine thousand, two hundred four dollars for the period ending June 30, 1975, to the Court of Industrial Relations, Agency No. 77, for Program 531.".

2. Renumber sections 1 to 16 as renumbered by E and R 1, adopted 3/7, as sections 3 to 18.

3. On page 15, strike lines 15 to 18 and show as stricken; and after line 18 insert:

"There is included in Program 316 $184,968 General Funds for machine technology and $40,032 General Funds for cosmetology.".

4. Insert "section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, as amended by section 30, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974," after the third comma in line 6 of E and R 4 and after the second comma in line 6 of E and R 5, both adopted 3/7.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 537. The Clark specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 28 to Select File

Mr. Dworak moved to return LB 28 to Select File for the following specific amendment:
Strike the enacting clause.

Motion pending.

REFERENCE COMMITTEE REPORT

LB	Committee
586	From Public Health to Judiciary

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 332 Thursday, March 20, 1975 (2nd hearing) 1:00 p.m.

(Signed) Loran Schmit, Chairman

Committee on Committees

The Committee on Committees will meet at 12:00 Noon, Wednesday, March 19, 1975, in the Supreme Court Hearing Room for the purpose of hearing the following appointment. This appointment will be heard at the same date and time as a previous list submitted on March 5, 1975, namely, Francis Hanna, Marlin Armbruster and Roy R. Robertson.

Julius Novak, 2525 Dodge, Omaha, reappointed to the Motor Vehicle Industry Licensing Board.

(Signed) John S. Savage, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 493. Placed on General File.

(Signed) F. Lewis, Chairman

Agriculture and Environment

LEGISLATIVE BILL 74. Placed on General File as amended.
Standing Committee amendments to LB 74:

1. On page 2, lines 5 and 6 strike "an advisory committee to be known as".
2. On page 3, line 9 strike "shall" and insert "may, with the approval of the committee,"; in line 11 after the period insert "The chief shall have a minimum of five years experience in commodity grain marketing and shall have demonstrated ability in domestic and foreign market development."; in line 13 strike "an advisory" and insert "a"; strike commencing with "advise" in line 15 through "industry" in line 18 and insert ", with the aid and advice if the director, administer the program provided in this act"; in line 19 strike "advisory", after "appointees" insert "for five year terms"; in line 20 strike "persons recommended" and insert "soybean producers nominated"; in line 21 after "Association" insert a period and strike the remainder of the line; in line 26 strike "recommended" and insert "nominated"; and line 27 strike ", and approved by the".
3. On page 4, line 1 strike "Director of Agriculture,".

4. On page 5, line 20 strike "Members" and insert "Voting members"; line 21 strike "ten" and insert "fifty"; and in line 23 after "actual" insert "and necessary".

5. On page 6, line 5 after "its" insert "voting"; in lines 7 and 8 strike ", the Director of Agriculture,"; in line 17 strike "upon" and insert "with"; in line 18 strike "recommendations" and insert "approval", after "of" insert "a majority of", and strike "advisory"; and strike lines 25 and 26.

6. On page 7, renumber original subdivisions (3) to (6) of section 9 as subdivisions (2) to (5) respectively; in line 4 after "necessary" insert ", except that no expenditures may be made from the fund for political activity of any kind or for preferential treatment of any person or organization to the detriment of other persons or organizations"; in line 9 strike "and"; in line 12 after "department" insert "; and"

(6) A grower who has sold soybeans and has an assessment deducted from the sale price may, by application in writing to the director secure a refund in the amount deducted. The refund shall be payable by the director upon application to him within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted."; in line 14 strike "aid and advice" and insert "approval of a majority" and strike "advisory"; in line 15 strike "an" and insert "a suitable" and insert a period after "office" and strike "suitable for the"; strike line 16; in lines 25 and 26 strike "aid and advice" and insert "approval of a majority"; in line 26 strike "advisory", and strike "he" and insert "they".

7. On page 8, line 3 strike "he shall" and insert "they may"; in line 4 after "director" insert "and the committee" and strike "finds" and insert "find"; in line 6 strike "he" and insert "they"; in line 7 strike "his" and insert "their".

8. On page 9 strike commencing with "Director" in line 17 through "public" in line 21 and insert:

"director shall make and publish an annual report on or before the first day of January of each year, which report shall set forth in detail the income received from the soybean assessment for the previous year and which report shall include:

(1) The expenditure of all funds by the committee and the department during the previous year for administration of the act;

(2) The action taken by the director upon approval of the committee on all contracts requiring the expenditure of funds by the director or the committee;

(3) Copies of all such contracts;

(4) A detailed explanation of all programs relating to the discovery, promotion, and development of markets and industries for the utilization of soybeans, including the direct expense associated with each program, including copies of such programs if in writing; and

(5) The name and address of each member of the committee and a copy of all rules and regulations promulgated by the director and the committee.

Such report shall be mailed by the director to each member of the Nebraska Legislature within thirty days following publication and shall be available to the public upon request."; and in line 27 strike "expended solely" and insert "disbursed".

LEGISLATIVE BILL 318. Placed on General File as amended.
Standing Committee amendments to LB 318:

1. On page 3, strike lines 25 to 27.

2. On page 4, strike lines 1 to 11, and insert the following:

"Sec. 2. No person shall manufacture or distribute commercial feed in this state unless such person holds a valid registration for each manufacturing and storage facility in this state. Application for registration shall be made to the department on forms furnished by the department, and submitted to the department accompanied by an annual registration fee of five dollars. Each registration shall expire on December 31 of each year unless application to renew such registration is made prior to expiration. A copy of the valid registration shall be posted in a conspicuous place in each location used for manufacturing or storage."; line 26 reinstate the stricken "December 31"; line 27 strike "June 30".

3. On page 7, line 2 after "specifications" strike "and manufactured, sold, and"; strike lines 3 and 4 and insert "if such buyer shall be the ultimate consumer."; line 26 after the underscored comma strike "minimum percentage of"; line 27 strike "iodine (I),".

4. On page 8, line 17 after "list" strike "alternate"; line 18 strike "ingredients" and insert "collective terms".

5. On page 9, line 1 after the underscored comma strike "minimum per cent of"; line 2 strike "iodine (I),".

6. On page 10, line 20 after "grains" and line 21 after "grains" insert "and those commercial feeds listed in subdivisions (a), (b), and (c) of subsection (3) of section 54-821".

7. On page 11, line 2 after "statement" strike "made under oath" and show as stricken; lines 8 and 9 strike "statement under oath" and show as stricken.

8. On page 12, line 3 after "pay" strike the remainder of the line and show the old matter as stricken; strike line 4; strike line 5 and show the old matter as stricken; line 6 strike "fees due" and show as stricken and insert ", in addition to the fees due, a penalty of twenty-five per cent of the fees due, if paid between February 1 to February 28 or August 1 to August 31 for the respective delinquency, and an additional twenty-five per cent thereafter".

9. On page 13, line 7 strike "state treasury" and show as stricken and insert "State Treasurer"; line 8 strike "placed" and show as stricken and insert "deposited"; after the stricken period strike "a fund" and insert "the Commercial Feed Administrative Fund, which fund is hereby established"; line 11 after "Any" insert "money in such fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.", and strike "unexpended balance in"; strike lines 12 to 14; and after line 14 insert a new section as follows:

"Sec. 11. This act shall become operative on January 1, 1976.".

10. Renumber original section 11 as section 12.

(Signed) Loran Schmit, Chairman

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will have an executive session today at 1:30 p.m. in Room 1019.

PRESIDENT WHELAN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 588. Laid over at request of Mr. Marvel.

LEGISLATIVE BILL 61. Considered.

Mr. Warner offered the following amendment:

Amend LB 61 by striking Section 1 and 2 and insert:

A BILL FOR AN ACT to amend sections 72-1239, 72-1241, and 84-602, Reissue Revised Statutes of Nebraska, 1943, and sections 72-1240 and 72-1246, Revised Statutes Supplement, 1974, relating to investment of state funds; to make the Nebraska Investment Council an advisory body to the State Treasurer; to provide for employment of a state investment officer as prescribed; to expend duties of the State Treasurer as prescribed; and to repeal the original sections, and also section 72-1242, Revised Statutes Supplement, 1974.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 72-1239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1239. The purpose of the council shall be to formulate and establish such policies as it may deem necessary and proper which shall govern the methods, practices and procedures followed by the state investment officer for the investment or reinvestment of state funds and the purchase, sale or exchange of securities as provided by this act. Any policies formulated by the council shall not be implemented without the approval of the State Treasurer. The council shall meet from time to time as directed by the ~~Governor~~ State Treasurer or the chairman. ~~or as requested by the state investment officer.~~ The members of the council shall be paid fifty dollars per diem and reimbursed for all necessary expenses incurred in connection with the performance of their duties as members.

Sec. 2. That section 72-1240, Revised Statutes Supplement, 1974, be amended to read as follows:

72-1240. The ~~council~~ State Treasurer shall ~~appoint~~ employ a state investment officer. ~~The appointment employment shall be subject to the approval of the Legislature.~~ The

state investment officer shall be a person well qualified by training to administer and invest the money available for investment under the provisions of this act, and he shall have appropriate experience in the management of investment portfolios. His salary shall be fixed by the State Treasurer. ~~council at not less than twenty five thousand dollars per year. He shall serve without term and may be removed for cause by the council.~~

Sec. 3. That section 72-1241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1241. The state investment officer shall devote his entire time and attention to the duties of his office. He shall not engage in any other occupation or profession or hold any other public office, appointive or elective. ~~If for any reason the state investment officer is unable to perform the duties of his office, or the office is vacant due to death, resignation or otherwise, the council shall designate an acting state investment officer to serve until the state investment officer is able to act or the vacancy is filled. With the approval of the council, the state investment officer may designate a deputy to perform such acts and duties as the state investment officer shall authorize, subject to the same restrictions as apply to the state investment officer. The deputy shall furnish bond in the face amount and conditioned as the bond of the state investment officer. The state investment officer shall be responsible for all official acts of his deputy.~~

Sec. 4. That section 72-1246, Revised Statutes Supplement, 1974, be amended to read as follows:

72-1246. All money made available to the state investment officer for investment may be invested subject to approval of the State Treasurer in the following classes of securities after proper consideration of the requirements for the availability of such money: (1) Notes, bonds, or other obligations of the United States, or those guaranteed by or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof; (2) bonds or other evidences of indebtedness of the State of Nebraska and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by, any other state of the United States; (3) notes, bonds, or obligations of any municipal or political subdivision of the State of Nebraska which are general obligations of the issuer thereof and revenue bonds or debentures of any city, county or utility district of the State of Nebraska where the earnings available for debt service have, for a five-year period immediately preceding the date of purchase, averaged not less than two times such debt service requirements; (4) bonds and debentures issued either

singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration; (5) Federal National Mortgage Association debentures; (6) Federal Home Loan Bank bonds; (7) Federal Home Loan Mortgage Corporation bonds; (8) certificates of deposit of banks which are members of the Federal Deposit Insurance Corporation except that whenever the amount deposited exceeds the amount of insurance available thereon, the excess shall be secured in the same manner as for the deposit of public funds; (9) accounts with building and loan associations or federal savings and loan associations in the State of Nebraska to the extent that such accounts are insured by the Federal Savings and Loan Insurance Corporation; (10) bonds or other interest-bearing obligations of any corporation organized under the laws of the United States or any state thereof, except that (a) at the time the purchase is made, they are given, by at least one statistical organization whose publication is in general use, a rating of AAA, AA or A, and (b) not more than five per cent of the total investment fund shall be invested in the obligations of any one issuer; (11) direct short-term obligations generally classified as commercial paper of any corporation organized under the laws of the United States or any state thereof with a net worth of ten million dollars or more of maturities not longer than one hundred twenty days; and (12) any security of any corporation organized under the laws of the United States or of any state thereof with a net worth of ten million dollars or more, except that (a) not more than twenty-five million dollars shall be invested in common stocks at any one time; Provided, that funds invested with a primary carrier shall not be subjected to this limitation, and (b) not more than five per cent thereof shall be invested in the securities of any one corporation. Notwithstanding the aforesaid percentage limits, the cash proceeds of the sale of such securities of any corporation may be reinvested in any securities authorized under this subdivision. The state investment officer may invest money available for investment in any fund with one or more primary carriers which shall invest such money in a manner authorized by the state investment officer.

Sec. 5. That section 84-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-602. It shall be the duty of the State Treasurer:

(1) To receive and keep all money of the state not expressly required to be received and kept by some other person;

(2) To disburse the public money upon warrants drawn upon the state treasury according to law, and not otherwise;

(3) To keep a just, true and comprehensive account of all money received and disbursed;

(4) To keep a just account with each fund, and each head of appropriation made by law, and the warrants drawn against them;

(5) To render a full statement to the Department of Administrative Services, of all money received by him from whatever source, and if on account of revenue, for what year; of all penalties and interest on delinquent taxes reported or accounted for to him, and of all disbursements of public funds; with a list, in numerical order, of all warrants redeemed, the name of the payee, amount, interest and total amount allowed thereon, and with the amount of the balance of the several funds unexpended; which statement shall be made on the first day of December, March, June and September, and oftener if required;

(6) To report to the Legislature as soon as practicable, but within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and its operations for the preceding fiscal year;

(7) To give information in writing to the Legislature, whenever required, upon any subject connected with the treasury or touching any duty of his office; and

(8) To administer the provisions of Chapter 72, article 12; and

~~(8)~~ (9) To account for, and pay over, all money received by him as such treasurer, to his successor in office, and deliver all books, vouchers and effects of office to him; and such successor shall receipt therefor. In accounting for and paying over such money the treasurer shall not be held liable on account of any loss occasioned by any investment, when such investment shall have been made pursuant to the direction of the state investment officer.

Sec. 6. That original sections 72-1239, 72-1241, and 84-602, Reissue Revised Statutes of Nebraska, 1943, and sections 72-1240 and 72-1246, Revised Statutes Supplement, 1974, and also section 72-1242, Revised Statutes Supplement, 1974, are repealed.

Amendment pending. Laid over.

LEGISLATIVE BILL 157. Considered.

Mr. Kennedy moved to reconsider action on the Standing Committee amendments found in the Journal on page 574 for the Thirtieth Day. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The Standing Committee amendments were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 157A. Title read. Considered.

Mr. Kennedy offered the following amendment:
1. On page 2, line 3, insert "to June 30, 1976,"
after "1975".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 20. Considered.

Mr. Duis asked unanimous consent to bracket LR 20. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 202. Title read. Considered.

Standing Committee amendment found in the Journal on page 574 for the Thirtieth Day was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Cavanaugh moved to bracket LB 202.

Mr. Cavanaugh asked unanimous consent to withdraw his motion to bracket. No objections. So ordered.

Mr. Mills moved to indefinitely postpone.

The Chair ruled that this is the same subject under consideration and Senators that already spoke twice couldn't speak again.

Mr. Schmit appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 18 ayes, 19 nays and 12 not voting. The Chair was not sustained.

Mr. DeCamp moved for a Call of the House. The motion lost with 15 ayes, 25 nays and 9 not voting.

Speaker Burbach requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 21:

Barnett	Bereuter	Burrows	Clark	Cope
Dickinson	Dworak	Fitzgerald	Kelly	Keyes
Kime	Luedtke	Mahoney	Marsh	Mills
Savage	Simpson	Skarda	Swigart	Syas
Wiltse				

Voting in the negative, 18:

Anderson	Burbach	Carsten	DeCamp	Fowler
George	Goodrich	Johnson	Kennedy	Koch
R. Lewis	Maresh	Moylan	Nichol	Rumery
Schmit	Stoney	Warner		

Not voting, 10:

Cavanaugh	Chambers	Duis	Hasebroock	Kremer
F. Lewis	Marvel	Murphy	Rasmussen	Stull

The Mills motion to indefinitely postpone prevailed with 21 ayes, 18 nays and 10 not voting.

MESSAGES FROM THE GOVERNOR

March 10, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 227, 251, 260, 284, 286, 289, 293, and 354, and Reengrossed Legislative Bills Nos. 77 and 108.

These bills were signed by me on March 9, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 10, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 13, 276, 290, and 555.

These bills were signed by me on March 10, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 153. Title read. Considered.

Standing Committee amendments found in the Journal on page 579 for the Thirtieth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 2 nays and 20 not voting.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 253. Placed on General File.

LEGISLATIVE BILL 517. Placed on General File as amended.
Standing Committee amendment to LB 517:

1. On page 3, line 7 strike "conduct periodic inspections of" and insert "investigate any complaints against".

(Signed) Thomas C. Kennedy, Chairman

Judiciary

LEGISLATIVE BILL 231. Indefinitely postponed.
LEGISLATIVE BILL 482. Indefinitely postponed.
LEGISLATIVE BILL 548. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 589. By Carsten, 2nd District, Chairman Committee on Revenue, at the Request of the Governor.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1974, relating to taxation; to set the individual income tax rate for 1975; and to repeal the original section.

MOTION–Introduce Bill

Mr. Murphy moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance. (Req. 570)

Mr. Murphy moved for a Call of the House. The motion prevailed with 22 ayes, 10 nays and 17 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 41 ayes, 0 nays and 8 not voting.

The Murphy motion to introduce the new bill prevailed with 33 ayes, 7 nays and 9 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 590. By Committee on Banking, Commerce and Insurance: Murphy, 17th District, Chairman; Warner, 25th District; Wiltse, 1st District; Hasebroock, 18th District; Swigart, 8th District.

A BILL FOR AN ACT relating to insurance; to provide minimum standard health-care benefits; to provide qualified benefit plans; to provide a state benefit plan; to create an association of carriers; to create a health-care commission; to provide eligibility qualifications; to provide an operative date; and to provide severability.

REFERENCE COMMITTEE REPORT

LB	Committee
589	Revenue
590	Bkg, Comm. & Ins.

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 589 Tuesday, March 18, 1975 2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

Banking, Commerce and Insurance

LB 590 Tuesday, March 18, 1975 2:00 p.m.

(Signed) J. R. Murphy, Chairman

REPORT OF EMPLOYEES

During the month of February, 1975, there were 166 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total amount paid to these employees was $77,484.21, of which $1,244.95 was overtime. The figure includes the State's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting office of the Legislative Council.

VISITORS

The President introduced 22 members from Girl Scout Troop 90, Lincoln; group of League of Women voters from Grand Island, Hastings, Kearney, Omaha, Lincoln, Fairbury, Seward, Holdrege and Columbus; 34 Fourth grade students from Clare McPhee School, Lincoln; Mayor Ed Zorinsky from Omaha.

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, March 12, 1975.

Vincent D. Brown
Clerk of the Legislature

FORTY-THIRD DAY—MARCH 12, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 12, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty God, first lawgiver and final judge, in this brief moment of recollection before the beginning of today's session, may we all remember that You have made man alone among an infinitude of wonderful creatures with the power to know Your laws, to fashion others of his own. May this august Senate be wise in its proceedings, just in its judgments, a reflection of Your eternal wisdom in its programs for the welfare of the State.
>
> O Lord of all, stand beside the Senators at their legislative desks so that they may strive avidly for the enactment of just laws for the common good, welcome vigorously the challenge of honest debate, accept graciously the trial of committee hangups, conform heartily to the discipline of parliamentary procedures, represent candidly the wishes of their constituents, acknowledge sincerely the biting criticism of partisan or foe, uphold humbly the dignity of their servious and sacred office.
>
> Above all else, O Supreme Legislator, let each Senator also seek the approving vote of his own conscience, a conscience formed by strict study, accurate analyses, able arguments and persistent prayer.
>
> Finally, may the final roll call at the awesome adjournment of earthly affairs find each one recognized by the Infinite President of the Heavenly Senate with these victorious words: Well done, good and faithful servant of my people. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Mahoney and Marvel who were excused and Mr. Wiltse who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 828, line 23, insert: "LEGISLATIVE BILL 66."
The Journal for the Forty-second Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Mahoney asked unanimous consent to be excused Friday, March 14, 1975. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 39
March 11, 1975

Re: Requested Opinion Concerning L.B. 126

Dear Senator Koch:

You have requested our opinion as to whether, under L.B. 126, a school board would not be required to make deductions from the payroll unless the governing body approved it. This office agrees with your opinion that the language of L.B. 126 is unclear and therefore it is questionable whether or not school boards would have to approve a deduction from payroll before it is required to make such deductions.

Our initial impression upon reading L.B. 126, Second Final Reading, is that approval of the Governor and the Director of Administrative Services in the case of employees of the State of Nebraska and the approval of the governing board in the case of employees of governmental subdivisions is required only for community charities or public welfare plans and not for employee organizations or credit unions. The language is unclear, however, and is subject to the construction that the approvals are required for any deductions from payroll. Because the language is unclear, we are not prepared at this time to render any opinion which would definitively answer your question. Because the language of the bill is unclear, it would be subject to judicial construction and we are not prepared to predict how the bill would be construed.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Special Assistant Attorney General

GBS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 240A. Placed on Select File as amended.
E & R amendment to LB 240A:
1. On page 2, line 5, strike "the" and strike "Fund" and insert "Funds".

LEGISLATIVE BILL 193. Placed on Select File as amended.
E & R amendment to LB 193:
1. In new section 1, insert an underscored comma in line 8 after "commission" and in line 14 after "year".

LEGISLATIVE BILL 78. Placed on Select File as amended.
E & R amendment to LB 78:
1. In the title, line 4, strike "reduce" and insert "change".

(Signed) Donald N. Dworak, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 187A. By Clark, 47th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 2. Mr. Stull requested a roll call vote.

A BILL FOR AN ACT to amend section 48-115, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 186, Eighty-fourth Legislature, First Session, 1975, relating to workmen's compensation; to authorize a waiver of coverage and termination of waiver 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, 27:

Burbach	Carsten	Clark	Cope	DeCamp
Duis	Dworak	George	Hasebroock	Johnson
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Maresh	Marsh	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Schmit
Stoney	Stull			

Voting in the negative, 16:

Barnett	Bereuter	Burrows	Chambers	Dickinson
Fitzgerald	Fowler	Goodrich	Kelly	Koch
Luedtke	Savage	Simpson	Skarda	Swigart
Syas				

Not voting, 6:

Anderson	Cavanaugh	Mahoney	Marvel	Warner
Wiltse				

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

LEGISLATIVE BILL 45.

A BILL FOR AN ACT to amend section 23-2329, Reissue Revised Statutes of Nebraska, 1943, section 23-2330, Revised Statutes Supplement, 1974, and section 23-2301, Revised Statutes Supplement, 1974, as amended by Section 1, Legislative Bill 47, Eighty-Fourth Legislature, First Session, 1975, relating to county employees retirement; to redefine terms; to provide for approval of a retirement system; to revise requirements for certification of a retirement system; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Fitzgerald	Fowler	George
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis

Luedtke	Maresh	Marsh	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas				

Voting in the negative, 0.

Not voting, 8:

Anderson	Dworak	Goodrich	Mahoney	Marvel
Murphy	Warner	Wiltse		

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

LEGISLATIVE BILL 234. With Emergency.

A BILL FOR AN ACT to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Veterans' Aid Fund; to increase such 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, 44:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	

Voting in the negative, 0.

Not voting, 5:

Anderson	Mahoney	Marvel	Warner	Wiltse

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 234A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 234, Eighty-fourth Legislature, First Session, 1975; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	

Voting in the negative, 0.

Not voting, 5:

Anderson	Mahoney	Marvel	Warner	Wiltse

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 247.

A BILL FOR AN ACT to amend sections 2-2404 and 2-2407, Reissue Revised Statutes of Nebraska, 1943, relating to the Weather Modification Commission; to remove obsolete matter; to allow the department to accept and use 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.

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Duis

Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 0.

Not voting, 6:

Anderson	Chambers	Dickinson	Mahoney	Marvel
Wiltse				

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

LEGISLATIVE BILL 309.

A BILL FOR AN ACT to amend section 77-1736.04, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 308, Eighty-fourth Legislature, First Session, 1975, relating to taxation; to provide additional procedural requirements to be used in refunding taxes illegally collected; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dickinson	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	

Voting in the negative, 0.

Not voting, 5:

DeCamp	Dworak	Mahoney	Marvel	Wiltse

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

LEGISLATIVE BILL 81. Mr. Warner moved to return LB 81 to Select File for the following specific amendment:

1. In the Warner amendment 3 to LB 81, printed and adopted, Journal page 764, strike "Such collectors shall also comply with the registration requirements of subsection (7) of this section, but no additional fee shall be charged for such registration.".

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 241. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 1975 at 9:30 a.m., were the following bills: 136 and 294.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 126.

Correctly Engrossed

The following bills were correctly engrossed: 28, 66, 111, 537 and 582.

Correctly Enrolled

The following bills were correctly enrolled: 19, 156 and 283.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 19, 156 and 283.

SELECT FILE

LEGISLATIVE BILL 474. E & R amendments found in the Journal on page 819 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 379. E & R amendments found in the Journal on page 819 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 575. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 529. E & R amendment found in the Journal on page 820 for the Forty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 351. Mr. Rumery offered the following amendments:

1. On page 2, after line 18 insert a new section as follows:

"Sec. 2. That section 81-1223, Revised Statutes Supplement, 1974, be amended to read as follows:

81-1223. (1) The Director of Economic Development is hereby authorized to set and collect a fee from persons who attend any attraction under the control or supervision of the Department of Economic Development. All such funds shall be deposited in the Tourist Promotion Fund and used for the purposes set forth for that fund.

(2) The Director of Economic Development may contract for and lease any property under the control and supervision of the Department of Economic Development to any person or organization if such lease is in the best interests of the state. All funds collected from such leases shall be deposited in the appropriate department fund and used for the purposes set forth for that fund."; line 19 after "81-815.45" insert "and 81-1223"; line 20 strike "is" and insert "are".

2. Renumber original section 2 as section 3.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendment found in the Journal on page 820 for the Forty-second Day was adopted.

The Dworak amendment found in the Journal on page 817 was renewed.

Mr. Dworak moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays and 28 not voting.

Mr. Kelly moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Dworak amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 270. E & R amendment found in the Journal on page 820 for the Forty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 271. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 195. E & R amendments found in the Journal on page 820 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 489. E & R amendment found in the Journal on page 820 for the Forty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 81. The Warner specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 474 to Select File

Mr. Warner moved to return LB 474 to Select File for the following specific amendment:
Strike Sec. 5 of the Marvel amendment adopted 3-10-75 on Select File.

The motion prevailed with 25 ayes, 11 nays and 13 not voting.

SELECT FILE

LEGISLATIVE BILL 474. The Warner specific amendment found in this day's Journal was renewed.

Mr. Warner moved for a Call of the House. The motion prevailed with 17 ayes, 4 nays and 28 not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The Warner specific amendment was adopted with 27 ayes, 13 nays and 9 not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 114. Placed on General File as amended.
Standing Committee amendment to LB 114:

1. On page 2, line 7 strike "ten" and insert "five".

LEGISLATIVE BILL 115. Placed on General File as amended.
Standing Committee amendments to LB 115:

1. Strike original section 1 and insert the following:
"Section 1. That section 39-810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
39-810. The county board of each county~~, except in counties having a population of two hundred thousand inhabitants, or more, has the power to~~ may erect and repair all bridges and approaches thereto and build all culverts and make improvements on roads, including the purchase of gravel for roads, and to stockpile any materials to be used for such purposes, the cost and expense of which shall in no instance exceed ~~five~~ forty thousand dollars. All contracts for the erection or repair of bridges and approaches thereto or for the building of culverts and improvements on roads, the cost and expense of which shall exceed ~~five~~ forty thousand dollars, shall be let by the county board~~, except in counties having a population of two hundred thousand inhabitants, or more,~~ to the lowest responsible bidder. All contracts for materials for repairing, erecting, and constructing bridges and approaches thereto or culverts, or for the purchase of gravel for roads, the cost and expense of which exceed ~~five~~ ten thousand dollars, shall be let to the lowest responsible bidder, but the board~~, except in counties having a population of two hundred thousand inhabitants, or more,~~ may reject any and all bids submitted for such materials. Upon rejection of any bid or bids by the board of such a county, such board shall have power and authority to purchase materials to repair, erect, or construct the bridges of such county, and approaches thereto, culverts, or for the purchase of gravel for roads. All contracts for bridge erection or repair, approaches thereto, culverts, or road improvements in excess of ten thousand dollars but less than forty thousand dollars shall require individual cost accounting records on each individual job and shall be subject to audit by the Auditor of Public Accounts. All bids for the letting of contracts must be de-

posited with the county clerk of such a county, opened by him in the presence of the county board, and filed in such clerk's office.".

LEGISLATIVE BILL 226. Placed on General File.

LEGISLATIVE BILL 259. Placed on General File as amended.
Standing Committee amendments to LB 259:

1. Strike original sections 5 to 12 and insert the following new sections:

"Sec. 5. (1) Individuals whose permits to operate a motor vehicle are revoked under the provisions of sections 39-669.16, 39-669.27, and 39-669.30 shall be eligible to operate a motor vehicle in this state under an employment driving permit, valid for the period of revocation except that such permit may not be issued until thirty days after the date of revocation of the operator's permit.

(2) Any person whose motor vehicle operator's license or privilege to operate a motor vehicle in this state has been suspended or revoked pursuant to any law of this state, except 39-669.16, 39-669.27, and 39-669.30, shall not be eligible to receive an employment driving permit during the period of such suspension or revocation.

(3) An individual who is issued an employment driving permit may operate a motor vehicle (a) from his residence to his place of employment and return, and (b) during the normal course of employment, if the use of a motor vehicle is necessary in the course of such employment. Such permit shall indicate for which purposes the permit may be used.

(4) The operation of a motor vehicle by the holder of an employment driving permit, except as provided in this section, shall be unlawful. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than three hundred dollars.

Sec. 6. (1) Application for an employment driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the Department. The application form shall contain such information as deemed necessary by the director to carry out the provisions of this act. To be eligible for an employment driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's employer stating that such applicant is required to operate a motor vehicle from his residence to his place of employment and return;

(b) If such applicant requires the use of a motor vehicle during the normal course of employment, an affidavit from the applicant's employer setting forth these facts;

(c) An affidavit stating that there exists no other reasonable alternative means of transportation to and from work available to the applicant;

(d) If applicant is self-employed, an affidavit to the department setting forth the provisions of his employment.

(2) Upon making application for such permit, the applicant shall certify that he shall attend and complete, within sixty days, a driver improvement course presented by the department, or show successful completion of the driver education

and training course as provided in section 39-669.27. If such course is not completed, the employment driving permit shall be surrendered to the department. If any person shall fail to return to the department the permit as provided herein, the department shall direct any peace officer or authorized representative of the department to secure possession thereof and to return the same to the department. The applicant shall also be required to file and maintain proof of financial responsibility as defined in Chapter 60, article 5.

(3) Any person who fails to surrender a permit as, required by this section, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not to exceed three hundred dollars.

(4) A fee of thirty dollars shall be submitted to the Department of Motor Vehicles along with the application for a driving permit. The Department of Motor Vehicles shall pay the money into the State Treasury and the State Treasurer shall credit the money to the Driver Improvement Program Fund, which is hereby created. All fees collected under this act shall be appropriated to the Department of Motor Vehicles, Agency 24, Program 32.

(5) When the holder of an employment driving permit, as provided in this act, is convicted on or after the date of issuance of the employment driving permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another employment driving permit during that particular period of revocation.

(6) Any person who feels himself aggrieved because of the refusal of the director to issue the employment driving permit, may appeal to the district court of the county wherein such person resides, or, in the case of a non-resident, to the District Court of Lancaster County, in the manner prescribed by section 60-420.".

2. On page 32, renumber original section 13 as section 7 and insert the following new section:

"Sec. 8. 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 306. Placed on General File.
LEGISLATIVE BILL 313. Placed on General File.

LEGISLATIVE BILL 381. Placed on General File as amended.
Standing Committee amendment to LB 381:

1. On page 15, line 20 strike "only" and show as stricken; and in line 22 after "hour" insert "<u>, two points shall be assessed upon convictions of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour,</u>".

LEGISLATIVE BILL 435. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS
Education

LB 216	Monday, March 24, 1975	1:00(Reset)
LB 579	Monday, March 24, 1975	1:00(Reset)
LB 520	Tuesday, March 25, 1975	1:00(Reset)
LB 521	Tuesday, March 25, 1975	1:00(Reset)

(Signed) F. Lewis, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 243A. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, Eighty-fourth Legislature, First Session, 1975.

MOTION—Return LB 28 to Select File

Mr. Dworak renewed his pending motion found in the Journal on page 830, to return LB 28 to Select File for the following specific amendment: Strike the enacting clause.

The motion lost with 5 ayes, 27 nays and 17 not voting.

MOTION—Suspend Rules

Mr. Carsten moved to suspend the rules
Rule 3 Sec 5 and cancel hearing on LB 589 on 3/18 and reset it for Monday 3/17 at 2:00 p.m.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

NOTICE OF COMMITTEE HEARING
Revenue

LB 589	Tuesday, March 18, 1975 (Cancelled)	2:00 p.m.
LB 589	Monday, March 17, 1975 (Reset)	2:00 p.m.

(Signed) Calvin Carsten, Chairman

UNANIMOUS CONSENT–Change of Hearing Room

Mr. Anderson asked unanimous consent to use the West Chamber for a Miscellaneous Subjects meeting tomorrow, March 13, 1975. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 45, LB 234, and LB 234A.

(Signed) Jerome Warner

MOTION–Suspend Rules

Mr. Luedtke moved to suspend the rules (Rule 3, Sec 5) in order to schedule a Judiciary Committee hearing on LB 583 on Monday, March 17, 1975 at 2:00 p.m.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Luedtke moved the Call be raised. The motion prevailed with 37 ayes, 1 nay and 11 not voting.

The Luedtke motion to suspend the rules prevailed with 35 ayes, 0 nays and 14 not voting.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 583 Monday, March 17, 1975 2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

MOTION–Suspend Rules

Mr. F. Lewis moved to suspend the rules (Rule 3, Sec. 5) and permit the public hearings on LB 449 and LB 371 to be reset for 1:00 p.m. on March 18, 1975.

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

NOTICE OF COMMITTEE HEARINGS
Education

LB 449	Tuesday, March 18, 1975	1:00 (Reset)
LB 371	Tuesday, March 18, 1975	1:00 (Reset)

(Signed) F. Lewis, Chairman

UNANIMOUS CONSENT—Committee Hearing Time Change

Mr. Murphy asked unanimous consent to change the time of hearing for LB 590 from 2:00 p.m. to 4:00 p.m. on March 18, 1975. No objections. So ordered.

Mr. Maresh asked unanimous consent to change the time of the public hearings on LB 556 and LB 557 to be reset for 4:00 p.m. on March 19, 1975. No objections. So ordered.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 365. Placed on General File.

(Signed) J.R. Murphy, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 316 in the Journal. No objections. So ordered.

1. On page 3, after line 2 insert the following:

"Sec. 2. At the commencement of each regular session in odd-numbered years the Legislature shall elect to the Conflicts of Interest Committee, the Intergovernmental Cooperation Committee, the Nebraska Retirement Systems Committee, the Nebraska Transportation Advisory Commission Committee, the Law Enforcement and Justice Advisory Committee, and the Telecommunications Committee, three members from each of the three congressional districts as they are constituted on the effective date of this act. Nominations for membership on each committee shall be made by the caucus for each congressional district. Any vacancy on a committee occasioned by the fact that a member to any of the committees is not a member of the next session of the Legislature shall be filled by appointment of the Executive Board from among members of the Legislature.".

2. Renumber original section 2 as section 3.

GENERAL FILE

LEGISLATIVE BILL 588. Laid over at request of Mr. Clark.

LEGISLATIVE BILL 61. Laid over at request of Mr. Warner.

LEGISLATIVE BILL 258. Title read. Considered.

Standing Committee amendments found in the Journal on page 579 for the Thirtieth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Mr. Luedtke moved the Call be raised. The motion lost with 23 ayes, 0 nays and 26 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 33 ayes, 1 nay and 15 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 239. Title read. Considered.

Standing Committee amendment found in the Journal on page 586 for the Thirtieth Day was adopted with 33 ayes, 0 nays and 16 not voting.

Mr. Cavanaugh moved to indefinitely postpone. The motion lost with 16 ayes, 18 nays and 15 not voting.

MOTION–Override Veto on LB 122

Mr. Stoney moved to override the Governor's veto on LB 122.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 7 nays and 10 not voting.

Mr. Stoney moved for a Call of the House. The motion prevailed with 33 ayes, 4 nays and 12 not voting.

The Call showed 47 members present.

Mr. Stoney requested a roll call vote.

The question is, "Shall the bill pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 27:

Barnett	Bereuter	Cavanaugh	Chambers	Cope
Dickinson	Dworak	Fitzgerald	Fowler	George
Goodrich	Koch	Kremer	R. Lewis	Luedtke
Marsh	Mills	Moylan	Nichol	Rumery
Savage	Schmit	Simpson	Stoney	Swigart
Syas	Warner			

Voting in the negative, 20:

Anderson	Burbach	Burrows	Carsten	Clark
DeCamp	Duis	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	F. Lewis	Maresh
Murphy	Rasmussen	Skarda	Stull	Wiltse

Not voting, 2:

Mahoney Marvel

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. Goodrich moved the Call be raised. The motion prevailed with 33 ayes, 2 nays and 14 not voting.

UNANIMOUS CONSENT—Hearing on LR 8

Mr. Bereuter asked unanimous consent to have the hearing on LR 8 by the Constitutional Revision and Recreation Committee delayed until 1976. No objections. So ordered.

NOTICE OF CANCELLATION OF HEARING
Constitutional Revision and Recreation

LR 8 Cancelled Friday, March 21, 1975 1:30 p.m.

(Signed) George Syas, Chairman

MOTION—Adopt Rule Change

Mr. DeCamp moved the adoption of the rule change to Rule 3, Sec. 12 offered by Mr. Koch, found in the Journal on page 382 and acted on by the Rules Committee on page 817.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 8 nays and 11 not voting.

The rule change was adopted with 31 ayes, 13 nays and 5 not voting.

ANNOUNCEMENT–All Day Sessions

Speaker Burbach announced all day sessions of the Legislature will begin on Tuesday, March 18, 1975.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 397. Placed on General File.

LEGISLATIVE BILL 137. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 372. Placed on General File.

LEGISLATIVE BILL 391. Placed on General File as amended.
Standing Committee amendments to LB 391:

1. Strike section 1 and insert:

"Section 1. (1) The consent of the State of Nebraska is hereby given to the retrocession of jurisdiction, either partially or wholly, by the Veterans Administration, an agency of the United States government, over land owned by the United States within the boundaries of Nebraska, and the Governor of the state is hereby authorized to accept for the state such retrocession of jurisdiction.

(2) Retrocession of jurisdiction shall be effected upon written notice to the Governor by the principal officer of the Veterans Administration having supervision and control over the land.

(3) This section shall apply only to the following lands:

(a) Land on which is located the Veterans Administration Hospital, Omaha, Nebraska;

(b) Land on which is located the Veterans Administration Hospital, Lincoln, Nebraska;

(c) Land on which is located the Veterans Administration Hospital, Grand Island, Nebraska; and

(d) Land on which is located the Fort McPherson National Cemetery, Maxwell, Nebraska.

2. In the title, strike lines 2 and 3 and insert:
"FOR AN ACT relating to land; to provide retrocession of jurisdiction by the Veterans Administration, an agency of the United States government.".

(Signed) Dennis L. Rasmussen, Chairman

MESSAGE FROM THE GOVERNOR
March 10, 1975

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

Dear Mr. President & Senators:

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

William A. Spitzenberger, Director, Economic Development, Northern Natural Gas Company, 2223 Dodge, Omaha, Nebr., to serve until July 1, 1975. Mr. Spitzenberger fills the vacancy created by the resignation of Catherine Dahlquist of Omaha.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) J. James Exon, Governor

JJE:sa

MOTION—Reconsider Action on LB 202

Mr. Kelly moved to reconsider our action on indefinitely postponing LB 202 on March 11, 1975.

Motion pending.

NOTICE OF COMMITTEE HEARINGS
Labor

LB 556	Wednesday, March 19, 1975 time changed to	4:00 p.m.
LB 557	Wednesday, March 19, 1975 time changed to	4:00 p.m.

(Signed) Richard Maresh, Chairman

ANNOUNCEMENT

Mr. Luedtke announced an executive session of the Judiciary Committee at 1:30 today.

MOTION—Place LB 218 on General File

Mr. Luedtke moved to place LB 218 on General File pursuant to Rule 3, Sec. 10 (b).

Motion pending.

MOTION—Reconsider Action

Mr. Chambers moved to reconsider action on adopting the rule change on P. 382 of Journal. Motion pending.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 68	Thursday, March 20, 1975	12:00 (noon)
LB 143	Thursday, March 20, 1975	12:00 (noon)
LB 204	Thursday, March 20, 1975	12:00 (noon)
LB 228	Thursday, March 20, 1975	12:00 (noon)
LB 340	Thursday, March 20, 1975	12:00 (noon)
LB 411	Thursday, March 20, 1975	12:00 (noon)
LB 412	Thursday, March 20, 1975	12:00 (noon)
LB 413	Thursday, March 20, 1975	12:00 (noon)
LB 414	Thursday, March 20, 1975	12:00 (noon)
LB 421	Thursday, March 20, 1975	12:00 (noon)

(Signed) Gary L. Anderson, Chairman

VISITORS

The President introduced 3 guests from Scotts Bluff county; 74 ninth grade students and their teacher from Bloomer-Council Bluffs school, Council Bluffs, Iowa; and 9 Lomar work shop students and teacher, Lincoln.

ADJOURNMENT

At 12:10 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, March 13, 1975.

Vincent D. Brown
Clerk of the Legislature

FORTY-FOURTH DAY—MARCH 13, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 13, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

Upon all our Senators assembled here today may we pause to invoke the blessing and guidance of Almighty God as they resume their arduous and challenging responsibilities to all the people of our State. In the Senate hall hallowed by the voices and votes of your illustrious predecessors, the direction of our great State is charted. For, in faith, our fate will here be determined.

As our Ship of State sails on, give these Senators, Almighty God, a sense of direction so that with clarity of vision they may see the port and with determination arrive there.

Grant them fortitude to weather the rough seas, as they head into the tidal waves rocking the boat: poverty, sickness, old age, education.

Give them smooth sailing in the storms churned up by spiraling costs, decaying morality, excalating taxes, tight budgets and loose living.

Let them not be unnerved by necessary nuisances and grant them flexibility to accommodate the irreconcilables and durability to withstand the pressures of special pleaders.

May they all understand that this State, like Heaven, has room for all of us.

Therefore, we pray, Almighty Father, that You will continue so to renew these Senators with a sense of humaneness, a sense of honor and a sense of humor that they may serve the best interests of all our people - and in serving and helping them - may they clearly recognize, Almighty Father - that they are serving and loving Thee. Amen.

ROLL CALL

The roll was called and all members were present.

POINT OF PERSONAL PRIVILEGE

Mrs. Marsh introduced students from May Morley Grade School, Pound Jr. High School, and Southeast High School. The students presented "Music In Our School Days".

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-third Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 40
March 12, 1975

Dear Senator DeCamp:

In your letter of March 6, 1975, you ask our opinion as to the constitutional validity of a proposed amendment to the Nebraska Constitution. Legislative Resolution 8 proposes an amendment to Article XII of the Constitution by adding a new section 8 which would provide:

> "No corporation, domestic or foreign, shall engage in the business of farming or agriculture, except the Legislature shall exempt family farm corporations and may exempt such other corporations as they determine to be in the best interest of the state."

The resolution would submit the proposed amendment at the general election in November, 1976. The resolution further provides that the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes.

We have dealt in prior opinions with a number of bills which would prohibit or limit farming by corporations. In general, we have found them to be of doubtful constitutionality, basing our opinions on the provisions of the Nebraska Constitution. We have felt that our courts would hold that they violate Article I, Sections 3 and 25, or Article III, Section 18. See Report of the Attorney General, 1971-72, page 201, January 4, 1972; Report of the Attorney General, 1971-72, page 275, March 21, 1972; and Opinion No. 5, January 27, 1975. We have relied heavily upon Skag-way Department Stores, Inc. v. City of Grand Island, 176 Neb. 169, 125 N. W. 2d 529; Nelsen v. Tilley, 135 Neb. 327, 289 N. W. 388; and Lincoln Dairy

Company v. Finigan, 170 Neb. 777, 104 N. W. 2d 227. In general, these cases hold that a citizen has the right to engage in any occupation not detrimental to the public health, safety and welfare, and that a business or occupation which has no tendency to affect or endanger the public in connection with health, safety, morals or welfare is not within the police power, and that access to such an occupation cannot be restricted by the Legislature. Basically, it is a question of classification, and permitting some and forbidding others to engage in such an occupation constitutes unreasonable classification. The case of Boomer v. Olsen, 143 Neb. 579, 10 N. W. 2d 507 is also instructive. In that case the court held that the ordinary callings of life were not clothed with such a public interest that the price of the products could be fixed by state regulations. A fortiori, such occupations should not be altogether forbidden to selected classes, such as corporations, without substantial reasons.

Resolution 8, however, deals with a proposed constitutional amendment, rather than a proposed statute. While we do not intend to state categorically that a constitutional provision could never be so in conflict with, or inconsistent with, other constitutional provisions as to be invalid, it would be very difficult to sustain such a position, and if the proposed amendment in question were adopted, we would probably take the position that charges of violation of the Nebraska Constitution could not be sustained.

This does not eliminate the question of possible violations of the Federal Constitution. The Fourteenth Amendment to the Federal Constitution provides in part:

> "* * *. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor 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 equal protection clause, particularly, involves questions of classification substantially indistinguishable from the classification questions involved in Article III, Section 18, of the Nebraska Constitution. In Lincoln Dairy Company v. Finigan, supra, the court held that the act in question violated the due process clauses of both the state and federal Constitutions. There is no question, of course, that state constitutional provisions, as well as state statutes, are subject to the provisions of the Federal Constitution, which is the supreme law of the land. See 16 Am.Jur. 2d 221, Constitutional Law, Section 50. If our court were to decide, as we believe it might, that there is no rational basis for prohibiting a corporation from engaging in farming or agriculture, it might very well hold it to be in violation of the Fourteenth Amendment, even though state constitutional objections had been removed. We must not, however, overlook the fact that the Nebraska Supreme Court is not the final voice in determining questions of federal constitutional law. When a state Supreme Court determines that a state statute is in violation of the state

Constitution, its determination is final, and cannot be reversed by the United States Supreme Court. On the other hand, were the Nebraska Supreme Court to decide that the constitutional provision in question was a violation of the Federal Constitution, that decision would be subject to review by the United States Supreme Court. This happened in Olsen v. Nebraska, 213 U. S. 236, 85 L. Ed. 1305 (1941). The Nebraska Supreme Court had held the statute in question unconstitutional under the due process clause of the Fourteenth Amendment. The United States Supreme Court reversed, holding that it did not violate such constitutional provision. This was the same statutory provision which our court later held, in Boomer v. Olsen, supra, to be in violation of the state Constitution.

A similar situation occurred in North Dakota Pharmacy Board v. Snyder's Stores, 414 U. S. 156, 38 L. Ed. 2d 379, 94S. Ct. 404 (1973). That case dealt with a statute requiring that the majority of the stock of a corporation applying for a permit to operate a pharmacy must be owned by registered pharmacists. The North Dakota Supreme Court had held the statute to be in violation of the due process clause of the Federal Constitution. The Supreme Court reversed, overruling a prior case relied upon by the North Dakota Supreme Court, and stated that there had been a shift in the position of the United States Supreme Court, in that previous decisions had been based on the feelings of some members of the Court that the legislation in question was unwise, improvident, or out of harmony with a particular school of thought. The Court indicated that it was now construing the due process clause more narrowly in reviewing the validity of state statutes.

Nevertheless, we are of the opinion that even the United States Supreme Court might have difficulty in finding a rational basis upon which to sustain the proposed amendment. As we have said before, it is very difficult for us to detect any public evil in having agricultural products produced by corporations. In North Dakota Pharmacy Board v. Snyder's Stores, supra, the Court justified the statute on the grounds that the selling of drugs and poisons calls for a knowledge of high degree, and that a stockholder who was a licensed pharmacist would be more likely to observe the business with an intelligent eye than a casual investor who looked only to the standing of the stock in the market. We have been unable to detect any such justification in the amendment under consideration.

We also wish to point out some problems with the amendment. The prohibition against corporate farming is apparently self-executing, and not dependent upon legislative action. The exceptions only are dependent upon legislation. The amendment will have the force of law upon completion of the canvass of the votes. Under the plain wording of the amendment, all corporations, including family farm corporations, would be required to cease agricultural activities forthwith, and could not resume operations until such time as the Legislature enacted statutory provisions exempting them from the operation of the constitutional provision.

We must also point out that the term "family farm corporations" is not defined in the constitutional provision, and is rather vague and uncertain. Even if the basic prohibition against corporate farming is upheld, issues of classification will again arise when the Legislature attempts to define family farm corporations, and to exempt other corporations they determine to be in the best interest of the state.

In summary, we believe that our Supreme Court may well find the same classification problems with this proposed amendment in the context of the Fourteenth Amendment as we foresaw with respect to previous bills in the context of the Nebraska Constitution. The United States Supreme Court is somewhat more liberal than our court in these matters, but we would anticipate that there would be some difficulty in sustaining this amendment even before that Court.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc: Mr. Vincent D. Brown
Clerk of the Legislature

SPECIAL COMMITTEE REPORT

Conflicts of Interest
March 11, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Vince:

This is the summary report of the activities of the Conflicts of Interest Committee to be filed with you each odd numbered year covering the two-year period preceding January 1, 1975 under the provisions of Section 49-1115 of the Nebraska statutes.

Attached hereto is a copy of the minutes of the meetings of January 4, 1973, January 18, 1973 and October 17, 1973. During the two-year period we have been called upon to hand down an advisory opinion to a member of our own legislature. No other advisory opinions, complaints or violations have been filed with this committee during the preceding two-year period.

On October 3, 1969 the Conflicts of Interest Committee filed the Rules and Regulations under which it operates with the Secretary of State. I am enclosing a copy of these regulations for your benefit.

Sincerely,

(Signed) William Skarda, Chairman
Conflicts of Interest Committee

WS/nk
Enclosure
(Minutes filed in Clerk's office)

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 474. Replaced on Select File as amended.
E & R amendments to LB 474:

1. In new section 4, line 2, strike "sections 4 and 5 of this act" and insert "this section".

2. In the Marvel amendment, line 13, strike "and section 5 of this act".

3. Renumber original section 4 as section 5.

4. In line 3 of E & R 2 adopted 3/12/75, strike "and its political subdivisions".

LEGISLATIVE BILL 351. Replaced on Select File as amended.
E & R amendments to LB 351:

1. On page 2, line 19, strike "section" and insert "sections".

2. In the title, line 2, strike "section 81-815.45" and insert "sections 81-815.45 and 81-1223"; in lines 3 and 4 strike "state administrative departments" and insert "Department of Economic Development"; and in line 6 insert "to permit the department to lease property under its control as prescribed;" after the semicolon.

LEGISLATIVE BILL 157. Placed on Select File as amended.
E & R amendments to LB 157:

1. On page 3, line 26, insert "as" after "levels".

2. On page 4, line 4, insert "as" after "levels"; and in line 8 insert an underscored comma after "spontaneously".

3. On page 5, insert an underscored comma in line 18 after "which" and in line 19 after "circuit"; in line 22, strike "effective" and insert "issued"; and at the end of line 23, insert "to permit the licensee".

4. On page 6, line 1, insert an underscored comma after "license"; and in line 17, strike "the foregoing" and insert "such".

5. On page 7, lines 1 and 3, strike "does" and insert "shall"; and in line 3 strike "of the foregoing" and insert "such materials".

6. On page 8, insert an underscored comma at the end of line 11.

7. On page 11, line 10, insert an underscored comma after "agency".

8. On page 14, insert "of" at the end of line 3.

9. On page 18, line 3, insert an underscored comma after "agencies".

10. On page 19, line 3, strike "an" and insert "~~an~~ on"; and in line 26 strike the comma and show as stricken.

LEGISLATIVE BILL 157A. Placed on Select File.

LEGISLATIVE BILL 153. Placed on Select File as amended.
E & R amendments to LB 153:

1. In the standing committee amendment 1, line 10, insert an underscored comma after "council".

2. Insert the new matter added by the standing committee amendment lines 2 to 11, on page 2, line 15 after the period.

3. Insert new section 2 on page 4, after line 9.

4. In new section 2, line 24, strike "(1)" and in line 25, strike "(2)".

5. Renumber original section 2 as section 3.

6. On page 4, line 3, strike "above", show as stricken, and insert "provided in this section".

7. In the title, line 2, insert "section 18-1906, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; in line 6, insert "to provide regulation variances;" after the semicolon; and in line 7, strike "section" and insert "sections".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 317. Placed on General File as amended.
Standing Committee amendments to LB 317:

1. On page 2, line 16 strike "municipality" and insert "city of the first class, city of the second class, or village".

2. On page 4, line 3 after "government" insert ", city of the metropolitan class, or city of the primary class"; line 5 strike "a multicounty" and insert "an intergovernmental"; line 10 before "also" insert "city of the metropolitan class, or city of the primary class"; line 11 strike "other classes of municipalities" and insert "cities of the first class", and after "county" insert "or municipality"; line 13 after "municipality" insert "served", and after "county" insert "or municipality providing the service"; line 15 after "municipality" insert "receiving service"; and in line 27 after "continue" insert "land-use".

3. On page 6, line 5 after the period insert "In a county where there is a city of the primary class, the board of zoning appeals created under section 23-174.01, may serve in the same capacity for all cities of the second class and villages in place of a zoning board of adjustment."; line 7 after "examine" insert ", with"; and in line 8 after "officials" insert a comma and strike "or".

(Signed) Dennis L. Rasmussen, Chairman

FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 152. With Emergency.

A BILL FOR AN ACT to amend section 16-668, Reissue Revised Statutes of Nebraska, 1943, relating to public improvements; to provide a limitation on assessment of the cost of a special benefit to abutting lands; to provide for payment of excess costs; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Fowler	Johnson	F. Lewis	Mahoney	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 188. With Emergency.

A BILL FOR AN ACT to amend section 74-1302, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to provide that a railroad safety transportation district may be established in any city of the first class; 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, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rumery	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Fowler	Rasmussen	Savage	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 427. With Emergency.

A BILL FOR AN ACT to amend sections 23-1715, 81-1120.01, 81-1120.02, 81-1120.03, 81-1120.04, 81-1120.05, 81-1120.06, 81-1120.07, 81-1120.10, 81-1120.11, 81-1120.12, 81-1120.13,

81-1120.14, and 81-1423, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1108.02, 81-1120.08, and 81-1120.09, Revised Statutes Supplement, 1974, relating to administrative departments; to define terms; to create the division of communications and a director thereof as prescribed; to provide duties; to create the State Communications Advisory Board; to establish the Communications Cash Fund; 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, 37:

Barnett	Bereuter	Burbach	Carsten	Clark
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Hasebroock	Johnson	Kelly
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Syas	Wiltse			

Voting in the negative, 11:

Anderson	Burrows	Cavanaugh	Chambers	Cope
Goodrich	Kennedy	Keyes	Maresh	Stull
Warner				

Not voting, 1:

Kime

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 492.

A BILL FOR AN ACT to amend sections 46-1008 and 46-1015, Reissue Revised Statutes of Nebraska, 1943, relating to rural water districts; to provide a presumption of legal organization; to change powers as prescribed; to change provisions relating to revenue bonds; 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, 49:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 0.

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

UNANIMOUS CONSENT—Member Excused

Mr. Simpson asked unanimous consent to be excused at 10:00 a.m. for the remainder of the morning. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 240A. E & R amendment found in the Journal on page 845 for the Forty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 193. E & R amendment found in the Journal on page 845 for the Forty-third Day was adopted.

Mr. George offered the following amendment:
After the line "a newspaper of general circulation in a city or village." insert the sentence, "Provided, separate claims under each department or fund may be added together and listed as one sum with appropriate symbols to indicate the department or fund."

The motion lost with 21 ayes, 17 nays and 11 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 78. E & R amendment found in the Journal on page 845 for the Forty-Third Day was adopted.

Mr. Carsten asked unanimous consent to bracket LB 78 for an amendment. No objections. So ordered.

MOTION–Return LB 529 to Select File

Mr. Marvel moved to return LB 529 to Select File for the following specific amendment:

1. In committee amendment 1, page 1, line 16, strike "975,616" and insert "~~975,616~~ 1,315,396"; in line 17 strike "1,114,621" and insert "~~1,114,621~~ 1,454,401"; on page 3, line 13, strike "545,393" and insert "~~545,393~~ 1,145,393"; in line 14 strike "585,533" and insert "~~585,533~~ 1,185,533"; on page 5, line 15, strike "1,581,132" and insert "~~1,581,132~~ 2,520,912"; and strike line 17 and insert "9,748,830".

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 529. The Marvel specific amendment found in this day's Journal prevailed with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Expedite LB 529

Mr. Marvel asked unanimous consent to expedite LB 529. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 81.

Correctly Engrossed

The following bills were correctly engrossed: 195, 220, 270, 271, 379, 489, and 575.

Correctly Enrolled

The following bills were correctly enrolled: 2, 45, 234, 234A, 247, and 309.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 2, 45, 234, 234A, 247 and 309.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 1975, at 9:40 a.m., were the following bills: 19, 283, and 156.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Return LB 81 to Select File

Mr. R. Lewis moved to return LB 81 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 7 ayes, 17 nays and 25 not voting.

GENERAL FILE

LEGISLATIVE BILL 588. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

MESSAGE FROM THE GOVERNOR

March 12, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 285.

This bill was signed by me on March 12, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 61. Laid over at the request of Mr. Fitzgerald until March 17, 1975.

LEGISLATIVE BILL 239. Title read. Considered.

Mr. Kennedy moved for a Call of the House. The motion prevailed with 24 ayes, 5 nays and 20 not voting.

Mr. Kennedy moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 12 nays and 11 not voting.

LEGISLATIVE BILL 429. Title read. Considered.

Mr. Warner moved to indefinitely postpone.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays and 15 not voting.

The Warner motion prevailed with 27 ayes, 17 nays and 5 not voting.

UNANIMOUS CONSENT–March 20 Session

Speaker Burbach asked unanimous consent not to meet in the afternoon, on March 20, 1975 in order that committees could hold hearings. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 43
March 11, 1975

Re: Opinion Concerning Disclosure of Records,
February 28, 1975

Dear Senator Cavanugh: (sic)

We are enclosing a copy of our letter to Mr. Matzke clarifying our letter to him dated February 28, 1975.

As you know, your request for data on state employees did not disclose the purpose or project for which you needed the requested records although your request was made on your letterhead as a State Senator. Therefore, any records which are not clearly "public records" cannot be disclosed to you at this time.

Whether a given purpose demonstrates the requisite necessity or proper purpose must be determined on a case-by-case basis. We cannot say whether records on file with a public officer but which are not public records should be made available to you until you disclose your purpose for needing them.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Special Assistant Attorney General

MBH:ejg
enc.
cc Mr. Vincent D. Brown
Clerk of the Legislature

Attachment to above opinion.

March 11, 1975

Mr. Stan Matzke, Director
Department of Administrative Services
State Capitol Building
Lincoln, Nebraska 68509

Re: Disclosure of Records of State Employees

Dear Mr. Matzke:

This is to clarify our letter to you dated February 28, 1975, regarding the above subject.

You had asked us if there was any statutory basis for not complying with Senator Cavanaugh's request for a list of all state employees, their Social Security numbers, gross pay for the calendar year ending December 31, 1974, date of birth, hire date, and amount of deductions for state retirement system, Blue Cross - Blue Shield, Nebraska employees' credit union, and American Federation of State, County and Municipal Employees.

We marshaled all the statutory bars to disclosure. Section 48-612, in conjunction with regulation 5 of the Commissioner of Labor, seemed to make all of this information confidential except the date of birth. Section 25-1208 made some records unavailable. Another possible basis for withholding the data was the fact that not all records on file with a public officer are public records available on demand to the general public pursuant to Section 84-712.

Now on reconsideration of Section 48-612, we have concluded that the data made confidential by that statute is not all records which employers are required to keep pursuant to regulation 5 of the Commissioner of Labor, but only data collected by the Commissioner and his representatives in the investigation of a claim under the Employment Security Law. Our present conclusion is reinforced by the fact that criminal sanctions set out in Section 48-612 are to be imposed only against employees of the Commissioner who violate the required confidentiality and not against employers.

Thus we must rely on the exceptions to Section 84-712 and on Section 25-1208 if we are to provide you with a statutory basis for not complying with Senator Cavanaugh's request.

Nebraska statutes do not define "public record" and the Nebraska Supreme Court has not held any of the items requested by Senator Cavanaugh to be public records. It is not every document on file with a public officer that is a public document. Reports of private individuals to government officials, even pursuant to statute, correspondence of such officials in matters relating to private affairs of the citizen, although in connection with public business, are not public documents or records unless made so by statute. The rule in relation to such records and documents seems to be that they ought not to be indiscriminately subject to inspection. However, any person who has an interest in such record or document should ordinarily be permitted to inspect it unless its inspection would obviously be detrimental to the public interest. See, People v. Harnett, 131 Misc. 75, 226 N. Y. Supp. 338 at 341, 342 (1927).

Of the requested data, the names of state employees and the gross pay for each for 1974 fall most easily into the category of "public records" available to the general public. There is precedent for such disclosure in the fact that names and salaries are generally known for elected public officials. The general public has the greatest interest in this data too in order to preserve the general welfare, i.e. to know how the public monies are being spent and to guard against abuses of nepotism.

On the other hand, the social security numbers, date of birth and hire date fall more naturally into the category of records which relate to public records but do not in themselves constitute public records. They can be made available to a person showing necessity or proper purpose. In this case Senator Cavanaugh has not disclosed any purpose or project for which he needs the requested records.

The amount of deductions are communications made to you in official confidence which arguably are protected from disclosure by Section 25-1208, R.R.S. 1943.

You are not required to provide anyone with a copy of any records until the person demanding them tenders the fee for making them as set out in Section 25-1280, R. R. S. 1943.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Special Assistant Attorney General

MBH:smh

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 387. Placed on General File as amended.
Standing Committee amendment to LB 387:
1. On page 5, line 23 strike "$1,008,199" and insert "$950,000".

LEGISLATIVE BILL 336. Indefinitely postponed.

(Signed) Richard Marvel, Chairman

Education

LEGISLATIVE BILL 303. Placed on General File.

(Signed) F. Lewis, Chairman

Revenue

LEGISLATIVE BILL 392. Indefinitely postponed.
LEGISLATIVE BILL 396. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

Public Health and Welfare

LEGISLATIVE BILL 245. Placed on General File as amended.
Standing Committee amendment to LB 245:
1. On page 2, lines 16 to 21, strike the new matter and insert the following:
"No such ordinance may be adopted in a city or village receiving its water supply, or any part thereof, from another political subdivision, or public or private entity, which adds fluoride to its water supply in com-

pliance with subsection (1) of this section, or section 77-3306, or which is utilizing fluoridated water in any incorporated city or village.".

(Signed) Thomas C. Kennedy, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 32. Placed on General File as amended.
Standing Committee amendments to LB 32:
1. See attached copy.

2. On page 2, strike lines 10 and 11 and insert:
"Sec. 2. That section 23-2319, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1974, be amended to read as follows:
23-2319. Any member of the retirement system who ceases to be an employee before his sixtieth birthday may, upon application, receive from the carrier a termination benefit equal to the amount of his employee account. If the terminating member does not make application to withdraw the amount in his employee account, he shall be granted, in lieu thereof, a paid-up deferred annuity under which the first annuity payment shall be made as of the first of the month immediately following his sixty-fifth birthday. At the option of the terminating member, such annuity may commence as of the first of the month at any time after such member attains the age of sixty and before his sixty-fifth birthday. Such election by the terminating member may be made at any time prior to the commencement of the annuity payments. Such paid-up deferred annuity shall be the actuarial equivalent, as determined by the group annuity contract, of the employee account together with a certain percentage of the employer account. If the terminating member has been a member of the system for less than five years, such percentage shall be nil; if the terminating member has been a member of the system for at least five years, such percentage shall be twice the number of completed months, not counting the first sixty, that the terminating member has been a member of the system, but in no event shall such percentage exceed one hundred. Such percentage shall be one hundred for any disability retirement under the provisions of section 23-2315.
If the terminating member shall not be credited with one hundred per cent of his employer account, the remainder shall be paid by the carrier to the county by whom the terminating member was employed.

Sec. 3. That original section 23-2306, Reissue Revised Statutes of Nebraska, 1943, and section 23-2319, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1974, and also section 1, Legislative Bill 56, Eighty-fourth Legislature, First Session, 1974, are repealed.".

2. On page 2, after line 11 insert a new section as follows:

"Sec. 4. This act shall become operative on January 1, 1976.".

(Signed) W.H. Hasebroock, Chairman

ANNOUNCEMENTS

Mr. Maresh announced that the Labor Committee will meet in executive session at 8:00 a.m., Friday, March 14, 1975 in the Supreme Court Hearing Room.

Mr. Anderson announced that the Miscellaneous Subjects Committee will hold an executive session at 1:30 p.m., Thursday, 13 March 1975 in Room 1019.

Mr. Fowler announced that the Urban Affairs Committee will hold an executive session on Tuesday, March 18, 1975 at 8:00 a.m. in Room 1019.

Mr. Schmit announced that the Agriculture and Environment Committee will hold an executive session today at 1:30 p.m in the East Lounge.

NOTICE OF COMMITTEE HEARING
Banking

LB 590	March 18, 1975 (Cancel)	4:00 p.m.
LB 590	March 20, 1975 (Reset)	2:00 p.m.

(Signed) J. R. Murphy, Chairman

SELECT COMMITTEE REPORTS
Committee on Committees

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. James Exon. The Committee suggest the appointments be confirmed by the Legislative Body and suggests a record vote.

John B. Cassel
Reappointment to Board of Educational Lands and Funds

No one appeared in support of Mr. Cassel's appointment and no one appeared in opposition.

Committee vote: For: (9) Senators Chambers, Clark, Duis, Kelly, Keyes, Kime, Koch, Marsh, Savage. Against: None. Absent and Not Voting: (4) Senators DeCamp, Hasebroock, Skarda, Wiltse.

Ed O'Shaughnessy
Reappointment to Commission on Fire Fighting Personnel Standards

No one appeared in support of Mr. O'Shaughnessy's appointment and no one appeared in opposition.

Committee vote: For: (7) Clark, Kelly, Keyes, Kime, Koch, Marsh, Savage. Against: None. Absent and Not Voting: (6) Chambers, Duis, DeCamp, Hasebroock, Skarda, Wiltse.

Murl Mauser
Appointment to Board of Trustees Nebraska State Colleges

No one appeared in support of Mr. Mauser's appointment and no one appeared in opposition.

Committee vote: For: (9) Chambers, Clark, Duis, Kelly, Keyes, Kime, Koch, Marsh, Savage. Against: None. Absent and Not Voting: (4) DeCamp, Hasebroock, Skarda, Wiltse.

It was the decision of the committee to lay over for one week the motion to confirm the appointment of Mr. Henry Ley to the Board of Trustees Nebraska State Colleges.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT–Members Excused

Mr. Skarda asked unanimous consent to be excused March 14, 1975. No objections. So ordered.

Speaker Burbach asked unanimous consent to be excused March 14, 17, 18 and 19, 1975. No objections. So ordered.

VISITORS

President Whelan introduced 14 members of the Mothers Club of the Alpha Chi Omega Sorority, UNL.

ADJOURNMENT

At 12:04 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, March 14, 1975.

Vincent D. Brown
Clerk of the Legislature

FORTY-FIFTH DAY—MARCH 14, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 14, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 Messrs. Burbach and Skarda who were excused, Messrs. R. Lewis and F. Lewis who were excused until they arrive and Mr. Warner who was absent until 10:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-fourth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 42
March 10, 1975

Dear Senator Chambers:

We are in receipt of your letter of February 24, 1975, regarding nonrefund of money for return of merchandise purchased. You advise that a consumer has contacted you and stated that she incurred difficulty in obtaining a cash refund from a Nebraska merchant upon returning a new and recently purchased piece of clothing. You request to know if legislation is needed to assist consumers who attempt to return purchased merchandise for a cash refund.

The Uniform Commercial Code provides for no immediate right of prompt cash payment upon return of goods except if the goods are nonconforming or defective. See U.C.C. Sec. 2-612, R.R.S. 1943. Of course, if any misrepresentation occurs in the sale of goods or services, the Nebraska Consumer Protection Act, Section 59-1601, R.S.Supp., 1974, et seq. provides for civil remedies as well as remedies enforced by the Attorney General which would bring about return of monies paid. However, where no misrepresentation occurs or where there is no nonconformity or product defect the merchant may establish by contract a practice which he deems reasonable and appropriate.

Of course, a number of merchants have established by custom a policy of allowing cash refunds for merchandise returned, no matter what the reason. Some large merchandisers have been following such a procedure for a number of years. Some businesses and especially small businesses have adopted a policy where merchandise can be returned but only for a credit for the purchase of additional merchandise. Still other merchants have flatly refused to make any refund upon the return of merchandise.

Those merchants who will only give a credit refund or who refuse to allow any type of refund argue that a number of the products which they sell can have temporary beneficial use and then be returned. Such use cannot be detected at first glance, and they feel it is unfair for the consumer to gain the benefit of this purchase and yet be allowed to obtain a cash refund later. Such arguments are not without merit and to specifically require merchants to honor any merchandise returned might be unreasonable.

In order for a remedy to exist under the factual situation you describe in your letter, legislation would be needed. Until we are able to review such legislation we cannot comment on its possible conflict with the Nebraska Constitution or existing state statutes.

If you have any further questions of if we can assist you in any way, please advise.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Jerold V. Fennell
Special Assistant Attorney General
Consumer Protection Division

JVF:jc
cc: Mr. Vincent D. Brown
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 13, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Dunn, David A. – Bellevue, Omaha Suburban Area Council of Schools
Rasmussen, Delmar – Lincoln, Kutak Rock Cohen Campbell Garfinkle and Woodward
Robinson, Clifton N. Jr. – Blair, Omaha Suburban Area Council of Schools
Stallard, Bryce D. – Omaha (withdrawn), Omaha Suburban Area Council of Schools
Tews and Noren
(Charles F. Noren) – Lincoln, Wine Institute
(David D. Tews) – Lincoln, Wine Institute
Whitehead, John C. – Columbus, Lyle Cattau

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 1975, at 9:40 a.m., were the following bills: 2, 45, 234, 234A, 247, and 309.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 193, 240A, and 529.

LEGISLATIVE BILL 258. Placed on Select File as amended.
E & R amendments to LB 258:
1. Amend section 1 to read:
"Section 1. That sections 28-530.03 and 28-530.04, Reissue Revised Statutes of Nebraska, 1943, and sections 28-530.01 and 28-530.02, Revised Statutes Supplement, 1974, are repealed.".
2. In the title, as amended, strike line 2 and insert:
"FOR AN ACT to repeal sections 28-530.03 and 28-530.04,

Reissue Revised Statutes of Nebraska, 1943, and sections 28-530.01 and 28-530.02, Revised Statutes".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 50. Placed on General File as amended.
Standing Committee amendments to LB 50:

1. On page 7 strike original section 2.

2. On page 12 after line 4 insert the following new section:

"Sec. 3. That section 79-1523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1523. ~~Retirement on account of disability shall be made under the following conditions: A member who (1) has fifteen or more full-time or part-time years of creditable service and who has rendered two or more such years of service immediately proceeding such retirement, or who (2) has had one year of full-time creditable service and one year of college attendance earning credits toward a degree, just prior to the application for disability benefits.~~ A member shall be retired on account of disability either upon his own application or the application of his employer or a person acting in his behalf; Provided, that a medical examination, made at the expense of the retirement system and conducted by a competent disinterested physician who is duly licensed to practice medicine in this state, selected by the retirement board, shows and the physician certifies to the retirement board that the said member is physically or mentally incapacitated for the further performance of duty as a school employee and ought to be retired. The ~~provisions of subdivision (2) of this section shall apply whether disability occurred before or after October 19, 1963; Provided, that the~~ member shall have one year from the date of his retirement in which to make application for disability retirement benefits. ~~; and provided further, that the disability did not occur in the pursuit of another occupation.~~".

3. On page 9 renumber original section 3 as section 2.

4. On page 13, line 15, after the first comma insert "79-1523,"; line 16 after the second comma strike the rest of the line; and in line 17 strike "Supplement, 1974,".

(Signed) W.H. Hasebroock, Chairman

ANNOUNCEMENT

Mr. Murphy announced the Banking, Commerce & Insurance Committee will hold an executive session at 9:00 a.m., Monday, March 17, 1975 in room 2230.

VISITORS

Stewart Udall, former Secretary of Interior, briefly addressed the Legislature.

POINT OF PERSONAL PRIVILEGE

Friday, March 14, 1975

Members of the Legislature:

I have been requested by the Speaker to announce some suggested changes in next week's schedule and the Easter recess.

Monday, March 17 - half day session with committee hearings in the afternoon.

Tuesday and Wednesday, March 18-19 - all day sessions with the exception of the Appropriations Committee, which will be subject to call of the house.

Thursday, March 20 - half day session with committee meetings in the afternoon.

Friday, March 21 - NO SESSION with exception of Appropriations Committee, which will meet all day.

EASTER RECESS will begin THURSDAY, MARCH 27 and continue THROUGH TUESDAY, APRIL 1 - with the exception of the Appropriations Committee, which will meet TUESDAY to complete it's work.

The Legislature will convene at 10 A. M. on WEDNESDAY, APRIL 2.

(Signed) John S. Savage
(For Speaker Burbach)

MOTION—All Day Sessions

Mr. Syas moved that the House proceed with the original agenda, notwithstanding the proposal of the Speaker.

Mr. Mahoney 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 Syas motion lost with 9 ayes, 19 nays and 21 not voting.

Mr. Mahoney moved that the Legislature continue with half day morning sessions commencing Monday, March 17 through Friday, March 21, 1975 and afternoons for regular committee meetings.

The Mahoney motion prevailed with 36 ayes, 0 nays and 13 not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendments to LB 302:

1. On page 2, strike original section 1 and insert the following:

"Section 1. (1) A domestic insurance company shall not, except with the written consent of the Director of Insurance, invest in, by purchase or loan or a combination thereof obligations, property, or securities of any one person if such investments or loans in the aggregate shall exceed five per cent of the company's admitted assets as shown by the annual statement on file with the Department of Insurance for the year next preceding the year of acquisition measured by the actual cost at the time of acquisition. The phrase actual cost shall mean the total amount invested or expended or which should be reasonably anticipated to be expended in the acquisition of the investment. This restriction shall not apply to investments made under subdivision (2) of section 44-309, or sections 44-310.01, 44-311.03, 44-311.04, 44-312 or 44-314, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

(2) For purposes of this section, person shall mean an individual or group of individuals so related as in fact to constitute a single venture, institution, corporation or corporations and their affiliates, association, company, partnership, syndicate, trust, society, or any other legal entity.".

(Signed) J.R. Murphy, Chairman

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 590	Thursday, March 20, 1975 (Cancel)	2:00 p.m.
LB 590	Tuesday, March 18, 1975 (Reset)	2:00 p.m.

(Signed) J.R. Murphy, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 15.

A BILL FOR AN ACT to adopt the official state insect.

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

Mr. Savage requested a roll call vote.

Voting in the affirmative, 39:

Anderson	Barnett	Bereuter	Burrows	Carsten
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Wiltse	

Voting in the negative, 3:

Cavanaugh	Kremer	Syas

Not voting, 7:

Burbach	Chambers	F. Lewis	R. Lewis	Mills
Skarda	Warner			

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

LEGISLATIVE BILL 200.

A BILL FOR AN ACT to prohibit the restoration of operators' license points and reinstatement of an operator's license by the Director of Motor Vehicles after issuance of a pardon or reprieve by any mayor or chairman of the board of trustees.

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:

Anderson	Bereuter	Burrows	Carsten	Clark
Cope	DeCamp	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
Luedtke	Maresh	Marsh	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Schmit
Stoney	Stull	Swigart	Wiltse	

Voting in the negative, 8:

Barnett	Cavanaugh	Chambers	Duis	Mahoney
Savage	Simpson	Syas		

Not voting, 7:

Burbach	Dickinson	F. Lewis	R. Lewis	Marvel
Skarda	Warner			

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

SELECT FILE

LEGISLATIVE BILL 474. E & R amendments found in the Journal on page 869 for the Forty-fourth Day were adopted.

Mrs. Marsh moved the previous question. The question is,"Shall the debate now close?" The motion lost with 17 ayes, 9 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 351. E & R amendments found in the Journal on page 869 for the Forty-Fourth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 157. E & R amendments found in the Journal on page 869 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 157A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 153. E & R amendments found in the Journal on page 870 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Labor

LB 556	March 19, 1975	4:00 p.m. (Cancel)
LB 557	March 19, 1975	4:00 p.m. (Cancel)
LB 556	March 19, 1975	1:30 p.m. (Reset)
LB 557	March 19, 1975	1:30 p.m. (Reset)

(Signed) Richard Maresh, Chairman

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 15 and LB 200.

(Signed) F. Lewis

GENERAL FILE

LEGISLATIVE BILL 67. Title read. Considered.

The Standing Committee amendment found in the Journal on page 607 for the Thirty-first Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 24. Title read. Considered.

Mr. DeCamp moved to indefinitely postpone.

The DeCamp motion prevailed with 23 ayes, 14 nays and 12 not voting.

LEGISLATIVE BILL 151. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 375. Title read. Considered.

Mr. Hasebroock moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays and 28 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 22 ayes, 0 nays and 27 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 377. Title read. Considered.

Mr. Warner moved to adopt the amendment found in the Journal on page 620 for the Thirty-second Day.

The Warner amendment failed with 22 ayes, 3 nays and 24 not voting.

Mr. Schmit moved to reconsider action on the Warner amendment. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

The motion to adopt the Warner amendment prevailed with 31 ayes, 1 nay and 17 not voting.

Mr. Cavanaugh offered the following amendment to the Warner amendment:

Amend Warner Amendment to LB 377

No Deputy Attorney General or Assistant Attorney General shall engage in the private practice of Law at the end of the amendment.

The Cavanaugh amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Syas moved to return LB 377, as amended, to the Government, Military and Veterans Affairs Committee.

The motion prevailed with 25 ayes, 10 nays and 14 not voting.

LEGISLATIVE BILL 112. Title read. Considered.

Standing Committee amendment found in the Journal on page 621 for the Thirty-second Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 211. Title read. Considered.

Standing Committee amendment found in the Journal on page 621 for the Thirty-second Day was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. Barnett moved to indefinitely postpone.

Mr. Swigart 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 Barnett motion failed with 5 ayes, 34 nays and 10 not voting.

Mr. Cavanaugh moved to bracket LB 211 on General File. The motion failed with 11 ayes, 25 nays and 13 not voting.

Advanced to E & R for Review with 29 ayes, 7 nays and 13 not voting.

UNANIMOUS CONSENT–Motion

Mr. Luedtke asked unanimous consent to lay over his pending motion found in the Journal on page 863 for the Forty-third Day to place LB 218 on General File until Monday, March 17, 1975. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 74A. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 74, Eighty-fourth Legislature, First Session, 1975.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 359. Placed on General File as amended.
Standing Committee amendments to LB 359:

1. On page 5, strike lines 1 to 7; renumber subdivisions (5) and (6) of section 81-145 as subdivisions (4) and (5) respectively; and in line 15 strike ", services,".

2. On page 6, line 2 strike ":" and insert "to the leasing by the state or a using agency of property outside of the State Capitol."; strike lines 3 to 6; and in line 20 strike ", services,".

3. On page 7, lines 19 and 25 strike ", services,".

4. On page 8, line 4 strike ","; line 5 strike "services,"; lines 9 and 22 strike ", services,"; and in lines 13 to 15 strike the new matter.

5. On page 9, lines 17 to 19 strike the new matter; and in line 27 after "quality" insert "or performance" and strike ", services,".

6. On page 10, lines 2 and 3 strike "or performance"; and in lines 17 and 20 strike ", service,".

7. On page 11, lines 7 and 10 strike ", service,".

8. On page 12, line 2 strike ", services,"; line 22 strike ","; and in line 23 strike "services,".

9. On pages 13 and 14 strike original section 12.

10. On page 14, line 19 strike "services and"; line 25 after "report" insert "with the Governor and the Executive Board of the Legislative Council"; and in line 27 strike "services or leases" and insert "the leasing".

11. On page 15, line 2 strike ","; and in line 3 strike "services,".

12. On page 17, strike beginning with "The" in line 19 through the period in line 22 and insert "The materiel division shall assist the State Building Administrator in administering public notice and bidding procedures and any other areas designated by the director to carry out sections 81-145 to 81-151, 81-153, 81-154, 81-156, 81-159, 81-161 to 81-162, 81-1108.16 and 81-1108.22."; line 23 after "supplies," insert "or"; and in line 24 strike "or" and strike "services" and show as stricken.

12. On page 18 in lines 1 to 17 strike the new matter and reinstate the stricken matter; in line 18 strike "use"; and in line 23 strike ", services,".

13. On page 19 strike lines 1 to 4; and in line 6 strike ", service,"; and in line 11 strike "using agency" and insert "Department of Administrative Services".

14. On page 20, line 1 after the semicolon insert "and"; strike lines 2 to 13; renumber original subdivision (6) of section 16 as subdivision (4); in line 20 after "81-161.05," insert "and" and after "81-162," strike "and 81-701.02,"; and renumber original sections 13 to 17 as sections 12 to 16 respectively.

(Signed) Richard Marvel, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 113. Indefinitely postponed.

(Signed) George Syas, Chairman

Agriculture and Environment

LEGISLATIVE BILL 321. Placed on General File.
LEGISLATIVE BILL 324. Placed on General File.

(Signed) Loran Schmit, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 235. Placed on General File.

(Signed) W. H. Hasebroock, Chairman

Judiciary

LEGISLATIVE BILL 509. Placed on General File as amended.
Standing Committee amendments to LB 509:

1. On page 2 after line 14 insert the following:

"Sec. 2. That section 30-321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-321. Upon granting letters testamentary, or of administration, on the estate of the deceased, the power of such special administrator shall cease; and he shall forthwith deliver to the executor or administrator all the goods, chattels, money and effects of the deceased in his hands; and the executor or administrator may be admitted to maintain and prosecute to final disposition by judgment or settlement any suit then pending which was commenced by such special administrator."; in line 15 strike "section" and insert "sections" and after "30-318" insert "and 30-321"; and in line 16 strike "is" and insert "are".

2. Renumber original section 2 as section 3.

LEGISLATIVE BILL 542. Placed on General File as amended.
Standing Committee amendment to LB 542:

1. On page 2, lines 7 and 8 strike "holding an adjudicatory hearing" and insert "entering an order of adjudication"; line 15 after "parties" insert "and the prosecuting attorney"; line 20, after "they" strike "must have" and insert "shall be afforded".

2. On page 3, line 1 before the period insert "at the discretion of the prosecuting attorney"; line 5 after the period insert "The probation officer available to the juvenile court shall provide such supervision as the judge may request.".

LEGISLATIVE BILL 483. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Urban Affairs

LEGISLATIVE BILL 564. Placed on General File.

(Signed) Steve Fowler, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 269. Placed on General File.

(Signed) J. R. Murphy, Chairman

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 507	March 24, 1975 (Cancel)	2:00 p.m.
LB 507	March 21, 1975 (Reset)	2:00 p.m.
LB 550	March 21, 1975	2:00 p.m.
LB 551	March 21, 1975	2:00 p.m.
LB 552	March 21, 1975	2:00 p.m.
LB 554	March 21, 1975	2:00 p.m.

(Signed) Richard Marvel, Chairman

ANNOUNCEMENT

Mr. Kremer announced an executive session of the Public Works Committee at 1:30 p.m. in the East Chamber.

UNANIMOUS CONSENT—LB 493

Mr. Rumery asked unanimous consent to place LB 493 on the top of General File.

Mr. Barnett objected.

Mr. Rumery moved to place LB 493 on the top of General File. The motion prevailed with 17 ayes, 13 nays and 19 not voting.

ANNOUNCEMENT

Mr. Rasmussen announced an executive session of the Government, Military and Veterans Affairs Committee at 1:30 p.m.

SELECT COMMITTEE REPORT
Committee on Committees

March 13, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

John B. Cassel – Board of Educational Lands and Funds

No one appeared in support of Mr. Cassel's appointment and no one appeared in opposition.

Committee Vote: For: (9) Senators Chambers, Clark, Duis, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators DeCamp, Hasebroock, Skarda and Wiltse.

Ed O'Shaughnessy – Commission on Fire Fighting Personnel Standards

No one appeared in support of Mr. O'Shaughnessy's appointment and no one appeared in opposition.

Committee Vote: For: (7) Senators Clark, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (6) Senators Chambers, Duis, DeCamp, Hasebroock, Skarda and Wiltse.

Murl Mauser – Board of Trustees Nebraska State Colleges

No one appeared in support of Mr. Mauser's appointment and no one appeared in opposition.

Committee Vote: For: (9) Senators Chambers, Clark, Duis, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators DeCamp, Hasebroock, Skarda and Wiltse.

It was the decision of the committee to lay over for one week the motion to confirm the appointment of Mr. Henry Ley to the Board of Trustees Nebraska State Colleges.

(Signed) John S. Savage, Chairman

Mr. Savage moved the appointments be confirmed.

Voting in the affirmative, 30:

Anderson	Burrows	Carsten	Chambers	Cope
Dworak	Fitzgerald	Fowler	Hasebroock	Kelly
Kennedy	Keyes	Koch	Kremer	Luedtke
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Simpson
Stoney	Stull	Swigart	Syas	Wiltse

Voting in the negative, 0.

Not voting, 19:

Barnett	Bereuter	Burbach	Cavanaugh	Clark
DeCamp	Dickinson	Duis	George	Goodrich
Johnson	Kime	F. Lewis	R. Lewis	Mahoney
Marvel	Schmit	Skarda	Warner	

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Bracket LB 488

Mr. Syas asked unanimous consent to bracket LB 488 until next session, 1976. No objections. So ordered.

VISITORS

The President introduced Mr. William Diers, former member of the Legislature; 34 fifth grade students and their teachers from Ralston Elementary School; Mr. and Mrs. Verlin Wendt from Wisner, Nebraska; a group attending the 15th Annual Institute for Labor Union Leaders; Senator F. Lewis's daughter and Senator Stull's granddaughter, and David Sauder.

ADJOURNMENT

At 12:09 p.m., on a motion by Mr. Savage, the Legislature adjourned until 10:00 a.m., Monday, March 17, 1975.

Vincent D. Brown
Clerk of the Legislature

FORTY-SIXTH DAY—MARCH 17, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 17, 1975

Pursuant to adjournment, the Legislature met at 10:02 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Have you ever wondered why we fold our hands when we pray? May I suggest the reason:
>
> We fold our hands when we pray. The right and the left of us. The best and the worst in us. Heaven and earth about us. All come together when we fold our hands and pray. We fold our hands when we pray. The clenched fist of anger, the subborn thumb of bitterness, the pointing finger of scorn, and relax together when we fold our hands and pray. We fold our hands when we pray. Within the folded hands fingers cross fingers. Our crosses and the Cross. All aware together when we fold our hands and pray. From the folded hands from the heart within. From the God above, from the Cross of Christ: Love - forgiveness - peace all bless together when we fold our hands and pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Chambers, and Koch who were excused.

CORRECTIONS FOR THE JOURNAL

Page 892, lines 23 and 26, delete "Re-".
The Journal for the Forty-fifth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 44
March 14, 1975

Dear Senator Mills:

In your letter of March 13, 1975, you ask whether L.B. 398 would be constitutional if it allowed branch banking only in cities of over 100,000 population. In an opinion of this office dated March 27, 1973, Report of the Attorney General, 1973-1974, page 44, we considered a bill which would have limited the maintenance of detached auxiliary teller offices to banks located in cities of not less than 10,000 inhabitants. In that opinion we concluded that a rational justification for such classification existed, because of parking problems and greater distances involved in larger cities, and that such a provision was therefore probably constitutional.

We are enclosing a copy of that opinion herein. Based on our analysis in that opinion, we believe that justification could be found for the provision you inquire about, and that our court would therefore probably uphold its constitutionality.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
enc.
cc Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 401. Placed on General File as amended.
Standing Committee amendments to LB 401:

1. On page 2, line 23 after "39-2222" insert "." and strike ", with" and show as stricken and strike lines 26 and 27.

2. On page 3 strike line 1 and show the period as stricken and insert the following:

"Sec. 3. For the purpose of refunding present and future bonded indebtedness issued pursuant to sections 39-2201 to 39-2222, the Nebraska Highway Bond Commission may issue, without further legislative authorization, refunding bonds with which to call and redeem all or any part of such outstanding bonds at or before the maturity or the

redemption date thereof, and may include various series and issues of the outstanding bonds in a single issue of refunding bonds, and issue refunding bonds to pay any redemption premium and interest to accrue and become payable on the outstanding bonds being refunded. The refunding bonds may be issued and delivered at any time prior to the date of maturity or the redemption date of the bonds to be refunded that the Nebraska Highway Bond Commission determines to be in the best interest of the state. The refunding bonds shall, except as specifically provided in this section, be issued in accordance with sections 39-2201 to 39-2222. The proceeds derived from the sale of refunding bonds issued pursuant to this section may be invested in obligations of, or guaranteed by, the United States government pending the time the proceeds are required for the purposes for which refunding bonds are issued, and to further secure the refunding bonds the Nebraska Highway Bond Commission may enter into a contract with any bank or trust company, within or without the state, with respect to the safekeeping and application of the proceeds of the refunding bonds, and the safekeeping and application of the earnings on the investment, which contract shall become a part of the contract with the holders of the refunding bonds. Refunding bonds, which shall have been called for redemption and which have sufficient funds or obligations of, or guaranteed by, the United States government set aside in safekeeping to be applied for the complete payment of such bonds, interest thereon, and redemption premium, if any on the redemption date, shall not be considered as outstanding and unpaid bonds with respect to the limitations set forth in section 39-2205.".

3. Renumber original section 3 as section 4.

LEGISLATIVE BILL 455. Placed on General File.

Standing Committee amendments to LB 455:

1. On page 2, line 23 strike "and" and show as stricken.

2. On page 3, line 3 strike "for" and insert "from"; and in line 4 after "year" insert "; and provided further, that the failure of any claimant to submit the certification form to the county assessor on or before April 1 shall not constitute grounds for disqualifying such claimant from receiving the exemption for that year".

LEGISLATIVE BILL 530. Placed on General File.

(Signed) Calvin F. Carsten, Chairman

Public Health and Welfare

LEGISLATIVE BILL 160. Indefinitely postponed.

(Signed) Thomas Kennedy, Chairman

SELECT COMMITTEE REPORTS
Enrollment & Review

LEGISLATIVE BILL 474. Replaced on Select File as amended.
E & R amendment to LB 474:
1. In the Marvel amendment 1, line 11, insert "such passenger cars" after "maintain".

LEGISLATIVE BILL 588. Placed on Select File.
LEGISLATIVE BILL 239. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 153, 157, 157A, and 351.

Correctly Enrolled

The following bills were correctly enrolled: 152, 188, 427, 492, 15, and 200.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 152, 188, 427, 492, 15, and 200.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 377 Thursday, April 3, 1975 1:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Stull asked unanimous consent to print the following amendment to LB 193 in the Journal. No objections. So ordered.

Amendments to Final Reading Bill, LB 193
1. On page 2, strike beginning with "the" in line 23 through "boards" in line 25 show as stricken and insert "one half the rates allowed for legal rates for publication provided in section 33-141".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 120. Placed on General File.
LEGISLATIVE BILL 4. Indefinitely postponed.
LEGISLATIVE BILL 205. Indefinitely postponed.
LEGISLATIVE BILL 262. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to insurance; to provide coverage for infants from the day of birth; and to provide when insurance policies shall be required to provide such coverage.

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:

Barnett	Bereuter	Burrows	Carsten	Cavanaugh
Clark	Cope	DeCamp	Dickinson	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 2:

Dworak	Nichol

Not voting, 6:

Anderson	Burbach	Chambers	Johnson	Koch
R. Lewis				

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

LEGISLATIVE BILL 66. With Emergency.

A BILL FOR AN ACT to amend sections 71-208.05, 71-216, and 71-219.01, Reissue Revised Statutes of Nebraska, 1943, and section 71-219, Revised Statutes Supplement, 1974, relating to the practice of barbering; to provide that the Board of Barber Examiners shall set fees to be charged 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, 36:

Barnett	Bereuter	Burrows	Carsten	Cavanaugh
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Kelly	Kennedy
Keyes	Kime	R. Lewis	Luedtke	Mahoney
Marsh	Mills	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 7:

Anderson	Clark	Cope	Hasebroock	Kremer
Maresh	Moylan			

Not voting, 6:

Burbach	Chambers	Johnson	Koch	F. Lewis
Marvel				

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 111. With Emergency.

A BILL FOR AN ACT to amend sections 15-1102, 15-1103, 23-174.05, and 23-174.06, Reissue Revised Statutes of Nebraska, 1943, relating to planning; to provide certain guidelines for governmental policies and actions; to change review procedures; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Cavanaugh

Not voting, 3:

Burbach Chambers 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.

LEGISLATIVE BILL 126.

A BILL FOR AN ACT to amend section 48-224, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to change voluntary wage withholding provisions for public employees; 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. Barnett requested a roll call vote.

Voting in the affirmative, 23.

Anderson	Bereuter	Burrows	Cavanaugh	DeCamp
Fitzgerald	Fowler	Goodrich	Keyes	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan

Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Swigart	Syas		

Voting in the negative, 21:

Barnett	Carsten	Clark	Cope	Dickinson
Duis	Dworak	George	Hasebroock	Kelly
Kennedy	Kremer	R. Lewis	Marvel	Mills
Murphy	Nichol	Rasmussen	Stull	Warner
Wiltse				

Not voting, 5:

Burbach	Chambers	Johnson	Kime	Koch

Having failed to receive a constitutional majority voting in the affirmative, the bill failed of passage.

LEGISLATIVE BILL 537. Mr. Stull asked unanimous consent to pass over LB 537 until Thursday, March 20, 1975.

Mr. Goodrich objected.

Mr. Stull moved to hold the bill until Thursday, March 20, 1975. The motion prevailed with 26 ayes, 8 nays and 15 not voting.

LEGISLATIVE BILL 582. With Emergency.

A BILL FOR AN ACT to amend section 2-1203, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to provide that certain duties may be delegated to a board of stewards; 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, 42:

Anderson	Bereuter	Burrows	Carsten	Cavanaugh
Clark	Cope	DeCamp	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Barnett	Burbach	Chambers	Dickinson	Koch
Kremer	F. 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.

SELECT FILE

LEGISLATIVE BILL 258. E & R amendments found in the Journal on page 887 for the Forty-fifth Day was adopted.

Mr. Moylan asked unanimous consent to bracket until Wednesday, March 19, 1975. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 61. Considered.

Mr. Warner asked unanimous consent to withdraw his amendment found in the Journal on page 834. No objections. So ordered.

Mr. Mahoney moved to indefinitely postpone. The motion prevailed with 29 ayes, 1 nay and 19 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. F. Lewis asked unanimous consent to be excused until 11:30 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 493. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 225. Title read. Considered.

Standing Committee amendment found in the Journal on page 621 for the Thirty-second Day was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Cavanaugh moved to indefinitely postpone.

Mr. Kelly requested a record vote.

Mr. Kelly moved for a Call of the House. The motion prevailed with 21 ayes, 11 nays and 17 not voting.

The Call showed 44 members present.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 24:

Anderson	Barnett	Burrows	Carsten	Cavanaugh
Clark	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Kelly	R. Lewis
Luedtke	Mahoney	Moylan	Rasmussen	Savage
Schmit	Simpson	Skarda	Swigart	

Voting in the negative, 19:

Cope	George	Hasebroock	Johnson	Keyes
Kime	Kremer	Maresh	Marsh	Marvel
Mills	Murphy	Nichol	Rumery	Stoney
Stull	Syas	Warner	Wiltse	

Not voting, 6:

Bereuter	Burbach	Chambers	Kennedy	Koch
F. Lewis				

The motion to indefintely postpone prevailed with 24 ayes, 19 nays and 6 not voting.

Mr. Cavanaugh moved the Call be raised. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

LEGISLATIVE BILL 547. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 370. Title read. Considered.

Standing Committee amendment found in the Journal on page 627 for the Thirty-third Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 3 nays and 19 not voting.

APPRECIATION

Mr. Murphy thanked Mr. Fitzgerald, on behalf of the members, for the St. Patrick's Day cake.

GENERAL FILE

LEGISLATIVE BILL 378. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Mr. Maresh offered the following amendment:
Strike line 12 beginning with "in counties" through line 16 including word "services" in line 17

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT–Withdraw Motion

Mr. Luedtke asked unanimous consent to withdraw his motion to place LB 218 on General File found in the Journal on page 863. No objections. So ordered.

MOTIONS–Reconsider Action

Mr. Kelly moved to reconsider action on LB 225 on Monday, March 24, 1975. Motion pending.

Mr. Barnett moved to reconsider action on LB 126. Motion pending.

UNANIMOUS CONSENT–Member Excused

Mr. Simpson asked unanimous consent to be excused Friday, March 21, 1975. No objections. So ordered.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 272. Placed on General File as amended.
Standing Committee amendment to LB 272:
1. On page 2. line 13 after "to" insert "(1)"; in line 16 strike "or to" and insert "(2)"; and in line 18 after

"bonds" insert ", or (3) the purchase of plant, facilities, or other property suitable for use in manufacturing or industrial enterprises and for lease to others who have not previously occupied such plant or facilities".

(Signed) Steve Fowler, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 343. Placed on General File as amended.
Standing Committee amendment to LB 343:

1. On page 3, line 17 after "any" strike "farmer or rancher owning or" and show as stricken; strike lines 18 to 21 and show as stricken and insert "landowner or operator may destroy or have destroyed any prairie dogs, gophers, moles, ground squirrels, badgers, porcupines, commensal rodents, English sparrows, starlings, or any predator, including raccoon and opossum, preying on livestock or poultry or causing other agricultural depredations on lands owned or controlled by such person without a permit issued by the Game and Parks Commission."

LEGISLATIVE BILL 16. Indefinitely postponed.

(Signed) George Syas, Chairman

MESSAGE FROM THE GOVERNOR

March 17, 1975

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

Dear Mr. President and Senators:

At the present time, two bills have been passed by your body which, if signed by me, would require over one-half million dollars in increased state spending. I am referring to LB 294 and LB 427.

These two bills were not accompanied by "A" bills, are not provided for in my budget recommendations and, to the best of my understanding, are not part of the Appropriations Committee recommendations.

The passage of these bills without any consideration of the required funding is, at best, inconsistent with sound planning and budgetary policy.

I would once again urge your honorable body to give careful attention to the fiscal impact of every bill which you enact. As I suggested in my budget address, your body should bracket all "A" bills and other bills with significant fiscal impact until the Appropriations Committee can consider them all in conjunction with their total budget recommendations.

Each bill requiring the spending of state tax dollars should be required to meet the test of budgetary priorities within the Legislative Chamber as well as the Governor's Office.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah2

ANNOUNCEMENTS

Mr. Anderson announced an executive session of the Miscellaneous Subjects Committee, Monday, March 17, 1975 at 12:00 noon in the Supreme Court Hearing Room, Room 2414.

Mr. Luedkte announced an executive session of the Judiciary Committee on Tuesday, March 18, 1975 at 1:30 p.m. and Wednesday, March 19, 1975 at 1:30 p.m.

VISITORS

The President introduced 25 high school seniors and 4 sponsors from Clarks, Nebraska.

ADJOURNMENT

At 11:50 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Tuesday, March 18, 1975.

Vincent D. Brown
Clerk of the Legislature

FORTY-SEVENTH DAY—MARCH 18, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 18, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 Mr. Burbach and Mr. R. Lewis who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-sixth Day was approved.

MESSAGES FROM THE GOVERNOR

March 14, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 19, 136, 156, and 283.

These bills were signed by me on March 14, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 17, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 247 and 309, and Reengrossed Legislative Bill No. 45.

These bills were signed by me on March 15, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINIONS

Opinion No. 45
March 17, 1975

Dear Senator Keyes:

You request our advice on a possible constitutional question raised by L. B. 433. The title to the act states that it is an act to adopt the Nebraska Land Resources Management Information Act.

The bill consists of two sections. Section 1 of the bill is divided into two subsections. Subsection (1) provides that the Legislature's Committee on Agriculture and Environment shall officiate as the state authority in compiling and disseminating information on state and local programs for

land resources management. It goes on to state, "In carrying out this responsibility, the Legislature's Committee on Agriculture and Environment shall consult with representatives from all the county boards and shall request that the county boards periodically submit their local plans, programs, and proposals with regard to land-use planning or countywide zoning in their counties."

Subsection (2) provides that the Committee shall coordinate legislative plans for land-use and resources management and encourage the development of local programs to correct local problems of environmental impact. The Committee is also to recommend legislative measures to promote local programs and voluntary compliance when practical.

The possible constitutional question which might be raised is whether or not this constitutes an improper infringement upon the executive authority by the Legislature. Article II, Section 1, Constitution of Nebraska, provides:

> "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."

There is no express direction or permission in the Constitution authorizing the proposed activity, so any possible doubts must be directed toward the question of whether or not the powers granted the Legislative Committee under this act are properly a legislative function rather than executive. A reading of this proposal indicates that there is a mixture of what might be properly functions of both the executive and the legislative. There are actually very few "powers" granted by the bill. This Committee is to be the authority in compiling information which may well be properly for legislative purposes. It also is to officiate as the state authority in disseminating information on state and local programs for land resources management. This does border on an executive function but there is no clear line drawn. Certainly the duty to coordinate legislative plans for such management is a legislative function. Possibly, the encouragement of development of local programs to correct local problems is more closely related to an executive function. In its present form, the bill grants very little authority or power to this particular Committee.

In the case of State v. Neble, 82 Neb. 267, 117 N. W. 723, our court pointed out:

> "* * *. The duties of the officers of the several departments have, to some extent at least, overlapped and interlaced until it is hard to say in some cases where the one leaves off and the other begins. * * *."

In view of the rather general language of the bill, we cannot say with any degree of certainty that the proposed bill would be clearly invalid. It does, however, approach the limits prohibited by Article II, Section 1, of the Constitution.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 46
March 17, 1975

Dear Senator Maresh:

You have submitted a proposed bill which provides for the setting up of commodity program boards. You ask whether or not it is proper for these boards to have the power to pay money and appropriate funds for programs without being responsible to or under the control of some elected or appointed state official. We have reviewed the proposed legislation and cannot say that it would be clearly illegal.

In Section 1 of the proposed bill it is stated that the purpose for creation of these entities is for a public purpose. Essentially the proposal is to encourage the producers of agricultural commodities to develop, carry out, and participate in programs of research, education, market development, and promotion of the particular commodities concerned. Our court has stated that a public purpose is one which has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all the inhabitants of the state. Platte Valley Public Power & Irrigation District v. County of Lincoln, 144 Neb. 584, 14 N. W. 2d 202. In this situation the Legislature has made such a finding as a matter of policy and considerable weight must be given to that finding. Whether or not an appropriation of public funds is for a public purpose is normally a matter for the Legislature to determine. Oxnard Beet Sugar Co. v. State, 73 Neb. 66, 105 N. W. 716. The courts will not ordinarily interfere with such a determination unless it is clearly invalid. We cannot say that this determination by the Legislature is clearly invalid.

You assume in your question that the officers of the entities concerned are not state officials. The exact nature of these boards is certainly not clear. They appear to be quasi-public bodies, but the funds involved

certainly could be classed as public funds. However, our Supreme Court has determined that the vital point in the appropriating of money and the expenditure of such is whether or not the purpose is public and, if so, it does not make any difference whether the agency through which it is dispensed is public or not. The appropriation is not made for the agency but for the object which it serves and the test in this situation is for the end and not for the means. See United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N. W. 2d 576.

In view of the foregoing we must conclude that the procedure outlined in the proposed legislation is not clearly invalid.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 67. Placed on Select File.

LEGISLATIVE BILL 151. Placed on Select File as amended.
E & R amendments to LB 151:

1. On page 2, line 19, strike "are" and insert "will be".

2. On page 3, line 6, strike "is situated such real estate" and insert "such real estate is located".

LEGISLATIVE BILL 375. Placed on Select File as amended.
E & R amendment to LB 375:

1. In the title, line 6, strike "incur indebtedness", and insert "levy a tax for debt repayment".

LEGISLATIVE BILL 112. Placed on Select File as amended.
E & R amendments to LB 112:

1. On pages 4 and 8, insert an underscored comma in line 24 after "interest" and in line 25 after "payments".

2. On page 7, insert an underscored comma in line 18 after "interest" and in line 19 after "payments".

3. On page 9, insert an underscored comma in line 17 after "interest" and in line 18 after "payments".

4. On page 11, insert an underscored comma in line 3 after "interest" and in line 5 after "payments".

5. On page 13, insert an underscored comma in line 7 after "interest" and in line 8 after "payments".

6. On page 14, insert an underscored comma in line 4 after "interest" and in line 6 after "payments".

7. In the title, line 9, insert "to remove requirements for bid bonds;" after the semicolon.

LEGISLATIVE BILL 211. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 18, 1975, at 8:45 a.m., were the following bills: 492, 427, 188, 152, 200, and 15.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 28, 66, 111, and 582.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 28, 66, 111, and 582.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 249. Placed on General File as amended.
Standing Committee amendments to LB 249:

1. On page 4 line 22 strike "shall" and insert "may".

2. On page 5 line 12 strike "modification" and insert "maintenance".

LEGISLATIVE BILL 265. Placed on General File as amended.
Standing Committee amendment to LB 265:

1. On page 4, line 15 strike "2" and insert "~~2~~ 1".

LEGISLATIVE BILL 305. Placed on General File as amended.
Standing Committee amendments to LB 305:

1. On page 2, line 22 after "except" insert "that

such inspection shall not be required on three-quarter ton pickups and larger vehicles and on".

2. On page 4, strike section 2.

3. Renumber original sections 3 and 4 as sections 2 and 3 respectively.

LEGISLATIVE BILL 572. Placed on General File.

LEGISLATIVE BILL 578. Placed on General File as amended.
Standing Committee amendment to LB 578:

1. On page 2 line 15 strike "published" and insert "~~published~~ publicized"; in line 20 strike the new matter and reinstate the stricken matter; and in lines 21 to 26 reinstate the stricken matter.

LEGISLATIVE BILL 384. Indefinitely postponed.
LEGISLATIVE BILL 518. Indefinitley postponed.

(Signed) Maurice A. Kremer, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 81.

A BILL FOR AN ACT to amend sections 60-311.11, 60-311. 15, 60-311.16, 60-311.17, 60-311.19, and 60-311.20, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle registration; to change conditions for prestige plates; to redesignate historic or special interest vehicles as historical vehicles; to change conditions for registration and use of such vehicles; to provide for reregistrations; 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, 38:

Barnett	Bereuter	Burrows	Carsten	Clark
Cope	DeCamp	Dickinson	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rumery
Savage	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 5:

Anderson	Cavanaugh	Dworak	Kime	Rasmussen

Not voting, 6:

Burbach	Chambers	F. Lewis	R. Lewis	Schmit
Wiltse				

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

LEGISLATIVE BILL 195.

A BILL FOR AN ACT to amend sections 37-101 and 37-201, Reissue Revised Statutes of Nebraska, 1943, relating to game; to define certain terms; to allow destruction of predators causing agricultural depredation; and to repeal the original sections.

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

Voting in the affirmative, 35:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Luedtke	Mahoney	Marsh	Marvel
Moylan	Murphy	Nichol	Savage	Skarda
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 9:

Fowler	Kremer	Maresh	Mills	Rasmussen
Rumery	Schmit	Simpson	Stoney	

Not voting, 5:

Burbach	Duis	George	F. Lewis	R. Lewis

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

LEGISLATIVE BILL 220.

A BILL FOR AN ACT to amend section 37-519, Reissue Revised Statutes of Nebraska, 1943, and section 37-501, Revised Statutes Supplement,

1974, relating to game and fish; to restrict the use of artificial light; to change the penalty for violations; and to repeal the original sections.

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

Voting in the affirmative, 38:

Anderson	Bereuter	Burrows	Carsten	Chambers
Clark	Cope	DeCamp	Dickinson	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Koch
Kremer	F. Lewis	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rumery
Savage	Schmit	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 5:

Barnett	Luedtke	Rasmussen	Simpson	Skarda

Not voting, 6:

Burbach	Cavanaugh	Duis	Kime	R. Lewis
Marvel				

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

LEGISLATIVE BILL 270. With Emergency.

A BILL FOR AN ACT to amend sections 37-215.03 and 37-215.08, Revised Statutes Supplement, 1974, relating to hunting permits; to provide limited permits for certain species; to provide for issuance of permits in subsequent seasons and years; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes

Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rumery	Schmit
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 3:

Rasmussen	Savage	Simpson

Not voting, 4:

Burbach	Chambers	Duis	R. 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 271.

A BILL FOR AN ACT to amend section 37-429, Reissue Revised Statutes of Nebraska, 1943, relating to the Land and Water Conservation Fund; to provide for reallocation of funds to political subdivisions; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Savage

Not voting, 3:

Burbach	Dickinson	R. Lewis

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

LEGISLATIVE BILL 379.

A BILL FOR AN ACT to amend section 39-669.22, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Rules of the Road; to provide procedures for the Director of Motor Vehicles when abstracts of judgment are not received within thirty days; to provide a duty for courts; 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:

Anderson	Bereuter	Burrows	Carsten	Chambers
Clark	Cope	Dickinson	Duis	Fitzgerald
Fowler	George	Goodrich	Johnson	Kelly
Kennedy	Kime	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nichol	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 7:

Barnett	Cavanaugh	DeCamp	Dworak	Marvel
Mills	Rasmussen			

Not voting, 4:

Burbach	Hasebroock	Keyes	R. Lewis

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

LEGISLATIVE BILL 489.

A BILL FOR AN ACT to amend sections 37-301 and 37-502, Reissue Revised Statutes of Nebraska, 1943, and section 37-204, Revised Statutes Supplement, 1974, relating to game and fish; to provide that nongame fish be regulated by the Game and Parks Commission; to increase permit fees; 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, 41:

Anderson	Barnett	Bereuter	Carsten	Cavanaugh
Chambers	Cope	DeCamp	Dickinson	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rumery	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 4:

Clark	Kime	Rasmussen	Savage

Not voting, 4:

Burbach	Burrows	Duis	R. Lewis

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

LEGISLATIVE BILL 575. 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, 1975 to June 30, 1976; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan

Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 2:

George Koch

Not voting, 3:

Burbach Duis R. 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.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 335. Placed on General File as amended.
Standing Committee amendment to LB 335:

1. On page 5, line 17 after the period insert "Nothing in this section shall authorize the Director of Agriculture or any employee of the Department of Agriculture to conduct investigations within a foreign jurisdiction to determine whether any food processing program is equal to or greater than that of this state.".

LEGISLATIVE BILL 434. Placed on General File as amended.
Standing Committee amendments to LB 434:

1. On page 2, strike lines 6 to 20 and insert the following:

"Sec. 2. Any retailer purchasing meat or meat food products from any slaughtering or packing establishment doing business in Nebraska shall account and pay for such purchases within seventy-two hours from the time of shipment from such establishment. Nothing in this section shall operate to void any agreement between the establishment and the retailer to the contrary.

Sec. 3. (1) It shall be unlawful for any retailer to fail to remit payment within seventy-two hours following shipment.

(2) Following successful judgment against any retailer, upon grounds that a deficiency in payment attributable to alleged discounts taken against the slaughter establishment or packing company by any retailer when such discounts or other credits are determined unjustified and unwarranted, the court shall enter double the amount of damages determined by the court against the retailer and shall assess court costs and a reasonable attorney's fee in addition to the judgment entered to become a part of the total judgment entered in the case.

Sec. 4. Any person who shall violate the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.".

2. In the title, line 6, after "Nebraska" insert "; and to provide penalties".

LEGISLATIVE BILL 436. Placed on General File as amended.
Standing Committee amendments to LB 436:

1. On page 2, strike original sections 1 and 2 and insert the following:

"Section 1. It shall be unlawful to purchase slaughter livestock for other than cash or by negotiable instrument drawn upon a banking institution located within the same federal reserve district in which the purchaser's slaughter establishment is situated. This section shall not require payment in cash or by negotiable instrument in lieu of an express agreement in writing to the contrary.

Sec. 2. Nothing in section 1 of this act shall be considered a limitation placed upon any purchaser of slaughter livestock to conduct business or other financial affairs or place accounts with any other financial institutions outside the state.

Sec. 3. Any person, firm, corporation, or association, or any agent thereof, who shall violate the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

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.".

2. In the title strike lines 2 to 4 and insert "FOR AN ACT relating to livestock; to provide certain requirements in the purchase of slaughter livestock; to provide penalties; and to declare an emergency.".

(Signed) Loran Schmit, Chairman

SELECT FILE

LEGISLATIVE BILL 474. E & R amendment found in the Journal on page 904 for the Forty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 588. Mr. Marvel offered the following amendment:

1. On page 2, line 10, insert "to each full-time state employee" after "and".

2. On page 3, line 4, insert "each full-time state employee shall be given" after "and"; and after line 7 insert:

"(4) All employees of the University of Nebraska, the four state colleges, and the technical community colleges serving under less than a full-year contract shall be given an increase in salary equal to five per cent of their June 30, 1975, salary to the nearest dollar and an additional increase which shall be the same proportion of four hundred sixty-eight dollars per annum as the term of their contracts, stated in months, is to twelve.".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 239. Advanced to E & R for Engrossment.

MOTION—Return LB 206 to Select File

Mr. Rasmussen moved to return LB 206 to Select File for the following specific amendment:

1. On page 3, line 3, strike "or" and after "transfer" insert ", or placement".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 206. The Rasmussen specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 422 in the Journal. No objections. So ordered.

1. On page 15, line 3, strike "and", and insert an underscored comma, and in line 3 insert ", and mandatory educational review courses" after "regulations".

2. On page 20, strike beginning with "suspended" in line 9 through the period in line 14 and show as stricken, and insert "placed in an inactive status unless he wishes

to withdraw from the practice of nursing and so informs the board of such desire. An inactive license shall be returned to active status by the board upon completion of the requirements of this section, and payment of the renewal fee then due, together with an additional reinstatement fee of five dollars."; and at the end of line 22, insert "complete a review study of courses to be determined by the board in accordance with the provisions of section 6 of this act, and".

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 215. Placed on General File as amended.
Standing Committee amendment to LB 215:

1. On page 2, line 5 after the period insert "Any purchase or lease-purchase agreement entered into under this act shall be subject to the provisions of sections 81-1108.17 and 81-1108.22, Revised Statutes Supplement, 1974."; in line 17 after "offices" insert ", except that unused or expansion space may be rented to house offices of political subdivisions of this state, and authorized concessionaires"; and after line 17, insert a new section as follows:

"Sec. 4. Any major modification project to lands and buildings leased or purchased under this act shall be exempt from the provisions of section 81-1108.41, Revised Statutes Supplement, 1974.".

(Signed) Gary L. Anderson, Chairman

UNANIMOUS CONSENT–Bracket LB 339

Mr. Cope asked unanimous consent to bracket LB 339 on General File until April 2, 1975. No objections. So ordered.

UNANIMOUS CONSENT–Member Excused

Mr. Savage asked unanimous consent to be excused the remainder of the week. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

1. On page 3, line 16, strike "Food and food products", showing the old matter as stricken; and in line 17, strike "for human consumption" and show as stricken.

2. On page 11, after line 7, insert a new subsection 3 to read as follows:

(3) (a) All individuals, regardless of age, who are or have been residents of the state for a period of six consecutive months during a calendar year shall receive a refund of fifteen dollars for sales tax on food paid during such calendar year. Refunds to minors, including children whose parent or guardian is a recipient of aid to dependent children, shall be claimed by the parent or guardian of such minor.

(b) Individuals meeting the qualifications of this subsection who file a state income tax return shall indicate on the tax return whether a cash payment of the refund is desired or whether a credit of the refund amount against any state tax liability is desired. The Department of Revenue shall, upon receipt of the tax return, either issue a check for the amount of such refund or credit the tax liability of the individual for such refund amount.

(c) On or before April 15 of the year following the year for which the refund is claimed, all individuals meeting the qualifications of this subsection who do not file a state income tax return, shall file a claim for cash payment of such refund on forms provided by the Department of Revenue. Upon receipt of the claim form, the department shall issue a check to the individual for the amount of such refund.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules (Rule 3, sec 5) and reset hearing on LB 507.

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 507	Friday, March 21, 1975 (Cancel)	2:00 p.m.
LB 507	Monday, March 24, 1975 (Reset)	2:00 p.m.

(Signed) Richard Marvel, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Moylan asked unanimous consent to print the folllowing amendment to LB 258 in the Journal. No objections. So ordered.

1. Strike all previous amendments.
2. On page 2, at the end of line 10, insert "For purposes of this section, commercial office machines shall include but not be limited to typewriters, calculators,

photocopiers, and dictation machines with a value of one hundred dollars or more.".

UNANIMOUS CONSENT–Consider LB 202 Reconsideration

Mr. Kelly asked unanimous consent to consider the reconsider motion on LB 202 at this time.

Mr. Mills objected.

Mr. Kelly moved to consider the motion at this time.

The motion lost with 20 ayes, 17 nays and 12 not voting.

GENERAL FILE

LEGISLATIVE BILL 287. Title read. Considered.

Mr. DeCamp offered the following amendment:

1. On page 4, insert new sections 6 as follows:

"Sec. 6. One dollar of costs taxed in each traffic infraction proceeding filed in any court in the state for violation of a state law or city or village ordinance shall be deducted by the clerk of each court at the end of each calendar quarter from the total proceeds of all such costs collected. No such deduction shall be made or collected from any proceedings in any court where the proceedings or the defendant has been dismissed by the court. Such clerk shall pay all amounts so deducted to the State Treasurer who shall credit all such amounts to the Highway Traffic Safety Fund which is hereby created. All amounts deposited in such fund shall be appropriated to the Department of Motor Vehicles agency 24, program 644.

Mr. Kennedy moved to bracket LB 287.

Mr. Luedtke 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 bracket failed with 19 ayes, 18 nays and 12 not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?"

The motion prevailed with 29 ayes, 4 nays and 16 not voting.

The DeCamp amendment lost with 12 ayes, 27 nays and 10 not voting.

Mr. Chambers moved to indefinitely postpone.

The motion lost with 15 ayes, 17 nays and 17 not voting.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay and 26 not voting.

The Call showed 45 members present.

Mr. Chambers moved the Call be raised. The motion prevailed with 31 ayes, 9 nays and 9 not voting.

Failed to advance to E & R for Review with 22 ayes, 15 nays and 12 not voting.

LEGISLATIVE BILL 295. Title read. Considered.

MR. SAVAGE PRESIDING

Mr. Kelly offered the following amendment:
On page 2 line 15 delete two and insert fifteen.

The amendment lost with 7 ayes, 21 nays and 21 not voting.

Advanced to E & R for Review with 28 ayes, 9 nays and 12 not voting.

LEGISLATIVE BILL 310. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Mr. Cavanaugh moved to indefinitely postpone.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 24:

Barnett	Cavanaugh	Cope	DeCamp	Dickinson
Fitzgerald	Fowler	George	Kennedy	Keyes
Kime	Koch	Kremer	Luedtke	Maresh
Mills	Moylan	Rasmussen	Rumery	Skarda
Stoney	Stull	Swigart	Syas	

Voting in the negative, 11:

Anderson	Bereuter	Carsten	Dworak	Goodrich

Johnson	Kelly	F. Lewis	Murphy	Nichol
Warner				

Not voting, 14:

Burbach	Burrows	Chambers	Clark	Duis
Hasebroock	R. Lewis	Mahoney	Marsh	Marvel
Savage	Schmit	Simpson	Wiltse	

The motion prevailed with 24 ayes, 11 nays and 14 not voting.

LEGISLATIVE BILL 341. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 30. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 129. Title read. Considered.

Standing Committee amendments found in the Journal on page 644 for the Thirty-fourth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 217. Placed on General File as amended.
Standing Committee amendments to LB 217:

1. On page 4, line 17 strike "or"; line 21 strike the period and insert ", or health maintenance organizations obtaining a certificate of authority under Legislative Bill 450, Eighty-fourth Legislature, First Session, 1975, unless such health maintenance organizations are controlled by an insurance company licensed by the Department of Insurance under the provisions of Chapter 44, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; or"; after line 21 insert:

"(d) Any policy or contract issued by any person, corporation, or organization which is not licensed by the Department of Insurance under the provisions of Chapter 44, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

2. On page 16, after line 2 insert a new subsection (7) as follows:

"(7) It shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this act, to consider the amount reasonably necessary to meet its assessment obligations under this act."; and renumber subsection (7) as subsection (8).

LEGISLATIVE BILL 219. Placed on General File as amended.
Standing Committee amendment to LB 219:

On page 2, line 23 reinstate the stricken matter and strike the new material

(Signed) J. R. Murphy, Chairman

Public Health and Welfare

LEGISLATIVE BILL 256. Indefinitely postponed.
LEGISLATIVE BILL 337. Indefinitely postponed.
LEGISLATIVE BILL 347. Indefinitely postponed.
LEGISLATIVE BILL 415. Indefinitely postponed.
LEGISLATIVE BILL 476. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

Urban Affairs

LEGISLATIVE BILL 443. Placed on General File as amended.
Standing Committee amendments to LB 443:

1. Strike original sections 1 to 5 and insert the following:

"Section 1. As used in this act, unless the context otherwise requires, municipality shall mean any incorporated city or village.

Sec. 2. That section 14-1822.01, Revised Statutes Supplement, 1974, be amended to read as follows:

~~14-1822.01. At such times as~~ Whenever state funds shall be available to all municipalities and transit authorities to cover the difference between the regular fare and the reduced fare stated herein. the fare on the regular public transit buses shall not exceed ten cents for those persons sixty years of age or older ~~shall not cost in excess of ten cents~~ during nonpeak operating hours, which hours shall be designated by the local transit authority or ~~city~~ municipality, whichever has jurisdiction.

Sec. 3. That section 1, Legislative Bill 875A, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Section 1. There is hereby appropriated one million dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Roads, Agency No. 27 for Program 305, Assistance to Public Transit of Municipalities ~~Local~~ and Transit Authorities, to aid in carrying out the provisions of ~~Legislative Bill 875, Eighty-third Legislature, Second Session, 1974.~~ section 2 of this act.

~~The local transit authority shall certify monthly to the Department of Roads the amount of reduced fare and subsidy, and the Department of Roads shall verify such determination before payment is made.~~ The funds appropriated by this section shall be available for retroactive reimbursement in full to any municipality or transit authority for any subsidy advanced by it for the transportation of elderly persons on regular public transit buses after July 12, 1974 and before the effective date of this act.

Sec. 4. The municipality or transit authority shall certify monthly to the Department of Roads the amount of reduced fare and subsidy, and the Department of Roads shall verify such determination before payment is made.

Sec. 5. Sections 5 to 15 of this act shall be known and may be cited as the Nebraska Public Transportation Act of 1975.

Sec. 6. The Legislature finds that: (1) Transportation is a critical need of the elderly, handicapped, and others without access to the private automobile; (2) urban traffic congestion and the need for fuel conservation require greater reliance on public transporation; (3) public transportation in the rural and small urban areas of the state is lacking; (4) public transportation in many instances is no longer a profitable undertaking for private enterprise acting alone; (5) public subsidy of public transportation, whether privately or publicly operated, is often necessary to provide needed transportation services; (6) the variety of federal, state, and local activities in providing public transportation services require coordination for maximum benefit from public resources; (7) communities require technical assistance in addressing their public transportation needs; and (8) it is in the best interest of the people of the state to develop programs providing for the above concerns.

Sec. 7. As used in this act, unless the context otherwise requires:

(1) Public transportation shall mean the transport of passengers on a regular and continuing basis by motor carrier for hire, whether over regular or irregular routes, over any public road in this state, including city bus systems, intercity bus systems, special public transportation systems to include portal to portal escorted service for the elderly or handicapped, taxi, subscription, dial-a-ride, or other demand-responsive systems, but shall not include motor carriers for hire when engaged in the transportation of school children and teachers to and from school, or private carpools;

(2) Department shall mean the Department of Roads;

(3) Director shall mean the Director-State Engineer of the Department of Roads;

(4) Elderly shall mean any person sixty-two years of age or older who is drawing social security and every person aged sixty-five years of age and older;

(5) Handicapped shall mean any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize public transportation facilities and services as easily as persons who are not; and

(6) Municipality shall mean any village or incorporated city, including cities operating under home rule charter.

Sec. 8. The Department of Roads shall be responsible (1) for coordinating public transportation activities in the state, (2) for providing technical assistance to improve public transportations, and (3) for administering federal and state programs for public transportation. The department may contract pursuant to the provisions of sections 5 to 15 of this act to assist state agencies, political subdivisions, and other public and public-purpose organizations in the improvement of public transportation and contract with publicly or privately-owned carriers to provide public transportation services.

Sec. 9. The department shall have the following powers, duties, and responsibilities:

(1) To collect and maintain data on public transportation in the state;

(2) To assess the regional and statewide effect of changes, improvement, and route abandonments in the state's public transportation system;

(3) To develop short and long range plans and programs for public transportation in the state on a statewide basis;

(4) To provide planning and technical assistance to agencies of the state, political subdivisions, or groups seeking to improve public transportation;

(5) To advise, consult, and cooperate with agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with public transportation;

(6) To cooperate with the Public Service Commission in determining the effect of proposed regulatory decisions on public transportation;

(7) To administer federal and state programs providing financial assistance to public transportation;

(8) To prepare and submit an annual report to the Governor and Legislature detailing its activities under this

act and make recommendations to strengthen, expand, and improve public transportation in the state; and

(9) Exercise all other powers necessary and proper for the discharge of its duties, including the promulgation of reasonable rules and regulations to carry out the provisions of this act.

Sec. 10. The department may receive, contract for, or apply for and receive gifts, grants, loans, contributions, and other funds from the federal or state government or from any public or private sources for the purpose of carrying out the provisions of this act. Any contract between the department and the federal government entered into pursuant to this section may include all reasonable and appropriate conditions imposed by federal law or regulation which are not inconsistent with the purposes of this act.

Sec. 11. Prior to the promulgation of rules and regulations pursuant to section 15 of this act and prior to the awarding of federal or state funds under any program administered by the department or any other state agency which affects the transportation of the elderly such rules and regulations and the awarding of such funds shall be reviewed by the individual designated as the Executive Director of the Commission on Aging.

Sec. 12. Any municipality or county may lease, purchase, construct, own, maintain, and operate, or contract for the operation of public transportation, including special transportation for the elderly or handicapped, and apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or from any public or private sources for the purpose of providing a public transportation system.

Any special transportation system for the elderly or handicapped shall include transportation of necessary personal escorts of such elderly or handicapped riders.

Sec. 13. (1) A public transportation assistance program is hereby established to provide state financial assistance for the operating costs of public transportation systems.

(2) Any municipality, county, or transit authority, shall be eligible to receive assistance for (a) the operating costs of a public transportation system, whether the applicant directly operates such system or contracts for its operation, and (b) those expenses, including a reasonable return on investment, incurred in the operation of a public transportation system which exceed the amount of operating revenue derived and which are not otherwise eligible for reimbursement from any federal programs other than those administered by the United States Department of the Treasury.

(3) The state grant to an applicant shall not exceed fifty percent of the eligible operating costs of the public transportation system as provided for in subsection (2) of this section. The amount of state funds shall be matched by an equal amount of local funds in support of operating costs.

Sec. 14. The fares charged elderly or handicapped persons shall not exceed ten cents for each one-way trip on any city bus over regularly scheduled routes and operated by a bus system receiving state funds pursuant to this act. The recipient of state funds under this act may designate certain peak hours during which this section shall not apply.

Sec. 15. The Department of Roads shall administer sections to of this act, and issue such rules and regulations as are necessary, including but not limited to defining eligible operating costs, establishing contractual and other requirements including standardized accounting and reporting requirements for recipients to insure the proper and effective use of state funds, establishing application procedures, and developing a policy for apportioning funds made available for this program should they be insufficient to cover all eligible projects, except that priority shall be given to those proposed projects best suited to serve the needs of the elderly and handicapped and to proposed projects with federal funding participation.

Sec. 16. That original section 14-1822.01, Revised Statutes Supplement, 1974, and section 1, Legislative Bill 875A, Eighty-third Legislature, Second Session, 1974, are repealed.

Sec. 17. 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 strike lines 2 to 9 and insert the following:

"FOR AN ACT to amend section 14-1822.01, Revised Statutes Supplement, 1974, and section 1, Legislative Bill 875A, Eighty-third Legislature, Second Session, 1974, relating to transportation services; to define a term; to provide provisions to include all municipalities; to provide for retroactive reimbursement; to adopt the Nebraska Public Transportation Act of 1975; to repeal the original sections; and to declare an emergency.".

(Signed) Steve Fowler, Chairman

Labor

LEGISLATIVE BILL 546. Placed on General File.

(Signed) Richard Maresh, Chairman

Judiciary

LEGISLATIVE BILL 275. Placed on General File as amended.
Standing Committee amendments to LB 275:

1. On page 2, line 1 after "in" insert "adult"; and in line 19 before "showers" insert "scheduled".

2. On page 4, line 16 after "assignment" insert "," and strike "of more than seven days"; line 17 strike "duration,"; and in line 24 before "counseling" insert "treatment or".

3. On page 5, line 5 after "violate" insert ". Such notice shall be given at least twenty-four hours before a hearing on the matter is held"; in line 13 strike "may" and insert "shall"; and in line 14 after "summoned" insert "and shall be allowed to call witnesses and present documentary evidence in his defense when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals. The person or persons determining the disposition of charges shall state their reasons in writing for refusing to call a witness".

4. On page 6, line 2 strike "shall" and insert "may".

LEGISLATIVE BILL 560. Placed on General File.
LEGISLATIVE BILL 573. Placed on General File.
LEGISLATIVE BILL 543. Indefinitely postponed.
LEGISLATIVE BILL 563. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Rumery asked unanimous consent to be excused March 20, 1975. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Simpson asked unanimous consent to print the following amendment to LB 91 in the Journal. No objections. So ordered.

1. On page 4 insert a new section 4 to read as follows:

"Sec. 4. After the effective date of this act no new mobile home park shall obtain a license from the department unless at least twenty per cent of the lots available to the general public for the placement thereon of mobile homes for occupancy, shall be capable of maintaining a total electric home. The information required by this section shall be submitted with the

application for a license along with all plans and specifications and other data required by section 3 of this act.".

2. Renumber original sections 4 to 14 as sections 5 to 15 respectively.

ANNOUNCEMENTS

Mr. Carsten announced the Revenue Committee will hold an executive session at 12:00 noon today in Room 1019.

Mr. Maresh announced the Labor Committee will meet in executive session at 1:00 p.m. in the Supreme Court Hearing Room on Wednesday, March 19, 1975.

Mr. Hasebroock announced the Nebraska Retirement Systems Committee will hold an executive session on Monday, March 24, 1975 beginning at 12:00 noon in Room 1019.

Mr. Fowler announced the Urban Affairs Committee will hold an executive session on Wednesday, March 19, 1975 at 2:00 p.m. in Room 2230.

Mr. Kennedy announced the Public Health and Welfare Committee will meet in executive session this afternoon at 2:30 p.m. in the Supreme Court Hearing Room.

UNANIMOUS CONSENT—Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 78 in the Journal.

1. Strike all previous amendments.

2. On page 2, lines 6 and 17, strike "one year" and insert "ninety days"; in line 6, strike "two" and insert "~~two~~ three"; and in line 17, insert "or within the time provided in subsection (1) of this section, whichever is the later" after "date".

3. On page 3, line 7, and lines 13 and 14, strike "one year" and insert "ninety days"; and in line 14, insert "or within the time provided in subsection (1) of this section, whichever is the later" after "date".

VISITORS

The President introduced 27 senior high school students from Burwell, Nebraska and sponsor; 4 students of the Services for the Visually

Impaired; 30 students and their teacher from Southeast Community College; 15 high school students and their teacher from Homer, Nebraska; 47 high school students and their teacher from Hartington, Nebraska.

ADJOURNMENT

At 11:52 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, March 19, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FORTY-EIGHTH DAY–MARCH 19, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 19, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> We give thanks today for nature's beauty shining through a spring-like day; for the spiritual illumination of the season of Lent now advancing toward Easter, and for all else that helps us to look upon the brighter side of life.
>
> So often we encounter things that are not beautiful, and we are tempted to forget. We need to be reminded that this is our Father's world, and that for every act of hatred committed by man against man, there are thousands of acts of love performed.
>
> When life grows dark, and the way ahead becomes uncertain, lift our thoughts to see Divine brightness reflected in a good world, in the love of God reflected in the lives of men and women and children. Somehow let a bit of the glory of this day and of this season rub off on each member of this House. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, DeCamp and Savage who were excused and Mr. Chambers who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-seventh Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. DeCamp asked unanimous consent to be excused until April 3, 1975. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 18, 1975

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

Dear Mr. President and Senators:

I return herewith LB 294 without my signature and with my objections.

LB 294 is a good measure in basic concept which is better evaluation of juvenile offenders. This I support.

I do not support some of the accompanying consequences of this measure.

It would additionally obligate the state for such services, costs for which are now shared by the counties and state. Why?

This measure will cost the state an additional $250,000 while the Legislature has failed to recognize or fund these new expenditures of dollars. I believe such action inconsistent and lacking in sound planning and elementary budget procedures.

We are in an expansive program now for penal construction and further program improvement. We cannot do all things at the same time. It may well be that our recommended four community pilot projects and the diagnostic and evaluation services therein provided would be sufficient.

In order to avoid possible duplication, I feel any such legislation as LB 294 should be held off until at least 1976.

If the Legislature does not concur with my veto, then may I courteously suggest that you provide a means of funding the measure.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 206. Replaced on Select File as amended.
E & R amendment to LB 206:
1. In the title, line 5, insert "or placements" after "transfers".

LEGISLATIVE BILL 493. Placed on Select File.
LEGISLATIVE BILL 547. Placed on Select File.

LEGISLATIVE BILL 370. Placed on Select File as amended.
E & R amendment to LB 370:

1. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to eliminate the disqualification of certain students for unemployment compensation benefits; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 378. Placed on Select File as amended.
E & R amendment to LB 378:

1. On page 3, line 5, strike "In", show as stricken, and insert "Except as provided in subsection (2) of this section, in"; and in line 12, strike "having" and insert "containing".

LEGISLATIVE BILL 277. Placed on Select File as amended.
E & R amendments to LB 277:

1. In lieu of the Maresh amendment, on page 2, strike beginning with "in" in line 12 through "services" in line 17, showing the old matter as stricken.

2. In the title, strike beginning with the first "to" in line 4 through the semicolon in line 5 and insert "to require county boards to fix the salaries of bailiffs;".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 176. Placed on General File as amended.
Standing Committee amendment to LB 176:

1. On page 3, strike lines 9 to 13 and in line 14 renumber subsection (4) of section 81-1329 as subsection (3).

LEGISLATIVE BILL 315. Placed on General File as amended.
Standing Committee amendment to LB 315:

1. On page 2 after line 11 insert the following new sections:

"Sec. 2. That section 23-1722, Revised Statutes Supplement, 1974, be amended to read as follows:

23-1722. In any county having a population of ~~one hundred fifty~~ sixty thousand inhabitants or more, there shall be a sheriff's office merit commission.

Sec. 3. That section 23-1732, Revised Statutes Supplement, 1974, be amended to read as follows:

23-1732. All deputy sheriffs in active employment on January 1, 1970, in counties of three hundred thousand inhabitants or more, ~~and~~ on January 1, 1973, in counties having a population of more than one hundred fifty thousand but less than three hundred thousand, and on January 1, 1975, in counties having a population of more than sixty thousand but less than one hundred fifty thousand, and who shall have been deputy sheriffs for more than two years immediatley prior thereto, or who shall have been certified by the Nebraska Law Enforcement Training Center and who shall have received a certificate of completion and who shall have been such for more than two years immediately prior thereto, shall hold their positions without examinations until discharged, reduced, promoted, or transferred in accoudance with the provisions of sections 23-1721 to 23-1737. All deputy sheriffs who shall have been so employed for more than six months and less than two years on such date, shall be required to take qualifying examinations and all such deputy sheriffs who shall have been so employed for less than six months on such date, shall be required to take competitive examinations."; line 12, after the comma insert "23-1722, and 23-1732,"; line 13, strike "is" and insert "are".

2. Renumber original section 2 as section 4.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Dworak asked unanimous consent to be excused on March 20, 1975 from 10:00 a.m. until 11:30 a.m. No objections. So ordered.

MOTION—Return LB 193 to Select File

Mr. Koch moved to return LB 193 to Select File for the following specific amendment:

1. Insert a new section to read:

"Sec. 5. There shall be included in each publication required by sections 1 to 4 of this act a boxed statement, in bold-faced type, the statement THE COST TO THE CITY (VILLAGE) FOR PUBLISHING THIS NOTICE IS $ ..... .".

2. Renumber original section 5 as section 6.

The motion lost with 19 ayes, 20 nays and 10 not voting.

UNANIMOUS CONSENT—Withdraw Amendment to LB 193

Mr. Stull asked unanimous consent to withdraw his amendment found in the Journal on page 904 to LB 193. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 193.

A BILL FOR AN ACT to amend section 19-1102, Reissue Revised Statutes of Nebraska, 1943, relating to municipalities; to provide for publication of the official proceedings of the governing board; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Clark	Duis	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Johnson	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Rasmussen	Rumery
Simpson	Skarda	Stull	Wiltse	

Voting in the negative, 8:

Cope	Dickinson	Kelly	Nichol	Stoney
Swigart	Syas	Warner		

Not voting, 7:

Burbach	Chambers	DeCamp	Fowler	Murphy
Savage	Schmit			

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

LEGISLATIVE BILL 240. With Emergency.

A BILL FOR AN ACT to amend sections 68-1004 and 68-1005, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to

eliminate the minimum age requirements when determining eligibility for certain assistance; to provide for the determination of paternity and child support enforcement in certain welfare cases; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Cope	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Schmit
Simpson	Skarda	Stoney	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Burbach	Chambers	Clark	DeCamp	Marvel
Savage	Stull			

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 240A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 240, Eighty-fourth Legislature, First Session, 1975.

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:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Duis	Fitzgerald	Fowler	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	Koch	F. Lewis

R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Nichol	Rumery	Schmit
Simpson	Stoney	Syas	Warner	

Voting in the negative, 15:

Carsten	Clark	Cope	Dickinson	Dworak
George	Kelly	Kime	Kremer	Marvel
Rasmussen	Skarda	Stull	Swigart	Wiltse

Not voting, 5:

Burbach	Chambers	DeCamp	Murphy	Savage

The Chair ruled the bill failed to receive a constitutional three-fifths majority voting in the affirmative and failed of passage.

Mr. Barnett appealed the ruling of the Chair on LB 240A failing to pass on Final Reading.

Mr. Barnett asked unanimous consent to withdraw his appeal.

Mr. Chambers objected.

The question is, "Shall the Chair be sustained?" The motion prevailed with 36 ayes, 8 nays and 5 not voting. The Chair was sustained.

LEGISLATIVE BILL 529. With Emergency.

A BILL FOR AN ACT to amend section 1, Legislative Bill 986, Eighty-third Legislature, Second Session, 1974, sections 19 and 22, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, section 9, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, sections 6, 7, 8, and 18, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, and sections 8 and 50, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, relating to appropriations; to change appropriations to various agencies; to make new appropriations; to reappropriate certain unexpended balances; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Clark	Cope	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Schmit	Simpson	Skarda	Stoney	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 2:

R. Lewis Stull

Not voting, 4:

Burbach Chambers DeCamp Savage

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 239 and 588.

Correctly Enrolled

The following bills were correctly enrolled: 81, 195, 220, 270, 271, 379, 489, and 575.

(Signed) Donald N. Dwoark, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 81, 195, 220, 270, 271, 379, 489, and 575.

ATTORNEY GENERAL'S OPINION

Opinion No. 48
March 18, 1975

Dear Senator Kennedy:

This is in reply to your inquiry of 18 March 1975. In your inquiry you ask if L. B. 371, Eighty-fourth Legislature, First Session, will give the technical community colleges the proper right to sell buildings and land.

L. B. 371 would amend Neb. Rev. Stat. Sections 79-2619 (Reissue 1971) as follows:

> "May acquire, hold title, and dispose of any real and personal property whenever the technical community college area will be benefited thereby, but no grounds upon which any buildings of any technical community college are located shall be disposed of without the consent of the state board."

The precise answer to your question is no. The amendment states that "no grounds upon which any buildings of any technical community college are located shall be disposed of without the consent of the state board." Hence, without the consent of the state board, the area board is without authority to sell "grounds upon which any buildings of any technical community college are located."

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

PRESENTED TO GOVERNOR

Presented to the Governor on March 19, 1975 at 9:05 a.m., were the following bills: 28, 66, 111, and 582.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 14. Placed on General File as amended.
Standing Committee amendments to LB 14:

1. On page 2, insert new sections as follows:

"Section 1. That section 2-946.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-946.02. All cities and villages in this state may provide for, appropriate money for and make the necessary expenditures for noxious weed control ~~and eradication.~~ The director shall cooperate with and advise such cities or villages in such noxious weed control ~~and eradication.~~ Nothing in this section, however, shall prevent the formation of a weed ~~eradication~~ control district in cities and villages under the other provisions of this act.

Sec. 2. That section 2-952, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-952. It shall be the duty of every person to control the spread of ~~and to eradicate~~ noxious weeds on lands owned or controlled by him and to use such methods for that purpose and at such times as are approved and adopted by the Director of Agriculture.".

2. On page 3, lines 4 to 27, reinstate the stricken matter and strike the new matter; line 25 after the reinstated period insert "If, at any time following the dissolution of the county weed control authority board, county residents, representing at least ten per cent of the votes cast in the preceding general election in such county, submit a petition to the county clerk for reestablishment of the county weed control authority board as an independent elected body, the clerk shall place the following question on the next general election ballot: Shall the weed control authority board be reestablished and elected independent of other county officials?

Yes No

If a majority of the ballots favor reestablishment of the independent board, the county board shall appoint an initial weed control authority board and thereafter the weed control authority board members shall be elected in conformity with this section.".

3. On page 4, line 20 after "their" insert "official".

4. Renumber original sections 1 to 3 as sections 3 to 5, respectively.

5. On page 5, line 24 strike the second "and" and show as stricken; line 25, strike "eradication" and show as stricken.

6. On page 6, line 6 after the period insert "Prior to petitioning the director, the control authority, in cooperation with the county board of commissioners or supervisors, shall hold a public hearing and take testimony upon the petition. Such hearing and the notice thereof shall be in the manner prescribed by Chapter 84, article 9. A copy of the transcript of the public hearing shall accompany the petition filed with the director.", and in line 6 strike "The director shall" and show as stricken; strike lines 7 to 10 and show as stricken; line 11 before "director" insert "The"; line 19 strike "and eradication" and show as stricken.

7. On page 7, line 3 strike "and eradicate" and show as stricken; lines 6 and 12 strike "and eradication" and show as stricken; line 8 strike "and" and show as stricken; line 9 strike "eradication" and show as stricken.

8. On page 8, line 2 strike "or eradicate" and show as stricken; lines 6, 8, and 25, strike "and eradication" and show as stricken; line 10 strike "and eradication were" and show as stricken and insert "was".

9. On page 9, line 23 strike "eradicated" and show as stricken and insert "controlled"; line 26 strike "and eradication" and show as stricken.

10. On page 10, line 1, 8, and 20, strike "and eradication" and show as stricken.

11. On page 11, line 8 strike the second "or" and show as stricken; line 9 strike "eradication" and show as stricken; line 14 strike "or eradicated" and show as stricken.

12. On page 12, line 1 strike "or eradicate" and show as stricken; lines 4 and 13, strike "and" and show as stricken; lines 5, 9, and 14 strike "eradication" and show as stricken; line 8 strike "or" and show as stricken; line 15 strike "or eradication" and show as stricken.

13. On page 13, strike lines 1 to 19 and show as stricken; after line 19 insert the following:

"Sec. 6. That section 2-956, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-956. The cost of controlling ~~and eradicating~~ noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a state department, agency, commission, or board shall be paid by the state department, agency, commission, or board in control thereof out of funds appropriated to its use.

Sec. 7. That section 2-959, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-959. Control authorities, independently or in combination, may purchase or provide for needed or necessary equipment for the control ~~and eradication~~ of weeds, whether or not declared noxious, on land under their jurisdiction and may make available the use of machinery and other equipment and operators at such cost as may be deemed sufficient to cover the actual cost of operations, including depreciation, of such machinery and equipment. All funds so received shall be deposited to the noxious weed control fund. Each control authority shall keep a record showing the procurement and rental of equipment, which record shall be open to inspection by citizens of this state.

Sec. 8. That section 2-960, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-960. If any person shall be dissatisfied with the amount of any charge made against him by a control authority for control ~~or eradication~~ work or for the purchase of materials or use of equipment, he may, within fifteen days after being advised of the amount of the charge, file a protest with the director. The director shall hold a hearing thereon and shall have the power to adjust or affirm such charge. If any person is dissatisfied with the decision of the director, or with charges made by the director for control ~~or eradication~~ work performed by him, such person may, within twenty days from the date of such decision or notification of the amount of such charge, file a written notice of appeal with the clerk of the district court in which his land is located and thereupon an action shall be docketed in such court and tried the same as other actions.

Sec. 9. That section 2-963, Revised Statutes Supplement, 1974, be amended to read as follows:

2-963. Any person knowing of the existence of any noxious weeds on lands owned or controlled by him who fails to control ~~or eradicate~~ such weeds in accordance with sections 2-952 to 2-965 and rules and regulations prescribed under sections 2-952 to 2-965, and any person who intrudes upon any land under quarantine or who

moves or causes to be moved any article covered by section 2-957 except as provided therein, or who prevents or threatens to prevent entry upon land as provided in section 2-961, or who interferes with the carrying out of the provisions of sections 2-952 to 2-965, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars on account of each violation.

Sec. 10. That section 2-965, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-965. Any funds standing to the credit of any weed ~~eradication~~ control district organized under the provisions of Chapter 2, article 9, on November 18, 1965 and not necessary for the payment of outstanding obligations of the district shall be paid by the district treasurer into the county treasury and there deposited to the credit of the county noxious weed control fund. If such district includes land located in more than one county, such funds shall be divided between or among such counties in proportion to the amount of land of the district in each such county.

Sec. 11. That section 2-966, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-966. Title to any real estate standing in the name of any noxious weed ~~eradication~~ control district created under the provisions of sections 2-910 to 2-951, which district was dissolved by the repeal of such sections by Laws 1965, Chapter 7, section 15, is hereby quieted in the county in which such real estate is located. Any such real estate shall be held by the county for the use of the county weed control authority created pursuant to sections 2-952 to 2-965, or may be sold and the proceeds from such sale deposited to the credit of the county noxious weed control fund as provided by section 2-965."; strike lines 20 to 27.

14. On page 14, strike lines 1 to 10; line 11, after "sections" insert "2-946.02, 2-952,"; after "2-953" strike "and" and insert a comma; and after "2-954," insert "2-956, 2-959, 2-960, 2-965, and 2-966,"; line 12 strike "section" and insert "sections"; line 13 after "2-955" insert "and 2-963"; renumber original section 5 as section 12.

(Signed) Loran Schmit, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 267. Placed on General File as amended.
Standing Committee amendment to LB 267:

1. On page 2, lines 12 and 16 after "filed" insert "to the state library and".

(Signed) Gary Anderson, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 374. Placed on General File as amended.
Standing Committee amendments to LB 374:

1. On page 2 insert a new section 1 as follows:
"Section 1. That section 44-213, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

44-213. No domestic insurance company shall pay any salary, compensation, or emolument to any salaried employee, or to any officer, trustee, or director thereof in excess of a reasonable return for the services performed or to be performed by such person. The stockholders of stock companies and the policyholders of other companies shall retain the power at any regular meeting to alter or discontinue any employment agreement. No such companyshall ~~pay any pension whatsoever or~~ make an agreement with any salaried employee, or with any officer, trustee, or director, whereby it agrees that, for any services to be rendered, he shall receive any salary, compensation, or emolument that will extend beyond a period of five years from the date of such agreement; but any such company may make a conditional or unconditional agreement with any such person whereby it agrees that, in consideration of a current salary, compensation, or emolument of any amount less than a reasonable return for the services performed or to be performed by such person, he shall at specified future time or times, without regard to the five-year limitation set out above, receive, either without further condition or subject to reasonable contingencies, additional deferred salary, compensation or emolument of any amount adequate to make the total thereof received by such person a reasonable return for the services performed by such person. ~~Any such agreement shall not be deemed to constitute a pension or a plan for retirement, disability, sickness, accident or death benefits.~~ The words salary, compensation, and emolument as used in sections 44-213 to 44-213.07 shall not include payments made pursuant to a plan for retirement, disability, sickness, accident, or death benefits."; in line 16 strike "Any"; strike line 17; in line 24 strike "section" and insert "sections 44-213 and"; and in line 25 strike "is" and insert "are".

2. Renumber original section 2 as section 3.

LEGISLATIVE BILL 562. Placed on General File as amended.
Standing Committee amendment to LB 562:

1. On page 2, line 20 strike "expected", and show as stricken.

(Signed) J. R. Murphy, Chairman

Urban Affairs

LEGISLATIVE BILL 7. Placed on General File as amended.
Standing Committee amendment to LB 7:

1. In the Simpson amendment 1, Journal page 267, line 2, after "received", insert "by a landlord renting or leasing more than four rental units"; line 4 strike "by the landlord"; in line 7 strike "trust", and after the underscored period insert a new subsection to section 1 as follows:

"(7) Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall, upon

conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five thousand dollars.".

(Signed) Steve Fowler, Chairman

Public Health

LEGISLATIVE BILL 545. Placed on General File as amended.
Standing Committee amendment to LB 545:

1. On page 2, line 10 strike "one" and insert "five";
line 11 strike "five hundred" and show "hundred" as stricken; and
in line 12 strike "per diem" and show as stricken.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 287 in the Journal. No objections. So ordered.

1. On page 4, line 18 after the period insert:

"Sec. 5. That section 33-139, Revised Statutes Supplement, 1974, be amended to read as follows:

33-139. Witnesses before the district, county, or municipal court and grand jury shall receive ~~twenty~~ ten dollars for each day actually employed in attendance on the court or grand jury, and if the said witness shall reside more than one mile from the courthouse or place where the court is held, he shall receive eight cents for each mile necessarily traveled.".

2. On page 5, line 3 strike "and", and after "29-2206," insert "and 33-139,".

3. Renumber original sections 5 to 8 as sections 6 to 9 respectively.

MOTION–Reconsider Action on LB 310

Mr. Mills moved to reconsider action on LB 310. Motion pending.

MOTION–Override Veto on LB 294

Mr. Barnett moved to override the Governor's veto on LB 294. Motion pending.

UNANIMOUS CONSENT–Member Excused

Mr. Wiltse asked unanimous consent to be excused on March 20, 1975. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 317A. By Bereuter, 24th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 317, Eighty-fourth Legislature, First session, 1975.

MOTION—Reconsider Action on LB 240A

Mr. Murphy moved to reconsider action on LB 240A on Final Reading. Motion pending.

SELECT FILE

LEGISLATIVE BILL 67. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 151. E & R amendments found in Journal on page 918 for the Forty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 375. E & R amendment found in the Journal on page 918 for the Forty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 112. E & R amendments found in the Journal on page 918 for the Forty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 211. Mr. F. Lewis asked unanimous consent to bracket LB 211 until Friday, March 21, 1975. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 78

Mr. Carsten asked unanimous consent to unbracket LB 78 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 78. The Carsten pending amendment found in the Journal on page 940 for the Forty-seventh Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 258. The Moylan pending amendment found in the Journal on page 930 for the Forty-seventh Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Hold Motion on LB 126

Mr. Barnett asked unanimous consent to hold his motion to reconsider action on LB 126 over. No objections. So ordered.

MOTION–Reconsider Action on LB 202

Mr. Kelly renewed his pending motion, found in the Journal on page 862 for the Forty-third Day, to reconsider action on indefinitely postponing LB 202.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Mr. Keyes requested a record vote.

Mr. Kelly moved for a Call of the House. The motion prevailed with 20 ayes, 19 nays and 10 not voting.

Mr. Kelly moved the Call be raised. The motion prevailed with 26 ayes, 2 nays and 21 not voting.

Voting in the affirmative, 25:

Anderson	Burrows	Carsten	Clark	Dickinson
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kime	Kremer	F. Lewis	R. Lewis
Moylan	Nichol	Rasmussen	Rumery	Schmit
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 19:

Barnett	Bereuter	Cavanaugh	Cope	Dworak
Fitzgerald	Kennedy	Keyes	Koch	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Murphy	Simpson	Skarda	Syas	

Not voting, 5:

Burbach	Chambers	DeCamp	Duis	Savage

The Kelly motion to reconsider prevailed with 25 ayes, 19 nays and 5 not voting.

Mr. F. Lewis asked unanimous consent to bracket LB 202 on General File until April 19.

Mr. Syas objected.

Mr. F. Lewis moved to bracket LB 202 on General File until April 19. The motion prevailed with 25 ayes, 6 nays and 18 not voting.

MOTION–Reconsider Action on Rule Change

Mr. Chambers renewed his pending motion, found in the Journal on page 863 for the Forty-third Day, to reconsider action on adoption of the rule change to Rule 3, Sec. 12 found in the Journal on page 382 and adopted on page 861.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 18:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Fitzgerald	Fowler	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Rumery
Schmit	Simpson	Syas		

Voting in the negative, 23:

Carsten	Cope	Dickinson	Duis	Dworak
George	Hasebroock	Johnson	Kelly	Keyes
Kime	Koch	Kremer	R. Lewis	Moylan
Murphy	Nichol	Rasmussen	Stoney	Stull
Swigart	Warner	Wiltse		

Not voting, 8:

Burbach	Clark	DeCamp	Goodrich	Kennedy
Marvel	Savage	Skarda		

The Chambers motion lost with 18 ayes, 23 nays and 8 not voting.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 454. Placed on General File as amended.
Standing Committee amendment to LB 454:

1. On page 2, line 11 strike "ninety" and insert "one hundred eighty".

(Signed) Thomas C. Kennedy, Chairman

Revenue

LEGISLATIVE BILL 167. Placed on General File as amended.
Standing Committee amendments to LB 167:

1. On page 2, line 4 after "two" insert "and one half".
2. On page 16, line 3 after "the" insert "first" and strike "commencing January" and show as stricken; in line 4 strike "1," and show as stricken, strike "1975" and insert "beginning after December 31, 1974"; and in line 5 reinstate "thirteen" and strike "ten".

LEGISLATIVE BILL 382. Placed on General File.

(Signed) Calvin F. Carsten, Chairman

Judiciary

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendments printed separate from the Journal and available in the Clerk's office.

(Signed) Roland A. Luedtke, Chairman

MOTION–Place LB 113 on General File

Mr. Warner moved to place LB 113 on General File notwithstanding the Committee action.

Motion pending.

VISITORS

The President introduced 30 fourth grade students and teachers from Peru and Sheridan Elementary Schools, Auburn; 29 American Government students and teacher from Meridian High School, Tobias; 11 girl scouts and sponsors from Orleans, Nebraska.

ADJOURNMENT

At 12:00 Noon on a motion by Mr. Mahoney, the Legislature adjourned until 9:00 a.m., Thursday, March 20, 1975.

Vincent D. Brown
Clerk of the Legislature

FORTY-NINTH DAY—MARCH 20, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 20, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Take resentment out of our thoughts and actions today, O Lord our God, even though things may occur which annoy or hurt us . . . even though we may feel ourselves being misjudged or overlooked or underestimated.
>
> Too often our speech and actions come as the release of pent-up emotions which burst out uncontrolled - and how can we be right in our actions when we are not right in our attitudes? Prove to us the foolishness of resentment, and the wisdom of forgiveness. Help us to understand that if we can be proud of our innermost motives and attitudes, we will have no reason to be ashamed of the record of this Legislature. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, R. Lewis, Rumery, Savage and Wiltse who were excused and Mr. Cope who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-eighth Day was approved.

MESSAGE FROM THE GOVERNOR

March 19, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 15, 28, 66, 111, 152, 188, 200, 234, 234A, 492, and 582.

These bills were signed by me on March 19, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 474. Replaced on Select File as amended.
E & R amendment to LB 474:
1. On page 2, line 12, insert "Nebraska" after "the".

LEGISLATIVE BILL 295. Placed on Select File.

LEGISLATIVE BILL 341. Placed on Select File as amended.
E & R amendment to LB 341:
1. In the title, line 4, strike "to provide a labeling requirement" and insert "to prescribe additional circumstances of misbranding".

LEGISLATIVE BILL 30. Placed on Select File as amended.
E & R amendment to LB 30:
1. In the title, line 6, insert "to require payment of required deposits to the Public Employees Retirement Board;" after the semicolon.

LEGISLATIVE BILL 129. Placed on Select File as amended.
E & R amendment to LB 129:
1. On page 3, line 3, strike "affected"; and in line 16 strike "as prescribed".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 499. Placed on General File.

(Signed) Richard Maresh, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 218. Placed on General File.

LEGISLATIVE BILL 409. Placed on General File as amended.
Standing Committee amendments to LB 409:

1. On page 2, line 8, after "(4)" insert "(a)"; line 18, after "or" insert "(b)"; lines 19 to 23, strike the new matter.

2. On page 3, lines 1 to 7, strike the new matter and insert the following: "or (c) who has had three and one half years equivalent experience, satisfactory to the board taking recognition of the unique requirements of governmental auditing, in the capacity of revenue auditor in the Department of Revenue, State of Nebraska, or as an auditor in the office of the Auditor of Public Accounts, State of Nebraska, and who holds a degree from a college or university of recognized standing, and is certified by a certified public accountant employed by the department from which the applicant received his experience, or (d) any combination of requirements under this subsection which, combined on a pro rata basis, constitute equivalent service in the opinion of the board based upon rules and regulations prescribed by the board establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section,"; strike lines 11 to 16; and renumber original section 3 as section 2.

LEGISLATIVE BILL 327. Indefinitely postponed.
LEGISLATIVE BILL 361. Indefinitely postponed.
LEGISLATIVE BILL 420. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Syas asked unanimous consent for the Constitutional Revision and Recreation Committee to change hearing rooms with the Public Works Committee today if necessary. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 20, 1975, at 9:00 a.m., were the following bills: 575, 489, 379, 271, 270, 220, 195, and 81.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 67, 78, 112, 151, 258, and 375.

Correctly Enrolled

The following bills were correctly enrolled: 193, 240, and 529

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 193, 240, and 529.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 537. With Emergency.

A BILL FOR AN ACT to amend sections 7, 23, 28, 44, 45, 46, and 53, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, sections 5 and 7, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, with items of appropriation reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, sections 14, 16, and 17, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, section 3, Legislative Bill 1057, Eighty-third Legislature, Second Session, 1974, section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, as amended by section 30, Legislative Bill 1054, Eighty-third Legislature, Second Second, 1974, and section 15, Legislative Bill 1054, Eighty-third Legislature, Second Session 1974, as amended by section 1, Legislative Bill 13, Eighty-fourth Legislature, First Session, 1975, relating to appropriations; to change various items of appropriations; to provide for state funding of technical community colleges; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner			

Voting in the negative, 0.

Not voting, 7:

Clark	Cope	DeCamp	R. Lewis	Rumery
Savage	Wiltse			

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 153.

A BILL FOR AN ACT to amend section 18-1906, Reissue Revised Statutes of Nebraska, 1943, and section 18-1901, Revised Statutes Supplement, 1974, relating to plumbing inspection; to change membership on the board of plumbers as prescribed; to change members' qualifications; to provide regulation variances; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner			

Voting in the negative, 0.

Not voting, 7:

Cope	DeCamp	Dickinson	R. Lewis	Rumery
Savage	Wiltse			

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

LEGISLATIVE BILL 157.

A BILL FOR AN ACT to amend sections 71-3501 to 71-3511, 71-3513, 71-3515, and 71-3516, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to define terms; to change annual reporting and registration requirements; to require licensing of all radioactive material; to provide a radiation control agency; and to repeal the original sections.

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

Voting in the affirmative, 25:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Koch	Maresh	Marsh	Moylan
Nichol	Rasmussen	Stoney	Swigart	Syas

Voting in the negative, 12:

Carsten	Dworak	Keyes	Kremer	Marvel
Mills	Murphy	Schmit	Simpson	Skarda
Stull	Warner			

Not voting, 12:

Clark	Cope	DeCamp	Dickinson	Kime
F. Lewis	R. Lewis	Luedtke	Mahoney	Rumery
Savage	Wiltse			

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

LEGISLATIVE BILL 157A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, Eighty-fourth Legislature, First Session, 1975.

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, 22:

Anderson	Barnett	Bereuter	Burbach	Cavanaugh
Chambers	Duis	Fitzgerald	Fowler	George
Goodrich	Kennedy	Koch	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Stoney
Swigart	Syas			

Voting in the negative, 14:

Burrows	Carsten	Clark	Dworak	Kelly
Keyes	Kremer	Marvel	Mills	Murphy
Schmit	Simpson	Stull	Warner	

Not voting, 13:

Cope	DeCamp	Dickinson	Hasebroock	Johnson
Kime	R. Lewis	Nichol	Rasmussen	Rumery
Savage	Skarda	Wiltse		

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 351. Laid over on Final Reading at the request of Mr. Duis.

ANNOUNCEMENT

Mr. Rasmussen announced an executive session of the Government, Military and Veterans Affairs Committee at 2:00 p.m. today.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused Friday, March 21, 1975. No objections. So ordered.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 400. Indefinitely postponed.

(Signed) J.R. Murphy, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 49
March 20, 1975

Dear Senator Murphy:

You request our opinion on the constitutional requirement for the number of votes needed to pass a bill making an appropriation for a specific item of legislation. You used as an example, the appropriation in L. B. 240A which was intended to supply the necessary funds to implement L. B. 240. You pose your question as follows:

> "The question is: in as much as this is new legislative material, there is no provision in the Governor's budget for funds required for 240A. Does this come under the constitutional requirement that any bill appropriating money not included in the Governor's budget, must have a 3/5 vote to become law."

We have discussed this matter by telephone. We have pointed out to you that we wonder whether or not this is an appropriate area in which this office should interfere. You have assured us that your purpose in requesting this advice was that you intend to move to reconsider an action taken by the Legislature, and that our advice in this area is essential for the guidance of the Legislature in future actions of that body. We hesitate because we are not certain whether the request of such a nature should not come from the Legislature as an entity or the presiding officer thereof, rather than an individual member of the Legislature. We are fully aware that Article III, Section 10, Constitution of Nebraska, provides that the Legislature shall determine the rules of its proceedings, and its determination would probably not be subject to review by the courts.

Your question, however, deals with a matter involving the Legislature and is certainly of concern to each and every member thereof. We shall present our thinking on the matter for your aid and assistance. The question raised, to the best of our knowledge, has not been directly decided by our Supreme Court. We are familiar with the case of State ex rel Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N. W. 2d 920, and the appropriations therein determined to be invalid do not fall into the category of the appropriations with which we are

concerned here. We are assuming from your letter that a bill is enacted which provides a new program of operation or a new duty imposed upon a department which has not heretofore existed. An appropriation is then made in support of that particular program. You then wonder whether or not the vote requirement made by Section 7, Article IV, Constitution of Nebraska, is applicable. The pertinent language is as follows:

> "* * * No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor. * * *"

The question is simply whether or not under the circumstances outlined above a 3/5 vote is required for the appropriation. We think that such is not required.

In arriving at such conclusion we considered the decision of the court in Mekota v. State Board of Equalization and Assessment, 146 Neb. 370, 19 N. W. 2d 633. In that case a new department of state government was established and an appropriation made therefor. In that case the defendants contended that the language contained in the Constitution at that time, which is similar to the present language, applied only to departments, institutions and agencies of the state in existence at the time it is required that the Governor shall make his budget recommendations. The court pointed out that the Department of Industrial Relations which was created by the act concerned was not in existence at the time the Governor made his recommendations. The court stated that it thought the position of the defendants was the more reasonable. The court stated:

> "* * * Of course the Governor could not have at the time his budget recommendations were required, made a recommendation of appropriation for the Department of Industrial Development and it does not seem reasonable that it was intended that the provision should be applicable to that which could not be anticipated but which was within the legislative prerogative."

The court went on to point out that the Constitutional provision contained the words:

> "* * * 'No appropriations shall be made in excess of the recommendation contained in such budget.' The plural, 'appropriations,' is used. This would imply a limitation upon increase of amounts named in the budget and required to be therein and not to matters which could not be contemplated or anticipated. It would also imply an intention that the limitation was to attach to named subjects of appropriation and not to appropriations generally." (Emphasis supplied).

It does seem reasonable that the Governor is fully aware that additional duties may be imposed upon various departments and appropriations may be needed to fund such duties. We are not talking about duties and authorities which are presently imposed upon a state department or agency, but to entirely new duties which may be imposed upon a particular department which the department did not have at the time the budget was presented, and for which neither it nor the Governor could have anticipated nor budgeted. We do not believe that this constitutional limitation was intended to apply to such a situation. This, because the Governor prepares his budget based upon existing agencies and existing programs. He cannot anticipate new duties which may be imposed by the Legislature on any agency and which may require an appropriation. However, the determination as to whether or not a new program is being funded or the appropriation is merely an increase for an existing program is one for the Legislature to determine at this state of the legislative procedure.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:dnj
cc: Vince Brown
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 21.

Introduced by Maresh, 32nd District; Burrows, 30th District.

WHEREAS, the Rock Island Railroad has recently filed for reorganization under the federal Bankruptcy Act; and

WHEREAS, the Rock Island Railroad has long been vital to the economy of Nebraska and the other states which it serves; and

WHEREAS, continued service on existing Rock Island trackage is of utmost importance to the communities and agricultural areas served thereby; and

WHEREAS, it appears likely that the Interstate Commerce Commission will assign segments of the Rock Island system to a number of other railroads for continued operation; and

WHEREAS, the Rock Island Railroad currently has one hundred sixty-eight employeees in the State of Nebraska with an annual payroll of $2,300,040, the loss of which would be devastating to the communities in which such employees reside.

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

1. That any plan adopted for continued operation of the Rock Island Railroad (a) protect the positions of current employees in Nebraska, and (b) provide for continued operation of all existing lines in Nebraska.

2. That the Clerk of this Legislature forward a copy of this resolution to each member of the Nebraska delegation in Congress and to the Chairman of the Interstate Commerce Commission.

Mr. Maresh moved to suspend the rules (Rule 4, sec 5) and consider LR 21 at this time.

Mr. Maresh moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays and 36 not voting.

Mr. Maresh moved the Call be raised. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The motion to suspend the rules prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Simpson asked unanimous consent to add his name to LR 21. No objections. So ordered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 16 ayes, 5 nays and 28 not voting.

The Call showed 40 members present.

Mr. Chambers moved the Call be raised. The motion lost with 21 ayes, 15 nays and 13 not voting.

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 26:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Duis	Fowler	George
Hasebroock	Johnson	Kennedy	Kremer	F. Lewis
Luedtke	Maresh	Marsh	Moylan	Murphy
Schmit	Simpson	Stull	Swigart	Syas
Warner				

Voting in the negative, 10:

Chambers	Dickinson	Dworak	Fitzgerald	Koch
Mills	Nichol	Rasmussen	Skarda	Stoney

Not voting, 13:

Cavanaugh	Cope	DeCamp	Goodrich	Kelly
Keyes	Kime	R. Lewis	Mahoney	Marvel
Rumery	Savage	Wiltse		

LR 21 was adopted with 26 ayes, 10 nays and 13 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

MOTION–Rule Change

Mr. Barnett offered the following rule change.

Rule 5 Sec. 6 Sub Sec. (g) on page 30 in the last sentence by having it read:

"The "A" Bill shall be read and voted on first and if it passes the authorization bill shall then be read and voted on for final passage."

Referred to Rules Committee

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 346. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

SELECT FILE

LEGISLATIVE BILL 206. E & R amendment found in the Journal on page 943 for the Forty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 493. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 547. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 370. E & R amendment found in the Journal on page 944 for the Forty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378. E & R amendment found in the Journal on page 944 for the Forty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 277. E & R amendments found in the Journal on page 944 for the Forty-eighth Day were adopted.

Mr. Anderson offered the following amendment:
To amend LB 277 as follows:
On page 2, line 17, after "salary" insert or per diem

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 287. Considered.

SPEAKER BURBACH PRESIDING

Mr. Stull offered the following amendment:
Page 2 line 15 strike eight and insert seven.

The amendment was adopted with 25 ayes, 3 nays and 21 not voting.

PRESIDENT WHELAN PRESIDING

Mr. Cavanaugh renewed his pending amendment found in the Journal on page 955 for the Forty-eighth Day.

The amendment lost with 14 ayes, 15 nays and 20 not voting.

Mr. Chambers moved to indefinitely postpone. The motion lost with 10 ayes, 18 nays and 21 not voting.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 16 ayes, 13 nays and 20 not voting.

The Call showed 38 members present.

Mr. Chambers moved the Call be raised. The motion prevailed with 21 ayes, 7 nays and 21 not voting.

Failed to advance to E & R for Review with 16 ayes, 16 nays and 17 not voting.

LEGISLATIVE BILL 169. Title read. Considered.

Mr. Stoney moved for a Call of the House. The motion prevailed with 16 ayes, 8 nays and 25 not voting.

Mr. Cavanaugh moved to raise the Call. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Standing Committee amendment found in the Journal on page 644 for the Thirty-fourth Day was adopted with 27 ayes, 9 nays and 5 not voting.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet in executive session today at 2:00 p.m.

BILL ON FIRST READING

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

LEGISLATIVE BILL 275A. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of the Legislative Bill 275, Eighty-fourth Legislature, First Session, 1975.

SELECT COMMITTEE REPORT
Committee on Committees

March 20, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Julius Novak
Reappointment to Motor Vehicle Licensing Board

No one appeared in support of Mr. Novak's appointment and no one appeared in opposition.

Committee vote: For: (8) Chambers, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Wiltse. Against: None. Absent and not voting: (5) Clark, DeCamp, Savage, Skarda, Duis.

Marlin O. Armbruster
Reappointment to Motor Vehicle Licensing Board

No one appeared in support of Mr. Armbruster's appointment and no one appeared in opposition.

Committee vote: For: (8) Chambers, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Wiltse. Against: None. Absent and not voting: (5) Clark, DeCamp, Duis, Savage, Skarda.

Francis Hanna
Reappointment to Motor Vehicle Licensing Board

No one appeared in support of Mr. Hanna's appointment and no one appeared in opposition.

Committee vote: For: (8) Chambers, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Wiltse. Against: None. Absent and not voting (5) Clark, DeCamp, Duis, Savage, Skarda.

Roy R. Robertson - appointment to Power Review Board to fill unexpired term of the late Leo K. Wortman

Appearing in support of Mr. Robertson's appointment was Senator Thomas Kennedy. No one appeared in opposition.

Committee vote: For: (8) Chambers, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Wiltse. Against: None. Absent and not voting: (5) Clark, DeCamp, Duis, Savage, Skarda.

(Signed) William H. Hasebroock, V-Chairman
Committee on Committees

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 451. Placed on General File.
LEGISLATIVE BILL 494. Placed on General File.
LEGISLATIVE BILL 580. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 508. Placed on General File as amended.
Standing Committee amendment to LB 508:
1. On page 2, line 5, after "evidence", insert the word "thereof".

(Signed) J. R. Murphy, Chairman

Revenue

LEGISLATIVE BILL 123. Placed on General File as amended.
Standing Committee amendments to LB 123:

1. On page 2, lines 11 to 20 strike the new matter and insert the following:

"Such tax shall be computed as follows, except that such tax shall not be less than twenty dollars: (a) On the first twenty-five thousand dollars of taxable income, or any part thereof, the rate equal to twenty-five per cent of the rate of the tax imposed by section 77-2715; (b) on the next fifty thousand dollars of taxable income, or any part thereof, the rate equal to thirty-five per cent of the rate of the tax imposed by section 77-2715; and (c) on taxable income exceeding seventy-five thousand dollars, the rate equal to forty-five per cent of the rate of the tax imposed by section 77-2715.

For purposes of determining the tax rate for an affiliated group of corporations or a controlled group of corporations, such affiliated or controlled group shall be considered as one taxpayer. The Tax Commissioner shall prescribe regulations defining affiliated group of corporations or controlled group of corporations.";

lines 20 to 24, strike the old matter and show as stricken.

2. On page 6, after line 8 insert a new section as follows:

"Sec. 2. This act shall be applicable for all taxable years retroactive to January 1, 1975."; renumber original section 2 as section 3; and after line 10 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.".

LEGISLATIVE BILL 589. Placed on General File as amended.
Standing Committee amendment to LB 589:

1. On page 6, after line 12, 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) Calvin F. Carsten, Chairman

Public Health and Welfare

LEGISLATIVE BILL 571. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

POINT OF PERSONAL PRIVILEGE

Mr. F. Lewis requested a point of personal privilege regarding a newspaper article.

The Chair ruled the request out of order.

Mr. F. Lewis appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 6 ayes, 17 nays and 26 not voting. The Chair was not sustained.

Mr. F. Lewis spoke to an article in the newspaper on special education.

VISITORS

The President introduced 33 seventh and eighth grade students from Gresham and instructor; 70 seventh grade students and teacher from Schuyler; 22 Farm Bureau representatives from Aurora; 42 third grade students and teachers from Milford; 13 seventh and eighth grade students and teacher from Saunders County.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, March 21, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTIETH DAY–MARCH 21, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 21, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: even as we dash madly to meet our deadlines, remind us that all of life is a solemn trust - that no part of life is without significance - that every moment has its very special meaning. Help us to understand that because we represent others here, we are stewards for them both of time and of life. May we count ourselves successful stewards not in what we are able to keep for ourselves of life's blessings, but in what we succeed in making more available to others. This is the way the Master went; should not the servant tread it still! Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Duis, Savage, and Simpson who were excused.

CORRECTIONS FOR THE JOURNAL

Page 972, line 29, insert: "Mr. Rasmussen moved the adoption of the Standing Committee amendments."
The Journal for the Forty-ninth Day was approved as corrected.

UNANIMOUS CONSENT–Member Excused

Mr. Kennedy asked unanimous consent to be excused between 9:30 a.m. and 10:30 a.m. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 20, 1975

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

Dear Mr. President and Senators:

I am herewith returning LB 2 without my signature and with my objections.

This measure would be a step backwards for Nebraska's Workmen's Compensation Laws which have been progressive to this point and in conformity with other states. The National Governors' Conference, the Midwestern Conference of the Council of State Governments, of which your body is a member, and indeed the Nebraska Legislature, itself, only last year have all passed resolutions supporting and encouraging uniform State Workmen's Compensation Laws. Copies of these resolutions are attached for your consideration. LB 2 violates the spirit and intent of these positions.

All should understand that these policy resolutions have been adopted for the sole purpose of strengthening the states' status so as to protect the states' rights to administer their own workmen's compensation system in the face of a very real threatened federal takeover in this area. I am sure we all oppose such a possibility and, therefore, we should all be forewarned.

LB 2 is opposed by both the Nebraska AFL-CIO as well as the Nebraska Association of Commerce and Industry. When two such usually diverse groups agree, it is a veritable signal for caution.

It should be pointed out that individual proprietorships and partnerships are not required to maintain workmen's compensation coverage on the owners or partners. It is only when the corporate form of ownership is chosen that stockholder-officers are required to be covered. In most instances, especially with regard to professionals, the decision to incorporate is based on the desire to obtain certain federal income tax advantages. With those advantages comes the responsibility of providing workmen's compensation coverage for the employees and officers of the corporation. It would seem that the responsibilities of the corporate structure should be accepted along with the advantages.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah2
Attachments

National Governors' Conference Policy Position
Workmen's Compensation

Since their inception at the turn of the century, Workmen's Compensation Programs have been the responsibility of State Government. The provision of adequate compensation for workers who are disabled, killed, or afflicted with occupationally related disease as a result of their employment is a continuing state concern.

In its 1972 report, the National Commission on State Workmen's Compensation Laws concluded that while many state programs were in need of updating, "the States' primary responsibility for the program should be conserved." The National Governors' Conference supports this view.

The National Governors' Conference urges all Governors to take action toward bringing state programs into conformance with appropriate standards recommended by the National Commission and the Council of State Governments.

Midwestern Conference
of the
Council of State Governments
July 7-10, 1974
Indianapolis, Indiana

RESOLUTION NO. 20

WORKMEN'S COMPENSATION

Since their inception at the turn of the century, workmen's compensation programs have been the responsibility of state government. The provision of adequate compensation for workers who are disabled, killed, or afflicted with occupationally related disease as a result of their employment is a continuing state concern.

In its 1972 report, the National Commission on State Workmen's Compensation Laws concluded that while many state programs were in need of updating, "the States' primary responsibility for the program should be conserved." The Midwestern Conference of the Council of State Governments supports this view.

The Midwestern Conference of the Council of State Governments urges all state legislatures to take action toward bringing state programs into conformance with appropriate standards recommended by the National Commission and the Council of State Governments.

Attachment of LR 139 of 1974 filed in the Clerk's office.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 20, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Kutak Rock Cohen Campbell Garfinkle & Woodward
Delmar L. Rasmussen – Omaha, Father Flanagan's Boys Home, Village of Boys Town
Leitner, Ronald E. – McCook, Leo C. Smith
Moors, H. Jack – Lincoln, First National Bank

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 277. Replaced on Select File as amended.
E & R amendments to LB 277:
1. In lieu of the Anderson amendment, on page 2, line 12, insert "either (a)" after "services"; and in line 19 insert ", or (b) a per diem in an amount to be fixed by the county board, payable monthly from the county general fund" after "fund".
2. In E & R 2, adopted 3/20, line 3, insert "or per diem" after "salaries".

Correctly Engrossed

The following bills were correctly engrossed: 206, 370, 378, and 547.

Correctly Enrolled

The following bills were correctly enrolled: 153, 157, 537, and LR 21.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 153, 157, 537, and LR 21.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 232. Placed on General File as amended.

Standing Committee amendments to LB 232:

1. On page 2, line 26, strike "one and one half" and insert "eight"; reinstate the stricken "annum" and strike "month".

2. On page 4, line 3 after the period, strike "Unsettled" and show as stricken and insert "In the absense of any express written agreement to the contrary, unsettled"; line 5 strike "one and one half" and insert "eight"; line 6, strike "each month" and insert "per annum", after the period insert "Any rate of interest not to exceed twelve per cent per annum may be charged on unsettled accounts, if the parties to the transaction agree to such interest by express written agreement.", and after "interest" insert "on unsettled accounts".

LEGISLATIVE BILL 452. Placed on General File as amended.

Standing Committee amendments to LB 452:

1. Strike original sections 1 to 5 and insert the following:

"Section 1. (1) All credit unions chartered under the laws of Nebraska shall be qualified to act as trustee or custodian within the provisions of the Federal Self-Employed Individuals Tax Retirement Act of 1963, as amended, or under the terms and provisions of section 408(a) of the Internal Revenue Code, as amended, if the provisions of such retirement plan require the funds of such trust or custodianship to be invested exclusively in shares or accounts in the credit union or other credit unions.

(2) If any such retirment plan, in the judgment of the credit union, constitutes a qualified plan under the Federal Self-Employed Individuals Tax Retirement Act of 1962, or under the terms and provisions of section 408(a) of the Internal Revenue Code, as amended, and the regulations promulgated thereunder at the time the trust was established and accepted by the credit union, is subsequently determined not to be such a qualified plan or subsequently ceases to be such a qualified plan, in whole or in part, the credit union may continue to act as trustee of any deposits which have been made under such plan and to dispose of such deposits in accordance with the directions of the member and beneficiaries thereof.

(3) No credit union, in respect to savings made under this section, shall be required to segregate such savings from other assets of the credit union, but the credit union shall keep appropriate records showing in detail all transactions engaged in pursuant to this section.

Sec. 2. That section 21-1780, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-1780. The fiscal year of credit unions organized under the provisions of sections 21-1760 to 21-17,120 shall close on the last business day of

D ber. ~~The annual meeting of the credit union shall be held prior to March 31 of each year.~~ Each credit union shall hold an annual meeting. Special meetings may be held by the order of the directors or the supervisory committee and shall be held upon the written request of ten per cent of the members or by any one hundred members, whichever is the smaller.

Sec. 3. That section 21-1786, Revised Statutes Supplement, 1974, be amended to read as follows:

21-1786. The credit committee shall approve every loan ~~or advance~~ made by the credit union to members. On or before January 1, 1974, the credit committee may apply to the Department of Banking on forms supplied by the department for the licensing of one or more loan officers in order to delegate to him or them the power to approve loans up to a limit set by the credit committee in its application. Such application shall include information deemed necessary by the Department of Banking and shall be signed by the entire credit committee as well as the new officer for whom it is seeking a license. After January 15, 1974, no person shall act in the capacity of a loan officer for more than thirty days until so approved by the department. Each loan officer shall furnish to the credit committee a record of each loan approved or not approved by him within seven days of the date of filing of the application therefor. All loans to members not approved by a loan officer shall be acted upon by the credit committee. No individual shall have authority to disburse funds of the credit union for any loan which has been approved by him in his capacity as a loan officer. A loan officer shall be a member of the credit union and may, but need not be, a member of the credit committee or an officer or director of the credit union. Not more than one member of the credit committee shall be appointed as a loan officer. The term of such loan officer or officers shall be at the will of the credit committee.

Sec. 4. That section 21-1790, Revised Statutes Supplement, 1974, be amended to read as follows:

21-1790. A credit union may make loans to its members for provident and productive purposes and upon such security and terms as the by-laws shall provide and the credit committee shall approve. Security shall be taken for any loan in excess of two thousand five hundred dollars. The adequacy of all security shall be within the determination of the credit committee. ~~, subject to the provisions of sections 21-1760 to 21-17,126 and the by-laws.~~ A member may receive a loan in installments or in one sum and may repay the whole or any part of a loan on any day on which the office of the credit union is open for transaction of business.

Sec. 5. That section 21-1791, Revised Statutes Supplement, 1974, be amended to read as follows:

21-1791. The supervisory committee shall inspect the ~~securities, cash, accounts and~~ loans of the credit union at least once in every ~~three months~~ calendar

quarter and supervise the acts of its officers, directors and credit committee. ~~At the close of each year~~ Annually, the committee shall audit, or cause to be audited by an accountant approved by the Department of Banking, the books and records of the credit union and make a full report upon its affairs for the year to the board of directors, which report shall be read at the annual meeting of the credit union. Such committee shall have the power, by the unanimous vote of the entire committee at a meeting called for that purpose, to suspend any or all officers, directors or members of the credit committee or, by a majority vote, to call a meeting of the credit union to consider any violation of the law or of the by-laws. Within seven days after the suspension of any officer, director or member of the credit committee, the supervisory committee shall present the matter before a special meeting of the credit union. The supervisory committee shall verify, or cause to be verified by an accountant approved by the Department of Banking, all of the accounts of the members with the accounts of the treasurer annually. Such verification ~~may~~ shall be made by sending notices to each member, ~~showing the balances of loan and share accounts, and the return of such verification notices signed by the member as to its correctness or with any correction noted thereon.~~

Sec. 6. That original section 21-1780, Reissue Revised Statutes of Nebraska, 1943, and sections 21-1786, 21-1790, and 21-1791, Revised Statutes Supplement, 1974, and also sections 21-1792 and 21-17,111, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title, line 4, strike "21-1773" and insert "21-1786"; in line 6 after the semicolon, strike the remainder of the line; and in line 7, strike "may borrow;".

LEGISLATIVE BILL 561. Placed on General File as amended.
Standing Committee amendments to LB 561:

1. On page 2, lines 9 and 10, before "Finance" insert "Banking and".

2. On page 3, lines 1, 4, and 16 before "Finance" insert "Banking and".

3. On page 4, lines 10 and 11 before "Finance" insert "Banking and".

4. On page 5, lines 16 and 22 before "Finance" insert "Banking and".

(Signed) J. R. Murphy, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 1975, at 8:40 a.m., were the following bills: 529, 240, and 193.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused today at 11:45 p.m. No objections. So ordered.

COMMUNICATION

Acknowledged receipt of resolution from Alliance area Chamber of Commerce regarding LB 147.
Resolution on file in the Clerk's office.

EASTER RECESS

Speaker Burbach ruled that when we adjourn on Wednesday, March 26, 1975, we then reconvene on Wednesday, April 2, 1975 at 10:00 a.m. and begin all day sessions next week, March 24, 1975. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 211. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 474. E & R amendment found in the Journal on page 961 for the Forty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 295. Mr. Murphy moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 341. E & R amendment found in the Journal on page 961 for the Forty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 30. E & R amendment found in the Journal on page 961 for the Forty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 129. E & R amendment found in the Journal on page 961 for the Forty-ninth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Bracket LB 493

Mr. Warner asked unanimous consent to bracket LB 493 on E & R Engrossing till Monday, March 24, 1975. No objections. So ordered.

ANNOUNCEMENT

Mr. Anderson announced an executive session of Miscellaneous Subjects Committee at 12:00 noon today in Room 2230.

GENERAL FILE

LEGISLATIVE BILL 287. Considered.

Mr. Chambers moved to indefinitely postpone. The motion lost with 14 ayes, 22 nays and 13 not voting.

Mr. Luedtke moved to advance LB 287.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 20 ayes, 10 nays and 19 not voting.

The Call showed 44 members present.

Mr. Luedtke requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Barnett	Burbach	Burrows	Carsten
Cope	Dworak	Goodrich	Hasebroock	Johnson
Keyes	F. Lewis	Luedtke	Marsh	Moylan
Nichol	Schmit	Skarda	Stull	Syas
Warner	Wiltse			

Voting in the negative, 21:

Bereuter	Cavanaugh	Chambers	Clark	Dickinson
Fitzgerald	Fowler	George	Kelly	Kime
Koch	Kremer	R. Lewis	Mahoney	Maresh
Mills	Murphy	Rasmussen	Rumery	Stoney
Swigart				

Not voting, 6:

DeCamp	Duis	Kennedy	Marvel	Savage
Simpson				

The motion to advance to E & R for Review failed with 22 ayes, 21 nays and 6 not voting.

LB 287 stands indefinitely postponed, having failed to advance for the third time.

Mr. Keyes moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 169. Considered.

Mr. Stoney offered the following amendment:

1. In committee amendment 1, line 5, strike "the" and insert "three".

The amendment was adopted with 29 ayes, 1 nay and 19 not voting.

Mr. Mills offered the following amendment:

1. On page 2 after line 16 insert the following new sections:

"Sec. 4. After the effective date of this act, no member of the Legislature shall be entitled to hold office for longer than three consecutive terms.

Sec. 5. Any member serving on the effective date of this act may be reelected for not more than three consecutive terms after such date. Any member of the Legislature may seek reelection after having vacated such office for at least one term.".

The amendment was adopted with 25 ayes, 11 nays and 13 not voting.

Mr. George moved to indefinitely postpone.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 8 ayes, 24 nays and 17 not voting.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 18:

Barnett	Burbach	Carsten	Dickinson	Fitzgerald
George	Keyes	R. Lewis	Luedtke	Maresh
Marsh	Moylan	Murphy	Rumery	Stull
Swigart	Syas	Warner		

Voting in the negative, 15:

Anderson	Burrows	Clark	Dworak	Goodrich
Kelly	Kime	Koch	F. Lewis	Mahoney
Marvel	Mills	Rasmussen	Skarda	Stoney

Not voting, 16:

Bereuter	Cavanaugh	Chambers	Cope	DeCamp
Duis	Fowler	Hasebroock	Johnson	Kennedy
Kremer	Nichol	Savage	Schmit	Simpson
Wiltse				

The motion to indefinitely postpone prevailed with 18 ayes, 15 nays and 16 not voting.

LEGISLATIVE BILL 254. R. Lewis asked unanimous consent to pass over LB 254 and LB 255 temporarily until Mr. Kennedy returns.

Mr. Cavanaugh objected.

Mr. R. Lewis moved to pass over LB 254 and LB 255. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 323. Title read. Considered.

Standing Committee amendments found in the Journal on page 658 for the Thirty-fourth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 243. Title read. Considered.

Mr. Luedtke moved the adoption of the Standing Committee amendments.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 14 ayes, 5 nays and 30 not voting.

The Call showed 40 members present.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 27:

Anderson	Barnett	Bereuter	Carsten	Cavanaugh
Chambers	Cope	Fitzgerald	Fowler	Goodrich
Hasebroock	Johnson	Keyes	Kremer	F. Lewis

Meatke	Mahoney	Marsh	Mills	Moylan
Nichol	Rumery	Schmit	Skarda	Stull
Swigart	Syas			

Voting in the negative, 13:

Clark	Dickinson	Dworak	Kennedy	Kime
Koch	R. Lewis	Maresh	Marvel	Murphy
Rasmussen	Warner	Wiltse		

Not voting, 9:

Burbach	Burrows	DeCamp	Duis	George
Kelly	Savage	Simpson	Stoney	

The Standing Committee amendment found in the Journal on page 659 for the Thirty-fourth Day was adopted with 27 ayes, 13 nays and 9 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

Mr. F. Lewis asked unanimous consent to bracket LB 243 until Tuesday, March 25, 1975.

Mr. Dickinson objected.

Mr. F. Lewis moved to bracket LB 243 until Tuesday, March 25, 1975.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 16 ayes, 15 nays and 18 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

The F. Lewis motion to bracket prevailed with 27 ayes, 9 nays and 13 not voting.

LEGISLATIVE BILL 254. Title read. Considered.

The Standing Committee amendment found in the Journal on page 645 for the Thirty-fourth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Cavanaugh renewed his pending amendment found in the Journal on page 801 for the Fortieth Day.

Mr. George 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 Cavanaugh amendment was adopted with 27 ayes, 4 nays and 18 not voting.

Mr. Goodrich offered the following amendment:
1. On page 3, line 19, insert "for the original accreditation or annual renewal of a school of cosmetology operated by any agent of the state or any political subdivision thereof or" after "required".

Mr. Kelly requested a record vote.

Voting in the affirmative, 12:

Burbach	Cavanaugh	Fitzgerald	Goodrich	Keyes
F. Lewis	Mahoney	Schmit	Skarda	Swigart
Syas	Wiltse			

Voting in the negative, 22:

Barnett	Bereuter	Burrows	Clark	Cope
Dworak	Fowler	Kelly	Kennedy	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Murphy	Nichol	Rasmussen	Rumery	Stoney
Stull	Warner			

Not voting, 15:

Anderson	Carsten	Chambers	DeCamp	Dickinson
Duis	George	Hasebroock	Johnson	Kime
Koch	Kremer	Moylan	Savage	Simpson

The amendment lost with 12 ayes, 22 nays and 15 not voting.

Mr. Swigart offered the following amendment:
To change line 27 the figure of 1000 and substitute the figure $750.00.

The amendment lost with 8 ayes, 18 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 4 nays and 23 not voting.

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 497. Indefinitely postponed.
LEGISLATIVE BILL 498. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 177. Placed on General File as amended.
Standing Committee amendments to LB 177:

1. On page 2, lines 21 and 23, strike "ten" and insert "five".

2. On page 4, lines 7 and 18, strike the new matter and reinstate the old matter; after line 18, insert a new section as follows:

"Sec. 5. That section 8-820, Revised Statutes Supplement, 1974, be amended to read as follows:

8-820. Subject to the provisions of section 8-815 to 8-829, any registered bank may contract for and receive, on any personal loan, charges at a rate not exceeding eighteen per cent simple interest per year on the first ~~one~~ five thousand dollars and twelve per cent simple interest per year on the balance over ~~one~~ five thousand dollars. Notwithstanding the provisions of this section, a bank may charge a minimum fee of five dollars in lieu of interest on small loans."; line 20, after the first comma strike "and" and after the second comma insert "and 8-820,".

3. Renumber original sections 5 and 6 as sections 6 and 7 respectively.

(Signed) J. R. Murphy, Chairman

Judiciary

LEGISLATIVE BILL 417. Placed on General File as amended.
Standing Committee amendments to LB 417:

1. On page 3, line 12 after "division" insert ", which appointments shall be made not later than July 1, 1978,".

2. On page 5 strike beginning with "have" in line 7 through "To" in line 11.

3. On page 7, strike lines 4 to 14.

4. On page 9, line 17 after "Complex" insert ", Division of Adult Services.".

5. On page 13, line 19 strike "two"; strike line 23; and in line 24 strike "alcoholic rehabilitation counselor" and insert "as the chemical dependency rehabilitation counselors".

6. On page 24, line 9 strike ", a matron shall be" and show as stricken and insert "twenty-four hour supervisions shall be provided by a matron"; line 19 strike "matron" and insert "~~matron~~ deputy or correctional officer"; in line 20 strike "appointed" and insert "~~appointed~~ hired"; in line 21 strike "entire" and show as stricken and after "prisoners" insert "and perform those functions required of a deputy related to such duty"; and in line 24 after "matron" insert ", deputy or correctional officer".

7. On page 26, line 6 strike "83-1,140,".

8. Renumber original sections 10 to 40 as sections 9 to 39, respectively.

LEGISLATIVE BILL 487. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 22.

Introduced by Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Bereuter, 24th District; Johnson, 15th District; Stull, 49th District.

WHEREAS, the citizens of the State of Nebraska recognize that their economic welfare to a large extent depends on the successful production and marketing of agricultural commodities; and

WHEREAS, the State of Nebraska has a vital interest in those programs whose purpose is to enhance the foreign markets for Nebraska's agricultural commodities; and

WHEREAS, the State of Nebraska currently has one such program, the Division of Wheat Development in the State Department of Agriculture; and

WHEREAS, certain spending policies and practices in this program have recently been questioned; and

WHEREAS, this program is funded by a mandatory checkoff of all wheat produced in the state; and

WHEREAS, pending legislation would establish other commodity checkoff programs.

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

1. That the Legislature establish an interim study committee consisting of the members of the Appropriations Committee and the Agriculture and Environment Committee, sitting as a joint study committee:

a) To determine the spending policies and practices of the Division of Wheat Development, Utilization, and Marketing of the Department of Agriculture with special emphasis on foreign travel;

b) To determine those means by which expenditure accountability will be provided in this and any subsequent checkoff programs;

c) To determine the merits and feasibility of voluntary variable levy checkoff programs; and

d) To determine the merits and feasibility of establishing a single administrative division in the Department of Agriculture to coordinate all commodity marketing checkoff programs.

2. That the joint study committee report its findings and recommendations to the Eighty-fourth Legislature, Second Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 23.

Introduced by Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Goodrich, 20th District; Bereuter, 24th District; Johnson, 15th District; Stull, 49th District.

WHEREAS, LB403 imposed definitive statutory duties and responsibilities on the school boards of this state and the State Department of Education; and

WHEREAS, the State Board of Education did hold a public hearing on June 6, 1974, adopting rules and regulations on June 7, which rules and regulations were signed by the Attorney General on September 6, 1974, but were not signed by the Governor for the reasons set forth in a letter of transmittal to the State Department of Education on December 4, 1974 and therefore there are no rules and regulations in effect; and

WHEREAS, the State Department of Education submitted vouchers to the Department of Administrative Services for payment of first-quarter reimbursements without appropriate documentation; and

WHEREAS, the State Department of Education requested, received, and ignored legal advice and opinions of the Attorney General; and

WHEREAS, the Auditor of Public Accounts, the Department of Justice, and the Department of Administrative Services jointly submitted to the State Department of Education on December 20, 1974, preaudit guidelines which established the required statutory reports and documents from the school boards to be on file before further state payments could be authorized; and

WHEREAS, in January of 1974 the State Department of Education did authorize, submit, and certify to the Department of Administrative Services second-quarter payments which were in excess of four million dollars; and

WHEREAS, the State Department of Education again erred in their assumptions and basis for determining reimbursement payments; and

WHEREAS, many of the handicapped children in the state who would benefit from special education programs, and the taxpayers of the school districts of which they are residents, may not be receiving the educational benefits intended under the terms and provisions of LB403; and

WHEREAS, the members of this Legislature are aware of the confusion, termoil, and hardship which the State Department of Education's administration of LB403 has caused; and

WHEREAS, many school boards have not received adequate direction and assistance from the State Department of Education; and

WHEREAS, many school districts who have legal and valid claims against the state, have yet to receive any state reimbursement payments or have been

underpaid.

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

1. That the Legislature immediately designate a special committee to study the problems and surrounding circumstances related to the difficulties generated by procedure, payments, and questioned judgements made by the State Department of Education under provisions of LB 403 passed by the Legislature in 1973.

2. That the special select committee be comprised of seven members of the Legislature appointed by the Executive Board, and drawn from standing committees as herein provided:

(1) Two members of the Education Committee;

(2) Two members of the Appropriations Committee; and

(3) Three members of the Executive Board of the Legislature.

3. That the committee immediately direct its study to identify the causes of the problems now in existence, report its findings to the Legislature no later than April 15, 1975, and provide recommendations relating to how the problems may be solved and how such events may be prevented from developing in the future.

Laid over.

LEGISLATIVE RESOLUTION 24.

Introduced by Bereuter, 24th District.

WHEREAS, there are certain regulatory or reporting programs, services, purchasing procedures, and other procedures involving the disposal of suplus property provided and used by state agencies and institutions; and

WHEREAS, it is not certain what effect such various regulations, reports, and procedures may have upon Nebraska business corporations, partnerships, and sole proprietorships having assets of one million dollars or less; and

WHEREAS, it is possible that the effect of such regulation could negatively discriminate against such corporations, partnerships, or sole proprietorships; and

WHEREAS, it would be desirable for the Legislature to have benefit of a store of facts on these subjects for future decisions concerning the relation between such regulations and business corporations, partnerships and sole proprietorships in Nebraska.

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

1. That the Legislature direct the Executive Board of the Legislature to conduct a study of regulatory or reporting programs, services, purchasing procedures, and other procedures involving disposal of surplus property provided and used by state agencies and institutions.

2. That such study shall include an analysis of regulatory, reporting,

procedural, and legislative changes which may be necessary to achieve the following goals:

(a) Elimination of regulations, reports, procedures, and laws which have a negative effect on business organizations described in this resolution and which do not have a similar negative effect on larger business organizations;

(b) Simplification of regulatory, reporting, or procedural requirements in such a manner as to not have a detrimental effect on the public interest; and

(c) Elimination of regulations, reports, procedures, or laws which are obsolete or no longer achieve a valid purpose.

3. That the Executive Board make a report of its findings, together with its recommendations for proposed legislation to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION—Reconsider Action on LB 240A

Mr. Murphy renewed his pending motion, found in the Journal on page 956 for the Forty-eighth Day, to reconsider action on LB 240A on Final Reading.

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 Murphy motion lost with 15 ayes, 26 nays and 8 not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 446. Placed on General File as amended.
Standing Committee amendments to LB 446:

1. Insert two new sections to read:

"Sec. 2. That section 19-2903, Revised Statutes Supplement, 1974, be amended to read as follows:

19-2903. The municipal authorities of each municipality shall cause an audit of the municipality's accounts to be made by a recognized independent and qualified accountant as expeditiously as possible following the close of the fiscal year for such municipality and to cover all financial transactions and affairs of the municipality for such preceding fiscal year. Such audit shall be completed and the annual audit report made by such accountant shall be submitted within six months after the close of the fiscal year in any event, unless an extension of time shall be granted by a written resolution adopted by the municipal authorities;

Provided, ~~that all villages of four hundred population or less shall cause an audit once every three years beginning in 1972~~ that all villages may file an unaudited statement of cash receipts and disbursements annually in lieu of an annual audit. This unaudited statement shall be filed with the Auditor of Public Accounts in a form prescribed by him. The accountant making the audit and the person preparing the unaudited statement of cash receipts and disbursements shall submit not less than three copies of the audit report to the municipal authorites of the municipality being audited. The Auditor of Public Accounts may require an audit of any village's account based upon information contained in its unaudited statement and may specify the period within which such audit must be performed. If a municipality owns or operates any type of public utility, that phase of the affairs of such municipality shall be audited separately from the other functions of such municipality and the result shall appear separately in the annual audit report made by the accountant to the municipality; Provided, any municipality operating its utilities through a board of public works may provide for an entirely separate audit of such operations and report and by a different accountant than the one making the general audit.

Sec. 3. That section 19-2905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2905. At least three copies of such annual audit report shall be properly signed and attested by the accountant; two copies shall be filed with the clerk of the municipality involved and one copy shall be filed with the Auditor of Public Accounts. The unaudited statement of cash receipts and disbursements shall be filed with the Auditor of Public Accounts. The annual audit report filed, together with any accompanying comment or explanation, and the unaudited statement of cash receipts and disbursements shall become a part of the public records of the clerk of the municipality involved and shall at all times thereafter be open and subject to public inspection. The ~~copy~~ copies filed with the auditor shall be kept as a part of the public records in that office for at least five years, and shall at all times be subject to public inspection.".

2. Renumber original section 2 as section 4.

3. On page 3, line 26, strike "section 19-1306"

11 and insert "sections 19-1306 and 19-2905"; and in line
12 27, strike "is" and insert "and section 19-2903, Revised
13 Statutes Supplement, 1974, are".

(Signed) Steve Fowler, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 410. Placed on General File as amended.
Standing Committee amendments to 410:

1. On page 3, line 17, reinstate the stricken matter and strike the new matter; line 18 strike "well and accurately" and show as stricken, and after "marked" insert "as required by such city".

2. On page 9, line 8 strike "3" and insert "4"; line 20, strike "3 and 5" and insert "4 and 6"; line 27, strike "3" and insert "4".

3. On page 10, line 7, strike "5" and insert "6"; line 19 after "may" insert "after public hearing".

4. On page 14, line 5 after "The" insert "statutory".

5. On page 33, line 27 after "county" insert ", and in the local newspaper of any county which has territory within three miles of the property affected by such action of the county board,".

6. On page 34, line 1, after the period insert: "Notice of the time and place of such hearing shall also be given in writing to the chairman of any municipal, county, or joint planning commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action.".

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Dickinson asked unanimous consent to print the following amendments to LB 313 in the Journal. No objections. So ordered.

1. Insert a new section 11 as follows:

"Sec. 11. Each sanitary and improvement district shall prepare a brochure explaining the nature and organization of the district, the mill levy of the district, the board of directors of the district, and present indebtedness of the district.

The brochures shall be made available to the general public.

All real estate salesmen and brokers shall distribute such brochures to any prospective purchaser

of real estate which is located within a particular sanitary and improvement district. At the time that any property located within a sanitary and improvement district is sold, the real estate salesman, or broker, or other seller shall provide information required by this section to the buyer.".

2. Renumber original section 11 as section 12.

Mr. Carsten asked unanimous consent to print the following statements to LB362 and LB506 in the Journal. No objections. So ordered.

REVENUE COMMITTEE STATEMENT
March 20, 1975

Legislative Bill 362 is an act which would eliminate the local property tax by replacing it with a broadly based income tax applied to adjusted gross income and to use this revenue as the major source of support for the local costs of education in the state. The bill is an attempt to shift the burden of local school support from the property tax base to an income tax base.

The Committee felt that the concept of this shift was a new and viable method of local support for schools. The Committee also felt that the concept deserved further study. As a result of these feelings, the Committee voted to hold the bill and to direct the Committee to engage in an interim study on the merits of such a proposal.

Appearing in favor of this bill were the introducer, Senator George Burrows, Mr. Alan Thober, Beatrice, Nebraska; Mr. Ross Rasmussen, NSSBA; and Hubert Wisnieski. Appearing in opposition was Mr. Forrest Johnson, Nebraska Tax Research Council. Mr. Kent Kalb, Department of Revenue, spoke for informational purposes.

(Signed) Calvin F. Carsten, Chairman

REVENUE COMMITTEE STATEMENT
March 20, 1975

Legislative Bill 506 is an act which imposes a five percent income tax on individuals in addition to the tax imposed in the current income tax statutes, and a one percent income surtax on corporations. The revenue derived from each surtax would be distributed to the school district in which the taxpayer resides if that district is marked upon the tax return. If the district is not marked, the revenue from the tax shall be equally distributed to the school districts on a per pupil basis.

The bill establishes an income tax surcharge to aid local school districts. The Committee felt that this procedure merits further study and voted to hold the bill in Committee in order to hold an interim study on the bill.

Senator Warner, the introducer, presented the bill. Appearing in favor were Glenn Rader, Nebraska Farm Bureau and Ross H. Rasmussen, NSSBA.

(Signed) Calvin F. Carsten, Chairman

ANNOUNCEMENTS

Mr. F. Lewis announced an executive session of the Education Committee at 8:30 a.m., Monday, March 24, 1975.

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 2:00 p.m. today in the East Lounge.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused March 24, 25 and 26, 1975. No objections. So ordered.

MOTION—Approve Governor Appointments

Mr. Hasebroock moved the confirmation of the Governor's appointments of Julius Novak, Marlin O. Armbruster, Francis Hanna and Roy R. Robertson, found in the Journal on page 973 for the Forty-ninth Day, and requested one record vote on all.

Voting in the affirmative, 25:

Burbach	Burrows	Carsten	Cavanaugh	Clark
Cope	Dickinson	Fowler	George	Goodrich
Hasebroock	Johnson	Kennedy	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Moylan	Nichol
Rasmussen	Rumery	Skarda	Stoney	Swigart

Voting in the negative, 0.

Not voting, 24:

Anderson	Barnett	Bereuter	Chambers	DeCamp
Duis	Dworak	Fitzgerald	Kelly	Keyes
Kime	R. Lewis	Maresh	Marsh	Marvel
Mills	Murphy	Savage	Schmit	Simpson
Stull	Syas	Warner	Wiltse	

The Chair declared the appointments confirmed.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 279. Placed on General File.
LEGISLATIVE BILL 586. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

VISITORS

The President introduced 74 high school seniors from Creighton, Nebraska and instructor; 20 students and teacher from Epworth Village of York; 80 seventh grade students and teacher from Wayne; 19 special education students and teacher from Hawthorne School, Lincoln; 30 Government students from Platteview School, Springfield; 34 Junior High students from Lewiston Consolidated School, Lewiston and teacher; 30 students and parents from District 72, Nuckolls County; 6 high school students and teacher from Wheatland High School, Madrid; Charles and Joan Voris from Omaha.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Monday, March 24, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIRST DAY—MARCH 24, 1975

LEGISLATIVE JOURNAL

FIFTY-FIRST DAY–MARCH 24, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 24, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: we are aware of the things which You did in the fullness of times to make this a Holy Week; but we may not be aware of all the things we should be doing in our own time to keep it Holy.
>
> By the example and spirit of the Holy One who once walked in our midst, inspire us.
>
> May the days ahead when we recall His crucifixion and resurrection strengthen our faith, and issue in special blessing for all.
>
> May the peace and joy of the Easter Season be upon Nebraska's representatives, and upon all they serve. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and R. Lewis who were excused; Messrs. Carsten, Dworak, Keyes and Warner who were excused until they arrive and Messrs. Anderson,Chambers, Fitzgerald, Goodrich and Skarda who were absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 984, line 3, delete "p.m." and insert "a.m.".
Page 993, line 25, correct spelling of "surplus".
The Journal for the Fiftieth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

March 21, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 195, 220, 270, 271, 379, 489, and 575, and Reengrossed Legislative Bill No. 81.

These bills were signed by me on March 20, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 13, 1975

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

Dear Mr. President & Senators:

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

> Mr. Charles E. Blair, 2635 W. 2nd Street, Hastings, Nebraska, to fill the vacancy created by the resignation of Mr. Bill Riley. Mr. Blair's term will expire September 18, 1976.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 24, 1975, at 8:50 a.m., were the following bills: 153, 157, and 537.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 469. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

Public Works

LEGISLATIVE BILL 329. Placed on General File as amended.
Standing Committee amendments to LB 329:

1. On page 2, line 12 strike "adequate"; and in line 13 strike "and facilities".

2. On page 3 insert a new section 2 to read as follows:

"Sec. 2. That section 60-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-409. The applications for operators' licenses, school permits, or learners' permits shall be filed with the county treasurer who is required to transmit the same weekly to the Director of Motor Vehicles. The application shall be accompanied by a fee of six dollars from each successful applicant for an original or renewal operator's license issued under this act; Provided, that the fee for licenses which will be valid for one year or less shall be one dollar and fifty cents, the fee for licenses which will be valid for more than one year but less than two years shall be three dollars, and the fee for licenses which will be valid for more than two years but less than three years shall be four dollars and fifty cents. ~~Five~~ Twenty per cent of each of the original and renewal fees for operators' licenses, school permits, and learners' permits shall be credited forthwith to the general fund of the county and shall be included by the county treasurer in his report of fees as provided by law. The balance of the license fees provided herein shall be remitted by the county treasurer to the State Treasurer and fifty per cent of the original and renewal operator's license and school or learner's permit fee shall be credited to the Driver Education Fund established by section 60-409.01 and the remainder shall be credited by the State Treasurer to the General Fund."; in line 4 strike "section" and insert "sections" and after "60-404" insert "and 60-409"; and in line 5 strike "is" and insert "are".

LEGISLATIVE BILL 348. Placed on General File as amended.
Standing Committee amendment to LB 348:

1. On page 2, line 3 after "vehicle" insert "with four or more wheels"; in line 4 strike "so" and strike beginning with "to" in line 4 through "event" in line 8 and insert "to raise or lower the vehicle height or change the track from the manufacturer's original design and specifications".

LEGISLATIVE BILL 491. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORTS

Correctly Engrossed

The following bills were correctly engrossed: 30, 129, 211, 341 and 474.

(Signed) Donald N. Dworak

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 239 in the Journal. No objections. So ordered.
1. Page 2, line 6, strike the period and insert "and the applicant."
2. Page 2, line 8 and 9, strike "when such right or claim involves money for medical care." and insert "for which he has received payment from a county division of public welfare or the Department of Public Welfare."
3. Page 2, line 13, delete the period and insert "; Provided, that nothing in this section shall be construed to deny the right of an applicant or of his personal representative to bring suit for all claims or rights against such third person in his own name or in the name of the personal representative based upon liability for injury, death, or medical care, but in such event the county division of public welfare or the Department of Public Welfare having paid or paying medical assistance benefits to such applicant shall be made a party to the suit for the purpose of reimbursement, under the above provided right of subrogation, of any benefits paid."

Mr. Mills asked unanimous consent to print the following amendments to LB 249 and LB 305 in the Journal. No objections. So ordered.

AMENDMENT TO LEGISLATIVE BILL 249

1. On page 2, line 12 after "modification" insert "," and after "improvement" strike the underscored comma; line 13 strike "and the maintenance".

2. On page 4, line 16 after "devices" strike "existing"; line 17 after "state" insert "." and strike the remainder of the line; strike lines 18 to 22; line 23 strike "fifty per cent of the" and insert "The"; line 24 after "thereof" strike the remainder of the line; line 25 strike "maintenance"; line 26 after "devices" strike "are constructed" and insert "exist".

3. On page 5, line 3 after the second underscored comma, strike "or"; line 4 after "modification" insert "," and after "improvement" strike ", and for"; line 5 strike "maintenance"; line 11 after "modification" insert ","; line 12 after "improvement" strike ", and the modification".

AMENDMENT TO LEGISLATIVE BILL 305

1. On page 5, line 11, after "order" insert ", twenty-five cents of which fee shall inure to the Emergency Medical Training Program Cash Fund for the purpose of administering such program,".

2. On page 6, after line 1, insert the following:

"Sec. 4. There is hereby created in the state treasury a special fund to be known as the Emergency Medical Training Cash Fund. One half of all the money received by the Department of Motor Vehicles for inspection stickers, pursuant to section 60-1704, shall be deposited in such cash fund. All money in the Emergency Medical Training Cash Fund shall be available to and used by the State Board of Technical Cummunity Colleges for the purpose of administering and operating the Emergency Medical Training Program.".

ATTORNEY GENERAL'S OPINIONS

Opinion No. 50
March 18, 1975

Dear Senator F. Lewis:

This communication is in reply to your request for this office to supply you with an opinion as to the constitutionality of the proposed committee amendments to LB 344, Eighty-fourth Legislature, First Session. In connection therewith you state that you would appreciate our comments on the funding and control issues which were the basis of the Supreme Court's opinion in State ex rel. Western Nebraska Technical Community College Area v. Tallon. You also state that such diverse matters as the powers of the state commission are of concern to you.

I.

State ex rel. Western Nebraska Technical Community College Area v. Tallon.

We deem it advisable to state at the outset the holding of the Supreme Court in the above cited case. "We hold that where the State assumes the control and the primary burden of financial support of a statewide system of technical community college areas under the provisions of the Technical Community College Area Act, the property tax levy provided for in section 79-2626, R. S. Supp., 1973, is for a state purpose within the meaning of Article VIII, section 1A, of the Nebraska Constitution." See, 192 Neb. 201, 213 (1974). The proposed committee amendments are hereinafter discussed.

II.

Selected Committee Amendments to LB 344.

Section 3 of the above described amendments to LB 344 would create a statewide system of six (6) technical community college areas. Pursuant to section 5 of said amendments, each area would be governed by a board of eleven members. The proposed committee amendments would also create a state commission whose powers and duties, pursuant to section 19 are limited to general advisory supervision over the technical community colleges. It is not altogether clear when each area board would prepare its annual operating budget but section 15 of the proposed amendments clearly states that on or before September 1 of each year area boards may certify to the county board of equalization of each county within the area served a mill levy, not to exceed two mills, for the purpose of supporting operating expenditures of the college. In addition thereto, the area board may certify a mill levy, not to exceed one mill, for the purpose of establishing a capital improvement fund, a bond sinking fund, or for the retirement of general obligation bonds. The combined levy, however, may not exceed 2.5 mills without prior approval by a majority vote of the qualified electors of the area. Unlike the property tax funding under the Technical Community College Act, which the Supreme Court found to be a state purpose within the meaning of Article VIII, Section 1A, of the Nebraska Constitution, section 9 of the proposed committee amendments demonstrates the use of the above described tax levies to support local purposes.

In addition to the above described direct control by the local area over capital expenditures, the local area board, pursuant to section 9 of the proposed amendments, would be given statutory power to control and direct which facilities and training will be available in that area and at what cost (tuition) to the student which again demonstrates the dominance of the local area as opposed to the state in major matters of control and operation of the proposed statutory system. The control of the state, if it can be called control, is the amount of funds, if any, appropriated by the Legislature for the aid and assistance of technical community colleges. Section 16 of the proposed amendments states that funds appropriated by

the Legislature for this purpose shall be distributed to the technical community colleges in the same proportion as the full-time equivalent student enrollment total for each college is relative to the full-time equivalent enrollment total of all technical community colleges combined. Hence, the dominance of the local area, the number of full-time equivalent students enrolled in each technical community college, would control the distribution of funds, if any appropriated by the Legislature for this purpose.

III.
Conclusion

Until each of the six technical community college areas prepare budgets it is impossible to determine if the primary burden of financial support of a statewide system of technical community colleges will rest on the state or on the local area. On the other hand, it seems clear that the proposed committee amendments to LB 344 would provide local control over technical community colleges. It would therefore appear and we are of the opinion that the property tax provided for in section 15 of the proposed committee amendments to LB 344 would be for a local purpose and consequently would not violate Article VIII, section 1A, of the Nebraska Constitution.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:smh
cc' Mr. Vincent Brown
Clerk of the Nebraska Legislature

Opinion No. 51
March 20, 1975

Dear Senator Duis:

This is in response to your letter of March 17, 1975, in which you ask whether the Legislature may "condition" the pardon power of the mayor through L. B. 200.

We have concluded that the Legislature may lawfully provide that the pardon of a conviction for a traffic offense, issued by any municipal officer or board vested with that power, should have no effect on the assessment of points or the revocation of an operator's permit pursuant to the Nebraska Points Law (Section 39-669.22 through Section 39-669.30, R. R. S. 1943, and Supp., 1974).

The Legislature has conferred upon certain municipal authorities the power to pardon offenses arising from violations of ordinances (Section 14-126, metropolitan; Section 15-315, primary; Section 16-316, first class; Section 17-117, second class). The municipal power to pardon, contrary to the power vested in the State Board of Pardons by Article IV, Section 13, of the Constitution of Nebraska, is not derived from the Constitution. We see no reason why the Legislature cannot "condition" the power which it has granted, provided it is "conditioned" uniformly among those municipal authorities presently possessing such power.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Steven C. Smith
Special Assistant Attorney General

SCS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Bracket LB 239

Mr. Cavanaugh moved to bracket LB 239 on Final Reading. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

MOTION–Call of House on Attendance

Mrs. Marsh moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

MOTION–Bracket LB 588

Mrs. Marsh asked unanimous consent to bracket LB 588 on Final Reading. No objections. So ordered.

Mrs. Marsh moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 295. Mr. Murphy renewed his pending motion, found in the Journal on page 984 for the Fiftieth Day, to indefinitely postpone.

The motion lost with 10 ayes, 19 nays and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 277. E & R amendments found in the Journal on page 980 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Mills asked unanimous consent to print the following amendments to LB 577, LB 305 and LB 360 in the Journal. No objections. So ordered.

Amendments to LB 577

(A) 1. On page 8, line 22 strike "one year" and insert "two years", and after "approval" insert "with the right to have an extension granted by the director".

2. On page 16, line 27 strike "twenty" and insert "sixty".

Amendment to LB 577

(B) 1. On page 10, line 20 strike "among the" and insert "to the existing and future", and after "area" insert "in such ratio as it shall determine".

Amendments to LB 305

1. On page 5, line 11, after "order" insert ", twenty-five cents of which fee shall inure to the Emergency Medical Training Program Cash Fund for the purpose of administering such program,".

2. On page 6, after line 1, insert the following:

"Sec. 4. There is hereby created in the state treasury a special fund to be known as the Emergency Medical Training Cash Fund. One half of all the money received by the Department of Motor Vehicles for inspection stickers, pursuant to section 60-1704, shall be deposited in such cash fund. All money in the Emergency Medical Training Cash Fund shall be available to and used by the State Board of Technical Cummunity Colleges for the purpose of administering and operating the Emergency Medical Training Program.".

Amendment to LB 360

1. On page 7 after line 12 insert:

"Sec. 2. That section 88-518, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-518. Any person, firm, cooperative, or corporation, other than a public grain warehouseman licensed as such in this state, who shall purchase grain from the owner thereof for the purpose of resale, or who shall purchase and transport grain or who shall transport grain into this state for resale, or who shall act as employee or agent of a seller or purchaser of grain, or both, or who shall represent a seller or purchaser for purposes of collective bargaining in the marketing of grain,

shall first procure a license therefor from the ~~State Railway~~ Public Service Commission before transacting such business and shall be subject to such rules and regulations as may be reasonably and appropriately promulgated by the commission for its enforcement and administration of the provisions of this section. Such license shall expire on June 30 and shall be renewed annually. The fee for each such buyer shall be twenty-five dollars. In addition to such license fee each licensee shall pay a registration fee in an amount fixed by the commission, not to exceed fifteen dollars per annum, for each vehicle used by the licensee in transporting grain. The proceeds of such registration fee shall be placed in the state treasury and by the State Treasurer credited to the state General Fund. 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. Such identification shall not be transferred from one vehicle to another except in case of destruction or disposition of the vehicle previously bearing such identification. All such transfers must first be approved by the commission. Before any such license shall be issued, the applicant therefor shall file with the commission a bond to the State of Nebraska, with a corporate surety, approved by the commission, in a penal sum of not less than five thousand dollars conditioned that the applicant will pay the purchase price of such grain upon demand of the owner or seller, and that he owns, free of liens, any grain which he offers for sale; Provided, that the aggregate liability of the surety to all such owners shall in no event exceed the sum of such bond. The provisions of this section shall not apply to anyone purchasing grain for his own use or consumption; but the word use or the word consumption, as used herein, shall not be construed to mean or include the sale of such grain in its natural or processed state at retail or wholesale. It shall be the duty of the supervisor of public warehouses, subject to the supervision of the ~~State Railway~~ Public Service Commission, employees of the Division of Motor Fuels of the Tax Commissioner, weighing station employees of the Department of Roads, and other law enforcement agencies to enforce the provisions of this section. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment, and in addition shall be liable for any damages suffered by any person as a result of such violation. It shall be the duty of the Attorney General or any county attorney, upon request of the commission, to assist in

the prosecution of any such violations."; in line 13 strike "section" and insert "sections" and after "88-503" insert "and 88-518"; and in line 14 strike "is" and insert "are".

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 449. Placed on General File.

(Signed) F. Lewis, Chairman

UNANIMOUS CONSENT—Unbracket LB 351

Mr. Duis asked unanimous consent to unbracket LB 351 on Final Reading. No objections. So ordered.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 174. Placed on General File as amended.
Standing Committee amendments to LB 174:

1. On page 2, strike lines 16 to 26.

2. On page 3, strike lines 1 to 12; line 16 after "quarter" insert "and the executive board shall meet at least once during the interim of each commission meeting"; line 22 after "attend" insert "two consecutive".

3. Renumber original sections 3 and 4 as 2 and 3 respectively.

(Signed) Gary L. Anderson, Chairman

GENERAL FILE

LEGISLATIVE BILL 91. Title read. Considered.

Standing Committee amendments found in the Journal on page 809 for the Forty-first Day were considered.

Mr. F. Lewis asked unanimous consent to bracket LB 91.

Mr. Simpson objected.

Mr. F. Lewis moved to bracket LB 91.

Mr. F. Lewis asked unanimous consent to withdraw his motion. No objections. So ordered.

Standing Committee amendments were adopted with 30 ayes, 0 nays and 19 not voting.

The Simpson pending amendment found in the Journal on page 939 for the Forty-seventh Day lost with 9 ayes, 18 nays and 22 not voting.

Mr. Simpson moved to advance LB 91.

Mr. Simpson moved for a Call of the House. The motion prevailed with 25 ayes, 7 nays and 17 not voting.

The Call showed 43 members present.

Mr. Bereuter requested a record vote.

Mr. Mills moved the Call be raised. The motion prevailed with 27 ayes, 3 nays and 19 not voting.

Mr. Simpson requested a roll call vote.

Voting in the affirmative, 20:

Anderson	Barnett	Burbach	Fowler	Goodrich
Hasebroock	Kelly	Kremer	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Savage
Schmit	Simpson	Swigart	Syas	Wiltse

Voting in the negative, 21:

Bereuter	Burrows	Chambers	Cope	Dickinson
Dworak	Fitzgerald	George	Johnson	Kennedy
Keyes	Kime	Koch	F. Lewis	Mills
Murphy	Nichol	Rasmussen	Rumery	Stoney
Stull				

Not voting, 8:

Carsten	Cavanaugh	Clark	DeCamp	Duis
R. Lewis	Skarda	Warner		

LB 91 failed to advance to E & R for Review with 20 ayes, 21 nays and 8 not voting.

MOTION–Request Governor to Return LB 427

Mr. Clark moved to request the Governor to return LB 427 to the Legislature for further consideration.

Mr. Clark asked unanimous consent to withdraw his motion. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 118. Title read. Considered.

Standing Committee amendment found in the Journal on page 730 for the Thirty-seventh Day was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 255. Title read. Considered.

Mr. Kennedy moved to advance LB 255.

Mr. Kime moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 7 nays and 21 not voting.

Advanced to E & R for Review with 35 ayes, 1 nay and 13 not voting.

LEGISLATIVE BILL 288. Title read. Considered.

Standing Committee amendments found in the Journal on page 661 for the Thirty-fourth Day were adopted with 33 ayes, 0 nays and 16 not voting.

Laid over.

MOTION—Reconsider Action on LB 126

Mr. Barnett renewed his pending motion found in the Journal on page 911 for the Forty-sixth Day to reconsider action on LB 126 on Final Reading.

The motion lost with 20 ayes, 17 nays and 12 not voting.

MOTION—Reconsider Action on LB 225

Mr. Kelly renewed his pending motion found in the Journal on page 911 for the Forty-sixth Day, to reconsider action on LB 225 which was indefinitely postponed on March 17, 1975.

The motion prevailed with 25 ayes, 12 nays and 12 not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 311. Placed on General File as amended.
Standing Committee amendment to LB 311:

1. On page 2, line 6 strike "twenty-five" and insert "twenty".

(Signed) Gary L. Anderson, Chairman

Public Works

LEGISLATIVE BILL 213. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) Maurice Kremer, Chairman

Labor

LEGISLATIVE BILL 556. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Judiciary

LEGISLATIVE BILL 574. Placed on General File as amended.
Standing Committee amendments to LB 574:

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

"Section 1. It shall be unlawful for any person: (1) For amusement or gain (a) to cause any bull, bear, cock, dog, or other animal to fight with any other animal or creature, or with any human being, or (b) to cause any such bull, bear, cock, dog, or other animal to worry or injure each other; (2) to permit such fight to occur on any premises under his charge or control; or (3) to aid, abet, or to be present at such fighting or worrying of such animal or creature, as a spectator.

Sec. 2. It shall be unlawful for any person to (1) own, possess, keep, or train any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting, (2) be present at any place, building, or tenement, where preparations are being made for an exhibition of the fighting of birds or animals, with the intent to be present at such exhibition, or (3) be present at such exhibition.

Sec. 3. Any sheriff, policeman, game warden, conservation officer, or peace officer may enter any place, building, or tenement where there is an exhibition of the fighting of birds or animals or where preparations are being made for such an exhibition and arrest all persons present.

Sec. 4. It shall be unlawful for anyone to manufacture, buy, sell, barter, exchange, or have in his possession any of the implements commonly known as gaffs, slashers, or any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird. Anyone violating any of the provisions of this section shall, upon conviction thereof, in addition to any judgment or sentence imposed by the court, forfeit possession or ownership of such implements.

Sec. 5. It shall be unlawful for any person to own, possess, or keep any cock with the intent that such cock shall be used or engaged by himself or by his vendee or by any other person in any exhibition of fighting. The fact that the cock's comb has been clipped shall be prima facie evidence of intention to use or engage such cock in an exhibition of fighting.

Sec. 6. (1) Any person violating the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, except that any person convicted of violating subdivision (2) or (3) of section 2 of this act shall be fined not less than twenty-five dollars nor more than one hundred dollars.

(2) Upon a subsequent conviction thereof, such person shall be punished by a fine of not less than one thousand dollars nor more than one thousand five hundred dollars, or by imprisonment in the county jail for thirty days, or by both such a fine and imprisonment.

Sec. 7. That section 28-561, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 8. 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 strike lines 2 to 6 and insert: "FOR AN ACT relating to crimes and punishments; to make bird and animal fights illegal; to make certain acts unlawful as prescribed; to provide enforcement procedures; to provide penalties; to repeal section 28-561, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.".

(Signed) Roland A. Luedtke, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 477. Placed on General File as amended.
Standing Committee amendments to LB 477:

1. On page 2, lines 12 to 16 strike the new matter and reinstate the stricken matter; line 15 strike "one" and insert "~~one~~ five".

2. On page 10, line 19 after "than" strike "sixty" and insert "seventy-two"; line 21 after the second "dollars" insert an underscored period and strike ", or (c)"; strike lines 22 and 23; and line 24, strike the new matter.

(Signed) J.R. Murphy, Chairman

VISITORS

President Whelan introduced Mr. & Mrs. Doyle Wineland, Omaha; 55 students from Zeman Elementary School, Lincoln.

RECESS

At 11:53 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and R. Lewis who were excused and Mr. Carsten who was excused until he arrives.

MOTION–Suspend Rules

Mr. Barnett moved to suspend the rules to consider his rule change found in the Journal on page 971 for the Forty-ninth Day.

Mr. Barnett moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays and 32 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The motion to suspend the rules prevailed with 32 ayes, 5 nays and 12 not voting.

MOTION—Adopt Rule Change

Mr. Barnett moved the adoption of his rule change found in the Journal on page 971 for the Forty-ninth Day.

Mr. Kelly offered the following amendment to the Barnett rule change:
"If it passes." delete from rule change.

The Kelly amendment failed with 22 ayes, 20 nays and 7 not voting.

Mr. Barnett requested a record vote.

Voting in the affirmative, 16:

Barnett	Clark	Fitzgerald	Goodrich	Hasebroock
Johnson	Kelly	F. Lewis	Marvel	Moylan
Nichol	Rasmussen	Savage	Skarda	Stull
Syas				

Voting in the negative, 27:

Anderson	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	Cope	Dickinson	Duis	Dworak
Fowler	George	Kennedy	Kime	Koch
Kremer	Luedtke	Mahoney	Marsh	Murphy
Rumery	Schmit	Simpson	Stoney	Swigart
Warner	Wiltse			

Not voting, 6:

Carsten	DeCamp	Keyes	R. Lewis	Maresh
Mills				

The Barnett rule change failed with 16 ayes, 27 nays and 6 not voting.

GENERAL FILE

LEGISLATIVE BILL 288. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 209. Title read. Considered.

Standing Committee amendments found in the Journal on page 713 for the Thirty-seventh Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Chambers moved to indefinitely postpone.

The motion prevailed with 26 ayes, 9 nays and 14 not voting.

LEGISLATIVE BILL 210. Title read. Considered.

Standing Committee amendments found in the Journal on page 816 for the Forty-first Day were adopted with 34 ayes, 0 nays and 15 not voting.

Mr. Kelly moved to bracket LB 210.

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

LEGISLATIVE BILL 264. Title read. Considered.

Standing Committee amendment found in the Journal on page 825 for the Forty-second Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 32 ayes, 1 nay and 16 not voting.

LEGISLATIVE BILL 226. Title read. Considered.

Mr. Mahoney asked unanimous consent to bracket LB 226.

Mr. Kime objected.

Mr. Mahoney moved to bracket until April 4, 1975. The motion lost with 20 ayes, 16 nays and 13 not voting.

Advanced to E & R for Review with 30 ayes, 10 nays and 9 not voting.

LEGISLATIVE BILL 259. Mr. Kremer asked unanimous consent to have the bill laid over. No objections. So ordered.

LEGISLATIVE BILL 366. Title read. Considered.

Standing Committee amendment found in the Journal on page 751 for Thirty-eighth Day was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. F. Lewis offered the following amendment:

New section:

Any member of the Legislature who fails the real estate more than twice is entitled to free practice of real estate.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays and 11 not voting.

The F. Lewis amendment lost with 8 ayes, 33 nays and 8 not voting.

Advanced to E & R for Review with 38 ayes, 1 nay and 10 not voting.

MESSAGE FROM THE GOVERNOR

March 24, 1975

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

Dear Mr. President and Senators:

I return herewith LB 427 without my signature and with my objections.

While all may not agree, I believe LB 427 to be the most unfair legislation, from the public's point of view, passed this session.

I am confident the measure was not understood, and therefore not really considered or debated by the vast majority of the members of the Legislature. Likewise, I doubt that even the majority of the telecommunications committee was aware of its real implications and potential millions of dollars in additional costs to Nebraska taxpayers in the future.

LB 427 is a major thrust to satisfy and further crystallize the monopolistic desires of the common carriers. I do not necessarily criticize the telephone companies for attempting such self-serving legislation. We often see such activities by special interest groups. I do question legislative procedures which allow such a measure to pass by such a majority without even a hint of debate or thoughtful consideration on the real issue of the bill.

It is my understanding that extensive lobbying efforts have been underway for some time to override this promised gubernatorial veto. When the full impact of LB 427 is understood and its magnificent favorable benefit for the common carrier is fully appreciated, all can understand why the Legislature is being wooed so desperately.

It is not the intention of this administration to authorize competition with the common carriers on long distance telephone lines. This is not the point at issue at all. We have the obligation to protect the interests of the state in the future in its consideration of essentially non-telephone communications.

I heartily disagree with the basic philosophy espoused by LB 427 that the common carriers are automatically guaranteed the right to all line and data processing micro-wave business at rates established by them.

The key point is that this measure would not only prevent any threat of competition to the common carrier, as was the case with the NCCC network, but would further prevent Nebraska state government from establishing, if it desires in the future, its own state-owned facilities for any direct line communications, micro-wave, or even state-owned lines between the Capitol building and new state office building.

Please note a key and little noticed phrase in Section 10, which reads, "except for existing state owned facilities." That is the tip-off that the real intent of this bill is to prevent, in the future, the state from exercising some cost savings benefits similar to those which have previously been instituted. Also, aside from Section 10, LB 427 would cause an estimated $250,000 additional expense per year for reports and audits which appear superfluous.

I attach for your information correspondence from Steve Robinson, Director of the Telecommunications Bureau.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw
Enc.

STATE OF NEBRASKA
DEPARTMENT OF ADMINISTRATIVE SERVICES

MEMORANDUM

March 24, 1975

TO: Stan Matzke
FROM: Steve Robinson
SUBJECT: LB 427

In addition to previous information and memos transmitted on the subject of LB 427, the following items should be highlighted in considering the impact of LB 427.

1. Initial fiscal impact of LB 427 may be in the area of $250,000 annually. This cost is projected to increase annually due to increased costs of personal services and broadened scope of operations which will undoubtedly occur in ensuing years. The majority of the $250,000 may be spent to generate studies and reports for the Legislature which, under the guidelines of LB 427, we believe are not the most effective management tools.
2. The State now enjoys the latitude of being able to install, operate, and maintain its own special use Telecommunications facilities. Examples would be; radio remote control links, data and closed

circuit television facilities of the various University campuses, and telemetry control circuits for power distribution. Under the provisions of LB 427 these facilities would be liable for excess construction charge as well as monthly lease costs. These excess construction charges and monthly costs could well be in excess of State owned and operated facilities due to the fact that the required facilities are not normally available nor on existing telephone company routes.

3. My interpretation of the definition of terms in Section 10, LB 427, would place the State in the position of having to lease all telephone facilities for the new State Office Building from Lincoln Telephone and Telegraph.

ms

GENERAL FILE

LEGISLATIVE BILL 307. Title read. Considered.

Mr. Marvel offered the following amendment:
Emergency clause be added.

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 303. Title read. Considered.

Mr. Syas moved to advance LB 303.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Advanced to E & R for Review with 26 ayes, 9 nays and 14 not voting.

ANNOUNCEMENT

Mr. Hasebroock announced an executive session of the Nebraska Retirement Systems Committee on Tuesday, April 1, 1975 at 2:30 p.m. in room 1019.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 335A. By Burrows, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 335, Eighty-fourth Legislature, First Session, 1975.

LEGISLATIVE BILL 359A. By Marvel, 33rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975.

LEGISLATIVE BILL 591. By Anderson, 37th District, at the Request of the Governor.

A BILL FOR AN ACT to amend sections 32-420.01, 32-511, 32-512, and 32-513, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to authorize an uncommitted vote in presidential elections; to provide procedures for selecting delegates to a national convention; to provide for caucuses; to impose certain duties on the Secretary of State; and to repeal the original sections, and also sections 32-420.02, 32-504.01, 32-542, 32-542.03, and 32-545, Reissue Revised Statutes of Nebraska, 1943.

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 142. Placed on General File.

(Signed) George Syas, Chairman

Labor

LEGISLATIVE BILL 557. Placed on General File as amended.
Standing Committee amendments to LB 557:

1. On page 2, after line 8, insert:
"Claim No. 2, against the Department of Agriculture, pay to Firestone Store 4961, 403 W. 2nd Street, Grand Island, Nebraska 68801, out of the General Fund 78.57
Claim No. 4, against the Department of Agriculture, pay to Kirk Motors, Inc., 1801 "O" Street, Lincoln, Nebraska, 68508, out of the General Fund 25.69
Claim No. 12, against the Board of Trustees of the Nebraska State Colleges, pay to Craig Bellamy, Route 3, Box 7, Kearney, Nebraska, 68847, out of the

General Fund 72.00
Claim No. 13, against the Board of Trustees of the Nebraska State Colleges, pay to Mr. John A. Snyder, 150 Lake Shore Drive, Warwick, Rhode Island, 02889, out of the General Fund 22.60".

2. On page 4, after line 11, insert:
"Claim No. 90, against the Department of Roads, pay to J. F. Minor, Clerk-Finance Director, City of Grand Island, P.O.Box 1968, Grand Island, Nebraska, 68801, out of the Highway Cash Fund 5,020.00".

3. On page 4, lines 19 and 20, strike "University of Nebraska at Omaha".

4. On page 5, after line 3, insert
"Claim No. 117, against the Secretary of State, pay to Nebraska Press Advertising Services, Inc., 109 Terminal Bldg., 10th and O Streets, Lincoln, Nebraska 68508 195,535.05

Payment to the clerk of the district court of Dodge County, Fremont, Neb., of the amount of the judgment in the case of Sandra Hansen vs. State of Nebraska, out of the General Fund 176,000.00".

(Signed) Richard Maresh, Chairman

Judiciary

LEGISLATIVE BILL 20. Placed on General File as amended.
Standing Committee amendments to LB 20:

1. Strike the Marsh amendment 1 to LB 20 printed on Journal page 655 and adopted Journal page 672. Strike the Cavanaugh amendment to the Marsh amendment and to LB 20 printed and adopted on Journal page 671. Strike the Goodrich amendment to LB 20, printed and adopted on Journal page 747.

2. On page 3, lines 5 to 8, strike the new matter; line 24, after "28-1503." insert "(1)".

3. On page 4, after line 9, insert a new subsection as follows:

"(2) When the law enforcement agency in any county of two hundred fifty thousand or more shall receive a report concerning abuse or neglect pursuant to section 28-1502, such law enforcement agency shall forward the report to the pro-

tective services unit within one working day. The protective services unit shall forward all reports received by it to the appropriate law enforcement agency immediately upon receipt.".

LEGISLATIVE BILL 464. Placed on General File as amended.
Standing Committee amendments to LB 464:

1. Strike original sections 1 to 11 and insert the following:

Section 1. That at the general election in November, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska, which is hereby proposed by the Legislature:

"That Article III, section 24 of the Constitution of Nebraska, is repealed."

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 repeal Article III, section 24, thereby removing the restrictions on the regulation of games of chance and authorizing the Legislature to control gambling and other games of chance by general law.

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.".

2. In the title strike lines 2 to 8 and insert the following:

"FOR AN ACT for submission to the electors of an amendment to the Constitution of Nebraska, by repealing Article III, section 24; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.".

(Signed) Roland A. Luedtke, Chairman

Public Works

LEGISLATIVE BILL 380. Placed on General File as amended.
Standing Committee amendments to LB 380:

1. On page 2, line 14, after "weight" insert "and carrying cargo,"; line 19 after "weight" insert "and drawing another vehicle or vehicles that are carrying cargo"; line 22 strike "is"; and in line 23 strike "eighteen years of age or older and".

2. On page 3 line 1 after "vehicle" insert "and any other requirement that may be prescribed by the Director of Motor Vehicles for all motor vehicle operator applicants"; line 4 after "such" insert "class CC"; line 6 after the period insert "In addition to any other requirement each class CC license applicant shall satisfy the examiner that he is eighteen years of age or older."; and in line 19 strike "fifty" and insert "ten" and strike "ten thousand" and insert "fifty".

LEGISLATIVE BILL 577. Placed on General File as amended.
Standing Committee amendments to LB 577:

1. On page 3, line 20 after the second "well" insert "operated or"; line 27 after "Nebraska" insert ", or with rules and regulations adopted pursuant to this act".

2. On page 5, line 11 after "hearing" insert "shall be held within one hundred twenty days after it has been initiated," and after "public" insert ","; line 17 after "," strike "after receiving"; line 18 strike "necessary advice and assistance from" and insert "which shall include testimony of a representative of"; line 20 after "and" strike "after"; line 21 strike "conducting" and insert "the results of" and after "investigations" insert "conducted by the director".

3. On page 6 line 2 after "manner" strike "a" and insert "as".

4. On page 7, line 11 after "be" strike "granted and the permit"; line 12 strike "issued" and insert "denied only"; line 16 after "act" strike "and" and insert "or"; line 17 strike "detrimental to the public interest" and insert "a beneficial use of water for domestic, agricultural, manufacturing, or industrial purposes".

5. On page 9, line 1 after "whether" strike "all or part" and insert "or not any portion"; line 23 after the underscored semicolon strike "and"; line 27 after "act" strike "." and insert "; and"; after line 27 insert a new subsection as follows:

"(16) Issue cease and desist orders to restrain the construction of illegal wells or the withdrawal or use of water from such wells.".

6. On page 10, line 12 strike "and after consultation with" and insert "the record of which shall include the testimony of a representative of".

7. On page 11 line 13 after "jointly" insert "and uniformly"; line 23 after "act" strike ", subject" and insert ". Subject".

8. On page 12, line 14 after "," insert "the governing body of any municipal corporation owning wells within the affected control area or"; strike lines 23 and 24; line 25, strike "equitably, or in good faith," and insert "are being enforced uniformly, equitably, and in good faith, and if the director shall determine that the control or controls are not being so enforced,".

9. On page 13, line 3 after "of" insert " a municipality or"; after line 5 insert a new section as follows:

"Sec. 12. All hearings conducted pursuant to this act shall be of record and available for review.".

10. On page 14, line 22 after "area" insert "designated pursuant to section 3 of this act".

11. On page 15, line 1 after "the" strike "purposes" and insert "costs"; line 2 after "act" insert "within such control area".

12. On page 17, line 25 after "well" insert ", or a well required to be registered as pursuant to subsections (1) and (2) of this section,"; line 26 after "shall" insert "completely fill the well cavity with gravel.", and strike "properly plug or cap the same" and show as stricken; strike line 27 and show as stricken.

13. On page 18 strike lines 1 and 2 and show as stricken; line 3 strike "such abandonment." and show as stricken, and after the stricken period insert "(4)" and show the new subsection as a paragraph; line 12 strike "(4)" and insert "(5)"; line 15 strike "In"; strike lines 16 to 22 and insert the following: "Whenever a registered irrigation well is abandoned for any reason, the owner of such well may immediately proceed to dig a replacement well and pump water therefrom without first obtaining a permit if the pump installed in the replacement well shall not be of a capacity greater than the pump formerly used on the abandoned well. The owner of the replacement well shall, within fifteen days after such well becomes operative, apply to the Department of Water Resources for a permit as required by section 4 of this act.".

14. Renumber original sections 12 to 24 as sections 13 to 25, respectively.

(Signed) Maurice A. Kremer, Chairman

VISITORS

The President introduced Mr. Robert Sargent, Mayor of Beatrice, Nebraska.

ADJOURNMENT

At 4:13 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, March 25, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SECOND DAY—MARCH 25, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 25, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord, let us never be afraid of a new idea or unreceptive to a new thought, lest we pull down the shades of our minds and exclude Thy holy light. When confronted by mystery, help us to remember that we do not have to explain all we know or understand all we believe. But give us the grace of humility and the spirit of the open mind, the courage to persist in face of difficulties, and a steady confidence in the power of truth.
>
> Help us to learn something this day, that we shall be wise at its close and more ready for our eternal home when we are one step nearer. Through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and R. Lewis who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-first Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 254. Placed on Select File as amended.
E & R amendments to LB 254:

1. In new section 1, strike beginning with the seventh comma in line 18 through "nails" in line 19, show as stricken, and in line 18, insert "or" after the sixth comma.

2. On page 3, insert "and" after line 23, and in line 26, strike "and" and show as stricken.

3. On page 4, line 3, strike "3" and insert "6", and insert a comma after "71-317".

4. In the title, strike lines 2 through 7 and insert:

"FOR AN ACT to amend sections 71-314, 71-317, and 71-327, Reissue Revised Statutes of Nebraska, 1943, and sections 71-313 and 71-320, Revised Statutes Supplement, 1974, relating to the practice of cosmetology; to increase the per diem to members of the Board of Cosmetologist Examiners; to delete licensure of manicurists; to increase required fees; and to repeal the original sections.".

LEGISLATIVE BILL 323. Placed on Select File as amended.

E & R amendments to LB 323:

1. On page 2, strike lines 9 and 10 and "any city not" in line 11 and show as stricken.

2. On pages 3 and 9, insert an underscored comma in line 9 after "1976" and after "thereafter", in line 19 after "1978", and in line 25 after "nominated"; in line 18, strike "such latter date" and insert "December, 1976,"; and in line 24, strike "so" and insert "candidates properly"; in line 13, strike "such" and insert "a"; insert "(3)" before "The" in line 13, in line 17, insert "(4)" before "The", and in line 22, insert "(5)" before "If"; and renumber original subsections "(3)" to "(5)" of sections 1 and 3 as subsections "(6)" to "(8)" respectively.

3. On page 4, insert an underscored comma in line 2 after "city" and in line 3 after "government".

4. On page 5, insert an underscored comma in line 1 after "board", in line 10 after "primary", and in line 16 after "duration"; and renumber original subsection "(6)" as subsection "(9)".

5. On page 6, line 12, insert an underscored comma after "canvassed".

6. On page 10, line 2, insert an underscored comma after the first "city".

7. On page 11, insert an underscored comma in line 3 after "primary", and in line 9 after "duration".

8. In new section 5, line 2, insert an underscored comma after "1976"; in line 10, strike "such latter date" and insert "December, 1976,"; in line 11, insert an underscored comma after "1978"; in line 15, strike "so" and insert

"properly"; in line 16, insert an underscored comma after "nominated"; in line 19, insert an underscored comma after the first "city" and after "government"; in line 26, insert an underscored comma after the second "election"; in line 29 insert an underscored comma after "election", and in line 30 after "duration"; and insert an underscored comma in line 48, after "board", in line 56 after "primary" and in line 62, after "duration".

9. In the title, strike beginning with the second "to" in line 4 to line 6 and insert "to delete obsolete matter; to change certain procedures; to extend certain terms; to eliminate certain primary elections; to repeal the original sections, and also section 17-107.01, Reissue Revised Statutes of Nebraska, 1943.".

Correctly Engrossed

The following bills were correctly engrossed: 277 and 295.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 342. Placed on General File.

(Signed) Gary L. Anderson, Chairman

Judiciary

LEGISLATIVE BILL 567. Placed on General File as amended.
Standing Committee amendments to LB 567:

1. On page 3, line 19 strike "in a facility" and show as stricken.

2. On page 4, line 14 reinstate the stricken matter and after the reinstated "facility" insert ", with the approval of the".

3. On page 5, line 8 after the frist "the" insert "chief executive officer of the facility, with the approval of the"; strike lines 10 to 21 and insert the following:

"Sec. 4. That section 83-1,108, Revised Statutes Supplement, 1974, be amended to read as follows:

83-1,108. (1) The Board of Parole shall reduce for good conduct in conformity with the conditions of his parole, a parolee's parole term by ~~six~~ two days for each month of such term. The total of such reductions shall be deducted from his

~~parole~~ maximum term, less good time reductions granted under the provisions of sections 2 and 3 of this act, to determine the date when his discharge from parole becomes mandatory.

(2) Reductions of the parole ~~term for good behavior~~ terms may be forfeited, withheld and restored by the Board of Parole after the parolee has consulted regarding any charge of misconduct or breach of the conditions of his parole. ~~The forfeiture and withholding of such reductions shall be made only if the board finds a violation of parole conditions.".~~

4. On page 6, line 7 strike "."; line 8 reinstate the stricken "within"; and line 9 reinstate the stricken matter.

5. On page 10, line 17 after "83-1,107," insert "83-1,108,".

(Signed) Roland A. Luedtke, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 110. Indefinitely postponed.
LEGISLATIVE BILL 133. Indefinitely postponed.
LEGISLATIVE BILL 424. Indefinitely postponed.

(Signed) George Syas, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 67. Mr. Clark asked unanimous consent to bracket until April 2, 1975. No objections. So ordered.

LEGISLATIVE BILL 78.

A BILL FOR AN ACT to amend sections 77-1837 and 77-1902, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to reduce the period in which a tax deed may be obtained or an action for foreclosure of the lien of a tax sale certificate or tax deed may be brought; to provide for certificates or deeds issued prior to the effective date of this act; and to repeal the original sections.

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

Voting in the affirmative, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson

Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers	DeCamp	Fowler	R. Lewis

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

LEGISLATIVE BILL 112.

A BILL FOR AN ACT to amend sections 16-672.05, 17-520, 17-918, 19-2412, 19-2419, 31-709.01, 31-755, 39-1619, and 39-1645, Reissue Revised Statutes of Nebraska, 1943, relating to works of internal improvement; to provide contract and payment provisions for work on prescribed works of internal improvement; to provide for payment of interest on delayed payments; to remove requirements for bid bonds; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dickinson	Dworak	Fowler	George	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 4:

Duis	Goodrich	F. Lewis	Mills

Not voting, 3:

DeCamp Fitzgerald R. Lewis

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

LEGISLATIVE BILL 151.

A BILL FOR AN ACT relating to county industrial areas; to provide for voluntary exclusion from an area; and to provide for voluntary termination of an area.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

DeCamp R. Lewis Murphy Syas

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

LEGISLATIVE BILL 258.

A BILL FOR AN ACT to amend section 28-530.01, Revised Statutes Supplement, 1974, relating to crimes and punishments; to extend protection to commercial office equipment; 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:

Anderson	Bereuter	Burbach	Carsten	Cavanaugh
Chambers	Clark	Cope	Dickinson	Duis
Dworak	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 1:

Barnett

Not voting, 5:

Burrows	DeCamp	Fitzgerald	R. Lewis	Rasmussen

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

LEGISLATIVE BILL 375.

A BILL FOR AN ACT to amend sections 35-508 and 35-509, Reissue Revised Statutes of Nebraska, 1943, relating to rural and suburban fire protection districts; to clarify the authority of such districts to levy a tax for debt repayment as prescribed; and to repeal the original sections, and also section 35-510, 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dickinson	Duis	Dworak	Fitzgerald	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills

Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 1:

Murphy

Not voting, 4:

DeCamp	George	R. Lewis	Marvel

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

UNANIMOUS CONSENT—Unbracket LB 588

Mrs. Marsh asked unanimous consent to unbracket LB 588 and read on Final Reading today. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 588. With Emergency.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to require amendments to the State of Nebraska Classification and Pay Plan; to provide duties; to provide for the expiration of provisions; and to declare an emergency.

Whereupon the President state: "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, 30:

Barnett	Bereuter	Cavanaugh	Chambers	Cope
Duis	Fitzgerald	Fowler	George	Goodrich
Johnson	Keyes	Kime	Koch	Luedtke
Mahoney	Marsh	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Swigart	Syas	Warner

Voting in the negative, 14:

Anderson	Burbach	Burrows	Carsten	Clark

Dworak	Hasebroock	Kelly	Kennedy	Kremer
Maresh	Marvel	Nichol	Stull	

Not voting, 5:

DeCamp	Dickinson	F. Lewis	R. Lewis	Wiltse

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

Barnett	Bereuter	Cavanaugh	Chambers	Clark
Cope	Duis	Fitzgerald	Fowler	George
Goodrich	Johnson	Keyes	Koch	Luedtke
Marsh	Mills	Murphy	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Swigart	Syas	Warner		

Voting in the negative, 16:

Anderson	Burbach	Burrows	Carsten	Dickinson
Dworak	Hasebroock	Kelly	Kennedy	Kremer
F. Lewis	Maresh	Marvel	Nichol	Stull
Wiltse				

Not voting, 5:

DeCamp	Kime	R. Lewis	Mahoney	Moylan

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

UNANIMOUS CONSENT–LB 351

Mr. Duis asked unanimous consent to read LB 351 on Final Reading today. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 351.

A BILL FOR AN ACT to amend sections 81-815.45 and 81-1223, Revised Statutes Supplement, 1974, relating to Department of Economic

Development; to provide a change cash fund for the Aerospace Museum in Bellevue; to permit the department to lease property under its control 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Schmit	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

DeCamp	Dickinson	Kelly	Kime	R. Lewis
Marsh	Marvel	Murphy	Simpson	

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

UNANIMOUS CONSENT—Member Excused

Mr. Mahoney asked unanimous consent to be excused Wednesday, March 26, 1975. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendments found in the Journal on page 890 for the Forty-fifth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 359. Title read. Considered.

Standing Committee amendments found in the Journal on page 895 for the Forty-fifth Day were adopted with 38 ayes, 0 nays and 11 not voting.

Mr. Savage asked uanimous consent to add the names of Messrs. Savage and Bereuter to LB 359. No objections. So ordered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 359A. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

MEMBER'S BIRTHDAY

Mr. Mahoney was presented a cake in honor of his birthday.

GENERAL FILE

LEGISLATIVE BILL 335. Title read. Considered.

Standing Committee amendment found in the Journal on page 926 for the Forty-seventh Day was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Burrows offered the following amendment:

1. On page 5 after line 17 insert a new section to read as follows:

"Sec. 3. The Legislature shall not appropriate more than twenty-five thousand dollars to carry out the provisions of this act.".

2. Renumber original section 3 as section 4.

Mr. Burrows moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays and 29 not voting.

Mr. Dickinson moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Burrows amendment was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. Burrows moved to advance LB 335.

Mr. Burrows moved for a Call of the House. The motion prevailed with 22 ayes, 8 nays and 19 not voting.

The Call showed 46 members present.

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 26:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Dickinson	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kennedy	Kremer	Mahoney	Maresh	Rasmussen
Rumery	Savage	Schmit	Skarda	Stoney
Warner				

Voting in the negative, 20:

Barnett	Cope	Duis	Dworak	Kelly
Keyes	Kime	Koch	Luedtke	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Simpson	Stull	Swigart	Syas	Wiltse

Not voting, 3:

DeCamp	F. Lewis	R. Lewis

Advanced to E & R for Review with 26 ayes, 20 nays and 3 not voting.

Mr. Burrows moved the Call be raised. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

LEGISLATIVE BILL 335A. Title read. Considered.

Mr. Burrows offered the following amendment:
1. On page 2, strike "one" in line 1 and strike line 2 and insert "twenty-five thousand".

The amendment was adopted with 26 ayes, 4 nays and 19 not voting.

Failed to advance to E & R for Review with 19 ayes, 19 nays and 11 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 23. Read and Considered.

Mr. F. Lewis offered the following amendment:
Strike page 2 Sec 2, sub (1) (2) and (3) and insert the members of Education Committee.

Mr. Clark 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. F. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Anderson	Barnett	Burbach	Burrows	Carsten
Duis	Fitzgerald	Fowler	George	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Rumery	Savage	Schmit	Skarda	Syas
Warner				

Voting in the negative, 18:

Bereuter	Cavanaugh	Clark	Cope	Dickinson
Dworak	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Murphy	Nichol	Rasmussen	Stoney
Stull	Swigart	Wiltse		

Not voting, 5:

Chambers	DeCamp	Kime	R. Lewis	Simpson

The amendment was adopted with 26 ayes, 18 nays and 5 not voting.

Mr. Duis moved to indefinitely postpone LR 23. The motion prevailed with 31 ayes, 6 nays and 12 not voting.

MOTION—Override Veto on LB 427

Mr. Clark moved to override the Governor's veto on LB 427.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Barnett	Bereuter	Burbach	Carsten	Clark
Cope	Dickinson	Duis	Dworak	Fitzgerald
George	Goodrich	Johnson	Kelly	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Mills	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas

Voting in the negative, 8:

Anderson	Burrows	Cavanaugh	Chambers	Fowler
Kennedy	Maresh	Warner		

Not voting, 6:

DeCamp Hasebroock Kime R. Lewis Moylan
Wiltse

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections os the Governor.

REFERENCE COMMITTEE REPORT

LB	Committee
591	Gov. Mil. & Vets Afrs.

(Signed) Eugene T. Mahoney, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 525. Placed on General File as amended.
Standing Committee amendments to LB 525:

1. In the Standing Committee amendment to LB 525, on page 9 insert a new section as follows:

"Sec. 15. The State Electrical Division shall:

(1) Provide training sessions for electricians applying for licenses pursuant to this act which sessions shall be held two consecutive evenings before each licensing examination is given. The purpose of the training sessions shall be to review electrical theory, current rules, regulations, codes, and laws pertaining to electricians and other subjects deemed necessary by the division. The Electrical Division Fund shall be utilized in carrying out the provisions of this act; and

(2) Designate six training sites in the state which sites shall be the most convenient and easily accessible locations in the state for those individuals who intend to take the licensing examination and who desire to attend training sessions. Such training sites shall be changed by the division before each examination if such change is necessary to make the training programs more accessible to the applicants.".

2. In the Standing Committee amendment to LB 525, on page 18, line 4, after the comma insert "railroads,".

3. Renumber original sections 15 to 44 as sections 16 to 45, respectively.

(Remainder of Standing Committee amendments printed separate from the Journal and available in the Clerk's office.)

(Signed) Gary L. Anderson, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 334. Indefinitely postponed.

(Signed) George Syas, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 367. Advanced to General File.
LEGISLATIVE BILL 402. Indefinitely postponed.
LEGISLATIVE BILL 502. Indefinitely postponed.

(Signed) J. R. Murphy, Chairman

Judiciary

LEGISLATIVE BILL 140. Placed on General File as amended.
Standing Committee amendments to LB 140:

1. Strike the Cavanaugh amendment to LB 140, Journal page 480.

2. On page 2, line 3 strike "No" and show as stricken and insert "Any"; line 4 strike "held liable," and show as stricken and insert "an agent of the State of Nebraska when"; strike line 5 and show as stricken; and in line 7 after "39-669.08." insert "The state shall be liable in damages for any illegal or negligent acts or omissions of such agents in performing the act of withdrawing blood at the request of a law enforcement officer pursuant to section 39-669.08. The physician, registered nurse, qualified technician, or hospital shall not be individually liable in damages or otherwise for any act done or omitted in performing the act of withdrawing blood at the request of a law enforcement officer pursuant to section 39-669.08, except for acts of gross negligence of the agent or of persons employed by such agent.".

LEGISLATIVE BILL 581. Placed on General File as amended.
Standing Committee amendment to LB 581:

1. Page 3, line 1, after "institution", insert "or the Central Office of the Department of Correctional Services".

LEGISLATIVE BILL 281. Indefinitely postponed.
LEGISLATIVE BILL 504. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

VISITORS

The President introduced Mary Ehwa from Kansas City, Missouri; 60 students and sponsors from Central High, Raymond, Nebraska; 34 students and teacher from Red Cloud, Nebraska; 57 students and teachers from Bryan Junior High, Omaha, Nebraska.

RECESS

At 12:03 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, R. Lewis, and Mahoney who were excused.

COMMUNICATIONS ON LB 427

March 25, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 427, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 427 with a Certificate attached thereto signed by the Presiding Officer of the Legislature, certifying the passage of LB 427 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 427, 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 25th day of March, 1975.

(Signed) J. W. Burbach
Presiding Officer of the Legislature

MOTION–Override Veto on LB 294

Mr. Barnett renewed his pending motion found in the Journal on page 955 for the Forty-eighth Day to override the Governor's veto on LB 294.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 41:

Anderson	Barnett	Bereuter	Burbach	Carsten
Chambers	Clark	Cope	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Keyes	Kime	Koch
Kremer	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Burrows	Cavanaugh	DeCamp	Kelly	Kennedy
R. Lewis	Mahoney	Rasmussen		

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION–Reconsider Action on LB 588

Mrs. Marsh moved to reconsider action on Final Reading of LB 588.

The motion prevailed with 34 ayes, 3 nays and 12 not voting.

MOTION—Return LB 588 to Select File

Mrs. Marsh moved to return LB 588 to Select File for the following specific amendment:

Page 3, line 20, strike "two" and insert "one".

Add the emergency clause.

The motion prevailed with 33 ayes, 3 nays and 13 not voting.

SELECT FILE

LEGISLATIVE BILL 588. The Marsh specific amendment found in this day's Journal was adopted with 32 ayes, 4 nays and 13 not voting.

Advanced to E & R for Re-engrossment.

GENERAL FILE

LEGISLATIVE BILL 447. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

COMMUNICATIONS ON LB294

March 25, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 294, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 294 with a Certificate attached thereto signed by the Presiding Officer of the Legislature, certifying the passage of LB 294 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 294, 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 25th day of March, 1975.

(Signed) J. W. Burbach
Presiding Officer of the Legislature

GENERAL FILE

LEGISLATIVE BILL 422. Title read. Considered.

Standing Committee amendments found in the Journal on page 733 for the Thirty-seventh Day were adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Barnett renewed his pending amendment found in the Journal on page 928 for the Forty-seventh Day.

Mr. Barnett moved for a Call of the House. The motion prevailed with 23 ayes, 12 nays and 14 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

The Barnett amendment was adopted with 27 ayes, 16 nays and 6 not voting.

Advanced to E & R for Review with 42 ayes, 0 nays and 7 not voting.

LEGISLATIVE BILL 448. Title read. Considered.

Standing Committee amendment found in the Journal on page 751 for the Thirty-eighth Day was adopted with 35 ayes, 0 nays and 14 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 473. Title read. Considered.

Mr. Bereuter asked unanimous consent to add his name to LB 473. No objections. So ordered.

Mr. Marvel moved the adoption of the Standing Committee amendments found in the Journal on page 752 for the Thirty-eighth Day.

The Standing Committee amendment No. 1 up to the first (2) was adopted with 31 ayes, 1 nay and 17 not voting.

The Standing Committee amendment (2) paragraph was adopted with 36 ayes, 0 nays and 13 not voting.

The Standing Committee amendment, all of sec. 2, was adopted with 34 ayes, 1 nay and 14 not voting.

The remaining Standing Committee amendments were adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 437. Title read. Considered.

Standing Committee amendment found in the Journal on page 759 for the Thirty-eighth Day was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Clark, Marvel and Wiltse asked unanimous consent to be excused today at 3:30 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 480. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 436. Title read. Considered.

Standing Committee amendments found in the Journal on page 927 for the Forty-seventh Day were adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 267. Title read. Considered.

Standing Committee amendment found in the Journal on page 953 for the Forty-eighth Day was adopted with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 245. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Mr. Dickinson moved to reject the Standing Committee amendment found in the Journal on page 880 for the Forty-fourth Day.

The motion prevailed with 27 ayes, 0 nays and 22 not voting. The Standing Committee amendment was rejected.

Mr. George offered the following amendment:

Amendments to LB 245

1. On page 2, insert a new section as follows:

"Section 1. (1) A metropolitan utilities district may contract to sell water to a natural resources district at such rates, for such charges, and upon such other terms and conditions, as may be agreed upon in the contract.

(2) The water so sold shall be used by the natural resources district in a special improvement project supplying water for any beneficial use. With the consent of the metropolitan utilities district, such water may be used by the natural resources district in a special improvement project to supply the municipal waterworks and distribution system of a city of any class or village outside the boundaries of the metropolitan utilities district.

(3) Such municipalities are hereby empowered to contract with a natural resources district to purchase water, at such rates, for such charges, and upon such terms and conditions as may be agreed upon in the contract."; lines 16 to 21, strike the new matter and insert the following:

" No such ordinance may be adopted in a city or village receiving, or which has contracted to receive, its water supply, or any part thereof, from another political subdivision, or public or private entity, which adds fluoride to its water supply in compliance with subsection (1) of this section, or section 77-3306, or which has available only purchased fluoridated water with which to supply such city or village.".

2. Renumber original sections 1 to 3 as sections 2 to 4, respectively.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting. Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 389. Title read. Considered.

Mr. Stull moved to advance LB 389.

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.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 365. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Withdraw LR 20

Mr. Duis asked unanimous consent to withdraw LR 20.

Laid over.

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused Wednesday morning, March 26, 1975, until she arrives. No objections. So ordered.

ADJOURNMENT

Speaker Burbach moved to adjourn. The motion prevailed with 25 ayes, 11 nays and 13 not voting and at 4:02 p.m. the Legislature adjourned until 9:00 a.m., Wednesday, March 26, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTY-THIRD DAY—MARCH 26, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 26, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 undertain 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. DeCamp, Mahoney, R. Lewis and Stull who were excused and Mr. Cavanaugh who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-second Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Nichol asked unanimous consent to be excused at noon today. No objections. So ordered.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 569. Placed on General File as amended.
Standing Committee amendments to LB 569:

1. On page 3, line 26 strike "It shall be the duty of the warden," and show as stricken; and strike line 27 and show as stricken.

2. On page 4 strike lines 1 to 6 and show as stricken.

LEGISLATIVE BILL 485. Placed on General File as amended.
Standing Committee amendments to LB 485:

1. On page 2, line 2 after "to" insert "possess or to"; and in line 27 after "shall" insert "be guilty of a misdemeanor and shall".

2. On page 3 strike lines 1 to 6 and insert "be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such a fine and imprisonment.".

(Signed) Roland A. Luedtke, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 412. Placed on General File.
LEGISLATIVE BILL 413. Placed on General File.

LEGISLATIVE BILL 431. Placed on General File as amended.
Standing Committee amendments to LB 431:

1. On page 2, strike beginning with "print" in line 13 through "a" in line 14, after line 19 insert a new section to read as follows:

"Sec. 2. If, after inspection of stolen property by police, a pawnbroker, agent, or dealer is found to have stolen personal property in his possession, such property shall be returned to the lawful owner thereof. No charges or fees shall be assessed against the owner for the return of the property.".

2. Renumber original section 2 as section 3.

(Signed) Gary L. Anderson, Chairman

Appropriations

LEGISLATIVE BILL 550. Placed on General File.
LEGISLATIVE BILL 551. Placed on General File.

(Signed) Richard D. Marvel, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 432. Placed on General File as amended.
Standing Committee amendments to LB 432:

1. Strike original sections 1 to 3 and insert the following:

"Section 1. That section 84-806.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-806.01. The sheriff may appoint such number of special deputies as he sees fit to aid in conserving peace, ~~and~~ to aid the sheriff and his deputies in the discharge of their duties, and under the conditions prescribed in sections 2 to 4 of this act. Special deputies shall serve without compensation from the county and may be dismissed at the pleasure of the sheriff. All special deputies before taking office shall (1) be sworn on oath to uphold the Constitutions of the United States and the State of Nebraska and (2) give bond to the county in a sum not to exceed five thousand dollars, as fixed by the sheriff, conditioned the same as the bond of the sheriff, which bond may be approved by the county board, in which case the county may pay the premium for such bond.

Sec. 2. (1) No individual shall be appointed and serve as a special deputy without first being approved by the county board.

(2) Prior to the appointment of any individual as a special deputy, the sheriff shall submit a written request to the county board stating the need for and justification of any appointment sought to be made, and shall also submit a list of those individuals who would become special deputies.

Sec. 3. (1) The county board shall establish and promulgate standards and regulations pertaining to the appointment, duties, training, equipment, and weapons of special deputies, and any other regulations relating to special deputies as are necessary to serve the public welfare.

(2) The county, in which any special deputy serves, shall be liable for the acts of such special deputy in the same manner as with any other law enforcement officer serving in the county.

Sec. 4. (1) Special deputies shall serve in the capacity of law enforcement officers only in times of emergency, which shall include but not be limited to, natural disasters or events which require the conservation of the public peace.

(2) The sheriff shall (a) declare a state emergency when in his opinion the services of special deputies are required, (b) give public notice of the declaration of emergency which notice shall include an alert to all special deputies that their services may be required, (c) personally, or through his authorized agent, notify the special deputies that they are to serve, and (d) give public declaration of the end of any state of emergency. The sheriff may notify as many individuals, approved as special deputies in the county, as he shall deem necessary to serve during the emergency.

(3) Special deputies shall not serve as law enforcement officials in the county after the sheriff has declared the termination of any state of emergency.

Sec. 5. That original section 84-806.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, strike lines 2 to 7 and insert the following:

"FOR AN ACT to amend section 84-806.01, Reissue Revised Statutes of Nebraska, 1943, relating to special deputies; to require approval of the county board before a special deputy may serve; to provide for qualification standards for special deputies; to provide that the county shall be liable for acts of special deputies; to provide that special deputies shall serve only during emergencies; and to repeal the original section.".

LEGISLATIVE BILL 299. Placed on General File as amended.
Standing Committee amendment to LB 299:

1. On page 2, line 7, strike "His" and insert "~~His~~ Such"; line 9 after "Knowledge" strike "of the problems" and show as stricken, and insert "community based and", and after "institutions" insert "programs"; line 11 after the stricken period insert "The person so appointed shall have a masters degree in the field of administration, with a minimum of four years of administrative work in community based or public institution programs."; line 12, strike "his" and insert "~~his~~ the"; and line 13, strike "He" and insert "~~He~~ The appointee".

LEGISLATIVE BILL 325. Placed on General File as amended.
Standing Committee amendments to LB 325:

1. On page 2, line 4 strike "(1)" and after "Every" strike "regular, special, or called"; line 5 strike "every" and insert "a"; strike lines 10 to 14; strike lines 17 to 27.

2. On page 3 strike lines 1 to 4 and insert the following:

"(1) Public body shall mean (a) governing bodies of all political subdivisions of the State of Nebraska, (b) governing bodies of all agencies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (c) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, (d) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as a special committee with limited existence, and (e) advisory committees of the bodies referred to in subdivisions (a), (b) and (c) of this subsection. This act shall not apply to subcommittees of such bodies unless such subcommittees have been given authority to take formal action on behalf of their parent body or to judicial proceedings, unless a court or other judicial body is exercising rulemaking, authority, deliberating, or deciding upon the issuance of administrative orders; and"; line 6 strike "whether corporal or"; strike line 7; strike lines 11 to 14 and insert the following:

"Sec. 3. (1) Any public body may hold a closed session by a two-thirds affirmative vote of its voting members in attendance at a meeting if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:";

line 16 after "bargaining" insert ", real estate purchases,"; line 18 after ";" insert "or"; line 20 strike "; or" and insert "."; strike lines 21 to 24.

3. On page 4, after line 5 insert "The meeting shall be reconvened in open session before any formal action may be taken."; line 14 after "give" insert "reasonable"; line 15 after "meeting" insert "by a method designated by each public body and recorded in its minutes"; lines 17 and 18, strike "by a method designated by each public body".

4. On page 5 after line 4 insert a new subsection as follows:

"(3) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (2) of this section shall be complied with in conducting emergency meetings."; line 5 after "(1)" strike "The" and insert "Subject to the provisions of this act, the"; line 7 strike ". All" and insert "and all"; line 9 after "reproduction" insert "or by written copying."; strike lines 10 and 11; line 17 strike "The rules and regulations"; strike lines 18 and 19.

5. On page 6, after line 6 insert a new subsection as follows:

"(5) Minutes shall be written and available for inspection within seven working days, or prior to the next convened meeting, whichever occurs earlier."; line 27 strike "executive" and insert "~~executive~~ closed".

6. On page 7, line 1 after "direct" insert "in accordance with this act"; line 26 after "Any" insert "motion,".

7. On page 8 line 2 strike "may" and insert "shall".

(Signed) Dennis L. Rasmussen, Chairman

Agriculture and Environment

LEGISLATIVE BILL 526. Placed on General File as amended.
Standing Committee amendment to LB 526:

1. On page 2, lines 12 and 13 strike "three hundred".

(Signed) Loran Schmit, Chairman

MESSAGES FROM SECRETARY OF STATE

March 25, 1975

Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

This is to acknowledge that I have received your communique of March

25 along with a certificate signed by the Presiding Officer of the Legislature that L.B. 427 having been returned by the Governor with an objection thereto, and after reconsideration having passed the Legislature by the constitutional majority, "which has become law this 25th day of March 1975", has been duly filed in the office of the Secretary of State along with L.B. 427 and a copy of the letter dated March 24th.

Please be advised that your letter, the certificate and L.B. 427, along with the Governor's letter, have been officially filed on the 25th day of March, 1975 and are a matter of public record in the office of the Secretary of State.

Gratefully acknowledged,

(Signed) ALLEN J. BEERMANN
Secretary of State

March 25, 1975

Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

This is to acknowledge that I have received your communique of March 25 along with a certificate signed by the Presiding Officer of the Legislature that L.B. 294, having been returned by the Governor with an objection thereto, and after reconsideration having passed the Legislature by the constitutional majority, "which has become law this 25th day of March, 1975" has been duly filed in the office of the Secretary of State along with L.B. 294 and a copy of the letter dated March 18, 1975.

Please be advised that your letter, the certificate and L.B. 294, along with the Governor's letter, have been officially filed on the 25th day of March, 1975 and are a matter of public record in the office of the Secretary of State.

Gratefully acknowledged,

(Signed) ALLEN J. BEERMANN
Secretary of State

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 588. Replaced on Select File as amended.
E & R amendment to LB 588:

1. In the Final Reading bill, page 4,
line 10, strike "two" and insert "one".

LEGISLATIVE BILL 118. Placed on Select File.
LEGISLATIVE BILL 255. Placed on Select File.

LEGISLATIVE BILL 288. Placed on Select File as amended.
E & R amendments to LB 288:

1. On page 2, insert an underscored comma in line 23 after "hearing", and in line 24 after "retained".

2. On page 8, insert an underscored comma in line 13 after "charged", in line 14 after "court", and in line 20 after "retained".

3. For correlation purposes, on page 11, line 9, insert ", as amended by section 1, Legislative Bill 293, Eighty-fourth Legislature, First Session, 1975" after "1974"; in lines 15 to 19, strike the stricken matter and remove underscoring from the new matter; in line 16, strike the period and insert an underscored comma; in line 18, insert a period after the reinstated "jury", and insert the following after such period: "When the petition alleges the child to be within the provisions of subdivision (3) or (4) of section 43-202, and the child or his parent, guardian, or custodian appears with or without counsel, the court shall inform the parties:

(a) Of the dispositions pursuant to sections 43-208 to 43-210.03 that may apply to the juvenile's case following an adjudication of jurisdiction;

(b) Of their right to counsel as provided by section 43-205.06;

(c) Of the privilege against self-incrimination by advising the child, parent, guardian or custodian that the child may remain silent concerning the charges against the child and that anything said may be used against the child;

(d) Of the right to confront anyone who testifies against the child and to cross-examine any persons who appear as witnesses against the child;

(e) Of the right of the child to call witnesses in his own behalf;

(f) Of the right of a child to a speedy adjudication; and

(g) Of the right to appeal.

After giving such warnings and admonitions, the court may accept an in-court admission by the child of all or any part of the allegations in the petition if the court has determined from examination of the child and those present that such admission is voluntarily and understandingly made. The court may base its adjudication provided in subsection (3) of this section on such admission.".

4. For correlation purposes, on page 11, line 26, insert "subdivision (3) or (4) of" after "by"; in line 27 after "43-202" insert "or by a preponderance of the evidence whether or not the child is a person described by subdivision (1) or (2) of section 43-202"; and on page 12, line 16, insert the following after the period: "Any admission, confession, or statement made by the child, in court and admitted by the court, in a proceeding under this section, shall be inadmissible against such child in any criminal or civil proceeding

but may be considered by a court as part of a presentence investigation involving a subsequent transaction.".

5. For correlation purposes, on page 13, line 3, and line 4 of the title, strike "43-206.03,"; and insert after "1974" on page 13, line 3, and line 5 of the title, ", and section 43-206.03, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 293, Eighty-fourth Legislature, First Session, 1975".

LEGISLATIVE BILL 264. Placed on Select File as amended.
E & R amendments to LB 264:

1. All amendatory matter having been removed therefrom, strike section 1.

2. Renumber original sections 2 and 3 as sections 1 and 2 respectively.

3. On page 3, line 10, strike "sections 60-505.02 and" and insert "section"; and in line 11, strike "are" and insert "is".

4. In the title, line 2, strike "sections 60-505.02 and" and insert "section"; strike beginning with the second "to" in line 4 through the semicolon in line 6; and in line 8, strike "sections" and insert "section".

LEGISLATIVE BILL 226. Placed on Select File as amended.
E & R amendment to LB 226:

1. In the title, lines 6 and 7, strike "of less than" and insert "in excess of".

LEGISLATIVE BILL 366. Placed on Select File as amended.
E & R amendment to LB 366:

1. In the title, line 4, strike "an", and in line 5, strike "exemption" and insert "exemptions".

LEGISLATIVE BILL 307. Placed on Select File as amended.
E & R amendments to LB 307:

1. In lieu of the Marvel amendment, insert a new section 3 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 4, strike "and" and insert "; and to declare an emergency" after "terms".

LEGISLATIVE BILL 303. Placed on Select File as amended.
E & R amendment to LB 303:

1. On page 2, line 16, strike "where" and insert "when".

Correctly Enrolled

The following bills were correctly enrolled: 78, 112, 151, 258, 351, and 375.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 78, 112, 151, 258, 351, and 375.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 377	Thursday, April 3, 1975	1:00 p.m.
LB 591	Friday, April 4, 1975	1:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT–Bracket LB 339

Mr. Cope asked unanimous consent to bracket LB 339 until April 9, 1975 on General File. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 206.

A BILL FOR AN ACT to amend section 83-109, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Public Institutions; to provide for review of transfers or placements of patients or residents of regional centers or the Beatrice State Home; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	DeCamp	Koch	R. Lewis	Mahoney
Stull				

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

LEGISLATIVE BILL 370. With Emergency.

A BILL FOR AN ACT to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to eliminate the disqualification of certain students for unemployment compensation benefits; 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, 35:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Cope	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	F. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Murphy
Nichol	Rumery	Savage	Schmit	Simpson
Skarda	Swigart	Syas	Warner	Wiltse

Voting in the negative, 5:

Clark	Dworak	Kremer	Mills	Rasmussen

Not voting, 9:

Cavanaugh	DeCamp	Dickinson	Keyes	Koch
R. Lewis	Mahoney	Stoney	Stull	

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 378.

A BILL FOR AN ACT to amend sections 2-201, 2-203.01, and 23-932, Reissue Revised Statutes of Nebraska, 1943, relating to county agricultural societies; to increase the amount of assessment which certain county

boards shall pay to the county agricultural society; to provide an exception to the Nebraska Budget Act; and to repeal the original sections.

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

Voting in the affirmative, 40:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	Duis
Dworak	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Cavanaugh	DeCamp	Dickinson	Fitzgerald	Koch
R. Lewis	Mahoney	Murphy	Stull	

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

LEGISLATIVE BILL 547. With Emergency.

A BILL FOR AN ACT to amend section 39-6,112, Revised Statutes Supplement, 1974, relating to the Nebraska Rules of the Road; to extend the penalty provision to those situations where no penalty is specifically 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, 42:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Cope	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit

Simpson	Skarda	Stoney	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 2:

Clark	Marvel

Not voting, 5:

Cavanaugh	DeCamp	R. Lewis	Mahoney	Stull

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

REPORT ON CRIMINAL JUSTICE

Mr. Luedtke reported to the Legislature, from the Nebraska Law Enforcement and Justice Advisory Committee, on criminal justice.

UNANIMOUS CONSENT—Select File Bills

Speaker Burbach asked unanimous consent to consider the bills on Select File set for tomorrow. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 254. E & R amendments found in the Journal on page 1027 for the Fifty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 323. E & R amendments found in the Journal on page 1028 for the Fifty-second Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Rumery asked unanimous consent to print the following amendment to LB 323 in the Journal.

AMENDMENTS TO LB 323
As
It Appears Amended On General File

1. On page 3, Line 8, strike "primary" and insert "general"; Line 11, strike "nominated at the statewide primary election and"; Line 15 strike "December, 1976" and insert "January, 1977"; Line 19, strike "December, 1978" and insert "January, 1979"; strike Lines 22, 23, 24,

25, and 26.

2. On Page 4, Line 6, strike "receiving the greatest number of votes" and insert "filing for office shall"; Line 7, strike "shall be nominated"; Line 8, strike "In no case shall the city"; strike Line 9 and insert "(4) If no candidate receives fifty percent (50%) or more of the votes cast for a particular office in the general election, a run-off election shall be held between the two candidates receiving the greatest number of votes. The city clerk, county clerk or election commissioner, whichever is applicable, shall set the date of such run-off election on a day after the general election and before the first regular meeting of such board in January. The run-off election shall be conducted in the same manner as the general election except that only registered electors of the precinct, ward or area at-large which the two run-off candidates seek to represent may vote in the run-off election. The city clerk county clerk or election commissioner, whichever is applicable, shall place the names of the candidates on the run-off election ballot in descending order according to the number of votes received at the general election. The candidate receiving the largest number of votes in the run-off election shall be elected and the term of office of such member shall commence on the first regular meeting of such board in January."; strike Lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22; strike Amendment No. 1 as it appears on Page 658 of the Legislative Journal of the Thirty-fourth day, February 27, 1975; Line 23, strike "election" and after "vote of any" insert "two candidates each receiving exactly fifty percent (50%)"; strike Line 24 and insert "vote in the general election, the procedure set forth above for a run-off election shall be followed. In the event that these candidates each receive fifty percent of the votes in the run-off election, the"; Line 25, after "commissioner" insert "whichever is applicable";

3. On Page 5, Line 1, strike "nomination or"; strike subsection 5, Line 13, strike "(6) The candidates" and insert "(5) All candidates filing for office"; strike Line 18 and insert "If a run-off election is held, the candidate elected in the run-off shall be elected to the term of shortest duration. If more than one run-off election is held, the candidate receiving the greatest number of votes in the run-off election shall be elected to the term of longest remaining duration and those receiving the next greatest number of run-off votes shall be elected to the remaining term or terms. If two or more candidates elected in the run-off election receive exactly the same number votes, the position with the longest remaining term shall be filled by lot as set forth in subsection (4) above."; strike Lines 19 and 20; Line 21, strike "number of votes received at the primary election"; Line 23, strike "December" and insert "January";

4. On Page 6, Line 14, strike "nomination or";

5. On Page 9, Line 8, strike "primary" and insert "general"; Line 11, strike "nominated at the statewide primary election and"; Line 15, strike "December, 1976" and insert "January, 1977"; Line 19, strike "December, 1978" and insert "January, 1979"; strike Lines 22, 23, 24, 25, and 26.

6. On Page 10, strike subsection (3); strike Amendment No. 2 as it appears on Page 658 of the Legislative Journal of the Thirty-fourth day, February 27, 1975; Line 5, insert "(3) If no candidate receives fifty percent (50%) or more of the votes cast for a particular office in the general election, a run-off election shall be held between the two candidates receiving the greatest number of votes. The city clerk, county clerk or election commissioner, whichever is applicable, shall set the date of such run-off election on a day after the general election and before the first regular meeting of such borad in January. The run-off election shall be conducted in the same manner as the general election

except that only registered electors of the precinct, ward or area at-large which the two run-off candidates seek to represent may vote in the run-off election. The city clerk, county clerk or election commissioner, whichever is applicable, shall place the names of the candidates on the run-off election ballot in descending order according to the number of votes received at the general election. The candidate receiving the largest number of votes in the run-off shall be elected and the term of office of such members shall commence on the first regular meeting of such board in January. In the case of a tie vote of any two candidates each receiving exactly fifty percent (50%) of the votes in the run-off election, the city clerk, county clerk or election commissioner, whichever is applicable, shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board and the certificate of election shall be given accordingly. Notice to appear shall be given by certified mail."; strike Lines 24, 25, 26, and 27.;

7. On Page 11, strike Lines 1, 2, 3, 4, and 5; Line 6, strike "(5) The candidates" and insert "(4) All candidates filing for office"; Line 10, after "term or terms" insert "If a run-off election is held, the candidate elected in the run-off shall be elected to the term of shortest duration. If more than one run-off election is held, the candidate receiving the greatest number of votes in the run-off election shall be elected to the term of longest remaining duration and those receiving the next greatest number of run-off votes shall be elected to the remaining term or terms. If two or more candidates elected in the run-off election receive exactly the same number of votes the position with the longest term shall be filled by lot as set forth in subsection (3) above."; Line 14, strike "number of votes received at the primary election" and insert "time of their filing a petition for election by date and hour with the city clerk, county clerk or election commissioner, whichever is applicable,"; Line 27, strike "petitions" and insert "voting in a run-off election.";

8. On Page 12, Line 1, strike "nominating petitions and" and insert "ballots"; Line 2, strike "The ballots"; strike Lines 3, 4, 5, 6 and 7;

9. Strike amendment No. 3 as it appears on Pages 658-659 of the Legislative Journal of the Thirty-fourth day, February 27, 1975, and insert the following as a new section after Line 19:

"Sec. 5. (1) Commencing with the general election in 1976, and every four years thereafter, all elected officers in all second class cities shall be elected at the statewide general election.

(2) The term of office of any member of such board that would expire prior to the first regular board meeting in January, 1977, is hereby extended to such date.

(3) The term of office of any member that would expire after such later date and prior to the first regular board meeting in January, 1978, is hereby extended to the first regular board meeting in January, 1978.

(4) When any village by law becomes a second class city and adopts the second class city form of government and such second class city is holding its initial election of all officers, the city clerk, county clerk or election commissioner shall place the names of all candidates on the general election ballot in the direct order according to the time of their filing petitions for election by date and hour with the city clerk, county clerk or election commissioner, whichever is applicable. At the first election one half or the bare majority of the candidates, as the case may be, receiving the greatest number of votes at the general

election shall be elected to terms of the longest duration and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

(5) If no candidate receives fifty percent (50%) or more of the votes cast for a particular office in the general election a run-off election shall be held between the two candidates receiving the greatest number of votes. The city clerk, county clerk or election commissioner, whichever is applicable, shall set the date of such run-off election on a day after the general election and before the first regular meeting of such board in January. The run-off election shall be conducted in the same manner as the general election except that only registered electors of the precinct, ward or area at-large which the two run-off candidates are seeking to represent may vote in the run-off election. The city clerk, county clerk or election commissioner, whichever is applicable, shall place the names of the candidates on the run-off election ballot in descending order according to the number of votes received at the general election. The candidate receiving the largest number of votes in the run-off election shall be elected and the term of office of such member shall commence on the first regular meeting of such board in January. In the case of a tie vote of any two candidates receiving exactly fifty percent (50%) of the votes in election, the procedure set forth above for a run-off election shall be followed. In the event that these candidates each receive fifty percent (50%) of the votes in the run-off election, the city clerk, county clerk or election commissioner, whichever is applicable, shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board and the certificate of election shall be given accordingly. Notice to appear shall be given by certified mail.

(6) The candidates receiving the greatest number of votes to fill the vacancy for which they were candidates shall be elected to terms of the longest duration and those receiving the next greatest number of votes shall be elected to the remaining term or terms. If a run-off election is held the candidate elected in the run-off shall be elected to the term of shortest duration. If more than one run-off election is held, the candidate receiving the greatest number of votes in the run-off election shall be elected to the term of longest remaining duration and those receiving the next greatest number of run-off votes shall be elected to the remaining term or terms. If two or more candidates elected in the run-off election receive exactly the same number of votes, the position with the longest term shall be filled by lot as set forth in subsection (5) above.

(7) The city clerk, county clerk or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the time of their filing petitions for election by date and hour with the city clerk, county clerk or election commissioner, whichever is applicable.

10. On page 12, Line 22 after 1974, insert "and also Section 17-107.01, Reissue Revised Statutes of Nebraska, 1943."

UNANIMOUS CONSENT—Unbracket LB 493

Mr. Warner asked unanimous consent to unbracket LB 493 on E & R Final. No objections. So ordered.

MOTION—Return LB 493 to Select File

Mr. Warner moved to return LB 493 to Select File for the following specific amendment:

1. Insert a new section to read as follows:

"Sec. 2. That section 79-1254.02, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 82, Eighty-fourth Legislature, First Session, 1975, be amended to read as follows:

79-1254.02. The contracts of the teaching staff employed by the governing board of any state technical community college, educational service unit, or any educational program administered by the State Department of Education, the Department of Public Institutions, or any political subdivision of the state, except a Class I, II, III, or VI school district, shall require the sanction of a majority of the members of such governing board. Each such contract shall be deemed renewed and in force and effect until a majority of the board votes, sixty days before the close of the contract period, to amend or terminate the contract. The secretary of the board shall notify each teacher in writing at least ninety days before the close of the contract period of any conditions of unsatisfactory performance or a reduction in teaching staff that the board considers may be cause to either amend or terminate the contract for the ensuing year. Any teacher so notified shall have the right to file within five days of receipt of such notice a written request with the board for a hearing before the board. Upon receipt of such request, the board shall order the hearing to be held within ten days, and shall give written notice of the time and place of the hearing to the teacher. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract, and the teacher shall be permitted to produce evidence related thereto. The board shall render the decision to amend or terminate a contract based on the evidence produced at the hearing.".

2. Renumber original section 2 as section 3.

3. On page 2, line 13, strike "is" and insert "and section 79-1254.02, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 82, Eighty-fourth Legislature, First Session, 1975, are".

4. Add a new section to read:

"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.".

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 493. The Warner specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 588. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 118. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 225. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 288. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 264. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 226. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 366. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 307. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 303. E & R amendment found in this day's Journal was adopted.

Mr. Cavanaugh asked unanimous consent to have LB 303 laid over. No objections. So ordered.

UNANIMOUS CONSENT--Bracket LB 288

Mr. Luedtke asked unanimous consent to bracket LB 288 on E & R Final. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 259. Title read. Considered.

Mr. Kremer offered the following amendment to the Standing Committee amendments.

1. On page 25, line 14 and line 23, and on page 26, line 24, strike "9" and insert "5".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Warner offered the following amendment to the Standing Committee amendments.
To amend committee amendment by Striking in sub section (d)(4) the words "The Department of Motor Vehicles shall pay the money into the State Treasury and the State Treasurer shall credit the money to the Driver Improvement Program Fund, which is hereby created." Also the last sentence in sub section d(4) and insert All fees collected shall be deposited in the General Fund.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Johnson offered the following amendment to the Standing Committee amendments.
Amend Sec 6 (1) sub (c) after "affidavit" signed by a law enforcement officer.

The amendment failed with 12 ayes, 19 nays and 18 not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendments.
To amend the amendment at Sec. 5 (1) to strike:
~~"except that such permit may not be issued until 30 days after the date of revocation of the operator's permit~~"

The amendment was adopted with 25 ayes, 7 nays and 17 not voting.

Standing Committee amendments found in the Journal on page 854 for the Forty-third Day were adopted, as amended, with 29 ayes, 3 nays and 17 not voting.

Advanced to E & R for Review with 31 ayes, 5 nays and 13 not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 460. Placed on General File as amended.
Standing Committee amendments to LB 460:

1. On page 5, strike lines 11 to 19.

2. Renumber original subsections (15) to (25) as subsections (14) to (24), respectively.

3. On page 12, strike lines 10 to 14.

4. Renumber original subsections (3) to (5) as subsections (2) to (4), respectively.

5. On page 12 after line 23 insert new sections as follows:

"Sec. 6. That section 3-139, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-139. In any case where the Department of Aeronautics refuses to (1) issue a certificate of approval of a license or the renewal of a license for an airport, restricted landing area or other air navigation facility, or (2) permit the registration of any license, certificate, or permit ~~or (3) grant a license to an air school or to an aeronautics instructor in ground subjects, or in any case, where it shall issue any order requiring certain things to be done or revoking any license or certificate,~~ it shall set forth its reasons therefor and shall state the requirements to be met before such approval will be given, registration permitted, license granted or order modified or changed. Any order, made by the department pursuant to the provisions of sections 3-101 to 3-154, shall be served upon the interested persons by either registered or certified mail or in person. To carry out the provisions of sections 3-101 to 3-154 the director, officers, and employees of the department and any officers, state or municipal, charged with the duty of enforcing sections 3-101 to 3-154 may inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where airports, restricted landing areas, ~~air school,~~ flying clubs, or other air navigation facilities or aeronautical activities are operated or carried on.

Sec. 7. That section 3-150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-150. Any person, firm, partnership, company, agency, corporation, body politic or municipality, National Guard or reserve officer of the United States Army, who shall buy and use aircraft fuel meeting the specifications set up by the Tax Commissioner of the State of Nebraska, bought for and used only in aircraft in connection with any air school ~~licensed~~ approved by the ~~department~~ federal government, on which the tax has been paid or which is chargeable under section 3-148, and consume the same for purposes of operating or propelling aircraft used strictly for air school purposes, shall be reimbursed the amount of tax so paid in the manner

and subject to the conditions herein provided."; line 25, strike "and" and after "3-111," insert "3-139, and 3-150,"; line 27 after the comma insert "and also section 3-132, Reissue Revised Statutes of Nebraska, 1943,".

6. Renumber original section 6 as section 8.

(Signed) Dennis L. Rasmussen, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 414. Placed on General File as amended.
Standing Committee amendments to LB 414:
1. On page 8, after line 14 insert:
"I. Alcoholic liquors, including beer, issued to a nonprofit corporation, for consumption on the premises, which license shall not be issued to any corporation authorized by law to receive a license under the provisions of subdivision (5) C. of this section. Such license shall be issued subject to the following conditions:
(a) The license authorized in this subdivision shall not be applied for and used by the same nonprofit corporation on more than four occasions in one calendar year;
(b) The license shall be valid only for the occasion or the date of such occasion indicated on the license;
(c) The fee for such license shall be twenty dollars for each such occasion and shall be submitted with the application for the license; and
(d) The nonprofit corporation seeking such license shall, at least thirty days prior to the occasion for which the license is required, file an application which shall include the date, time, and place of the occasion together with the required fee;".

(Signed) Gary L. Anderson, Chairman

Education

LEGISLATIVE BILL 371. Placed on General File as amended.
Standing Committee amendments to LB 371:
1. On page 3, strike lines 1 and 2 and insert:
"(6) May acquire and hold title to real and personal property and sell, convey, or lease such property

whenever the technical"; and in line 4 insert ", except buildings erected by students as part of a regular course of study" after "buildings".

2. On page 6, after line 13, 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.".

LEGISLATIVE BILL 522. Placed on General File as amended.
Standing Committee amendments to LB 522:

1. On page 2, lines 15, 19, and 24 before "private" insert "nonprofit".

2. On page 3, line 4 after "for" insert "nonprofit".

(Signed) Frank Lewis, Chairman

Judiciary

LEGISLATIVE BILL 212. Placed on General File as amended.
Standing Committee amendments to LB 212:

1. Strike original section 1 on pages 2 and 3 and insert the following:

"Section 1. That section 42-358, Revised Statutes Supplement, 1974, be amended to read as follows:

42-358. The court may appoint an attorney to protect the interests of any minor children of the parties. Such attorney shall be empowered to make independent investigations and to cause witnesses to appear and testify on matters pertinent to the welfare of the children. Following entry of any decree, the court having jurisdiction over the minor children of the parties may at any time appoint an attorney, as friend of the court, to initiate contempt proceedings for failure of any party to comply with an order of the court directing such party to pay temporary or permanent child support. The clerks of the district courts shall maintain delinquency records in each case docketed in which child support is fixed by order of the court. Each month the clerk shall certify all delinquent cases of more than thirty days' duration to the judge presiding over domestic relations cases. In each case certified, if no action is pending for the collection of delinquent support payments, the court shall appoint an attorney to commence contempt of court proceedings. The contempt proceeding shall be instituted within ten days following appointment and the case shall be diligently prosecuted to completion. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered or, when there

has been an appointment for prosecution of contempt proceedings, by the party found to be in contempt, unless the court finds the party responsible is indigent and orders the county to pay.".

2. Strike original section 2 on pages 3 and 4 and insert the following:

"Sec. 2. That original section 42-371, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-371. (1) All judgments and orders for payment of money under sections 42-347 to 42-379 shall be liens upon property as in other actions and may be enforced or collected by execution and the means authorized for collection of money judgments. The judgment creditor may execute a partial or total release of the judgment, generally or on specific property. Release of judgments for child support must be approved by the court which rendered the judgment. The judgment debtor may petition the court which rendered the original judgment for an order releasing the lien as to specific property. The court shall grant the relief prayed for in the petition upon a showing by the judgment debtor that sufficient property shall remain subject to the lien to cover all child support due and that which may become due.".

3. On page 4, strike lines 9 to 13 and 25 to 27.

4. On page 5, strike lines 1 and 2; line 8, after "payments" insert "minus appropriate deductions for the costs of work release"; line 23, strike "42-364" and insert "42-371, Reissue Revised Statutes of Nebraska, 1943, and section 42-358"; line 24 strike "is" and insert "are".

LEGISLATIVE BILL 484. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Agriculture and Environment

LEGISLATIVE BILL 333. Placed on General File as amended.
Standing Committee amendments to LB 333:

1. On page 4 strike beginning with "manufactured" in line 20 through "premises" in line 22 and insert "when such buyer is the ultimate consumer".

2. On page 5, line 18, after "fertilizer" insert "or soil conditioner".

3. On page 6, line 7, strike "texture"; and in line 8 strike "or".

4. On page 7, line 7, after "received" insert "until such products are distributed,".

5. On page 8 in lines 15, 16, and 17 after "nitrogen" insert "(Specialty products only)".

6. On page 9 lines 10 and 11 strike "Director of the Agricultural Experiment Station" and show as stricken and insert "Institute

of Agriculture and Natural Resources"; line 21 after "acid" insert "(P205)"; and after "potash" insert " (K20)"; and in line 22 strike "active".

7. On page 10, line 8 strike "customer" and insert "ultimate consumer"; line 19 after "state" insert ", except custom blended products,"; and in line 22 after "weight" insert "or measure".

8. On page 11, lines 5 and 6 strike the new matter; line 9 after "by" insert "ordinary"; in lines 9 and 10 strike "familiar with fertilizers"; and in line 14 after "pesticide" insert "labeled in conformance with the Nebraska Pesticides and Devices Act" and after "be" insert "deemed to be".

9. On page 12, line 15, after "period" insert ", which statement shall cover the periods from July 1 to December 31 and January 1 to June 30,".

10. On page 13, line 2, strike "fifty" and insert "twenty-five"; strike beginning with "for" in line 2 through "violation" in line 4 and insert "if paid during the period of February 1 to February 28 or August 1 to August 31 for the respective delinquency and an additional twenty-five per cent penalty thereafter".

11. On page 17, line 15, after "materials" insert "other than pesticides registered pursuant to the Nebraska Pesticides and Devices Act,".

12. On page 24, lines 5 and 15 after "Fertilizers" strike "," and insert "and" and strike ", and Liming Materials"; and after line 22 insert a new section to read as follows:

"Sec. 24. This act shall become operative January 1, 1976.".

13. Renumber original section 24 as section 25.

LEGISLATIVE BILL 535. Placed on General File as amended.
Standing Committee amendments to LB 535:

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

"Section 1. That sections 89-201 to 89-209, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title strike lines 2 to 11 and insert:

"FOR AN ACT to repeal sections 89-201 to 89-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Sugar Beet Weighing and Testing Act.".

(Signed) Loran Schmit, Chairman

Urban Affairs

LEGISLATIVE BILL 395. Placed on General File as amended.
Standing Committee amendments to LB 395:

1. On page 3, lines 9 to 12, strike the new matter; after line 12 insert a new section as follows:

"Sec. 2. A city of the second class shall have the power by ordinance to acquire, by the exercise of the power of eminent domain or otherwise, lease, purchase, construct, own, maintain, and operate, or contract for the operation of public passenger transportation systems, excluding railroad systems, including all property and facilities required therefor, within and without the limits of the city, to redeem such property from prior encumbrance in order to

protect or preserve the interest of the city therein, to exercise all powers granted by the Constitution and laws to the State of Nebraska including but not limited to receiving and accepting from the government of the United States or any agency thereof, from the State of Nebraska, or any subdivision thereof, and from any person or corporation, donations, devises, gifts, bequests, loans, or grants or in aid of the acquisition, operation, and maintenance of such public passenger transportation systems, and to administer, hold, use, and apply the same for the purposes for which such donations, devises,gifts, bequests, loans, or grants may have been made, to negotiate with employees and enter into contracts of employment, to employ by contract or otherwise individuals singularly or collectively, to enter into agreements authorized under the Interlocal Cooperation Act, and to exercise such other and further powers with respect thereto as may be necessary, incident, or appropriate to the powers of such city.".

2. Renumber original section 2 as section 3.

(Signed) Steve Fowler, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 267A. By Administrative Rules and Regulations Committee: Duis, 39th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 267, Eighty-fourth Legislature, First Session, 1975.

MOTION—Place LB 113 on General File

Mr. Warner renewed his pending motion found in the Journal on page 959 to place LB 113 on General File notwithstanding the committee action.

SPEAKER BURBACH PRESIDING

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays and 25 not voting.

Mr. Warner requested a roll call vote.

The Call showed 43 members present.

Voting in the affirmative, 29:

Anderson Barnett Bereuter Burbach Burrows

Carsten	Chambers	Cope	Dickinson	Duis
Dworak	Fowler	George	Hasebroock	Johnson
Kelly	Kennedy	Kime	Koch	Kremer
Maresh	Marsh	Mills	Nichol	Rasmussen
Rumery	Schmit	Stoney	Warner	

Voting in the negative, 13:

Cavanaugh	Clark	Fitzgerald	F. Lewis	Luedtke
Moylan	Murphy	Savage	Simpson	Skarda
Swigart	Syas	Wiltse		

Not voting, 7:

DeCamp	Goodrich	Keyes	R. Lewis	Mahoney
Marvel	Stull			

The Warner motion lost with 29 ayes, 13 nays and 7 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 24 ayes, 6 nays and 19 not voting.

UNANIMOUS CONSENT–Members Excused

Messrs. Warner, Carsten, Schmit, Duis and Clark asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Anderson asked unanimous consent to be excused this afternoon until he arrives. No objections. So ordered.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 583. Placed on General File as amended.
Standing Committee amendment to LB 583:
1. On page 10, line 4 strike "(9)" and insert "(11)";
in line 19 strike "Chapter 86, article 7" and insert "subsection (1) of section 86-702 or involving the offenses enumerated in section 86-703".

(Signed) Roland A. Luedtke, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 261. Placed on General File as amended.
Standing Committee amendments to LB 261:

1. On page 2, lines 7 and 10 after "opposing" insert "for hire".

2. On page 5, after line 12 insert a new section as follows:

"Sec. 3. That section 50-313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-313. The Clerk of the Legislature shall charge a fee of ~~twenty-five~~ ten dollars for each application for registration by a lobbyist for a different principal, and shall issue a certificate of identification to each registered lobbyist. The certificate shall be valid for a period commencing with each regular session of the Legislature held in an odd-numbered year and shall terminate at the convening of the regular session in the next odd-numbered year. Such fees when collected shall be deposited in the state treasury and by the State Treasurer placed in the state General Fund.", renumber original section 3 as section 4.

3. On page 6, line 6 after "statement" strike "for each calender quarter" and insert "once during each interim period between regular sessions of the Legislature."; strike lines 7 to 9; line 10 strike "been in session."; line 22 after "received" insert "for lobbying purposes"; line 25 after "loaned" strike "or" and insert ","; line 26 after "promised" insert ", or paid by a lobbyist".

4. On page 7, strike lines 1 to 16 showing the old matter as stricken, and insert the following:

"(3) A statement disclosing each legislative bill or resolution and each amendment to a legislative bill or resolution on which the lobbyist has taken a position on behalf of his principal."; lines 18 and 26 after "and" strike "quarterly" and insert "at least once".

5. On page 8, strike lines 7 to 18.

6. On page 9, line 2 strike "principal"; line 3 strike "individuals" and insert "officers and directors"; after line 13 insert a new section as follows:

"Sec. 8. This act shall become operative on January 1, 1976."; line 14 after "50-310," insert "50-313,".

7. Renumber original section 8 as section 9.

1. Strike original sections 1 to 8 and insert the following sections:

"Section 1. That section 50-309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-309. As used in sections 50-308 to 50-318 unless the context otherwise requires:

(1) Lobbying shall mean the practice of promoting or opposing for hire the introduction or enactment of legislation or resolutions before the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing for hire executive approval of legislation or resolutions;

(2) Lobbyist shall mean any person who engages in the practice of lobbying for hire including, but not limited to, the activities of any officers, agents, attorneys or employees of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying; ~~Provided, the term lobbyist shall not include~~:

~~(a) Any person who limits his lobbying solely to appearances before legislative committees and who advises the committee in writing whom he represents;~~

~~(b) Any person who limits his lobbying activities solely to writing letters or furnishing written material to the Legislature or to committees thereof, or who furnishes to the Clerk of the Legislature public copies of letters or written material sent to individual members of the Legislature; and~~

~~(c) Any person who limits his lobbying solely to appearances before legislative committees upon the invitation of a member of the Legislature, or at the direction of the Governor, and who so advises the committee at the time of his appearance;~~

(3) Corrupt practices shall mean any violation of the provisions of sections 50-308 to 50-318. In addition, the following shall be deemed to be corrupt practices:

(a) Instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto;

(b) Attempting to influence the vote of the legislators on any measure pending or to be proposed by the promise of financial support or the financing of opposition to his candidacy at any future election; and

(c) Engaging in practices which reflect discredit on the practice of lobbying or on the Legislature; except that the making of a fair comment about the Legislature or a member thereof shall not be a corrupt practice;

(4) Person shall include any individual, association, society, joint venture, corporations of all types including municipal corporations, and partnerships; and

(5) A principal shall mean any person who engages a lobbyist, and shall include any board, department, commission or other agency of the state, or any county, city, village or any other political subdivision, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such agency, county, municipal corporation, or other political subdivision.

Sec. 2. That section 50-310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-310. Every person employed or retained as a lobbyist shall, before commencing any lobbying activity, file an application with the Clerk of the Legislature for registration as a lobbyist, and if the clerk is satisfied that the application has been properly prepared the registration shall be deemed to be complete. The application shall be on a form prescribed by the clerk and approved by the Executive Board of the Legislative Council, and shall include as a minimum the name of the principal for whom he intends to act, a description of the legislation in reference to which he intends to act, including identification by number of the bills or

resolutions if known, and a statement signed by the principal that he has read the application, knows its contents, and has authorized the applicant to be a lobbyist in his behalf as specified therein, and that no compensation will be paid to the applicant contingent upon passage or defeat of such measures. All applications and registrations shall be open to public inspection. On the fourth legislative day of each session the clerk shall insert in the Legislative Journal a list of the names of all lobbyists whose registration is then in effect, the name of the principal in whose behalf the lobbyist is registered, and any additional information as directed by the Legislature, and thereafter on the last legislative day of each calendar week the clerk shall cause to be inserted in the Legislative Journal the names of any additional lobbyists and principals who have registered or who have changed their registration.

Sec. 3. That section 50-313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-313. The Clerk of the Legislature shall charge a fee of ~~twenty-five~~ ten dollars for each application for registration by a lobbyist for a different principal, and shall issue a certificate of identification to each registered lobbyist. The certificate shall be valid for a period commencing with each regular session of the Legislature held in an odd-numbered year and shall terminate at the convening of the regular session in the next odd-numbered year. Such fees when collected shall be deposited in the state treasury and by the State Treasurer placed in the state General Fund.

Sec. 4. That section 50-314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-314. ~~Every registered lobbyist and every principal employing such lobbyist shall, within fifteen days after the end of each calendar month of any session of the Legislature, file with the Clerk of the Legislature a statement showing:~~

~~(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities, but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;~~ Every registered lobbyist, for each of his principals, and every principal employing a registered lobbyist shall file a separate statement for each month the Legislature is in session on one or more days, and shall file a separate statement once during each interim period between regular sessions of the Legislature. All such statements shall be filed with the Clerk of the Legislature within ten days after the end of the month or

quarter for which the statement is required. Each statement shall show the following:

(1) The total amount received or expended directly or indirectly for the purpose of carrying on lobbying activities, with the following categories of expenses each being separately itemized: (a) Miscellaneous expenses, (b) entertainment, including expenses for food and drink, (c) lodging expenses, and (d) travel expenses. Such statement shall include amounts received by such lobbyist from any principal for his personal living expenses and amounts received for lobbying purposes from any principal which are reportable as income to him for federal tax purposes;

(2) A detailed statement of any money loaned, promised, or paid by a lobbyist to any legislator or to anyone on their behalf; and

(3) A statement disclosing each legislative bill or resolution and each amendment to a legislative bill or resolution on which the lobbyist has taken a position on behalf of this principal.

~~(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf; and~~

~~(3) A statement of all money expended or promised in connection with carrying out lobbying activities, including, but not limited to, the payment of any bills for food, refreshments, entertainment, transportation or other services where members of the Legislature were included in the group for which or by which such bills were incurred.~~

The Clerk of the Legislature shall monthly while the Legislature is in session, and at least once while the Legislature is not in session refer all such statements to the Committee on Committees of the Legislature which may require the lobbyist or the principal to furnish additional details with respect to the matters which are or should be included in such statements. The Legislature itself may at any time require the furnishing of such additional details. The clerk shall monthly while the Legislature is in session, and at least once while the Legislature is not is session furnish each member of the Legislature and members of the press, registered with the Legislature, a summary of such statements filed pursuant to this section. Each statement shall be public information and a copy of each shall be furnished to each member of the Legislature and to members of the press, registered with the Legislature, at their request.

Sec. 5. The registrations of all lobbyists shall terminate on December 31, of each year in which the registration was noted in the Legislative Journal.

Sec. 6. Any association formed primarily for lobbying purposes shall submit a list to the Clerk of the Legislature of all individuals contributing money for payment of the expenses, fee, or salary of the lobbyist retained or employed by the association. In the event that a lobbyist is employed or retained by a person, corporation, or association formed other than for

lobbying purposes, only the names of the officers and directors of such corporation or association shall be filed. The filing shall be a part of the statement required to be filed pursuant to the provisions of section 50-314.

Sec. 7. Within thirty days of the completion of each regular session of the Legislature each registered lobbyist shall submit to the Clerk of the Legislature a statement listing the legislation upon which such lobbyist acted, including identification by number of any bill or resolution, and the position taken by such lobbyist.

Sec. 8. This act shall become operative on January 1, 1976.

Sec. 9. That original sections 50-309, 50-310, 50-313, and 50-314, Reissue Revised Statutes of Nebraska, 1943, are repealed."

(Signed) Gary L. Anderson, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 470. Placed on General File as amended.
Standing Committee amendment to LB 470:

1. On page 2, line 1 strike the comma; and in line 2 strike "services, or other aid".

(Signed) Dennis L. Rasmussen, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 25.

Introduced by Labor Committee: Maresh, 32nd District, Chairman; Kennedy, 21st District; Kime, 43rd District; Murphy, 17th District; F. Lewis, 45th District; Rumery, 42nd District; Fitzgerald, 14th District.

WHEREAS, the Nebraska Legislature has provided state employees with the rights and procedures of collective bargaining, pertaining to wages, hours and working conditions; and

WHEREAS, it is in the best interest of Nebraska and the progress and well-being of its citizens to promote the maximum degree of harmony and fairness in the relationships between workers and management; and

WHEREAS, the facilitation of the collective bargaining process is a primary means to that end; and

WHEREAS, experience in negotiations between certified agents of bargaining units in the state service, and management, has indicated difficulties in that provisions agreed to by the negotiating parties are still required to be subjected to legislative approval, on an item by item basis; and

WHEREAS, future legislation concerning state employees covered by collective bargaining agreements could facilitate the collective bargaining process, assure a more harmonious relationship between workers and management, and generally improve the state service and the productive performance of its personnel.

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

1. That the Labor Committee be directed to conduct a study of problems relating to collective bargaining agreements with state employees.

2. That such study have as its emphasis the feasibility of legislation to improve the conditions of negotiations and collective bargaining agreement procedures with state employees which shall include, but not be limited to wages, hours, insurance, sick leave, vacation leave, mileage payments, holidays, retirement and leave of absence.

3. That the committee shall make a report of its findings together with recommendations for legislation to the next regular session of theLegislature.

Referred to Executive Board.

MOTION–Introduce Bill

Mr. F Lewis moved the introduction of a new bill by the Committee on Education. (Req. 836)

The motion prevailed with 31 ayes, 1 nay and 17 not voting

BILL ON FIRST READING

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

LEGISLATIVE BILL 592. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District, Koch, 12th District Burrows, 30th District, Kime, 43rd District; Rumery 42nd District Kremer 34th District, Fitzgerald 14th District.

A BILL FOR AN ACT relating to the care and education of handicapped children; to provide financial aid for special education programs as prescribed; to define terms; to provide an operative date; to repeal Chapter 43, article 6, Reissue Revised Statutes of Nebraska, 1943, and admendments thereto; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
592	Education

(Signed) Wally Barnett, Vice Chairman

MOTION—Reconsider Action on LB 310

Mr. Mills renewed his pending motion, found in the Journal on page 955, to reconsider action on indefinitely postponing LB 310.

The motion prevailed with 26 ayes, 3 nays and 20 not voting.

VISITORS

The President introduced Mr. Tom Dougdale from Omaha; the Bob Rice family, Chief Deputy, County Assessors office, Omaha; 45 Eighth Grade & Senior students and sponsors from Silver Creek, Nebraska; 7 students with the Youth Temperance Council, Norfolk, Nebraska; 78 Junior and Senior students from Syracuse High School; 40 Government Students from Nebraska Wesleyan University, Lincoln, Nebraska.

RECESS

At 12:15 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Duis, DeCamp, Mahoney, R. Lewis, Nichol, Schmit and Stull who were excused; and Mr. Anderson who was excused until he arrives.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 386. Placed on General File as amended.
Standing Committee amendments to LB 386:

1. Strike original sections 1 to 3 and insert the following new sections:

"Section 1. That section 81-841, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-841. A State Board of Examiners for Professional Engineers and Architects shall administer the provisions of sections 81-839 to 81-856. The board is authorized and empowered to use any funds available for the purpose of renting suitable office space within the corporate limits of the state capital city for the board. The board shall consist of ~~five~~ six members, appointed by the Governor for a term of five years

terminating on the last day of February. Three members of the board shall be professional engineers, ~~and~~ two members shall be professional architects, and one member shall be a faculty member from either the College of Architecture or the College of Engineering. Each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. The Governor may remove any member of the board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the board, however created, shall be filled for the unexpired term by appointment by the Governor.

Sec. 2. That section 81-847, Revised Statutes Supplement, 1974, be amended to read as follows:

81-847. The Board of Examiners for Professional Engineers and Architects ~~shall~~ may, upon application therefor on a prescribed form and upon the payment of a fee ~~of not to exceed seventy-five dollars~~ to be paid in the manner prescribed below, issue a certificate of registration (1) to any person who submits evidence satisfactory to the board that he is fully qualified to practice professional engineering or architecture; or (2) to any person who holds a like unrevoked certificate of registration issued to him by proper authority of the National Council of Engineering Examiners, or of the National Council of Architectural Registration boards, or any state or territory of the United States or any country where the requirements for the registration of professional engineers or architects are not lower than the standards specified in this section and section 81-848; Provided, that no person shall be eligible for registration who is under ~~twenty-five~~ twenty-four years of age, or who is not of good character and repute, or who has not been actively engaged for at least eight years in the practice of professional engineering or architecture of character satisfactory to the board. The satisfactory completion of each year of an approved course in engineering or architecture in a school or college approved by the board as of satisfactory standing, with or without graduation, shall be considered as equivalent to a year of active practice. Graduation in a course other than engineering or architecture, from a college or university of recognized standing, shall be considered as equivalent to two years of active practice; Provided, that no applicant shall receive credit for more than ~~four~~ five years of active practice because of educational qualifications.

Sec. 3. That section 81-849, Revised Statutes Supplement, 1974, be amended to read as follows:

81-849. The initial fee required for filing an application ~~shall be not to exceed fifty dollars~~ for registration as a professional engineer or professional architect shall not exceed the amount required to recover all necessary and incidental expenses incurred in giving such applicant an examination. If the applicant is found to be qualified, he shall be given a certificate of registration and a seal upon the payment of an additional fee of not to exceed ~~twenty-five~~ fifty dollars. The candidate failing in such an examination may, after an

interval of not more than two years, be examined again upon the payment of an additional fee of not to exceed ~~twenty-five dollars~~ the amount necessary to recover the expenses incurred in giving the examination. Should the board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall also be retained. Certificates of registration shall expire December 31 following their issuance, or renewal, and shall become invalid on that date unless so renewed, except where the holder of an unexpired certificate of registration has been or is inducted into the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, and amendments thereto, of the United States, in which case (1) such holder of a certificate of registration shall have ninety days after his discharge from such service in which to apply for the renewal of such registration certificate; (2) until the expiration of such period, the certificate of registration issued prior to the induction of the holder into such military service shall remain in full force and effect without the payment of the annual renewal fee, which would otherwise be required by this section; and (3) the extra charge of ten per cent per month, hereinafter referred to, for a delayed renewal shall not be charged such a holder who applies for such a renewal within ninety days after such discharge. The annual fee shall be not less than four dollars, nor more than twenty-five dollars, as the board shall direct. The fee to be paid for the renewal of a certificate after December 31, shall be increased ten per cent for each month or fraction of a month that the payment for such renewal is delayed; Provided, that the maximum fee for a delayed renewal shall not exceed twice the amount of the regular renewal fee and no renewals shall be made after a lapse of one year from the original expiration date thereof, except as is otherwise provided in the case of such holders in military service. The application and examination fee for an engineer-in-training or architect-in-training shall be not ~~less than three dollars nor~~ more than twenty-five dollars as the board shall direct, and shall be credited to the applicant if he passes the engineer-in-training or architect-in-training examination and later applies for registration as a professional engineer or a professional architect under this section. No renewal fee shall be charged for an engineer-in-training or architect-in-training certificate. Application for renewal of a lapsed registration shall be in the same manner as provided in section 81-847 for an original application for registration.

Sec. 4. That original section 81-841, Reissue Revised Statutes of Nebraska, 1943, and sections 81-847 and 81-849, Revised Statutes Supplement, 1974, are repealed.".

(Signed) Gary L. Anderson, Chairman

NOTICE OF COMMITTEE HEARINGS
Education

LB 456	Tuesday, April 8, 1975	12:00 noon
LB 587	Tuesday, April 8, 1975	12:00 noon
LB 592	Tuesday, April 8, 1975	12:00 noon

(Signed) Frank Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 320. Title read. Considered.

Standing Committee amendments found in the Journal on page 688 for the Thirty-sixth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Schmit moved to advance LB 320. The motion failed with 20 ayes, 7 nays and 22 not voting.

Mr. Schmit moved to indefinitely postpone LB 320. The motion lost with 7 ayes, 20 nays and 22 not voting.

PRESIDENT WHELAN PRESIDING

LEGISLATIVE BILL 345. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 318. Title read. Considered.

Standing Committee amendments found in the Journal on page 833 for the Forty-second Day were adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 391. Title read. Considered.

Standing Committee amendment found in the Journal on page 861 for the Forty-third Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 321. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 374. Title read.

Laid over at the request of Mr. Murphy.

LEGISLATIVE BILL 481. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 572. Title read. Considered.

Mr. Koch asked unanimous consent to hold the bill over.

Mr. Moylan objected.

Laid over by order of the Speaker.

LEGISLATIVE BILL 573. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 562. Title read. Considered.

Standing Committee amendment found in the Journal on page 954 for the Forty-eighth Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 578. Title read. Considered.

Standing Committee amendment found in the Journal on page 920 for the Forty-seventh Day was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 510. Indefinitely postponed.
LEGISLATIVE BILL 538. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

March 26, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

William A. Spitzenberger
Advisory Committee to Department of Economic Development

No one appeared in support of Mr. Spitzenberger's appointment and no one appeared in opposition.

Committee Vote: For: (9) Senators Chambers, Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, Skarda, Wiltse. Against: None. Absent and not voting: (4) Koch, Clark, DeCamp, Duis.

Burnham M. Yates
Advisory Committee to Department of Economic Development

Senator Marsh wishes the favorable comments she made endorsing Mr. Yates' appointment be construed as appearing in support of appointment. No one appeared in opposition.

Committee Vote: For: (10) Senators Chambers, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, Wiltse. Against: None. Absent and not voting: (3) Clark, DeCamp, Duis.

Henry Ley
Board of Trustees of Nebraska State Colleges

No one appeared in support of Mr. Ley's appointment and no one appeared in opposition.

Committee Vote: For: (7) Senators Hasebroock, Kelly, Keyes, Kime, Marsh, Savage, Skarda. Against: (2) Chambers, Koch. Absent and not voting: (4) Wiltse, Clark, DeCamp and Duis.

(Signed) John S. Savage, Chairman

MESSAGE FROM THE GOVERNOR
March 26, 1975

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I herewith return LB 240 without my signature and with my objections.

Once again I caution the Legislature that you are mandating an additional $1,562,000 expenditure consisting of $382,000 general funds, $312,000 in county funds and $868,000 in federal funds but failed to pass the accompanying "A" bill or funding measure.

LB 240 has merit in that it would eliminate certain age restrictions for eligibility to the blind and disabled. However there is no way these eligibility changes can be implemented without funding authorization.

Sincerely,

(Signed) J. James Exon
Governor

JJE:gd

UNANIMOUS CONSENT—Place LB 20 at top of General File

Mr. Murphy asked unanimous consent to place LB 20 at the top of General File. No objections. So ordered.

MOTION—Employee Easter Policy

Mr. Cavanaugh moved that during the Easter recess the Senator determine individually the recess policy of their Secretary and the department head determine the policy for their help.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

ANNOUNCEMENT

Speaker Burbach announced a meeting of all Committee Chairmen immediately upon adjournment.

VISITORS

The President introduced 38 students, teacher and mother from Elkhorn Valley School, Meadow Grove, Nebraska.

ADJOURNMENT

At 2:45 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Wednesday, April 2, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FOURTH DAY—APRIL 2, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 2, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty and all merciful God; source of all life; Father of all spirits; author of all good: we begin this important day in prayer - not because we are worthy, but because we are needy. We confess that the problems we have come to consider are ours - they are man-made; but whatever the ability we have to solve them, it is not ours; it must be God-given!
>
> Somehow make us equal to the large demands of the present hour. Lest we become timid in the face of criticism, remind us that our citizens don't sit in the seats of responsibility which have been assigned to us. Lest we become complacent in the face of our authority, remind us that if anything we decide here is in fact to happen, it is the taxpayer who must do it. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Maresh who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1065, line 6, delete "225" and insert "255".
The Journal for the Fifty-third Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

March 26, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 153, 157, and 529.
These bills were signed by me on March 26, 1975 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

March 27, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 193.
This bill was signed by me on March 27, 1975 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

March 28, 1975

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

Dear Mr. President and Senators:

I am returning herewith LB 537 with my signature, but with exceptions

to two-line item reductions in the amount of $225,000.

This bill provides, along with certain other appropriations, additional state funds for the continued operation of the technical community colleges until the end of this fiscal year. The passage of LB 537 is significant because it represents our continuing support and concern for vocational technical education in Nebraska.

Almost six million dollars will be distributed under LB 537 from the State General Fund to the college area boards to replace the one mill property tax which was declared unconstitutional last year by the Nebraska Supreme Court. Some of this amount will also be available to help solve cash flow problems in 1975-76, should your body decide to return the colleges to partial local tax support.

I take exception, however, to the action in LB 537 which appropriates $225,000 to Metropolitan Community College. These funds were originally intended for the Opportunities Industrialization Center in Omaha. This money has been diverted to start a new cosmetology program and machine technology program at Metro.

Nebraska already has several private cosmetology schools which are meeting the occupational needs of the state in this field. These schools are regulated by the State Department of Health and State Department of Education. We do not need additional cosmetology programs in our tax supported institutions to compete for students and funds with these private schools. This amounts to further duplication of post secondary education. We have enough of that in Nebraska already.

I also call to your attention what appears to be a bad precedent in such a deficiency bill. The $225,000 that I have reduced actually amounts to funding new programs at Metro and not to make up for any unforeseen shortfall.

Finally, I note that Metropolitan Community College will receive $1,289,724 even without the additional $225,000, and that it is only three months before a new appropriation will be in effect for fiscal 1975-76. If machine technology is a priority program, it can be commenced by Metro from the additional funds soon forthcoming, or be placed at a higher priority than some of the programs Metro has already started.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

March 27, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment to the State Board of Health requiring Legislative confirmation:

Dr. Jack Swanson, Wahoo, Nebraska, to serve a term expiring September 14, 1976. Dr. Swanson fills the vacancy created by the death of Dr. E. A. Purtzer.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

April 1, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 78, 112, 151, 258, 351, and 375.

These bills were signed by me on March 31, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 27, 1975 at 3:40 p.m., were the following bills: 78, 112, 151, 258, 351, and 375.

(Signed) Barbara Jackson, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 52
March 21, 1975

Dear Senator Fowler:

This is in reply to your inquiry concerning Legislative Bill 161, which provides:

> "No volunteer fireman shall serve on any village board or city council unless such board or council shall authorize such service by ordinance."

Although phrased in prohibitory language, the effect of the bill would be to authorize volunteer firemen to hold office as a village board or city council member, at the discretion of the local governing body. The bill apparently presupposes as being the case that at the present time firemen lawfully may serve on village boards and city councils; which may not be a correct presupposition.

It is entirely possible that for a fireman to serve on the governing body of the municipality by which he is employed might be contrary to the public policy against conflicts of interest on the part of public officials. The common law has been adopted by Nebraska as it is applicable and not inconsistent with the Constitution of the United States, the organic law of this state, or any law passed or to be passed by the Legislature. See Section 49-101, R. R. S. 1943.

A possible conflict of interest could arise from the fact that the board or council would have responsibility for passing upon the monetary requests and other affairs of the fire department. The possible conflict would exist either in the case of a volunteer fireman or a paid fire chief; although it might be greater in the case of the salaried individual. Possibly such a potential conflict of interest could be averted by the individual not participating in any official action concerning fire department matters. However, it seems to us that there is sufficient possibility of an unlawful conflict of interest situation so as to justify, if not require, legislation such as L.B. 161.

As for the constitutionality of L.B. 161, we see no problem. As mentioned earlier, the public policy against official conflicts of interest is of common law origin; and there is no constitutional proscription which is applicable. Accordingly, it is within the province of the Legislature (as was contemplated by Section 49-101) to enact a measure such as L.B. 161.

In the event L.B. 161 is enacted, it is our opinion that volunteer firemen would be eligible to serve upon any village board or city council. However, L.B. 161 is not applicable to any other than volunteer firemen and would not authorize a salaried fire chief to serve upon such a board or council.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smh
cc: Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 118, 254, 255, 264, 307 and 366.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 588.

Correctly Enrolled

The following bills were correctly enrolled: 206, 370, 378, and 547.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 206, 370, 378 and 547.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 323. Replaced on Select File as amended.
E & R amendments to LB 323:

1. In E & R 3, line 2, adopted 3/26, insert "the first" after the first "after".

2. In standing committee amendment 1 and 2, strike line 3 and insert "or of the at-large candidates, whichever".

3. On page 5, line 23, strike "such" and insert "the".

4. On page 10, line 1, insert "(6)" before "When"; and on pages 10 and 11, renumber original subsections (3) to (5) as subsections (7) to (9) respectively.

5. In new section 5, line 1 of subsection (2), strike "such" and insert "the"; in line 4 of subsection (3), insert an underscored comma after "December"; in line 4 of subsection 5, insert "city clerk," after "the" and insert an underscored comma after "clerk"; and in line 5 of subsection 9 strike "such" and insert "the".

6. Renumber original section 5 as section 6.

LEGISLATIVE BILL 493. Replaced on Select File as amended.
E & R amendments to LB 493:

1. In new section 2, line 14, insert "for just cause" after the second "contract"; and in line 18 insert "just" after "be".

2. Renumber the new section added by the Warner amendment 4 as section 4.

3. In the title, line 3, insert "and section 79-1254.02, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 82, Eighty-fourth Legislature, First Session, 1975," after the second comma; in line 6 strike "and" and insert "to provide an exception;"; and strike line 7 and insert "sections; and to declare an emergency.".

LEGISLATIVE BILL 226. Replaced on Select File as amended.
E & R amendment to LB 226:

1. In E & R 1, line 2, insert "not" before "in".

LEGISLATIVE BILL 302. Placed on Select File as amended.
E & R amendments to LB 302:

1. In new section 1,line 3, insert a comma after "thereof"; in line 5, insert ", measured by the actual cost at the time of acquisition," after "shall"; strike beginning with "measured" in line 8 through "actual" in line 9 and insert ". Actual"; and in line 15, strike ", and amendments thereto".

LEGISLATIVE BILL 359. Placed on Select File as amended.
E & R amendments to LB 359:

1. In standing committee amendment 12, line 6, insert an underscored comma after "81-1108.16".

2. On page 14, line 24, strike ", pursuant to this section,".

3. On page 15, line 11, insert an underscored comma after "Capitol".

4. On page 19, line 6, insert an underscored comma after "for" and "of"; and in line 18, strike "where" and insert "when".

5. In the title, line 3, insert "and" after the fifth comma; in line 4, strike "and 81-701.02,"; in line 9, strike the first comma and insert "and"; and in line 10, strike "and services".

LEGISLATIVE BILL 359A. Placed on Select File.

LEGISLATIVE BILL 335. Placed on Select File as amended.
E & R amendment to LB 335:

1. On page 5, line 12, insert an underscored comma after "Nebraska"; and in line 15 strike "such".

LEGISLATIVE BILL 422. Placed on Select File as amended.
E & R amendments to LB 422:

1. In standing committee amendment 2, line 3, strike "the above act and" and insert "the act required by subdivision (4) (g) of this section and".

2. In standing committee amendment 8, line 3, insert an underscored comma after "1980".

3. On page 4, line 8, strike the comma; and in line 17, strike "executing" and insert "through the execution of"; and in line 26, strike "the" and insert "a".

4. On page 5, lines 24 and 26, strike "Nebraska" and in line 25, strike "Board of Medical Examiners" and insert "Board of Examiners in Medicine and Surgery".

5. On page 10, line 5, strike the period, show as stricken, and insert an underscored period after "appointment" in the new matter added by standing committee amendment 6.

6. On page 15, line 8, strike "Nebraska Board of Medical Examiners" and insert "Board of Examiners in Medicine and Surgery"; in line 9, insert an underscored comma after "nurse"; and strike "to".

7. On page 16, strike the new matter in lines 2 to 13, and reinsert the same on page 15, line 26, after the stricken matter.

8. On page 19, insert an underscored comma in line 8 after "nurse" and in line 10 after "Nursing".

9. On page 22, line 19, insert an underscored comma after "board".

10. On page 22, line 9, strike "his" and insert "the individual's"; in lines 10 and 11, strike "any sections of this act" and insert "sections 71-1,132.04 to 71-1,132.41".

11. On page 25, line 13, strike "this act" and insert "sections 71-1,132.04 to 71-1,132.41".

LEGISLATIVE BILL 448. Placed on Select File as amended.
E & R amendments to LB 448:

1. on page 2, line 13, strike "dollars", show as stricken, and insert "dollar".

2. In the title, line 6, insert "to change certain withholding provisions;" after the semicolon.

LEGISLATIVE BILL 473. Placed on Select File as amended.
E & R amendments to LB 473:

1. In new section 1, suqsection (1), insert an underscored comma in line 1, after "shall" and in line 3, after "Legislature"; and in subsection (2), after "have", at the end of line 3.

2. In new section 2, subsection 2, line 2, strike "Where" and insert "When".

3. In the title, line 2, strike "section" and insert "sections 81-125, 81-132, and"; in line 7, insert "to provide requirements for correction of funding deficiencies; to provide penalties for late filings;" after the semicolon; and in line 8, strike "section", and insert "sections".

LEGISLATIVE BILL 437. Placed on Select File as amended.
E & R amendments to LB 437:

1. In the standing committee amendment, line 2, insert an underscored comma before "if".

2. On page 3, insert an underscored comma in line 3, after "pension" and in line 4, after "profit-sharing".

LEGISLATIVE BILL 480. Placed on Select File.

LEGISLATIVE BILL 436. Placed on Select File as amended.
E & R amendment to LB 436:

1. In section 3, line 3, insert "shall," after "and"; and in line 4 strike "shall".

LEGISLATIVE BILL 267. Placed on Select File as amended.
E & R amendment to LB 267:

1. In the title, strike beginning with "duties" in line 4 through "Regulations" in line 5, and insert "distribution of agency rules and regulations".

LEGISLATIVE BILL 245. Placed on Select File as amended.
E & R amendments to LB 245:

1. In new section 1, subsection (2), line 1, strike "The", insert "Such", and strike "so sold".

2. In the title, line 5, insert "to provide certain powers to contract for the sale and purchase of water; to provide certain uses of a water supply;" after the semicolon.

LEGISLATIVE BILL 389. Placed on Select File.

LEGISLATIVE BILL 365. Placed on Select File.

LEGISLATIVE BILL 259. Placed on Select File as amended.
E & R amendments to LB 259:

1. In lieu of the Warner amendment, in new section 6, subsection (4), strike beginning with "The" in line 3 through the period in line 8, and insert "All fees collected shall be deposited in the General Fund.".

2. In lieu of the Chambers amendment, in new section 5, subsection (1), strike beginning with "except" in line 5 through "permit" in line 7.

3. On page 22, line 7, insert "following suspension" after "issued".

4. In new section 5, suqsection (2), line 3, insert "sections" after "except"; in subsection (4), line 4, strike the first comma.

5. In new section 6, subsection (1) (b), line 3, strike "these" and insert "the", and insert "establishing such requirement" after "facts"; in subsection (1) (c), line 3, insert "and" after the semicolon; in subsection (2), line 2, strike "shall" and insert "will"; and in line 8, strike "herein" and insert "in this subsection"; in subsection (3), line 1, insert an underscored comma after "permit" and strike the comma after "as"; in suqsection (4), line 3, insert "employment" after "a"; in subsection (5), line 1, strike the comma, and in line 2, strike "as provided in this act,"; and in subsection (6), line 1, insert an underscored comma after "person".

6. On page 32, line 2, strike "60-424, 60-429, 60-430.05," and insert "and" after the second comma; and in line 3, strike "and 60-430.06,".

7. In the title, line 3, strike "60-424, 60-429, 60-430.05,", and insert "and" after the first comma; in line 3, strike "and 60-430.06,"; in line 8, strike "and", and insert "to provide a penalty;" after the semicolon; and in line 9, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 345. Placed on Select File.

LEGISLATIVE BILL 318. Placed on Select File as amended.
E & R amendments to LB 318:

1. In new section 2, line 6, strike "submitted to the department".

2. On page 4, line 24, insert an underscored comma after "director".

3. On page 5, line 4, insert "following" after "the"; in line 5, insert an underscored colon after "information" and strike the remainder of the line showing the old matter as stricken; in line 6, strike "this subsection." and show as stricken; in line 7, strike the period, show as stricken, and insert an underscored semicolon, and strike "The" and insert "the"; in line 8, strike the period and insert an underscored semicolon; in line 9, strike "The" and insert "the"; and in line 10, strike the period, insert "; and", and strike "The", show as stricken, and insert "the".

4. On page 6, line 23, insert an underscored comma after "added".

5. On page 7, line 24, insert an underscored comma after "feeds".

6. On page 8, line 22, strike "where" and insert "when".

7. On page 11, line 8, insert an underscored comma after "report"; in line 9, strike the comma and show as stricken; and in line 21, strike "computed as provided in this section".

8. On page 12, line 21, insert an underscored comma after "shall" and after "thereof".

9. In the title, line 12, insert "to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 391. Placed on Select File as amended.
E & R amendment to LB 391:

1. In standing committee amendment 2, line 2, insert "consent for" after "provide".

LEGISLATIVE BILL 321. Placed on Select File as amended.
E & R amendments to LB 321:

1. On page 3, line 1, strike "such"; and in line 25, strike "veterinarian" and insert "~~veterinarian.~~ veterinarians".

2. On page 4, line 8, strike "such" and show as stricken.

3. On page 5, line 5, strike the first comma, show as stricken, and insert "or"; and in line 18, insert "and" after the second comma.

4. On page 6, line 19, strike "for".

5. On page 7, line 9, strike "employed" and insert "provided for"; and in line 15, insert an underscored comma after "man".

LEGISLATIVE BILL 573. Placed on Select File as amended.
E & R amendment to LB 573:
1. In the title, line 5, strike "or use"
and insert ", use, or purchase".

LEGISLATIVE BILL 562. Placed on Select File as amended.
E & R amendment to LB 562:
1. On page 2, line 20, strike the first
comma, show as stricken, and insert an underscored comma
after "is".

LEGISLATIVE BILL 578. Placed on Select File as amended.
E & R amendment to LB 578:
1. In the title, strike beginning with "to"
in line 5 through the semicolon in line 6.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 495. Placed on General File as amended.
Standing Committee amendment to LB 495:
1. On page 2, line 10 after the comma, insert "or
within one year preceding the expiration of such four-year period,";
line 11 after "within" strike "one year" and insert "two years".

LEGISLATIVE BILL 534. Placed on General File.

(Signed) Gary L. Anderson, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 30. Mr. Hasebroock asked unanimous consent to bracket LB 30. No objections. So ordered.

LEGISLATIVE BILL 67. Mr. Clark moved to return LB 67 to Select File for the following specific amendment:
1. On page 2, line 25 after "~~any~~" insert "Any" and
reinstate the stricken matter commencing with "city" in
line 25 through "the" in line 27.
2. On page 3 in lines 1 to 3 reinstate the stricken matter
through the word "such" and insert following the word "such";
"city's retail service area."

The motion prevailed with 38 ayes, 1 nay and 10 not voting.

LEGISLATIVE BILL 129.

A BILL FOR AN ACT relating to county government and officers; to provide for maintenance of abandoned and neglected pioneer cemeteries; to define terms; to authorize expenditures of county funds; and to provide for markers 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, 38:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	Dickinson
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Kime
Koch	Kremer	F. Lewis	Luedtke	Marsh
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 4:

Clark	Dworak	R. Lewis	Mills

Not voting, 7:

DeCamp	Keyes	Mahoney	Maresh	Marvel
Murphy	Skarda			

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

LEGISLATIVE BILL 211.

A BILL FOR AN ACT to amend section 39-1405, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to provide for snow and ice removal 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, 31:

Anderson	Burrows	Carsten	Cavanaugh	Dickinson
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer

F. Lewis	R. Lewis	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 13:

Barnett	Bereuter	Burbach	Chambers	Clark
Cope	Duis	Dworak	Fitzgerald	Fowler
Luedtke	Marvel	Simpson		

Not voting, 5.

DeCamp	Mahoney	Maresh	Marsh	Murphy

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

LEGISLATIVE BILL 341. Mr. Carsten moved to return LB 341 to Select File for the following specific amendment:

1. On page 6, line 3, insert "characterizing" after "all"; and in line 5 insert ", and for the purpose of this subdivision a characterizing ingredient is one which the director determines, following public hearing, to have a material bearing on the cost, quality, or nutrition of such food" after "ingredients".

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

LEGISLATIVE BILL 474.

A BILL FOR AN ACT to amend sections 81-1011, 81-1015, and 81-1017, Reissue Revised Statutes of Nebraska, 1943, relating to state-owned motor vehicles; to redefine state-owned vehicles; to allow exclusions; to clarify titling procedures; to provide standards for passenger cars of the state; to define terms; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Clark	Cope	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch

Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 3:

Burbach	Duis	Simpson

Not voting, 6:

Chambers	DeCamp	Dickinson	Maresh	Skarda
Syas				

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

SELECT FILE

LEGISLATIVE BILL 303. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 67. The Clark specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 341. Mr. Carsten asked unanimous consent to have the bill laid over. No objections. So ordered.

MOTION–Return LB 588 to Select File

Mr. Mills moved to return LB 588 to Select File for the following specific amendment:

1. On page 3, line 12 strike "less than" and strike "full-year"; in line 13 strike "equal to" and insert "not to exceed"; in lines 15 and 16 strike "which shall be the same proportion"; in line 16 after "annum" insert a period; and strike lines 17 and 18.

The motion prevailed with 25 ayes, 3 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 588. The Mills specific amendment printed above was adopted with 28 ayes, 1 nay and 20 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 588 to Select File

Mr. Mills moved to return LB 588 to Select File for the following specific amendment:

1. On pages 3, 4, and 5 strike section 4.
2. Renumber original sections 5 to 9 as sections 4 to 8 respectively.

The motion lost with 21 ayes, 24 nays and 4 not voting.

MOTION—Return LB 588 to Select File

Mr. Fowler moved to return LB 588 to Select File for the following specific amendment:

1. On page 2, line 11 strike "four" and insert "five" and strike "sixty-eight" and insert "fifty-two".
2. On page 3, lines 7 and 16 strike "four" and insert "five" and strike "sixty-eight" and insert "fifty-two"; and strike lines 19 to 27.
3. On page 4, strike lines 1 to 27.
4. On page 5, strike line 1.
5. Renumber original sections 5 to 9 as sections 4 to 8, respectively.

The motion lost with 19 ayes, 21 nays and 9 not voting.

UNANIMOUS CONSENT—Withdraw LR 20

Mr. Duis renewed his pending request, found in the Journal on page 1048 for the Fifty-second Day, to withdraw LR 20. No objections. So ordered. LR 20 was withdrawn.

MOTION—Study Gambling Indictment

Mr. Chambers moved that the Legislature direct the Judiciary Committee to study the illegal gambling indictment handed down by the Federal Grand Jury in Omaha on March 31, 1975 and determine:

1. Precisely what is meant by the words "state officials",
2. Which state officials and/or employees were involved,
3. The nature and extent of the involvement.

The Judiciary Committee shall report its findings and any recommendations to the Legislature as soon as possible.

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

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 397A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 397, Eighty-fourth Legislature, First Session, 1975.

LEGISLATIVE BILL 593. By Skarda, 7th District, at the request of the Governor.

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 taxation; to permit the extension of homestead tax exemption provisions; to permit the state to make payments or refunds of portions of prescribed property taxes paid; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 150. Placed on General File.
LEGISLATIVE BILL 440. Placed on General File.

LEGISLATIVE BILL 441. Placed on General File as amended.
Standing Committee amendments to LB 441:

1. Insert a new section to read:

"Sec. 2. That section 17-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-515. (1) All such assessments, except for paving, repaving, construction of malls and plazas and the landscaping and permanent facilities thereof, graveling, or curbing and guttering, shall draw interest until the same become delinquent, at a rate set by the city council or board of trustees from the date of levy, and shall become delinquent on the first day of May subsequent to the date of levy, and shall thereafter draw interest at a rate not exceeding nine per cent per annum.

(2) Such assessments for paving, repaving, construction of malls and plazas and the landscaping and permanent facilities thereof, or curbing and guttering shall become delinquent in equal annual installments over such period of years, not to exceed fifteen, as the council or board of trustees may determine at the time of

making the levy, the first such equal installment to become delinquent in fifty days after the date of such levy.

(3) As to such assessments for graveling, one-third of the total amount assessed against each lot or parcel of land shall become delinquent in fifty days after the date of such levy; one-third in one year; and one-third in two years.

(4) Each of the installments, referred to in subsections (2) and (3) of this section, except the first, shall draw interest at a rate set by the city council or board of trustees, from the time of the aforesaid levy until the same shall become delinquent; and after the same becomes delinquent, interest at a rate not exceeding nine per cent per annum shall be paid thereon. Should there be three or more of such installments delinquent and unpaid on the same property, the city council or board of trustees may by resolution declare all future installments on such delinquent property to be due on a fixed future date. All of such installments may be paid at one time on any lot or land within fifty days from the date of the levy without interest and, if so paid, such lot or land shall be exempt from any lien or charge therefor.".

2. Renumber original section 2 as section 3.

3. On page 3, line 1, insert "17-515, Reissue Revised Statutes of Nebraska, 1943, and section" after "section".

4. Add a new section to read:

"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 468. Placed on General File as amended.
Standing Committee amendment to LB 468:

1. On page 2, line 3 strike "of the first or second class".

LEGISLATIVE BILL 221. Indefinitely postponed.

(Signed) Steve Fowler, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 204. Placed on General File.

LEGISLATIVE BILL 421. Placed on General File as amended.

Standing Committee amendment to LB 421:

1. On page 2, line 7 strike "or village" and insert "of the primary or metropolitan class".

(Signed) Gary L. Anderson, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Stull asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

1. On page 2 insert a new section 1 to read as follows:

"Sec. 1. That section 10-126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-126. All bonds of indebtedness, issued after September 7, 1947, by any county, precinct, city, village, school district, drainage district, or irrigation district, or any other municipal corporation or governmental subdivision of the state, except public power districts, public power and irrigation districts, metropolitan water districts, metropolitan utilities districts, cities of the metropolitan and of the primary class, and of housing authorities of any city or village, shall be redeemable at the option of the governmental subdivision or municipal corporation issuing such bonds at any time on or after five years from the date of issuance thereof. Bonds of districts created under the provisions of Chapter 31 or 39, shall in addition, after annexation by any municipality, be redeemable at the option of the annexing municipality at any time after annexation of such district if at the time of redemption at least five years shall have elapsed from date of issuance. Such condition shall be plainly set forth in all bonds of any governmental subdivision of the state or municipal corporation hereafter issued to which it applies, and such bonds shall not be eligible for registration in the office of the Auditor of Public Accounts unless such condition appears therein. The issuer, except districts organized under the provisions of Chapter 31 or 39, of any such bonds of indebtedness, when the total amount of bonds at par value authorized as a single issue is five hundred thousand dollars or more, may agree to pay a call premium of not to exceed four per cent of the par value for the redemption of such bonds; Provided, that districts organized under the provisions of Chapter 31 or 39 may agree to pay a call premium of not to exceed two per cent of the part value of such bonds when a single issue is five hundred thousand dollars or more and bonds of such districts shall have no other bond redemption call or prepayment restrictions except as hereinafter provided in this section. Bonds of public power districts, public power and irrigation districts,

metropolitan water districts, metropolitan utilities districts, cities of the metropolitan and of the primary class and of housing authorities of any city or village, may contain such provisions with respect to their redemption as the public power district, public power and irrigation district, metropolitan water district, metropolitan utilities district, city or housing authority shall provide. All bonds heretofore or hereafter issued which do not provide a special procedure for calling and prepayments shall be called by a resolution passed by the governing body of the obligor, which resolution shall designate the bond or bonds to be prepaid by stating the date of the bonds, the purpose for which the bonds were issued, and the bond numbers of the bonds so called, and shall also state the date set for prepayment. The issuer of any bonds issued pursuant to this section shall, at least thirty days prior to the calling of such bonds, send notice by mail of the call to each holder of the called bonds as shown in its records. A true copy of the resolution shall be filed by the obligor with the Auditor of Public Accounts at least thirty days prior to call date and a copy of the resolution shall also be filed with the paying agent on or before the call date. The Auditor of Public Accounts shall note the call of the bonds on his registration records. The original purchaser of any bonds registered in the office of the Auditor of Public Accounts may file with the auditor notice of their purchase identifying the bonds so purchased. The Auditor of Public Accounts shall keep a record of all such filings and send notice by mail of the call of any bonds to the original purchaser of the called bonds as shown by his records. If the obligor deposits sufficient funds with the paying agent to pay the called bonds and accrued interest to date of call in full on or before the call date, the bonds shall cease to be a liability of the obligor; otherwise, the call shall be revoked, and the bonds continue in effect the same as though no call had been made.".

2. On page 3, line 26 strike "section" and insert "sections 10-126 and"; and in line 27 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

VISITORS

The President introduced 21 Ninth Grade students and their instructors from Hastings, Nebraska; 28 Fourth Grade students and sponsor from Brownell Elementary School, Lincoln, Nebraska.

RECESS

At 11:54 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Maresh who were excused

RESOLUTIONS

LEGISLATIVE RESOLUTION 26.

Introduced by Warner, 25th District.

WHEREAS, the Congress of the United States enacted Public Law 156 on July 11, 1916, and the Congressional Federal Aid Acts, Federal Highway Acts, and Federal Aid Highway Acts subsequent to that date, which acts provide that the federal government shall aid the states, and the political subdivisions of the states, in the construction of roads and streets; and

WHEREAS, the Nebraska Legislature has reaffirmed its continuing assent to the federal acts, referred to above, and amendments thereto; and

WHEREAS, a substantive portion of the federal acts, referred to above, states that fifty per cent of federal aid for highway construction is intended for use by the political subdivisions of this state; and

WHEREAS, the Seventy-seventh Legislature, 1967, adopted Legislative Bill 918, and the Eightieth Legislature, 1969, adopted Legislative Bill 692, now sections 39-1306 to 39-1306.02, Reissue Revised Statutes of Nebraska, 1943, in order to implement and promote the provisions of the federal acts and to assist the political subdivisions in the proper use of federal aid highway funds; and

WHEREAS, the intent of the legislative bills, cited above, was that political subdivisions, particularly the counties of this state, shall receive and use all of the fifty per cent of federal funds available to them and that none of those funds revert to the Department of Roads; and

WHEREAS, the Department of Roads, pursuant to law, adopted and promulgated policies and regulations for the administration, allocation and reallocation of federal aid highway funds to political subdivisions; and

WHEREAS, the purpose of those policies and regulations was to insure that the cities and counties of this state could receive the entire amount of federal aid highway funds available specifically for political subdivisions; and

WHEREAS, the Department of Roads, without the consent of county officials, changed the policy regarding the allocation and reallocation of federal aid highway funds to counties and implemented this new policy; and

WHEREAS, because of the adoption and implementation of the new policy, the counties of this state have been deprived of federal aid highway funds which have reverted to and have been used by the Department of Roads; and

WHEREAS, section 84-904, Revised Statutes Supplement, 1974, provides that agency rules may be considered by the Legislature and any rule may be repealed, changed, altered, amended, or modified in such manner as the Legislature deems advisable; and

WHEREAS, the new policy of the Department of Roads regarding the allocation of federal aid highway funds to counties has been studied; and

WHEREAS, the conclusion of the study indicates that the new policy is detrimental to the best interests of the counties and the State of Nebraska, generally.

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

1. That the new policy regarding allocation of federal aid highway funds to counties adopted by the Department of Roads on November 20, 1973, be rescinded, and that the former policies adopted and promulgated by the Department of Roads to carry out the purposes of federal acts and state laws regarding federal aid highway funds to counties be reinstated and implemented.

2. That the Department of Roads, with due dispatch, take all necessary steps to provide the counties of this state with (a) with their last three years allocated by unexpended federal aid highway funds, and (b) five million dollars of previously allocated and unexpended federal aid highway funds.

3. That the Legislature take whatever steps are necessary to insure that the intent of federal acts, state statutes, and former policies and regulations of the Department of Roads are carried out, and that the counties of this state receive all the federal aid highway funds intended to be used by political subdivisions.

4. That the Department of Roads and counties are hereby instructed to develop in cooperation, policies and procedures to be implemented that will (a) insure that counties be allocated all available funds as intended by law and (b) encourage maximum usage of allocated and unexpended, and previously allocated and unused (pool) federal aid highway funds.

5. That a copy of the policies and procedures adopted pursuant to this Resolution be furnished to the Legislature.

Laid over.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 503. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) Frank Lewis, Chairman

MOTION–Override Line-item Veto

Mr. Goodrich moved to override the Governor line-item veto on LB 537. Motion pending. Laid over.

MOTION–Return LB 118 to Select File

Mr. Murphy moved to return LB 118 to Select File for the following specific amendment:
The Trysla Amendment
Page 2 - Line 9, following the word "business," insert:
"And any business so transacted shall require an affirmative vote of not less that one-half of the elected members."

Mr. Murphy moved for a Call of the House. The motion prevailed with 23 ayes, 5 nays and 21 not voting.

The Call showed 44 members present.

Mr. F. Lewis moved the Call be raised. The motion lost with 21 ayes, 15 nays and 13 not voting.

Mr. Stull requested a roll call vote.

Voting in the affirmative, 29:

Anderson	Burbach	Burrows	Carsten	Cope
Dickinson	Dworak	George	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	Kime	Kremer
Luedtke	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Savage	Simpson
Stull	Syas	Warner	Wiltse	

Voting in the negative, 14:

Barnett	Bereuter	Cavanaugh	Duis	Fitzgerald
Fowler	Koch	F. Lewis	R. Lewis	Rumery
Schmit	Skarda	Stoney	Swigart	

Not voting, 6:

Chambers	Clark	DeCamp	Kelly	Mahoney
Maresh				

The Murphy motion prevailed with 29 ayes, 14 nays and 6 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 35 ayes, 1 nay and 13 not voting.

SELECT FILE

LEGISLATIVE BILL 118. The Murphy specific amendment found in this day's Journal was adopted with 25 ayes, 15 nays and 9 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 118 to Select File

Mr. Duis moved to return LB 118 to Select File for the following specific amendment:

Strike the enacting clause.

Motion pending. Laid over.

MOTION—Override Governor's Veto

Mr. Stull moved to override the Governor's veto of LB 2.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Stull requested a roll call vote.

Mr. Stull moved for a Call of the House. The motion prevailed with 17 ayes, 14 nays and 18 not voting.

The Call showed 45 members present.

Voting in the affirmative, 22:

Burbach	Carsten	Clark	Cope	Duis
Dworak	Johnson	Kime	Kremer	F. Lewis
R. Lewis	Marsh	Marvel	Murphy	Nichol
Rasmussen	Rumery	Schmit	Stoney	Stull
Warner	Wiltse			

Voting in the negative, 25:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Dickinson	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Koch	Luedtke	Mahoney	Mills	Moylan
Savage	Simpson	Skarda	Swigart	Syas

Not voting, 2:

DeCamp Maresh

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. Stull moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 394. Placed on General File as amended.
Standing Committee amendments to LB 394:

1. On page 4, line 23, after "3." insert "(1)".

2. On page 5, after line 22 insert a new subsection as follows:

"(2) No insurer issuing policies or contracts of insurance in conformity with this act shall apply underwriting standards which unfairly discriminate among similarly situated risks in a manner which is not based on the degree of risk involved.".

3. On page 7, line 14, strike "forty-two hundred" and insert "five thousand two hundred fifty".

4. On page 15, after line 17, insert a new subsection as follows:

" (4) Nothing in this act shall be construed as preventing an insurer from providing benefits for nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing and when so provided such benefits shall constitute medical expenses under sections 4 and 6 of this act.".

5. On page 21, line 20 after "medical," insert: " nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing,".

(Signed) J. R. Murphy, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 46. Indefinitely postponed.
LEGISLATIVE BILL 51. Indefinitely postponed.
LEGISLATIVE BILL 297. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

GENERAL FILE

LEGISLATIVE BILL 20. Title read. Considered.

Standing Committee amendments found in the Journal on page 1022 for the Fifty-first Day were adopted with 30 ayes, 2 nays and 17 not voting.

Mr. Chambers offered the following amendment:
To strike in the Committee Amendments in Paragraph 1 from ". No child through the remainder of that paragraph.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays and 22 not voting.

The Chambers amendment failed with 11 ayes, 24 nays and 14 not voting.

Advanced to E & R for Review with 29 ayes, 2 nays and 18 not voting.

LEGISLATIVE BILL 430. Title read. Considered.

Mr. Kelly renewed his pending amendment found in the Journal on page 929 for the Forty-seventh Day. Amendment pending.

Speaker Burbach asked unanimous consent to print the following amendments to LB 430. No objections. So ordered.

DRAFT OF AMENDMENT OF SECTION 77-2715 (3) (a)

(3) (a) There shall also be allowed to resident individuals a credit against the tax imposed by sections 77-2701 to 77-27,135, a food sales tax credit ~~equal to thirteen dollars~~ as hereinafter determined multiplied by the number of allowable personal exemptions claimed for individuals who are residents, exclusive of the extra exemptions allowable for age or blindness. A refund shall be allowed to the extent that the food sales tax credit exceeds the income tax payable by the resident individual for the taxable year but no refund

shall be made in any amount less than two dollars.

It is the intent of the legislature that $600 be the base as of 12-31-74, for determining future changes in the food sales tax credit, such base to be adjusted each year by the State Board of Equalization and Assessment in proportion to changes in the U.S. Department of Labor Consumer Price Index for food from the December, 1974, index of 169.7.

Each year at the time the State Board of Equalization and Assessment meets to set the tax rates pursuant to section 77-2715.01, the Board shall determine the food sales tax credit for the current calendar year. Such credit shall be the product, rounded to the nearest whole dollar, of $600 multiplied by the sales tax rate for such calendar year multiplied by a fraction, the denominator of which is 169.7 and the numerator of which is the average of the available monthly food indexes of the U.S. Department of Labor, Consumer Price Index, (1967 = 100) for the current calendar year.

UNANIMOUS CONSENT—Bracket LB 226

Mr. Mahoney asked unanimous consent to bracket LB 226 on Select File. No objections. So ordered.

ANNOUNCEMENT

Mr. Fowler announced an executive session of the Urban Affairs Committee on Monday, April 7, 1975 at 4:00 p.m. in room 2230.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 181. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 832)

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 594. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Simpson, 46th District; Stull, 49th District; Savage, 10th District; Goodrich, 20th District; Johnson, 15th District.

A BILL FOR AN ACT relating to the care and education of handicapped children; to provide financial aid for special education programs; to define terms; to provide an advisory board; to provide severability; to provide an operative date; to repeal Chapter 43, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
593	Cons. Rev. & Rec.
594	Education

(Signed) Eugene T. Mahoney, Chairman

MOTION—Suspend Rules

Mr. F. Lewis moved to suspend the rules (Rule 3, Sec. 5) so that the Education Committee be permitted to set LB 594 for hearing on April 8th, 1975.

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

NOTICE OF COMMITTEE HEARING
Education

LB 594 Tuesday, April 8, 1975 12:00 noon

(Signed) F. Lewis, Chairman

MOTION—Place LB 502 on General File

Mr. Barnett moved to place LB 502 on General File notwithstanding the action of the committee.

Motion pending.

ADJOURNMENT

At 4:06 p.m. on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, April 3, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIFTH DAY—APRIL 3, 1975

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY—APRIL 3, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 3, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church.

> Save this moment, O Lord God, from being merely a gesture to custom, and make it a real experience for each member of the legislature present.
>
> You have called them by the voice of the people to lead our state into new avenues for the people. Grant them wisdom and guidance as they seek to solve the problems and initiate good for our people's advancement.
>
> Cause them to understand that God's power has never been obstructed by difficulties, nor his love limited by the confusion of human plans. May the very failures of man's best resources impel us toward the resources of God.
>
> Cleanse our hearts of selfishness. Grant that all questions immediately before us may be made plain that we shall have no forebodings as we make our decisions, nor vain regrets after they are made. In the spirit of Christ, we pray, Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1110, line 11, insert "Re-" before "Engrossment".
The Journal for the Fifty-fourth Day was approved as corrected.

COMMUNICATIONS

Letter received from Interstate Commerce Commission acknowledging receipt of communication from Legislature regarding operations of Chicago, Rock Island and Pacific Railroad Company.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 303.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 588.

Correctly Enrolled

The following bills were correctly enrolled: 129, 211 and 474.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 129, 211 and 474.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 1975, at 8:45 a.m., were the following bills: 206, 370, 378 and 547.

(Signed) Barbara Jackson, Enrolling Clerk

SPEAKER'S ORDER

Unbracket LB 198 on General File and set for April 8, 1975.

(Signed) J. W. Burbach, Speaker

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 31. Indefinitely postponed.
LEGISLATIVE BILL 38. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 277.

A BILL FOR AN ACT to amend section 33-107, Reissue Revised Statutes of Nebraska, 1943, relating to fees and salaries; to require county boards to fix the salaries or per diem of bailiffs; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	Dickinson	Duis
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Anderson	Cavanaugh	DeCamp	Fowler	Kremer
F. Lewis	Mahoney			

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

LEGISLATIVE BILL 295. With Emergency.

A BILL FOR AN ACT to amend section 42-104, Reissue Revised Statutes of Nebraska, 1943, relating to marriage; to reduce the waiting period between application and issuance of a marriage license; 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:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Clark	Cope	Duis	Fitzgerald
Goodrich	Hasebroock	Johnson	Keyes	Koch
R. Lewis	Luedtke	Marsh	Mills	Moylan
Nichol	Rumery	Savage	Schmit	Stoney
Swigart	Warner	Wiltse		

Voting in the negative, 14:

Barnett	Dickinson	Dworak	George	Kelly
Kennedy	Maresh	Marvel	Murphy	Rasmussen
Simpson	Skarda	Stull	Syas	

Not voting, 7:

Anderson	DeCamp	Fowler	Kime	Kremer
F. Lewis	Mahoney			

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Clark	Cope	Duis	Fitzgerald
Goodrich	Hasebroock	Johnson	Keyes	Koch
R. Lewis	Luedtke	Marsh	Mills	Moylan
Nichol	Rumery	Savage	Schmit	Stoney
Swigart	Warner	Wiltse		

Voting in the negative, 15:

Barnett	Dickinson	Dworak	George	Kelly
Kennedy	Mahoney	Maresh	Marvel	Murphy
Rasmussen	Simpson	Skarda	Stull	Syas

Not voting, 6:

Anderson	DeCamp	Fowler	Kime	Kremer
F. Lewis				

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

SELECT FILE

LEGISLATIVE BILL 323. E & R amendments found in the Journal on page 1092 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 493. E & R amendments found in the Journal on page 1093 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302. E & R amendment found in the Journal on page 1093 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 359. E & R amendments found in the Journal on page 1093 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 359A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 335. E & R amendment found in the Journal on page 1094 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 422. E & R amendments found in the Journal on page 1094 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 448. E & R amendments found in the Journal on page 1094 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 473. E & R amendments found in the Journal on page 1095 for the Fifty-fourth Day were adopted.

Laid over at the request of Mr. Warner.

Mr. Warner asked unanimous consent to print the following amendments to LB 473 in the Journal. No objections. So ordered.

Amendments to LB 473
As Amended by Committee Amendments

1. Insert a new section 5 to read as follows:

"Sec. 5. (1) The Legislature shall, during the regular session in odd-numbered years determine and set appropriations for the next two succeeding fiscal years.

(2) The Legislature may, during the regular session in even-numbered years, review the appropriations for the next fiscal year, set pursuant to subsection (1) of this section, and may either amend or affirm such appropriations. The Legislature may also determine and set appropriations for the second fiscal year following the session in an even-numbered year.

(3) Each appropriation determined and set pursuant to this section shall be considered as an express obligation by the State Board of Equalization and Assessment when setting the tax rate pursuant to section 77-2715.01.".

2. Renumber original section 2 as section 6.

LEGISLATIVE BILL 437. E & R amendments found in the Journal on page 1095 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 480. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 436. E & R amendment found in the Journal on page 1095 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 267. E & R amendment found in the Journal on page 1095 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 245. E & R amendment found in the Journal on page 1095 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 389. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 365. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 259. E & R amendments found in the Journal on page 1096 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 345. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 318. E & R amendments found in the Journal on page 1096 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 391. E & R amendment found in the Journal on page 1097 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 321. E & R amendments found in the Journal on page 1097 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 573. E & R amendment found in the Journal on page 1098 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 562. E & R amendment found in the Journal on page 1098 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 578. E & R amendment found in the Journal on page 1098 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 341. Laid over at the request of Mr. Carsten.

UNANIMOUS CONSENT—Unbracket LB 226

Mr. Kime asked unanimous consent to unbracket LB 226 on Select File.

Mr. Mahoney objected.

Mr. Kime moved to unbracket LB 226. The motion lost with 20 ayes, 21 nays and 8 not voting.

ANNOUNCEMENT

Mr. Anderson announced an executive session of the Miscellaneous Subjects Committee on Thursday, April 3, 1975 at 12:30 p.m. in room 1019.

GENERAL FILE

LEGISLATIVE BILL 430. Considered.

Mr. Kelly renewed his pending amendment found in the Journal on page 929 for the Forty-seventh Day.

The amendment lost with 4 ayes, 32 nays and 13 not voting.

Mr. Nichol offered the following amendment:

Amendment to Legislative Bill 430

1. Page 3, line 16, reinsert old language ", including".
2. Page 3, line 17, reinsert old language "soft drinks and candy,".

The amendment lost with 10 ayes, 23 nays and 16 not voting.

Mr. Stull moved to indefinitely postpone.

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 Stull motion to indefinitely postpone failed with 20 ayes, 26 nays and 3 not voting.

Mr. Burbach asked unanimous consent to withdraw his pending amendment found in the Journal on page 1112 for the Fifty-fourth Day. No objections. So ordered.

Mr. Dworak asked unanimous consent to be excused until 2:00 p.m. No objections. So ordered.

Mr. Duis offered the following amendment:
To amend LB 430 to reinstate stricken matter and increase credit to $15 in Line 11 page 11.

Mr. Duis moved for a Call of the House. The motion prevailed with 19 ayes, 4 nays and 26 not voting.

The Call showed 47 members present.

Mr. Duis requested a roll call vote.

Voting in the affirmative, 23:

Anderson	Burbach	Clark	DeCamp	Duis
Fitzgerald	Goodrich	Hasebroock	Johnson	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Savage	Simpson	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 20:

Burrows	Carsten	Cavanaugh	Chambers	Cope
Dickinson	Fowler	George	Kelly	Kennedy
Kime	Koch	Kremer	Murphy	Nichol
Rasmussen	Rumery	Schmit	Skarda	Stoney

Not voting, 6:

Barnett	Bereuter	Dworak	Keyes	F. Lewis
Marvel				

The Duis amendment lost with 23 ayes, 20 nays and 6 not voting.

Speaker Burbach moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Chambers requested a roll call vote on advancing to E & R Review.

Voting in the affirmative, 19:

Barnett	Bereuter	Burrows	Cavanaugh	Chambers
DeCamp	Duis	Fowler	George	Goodrich
Kelly	Keyes	Koch	Marsh	Marvel
Murphy	Rumery	Schmit	Stoney	

Voting in the negative, 27:

Anderson	Burbach	Carsten	Clark	Cope
Dickinson	Fitzgerald	Hasebroock	Kennedy	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Mills	Moylan	Nichol	Rasmussen	Savage
Simpson	Skarda	Stull	Swigart	Syas
Warner	Wiltse			

Not voting, 3:

Dworak	Johnson	F. Lewis

Failed to advance to E & R for Review with 19 ayes, 27 nays and 3 not voting.

MOTHER OF THE YEAR PROGRAM

Speaker Burbach asked Messrs. Johnson, Clark and Barnett to escort the guests to the Chamber.

Mr. Johnson escorted Mrs. Delbert Gaeth, State Mother of the Year, from Fremont, Nebr. Mr. Clark escorted Mrs. LeRoy G. Becker, State Young Mother of the Year, from Bayard, Nebr. Mr. Barnett escorted Mrs. Ann Blumer, Chairman of Mother of the Year Program. Mrs. Gaeth and Mrs. Becker spoke to the members briefly. Mrs. Bertha Hill was introduced to the members by the Speaker.

UNANIMOUS CONSENT–Print in Journal

Mr. Rumery asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

1. On page 3, line 17 after "consumption" insert ", except food and food products sold at any restaurant which is open to the general public".

ANNOUNCEMENT

Mr. Kennedy announced an executive session of the Public Health and Welfare Committee today at 1:00 p.m. in the Supreme Court Hearing Room.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 584. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

MOTION–Override Line-item Veto on LB 537

Mr. Goodrich renewed his pending motion, found in the Journal on page 1109 for the Fifty-fourth Day, to override the Governor's line-item veto on LB 537.

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

Voting in the affirmative, 23:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Dickinson	Fitzgerald	Fowler
George	Goodrich	Keyes	Koch	Mahoney

Marvel	Moylan	Rasmussen	Savage	Skarda
Stoney	Swigart	Syas		

Voting in the negative, 18:

Clark	Cope	Dworak	Hasebroock	Kelly
Kennedy	Kime	R. Lewis	Luedtke	Mills
Murphy	Nichol	Rumery	Schmit	Simpson
Stull	Warner	Wiltse		

Not voting, 8:

Chambers	DeCamp	Duis	Johnson	Kremer
F. Lewis	Maresh	Marsh		

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor's line-item veto.

UNANIMOUS CONSENT—Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 114 in the Journal. No objections. So ordered.

Amendments to LB 114

1. On page 2, line 17 after the period insert: "Any contract for the purchase of materials shall be let to the lowest responsible bidder. If all bids received are unacceptable, the county board shall have the power to purchase materials on a negotiated basis.".

2. On page 3, line 5, strike "and best" and show as stricken, and insert "responsible"; and in line 7 after the period insert: "If all bids are rejected, the county board shall have the power to negotiate any contract for road improvements.".

Speaker Burbach asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

1. Strike sections 1, 3, and 4.

2. Renumber original section 2 as section 1 and original section 5 as section 2.

3. On pages 11 and 12 reinstate the stricken matter except "~~equal to thirteen dollars~~"; on page 11, line 11 and immediately after "~~dollars~~" insert "determined as provided in this subdivision" and on page 11 after line 18 insert:

"It is the intent of the Legislature that six hundred dollars be the base as of December 31, 1974, for determining future changes in the food sales tax credit, such base to be adjusted each year by the State Board of Equalization and Assessment in proportion to changes in the United States Department of Labor Consumer Price Index for food from the December 31, 1974, index of one hundred sixty-nine and seven tenths.

Each year at the time the State Board of Equalization and Assessment meets to set the tax rates pursuant to section 77-2715.01, the board shall determine the food sales tax credit for the following calendar year. Such credit shall be the product, rounded to the nearest whole dollar, of six hundred dollars multiplied by the sales tax rate for such calendar year multiplied by a fraction, the denominator of which is one hundred sixty-nine and seven tenths and the numerator of which is the average of the available monthly food indexes of the United States Department of Labor, Consumer Price Index, for the current calendar year.".

4. On page 17, line 1 strike "sections 77-2704," and insert "section"; line 2 strike "and 77-2715.01,"; and in line 3 strike "are" and insert "is".

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at 4:00 p.m. today in room 1003.

Mr. Hasebroock announced that the Nebraska Retirement Systems Committee will meet in Executive Session on Monday, April 14, 1975 at 12:00 Noon, Room 1019, State Capitol.

UNANIMOUS CONSENT

Mr. Kremer asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

Mr. Wiltse asked unanimous consent to be excused this afternoon. No objections. So ordered.

ANNOUNCEMENT

Mr. Rasmussen announced the Government, Military and Veterans Affairs Committee hearing today will be in room 1003 at 1:00 p.m.

VISITORS

The President introduced 60 fourth grade students and sponsors from Papillion: 35 fourth grade students and teacher from York; 25 seventh

grade students and sponsors from Kenesaw; 14 members from Merry Mothers Extension Club, Polk and Hordville; 71 eighth grade students and sponsors from Centura School District.

RECESS

At 12:04 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Wiltse who was excused and Mr. Goodrich who was excused until he arrives

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 37. Placed on General File.

(Signed) W. H. Hasebroock, Chairman

UNANIMOUS CONSENT–Withdraw Motion on LB 118

Mr. Duis asked unanimous consent to withdraw his pending motion, found in the Journal on page 1110 for the Fifty-fourth Day, to return LB 118 to Select File for a specific amendment. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 360. Title read. Considered.

Mr. Mills renewed his pending amendment found in the Journal on page 1008 for the Fifty-first Day.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 414. Title read. Considered.

Standing Committee amendment found in the Journal on page 1068 for the Fifty-third Day was adopted with 30 ayes, 2 nays and 17 not voting.

Advanced to E & R for Review with 30 ayes, 3 nays and 16 not voting.

LEGISLATIVE BILL 405. Title read. Considered.

Standing Committee amendment found in the Journal on page 678 for the Thirty-fifth Day was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Cavanaugh offered the following amendment:
Amend Line 11.
Add: There is hereby created a weekly program series to be presented by Nebraska Bar Association to present a program of Continuing Education for Lawyers.

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. Cavanaugh moved for a Call of the House. The motion prevailed with 23 ayes, 12 nays and 14 not voting.

Mr. Cavanaugh moved the Call be raised. The motion prevailed with 30 ayes, 2 nays and 17 not voting.

The Cavanaugh amendment was adopted with 26 ayes, 18 nays and 5 not voting.

Mr. Dworak moved to indefinitely postpone.

Mr. Dworak asked unanimous consent to withdraw his motion to indefinitely postpone.

Mr. Koch objected.

Mr. Dworak moved to withdraw his motion. The motion prevailed with 25 ayes, 9 nays and 15 not voting. The motion was withdrawn.

Mr. Dworak moved to bracket LB 405. The motion prevailed with 27 ayes, 8 nays and 14 not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 519. Placed on General File as amended.
Standing Committee amendments to LB 519:

1. Strike original sections 1 to 7 and insert:

"Section 1. That section 2-1207, Revised Statutes Supplement, 1974, be amended to read as follows:

2-1207. Within the enclosure of any race track where is held a race or race meeting licensed and conducted under sections 2-1201 to 2-1218, but not elsewhere, the pari-mutuel or certificate method or system of wagering on the results of the respective races may be used and conducted by the licensee in connection therewith. Under such system the licensee may receive wagers of money from any person present at such race on any horse in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run the licensee may deduct from the total sum wagered on all horses as first winners, respectively, ~~fifteen~~ seventeen per cent of the total, plus the odd cents of the redistribution over the next lower multiple of ten, and the balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure and the authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first. No minor shall be permitted to make any pari-mutuel wager, and there shall be no wagering except under the pari-mutuel method outlined in this section. Any person, association or corporation who knowingly permits a minor to make a pari-mutuel wager shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding three hundred dollars for each offense.

Sec. 2. That section 2-1208.01, Revised Statutes Supplement, 1974, be amended to read as follows:

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the pari-mutuel method at each race meeting at the following rates: (1) The first one million dollars shall not be taxed, and (2) any amount in excess of one million dollars shall be taxed at a rate of ~~five~~ six per cent. 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.

Sec. 3. That original sections 2-1207 and 2-1208.01, Revised Statutes Supplement, 1974, are repealed.".

2. In the title strike lines 2 to 5 and insert:
"FOR AN ACT to amend sections 2-1207 and 2-1208.01, Revised Statutes Supplement, 1974, relating to the State Racing Commission; to increase the tax on pari-mutuel wagering; and to repeal the original sections.".

(Signed) Loran Schmit, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 76. Placed on General File.

(Signed) W. H. Hasebroock, Chairman

Education

LEGISLATIVE BILL 344. Placed on General File as amended.
(Amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) Frank Lewis, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 340. Placed on General File as amended.
Standing Committee amendment to LB 340:
1. On page 3, line 6 after the second "each" strike "item" and insert "size".

(Signed) Gary L. Anderson, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.
1. On page 12, insert a new subsection (4) of section 2 as follows:
"(4) Credits to minors, including children whose parent or guardian is a recipient of aid to dependent children, shall be claimed by the parent or guardian of such minor.".

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 418 in the Journal. No objections. So ordered.
1. On page 13, line 19, strike "five hundred" and insert "three thousand".

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 8:00 a.m., April 4, 1975 under the north balcony.

UNANIMOUS CONSENT–Bracket LB 368 and 368A

Mr. Koch asked unanimous consent to bracket LB 368 and LB 368A until April 15, 1975. No objection. So ordered.

GENERAL FILE

LEGISLATIVE BILL 320. Considered.

Mr. Warner offered the following amendment:
Amend committee amendment by striking all of the language following the word "deposited" in the 6th line in section 2 and insert the words "to the General Fund".

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.

The Warner amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 26 ayes, 9 nays and 14 not voting.

LEGISLATIVE BILL 349. Title read.

Mr. F. Lewis asked unanimous consent to bracket until April 10, 1975. No objections. So ordered.

LEGISLATIVE BILL 528. Title read. Considered.

Mr. Cavanaugh moved to indefinitely postpone.

Mr. Marvel 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 indefinitely postpone prevailed with 25 ayes, 9 nays and 15 not voting.

LEGISLATIVE BILL 197. Mr. Hasebroock asked unanimous consent to bracket LB 197. No objections. So ordered.

VISITORS

The President introduced 20 high school students and counselor from Rockford, Illinois; 30 Fourth Grade students from Willard School, York, Nebraska and their teacher; Ms. Marlene Zappia, Research on Education for Senator Frank Felix, Arizona State Legislature; and Mr. John Mekota, former state senator from Crete, Nebraska.

ADJOURNMENT

At 4:14 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, April 4, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SIXTH DAY—APRIL 4, 1975

LEGISLATIVE JOURNAL

FIFTY-SIXTH DAY—APRIL 4, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 4, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: we in this House want to become friends and advocates of every plan and program which will enable men and women and children to live better, easier, fuller lives; therefore we ask for imagination able to interpret statistical records and research papers in terms of the sufferings, the longings, the real life needs of human beings.
>
> May it become the personal creed of each legislator never to seek anything for self which might short-change others, but always to seek for others the same good life that is sought for self. Our prayer is offered in the name of Jesus - our Friend, our Saviour, our Example, our Guide, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Fitzgerald who were excused and Messrs. Cavanaugh and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-fifth Day was approved.

UNANIMOUS CONSENT—Members Excused

Messrs. Warner, Skarda and Mahoney asked unanimous consent to be excused this afternoon. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 359. Replaced on Select File as amended.
E & R amendments to LB 359:

1. On page 10, line 7, strike "or provide the service", and show as stricken; in lines 13 and 15, strike "or services;", show as stricken, and insert an underscored semicolon after "contracts" in line 13 and after "contract" in line 15.

2. On page 13, line 4, strike "(4)" and show as stricken.

3. On page 17, line 24, insert an underscored comma after "equipment", and strike the comma before "and".

4. In the title, line 9, strike the comma at the end of the line.

LEGISLATIVE BILL 118. Replaced on Select File as amended.
E & R amendments to LB 118:

1. In lieu of the Murphy amendment, in the Final Reading bill, at the end of line 11 insert "An affirmative vote of not less than one half of the elected members shall be required for the transaction of any business.".

2. In the title, insert "to provide the required vote for the transaction of business;" at the end of line 5.

LEGISLATIVE BILL 20. Placed on Select File as amended.
E & R amendments to LB 20:

1. In new subsection (2) of section 3, line 2, insert "inhabitants" after "more"; in line 5, insert "of the county division of public welfare" after "unit"; and in line 6, insert "directly" after "received".

2. In the title, line 7, insert "to provide forwarding of all reports of abuse or neglect;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Chambers asked unanimous consent to have printed in the Journal:

1. Federal Gambling Indictment;
2. Attorney General's Opinion Challenging the Constitutionality of the "Christian Science" Amendment.

No objections. So ordered.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, Plaintiff, vs JOHN SALANITRO, PAUL CAPPELLANO, JR., a/k/a "BOOGERS", MAXIE ABRAMSON, DOUGLAS WAYNE BROWN, BERT REID HOWARD, WAYNE WOMOCHIL, ROSS J. DIMAURO, a/k/a "SOCKS" and "SODDY", NICHOLAS M. SCHECHINGER, MICHAEL SCAVIO, JACK ROBERT LINDLEY, a/k/a "BUTCH" DOUGLAS ARTHUR COTANT GORDON OLSEN, a/k/a "GORDY", JOHN BENJAMIN KYLES, KENNETH SCHNEIDERWIND PAUL CAPPELLANO, SR., a/k/a "MOUSTACHE", RONALD DEAN NELSON, a/k/a "PORK", FRANK A. BONFIGLIO, and JERRY FRANKLIN KRAJESKI, Defendants.	)	CR. 75-0-47 INDICTMENT 18 U.S.C. 1511, 1952, 1955 and 2 (5 Counts)

The Grand Jury charges:

COUNT I

That from on or about August 1, 1973, and substantially continuously thereafter until on or about January 30, 1974, in the District of Nebraska, and elsewhere, JOHN SALANITRO, PAUL CAPPELLANO, JR., a/k/a "BOOGERS," MAXIE ABRAMSON, DOUGLAS WAYNE BROWN, BERT REID HOWARD, WAYNE WOMOCHIL, ROSS J. DIMAURO, a/k/a "SOCKS" and "SODDY," NICHOLAS M. SCHECHINGER, MICHAEL SCAVIO, JACK ROBERT LINDLEY, a/k/a "BUTCH," DOUGLAS ARTHUR COTANT, GORDON OLSEN, a/k/a "GORDY," JOHN BENJAMIN KYLES, KENNETH SCHNEIDERWIND, PAUL CAPPELLANO, SR., a/k/a "MOUSTACHE," RONALD DEAN NELSON, a/k/a "PORK," FRANK A. BONFIGLIO, and JERRY FRANKLIN KRAJESKI, the defendants herein, together with Max Pofahl, Adelaide Lalley, a/k/a "Ace," Dorothy Achtemeier, Benny Barone, Patricia Gaeta,

Louis Pribyl, Joseph Assman, William Flynn, Ray Carlson, Walter C. Coleman, a/k/a "Bud," and others, not named as defendants herein, did knowingly and willfully conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business in violation of the laws of the State of Nebraska section 28-947 R.S. 1943, and the laws of the City of Omaha, Nebraska, Omaha City Ordinance section 25.77.020, all or part of said business being conducted, financed, managed, supervised, directed and owned by five (5) or more persons and having a gross revenue of $2,000 or more on one or more single days between August 1, 1973, and January 30, 1974.

All in violation of Title 18, United States Code, Sections 1955 and 2.

COUNT II

That from on or about the 1st day of January, 1972, and continuing thereafter up to and including the 31st day of December, 1973, in the District of Nebraska, and elsewhere JOHN SALANITRO, BERT REID HOWARD, PAUL CAPPELLANO, JR., and ROSS J. DIMAURO, the defendants herein, unlawfully, willfully and knowingly did combine, conspire, confederate and agree together and with each other and with Anthony Troia, an Assistant Prosecutor for the City of Omaha, Nebraska, and with other officials and employees, elected, appointed, and otherwise, of the State of Nebraska and its political subdivisions, to obstruct the enforcement of the criminal laws of the State of Nebraska and its political subdivisions that is, section 28-947, R.S. Neb. 1943, and Omaha City Ordinance section 25.77.020, intending thereby to facilitate an illegal gambling business.

It was a part of said conspiracy that the defendant JOHN SALANITRO, and others, would conduct, manage, supervise, direct and own an illegal gambling business in the City of Omaha, Nebraska, in violation of the aforesaid laws of the State of Nebraska and its political subdivisions, said illegal gambling business between January 1, 1972, and December 31, 1973, being conducted, financed, managed, supervised, directed and owned in whole or in part by five (5) or more persons, and remaining in substantially continuous operation for more than thirty (30) days and having a gross revenue of $2,000 or more on one or more single days during said period.

It was further a part of said conspiracy that JOHN SALANITRO, BERT REID HOWARD, PAUL CAPPELLANO, JR., and ROSS J. DIMAURO, would corruptly endeavor to impede, defeat and obstruct the enforcement of the laws of the State of Nebraska and the City of Omaha, by influencing the officials and employees of said State and City, including but not limited to the said Anthony Troia, to refrain from vigorous enforcement against the named defendants of the aforesaid criminal laws of said State and subdivisions, and to provide advance information to the said defendants and their associates concerning any potential enforcement of the aforesaid criminal laws.

It was further a part of said conspiracy that in order to corruptly influence the officials and employees of said State and City, as heretofore

described, and to thereby facilitate their intended operation of the illegal gambling business, the defendant BERT REID HOWARD would provide alcoholic beverages, nightclub entertainment, automobiles, and other gratuities to Anthony Troia and other such officials and employees of said State and City, and JOHN SALANITRO and his bookmaking agents would accept and win wagers from said officials and employees, and monetary repayment for such gratuities and losses would not be demanded by, nor made to, the defendants by the said officials and employees of the State of Nebraska and the City of Omaha.

It was further a part of said conspiracy that information supplied to the defendants by Anthony Troia and other employees and officials of the State of Nebraska and the City of Omaha concerning possible enforcement of the aforesaid criminal laws of the State of Nebraska and its political subdivisions, would be disseminated between and among JOHN SALANITRO, BERT REID HOWARD, PAUL CAPPELLANO, JR., and ROSS J. DIMAURO, and their associates in said illegal gambling business, and that said defendants and their associates would utilize said information to conceal the places and modes of operation, and the documents and records utilized in said operation of the illegal gambling business.

In furtherance of said conspiracy and to accomplish the objects and purposes thereof, the conspirators did commit in the District of Nebraska the following overt acts:

OVERT ACTS

1. In approximately November, 1973, the exact date being to the Grand Jury unknown, the defendant BERT REID HOWARD through and by Walter J. Metejka, did provide to Assistant City Prosecutor Anthony Troia a 1971 Chevrolet automobile for the use, without charge, of said Anthony Troia.

2. In approximately November, 1973, the exact date being to the Grand Jury unknown, Anthony Troia provided information to BERT REID HOWARD about forthcoming gambling raids to be conducted by the Omaha Police Department.

3. On or about November 17, 1973, at approximately 10:01 a.m., BERT REID HOWARD provided information to JOHN SALANITRO about forthcoming gambling raids to be conducted the following week in Omaha, Nebraska.

4. On or about November 17, 1973, at approximately 11:03 a.m., JOHN SALANITRO provided information to ROSS J. DIMAURO, a/k/a "SODDY" or "SOCKS," about warrants that were going to be issued the following week in Omaha, Nebraska.

5. On or about November 17, 1973, at approximately 1:28 p.m., ROSS J. DIMAURO, a/k/a "SODDY" or "SOCKS," and JOHN SALANITRO discussed the information BERT REID HOWARD had obtained from Anthony Troia about forthcoming gambling raids.

6. On or about November 19, 1973, at approximately 3:33 p.m., JOHN SALANITRO and ROSS J. DIMAURO, a/k/a "SODDY" or

"SOCKS," exchanged information about the issuance and forthcoming execution of search warrants in Omaha, Nebraska.

7. On or about November 19, 1973, at approximately 4:14 p.m., ROSS J. DIMAURO, a/k/a "SODDY" or SOCKS," provided information to JOHN SALANITRO about forthcoming gambling raids to be conducted by the Omaha Police Department.

8. On or about November 19, 1973, at approximately 4:18 p.m., JOHN SALANITRO and ROSS J. DIMAURO, a/k/a "SODDY" or "SOCKS," discussed means of concealing their places and modes of operation in connection with anticipated gambling raids by the City of Omaha and State of Nebraska.

All in violation of Title 18, United States Code, Section 1511.

COUNT III

That between on or about the 1st day of August, 1973, and on or about the 31st day of January, 1974, in the District of Nebraska, JOHN SALANITRO, the defendant herein, did use and cause the use of wire communication facilities in interstate commerce, between Douglas and Sarpy Counties in the State and District of Nebraska, and Balencoe in the State of Iowa, Chicago in the State of Illinois, Minneapolis in the State of Minnesota, Denver in the State of Colorado, and Kansas City in the State of Missouri, with intent to promote, manage and carry on and facilitate the promotion, management and carrying on of an unlawful activity, said unlawful activity being a business enterprise involving gambling in violation of the laws of the State of Nebraska, to wit, Sections 28-947, R.S. Neb. 1943, and thereafter, JOHN SALANITRO did perform and cause to be performed acts to promote, manage, carry on and facilitate the promotion, management and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Sections 1952 and 2.

COUNT IV

That between on or about the 1st day of November, 1973, and on or about the 31st day of November, 1973, in the District of Nebraska, JOHN SALANITRO and NICHOLAS SCHECHINGER, the defendants herein, did use and cause the use of wire communication facilities in interstate commerce between Omaha, in the State and District of Nebraska, and Council Bluffs, Corning and Portsmouth in the State of Iowa, and did travel and cause the travel of others between Omaha in the State and District of Nebraska, and Council Bluffs, Corning, and Portsmouth in the State of Iowa, with intent to promote, manage and carry on and facilitate the promotion, management and carrying on of an unlawful activity, said unlawful activity being a business enterprise involving gambling in violation of the laws of the State of Nebraska, to wit, Sections 28-947, R.S. Neb. 1943, and the laws of the State of Iowa, to wit, Iowa Code Annotated Sections 726.1, 726.3 and 726.6, and thereafter JOHN SALANITRO and NICHOLAS SCHECHINGER did perform and cause to be performed acts to promote, manage, carry on and facilitate the promotion, management and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Sections 1952 and 2.

COUNT V

That between on or about the 1st day of November, 1973, and on or about the 31st day of November, 1973, in the District of Nebraska, JOHN SALANITRO and DOUGLAS WAYNE BROWN, the defendants herein, did use and cause the use of wire communication facilities in interstate commerce, between Omaha, in the State and District of Nebraska, and Des Moines, in the State of Iowa, and did travel and cause the travel of others between Omaha in the State and District of Nebraska, and Des Moines in the State of Iowa, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, said unlawful activity being a business enterprise involving gambling, in violation of the laws of the State of Nebraska, to wit, section 28-947, R.S. Neb. 1943, and the laws of the State of Iowa, to wit, Iowa Code Annotated Sections 726.1, 726.3 and 726.6, and thereafter, JOHN SALANITRO and DOUGLAS WAYNE BROWN, did perform and cause to be performed acts to promote, manage, carry on and facilitate the promotion, management and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Sections 1952 and 2.

A TRUE BILL:

FOREMAN OF THE GRAND JURY

WILLIAM K. SCHAPHORST
United States Attorney

WILLIAM E. ZLEIT
Special Attorney, Department of Justice

Opinion No. 37
April 6, 1973

Dear Senator Stahmer:

You have asked for an opinion as to the constitutionality of Senator Barnett's amendment to L. B. 207. You also indicate that you are concerned that the amendment, if passed, might deprive children of life-saving medical treatment.

The amendment which was apparently prepared for Senator Barnett by a representative of Christian Science Committee on Publication for Nebraska, is as follows:

> "(4) No child who in good faith is being provided with treatment by spiritual means alone through prayer in accordance with the tenets and practice of a recognized church or religious denomination shall, for that reason alone, be deemed to be endangered under any provision of this Act."

It is our opinion that the constitutionality of the amendment, if enacted, would be very doubtful.

No case directly on point was found. Though it is true religious beliefs cannot be interfered with by the state, certain practices of these beliefs must succumb to the inherent power of a state to protect the health and welfare of its citizens. This is particularly true in the case of children and incompetent individuals. The state, as parens patriae, may restrict the rights of parents as well as rights of religion in order to perform its inherent sovereign duty to protect those not capable of protecting themselves. It must be kept in mind that the purpose of the rule of parens patriae is not to interfere with the religious belief but is rather designed to interfere with certain religious practices if these practices interfere with the health and welfare of children or anyone else for that matter.

The constitutional provisions in regard to religion are the First Amendment of the United States Constitution and Article I, Section 4, of the Nebraska Constitution. The former is as follows:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

The Nebraska constitutional provision is:

> "All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction."

In 1878 the United States Supreme Court decided for the first time that the freedom of religion clause guaranteed freedom of religious belief, but not necessarily freedom of religious practice. In Reynolds v. United States, 98 U. S. 145, 25 L. Ed. 244 (1878), Reynolds was a member of the Church of Jesus Christ of Latter-Day Saints, commonly called the Mormon Church. One of the doctrines of his faith required him to practice polygamy when circumstances permitted and if he neglected to so practice the penalty would be "damnation in the life to come." Congress had passed a law which had prohibited polygamous marriages. (Nebraska has a

similar law in Section 28-903, R. R. S. 1943) Reynolds was convicted and on appeal to the United States Supreme Court he defended his action on the ground that it was his absolute religious belief and duty to have two wives. This is what the Court said:

> ". . . Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. Suppose one believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice? Or if a wife religiously believed it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice?
>
> "So here, as a law of the organization of society under the exclusive dominion of the United States, it is provided that plural marriages shall not be allowed. Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances."

In Prince v. Commonwealth of Massachusetts, 321 U. S. 158, 88 L. Ed. 645, 64 S. Ct. 438 (1944), Sarah Prince was convicted of violating the Child Labor laws by allowing a nine year old ward of hers to sell the "Watchtower" and "Consolation." These were publications of Jehovah's Witnesses. Both Prince and the nine year old girl believed the selling of these publications was their duty as Witnesses as a method of preaching the gospel and the failure to do so would bring condemnation "to everlasting destruction at Armageddon."

In upholding the conviction the court said:

> "But the family itself is not beyond regulation in the public interest, as against a claim of religious liberty. . . . And neither rights of religion nor rights of parenthood are beyond limitation. Acting to guard the general interest in youth's well being, the state as parens patriae may restrict the parent's control by requiring school attendance, regulating or prohibiting the child's labor, and in many other ways. Its authority is not nullified merely because the parent grounds his claim to control the child's course of conduct on religion or conscience. Thus, he cannot claim freedom from compulsory vaccination of the child more than for himself on religious grounds. The right to practice religion freely does not include liberty to expose the community

> or the child to communicable disease or the latter to ill health or death. . . . The catalogue need not be lengthened. It is sufficient to show what indeed appellant hardly disputes, that the state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare; and that this includes, to some extent, matters of conscience and religious conviction."

In Hoener v. Bertinato, 67 N. J. Super. 517, 171 A. 2d 140 (1961), the New Jersey court required the religious beliefs of parents to yield to the duty of the state to protect its citizens. Mrs. Bertinato had a blood condition known as RH negative and she was about to give birth to a child. The undisputed medical testimony was that the child would die shortly after the birth unless the child received a blood transfusion. The Bertinatos both testified:

> ". . .as Jehovah's Witnesses, if they consented, they would be breaking the commands of their faith which prohibit any taking or injection of blood, and that the strength of their belief was such that, even if it meant that the baby could not survive without the transfusions, they would, and could, not consent thereto. . ."

The court entered an order giving custody of the child, when born, to the county welfare department with authority to consent to a transfusion.

On the matter of religious freedom and the obligations of the state the court said:

> "Laws are made for the government of actions. While they cannot constitutionally interfere with mere religious beliefs and opinions, they may interfere with religious practices inconsistent with the peace and safety of the state--here, the protection of the lives and health of its children. . ."

Then quoting from Prince, supra, the court said:

> " 'The right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death* * * Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves'."

The New Jersey court reached a similar conclusion in regard to an infant already born in State v. Perricone, 37 N.J. 463, 181 A. 2d 751 (1962). Relying on Prince, supra, the court said:

"Neither rights of religion nor rights of parenthood are beyond limitation."

Other cases reaching like conclusions can be found in 12 A.L.R. 2d 1047, 30 A.L.R. 2d 1138.

In conclusion, it is our opinion that the state cannot abrogate, in the name of religion, its inherent duty as parens patriae with respect to children and others not capable of caring for themselves.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
Assistant Attorney General

JJD:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of April 3, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Burleigh, Daniel C. – Lincoln, Nebraska Republican State Central Committee, Resigned 3-1-75
May, James Collins, Washington, D.C., Grocery Manufacturers of America, Inc.

SELECT FILE

LEGISLATIVE BILL 473. Mr. Warner renewed his pending amendment found in the Journal on page 1120 for the Fifty-fifth Day. The amendment failed with 16 ayes, 20 nays and 13 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 341. Mr. Carsten asked unanimous consent to bracket LB 341 until April 14, 1975. No objections. So ordered.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 404. Placed on General File as amended.
Standing Committee amendments to LB 404:

1. On page 2, strike lines 7 to 10 and insert "No director of any natural resource district shall be interested, directly or indirectly, in any contract to which the district, or anyone for its benefit, is a party, when the consideration of the contract is in an amount in excess of two thousand dollars in any one year, and no contract may be divided for the purpose of evading the requirements of this section. Such interest in any contract shall void the obligation thereof on the part of the district. The receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any natural resource district by a financial institution shall not be considered a contract under the provisions of this section. No director shall receive any pay or other form of consideration from the district other than his compensation for expenses and per diem as provided by law, but ownership of less than one per cent of the outstanding stock of any class in a corporation shall not constitute an interest, direct or indirect, within the meaning of this section."; strike beginning with "The" in line 19 through "district" in line 24 and insert "It shall be the duty of the board to prepare and publish each month in a least one newspaper of general circulation within the district, a detailed list of all expenditures of the district for the preceding month. Such publication shall set forth the amount of each claim approved, the purpose of the claim, and the name of the claimant".

2. On page 4, line 9 after "2-3225" insert an underscored period and strike the remainder of the line; strike lines 10 and 11; and after line 11 insert the following new section:

"Sec. 4. Any district which fails to file copy of the audit, pursuant to section 2-3223, shall be subject to the following penalties:

(1) The name of the district, the officers, and the board of directors of the district shall be published in a newspaper of general circulation within the district which publication shall state the failure of the district and its directors; and

(2) The salaries or compensation owing to the officers or directors of the district shall be withheld and forfeited for each day that the audit remains unfiled.".

3. Renumber original section 4 as section 5.

(Signed) Loran Schmit, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 67.

Correctly Engrossed

The following bills were correctly engrossed: 302, 335, 437, 448, 480 and 493.

Correctly Enrolled

The following bills were correctly enrolled: 277 and 295.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 277 and 295.

MOTION—Return LB 255 to Select File

Mr. Chambers moved to return LB 255 to Select File for the following specific amendment:

1. Page 2, line 11, strike "~~One Hundred~~", substitute "Seventy Five"

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 255. The Chambers specific amendment found in this day's Journal was adopted with 26 ayes, 2 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 259 to Select File

Mr. Swigart moved to return LB 259 to Select File for the following specific amendment:

1. In new section 5, subsection (1), in line 5 after "revocation" insert "except that such permit may not be issued until fifteen days after the date of revocation of the operator's permit".

The motion lost with 12 ayes, 13 nays and 24 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 1975, at 9:10 a.m., were the following bills: 129, 211, and 474.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Introduce Bill

Mr. Rasmussen moved the introduction of a new bill by the Committee on Government, Military and Veterans Affairs. (Req. 842)

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 595. By Government, Military and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; Stoney, 4th District; Koch, 12th District; George, 16th District; Hasebroock, 18th District; Fowler, 27th District; Duis, 39th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 80-301, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 90, Eighty-fourth Legislature, First Session, 1975, relating to the Nebraska Veterans' Home; to change eligibility requirements for admission to the home; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 91. Considered.

Mr. Mills moved to indefinitely postpone.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 11 nays and 16 not voting.

Mr. F. Lewis 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 Mills motion to indefinitely postpone lost with 18 ayes, 19 nays and 13 not voting.

Mr. Simpson moved to bracket.

Mr. Bereuter objected.

Mr. Simpson moved to bracket LB 91. The motion prevailed with 25 ayes, 3 nays and 21 not voting.

LEGISLATIVE BILL 299. Title read. Considered.

Standing Committee amendment found in the Journal on page 1052 for the Fifty-third Day was considered.

Mr. Cavanaugh moved to bracket LB 299. The motion prevailed with 25 ayes, 9 nays and 15 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 299 in the Journal. No objections. So ordered.
Strike line seven after Legislature and line 8, 9, 10 and 11.

MOTION—Unbracket LB 210

Mr. Chambers moved to unbracket LB 210 on General File. The motion lost with 15 ayes, 17 nays and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 367. Title read. Considered.

Mr. Duis moved to advance to E & R for Review.

Mr. Duis moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays and 29 not voting.

The Call showed 46 members present.

Mr. Duis moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

Mr. Duis requested a record vote on advancing LB 367.

Voting in the affirmative, 13:

Burbach	Duis	Hasebroock	Kelly	Kime
Koch	Marsh	Marvel	Rumery	Savage
Schmit	Simpson	Wiltse		

Voting in the negative, 28:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Cope	Dickinson	Dworak	Fowler
George	Johnson	Kennedy	Keyes	Kremer

F. Lewis	R. Lewis	Luedtke	Maresh	Murphy
Nichol	Rasmussen	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Not voting, 8:

Chambers	Clark	DeCamp	Fitzgerald	Goodrich
Mahoney	Mills	Moylan		

Failed to advance to E & R for Review with 13 ayes, 28 nays and 8 not voting.

Mr. Barnett moved to reconsider action on advancing LB 367 to E & R. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. F. Lewis moved to indefinitely postpone LB 367. The motion prevailed with 20 ayes, 16 nays and 13 not voting.

LEGISLATIVE BILL 306. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 324. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 315. Title read. Considered.

Standing Committee amendments found in the Journal on page 944 for the Forty-eighth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 458. Mr. Johnson asked unanimous consent to bracket LB 458. No objections. So ordered.

LEGISLATIVE BILL 475. Title read. Considered.

Standing Committee amendments found in the Journal on page 778 for the Thirty-ninth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

SPEAKER BURBACH PRESIDING

LEGISLATIVE BILL 494. Title read. Considered.

Mr. Koch offered the following amendment:

1. On page 3, line 24, strike ", town,"; in line 26, strike "per calendar year" and insert "within thirty days prior to each statewide primary election and each statewide general election"; and after the period in line 27 insert "In each city of the metropolitan class, such place of registration shall be so provided in each legislative district.".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

PRESIDENT WHELAN PRESIDING

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 500. Title read. Considered.

Mr. Luedtke moved to reject the Standing Committee amendments found in the Journal on page 731 for the Thirty-seventh Day. The motion prevailed with 26 ayes, 0 nays and 23 not voting. The Standing Committee amendments were rejected.

Mr. Luedtke offered the following amendment:

1. On page 2, after the period in line 3 to the period in line 20, strike all old matter not previously stricken and show as stricken and strike all the new matter.

2. On page 3, after line 4, insert the following:

"(1) A bond shall be required of a personal representative unless: (a) The will expressly waives the bond, expressly requests that there be no bond, or waives the requirement of a surety thereon other than the personal representative; (b) all of the heirs, if no will has been probated, or all of the devisees under a will which does not provide for relieving the personal representative of bond in accordance with subdivision (1) (a) of this section, file with the court a written waiver of the bond requirement. A duly appointed guardian or conservator may waive on behalf of his ward or protected person unless the guardian or conservator is the personal representative; (c) the personal representative is a national banking association, a holder of a banking permit under the laws of this state, or a trust company holding a certificate to engage in trust business from the Department of Banking; or (d) the petition for formal or informal appointment alleges that the probable value of the entire estate will permit summary procedures under section 30-24,127.

(2) In any case where bond is not required under subsection (1) of this section, the court may, upon petition of any interested person and upon reasonable proof that the interest of the petitioning person is in danger of being lost because of the administration of the estate, require a bond in such amount as the court may direct in order to protect the interest of the petitioner or of the petitioner and others. An heir or devisee who initially waived bond may be a petitioner under this subsection.

(3) If a bond is not initially required because the petition for appointment alleges that the probable value of the entire estate will permit summary procedures under section 30-24,127, and it later appears from the inventory and appraisal that the value of the estate will not permit use of such procedures, then the personal representative shall promptly file a bond unless one is not required for some other reason under subsection (1) of this section.".

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays and 14 not voting.

LEGISLATIVE BILL 541. Title read. Considered.

Standing Committee amendment found in the Journal on page 816 for the Forty-first Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

MOTION—Approve Governor Appointments

Mr. Savage moved the confirmation of the Governor appointments of William A. Spitzenberger, Burnham M. Yates, and Henry Ley, found in the Journal on page 1084 and suggests a separate record vote on each.

Vote on William A. Spitzenberger

Voting in the affirmative, 30:

Anderson	Barnett	Burbach	Burrows	Carsten
Cavanaugh	Cope	Dickinson	Dworak	Fowler
Hasebroock	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Mills
Moylan	Nichol	Rumery	Savage	Simpson
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 0.

Not voting, 19:

Bereuter	Chambers	Clark	DeCamp	Duis
Fitzgerald	George	Goodrich	Johnson	Luedtke
Mahoney	Maresh	Marsh	Marvel	Murphy
Rasmussen	Schmit	Skarda	Syas	

The Chair declared the appointment confirmed.

Vote on Burnham M. Yates

Voting in the affirmative, 37:

Anderson	Barnett	Burbach	Burrows	Carsten
Chambers	Clark	Cope	Dickinson	Duis
Dworak	Fowler	Hasebroock	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Bereuter	Cavanaugh	DeCamp	Fitzgerald	George
Goodrich	Johnson	F. Lewis	Mahoney	Savage
Schmit	Skarda			

The Chair declared the appointment confirmed.

Vote on Henry Ley

Voting in the affirmative, 26:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Duis	Fowler	Goodrich	Hasebroock	Johnson
Kennedy	Kime	Kremer	Luedtke	Mahoney
Maresh	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Skarda	Swigart	Syas
Wiltse				

Voting in the negative, 9:

Chambers	Clark	Cope	Dickinson	Dworak
George	Koch	Nichol	Stoney	

Not voting, 14:

Barnett	Bereuter	DeCamp	Fitzgerald	Kelly
Keyes	F. Lewis	R. Lewis	Marsh	Marvel
Schmit	Simpson	Stull	Warner	

The Chair declared the appointment confirmed.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 68. Indefinitely postponed.
LEGISLATIVE BILL 143. Indefinitely postponed.

(Signed) Gary L. Anderson, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 377. Placed on General File as amended.
Standing Committee amendment to LB 377:
1. Strike the Warner and Cavanaugh amendments.

(Signed) Dennis L. Rasmussen, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
595	Gov. Mil. & Vets Afrs

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS
Appropriations

Executive Session	April 7, 1975	4:00 p.m.
Executive Session	April 8, 1975	4:00 p.m.
Executive Session	April 9, 1975	4:00 p.m.
Executive Session	April 10, 1975	4:00 p.m.
Executive Session	April 11, 1975	4:00 p.m.

(Signed) Richard D. Marvel, Chairman

MOTION--Reconsider Action on LB 528

Mr. Wiltse moved to reconsider action on indefinitely postponing LB 528.

Motion pending.

ANNOUNCEMENT

Mr. Murphy announced an executive session of the Banking, Commerce and Insurance Committee at 1:00 p.m., Wednesday, April 9, 1975.

UNANIMOUS CONSENT—Members Excused

Messrs. Carsten, Kremer and Keyes asked uanimous consent to be excused this afternoon. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 54
April 2, 1975

Dear Senator Warner:

In your letter of March 26, 1975, you make reference to Legislative Bill 591 and ask can the method of selection for the delegates to a national convention of the two major political parties be different, or must the law provide identical methods for both?

It would be our opinion that state laws relating to such procedures can be dissimilar so long as any variance in the standards of selection as applied to one party does not discriminate against or result in fundamental inequities to the other party.

Your attention is, however, directed to a recent opinion of the United States Supreme Court in the case of Cousins v. Wigoda, No. 73-1106, decided January 15, 1975. The relevant question there concerned whether the interests of the State of Illinois were superior to those of a national political party when a conflict existed between the laws of Illinois and the rules of the national party. The court in holding that the rules of the national political party served a national interest greater than the interest of a state in protecting the integrity of its electoral process stated:

> "Consideration of the special function of delegates to such a convention mitigates persuasively against the conclusion that the asserted interest constitutes a compelling state interest. * * *. If the qualifications and eligibility of delegates to national political party conventions were left to state law '* * * each of the fifty states could establish the qualifications of its delegates to the various party conventions without regard to party policy, an obviously intolerable result'. (Citations omitted) * * *. Thus, Illinois' interest in protecting the integrity of its electoral process cannot be deemed compelling in the context of the selection of delegates to the national party convention."

Therefore, it would appear from this opinion that not only may the state laws differ as to each party so as to conform to the rules of that national organization but also that any conflicts resulting from a deviation from such will be resolved by an application of the rules of the national party.

We would be most happy to discuss this with you further at any time.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Special Assistant Attorney General

TRS:smh
cc: Mr. Vincent H. Brown
Clerk of the Nebraska Legislature

VISITORS

The President introduced 35 sixth grade students and teacher from Friend, Nebraska; 46 high school students and sponsors from New Castle, Nebraska; 3 ninth grade students and sponsors from Sutton, Nebraska; 36 sixth and seventh grade students and sponsors from St. Patricks School, Lincoln, Nebraska; 8 high school students and sponsor from Oconto, Nebraska; Judge Fred R. Irons from Adams County.

RECESS

At 12:13 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, DeCamp, Fitzgerald, Keyes, Kremer, Mahoney, Skarda and Warner who were excused and Mrs. Marsh who was excused until she arrives.

GENERAL FILE

LEGISLATIVE BILL 517. Title read. Considered.

Standing Committee amendment found in the Journal on page 840 for the Forty-second Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 509. Title read. Considered.

Standing Committee amendments found in the Journal on page 897 for the Forty-fifth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 542. Title read. Considered.

Standing Committee amendments found in the Journal on page 897 for the Forty-fifth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Kelly raised a point of order, that this bill should be accompanied by an "A" bill.

The Chair ruled that no "A" bill is required on this bill.

Mr. Kelly appealed the decision of the Chair. The question is, "Shall the Chair be sustained?"

Mrs. Marsh moved for a Call of the House. The motion prevailed with 20 ayes, 6 nays and 23 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 27 ayes, 4 nays and 18 not voting.

The Chair was sustained with 26 ayes, 10 nays and 13 not voting.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 24 ayes, 7 nays and 18 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

LB 542 was advanced to E & R for Review with 26 ayes, 10 nays and 13 not voting.

ANNOUNCEMENT

The President announced tomorrow is Speaker Burbach's birthday and also wedding anniversary of Speaker and Mrs. Burbach.

MESSAGE FROM THE GOVERNOR

April 3, 1975

Mr. Vince Brown
Clerk of the Legislature
State of Nebraska
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 370, 378, and 547.
These bills were signed by me on April 3, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 564. Title read. Considered.

Mr. Barnett 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, 1 nay and 21 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 560. Title read. Considered.

Mr. Murphy asked unanimous consent to have the bill laid over. No objections. So ordered.

LEGISLATIVE BILL 508. Title read. Considered.

Standing Committee amendment found in the Journal on page 974 for the Forty-ninth Day was adopted with 28 ayes, 1 nay and 20 not voting.

Mr. Mills moved to bracket LB 508 until April 10, 1975. The motion lost with 18 ayes, 10 nays and 21 not voting.

Mr. Dickinson moved for a Call of the House. The motion prevailed with 20 ayes, 4 nays and 25 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 22 ayes, 1 nay and 26 not voting.

Advanced to E & R for Review with 26 ayes, 5 nays and 18 not voting.

LEGISLATIVE BILL 374. Title read. Considered.

Standing Committee amendments found in the Journal on page 953 for the Forty-eighth Day were adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 371. Title read. Considered.

Standing Committee amendments found in the Journal on page 1068 for the Fifty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Kennedy moved to advance LB 371.

Mr. F. Lewis 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. Cavanaugh moved to indefinitely postpone.

Mr. Cavanaugh asked unanimous consent to withdraw his motion. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 2 nays and 19 not voting.

LEGISLATIVE BILL 572. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 470. Title read. Considered.

Standing Committee amendment found in the Journal on page 1078 for the Fifty-third Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

MOTION—Withdraw LB 335A

Mr. Burrows moved to withdraw LB 335A. Motion pending.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 595 Friday, April 11, 1975, Room 2102 1:00 p.m.

(Signed) Dennis L. Rasmussen, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 55
April 4, 1975

Dear Senator Marvel:

You have requested our opinion as to whether a county and city of the first class acting jointly have the power to acquire real estate to be held as an industrial tract and developed by making improvements such as roads and installing utilities, with parcels of the tract being sold to industrial purchasers according to the current need and demand therefor. You advise us that the purpose of your request for this opinion is to ascertain whether additonal enabling legislation may be necessary.

The Industrial Development Act of 1961 (Section 18-1614, et seq., R. R. S. 1943) authorizes counties and incorporated cities and villages to acquire real and personal property which is "suitable for use for manufacturing or industrial enterprises" and, in turn, subsequently to sell and convey the same "as may be deemed conducive to the best interest of the municipality or county." See Sections 18-1614 and 18-1615. Under this act, either a county or city would be empowered to separately undertake such an industrial tract development; thus leaving remaining only the question of whether a county and city acting jointly may do the same thing.

In our opinion such a county-city joint arrangement is authorized and may be effectuated under the provisions of the Interlocal Cooperation Act (Sections 23-2201, et seq., R. R. S. 1943). Section 23-2204 provides that any "power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state (also) having such power or privilege or authority." The term, "public agency," is defined in Section 23-2203 as including any county, city, village, school district or drainage district.

We note that Section 23-104, R. R. S. 1943, provides that counties may purchase and hold real and personal property necessary for the "use of the county." Similarly, Section 16-201, R. R. S. 1943, provides that cities of the first class shall have the power to purchase and hold real and personal property "for the use of" the city. The language referred to was in both of those sections long prior to the enactment of the Industrial Development Act; and were it not for the adoption of that act it might be argued that a county or city could acquire real estate only for the purpose of putting it to some corporate governmental use; such as the erection of a court house or city hall or other governmental facilities. However, construing those sections in pari materia with the Industrial Development Act, we believe it is proper to construe the acquisition and development of an industrial tract as coming within the purview of the statutory language "for the use of the" county or city.

In your opinion request letter you refer to questions having been raised and directed "toward the fundamental power and authority to acquire land for such purposes." There appears to be no question but what, in enacting the Industrial Development Act and the Interlocal Cooperation Act, the Legislature intended to authorize joint arrangements of the type here under discussion; and, hence, the only possible basis for question would be on constitutional grounds. The Industrial Development Act was declared constitutional in State ex rel. Meyer v. County of Lancaster, 173 Neb. 195. Although the Interlocal Cooperation Act has never been court tested, we see no reason to question its validity.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:ejg
cc Vincent D. Brown
Clerk of the Legislature

VISITORS

The President introduced Bob, Marcella and Lisa Dunn; Mrs. R. J. McBride and Lisa Willard from Kearney, Nebraska.

ADJOURNMENT

At 4:06 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, April 7, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SEVENTH DAY—APRIL 7, 1975
LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 7, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Once again we meet, O Lord our God, after a week-end which brought rest and refreshment to some, disappointment and sorrow to others.
>
> Today we ask that we may be made equal to the service that will be demanded of us, and the pressures which will be exerted upon us throughout this week. Keep us physically well, mentally alert, morally responsible, spiritually sensitive.
>
> In whatever doubts and uncertainties we experience, give us grace to ask in prayer what to do, so that we may be saved from salse choices and serious mistakes. May the blessing of Almighty God be upon us today, and throughout this week. Amen.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 323. Replaced on Select File as amended.
E & R amendments to LB 323:

1. On page 4, line 12, insert "who did not file or become a petition candidate for nomination" after "candidate"; and strike beginning with "who" in line 13 through "nomination" in line 14.

2. On page 10, line 5, insert "who did not file or become a petition candidate for nomination" after "candidate"; and strike beginning with "who" in line 6 through "nomination" in line 7.

3. In new section 5, subsection (6), line 1, insert "who did not file or become a petition candidate for nomination" after "candidate"; and strike beginning with "who" in line 2 through "nomination" in line 3.

4. In line 2 of E & R 2, adopted 3/3/75, strike "or".

LEGISLATIVE BILL 422. Replaced on Select File as amended.
E & R amendments to LB 422:

1. On page 3, line 25, page 13, line 4, page 14, lines 12 and 24, and page 19, line 18, strike "71-1,132.42" show as stricken, and insert "71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41".

2. On page 4, line 20, strike the period and insert an underscored semicolon.

3. On page 5, line 21, strike the underscored comma; and in line 24, strike the second "Nebraska".

4. On page 6, strike lines 14 and 15, show as stricken, and insert:

"71-1,132.06. Sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41, confer no".

5. On page 11, line 15, insert "nurse" after "degree".

6. On page 25, line 23, strike "71-1,12.27" and insert "71-1,132.27".

7. In the title, line 15, insert "to create a cash fund;" after the semicolon; and in line 18, insert a comma before "and".

LEGISLATIVE BILL 245. Replaced on Select File as amended.
E & R amendment to LB 245:

1. In the George amendment 1, line 24, strike "77-3306" and insert "71-3306".

LEGISLATIVE BILL 259. Replaced on Select File as amended.
E & R amendments to LB 259:

1. In new section 6, subsection (5), line 2, insert an underscored comma after "convicted".

2. In line 5 of E & R 5, adopted 4/3/75, insert "the second" after "strike".

LEGISLATIVE BILL 255. Replaced on Select File as amended.
E & R amendment to LB 255:

1. In lieu of the Chambers amendment, on page 2, line 11, strike "one hundred" and insert "seventy-five".

LEGISLATIVE BILL 360. Placed on Select File as amended.
E & R amendments to LB 360:

1. Renumber original section 2 as section 3.
2. In the title, line 2, strike "section", and insert "sections", and insert "and 88-518" before the comma in line 2; in line 5, insert "carry on collective bargaining in the marketing of grain, or be licensed to" after "to"; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 414. Placed on Select File as amended.
E & R amendment to LB 414:

1. In the title, line 10, insert "to specify certain requirements for licenses issued to nonprofit corporations;" after the first semicolon.

LEGISLATIVE BILL 320. Placed on Select File as amended.
E & R amendments to LB 320:

1. In lieu of the Warner amendment, in the standing committee amendment 2, strike beginning with "Department" in line 7 through the first period in line 11, and insert "General Fund;".
2. In the title, strike beginning with "to" in line 8 through the semicolon in line 9, and insert "to provide for deposit of the costs of publication;".

Correctly Engrossed

The following bills were correctly engrossed: 267, 345, 365, 389, 391, and 436.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1975, at 9:20 a.m. were the following bills: 295 and 277.

(Signed) Barbara Jackson, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 254.

A BILL FOR AN ACT to amend sections 71-314, 71-317, and 71-327, Reissue Revised Statutes of Nebraska, 1943, and sections 71-313 and 71-320, Revised Statutes Supplement, 1974, relating to the practice of cosmetology; to increase the per diem to members of the Board of Cosmetologist Examiners; to delete licensure of manicurists; to increase required fees; and to repeal the original sections.

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

Voting in the affirmative, 38:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	Dickinson	Duis
Fowler	George	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 7:

Clark	Dworak	Goodrich	Hasebroock	Kremer
Simpson	Wiltse			

Not voting, 4:

Anderson	DeCamp	Fitzgerald	Marvel

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

LEGISLATIVE BILL 264. Mr. Mills moved to return LB 264 to Select File for the following specific amendment:

1. On page 2, insert a new section 1 as follows:

"Section 1. That section 60-524, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-524. (1) Whenever the department, under any law of this state, suspends or revokes the license of any person upon

receiving record of a conviction, the department shall also suspend all registrations in the name of such person, except that it shall not suspend such registrations, unless otherwise required by law, if such person has previously given or shall immediately give and shall maintain for three years proof of financial responsibility.

(2) Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction, and such person was not the owner of the motor vehicle used at the time of the violation resulting in the conviction, the department shall also suspend the license and all registrations in the name of the owner of the motor vehicle so used, if such vehicle was operated with such owner's permission or consent at the time of the violation, unless such owner has previously given or shall immediately give and maintain for three years proof of financial responsibility. This subsection shall not apply to such owner if he had in effect at the time of the violation an automobile liability policy or bond with respect to such motor vehicle; or if there was then in effect an automobile liability policy or bond with respect to the operation of the motor vehicle; or if the liability of such operator or owner was then, in the judgment of the department, covered by any other form of liability insurance policy or bond; or if the owner or operator was then qualified as a self-insurer under sections 60-562 to 60-564.

(3) Whenever a person whose license has been suspended or revoked and he has been committed to or incarcerated in a state institution, penal or otherwise, for a period of longer than one year, such person shall be entitled to have his operator's license restored to him upon his release from the institution by passing a satisfactory examination for obtaining an operator's license.

(4) Whenever the department, pursuant to any law of this state, suspends or revokes the license of any person after having received a record of conviction of the licensee, such person shall not be eligible for reinstatement of his driving privilege until he shall give and thereafter maintain proof of financial responsibility."; line 16, after "original" strike "section" and insert "sections 60-524 and"; line 17 strike "is" and insert "are".

2. Renumber original sections 1 and 2 as sections 2 and 3, respectively.

Mr. Kremer asked unanimous consent to have the motion laid over. No objections. So ordered.

LEGISLATIVE BILL 307. With Emergency.

A BILL FOR AN ACT relating to counties and cities; to allow municipal corporations to contract for public services as prescribed; to define terms; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

DeCamp	Dickinson	Kime

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 366.

A BILL FOR AN ACT to amend section 81-8,280, Revised Statutes Supplement, 1974, relating to the State Real Estate Commission; to provide additional exemptions from the examination requirement; 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, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope

Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 1:

F. Lewis

Not voting, 1:

DeCamp

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

SELECT FILE

LEGISLATIVE BILL 359. E & R amendments found in the Journal on page 1135 for the Fifty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 118. E & R amendments found in the Journal on page 1135 for the Fifty-sixth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 20. E & R amendments found in the Journal on page 1135 for the Fifty-sixth Day were adopted.

Mr. Chambers offered the following amendment:
To amend LB 20 to strike the "Christian Science" amendment concerning treatment of a child by prayer alone.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 23:

Bereuter	Burrows	Carsten	Cavanaugh	Chambers
Dworak	Fitzgerald	George	Goodrich	Koch
Kremer	F. Lewis	R. Lewis	Mahoney	Maresh
Mills	Murphy	Nichol	Rasmussen	Savage
Skarda	Stull	Syas		

Voting in the negative, 21:

Anderson	Barnett	Burbach	Clark	Dickinson
Duis	Fowler	Hasebroock	Johnson	Kelly
Kennedy	Kime	Luedtke	Marsh	Marvel
Moylan	Rumery	Simpson	Stoney	Swigart
Warner				

Not voting, 5:

Cope	DeCamp	Keyes	Schmit	Wiltse

The Chambers amendment lost with 23 ayes, 21 nays and 5 not voting.

Mr. Cavanaugh offered the following amendment:
Amend Committee amendment to LB 20 of 2-18-75.
After "in accordance with a" strike all matter and add "religious remedied method of Healing recognized by the Nebraska Department of Health."

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 16 ayes, 9 nays and 24 not voting.

The Call showed 48 members present.

Mr. Cavanaugh requested a record vote.

Mrs. Marsh moved the Call be raised. The motion prevailed with 44 ayes, 0 nays and 5 not voting.

Voting in the affirmative, 25:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kennedy	F. Lewis	R. Lewis
Mahoney	Maresh	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Skarda	Syas

Voting in the negative, 14:

Barnett	Clark	Cope	Dickinson	Duis
Koch	Luedtke	Marsh	Marvel	Simpson
Stoney	Swigart	Warner	Wiltse	

Not voting, 10:

Anderson	Chambers	DeCamp	Kelly	Keyes
Kime	Kremer	Nichol	Schmit	Stull

The Cavanaugh amendment was adopted with 25 ayes, 14 nays and 10 not voting.

Mrs. Marsh asked unanimous consent to hold the bill over. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 243. Considered.

Mr. Koch offered the following amendment:

1. On page 3, line 27, strike the new matter.

2. On page 4, line 1, strike the new matter; line 5, after "employment" insert "<u>, including binding arbitration</u>"; line 27, strike the new matter.

3. On page 5, line 1 strike the new matter; line 6 after "wages" strike "and" and insert "~~and~~ <u>,</u>"; after "hours" insert "<u>, and binding arbitration</u>".

SPEAKER BURBACH PRESIDING

The Koch amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 243A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

PRESIDENT WHELAN PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 26. Read and considered.

Mr. Warner moved to refer LR 26 to the Reference Committee for referral for a public hearing. The motion prevailed.

UNANIMOUS CONSENT—Member Excused

Mr. Warner asked unanimous consent to be excused at 2:00 p.m. until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

LB 593 Thursday, April 17, 1975 12:30 p.m.

(Signed) George Syas, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 27.

Introduced by Burbach, 19th District.

WHEREAS, an action has been filed in the United States District Court for the district of Nebraska by Jesus Jose Porras; Marcella Castaneda; and William F. Mahan, for themselves jointly and severally, and on behalf of all their similarily situated, against William Nichol; Ben Wilson; Allen J. Beermann, Secretary of State, State of Nebraska; Vincent D. Brown, Clerk of the Legislature of the State of Nebraska; Gerald T. Whelan, Presiding Officer of the Nebraska State Legislature; and the Nebraska State Legislature, First Session, Eighty-Fourth Legislature; and

WHEREAS, the Legislature and members of the Legislature are named as parties to their action; and

WHEREAS, section 84-209, Reissue Revised Statutes of Nebraska, 1943, provides that the Attorney General may be called upon to defend the Legislature or any of its members in legal proceedings related to matters concerning the Legislature; and

WHEREAS, the action filed in the United States District Court does relate to matters concerning the Legislature.

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

That pursuant to section 84-209, Reissue Revised Statutes of Nebraska, 1943, the Attorney General be requested to appear for, and defend the Legislature and each and every member thereof in the action now instituted in the United States District Court.

Laid over.

VISITORS

Speaker Burbach escorted Mr. Mario C. Belisario, Minister of the Philippines to the rostrum. Mr. Belisario addressed the members briefly.

MOTION—Place LB 502 on General File

Mr. Barnett renewed his pending motion, found in the Journal on page 1114 for the Fifty-fourth Day, to place LB 502 on General File notwithstanding the committee action.

SPEAKER BURBACH PRESIDING

Mr. Barnett moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Call showed 46 members present.

Mr. Barnett moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

The Barnett motion to place LB 502 on General File prevailed with 30 ayes, 9 nays and 10 not voting.

VISITORS

The President introduced 17 seventh grade students and teacher from Cathedral School, Lincoln; group of World Affairs Conference members; 73 ninth grade students and teachers from Cozad, Nebraska.

RECESS

At 11:57 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:03 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused; Mr. Warner who was excused until he arrives; Mr Cavanaugh who was absent until 2:15 p.m. and Mr. Nichol who was absent until 2:30 p.m.

GENERAL FILE

LEGISLATIVE BILL 430. Mr. Chambers asked unanimous consent to bracket LB 430 until Monday, April 14, 1975. No objections. So ordered.

LEGISLATIVE BILL 418. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Standing Committee amendments found in the Journal on page 689 for the Thirty-sixth Day were considered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The Standing Committee amendments were adopted with 35 ayes, 0 nays and 14 not voting.

Mr. Rasmussen renewed his pending amendment, found in the Journal on page 1131 for the Fifty-fifth Day.

Mr. F. Lewis offered the following amendment to the Rasmussen amendment:

Page 13 line 19 strike "3000" insert "30,000."

The F. Lewis amendment lost with 10 ayes, 25 nays and 14 not voting.

The Rasmussen amendment lost with 10 ayes, 20 nays and 19 not voting.

Advanced to E & R for Review with 31 ayes, 3 nays and 15 not voting.

LEGISLATIVE BILL 218. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 10 nays and 12 not voting.

LEGISLATIVE BILL 328. Title read. Considered.

Standing Committee amendment found in the Journal on page 713 for the Thirty-seventh Day was adopted with 26 ayes, 4 nays and 19 not voting.

Mr. Mills offered the following amendment:

1. On page 2 insert the following new sections:

"Section 1. That section 39-669.26, Revised Statutes Supplement, 1974, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of a felony in the commission of which a motor vehicle was used--12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense--12 points;

(3) Third offense reckless driving or willful reckless driving, or any combination of the two, in violation of any city or village ordinance or sections 39-669.01 to 39-669.06, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense--12 points;

(4) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another--12 points;

(5) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the

event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident--4 points, otherwise--8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(6) Driving a motor vehicle while under the influence of alcoholic liquor or any drug in violation of any city or village ordinance or of section 39-669.07--6 points;

(7) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05-- 6 points;

(8) Careless driving in violation of any city or village ordinance or of section 39-669--4 points;

(9) Negligent driving in violation of any city or village ordinance--3 points;

(10) Reckless driving in violation of any city or village ordinance or of section 39-669.01--5 points;

(11) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit--1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit--2 points; (c) more than ten miles per hour over the speed limit--3 points; Provided, that until the President of the United States declares that there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, only one point shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limits provided for in subdivision (2) (c) or (d) of section 39-662 or subdivision (1) (c), (d), or (e), (2) (c), (d), or (e), or (4) (c) or (d) of section 39-666; and

(12) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including parking violations, muffler violations, motorcycle protective headgear violations, or overloading of trucks--2 points.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had.

In all cases, the forfeiture of bail, not vacated, shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

Sec. 2. That section 60-403.01, Revised Statutes Supplement, 1974, be amended to read as follows:

60-403.01. No person shall operate a motorcycle on the streets, alleys, or public highways of the State of Nebraska

until such person shall have obtained a motorcycle operator's license or permit. No such license or permit shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he meets the vision and physical requirements established under the provisions of section 60-407 for operation of a motor vehicle, and (2) successfully completed such examination, including the actual operation of a motorcycle, as may be prescribed by the Director of Motor Vehicles. Any applicant who qualifies for a motorcycle operator's license or permit shall be issued a license or permit for such operation or, if he is the holder of a valid motor vehicle operator's license, shall have endorsed thereon by the county treasurer, upon receipt of the examiner's certificate, the authorization to operate a motorcycle. Fees for motorcycle operators' licenses shall be the same as provided by section 60-409 for motor vehicle operators' licenses. A person operating a motorcycle without a motorcycle operator's license or permit shall be guilty of a ~~misdemeanor~~ traffic infraction, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars."; in line 13 strike "Natural" and insert "National"; after line 16 insert a new section as follows:

"Sec. 4. That section 60-403.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.04. Whoever violates the provisions of section 60-403.01 or 60-403.02, shall be guilty of a ~~misdemeanor~~ traffic infraction and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars."; in line 17 strike "section" and insert "sections" and after "60-403.02" insert "and 60-403.04"; in line 18 strike "is" and insert "and sections 39-669.26 and 60-403.01, Revised Statutes Supplement, 1974, are".

2. Renumber original sections 1 and 2 as sections 3 and 5 respectively.

The amendment was adopted with 25 ayes, 9 nays and 15 not voting.

Mr. Chambers offered the following amendment:
1. Page 2, line 5. After "Motorcycle"
Add "On any public street, road or highway". Put "." after "state"; Strike remaining language in lines 5-16.
2. Add "The penalty for violation of this section shall be forfeiture of the motorcycle."

The amendment lost with 12 ayes, 25 nays and 12 not voting.

Mr. Bereuter offered the following amendment:

1. On page 2 strike original section 1 and insert the following:

"Section 1. That section 60-403.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.02. No person shall operate or be a passenger on a motorcycle in this state unless he is wearing protective headgear which ~~meets the standards set by the Department of Motor Vehicles for such protective headgear. The Department of Motor Vehicles shall establish and publish such standards and they must not be lower than the specifications of the American Standards Association specifications for protective headgear for vehicle users Z90.1 1966.~~ shall be certified as meeting one of the following standards: (1) The American National Standards Institute, Standard Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1-1971, supplemented by, Standard ANSI Z90.1A-1973; (2) the Standard for Protective Headgear; 1970, established by the Snell Memorial Foundation, Inc.,; or (3) the Federal Motor Vehicle Safety Standard No. 218, Motorcycle Helmets. Such standards shall have the same force and effect as if set out verbatim in this section.".

The amendment was adopted with 30 ayes, 3 nays and 16 not voting.

Mr. Kelly offered the following amendment:

Page 2 line 5 after "is"
add "not"

Line 6 after headgear add
a period and strike balance
of line 6.

Line 7 strike all language
through line 16.

The Kelly amendment lost with 11 ayes, 25 nays and 13 not voting.

Mr. F. Lewis offered the following amendment:
add on line 6 after headgear insert "and a protective cup".

The amendment lost with 11 ayes, 25 nays and 13 not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Dickinson 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 Chambers motion to indefinitely postpone prevailed with 23 ayes, 20 nays and 6 not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 536. Placed on General File.

LEGISLATIVE BILL 544. Placed on General File as amended.
Standing Committee amendment to LB 544:
1. On page 2, line 25 strike "five" and insert "two".

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Luedtke asked unanimous consent to have the following printed in the Journal. No objections. So ordered.

April 3, 1975

Mr. William K. Schaphorst
United States Attorney
Federal Office Bldg.
Omaha, Nebraska 68102

Dear Mr. Schaphorst:

The Nebraska State Legislature has directed the Judiciary Committee, also known as the Law Enforcement and Justice Advisory Committee of which I am Chairman, to investigate the recent Grand Jury indictments handed down in Douglas County concerning gambling and bookmaking operations in Nebraska. Apparently the indictment as presented raised some questions as to the possible involvment of some public officials in illegal gambling activities. While there were no public officials actually named in the indictment, there were implications of same in the indictment as written and as reported in the media.

The Legislature is interested in learning if you are personally aware of the involvement of any public officials. We realize that we cannot have access to the Grand Jury testimony nor ask your office to comment upon such matters privy to the Grand Jury only. However, members of the Legislature feel we are entitled to know whether in fact there were public officials involved, either state, county or municipal. Again we realize that at this juncture individual's names would not be appropriate. But the Legislature has a right to know whether the alleged public officials were elected or appointed within their respective offices. We would further

inquire as to whether any such alleged officials were members of the legislative, executive, or judicial branches of government.

Enclosed for your information is a copy of the motion presented by Senator Chambers and adopted by the Legislature. I would certainly appreciate you giving me a written reply in order that I might report back to the Legislature as quickly as possible.

Thank you for your cooperation in this matter and if you need any further clarification as to the nature of our inquiry, please get in touch with me personally.

Sincerely,

(Signed) Roland A. Luedtke

RAL:nr
Enclosure

BILL ON FIRST READING

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

LEGISLATIVE BILL 571A. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LR 26 Highway Advisory Committee

(Signed) Eugene T. Mahoney, Chairman

MOTION—Reconsider Action on LB 367

Mr. Anderson moved to reconsider our action on indefinitely postponing LB 367.

Motion pending.

UNANIMOUS CONSENT—Print in Journal

Mr. Cope asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

1. On page 2, strike original section 2 and insert the following:

"Sec. 2. Any county which has hotels lying within

its boundaries or any city which has hotels lying within its city limits is hereby authorized by resolution of its governing body to impose a sales tax based upon the monetary charge for occupancy of any sleeping room furnished by any hotel, at a rate of three per cent thereof, as provided in this act. If a county levies such tax then the cities within the county shall not levy a separate tax. If a city within any county levies such tax within its city limits prior to the county so doing then the county may levy the tax on all other hotels within the county. The convention and visitor committee first created shall administer the convention and visitor fund as provided by this act throughout the entire county, except that as the terms of the members of the convention and visitor committee expire their successors shall be appointed as if the tax was imposed by the county.".

2. On page 4, line 9 after "shall" insert ", after consultation with the county treasurer,"; and after line 22 insert a new section as follows:

"Sec. 7. The county treasurer shall retain three per cent of the amount collected for the purpose of defraying the cost of collection. Each county treasurer, upon authorization of the appropriate committee, shall be responsible for the enforcement of the collection of the tax and the cost of auditing and enforcement of such tax shall be provided for and paid out of funds in the budget of the convention and visitor committee.".

3. On page 6, line 2 after "committee" insert ", subject to the approval of the governing body of the city or county,"; after line 11 insert a new section as follows:

"Sec. 13. Any person who fails to pay or is delinquent in payment of the tax required to be paid pursuant to this act shall be assessed a penalty of ten per cent of the amount due, and in addition, the unpaid balance due or the deficiency shall bear interest at the rate of three-fourths of one per cent per month or fraction thereof computed from the last day of the month following the period for which the amount is due until the date of payment. Any person who willfully fails to pay the tax or any part thereof, shall upon conviction thereof, be guilty of a misdemeanor and shall be fined not more than five hundred dollars for each violation.".

4. Renumber original sections 7 to 11 as sections 8 to 12 respectively.

VISITORS

The President introduced 25 Venezuela Students attending the University of Nebraska and their instructor.

ADJOURNMENT

At 4:12 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 1975.

Vincent D. Brown
Clerk of the Legislature

FIFTY-EIGHTH DAY—APRIL 8, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 8, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, give these men who direct this great State the patience to be understanding, and the understanding to be patient.
>
> May their enormous energy sharpen their intellect so that they may render justice to all men.
>
> May their courage be of such a nature that they will allow every man to find his place in life without losing his dignity. May they not be obsessed with assembling endless concerns of making this world a Utopia, for we know, as You have said, the wheat and weeds shall grow together, good and evil will be intermingled and live side-by-side.
>
> However, let us not be overcome by evil, but let us overcome evil with goodness.
>
> Only at the end will there be a lasting decision between good and evil.
>
> In the meantime, let us adopt an attitude to help every man, but every man must first find his own dignity. For each man has to pick his own fate so no matter what this great assembly does, some men will be failures by their own choice.
>
> But many will succeed because, the Senators, have been an instrument of justice and hope, peace and charity, patience and understanding. Amen.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused, Mr. Johnson who was excused until he arrives and Mr. Fowler who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-seventh Day was approved.

MESSAGE FROM THE GOVERNOR

April 7, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 129, 206, and 211. These bills were signed by me on April 7, 1975, and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:sa

ATTORNEY GENERAL'S OPINION

Opinion No. 56
April 7, 1975

Dear Senator Marsh:

We have received your letter regarding the constitutionality of the Standing Committee amendment to L.B. 20 which provides:

> "No child or incompetent or disabled person shall be considered neglected or lack necessary care for the sole reason he or she is being provided treatment by spiritual means through prayer alone in accordance with a recognized religious remedial method of healing."

For the reasons stated in our opinion of April 6, 1973, a copy of which was attached to your letter, which concluded, "* * * that the state cannot abrogate, in the name of religion, its inherent duty as parens patriae with respect to children and others not capable of caring for themselves.", that

we would have difficulty defending the constitutionality of this amendment.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:sh
cc: Mr. Vincent Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 318. Replaced on Select File as amended.
E & R amendments to LB 318:

1. On page 12, line 3, insert an underscored comma after "pay" and strike the comma in committee amendment 8, line 4.

2. In committee amendment 8, line 6, strike "between" and insert "during the period of".

LEGISLATIVE BILL 306. Placed on Select File.

LEGISLATIVE BILL 324. Placed on Select File as amended.
E & R amendment to LB 324:

1. In the title, line 8, strike "81-623.39, 81-623.40", and insert "81-263.39, 81-263.40".

LEGISLATIVE BILL 315. Placed on Select File as amended.
E & R amendments to LB 315:

1. In new section 3, reinstate the stricken matter, and strike the new matter.

2. In new section 3, after line 16, insert: "On January 1, 1975, in counties having a population of more than sixty thousand but not more than one hundred fifty thousand, and who shall have been deputy sheriffs for more than two years immediately prior thereto, or who shall have been certified by the Nebraska Law Enforcement Training Center, and who shall have received a certificate of completion shall hold their positions without examinations until discharged, reduced, promoted, or transferred in accordance with the provisions of sections 23-1721 to 23-1737.".

3. On page 2, line 12, strike "section" and insert "sections".

4. In the title, strike "section 23-1721," and insert "sections 23-1721, 23-1722, and 23-1732,"; and in line 7, strike "section" and insert "sections".

LEGISLATIVE BILL 475. Placed on Select File as amended.
E & R amendments to LB 475:

1. In new section 3, insert "on" after "operative".

2. In the title, line 5, strike "and" and insert "to provide an operative date;"; and in line 6, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 494. Placed on Select File.

LEGISLATIVE BILL 500. Placed on Select File as amended.
E & R amendment to LB 500:

1. In the Luedtke amendment 2, line 9, strike ". A" and insert "; a"; and in line 18, strike "where" and insert "when".

LEGISLATIVE BILL 541. Placed on Select File as amended.
E & R amendments to LB 541:

1. On page 3, line 18, strike "as" and insert "at"; and in line 24, strike "section 43-202 (3) or (4)" and insert "subdivision (3) or (4) of section 43-202".

2. On page 4, line 7, strike "He" and insert "The child"; and in lines 10, 20, 26, and 27, strike "probationer" and insert "child".

3. On page 5, lines 2 and 10, strike "probationer" and insert "child"; insert an underscored comma in line 2 after "court", and in line 7 after "or"; and in lines 23 and 24, strike "section 43-202 (4)", and insert "subdivision (4) of section 43-202".

4. On page 6, line 1, strike "where" and insert "when".

LEGISLATIVE BILL 517. Placed on Select File as amended.
E & R amendments to LB 517:

1. On page 2, line 6 strike "compound" and insert "compounds".

2. On page 3, line 13, insert ", upon conviction thereof," after "shall".

3. In the title, line 4, strike "inspections" and insert "for investigations of complaints".

LEGISLATIVE BILL 509. Placed on Select File as amended.
E & R amendment to LB 509:

1. In the title, line 2, strike "section",

insert "sections" and insert "and 30-321" before the comma; and in line 8, strike "section", and insert "sections".

LEGISLATIVE BILL 542. Placed on Select File as amended.
E & R amendments to LB 542:

1. Strike the standing committee amendment to page 3, line 1.

2. On page 2, line 4, strike the comma, and strike "adjudicatory" and insert "adjudication"; in line 16, insert a comma after "adjudication"; and in line 27, insert "at the discretion of the prosecuting attorney," after "that".

LEGISLATIVE BILL 564. Placed on Select File as amended.
E & R amendments to LB 564:

1. In lieu of the Barnett Amendment, insert a new section 6 as follows:

"Sec. 6. 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. On page 7, line 5, strike "the" and insert "a".

3. In the title, line 9, insert "to provide uses for taxes collected for a city;" after the semicolon; and in line 10, strike "and", and after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 374. Placed on Select File as amended.
E & R amendments to LB 374:

1. Renumber original section 1 as section 2.

2. In the title, line 2, strike "section", and insert "sections 44-213 and"; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 371. Placed on Select File as amended.
E & R amendments to LB 371:

1. In standing committee amendment 1, line 6, insert an underscored comma after "study".

2. In the title, line 6, strike "and"; and in line 7, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 572. Placed on Select File as amended.
E & R amendment to LB 572:

1. In the title, strike beginning with "to" in line 4 through the semicolon in line 5, and insert "to

increase certain fees; to increase the amount of fees retained by the counties;".

LEGISLATIVE BILL 470. Placed on Select File as amended.
E & R amendment to LB 470:
1. On page 2, line 3, strike "entities" and insert "entity".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 118.

Correctly Engrossed

The following bills were correctly engrossed: 321, 359, 359A, 473, 562, 573 and 578.

Correctly Enrolled

The following bills were correctly enrolled: 254, 307 and 366.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 254, 307 and 366.

ANNOUNCEMENT

Mr. Murphy announced an executive session of the Banking, Commerce and Insurance Committee on Wednesday, April 9, 1975 at 1:00 p.m. in room 2230.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 303.

A BILL FOR AN ACT to amend section 79-4,153, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that school districts may acquire land contiguous to land already owned 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, 36:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Duis
Fitzgerald	George	Hasebroock	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Marsh	Marvel	Mills
Moylan	Nichol	Rumery	Savage	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 8:

Cope	Dickinson	Dworak	Kime	Maresh
Rasmussen	Schmit	Simpson		

Not voting, 5:

DeCamp	Fowler	Goodrich	Johnson	Murphy

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

LEGISLATIVE BILL 588. Mrs. Marsh moved to return LB 588 to Select File for the following specific amendment:

1. On page 4, line 3, strike ~~"ten"~~ and insert "five".
2. Page 3, line 13 strike ~~"not to exceed"~~ and insert "of"
3. On page 5, line 19, insert after the period "Such report shall recommend policies and procedures for the future incorporation of merit increase provisions into the classification and pay plan."

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

SELECT FILE

LEGISLATIVE BILL 20. Mrs. Marsh asked unanimous consent to lay over LB 20 one more day. No objections. So ordered.

LEGISLATIVE BILL 323. E & R amendments found in the Journal on page 1161 for the Fifty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 422. E & R amendments found in the Journal on page 1162 for the Fifty-seventh Day were adopted.

Mr. Cavanaugh asked unanimous consent to bracket LB 422. No objections. So ordered.

LEGISLATIVE BILL 245. E & R amendment found in the Journal on page 1162 for the Fifty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 259. E & R amendments found in the Journal on page 1162 for the Fifty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 255. E & R amendment found in the Journal on page 1163 for the Fifty-seventh Day was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 360. E & R amendments found in the Journal on page 1163 for the Fifty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 414. E & R amendment found in the Journal on page 1163 for the Fifty-seventh Day was adopted.

Mr. F. Lewis asked unanimous consent to lay over LB 414 one day. No objections. So ordered.

LEGISLATIVE BILL 320. E & R amendments found in the Journal on page 1163 for the Fifty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 588. The Marsh specific amendment found in this day's Journal was adopted with 27 ayes, 4 nays and 18 not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT—Hold Over Motion on LB 264

Mr. Mills asked unanimous consent to hold his motion over on LB 264 to return to Select File for a specific amendment. No objections. So ordered.

MOTION—Withdraw LB 335A

Mr. Burrows renewed his pending motion, found in the Journal on page 1158 for the Fifty-sixth Day, to withdraw LB 335A.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

GENERAL FILE

LEGISLATIVE BILL 387. Title read. Considered.

Standing Committee Amendment found in the Journal on page 880 for the Forty-fourth Day was adopted with 38 ayes, 0 nays and 11 not voting.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 267A. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 5 nays and 12 not voting.

LEGISLATIVE BILL 252. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 11 nays and 12 not voting.

LEGISLATIVE BILL 263. Title read. Considered.

Mr. Duis offered the following amendment:
1. On page 2, line 13 strike everything after "state" through "course" in line 20, and show as stricken.

Mr. Duis asked unanimous consent to withdraw his amendment.

Mr. R. Lewis objected.

Mr. Duis moved to withdraw his amendment. The motion prevailed.

Mr. Mills offered the following amendment:
Add the emergency clause.

The amendment was adopted with 25 ayes, 4 nays and 20 not voting.

Mr. Kremer offered the following amendment:
1. On page 3, at the end of line 1, insert "The reduction of the period to six months shall be applicable to revocations ordered prior to the effective date of this act.".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Dickinson moved to indefinitely postpone.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays and 12 not voting.

The motion to indefinitely postpone lost with 17 ayes, 23 nays and 9 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays and 14 not voting.

LEGISLATIVE BILL 141. Title read.

Mr. Luedtke asked unanimous consent to bracket LB 141 until Tuesday, April 22, 1975. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 141 in the Journal. No objections. So ordered.

1. On page 2, line 5, after "judge" insert "in a county judge district having a population of one hundred thousand or more according to the last federal decennial census"; line 6 after "year" insert ", and each county judge in a county judge district having a population less than one hundred thousand according to the last federal decennial census shall receive an annual salary of twenty-five thousand dollars"; line 12, after "hundred" strike "fifty".

LEGISLATIVE BILL 527. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

SPEAKER BURBACH PRESIDING

LEGISLATIVE BILL 466. Title read. Considered.

Standing Committee amendments found in the Journal on page 751 for the Thirty-eighth Day were adopted with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

PRESIDENT WHELAN PRESIDING

LEGISLATIVE BILL 23. Title read. Considered.

The Barnett pending amendment found in the Journal on page 813 for the Forty-first Day to the Standing Committee amendments was adopted with 27 ayes, 2 nays and 20 not voting.

Standing Committee amendments found in the Journal on page 756 for the Thirty-eighth Day were adopted, as amended, with 27 ayes, 2 nays and 20 not voting.

Mr. Goodrich offered the following amendment:

Strike Section 9.

The amendment was adopted with 29 ayes, 6 nays and 14 not voting.

Mr. Chambers offered the following amendment:
Strike Section 7.

The amendment was adopted with 25 ayes, 6 nays and 18 not voting.

Mr. Barnett offered the following amendment:
Sec. 3 (1c) change "thirteen" to "sixteen".

The amendment was adopted with 31 ayes, 0 nays and 18 not voting.

MR. SIMPSON PRESIDING

Mr. Cavanaugh offered the following amendment:
Strike Section 6.

PRESIDENT WHELAN PRESIDING

Mr. Cavanaugh requested a record vote on his amendment.

Voting in the affirmative, 33:

Barnett	Cavanaugh	Chambers	Clark	Cope
Dickinson	Dworak	Fitzgerald	Fowler	George
Hasebroock	Johnson	Kelly	Kime	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Savage	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 1:

Goodrich

Not voting, 15:

Anderson	Bereuter	Burbach	Burrows	Carsten
DeCamp	Duis	Kennedy	Keyes	Koch
F. Lewis	R. Lewis	Rumery	Schmit	Wiltse

The amendment was adopted with 33 ayes, 1 nay and 15 not voting.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

Amendments to LB 430

Section 1. That section 77-2702, Revised Statutes Supplement, 1974, be amended to read as follows:

77-2702 (1) through (3) remains unchanged.

77-2702 (4)(a). Food products for human consumption shall mean: cereals and cereal products; milk and milk products, including ice cream; oleomargine; meat and meat products; poultry and poultry products; fish and fish products; eggs and egg products; vegetables and vegetable products; fruit and fruit products, including fruit juices; sugar, sugar products and sugar substitutes, including candy, confectionery and chewing gum; coffee and coffee substitutes; tea, cocoa and cocoa products, including candy and confectionery; soft drinks, sodas and similar beverages, including cocktail mixes; water, mineral water, carbonated water and ice; spices, condiments and salt.

(b) Food products for human consumption shall not mean: spirituous, malt or vinous liquors; tobacco and tobacco products, including cigarettes; medicines, tonics, vitamins and other dietary supplements; pet foods; meals served on or off the premises of the retailer; food furnished, prepared or served for immediate consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer; food furnished, prepared, or served for immediate consumption off the premises of the retailer; food sold by retailers who ordinarily sell for consumption on or near the premises of the retailer even though such food is sold on a "take-out" or "to go" order and is actually bagged, packaged, or wrapped and taken from the premises of the retailer; food sold through vending machines; food sold by street vendors.

77-2702(4) becomes 77-2702(5).
77-2702(5) becomes 77-2702(6).
77-2702(6) becomes 77-2702(7).
etc.

Section 2. That section 77-2704, Revised Statutes Supplement, 1974, be amended to read as follows:

77-2704(1)(a) through (f) remains unchanged.

77-2704(1)(g)(i). Food products for human consumption as defined in section 77-2702(4) provided that the following shall be exempt regardless of the exclusion contained in section 77-2702(4)(b) of meals and food sold for immediate consumption on or off the premises,

~~(i)~~(ii) Meals and food products, including soft drinks and candy, for human consumption, served by public or private schools, school districts, student organizations, or parent-teacher associations pursuant to an agreement with the proper school authorities, in an elementary or secondary school or at any institution of higher education,

public or private, during the regular school day or at an approved function of any such school or institution, but such exemption shall not apply to sales at any facility or function which is open to the general public, except that concession sales by elementary and secondary schools, public or private, shall be exempt;

~~(iii)~~(iii) Meals and food products, including soft drinks and candy, for human consuption when sold by a church at a function of such church; and

~~(iii)~~(iv) Meals and food products, including soft drinks and candy, for human consumption when served to patients and inmates of hospitals and other institutions licensed by the state for the care of human beings;

77-2704(1)(h) through (q) remains unchanged.

77-2704(2) through (5) remains unchanged.

Section 3. That original sections 77-2702 and 77-2704, Revised Statutes Supplement, 1974, as repealed.

UNANIMOUS CONSENT—Members Excused

Messrs. Luedtke, Anderson, Barnett, Nichol and Syas asked unanimous consent to be excused Wednesday, Thursday, and Friday, April 9, 10, and 11, 1975. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Nebraska Transportation Advisory

LR 26 Thursday, April 17, 1975 12:30 p.m.
Room 1019

(Signed) Leslie A. Stull, Chairman

MOTION—Reconsider Action on LB 328

Mr. Nichol moved to reconsider action on LB 328. Motion pending.

MR. SAVAGE PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 27. Read and considered.

Mr. Chambers offered the following amendment:
Strike the words: "and each and every member thereof".

The amendment lost with 11 ayes, 30 nays and 8 not voting.

Mr. Cavanaugh offered the following amendment:
Add related to matters concerning the legislature

The amendment lost with 16 ayes, 23 nays and 10 not voting.

Mr. Chambers requested a record vote on the adoption of LR 27.

Voting in the affirmative, 42:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Koch	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Rumery	Savage	Schmit
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 1:

Chambers

Not voting, 6:

DeCamp	Keyes	F. Lewis	Mahoney	Nichol
Skarda				

LR 27 was adopted with 42 ayes, 1 nay and 6 not voting.

ANNOUNCEMENT

Mr. Kennedy announced an executive session of the Public Health and Welfare Committee at 1:30 p.m. today.

VISITORS

The President introduced 12 Occupational Educational High school students from Hastings, Nebraska and their sponsors; 60 Seniors from Gibbon, Nebraska and their teacher; 100 High School students here for Farm Bureau Seminar and their sponsor; 120–4th, 5th and 6th Grade school students from Prescott Elementary and their Unit Leader; 9–10th, 11th and 12th Grade students from Albion High School, Albion, Nebraska and their teacher.

RECESS

At 12:12 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused; Mr. Chambers who was absent until 2:30 p.m. and Mr. Luedtke who was absent until 3:00 p.m.

ATTORNEY GENERAL'S OPINION

Opinion No. 58
April 8, 1975

Dear Senator Clark:

This reply is in response to your inquiry as to whether a technical community college, under the amendments to LB 344, Eighty-fourth Legislature, First Session, may "accept out-of-area students at a below production tuition cost, thereby increasing the tax load for the taxpayer of that area."

It is well settled law that no taxing district can be taxed for the exclusive benefit of another district. Peterson v. Hancock, 155 Neb. 801, 54 N. W. 2d 85 (1952). Section 9(16) of LB 344, as amended, authorizes the Technical Community College Board of Governors for each technical community college created by that act to establish tuition rates for courses of instruction offered by the college. It does not, and could not pursuant to legal principles of uniformity and equality in taxation, authorize said boards to admit students who reside outside the area of a technical community college in which they are enrolled at less than compensatory tuition rates. We are therefore of the opinion that your question must be and is answered no.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM: ss
cc Mr. Vincent D. Brown
Clerk of the Legislature

PROGRAM

Mr. Duis introduced the Bell Choir from the Nebraska State School for Trainable Mentally Retarded, Cozad, Nebr. The Choir presented a musical program for the members.

MOTION—Suspend Rules

Mr. R. Lewis moved to suspend the rules (Rule 7, Sec. 7c) to consider a motion to reconsider action on LB 113 to place on General File notwithstanding the committee action. The motion lost with 24 ayes, 14 nays and 11 not voting.

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.

Mr. Cavanaugh offered the following amendment to the Standing Committee amendment:

1. Strike the Standing Committee amendments to LB 198, Journal page 470.

2. On page 11, lines 6 and 7 strike "one hundred" and insert "eighty".

3. On page 12, lines 8 and 9 strike "one hundred" and insert "eighty".

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 26 ayes, 7 nays and 16 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

The Cavanaugh amendment was adopted with 25 ayes, 21 nays and 3 not voting.

Standing Committee amendments found in the Journal on page 470 for the Twenty-fourth Day failed as amended, with 24 ayes, 19 nays and 6 not voting.

Mr. Murphy offered the following amendment:

1. On page 9 after line 15, insert:

"Sec. 3. That section 48-122.01, (1) Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-122.01. Compensation under section 48-122 shall be payable in the amount and to the following persons subject to the maximum limits specified in sections 48-122 and 48-122.03:

(1) If there is a widow or widower and no children of the deceased, as defined in section 48-124, to such widow or widower, sixty-six and two-thirds per cent of the average weekly wage of the deceased for a period not to exceed three hundred weeks; ~~, during widowhood or widowerhood;~~

Mr. F. Lewis requested a record vote on the amendment.

Voting in the affirmative, 9:

Anderson	Burbach	Carsten	Clark	Cope
Kelly	Murphy	Rasmussen	Stull	

Voting in the negative, 21:

Burrows	Cavanaugh	Chambers	Fitzgerald	Fowler
Goodrich	Hasebroock	Keyes	Koch	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Rumery	Savage	Simpson	Stoney	Swigart
Syas				

Not voting, 19:

Barnett	Bereuter	DeCamp	Dickinson	Duis
Dworak	George	Johnson	Kennedy	Kime
Kremer	R. Lewis	Marvel	Mills	Nichol
Schmit	Skarda	Warner	Wiltse	

The amendment lost with 9 ayes, 21 nays and 19 not voting.

Mr. Kelly offered the following amendment:
To amend from $96.00 to $110.00.

Mr. Cavanaugh offered the following amendment to the Kelly amendment:

1. On page 2, line 9, after "~~eight-nine~~" insert One Hundred ten"; line 10, reinstate "~~dollars per week~~" and strike "the maximum weekly income benefit"; line 11, strike the new matter; line 24, after "~~eighty-nine~~" insert One Hundred and Ten reinstate "~~dollars per week~~", and strike "the maximum"; and line 25, strike the new matter.

2. On page 6, line 15, after "~~eighty-nine~~", insert "One Hundred and ten", reinstate "~~dollars per week~~", and strike "the maximum weekly"; and line 16, strike the new matter.

3. On page 7, line 16, after "eighty-nine", insert "One hundred and ten", reinstate "dollars per week", and strike "the maximum weekly"; line 17, strike the new matter; and line 24, reinstate "and", and strike the new matter; and line 25, strike "act".

4. On page 12, strike lines 1 to 11.

The amendment was adopted with 25 ayes, 9 nays and 15 not voting.

The Kelly amendment, as amended, was adopted with 25 ayes, 12 nays and 12 not voting.

Mr. Dworak moved to indefinitely postpone. The motion lost with 10 ayes, 28 nays and 11 not voting.

Advanced to E & R for Review with 28 ayes, 9 nays and 12 not voting.

LEGISLATIVE BILL 350. Title read.

Mr. Murphy asked unanimous consent to bracket LB 350 until April 14, 1975. No objections. So ordered.

LEGISLATIVE BILL 96. Title read. Considered.

Standing Committee amendments found in the Journal on page 775 for the Thirty-ninth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Moylan offered the following amendment:

On page 8, add a new "Sec. 5", 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."

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print an amendment to LB 561. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's Office.)

Mr. Barnett asked unanimous consent to print the following amendment to LB 418 in the Journal. No objections. So ordered.

1. On page 3, strike line 12; line 19 strike the period and insert "; and" and after line 19 insert:

"(7) The State Board of Technical Community Colleges shall mean the coordinating board of the statewide two-year postsecondary institutions.".

2. On page 7, after line 5 insert the following"

"The administration of the required training program shall be under the State Board of Technical Community Colleges. The State Board of Technical Community Colleges shall receive

directly the funds necessary to cover the cost of conducting the courses under such training programs.".

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 300. Placed on General File as amended.
Standing Committee amendments to LB 300:

1. On page 3, line 3 strike "with or".

2. On page 5 strike lines 9 to 12; line 13 strike "(13)" and insert "(12)"; strike lines 20 to 26.

3. On page 6 renumber original subsections "(15)" to "(19)" as subsections "(13)" to "(17)", respectively; lines 3 and 10 after "home" strike "or recreational vehicle"; line 4 after "home" strike "or vehicle".

4. On page 7 strike everything after the period in line 4 through the end of line 27, showing the old matter as stricken.

5. On page 8, line 15 after the underscored period, insert "Each seal issued by the department shall remain the property of the department and may be revoked by the department in the event of a violation of the conditions of issuance.".

6. On page 9, line 7 strike "(1)"; strike lines 23 to 27.

7. On page 10 strike lines 1 to 5.

8. On page 14, lines 1 and 3 after "home" strike "or recreational vehicle"; lines 23, 24, and 26, strike "or recreational vehicles".

9. On page 15, line 27 strike "or recreational vehicle".

10. On page 16, lines 2 and 26 strike "or recreational vehicles"; lines 11, 13, and 27 strike "or recreational vehicle".

11. On page 17, lines 4, 5, 11, 13, 16, 17, 22, and 26 strike "or recreational vehicle".

12. On page 18, lines 5, 13, and 25 strike "or recreational vehicle"; lines 7 and 8, 11 and 12 strike "or recreational vehicles".

13. On page 19, lines 2 and 3, 12, 19 and 20, 25 and 26, strike "or recreational vehicle"; lines 17 and 18 strike "or recreational vehicles".

14. On page 20, lines 7 and 8, 13, 15 and 16 strike "or recreational vehicle".

15. On page 21, lines 3 and 4, 15, 18, 19 and 20 strike "or recreational vehicle"; line 22 after "home" strike "or vehicle".

16. On page 22, line 21 after "home" strike "or recreational vehicle".

17. On page 23, after line 7 insert the following:

"(4) Subsections (2) and (3) of this section shall not apply to situations involving recreational vehicles.".

(Signed) Thomas C. Kennedy, Chairman

VISITORS

The President introduced Lord and Lady Lindsay, English House of Lords, London, England and Mrs. Cannon, Lincoln, Nebraska.

ADJOURNMENT

At 4:01 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, April 9, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FIFTY-NINTH DAY—APRIL 9, 1975

FIFTY-NINTH DAY—APRIL 9, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 9, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> We acknowledge a creative and redemptive Power in events beyond our own;
>
> We seek forgiveness for whatever of our past that never should have been;
>
> We ask strength for whatever of the present is as it should be;
>
> We desire guidance toward those hopes for the future which conform to the Creator's design.
>
> O Lord our God: forgive us, strengthen us, guide us, for our own sake, and for the sake of the people we here represent. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Barnett, Luedtke, Nichol, Syas and Koch who were excused and Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-eighth Day was approved

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 320. Replaced on Select File as amended.
E & R amendment to LB 320:

1. In E & R 1, line 4, strike the underscored semicolon.

LEGISLATIVE BILL 588. Replaced on Select File as amended.
E & R amendments to LB 588:

(Note: The Marsh amendments adopted 4/8/75 refer to the Final Reading (Third) bill.)

1. In lieu of the Marsh amendment 1, adopted 4/8/75, on page 4, line 3, strike "ten" and insert "five".

2. In the last line of the Marsh amendment 3, adopted 4/8/75, insert "State of Nebraska" after "the".

LEGISLATIVE BILL 243. Placed on Select File as amended.
E & R amendments to LB 243:

1. In new section 4, subsection (3), line 8, strike "this" and insert "such".

2. In the Koch amendment 3, line 2, strike "~~and~~ ," and insert ", ~~and~~".

3. In the title, line 4, strike "section" and insert "sections", and insert "and 48-838" before the first comma; and in line 8, insert "to provide recognition of a representative labor organization by an employer; to provide for intervention by a labor organization;" after the semicolon.

LEGISLATIVE BILL 243A. Placed on Select File.

LEGISLATIVE BILL 418. Placed on Select File as amended.
E & R amendments to LB 418:

1. On page 3, line 3, insert "such patients are being" after "while".

2. On page 4, line 20, strike "that" and insert "such".

3. On page 5, line 26, insert an underscored comma after "ambulance"; and in line 27, insert an underscored comma after "patients".

4. On page 6, line 4, insert an underscored period after "attendant"; strike the remainder of the line, and strike lines 5 and 6; and in line 26, insert ", if deemed competent," after "and".

5. On page 7, line 3, insert an underscored comma after "board"; in line 6, insert "certified" after "No", and strike beginning with "validly" in line 6 through the comma in line 7.

6. On page 8, line 3, strike "pursuant thereto"; and in line 27, insert an underscored comma after "presented".

7. On page 9, lines 8 and 9, strike "existing Nebraska statutes", and insert "section 84-917"; in line

21, strike "this program", and insert "the program provided by this act".

8. On page 11, line 6, insert "and" after the comma; in line 22, strike beginning with "and" through "board" and insert "for such meeting"; and in line 23, insert "the" after "of".

9. On page 13, line 15, insert an underscored comma after "board".

10. On page 14, line 4, strike "persons" and insert "person".

11. In the title, line 8, insert "to amend section 60-337, Reissue Revised Statutes of Nebraska, 1943;" after the semicolon; and in line 9, insert "to repeal the original section;" after the semicolon.

LEGISLATIVE BILL 218. Placed on Select File as amended.
E & R amendment to LB 218:

1. On page 3, line 13, strike the comma and insert an underscored semicolon, and strike the remainder of the line and line 14 through the semicolon and show as stricken; and in line 25 insert an underscored comma after "schedule".

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 67. With Emergency.

A BILL FOR AN ACT to amend section 16-673, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to provide that the mayor and city council may contract for public utilities without an election 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, 34:

Bereuter	Burbach	Burrows	Carsten	Clark
Cope	Dickinson	Duis	Dworak	Fowler
George	Goodrich	Hasebroock	Kelly	Kennedy

Keyes	Kime	Kremer	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Simpson	Skarda	Stoney
Stull	Swigart	Warner	Wiltse	

Voting in the negative, 1:

Cavanaugh

Not voting, 14:

Anderson	Barnett	Chambers	DeCamp	Fitzgerald
Johnson	Koch	F. Lewis	R. Lewis	Luedtke
Mahoney	Nichol	Schmit	Syas	

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 302.

A BILL FOR AN ACT relating to insurance; to restrict the amount of investment by domestic insurance companies as prescribed; and to define terms.

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:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	Duis	Dworak	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	R. Lewis	Maresh
Marsh	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 0.

Not voting, 14:

Anderson	Barnett	Chambers	DeCamp	Dickinson
Fitzgerald	Kime	Koch	F. Lewis	Luedtke
Mahoney	Marvel	Nichol	Syas	

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

LEGISLATIVE BILL 437.

A BILL FOR AN ACT to amend section 44-202, Reissue Revised Statutes of Nebraska, 1943, relating to insurance companies; to provide that insurance companies be authorized to act as trustees or fiduciaries of trusts or plans qualified under the provisions of the Internal Revenue Code of 1954 as amended; 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:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	Dickinson	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Anderson	Barnett	Chambers	DeCamp	George
Koch	F. Lewis	Luedtke	Nichol	Syas

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

LEGISLATIVE BILL 448.

A BILL FOR AN ACT to amend section 81-1126, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to raise the costs allowed for administering the United States Savings Bond program; to change certain withholding provisions; and to repeal the original section.

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

Voting in the affirmative, 38:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Mahoney	Maresh	Marvel
Moylan	Murphy	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Anderson	Barnett	Chambers	DeCamp	Koch
F. Lewis	Luedtke	Marsh	Mills	Nichol
Syas				

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

LEGISLATIVE BILL 480.

A BILL FOR AN ACT to amend section 25-307, Reissue Revised Statutes of Nebraska, 1943, relating to district courts; to provide procedures for commencing suit by an infant; to require court approval prior to dismissing actions commenced; to provide that actions be binding upon the infant; 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:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	Dickinson	Duis	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kremer	R. Lewis
Mahoney	Maresh	Marsh	Mills	Moylan
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 0.

Not voting, 14:

Anderson	Barnett	Chambers	DeCamp	Fowler
Kime	Koch	F. Lewis	Luedtke	Marvel
Murphy	Nichol	Skarda	Syas	

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

LEGISLATIVE BILL 493. With Emergency.

A BILL FOR AN ACT to amend section 79-602, Reissue Revised Statutes of Nebraska, 1943, and section 79-1254.02, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 82, Eighty-fourth Legislature, First Session, 1975, relating to schools; to change provisions for the attendance reports for school districts of the first class; to provide an exception; 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:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	Barnett	Chambers	DeCamp	Koch
F. Lewis	Luedtke	Nichol	Syas	

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 335.

A BILL FOR AN ACT to amend section 81-217.13, Revised Statutes Supplement, 1974, relating to food; to declare intent; to prohibit the sale

of food products which do not meet local inspection standards; 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, 28:

Burbach	Burrows	Carsten	Cavanaugh	Chambers
Cope	Dickinson	Fitzgerald	Fowler	George
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Mahoney	Maresh
Moylan	Rasmussen	Rumery	Savage	Schmit
Stoney	Warner	Wiltse		

Voting in the negative, 13:

Bereuter	Clark	Duis	Dworak	Goodrich
R. Lewis	Marsh	Marvel	Mills	Simpson
Skarda	Stull	Swigart		

Not voting, 8:

Anderson	Barnett	DeCamp	Koch	Luedtke
Murphy	Nichol	Syas		

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

LEGISLATIVE BILL 8. Mr. Anderson asked unanimous consent to bracket LB 8 until April 15, 1975. No objections. So ordered.

MOTION–Return LB 264 to Select File

Mr. Mills renewed his pending motion, found in the Journal on page 1164 for the Fifty-seventh Day, to return LB 264 to Select File for the specific amendment found on page 1164.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 20. Mrs. Marsh offered the following amendment: Strike the Cavanaugh amendment adopted on April 7, 1975 on page 1168.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The Call showed 42 members present.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Marsh amendment lost with 12 ayes, 10 nays and 27 not voting.

Mrs. Marsh offered the following amendment:

Strike the Cavanaugh amendment adopted April 7, 1975 on page 1168 and the first paragraph of the Standing Committee amendment dated February 18, 1975.

SPEAKER BURBACH PRESIDING

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 414. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 318. E & R amendments found in the Journal on page 1182 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 306. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 324. E & R amendment found in the Journal on page 1182 for the Fifty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 315. E & R amendments found in the Journal on page 1182 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 475. E & R amendments found in the Journal on page 1183 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 494. Mr. Burrows offered the following amendment:

1. On page 3, line 26 after "year" insert ", on the day of any primary election to provide for a general registration of all voters in the county,"; line 27, after the period insert "Any person who registers to vote at a polling place on the day of any primary election shall be prohibited from voting in such election.".

2. On page 4, after line 23, insert new sections as follows:

"Sec. 2. That section 32-216.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-216.01. The election officials responsible for voter registration may, during any of the last seven days prior to the deadline for registration, cause their offices to be open at times in addition to the hours during which they are required by law to be open in order for qualified electors to register to vote, but on the final day of registration as provided by law, such offices shall close at ~~six~~ 6:00 p.m. Nothing in this section shall preclude registration as prescribed in section 32-216 (4).

Sec. 3. That section 32-221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-221. The election commissioner or deputy commissioner, acting for him, or county clerk shall receive the application for registration of all voters as shall personally apply for registration at the office of the election commissioner or county clerk or other places designated for registration, including those places provided in section 32-216 (4) who then are, or on the day of election next following the day of making such application, will be entitled to vote. Any person who registers to vote on election day shall not be allowed to vote in that election. Any elector, absent from the county of this residence, who may qualify to vote may register by mail during the regular registration period. Any elector absent from the county may be registered with the absent voter's ballot by filling in the required information on the two registration forms accompanying the absent voter's ballot and subscribing to such registration under oath as provided in section 32-813. Such registration and absent voter's ballot shall be mailed under separate cover to the election commissioner or to the county clerk, who shall preserve such registrations with the other registration records.".

3. On page 6, line 1 after "32-216" insert ", 32-216.01, 32-221,".

4. Renumber original sections 2 and 3 as sections 4 and 5 respectively.

The amendment lost with 9 ayes, 19 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 500. E & R amendment found in the Journal on page 1183 for the Fifty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 541. E & R amendments found in the Journal on page 1183 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 517. E & R amendments found in the Journal on page 1183 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 509. E & R amendment found in the Journal on page 1183 for the Fifty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 542. E & R amendments found in the Journal on page 1184 for Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 564. E & R amendments found in the Journal on page 1184 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 374. E & R amendments found in the Journal on page 1184 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 371. E & R amendments found in the Journal on page 1184 for the Fifty-eighth Day were adopted.

Bracketed at request of Mr. Kennedy.

LEGISLATIVE BILL 572. E & R amendment found in the Journal on page 1184 for the Fifty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 470. E & R amendment found in the Journal on page 1184 for the Fifty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 264. The Mills specific amendment found in the Journal on page 1164 for the Fifty-seventh Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-Engrossment.

MR. SAVAGE PRESIDING

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 255.

Correctly Engrossed

The following bills were correctly engrossed: 245, 259, and 360.

Correctly Enrolled

The following bill was correctly enrolled: 303.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 383. Placed on General File as amended.
Standing Committee amendment to LB 383:
1. On page 3, lines 3 and 8, after "district" insert ", if such Class VI school district existed on the effective date of this act,".

LEGISLATIVE BILL 579. Placed on General File.
LEGISLATIVE BILL 520. Indefinitely postponed.

(Signed) Frank Lewis, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1975, at 9:50 a.m., were the following bills: 254, 307 and 366.

(Signed) Barbara Jackson, Enrolling Clerk

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 198A. By Cavanaugh, 9th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 198, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

LEGISLATIVE BILL 50A. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 50, Eighty-fourth Legislature, First Session, 1975.

ATTORNEY GENERAL'S OPINION

Opinion No. 59
April 8, 1975

Dear Senator Sys:

This is in response to your inquiry concerning the ownership of the land on which the county roads of the State are located. In State v. County of Cheyenne, 157 Neb. 533, the issue was not land for road purposes, but for a County Fair Ground. The acquisition was, however, by right of eminent domain, thus it is believed that the holding is appropriate to all eminent domain acquisitions. It was there said:

> "* * * The estate acquired by the condemnation is to continue until the happening of a certain event and to then cease. That event, discontinuance of the land for fair purposes, may happen at any time or it may never occur. Until the determining event the proprietor of a determinable estate has all the rights and privileges of an absolute owner. The former owner retains at most a mere possibility of reverter should the event happen upon which the estate is limited. A possibility of reverter is not an estate or interest in land but is only the possibility of being an estate.* * *"

It is also, of course, possible that a public agency may acquire land by fee simple title. But since the aforesaid case is dealing with the situation where fee simple has not been acquired, and still holds that during the term of the holding, the rights of the public agency are the same as if it held fee simple, it would appear the answer to your question can only be that ownership of the county road land, while being put to road purposes, is in the county, and that the abutting landowner has, at most, only the possibility of a future right.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/sks
cc Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Member Excused

Mr. Bereuter asked unanimous consent to be excused at 10:45 this morning until he returns. No objections. So ordered.

MOTION–Request Governor to Return LB 307

Mr. George moved to request the Governor to return LB 307 to the Legislature for further consideration.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 17 nays and 22 not voting.

The motion to return LB 307 prevailed with 32 ayes, 3 nays and 14 not voting.

SPEAKER BURBACH PRESIDING

MOTION–Return LB 323 to Select File

Mr. Rumery moved to return LB 323 to Select File for the specific amendment found in the Journal on page 1060 for the Fifty-third Day.

The motion lost with 14 ayes, 15 nays and 20 not voting.

MESSAGE FROM THE GOVERNOR

April 9, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 277, 295, and 474.

These bills were signed by me on April 9, 1975, and delivered to the Secretary of State.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 323.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 339. Mr. Cope asked unanimous consent to bracket LB 339 until April 14, 1975. No objections. So ordered.

LEGISLATIVE BILL 316. Title read. Considered.

Standing Committee amendment found in the Journal on page 793 for the Fortieth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 858 for the Forty-third Day.

Mr. F. Lewis offered the following amendment to the R. Lewis amendment:
Appointment to special and select committees shall be made by the three congressional districts caucus.

Mr. Duis asked unanimous consent to bracket LB 316.

Mr. Kelly objected.

Mr. Warner moved to bracket LB 316 on General File until April 16, 1975 and print any amendments on the desk.

The motion prevailed with 28 ayes, 1 nay and 20 not voting.

Amendment to LB 316 by Mr. Mahoney
1. On page 2, line 25 after "." insert "Nominations for membership on such committee shall be made by the caucus for each of the three designated areas.".

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules to allow the Appropriations Committee to hold a public hearing on LB 549 (Governor's Capital construction bill), 12:00 Noon, Tuesday, April 15, 1975, and LB 553 at 1:00 p.m., Tuesday, April 15, 1975.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

MESSAGE FROM GOVERNOR'S OFFICE

April 9, 1975

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Pursuant to the request of your body that LB 307 be returned to the Legislature for reconsideration, we have delivered the bill to the Clerk of the Legislature.

I thought it would be beneficial for the Legislature to know that upon receipt of LB 307, the Governor requested an opinion from the Attorney General regarding the validity of the bill and the implications it has for Nebraska's municipal corporation law. I know that the Governor will be sharing the answer of the Attorney General with you so that you will have the benefit of his opinion when you reconsider LB 307.

Sincerely,

(Signed) William R. Hoppner
Legal Counsel

WRH:ah

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 266. Placed on General File as amended.
Standing Committee amendment to LB 266:

1. Strike sections 1 to 3 and insert:

"Section 1. Any Nebraska resident who is an enlisted member of a Nebraska-based unit of the Active Selected Reserve of the Armed Forces of the United States who meets the requirements set forth in section 2 of this act and complies with section 3 of this act, and who enrolls, on or after the effective date of this act in any state-supported university or college, including any technical community college, shall be entitled to a credit of fifty per cent of the tuition charges of such university or college. Such entitlement shall be continuous so long as the member maintains satisfactory service in the Active Selected Reserve and pursues his course of study in a manner which satisfies the normal requirements of the university or college.

Sec. 2. In order to qualify for the tuition credit provided for in section 1 of this act, a member of the Active Selected Reserve shall (1) be classified as enlisted personnel, whose enlistment shall begin after the effective date of this act, (2) have agreed to serve a minimum of four years in the reserve, (3) not have completed his tenth year of total service in the Armed Forces of the United States, and (4) pursue a course of study leading to a baccalaureate degree or the equivalent level of study in a vocational or technical community college, and his entitlement to such credit shall cease upon the attainment of such degree or completion of such course of study. Such entitle-

ment shall not be granted to more than two hundred individuals in any calendar year.

Sec. 3. It shall be the responsibility of the individual member of the Active Selected Reserve to obtain a certificate from his commanding officer attesting to his satisfactory performance and to submit it to the Director of Veterans' Affairs who, if he finds that granting the entitlement will not exceed the limitation of new entitlements provided in section 2 of this act, shall endorse the certificate of performance as approved and return it to the member for presentation to the college or university in order to obtain tuition credit. Such certification, without the necessity of endorsement by the Director of Veterans' Affairs, shall be accomplished and presented at the time of enrollment for each semester or academic term for which tuition credit is requested.".

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 198 in the Journal. No objections. So ordered.

1. Strike sections 3 and 4.

2. On page 11, strike the new matter in line 10; on line 11, strike "this act, the", and insert "The".

3. On page 12, lines 13 and 14, strike "as provided for in sections 4, 5, and 7 of this act"; and on line 26, strike "1 to 4, 6 to 8 and 10" and insert "1, 2, 4, and 6".

4. On page 13, line 1, strike the first comma and insert "and"; and on line 2, strike "and 48-122.03,".

5. Renumber section 5 as section 3, and sections 8 to 11 as sections 4 to 7.

6. In the title, line 2, strike the first comma and insert "and"; and in lines 2 and 3, strike "and 48-122.03,".

UNANIMOUS CONSENT—Member Excused

Mr. Dworak asked unanimous consent to be excused at 11:15 a.m. on April 9, 1975 until 2:00 p.m. and Friday, April 11, 1975 at 11:00 a.m. until Wednesday, April 16, 1975. No objections. So ordered.

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 303.

VISITORS

The President introduced 50 eighth grade students, teachers and sponsors from Crete; 11 Masonic Lodge members from Omaha celebrating their 10th Anniversary; 32 senior high school students and teacher from Ord; 44 sixth grade students and teachers from Cathedral School, Lincoln; 21 fourth grade students, teacher and sponsors from Waco; 75 fourth grade students and teachers from G-Stanley Hall School from Lavista and Papillion; 15 high school students and teacher from Beatrice; 75 junior and senior high school students and teachers from Palmyra; and Mr. Steve Carsten, son of Senator Cal Carsten.

RECESS

At 11:49 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., Mr. Savage presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Barnett, DeCamp, Koch, Luedtke, Nichol and Syas who were excused and Mr. Bereuter who was excused until he arrives.

UNANIMOUS CONSENT–Unbracket LB 226

Mr. Kime asked unanimous consent to unbracket LB 226 on Select File.

Messrs. F. Lewis and Mahoney objected.

Mr. Kime moved to unbracket LB 226.

Mr. Kime moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays and 22 not voting.

The Call showed 37 members present.

Mr. Kime requested a roll call vote.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

Voting in the affirmative, 23:

Burbach	Carsten	Clark	Cope	Dickinson
Dworak	George	Hasebroock	Johnson	Kelly
Kennedy	Kime	Kremer	R. Lewis	Marsh
Murphy	Rasmussen	Rumery	Schmit	Stull
Swigart	Warner	Wiltse		

Voting in the negative, 11:

Cavanaugh	Chambers	Fitzgerald	Fowler	Goodrich
Keyes	F. Lewis	Mahoney	Moylan	Savage
Stoney				

Not voting, 15:

Anderson	Barnett	Bereuter	Burrows	DeCamp
Duis	Koch	Luedtke	Maresh	Marvel
Mills	Nichol	Simpson	Skarda	Syas

The Kime motion to unbracket lost with 23 ayes, 11 nays and 15 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Murphy asked unanimous consent to be excused at 2:30 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 187. Mr. Clark asked unanimous consent to bracket LB 187 and 187A until April 15, 1975. No objections. So ordered.

LEGISLATIVE BILL 425. Mr. Chambers asked unanimous consent to bracket LB 425 until Monday, April 14, 1975. No objections. So ordered.

LEGISLATIVE BILL 132. Title read. Considered.

Standing Committee amendment found in the Journal on page 824 for the Forty-second Day was adopted with 26 ayes, 4 nays and 19 not voting.

Mr. F. Lewis offered the following amendment:
In no case shall the provision of this act apply to any school district owned or operated buses.
Insert after line 22 page 2.

Mr. Cavanaugh requested a record vote on the amendment.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays and 29 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Voting in the affirmative, 25:

Burbach	Burrows	Carsten	Clark	Dickinson
Duis	Dworak	Fitzgerald	Hasebroock	Johnson
Kennedy	Keyes	Kime	Kremer	F. Lewis
Maresh	Mills	Rasmussen	Rumery	Savage
Schmit	Simpson	Stull	Warner	Wiltse

Voting in the negative, 11:

Cavanaugh	Cope	Fowler	Goodrich	Kelly
Mahoney	Marsh	Moylan	Skarda	Stoney
Swigart				

Not voting, 13:

Anderson	Barnett	Bereuter	Chambers	DeCamp
George	Koch	R. Lewis	Luedtke	Marvel
Murphy	Nichol	Syas		

The F. Lewis amendment was adopted with 25 ayes, 11 nays and 13 not voting.

Mr. Warner moved to indefinitely postpone. The motion lost with 13 ayes, 18 nays and 18 not voting.

Mr. Fitzgerald offered the following amendment:
That all students shall be required to wear seat belts.

The amendment lost with 10 ayes, 16 nays and 23 not voting.

Mr. Swigart requested a roll call vote on advancing LB 132.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays and 28 not voting.

The Call showed 39 members present.

Voting in the affirmative, 20:

Burbach	Carsten	Cavanaugh	Cope	Fitzgerald
Fowler	Hasebroock	Kremer	F. Lewis	Mahoney

Marsh	Marvel	Mills	Moylan	Rumery
Savage	Stoney	Stull	Swigart	Wiltse

Voting in the negative, 17:

Burrows	Clark	Dickinson	Dworak	Goodrich
Johnson	Kelly	Kennedy	Keyes	Kime
R. Lewis	Maresh	Rasmussen	Schmit	Simpson
Skarda	Warner			

Not voting, 12:

Anderson	Barnett	Bereuter	Chambers	DeCamp
Duis	George	Koch	Luedtke	Murphy
Nichol	Syas			

Failed to advance to E & R for Review with 20 ayes, 17 nays and 12 not voting.

Mr. Stull moved the Call be raised.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Swigart asked unanimous consent to bracket LB 132 until April 14, 1975.

Mr. Keyes objected.

Mr. Swigart moved to bracket LB 132 until April 14, 1975.

The motion prevailed with 25 ayes, 10 nays and 14 not voting.

SPEAKER BURBACH PRESIDING

LEGISLATIVE BILL 74. Mr. Maresh asked unanimous consent to bracket LB 74 and LB 74A until Wednesday, April 16, 1975. No objections. So ordered.

LEGISLATIVE BILL 253. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 114. Laid over at the request of Mr. Warner.

LEGISLATIVE BILL 115. Laid over at the request of Mr. Warner.

LEGISLATIVE BILL 313. Title read.

Mr. Cavanaugh asked unanimous consent to bracket LB 313. No objections. So ordered.

LEGISLATIVE BILL 381. Title read. Considered.

Standing Committee amendment found in the Journal on page 855 for the Forty-third Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Mills asked unanimous consent to have LB 381 laid over.

No objections. So ordered.

LEGISLATIVE BILL 397. Mr. Schmit asked unanimous consent to bracket LB 397 and LB 397A until April 23, 1975. No objections. So ordered.

LEGISLATIVE BILL 317. Title read. Considered.

Standing Committee amendments found in the Journal on page 870 for the Forty-fourth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Laid over.

UNANIMOUS CONSENT—Member Excused

Mr. George asked unanimous consent to be excused on Friday, April 11, 1975. No objections. So ordered.

UNANIMOUS CONSENT—Bracket Bills

Mr. Hasebroock asked unanimous consent to bracket LB32, 50, 50A, and 235 on General File for April 16, 1975. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

1. On page 12, lines 12 and 13, strike "income benefit rate" and insert "compensation provided in section 48-121 or 48-122"; and in lines 19 and 20 and lines 22 and 23, strike "income benefits" and insert "compensation".

Mr. Hasebroock asked unanimous consent to print the following amendment to LB 32 in the Journal. No objections. So ordered.

1. Insert a new section to read:

"Sec. 2. That section 23-2318, Revised Statutes Supplement, 1974, be amended to read as follows:

23-2318. The prior service retirement benefit shall be a straight life annuity, payable monthly with the first payment made as of the retirement date, in an amount determined in accordance with section 23-2311, except that if the monthly payment would be less than ten dollars, payments shall be made annually in advance with each annual payment equal to 11.54 multiplied by the monthly payment that would have been made in the absence of this restriction on small monthly payments, and no prior service retirement benefit shall be paid to any person who terminates his employment ~~before his sixty-fifth birthday~~ unless such person shall have been continuously employed by the county for ten or more years immediately prior to termination. An employee meeting such requirement and who terminates his or her employment ~~before age sixty-five~~ shall not receive a prior service benefit determined in accordance with section 23-2311 ~~upon~~ prior to attaining age sixty-five.

Prior service retirement benefits shall be paid directly by the county to the retired employee.".

2. Renumber subsequent sections accordingly.

3. In the repeal section, line 2, insert ", section 23-2318, Revised Statutes Supplement, 1974" after "1943".

RESOLUTIONS

LEGISLATIVE RESOLUTION 28.

Introduced by Keyes, 3rd District; F. Lewis, 45th District; Mahoney, 5th District; Carsten, 2nd District; Cavanaugh, 9th District; Fitzgerald, 14th District.

WHEREAS, the Legislature regards the safety of Nebraska residents and their homes and personal property to be the first priority of state government; and

WHEREAS, the Legislature has become aware of a potentially dangerous situation with respect to the condition of the dike on the Platte River near, but not a part of Chris's and Hanson's Lakes; and

WHEREAS, the Nebraska National Guard has determined that several hundred homes in Sarpy County would be endangered in the event of high water; and

WHEREAS, this dike is eroding both above and below the water line and is washing away the spoil bank levee which protects the gravel pit lakes to the north and east; and

WHEREAS, in the event of the failure of this dike there is reason to believe that the lives and property of Nebraska residents would be in immediate and grave peril; and

WHEREAS, the homes and personal property of Nebraska citizens stand in a clear and present danger.

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

That the Legislature emphatically recommends and requests that the Governor take immediate action using all the resources available to him to insure the safety of these imperiled citizens and safeguard the integrity of their homes by shoring up and repairing the spoil bank levee.

Laid over.

VISITORS

The President introduced Ambassador Johan Botha from South Africa; 22 senior High School students and teacher from Sterling, Nebraska; and 60 seventh grade students from Milford, Nebraska.

ADJOURNMENT

At 4:04 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, April 10, 1975.

SIXTIETH DAY—APRIL 10, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 10, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, prepare our hearts and minds for the business of this day that we may throughout behave with genuine courtesy and honor before our colleagues. Help us to be just and honest in all our dealings. May we listen to those who have something to say but never lose our own capacity to discriminate between right and wrong. Save us from the fallacy of depending upon our personality or ingenuity to solve our problems, and make us more willing to do the hard work that is necessary to be well informed. Since we believe Thou art the source of truth, may we listen to Thee at the beginning of this day so that at the end we may hear Thy blessing, "Well done, thou good and faithful servant." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Barnett, Luedtke, Kime, Nichol and Syas who were excused and Messrs. Burrows and F. Lewis who were excused until they arrive.

CORRECTION FOR THE JOURNAL

The Journal for the Fifty-ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 315. Replaced on Select File as amended.
E & R amendment to LB 315:
1. In E&R 2, line 2, strike "On" and insert "All deputy sheriffs in active employment on".

LEGISLATIVE BILL 264. Replaced on Select File as amended.
E & R amendment to LB 264:

(Note: The Mills amendments refer to the Final Reading bill.)

1. In the title of the Final Reading bill, line 2, strike "section" and insert "sections 60-524 and"; in line 4 strike "cash"; in line 5 insert "to require proof of financial responsibility for certain reinstatements;" after the semicolon; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 387. Placed on Select File.
LEGISLATIVE BILL 267A. Placed on Select File.
LEGISLATIVE BILL 252. Placed on Select File.
LEGISLATIVE BILL 527. Placed on Select File.

LEGISLATIVE BILL 466. Placed on Select File as amended.
E & R amendments to LB 466:

1. On page 3, line 11, strike "and" and insert an underscored comma; and in line 13, insert an underscored comma after "University".

2. In the title, line 3, insert "and" after the first comma, and strike "and 83-376,".

LEGISLATIVE BILL 198. Placed on Select File as amended.
E & R amendments to LB 198:

1. In the Cavanaugh amendment 1, line 4, strike "One Hundred and Ten" and insert "one hundred ten".

2. In the Cavanaugh amendment 2, line 2, strike "One Hundred and" and insert "one hundred".

3. In lieu of the Cavanaugh amendment 3, on page 7, line 16, after "~~eighty-nine~~", insert "one hundred ten", reinstate "dollars per week", and strike "the maximum weekly"; strike the new matter in line 17; in line 24, reinstate "and", and strike the new matter; and in line 25, strike "act".

4. On page 9, line 22, strike "7" and insert "2".

5. On page 11, line 10, strike "sections 4 and 7" and insert "section 4".

6. On page 12, line 13, strike ", 5, and 7" and insert "and 5"; and in line 26, strike the second "to", insert ", and", and strike "and 10".

7. Renumber original sections 8 to 11 as sections 6 to 9 respectively.

LEGISLATIVE BILL 96. Placed on Select File as amended.
E & R amendments to LB 96:

1. In standing committee amendment 1, strike the comma in line 14; and in line 16, insert an underscored comma after "that" and after "boards".

2. In the standing committee amendments, page 7, line 20, strike the first "and"; and in line 22, insert "; and to declare an emergency" after "1943".

3. Renumber section 5 added by the Moylan amendment as section 7.

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 345.

A BILL FOR AN ACT relating to political subdivisions; to provide for certain priority expenditures.

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:

Bereuter	Burbach	Carsten	Cavanaugh	Chambers
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Koch	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Savage	Simpson
Skarda	Stoney	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 1:

R. Lewis

Not voting, 17:

Anderson	Barnett	Burrows	Clark	Cope
Dickinson	Keyes	Kime	Kremer	F. Lewis
Luedtke	Marvel	Nichol	Rasmussen	Rumery
Schmit	Syas			

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

LEGISLATIVE BILL 365.

A BILL FOR AN ACT to amend section 44-1901, Reissue Revised Statutes of Nebraska, 1943, relating to title insurance; to redefine 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, 35:

Bereuter	Burbach	Carsten	Chambers	Clark
Cope	Dickinson	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Simpson	Skarda
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 0.

Not voting, 14:

Anderson	Barnett	Burrows	Cavanaugh	DeCamp
Duis	Dworak	Kime	F. Lewis	R. Lewis
Luedtke	Nichol	Schmit	Syas	

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

LEGISLATIVE BILL 389. With Emergency.

A BILL FOR AN ACT to appropriate four thousand dollars from the state General Fund for the period ending June 30, 1975 to the Fort Robinson Centennial Commission, Agency No. 82, Program 329, to aid in the reconstruction of the race track 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, 38:

Burbach	Carsten	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	Kremer
R. Lewis	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Rasmussen	Rumery
Savage	Simpson	Skarda	Stoney	Stull
Swigart	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Kime	F. Lewis	Luedtke	Nichol	Schmit
Syas				

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 391.

A BILL FOR AN ACT relating to land; to provide consent for retrocession of jurisdiction by the Veterans' Administration, an agency of the United States government.

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:

Bereuter	Burbach	Carsten	Cavanaugh	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	R. Lewis	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Simpson	Skarda
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	Barnett	Burrows	Kime	F. Lewis
Luedtke	Nichol	Schmit	Syas	

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

MOTION–Return LB 436 to Select File

Mr. Kelly moved to return LB 436 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Kelly asked unanimous consent to withdraw his motion. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 436. With Emergency.

A BILL FOR AN ACT relating to livestock; to provide certain requirements in the purchase of slaughter livestock; to provide penalties; 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:

Bereuter	Burbach	Carsten	Cavanaugh	Chambers
Cope	DeCamp	Dickinson	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kennedy	Keyes	Kremer	R. Lewis	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 4:

Clark	Dworak	Kelly	Koch

Not voting, 9:

Anderson	Barnett	Burrows	Kime	F. Lewis
Luedtke	Murphy	Nichol	Syas	

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 307

Mr. George moved to reconsider action on passage of LB 307.

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

Mr. Marvel asked unanimous consent to bracket LB 307 until Monday, April 14, 1975. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 320. E & R amendment found in the Journal on page 1200 for the Fifty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 588. E & R amendments found in the Journal on page 1201 for the Fifty-ninth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 243. E & R amendments found in the Journal on page 1201 for the Fifty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 243A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 418. E & R amendments found in the Journal on page 1201 for the Fifty-ninth Day were adopted.

Mr. Mahoney offered the following amendments:

1. Page 9, line 23 strike "twelve" and insert "fourteen"; line 26 strike "two" and insert "four".

2. Page 10, line 24 after "made." insert "All representatives of local governmental ambulance services appointed to the board shall be from a list of six or more qualified ambulance attendants submitted by the executive committee of the Nebraska State Association of Fire Fighters."

3. Page 11, line 4 strike "one" and insert "two"; line 6 strike "one" and insert "two".

The amendment lost with 17 ayes, 16 nays and 16 not voting.

The Barnett pending amendment found in the Journal on page 1197 was laid over with the bill by order of the Chair.

LEGISLATIVE BILL 218. E & R amendment found in the Journal on page 1202 for the Fifty-ninth Day was adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 306, 324, and 475.

Correctly Enrolled

The following bills were correctly enrolled: 67, 302, 335, 437, 448, 480, and 493.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 67, 302, 335, 437, 448, 480, and 493.

PRESENTED TO GOVERNOR

Presented to the Governor on April 10, 1975, at 9:30 a.m., were the following bills: 303.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT–Members Excused

Messrs DeCamp and R. Lewis asked unanimous consent to be excused from 10:00 a.m. until 11:00 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 198A. Title read. Considered.

Mr. Cavanaugh moved to advance LB 198A.

Mr. Cavanaugh moved for a Call of the House.

The motion prevailed with 13 ayes, 1 nay and 35 not voting.

The Call showed 39 members present.

Mr. Cavanaugh moved the Call be raised.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 6 nays and 18 not voting.

LEGISLATIVE BILL 317. Considered.

Advanced to E & R for Review with 26 ayes, 8 nays and 15 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 60
April 8, 1975

Dear Senator Hasebroock:

In your letter of March 26, 1975, you state that some county employees are unhappy with the present County Employees Retirement System which was originally voted in by the electors, and you ask whether under the present statutes the County Board can vote to discontinue participation in the retirement system. We find no such authorization in the statutes.

Under the present statutes, of course, the decision as to whether or not a county shall come into the County Employees Retirement System is made by the electors. See Sections 23-2329 and 23-2330, R. R. S. 1943. Pretty obviously, the County Board could not override the decision of the electorate on this matter. We also have been unable to find any statutory authority authorizing a vote of the electors on whether or not to withdraw from the retirment system.

However, L. B. 45 has been passed and signed by the Governor, and will become effective three months after the adjournment of the Legislature. This bill amends the County Employees Retirement Act by providing that the decision to come into the retirement system shall be made by the County Board rather than by the electors. The question then becomes whether this amendment gives the County Board the right to reverse its decision, or a decision previously made by the electors, to bring the county into the system. We find nothing in L.B. 45 which gives the County Board this authority.

In State ex rel. Agricultural Extension Service v. Miller, 182 Neb. 285, 154 N. W. 2d 469, the court said that it is elementary that a County Board

has only such powers as the Legislature grants. It is true that the court also said, in Thiles v. County Board of Sarpy County, 189 Neb. 1, 200 N. W. 2d 13 (1972), that County Commissioners are clothed with the powers expressly conferred upon them by statute and also such powers as are requisite to enable them to discharge the official duties devolved upon them by law. However, we find no indication in the statutes that the Commissioners are to be clothed with any power to decide to withdraw from the retirement system, so the question of incidental powers is not, in our opinion involved.

We are particularly convinced of the lack of power of a County Board to take this action in the absence of express statutory authority because of the problems incident to a withdrawal from the system. Employees who have served under the system, and have made contributions, have certain vested rights in the funds accumulated. Section 23-2319, R. R. S. 1943, makes provision for the rights of an employee who terminates employment before retirement age. There is no indication that the provisions of that section are applicable when the county, rather than the employee, withdraws from the system. Furthermore, if the county were to withdraw from the system during the term of an elected official, it might be held to be either an increase or diminution of his compensation during his term of office, in violation of Article III, Section 19 of the Nebraska Constitution. Wilson v. Marsh, 162 Neb. 237, 75 N. W. 2d 723, held that the required contributions to a retirement system were a diminution of compensation, and that the right to receive retirement benefits in the future was an increase of compensation, and that these changes could not be put into effect during a fixed term of office. The reverse of these conclusions would appear to be applicable were the county to withdraw from the retirement system during the term of office of officials serving a fixed term.

The complexities of withdrawing from the system reinforce our conclusion that L.B. 45 was not intended to vest the County Board with the authority to withdraw from the retirement system. If the County Boards are to be authorized to do so, there should be legislation so providing, and making provision for the uniform handling of the vested rights of employees who have served under the retirement system.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:sh
cc: Mr. Vincent Brown
Clerk of the Nebraska Legislature

Opinion No. 61
April 9, 1975

Dear Senator Murphy:

In your letter of April 7, 1975, you call our attention to the fact that LB 502 would require lending institutions, apparently including federal savings and loan associations, to pay 5% interest on money held in escrow for the purpose of paying taxes and insurance on property securing loans made by such financial institutions. Your question is whether such a law could apply to federally chartered savings and loan associations as well as to state building and loan associations.

It is our conclusion that such a law could not be applicable to federal savings and loan associations. On March 6, 1973, we wrote an opinion on a similar subject holding that, as a general proposition, the state cannot pass a law which will govern federally chartered savings and loan associations as well as state chartered building and loan associations. In that opinion we relied upon Ochs v. Washington Heights Federal Savings and Loan Association, 215 N. E. 2d 485, 17 N. Y. 2d 82, 268 N. Y. S. 2d 294 (1966). We also call your attention to the case of People v. Coast Federal Savings and Loan Association, 98 F. Supp. 311 (1951). In that case the court held that the Federal Home Loan Bank Board had adopted comprehensive rules and regulations concerning the powers and operations of every federal savings and loan association from its cradle to its corporate grave, and that state statutes were therefore invalid as applied to such associations. The court said:

> "As to national banks, Congress expressly left open field for state regulation and the application of state laws; but as to federal savings and loan associations, Congress made plenary, preemptive delegation to the Board to organize, incorporate, supervise and regulate, leaving no field for state supervision."

The paying of interest on escrow accounts certainly deals with the operation of the financial institution. We are therefore of the opinion that the bill could have no application to federal savings and loan associations.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:saa
enc.
cc Mr. Vincent D. Brown
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 28. Read and considered.

SPEAKER BURBACH PRESIDING

Mr. Keyes moved LR 28 be adopted. Motion pending.

VISITORS

The President introduced Former Governor Dwight Burney from Hartington; 10 cadets and leader from Cadet Troop 590 from Carter Lake, Iowa; 13 fourth through sixth grade students and teacher from Carelton, Nebraska; 19 eighth grade students and teacher from St. Roberts, Omaha; 45 fourth grade students and teacher from Millard; 18 eighth grade students and teacher from Loomis; 20 eighth grade students and teacher from St. Roberts, Omaha; 10 Junior High students and teacher from Huntley; 40 fourth grade students and teacher from Millard; 30 eighth grade students and teacher from Jackson Junior High, Omaha; Former Senator Crandell from Curtis, Nebraska; 85 eighth grade students and teacher from St. Roberts School, Omaha; 32 Senior High students and teacher from Harvard; 40 eleventh grade American Government class students and teacher from Genoa.

RECESS

At 12:14 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Barnett, Hasebroock, Luedtke, Nichol, and Syas who were excused.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 269A.

Introduced by Murphy, 17th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, Eighty-fourth Legislature, First Session, 1975.

LEGISLATIVE BILL 596.

Introduced by Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT to repeal section 55-157.01, Revised Statutes Supplement, 1974, relating to the Nebraska National Guard; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
596	Gov. Mil. & Vets Afrs

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 115 in the Journal. No objections. So ordered.

1. In lieu of the Standing Committee amendment to LB 115, Journal page 853, insert the following:

of Nebraska, 1943, be amended to read as follows:

39-810. The county board of each county~~, except in counties having a population of two hundred thousand inhabitants, or more, has the power to~~ may erect and repair all bridges and approaches thereto and build all culverts and make improvements on roads, including the purchase of gravel for roads, and to stockpile any materials to be used for such purposes, the cost and expense of which shall in no instance exceed ~~five~~ forty thousand dollars. All contracts for the erection or repair of bridges and approaches thereto or for the building of culverts and improvements on roads, the cost and expense of which shall exceed ~~five~~ forty thousand dollars, shall be let by the county board~~, except in counties having a population of two hundred thousand inhabitants, or more,~~ to the lowest responsible bidder. All contracts for materials for repairing, erecting, and constructing bridges and approaches thereto or culverts, or for the purchase of gravel for roads, the cost and expense of which exceed ~~five~~ ten thousand dollars, shall be let to the lowest responsible bidder, but the board~~, except in counties having a population of two hundred thousand inhabitants, or more,~~ may reject any and all bids submitted for such materials. Upon rejection of any bid or bids by the board of such a county, such board shall have power and authority to purchase materials to repair, erect, or construct the bridges of such county, and approaches thereto, culverts, or for the purchase of gravel

for roads. All contracts for bridge erection or repair, approaches thereto, culverts, or road improvements in excess of ten thousand dollars shall require individual cost accounting records on each individual project. The total costs of each such separate project shall be included in the annual reports to the Board of Public Roads Classifications and Standards as required by section 39-2120. All bids for the letting of contracts must be deposited with the county clerk of such a county, opened by him in the presence of the county board, and filed in such clerk's office.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 414, 494, 500, and 541.

(Signed) Donald N. Dworak, Chairman

COMMUNICATION

March 8, 1975

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

Attached are maps of the State Highway System of Nebraska as of January 1, 1975 and the current roads, highways and streets which have been designated as federal-aid primary roads as of March 25, 1975. These maps are being filed with the Legislature as required in Section 39-1311, Reissue Revised Statutes of 1943.

Additional copies will be supplied upon request.

Very truly yours,
DEPARTMENT OF ROADS

(Signed) Thomas D. Doyle
Director-State Engineer

Attachments

(Maps on file in the Clerk's office.)

PRESIDENT WHELAN PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 28. Considered.

Mrs. Marsh moved to bracket LR 28 until Monday, April 14, 1975.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Mrs. Marsh asked unanimous consent to withdraw her motion to bracket. No objections. So ordered.

LR 28 was adopted with 32 ayes, 3 nays and 14 not voting.

SPEAKER'S ORDER

Speaker Burbach suggested that we have no session on Friday, April 11, and Friday, April 18, 1975 and be in session on Arbor Day, Tuesday, April 22, 1975. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 317A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 269. Mr. Mills asked unanimous consent to bracket LB 269 and 269A until April 17, 1975. No objections. So ordered.

LEGISLATIVE BILL 401. Title read. Considered.

Standing Committee amendments found in the Journal on page 902 for the Forty-sixth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 530. Title read. Considered.

Mr. Keyes moved to indefinitely postpone.

The motion lost with 6 ayes, 17 nays and 26 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 120. Mr. Koch asked unanimous consent to bracket LB 120 until May 1, 1975. No objections. So ordered.

LEGISLATIVE BILL 434. Title read. Considered.

Standing Committee amendments found in the Journal on page 926 for the Forty-seventh Day were considered.

Mr. Fowler offered the following amendment:
In section 2 and section 3 to strike "seventy-two hours" and insert "seven days"

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1975, at 3:40 p.m., were the following bills: 67, 302, 335, 437, 448, 480, and 493.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 564. Replaced on Select File as amended.
E & R amendments to LB 564:
1. In E & R 2, line 1, insert "the first" after "strike".
2. On page 7, line 5, insert "of" after "city".

LEGISLATIVE BILL 20. Replaced on Select File as amended.
E & R amendment to LB 20:
1. On page 4, line 4, insert "and" after the comma.

LEGISLATIVE BILL 318. Replaced on Select File as amended.
E & R amendment to LB 318:
1. On page 11, lines 2 and 14, strike "statement" and insert "~~statement~~ report"; and in line 11, strike "statement" and insert "report".

LEGISLATIVE BILL 517. Replaced on Select File as amended.
E & R amendment to LB 517:
1. On page 2, insert a comma in line 1 after "act" and in line 4 after "children".

LEGISLATIVE BILL 481. Placed on Select File as amended.
E & R amendments to LB 481:

1. For correlation purposes, on page 11, line 27, insert ", as amended by section 1, Legislative Bill 480, Eighty-fourth Legislature, First Session, 1975" after "1943"; on page 12, strike beginning with "must" in line 3 through the period in line 4 and insert "shall be commenced, maintained, and prosecuted by his guardian or next friend. Such actions may be dismissed with or without prejudice by the guardian or next friend only with approval of the court."; in line 4, strike "brought", and insert "commenced"; and in line 8, insert "Any action taken pursuant to this section shall be binding upon the infant." after the period.

2. Renumber original section 17 as section 19.

3. Renumber original section 18 as section 17.

4. Renumber original section 19 as section 18.

5. On page 28, line 19, strike "30-2354" and insert "30-2353".

6. For correlation purposes, on page 36, line 7, and in the title, line 7, strike "25-307," and insert ", and section 25-307, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 480, Eighty-fourth Legislature, First Session, 1975" on page 36, line 13, and in the title, line 15 after "1974".

7. On page 33, line 15, strike "judge" and insert "~~judge~~ court", and strike "whom" and insert "~~whom~~ which".

8. On page 36, line 12, strike "30-2622,"; in line 13, strike "and", and insert "and 30-2622," after the second comma.

9. In the title, line 14, strike "30-2622,", strike "and", and insert "and 30-2622," before "Revised".

LEGISLATIVE BILL 23. Placed on Select File as amended.
E & R amendments to LB 23:

(Note: Except as otherwise specified, the following amendments refer to the committee amendment as amended by the Barnett amendments found on page 813 of the journal.)

1. In section 2, subdivision (2), line 2, strike "breast" and insert "breasts"; in subdivision 4, line 2, strike the comma and insert "or"; in line 4 strike "includes" and insert "shall include"; in line 5 strike

"that aforementioned" and insert "such"; and in subdivision (5), line 5, strike "does" and insert "shall".

2. In section 3, line 3, strike the first comma.

3. In lieu of the Barnett amendment thereto, in section 3, subsection (1), line 8, strike "thirteen" and insert "sixteen".

4. In section 4, line 3, strike the first comma.

5. In section 5, line 2, strike "on" and insert "in"; and in subsection (3), lines 6 and 7, strike "that it" and in line 8 strike "which is" and insert "as to be".

(Note: The Chambers, Goodrich, and Cavanaugh amendments refer to sections as renumbered by the Barnett amendment 3, found on page 813 of the Journal.)

6. In line 2 of the Barnett amendment 2, found on page 813 of the Journal, strike "section 7" and insert "section 9".

7. Renumber original section 9 as section 6 and original sections 11 and 12 as sections 7 and 8 respectively.

8. In renumbered section 8, strike beginning with "section" in line 1 through the first "and" in line 2.

9. In lieu of committee amendment 2, in the title, strike lines 2 and 3 and insert: "FOR AN ACT to amend sections 28-401 and"; and in line 9, strike "28-919" and insert "28-409".

LEGISLATIVE BILL 253. Placed on Select File as amended.
E & R amendment to LB 253:

1. On page 3, line 1, strike "purpose" show as stricken and insert "purposes"; in line 2, strike "or" and insert ", ~~or~~"; and in line 4, strike "and" and insert ", or".

Correctly Enrolled

The following bills were correctly enrolled: 345, 365, 389, 391 and 436.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 345, 365, 389, 391 and 436.

UNANIMOUS CONSENT—Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 381 in the Journal. No objections. So ordered.

Amendments to LB 381

1. On page 3, line 4 strike "Fifty-five miles per hour upon", showing the old matter as stricken, and insert "On"; and after "freeway" insert "the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature. In line 17 strike "Fifty-five miles per hour upon", showing the old matter as stricken, and insert "On"; line 19 after "freeway" insert "the maximum speed limit shall be that limit established by an act of the Congress of the United States, or if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature.

2. On page 5, line 5 strike "Fifty-five miles per hour upon", showing the old matter as stricken, and insert "On"; and after "freeway" insert "the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature. In line 18 strike "Fifty-five miles per hour during the daytime upon", showing the old matter as stricken, and insert "On"; line 20 after "freeway" insert "during the daytime, the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature."

3. On page 6, line 8 strike "Fifty-five miles per hour during the nighttime upon", showing the old matter as stricken, and insert "On"; line 10 after "freeway" insert "during the nighttime, the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature."

4. On page 7, line 10 strike "Fifty-five miles per hour upon", showing the old matter as stricken, and insert "On"; and after "freeway" insert "the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature." In line 23 strike "Fifty-five miles per hour during the daytime upon", showing the old matter as stricken, and insert "On"; line 25 after "freeway" insert "during the daytime, the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature."

5. On page 8, line 13 strike "Fifty-five miles per hour during the nighttime upon", showing the old matter as stricken, and insert "On"; line 15 after "freeway" insert "during the nighttime, the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature."

6. On page 9, line 17 strike "Fifty-five miles per hour upon", showing the old matter as stricken, and insert "On"; and after "freeway" insert "the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature."

7. On page 10, line 3 strike "Fifty-five miles per hour on", showing the old matter as stricken, and insert "On"; line 6 after "daytime" insert "the maximum speed limit shall be that limit established by an act of the Congress of the United States, or, if no such act is adopted by June 30, 1975, the existing limit shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature."

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

1. On page 2, line 26 reinstate the stricken matter; line 27 reinstate "succeding years", strike the new matter, and insert "unless there has been a change in the claimant's status that may disqualify him from receiving the exemption that year. Such reapplication forms shall be prescribed by the Tax Commissioner and filed in the same manner as provided in subsection (2) of this section.".

2. On page 3, lines 1 to 7 strike the new matter and insert "Upon receipt of such reapplication,"; line 10 reinstate "succeeding".

SELECT COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendments to LB 248:

1. On page 3, line 14 strike "(1)"; line 20 after the period strike "The"; strike lines 21 to 27.

2. On page 4, strike lines 1 to 13; line 14 after "unit" insert ", including those produced by any vocational technical school,"; line 18 after the second "the" insert "structural,"; line 22 after the period insert "The department shall establish a compliance assurance program consisting of application form and a compliance assurance manual. Such manual shall identify and list all those procedures which the manufacturer and the inspection agency propose to implement to assure that the finished manufactured housing unit conforms

to the approved building system and the applicable codes adopted by the department. The compliance assurance program requirements shall apply to all inspection agencies, whether department or independent third party, and shall define their duties and responsibilities in the process of inspecting, monitoring, and issuing seals for manufactured housing units."; line 23 after "seal" strike the rest of the line; strike lines 24 to 26; line 27 strike "department standards" and insert "only after ascertaining that the manufacturer is in full compliance with the compliance assurance program through inspections by the department, or authorized third party inspection agency, at the plant. Such inspections shall be of an unannounced frequency such that the required level of code compliance performance is implemented and maintained throughout all areas of plan and site operations that effect regulatory aspects of the construction. Each seal issued by the department shall remain the property of the department and may be revoked by the department in the event of violation of the conditions of issuance.".

3. On page 5 line 21 after the period insert "Every person"; strike lines 22 to 27.

4. On page 6 strike lines 1 and 2; line 25 after "of" insert "structural,"; line 26 after "are" strike "different from" and insert "less stringent than".

5. On page 7 line 2 after "prescribe" insert "reasonable and necessary"; lien 4 after the period insert "Site development is defined for the purposes of this act as those local development requirements including, but not limited to, foundations, site utility requirements and their connections to the manufactured housing units, land-use provisions, and fire control provisions.".

6. On page 8, line 6 after "a" insert "Nebraska registered"; line 7 after "engineer" insert a period and strike the rest of the line; strike line 8.

7. On page 9 line 1 after "appoints" insert "qualified".

(Signed) Thomas C. Kennedy, Chairman

SELECT FILE

LEGISLATIVE BILL 315. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 264. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 387. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 267A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 252. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 527. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 466. E & R amendments found in this day's Journal were adopted.

Laid over at the request of Mr. Goodrich.

LEGISLATIVE BILL 198. E & R amendments found in this day's Journal were adopted.

The Cavanaugh pending amendment found in the Journal on page 1216 for the Fifty-ninth Day was adopted with 26 ayes, 1 nay and 22 not voting.

The Cavanaugh pending amendment found in the Journal on page 1221 for the Fifty-ninth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Duis offered the following amendment:
Amend to reduce the dollar amount from $110.00 to $96.00.

Amendment pending. Laid over.

LEGISLATIVE BILL 96. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 564. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 20. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 481. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 23. E & R amendmendment found in this day's Journal was adopted.

Bracketed at the request of Mr. Luedtke.

LEGISLATIVE BILL 318. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 517. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 253. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

REFERENCE COMMITTEE REPORT

LB 596 Re-referred from Government Military and Veterans Affairs to General File

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

1. On page 2, line 26 reinstate the stricken matter; line 27 reinstate "succeeding years ", strike the new matter, and insert "unless there has been a change in the claimant's status that may disqualify him from receiving the exemption that year. Such re-application forms shall be prescribed by the Tax Commissioner and filed in the same manner as provided in subsection (2) of this section.".

2. On page 3, lines 1 to 7 strike the new matter and insert "Upon receipt of such reapplication,"; line 10 reinstate "succeeding".

VISITORS

The President introduced 40 Lutheran Church women from Hooper; 85 fourth and fifth grade students and teacher from Grand Island; 59 fourth grade students and teacher from Ralston; 15 eighth grade students and teacher from St. Roberts School, Omaha.

ADJOURNMENT

At 4:12 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, April 14, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume II

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

CONVENED JANUARY 8, 1975 ADJOURNED MAY 23, 1975

LINCOLN, NEBRASKA

Compiled
Under Authority of the Legislature
by

VINCENT D. BROWN, CLERK

SIXTY-FIRST DAY—APRIL 14, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 14, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

For continuing health of body, that we may pursue our work here without interruption;

For the understanding that our work is important, and that it may be serving purposes which are much larger than we are;

For the sense of humor which helps us to take neither our critics nor ourselves any more seriously than we should;

For the spirit of harmony which surfaces in this Legislature frequently enough to reveal a Family solidarity greater than our local rivalries;

For courage to believe that goodness is always more to be desired than greatness, and the courage to act as if we believe that goodness is always measured in terms of service to others;

For these blessings we give thanks at the beginning of another week;

And for a continuation of such blessings we sincerely pray, O Lord our God. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused and Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1245, line 4, insert "Re-" before "Engrossment".
Page 1245, lines 5 & 6, delete "E & R amendment found in this day's Journal was adopted."
The Journal for the Sixtieth Day was approved as corrected.

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1975

Honorable Vincent D. Brown
Clerk of the Unicameral Legislature
State Capitol

Dear Mr. Clerk:

This letter is to acknowledge receipt of Legislative Bill 537, together with a copy of the Governor's letter dated March 28, 1975.

Please be advised that the bill has been officially filed in the office of Secretary of State as of 1:45 P.M. on April 9, 1975.

I note for the recored that the Governor signed L.B. 537 on March 28, 1975 at 9:53 A.M. I further note that the Governor has made certain exceptions to the bill by making line item reductions which the Legislature reconsidered and failed to override.

Respectfully submitted,

(Signed) Ralph Englert
Deputy Secretary of State

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 252. Replaced on Select File as amended.
E & R amendment to LB 252:
1. On page 2, line 5, strike "are" and insert "~~are~~ is".

LEGISLATIVE BILL 96. Replaced on Select File as amended.
E & R amendment to LB 96:
1. In new section 5, line 7, strike "(1)" and show as stricken.

LEGISLATIVE BILL 198A. Placed on Select File.

LEGISLATIVE BILL 317. Placed on Select File as amended.
E & R amendments to LB 317:
1. On page 2, line 10, strike "the aforementioned" and insert "such".
2. On page 3, line 10, strike "a".
3. On page 4, line 4, insert a comma after "shall".
4. On page 6, line 11, strike "authorized and";

in line 21, insert a comma after "matters"; and in line 22, insert a comma after "statutes".

5. On page 7, line 6, strike "paper" and insert "newspaper"; in line 12, strike "their" and insert "its"; and in line 16, strike "is authorized and directed to" and insert "shall".

6. On page 8, lines 2 and 3, strike "of each year after 1976".

LEGISLATIVE BILL 317A. Placed on Select File.

LEGISLATIVE BILL 401. Placed on Select File as amended.
E & R amendments to LB 401:

1. In new section 3, line 15, strike "39-22222" and insert "39-2222"; in line 19, insert an underscored comma after the second "bonds"; in line 23, strike the underscored comma; and in line 24, strike ", which" and insert ". Such".

2. In the title, line 7, insert "to provide for refunding of present and future bonded indebtedness;" after the semicolon.

LEGISLATIVE BILL 530. Placed on Select File

Correctly Re-engrossed

The following bills were correctly re-engrossed: 264 and 588.

Correctly Engrossed

The following bills were correctly engrossed: 20, 218, 243, 243A, 253, 267A, 315, 318, 320, 374, 387, 470, 509, 517, 527, 542, 564, and 572.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 27 and LR 28.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 1975, at 9:15 a.m., were the following bills: 345, 365, 389, 391, and 436.

(Signed) Barbara Jackson, Enrolling Clerk

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of April 10, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Phillips, J. B. – Omaha, Campbell Soup Company
Ryan, James E. – Lincoln, Arrowhead Corporation of Wyoming
Skochdopole, R. A. – Omaha, Campbell Soup Company; Greater Omaha Chamber of Commerce; Governors of the Knights of Ak-Sar-Ben; Retail Merchants of Greater Omaha, Inc.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 118.

A BILL FOR AN ACT to amend section 16-401, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change provisions as to what shall constitute a quorum on the council; to provide the required vote for the transaction of business; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
R. Lewis	Luedtke	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Dworak	F.Lewis	Mahoney	Marvel	Schmit

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

LEGISLATIVE BILL 321. With Emergency.

A BILL FOR AN ACT to amend sections 54-715, 54-1332, 54-1348, and 54-1349, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to eliminate the appraisal of tuberculosis or brucellosis infected cattle; to restrict the administration of brucellosis vaccine; to change herd validation requirements; to provide controls and regulations on the importation of animals; to provide penalties; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Dworak	Johnson	F. 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 359.

A BILL FOR AN ACT to amend sections 48-606.01, 81-145, 81-146, 81-154, 81-159, 81-161, 81-161.03, 81-161.05, and 81-162, Reissue Revised Statutes of Nebraska, 1943, and sections 79-329, 81-153, 81-1108.16, 81-1108.22, and 81-1118, Revised Statutes Supplement, 1974, relating to requisitions by state agencies; to provide that contracts for purchases and leases shall be subject to the competitive bidding process; to provide that the Department of Administrative Services shall exercise authority over bids for contracts as prescribed; to define terms; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Dworak	Kime	F. Lewis

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

LEGISLATIVE BILL 359A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kennedy
Keyes	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Kelly

Not voting, 3:

Dworak Kime F. Lewis

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

MOTION—Return LB 473 to Select File

Mr. Cavanaugh moved to return LB 473 to Select File for the following specific amendment:
Strike Section 4

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 Cavanaugh motion to return LB 473 lost with 16 ayes, 28 nays and 5 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 473.

A BILL FOR AN ACT to amend sections 81-125, 81-132, and 81-1113, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to change the state agency budget submission date; to harmonize provisions with annual sessions of the Legislature; to provide requirements for correction of funding deficiencies; to provide penalties for late filings; 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, 34:

Bereuter	Burbach	Burrows	Carsten	Clark
Cope	DeCamp	Dickinson	Duis	George
Goodrich	Hasebroock	Johnson	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Marsh
Marvel	Murphy	Nichol	Rasmussen	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 12:

Anderson	Barnett	Cavanaugh	Chambers	Fitzgerald
Fowler	Kelly	Kennedy	Koch	Maresh
Mills	Rumery			

Not voting, 3:

Dworak	Mahoney	Moylan

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

LEGISLATIVE BILL 562. With Emergency.

A BILL FOR AN ACT to amend section 8-140, Revised Statutes Supplement, 1974, relating to banks and banking; to increase the maximum loan that may be made to officers or employees of a bank; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Schmit	Simpson
Skarda	Stoney	Swigart	Warner	Wiltse

Voting in the negative, 1:

Chambers

Not voting, 8:

Cavanaugh	Dworak	Fitzgerald	Mahoney	Marvel
Savage	Stull	Syas		

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 573.

A BILL FOR AN ACT to amend section 28-1011.25, Revised Statutes Supplement, 1974, relating to weapons and explosives; to raise the age required in order to be issued a permit to store, use, or purchase explosive materials; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	Dickinson	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 6:

Chambers	DeCamp	Duis	Fitzgerald	F. Lewis
R. Lewis				

Not voting, 4:

Cavanaugh	Dworak	Mahoney	Simpson

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

LEGISLATIVE BILL 578.

A BILL FOR AN ACT to amend section 46-124, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation districts; to change requirements for board meetings; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	Dickinson
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 3:

DeCamp	R. Lewis	Schmit

Not voting, 4:

Cavanaugh	Dworak	Mahoney	Savage

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

MOTION—Reconsider Action on LB 528

Mr. Wiltse renewed his pending motion, found in the Journal on page 1153 for the Fifty-sixth Day, to reconsider action on LB 528 in indefinitely postponing.

Motion pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 62
April 10, 1975

Dear Senator Murphy:

In your letter of April 2, 1975, you inquire about the constitutionality of L.B. 269. This bill would authorize banks to use manned and unmanned electronic satellite facilities at which various banking transactions could be accomplished. The manned facilities would utilize persons who were not employees of the bank or banks involved with the transactions.

You have asked no specific questions about particular provisions of the bill, but have asked us to review the bill and give a general opinion as to constitutionality. It is rather difficult to render such an opinion in a bill of some length, and containing some rather complex, detailed provisions. However, we see no readily discernible constitutional difficulties with the bill. The regulation of the banking industry is clearly a legislative function, and if the legislature sees fit to do so, we see no reason why it cannot authorize nonbanking businesses or individuals to assist in the banking function to the extent contemplated by this bill.

The bill also makes provisions for national banking associations to establish manned or unmanned electronic satellite facilities. We believe that it is proper for the statute to authorize national banks to do so, but, of course, such banks are not under the control of the State of Nebraska, and we presume that authorization by the Comptroller of the Currency would be necessary before such banks could establish such facilities.

The bill provides, among other things, that if the Director of Banking shall determine that discrimination against any bank has taken place, that one bank has been preferred over another, or that any bank or person has not complied with the provisions of the act, the Director of Banking shall issue a cease and desist order, and that, upon noncompliance with such order, the offending bank shall become ineligible to receive and hold deposits of any nature of the State of Nebraska or any political subdivision thereof. We believe that this provision, as applied to national banks, does not give rise to any problems. The director would have no authority to require a national bank to cease and desist, but the state does have control over deposits of the State of Nebraska and its political subdivisions, and can prohibit such deposits in institutions failing to comply with the laws of the State of Nebraska. We therefore conclude that this provision will be effective even as to national banks.

In summary, then, our examination has disclosed no constitutional difficulties with the bill.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:saa
cc Mr. Vincent D. Brown
Clerk of the Legislature

ANNOUNCEMENT

Mr. F. Lewis announced an executive session of the Education Committee at 12 noon today in the East Chamber.

EXPLANATION OF VOTE

Had I been present and voting on Wednesday, April 9, 1975, I would have voted aye on LB's 302, 437, 448, 480, and 493 and I would have voted Nay on LB 335; had I been present and voting on Thursday, April 10, 1975, I would have voted aye on LB's 345, 365, 389, 391, and 436.

(Signed) Roland A. Luedtke

REFERENCE COMMITTEE REPORT

LB	Committee
296	Rereferred from Judiciary to Cons. Rev. & Rec.

(Signed) Eugene T. Mahoney, Chairman

VISITORS

The President introduced 22 seventh grade students and sponsors from St. Teresa, Lincoln; 60 fourth grade students and teacher and sponsors from Meadow Lane School, Lincoln; a group of 36 representing the 4-H Citizenship from Washington County and sponsors; and a group of speech students and teacher from North Loup Scotia High School.

RECESS

At 12:04 p.m. on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused and Mr. Keyes who was absent until 3:30 p.m.

MOTION–Reconsider Action on LB 528

Mr. Wiltse renewed his pending motion, found in the Journal on page 1153 for the Fifty-sixth Day, to reconsider action on LB 528 in indefinitely postponing.

The motion prevailed with 30 ayes, 10 nays and 9 not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 109. Indefinitely postponed.

(Signed) J. R. Murphy, Chairman

MESSAGE FROM THE GOVERNOR

April 14, 1975

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

It is my understanding that the Legislature will reconsider today its previous action of indefinitely postponing LB 328, the so-called Motorcycle Helmet Bill. I urge your reconsideration and favorable action on this measure.

I am not an expert on motorcycle safety programs, but I am advised by knowledgeable individuals that helmets are extremely valuable in protecting an individual involved in a motorcycle accident. This is extremely important.

Although LB 328 can be considered an infringement on individual rights, I do not agree with the argument that individual have the right to unrestricted risk to themselves or others.

Most states have laws similar to LB 328 in effect. I cannot believe that those states or the federal government are mandating such required protection without adequate facts to back their positions.

As a Governor who has fought unreasonable federal dictates and actions, I am pleased that the Legislature agrees that the states must strengthen their collective backbones in the face of continued federal encroachment on states' rights.

A few months ago, I went to the mat with Federal Highway Administrator Tiemann on their dictate of forced removal of our tourist information signs. I was wise enough, I think, to know when to give up a battle in the interest of eventually winning the war.

I believe the Legislature has selected an unwise issue on which to challenge federal authority. Last year the Legislature acted similarly. At that time, this office appealed to Administrator Tiemann and his counterpart, Administrator Gregory, who heads the Department of Transportation's Highway Safety Office. Through their efforts, after

commitments from this office that we would try again this year to obtain passage of the Motorcycle Helmet Law, we were granted a one year reprieve and did not lose funds for fiscal year 1974-75.

Since your action this session killing LB 328, Director Doyle of the Department of Roads and Director Sullivan of the Department of Motor Vehicles have been warned by federal officials that we were "skating on thin ice" this time and it was likely that sanctions would be imposed. I also visited with Federal Highway Administrator Tiemann over the telephone.

The final decision, if Nebraska does not act favorably on this measure, will be with the Secretary of Transportation on recommendation from Administrators Tiemann and Gregory. Governor Tiemann authorized me to say that while he could not predict with certainty what the Secretary's decision would be, he was fearful that in consideration of the previous delay granted Nebraska to comply with the standards, we could well be penalized in fiscal year 1975-76. This could mean that our highway construction program would be reduced by approximately $5 million next year and every year thereafter until we complied. The same would be true for our nationally recognized Highway Safety Program to the extent of an additional $2 million each year. Aside from the loss of construction funds, the Legislature should recognize that our Highway Safety Program would be eliminated entirely this July 1, 1975. Should you maintain your present position, I will do everything possible again to protect Nebraska's interests, but the Legislature must understand the possible consequences.

Again, let me urge your favorable reconsideration of LB 328.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah2

SELECT FILE

LEGISLATIVE BILL 418. Mr. Barnett renewed his pending amendment found in the Journal on page 1197 for the Fifty-eighth Day.

The amendment lost with 10 ayes, 13 nays and 26 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 466. Laid over until April 16, 1975 at the request of Mr. Goodrich.

LEGISLATIVE BILL 198. Laid over temporarily.

MOTION–Withdraw LB 341

Mr. Carsten moved to withdraw LB 341.

Motion pending.

UNANIMOUS CONSENT–Unbracket LB 226

Mr. Kime asked unanimous consent to unbracket LB 226 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 226. E & R amendment found in the Journal on page 1093 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. Mr. Duis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1245 for the Sixtieth Day. No objections. So ordered.

Mr. Duis offered the following amendment:

1. Reinstate the Standing Committee amendment 1 to 7, Journal page 470, and strike all other amendments to LB 198.

2. On page 13, line 1, strike the first comma and insert "and"; line 2, strike "and 48-122.03,"; strike lines 4 to 6.

3. Renumber original section 10 as section 3.

Mr. Maresh offered the following amendment to the Duis amendment: To amend the Duis Amendment to strike $96.00 and insert $100.00.

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 Maresh amendment to the Duis amendment lost with 16 ayes, 25 nays and 8 not voting.

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. Duis moved for a Call of the House. The motion lost with 17 ayes, 21 nays and 11 not voting.

Mr. Duis requested a record vote on his amendment.

Voting in the affirmative, 18:

Carsten	Clark	Cope	Dickinson	Duis
Hasebroock	Johnson	Kelly	Kennedy	Kime
Kremer	R. Lewis	Marvel	Murphy	Rasmussen
Stull	Warner	Wiltse		

Voting in the negative, 26:

Anderson	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	DeCamp	Fitzgerald	Fowler	George
Goodrich	Koch	F. Lewis	Luedtke	Mahoney
Maresh	Mills	Moylan	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Syas				

Not voting, 5:

Barnett	Dworak	Keyes	Marsh	Nichol

The amendment lost with 18 ayes, 26 nays and 5 not voting.

Mr. Kelly offered the following amendment:

1. Strike sections 5, 8, and 9.

The amendment was adopted with 25 ayes, 18 nays and 6 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Members Excused

Messrs. Hasebroock, Maresh, Kremer and R. Lewis asked unanimous consent to be excused remainder of the day. No objections. So ordered.

MOTION–Reconsider Action on LB 367

Mr. Anderson renewed his pending motion, found in the Journal on page 1177 for the Fifty-seventh Day to reconsider action on LB 367 on indefinitely postponing.

Mr. Anderson moved for a Call of the House. The motion prevailed with 14 ayes, 11 nays and 24 not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Anderson moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Anderson motion to reconsider action on LB 367 lost with 15 ayes, 18 nays and 16 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 417A. By Luedtke, 28th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 417, Eighty-fourth Legislature, First Session, 1975.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 528 in the Journal. No objections. So ordered.

1. On page 5, line 23 reinstate "specified"; in line 24 reinstate "six" and strike "eight" and after "annum" insert "on the amount loaned not exceeding fifty thousand dollars and eight per cent per annum on any amount in excess of fifty thousand dollars" and strike "a sum equal to", and show as stricken; strike line 25 and show as stricken; line 26 strike "the amount required by section 44-405," and show as stricken; line 27 strike "thereby" and insert "~~thereby~~ in section 44-405".

UNANIMOUS CONSENT—Print in Journal

Mr. Wiltse asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

Amendments to LB 306

1. On page 2, line 14, insert ", or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with," after "hours".

2. Insert a new section to read as follows:

"Sec. 2. That section 39-6,181, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol with respect to highways under their jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor, issue a special permit in writing

authorizing the applicant (a) to operate or move a vehicle, a combination of vehicles or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare, (b) to permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, or is necessary because of an emergency, an unusual circumstance, or a very special situation, or (c) to operate vehicles loaded up to twenty-five per cent greater than the maximum weight specified by law, or up to ten per cent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are havested or assembled to storage or market when failure to move in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare; Provided, no permit shall be issued under subdivisions (a) and (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object whichexceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the highways to reach its intended destination; and provided further, no permit shall be required for the temporary movement on roads other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment where such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle and the load to be operated or moved and whenever possible the particular highways, roads, or streets for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or county authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to (a) a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, or (b) the owner of vehicles described in subdivision (1) (c) of this section, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue

danger to the public safety, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit and in case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless the violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied, or unless the total gross load is within the maximum authorized by the permit and no axle is more than ten per cent in excess of the maximum load for such axle or group of axles authorized by the permit and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty provided that such shift is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or county authority issuing a permit as provided in this section may promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars; Provided, that the fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one hundred eighty-day period, or one hundred dollars for a one-year period.".

2. Renumber original section 2 as section 3.

3. On page 4, line 17, insert "39-6,181, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 18 strike "is" and insert "are".

RESOLUTION

LEGISLATIVE RESOLUTION 29.

Introduced by F. Lewis, 45th District.

WHEREAS, the Constitution of the United States establishes a federal system of government; and

WHEREAS, this federal system creates two dual sovereignties, each having primacy in its own sphere of responsibility; and

WHEREAS, these two sovereignties, the state and the national governments, were created to perform independent functions as coequal partners; and

WHEREAS, to maintain this partnership it is necessary that both sovereignties respect the integrity of the other; and

WHEREAS, attempts by one sovereignty to coerce or mandate a partner's sovereignty undermines the integrity of the federal system of government; and

WHEREAS, the federal government has repeatedly threatened, coerced, or mandated the state governments into passing state laws and enacting state programs consistent with federal demands; and

WHEREAS, this coercion inhibits the vitality of state governments and violates the spirit of the constitutional responsibilities of the federal system of government.

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

1. That this Legislature condemns the practice of federally mandated programs which usurp the prerogatives and limit the flexibility of state government.

2. That this Legislature requests the Nebraska Congressional delegation to undertake an independent investigation of recent and pending federal coercion and intervention into state responsibilities and requests their assistance in halting this coercion.

3. That a copy of this resolution be sent to each member of Nebraska's Congressional respresentatives.

Laid over.

UNANIMOUS CONSENT–Bracket LB 528

Mr. Wiltse asked unanimous consent to bracket LB 528 on General File for April 23, 1975. No objections. So ordered.

VISITORS

The President introduced 17 tenth grade students, teacher and sponsors from Overton; 2 members of the Omaha PTA; 35 ninth and twelfth grade students and sponsors from Franklin; 22 seventh grade students, 4 adults and teacher from St. Teresa School, Lincoln; 8 students of the South East Debate Class, Lincoln.

ADJOURNMENT

At 4:13 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, April 15, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SECOND DAY—APRIL 15, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 15, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Savage presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, stop us for a minute of prayer. Stop our anxious minds from wandering, and our wearied spirits from desiring anything but to know Thy will. Let us stand at attention before Thee and hear what Thou hast to say to us. We believe that Thou canst tell us not only what to do, but also how to do it. If it needs making up our minds, Thou who didst make our minds can show us how to make them up. If it needs changing our minds, Thou canst work that miracle, too. Speak, O Lord, and make us hear, for Jesus' sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Mahoney and R. Lewis who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1249, line 12, correct spelling of "record".
The Journal for the Sixty-first Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 481. Replaced on Select File as amended.
E & R amendments to LB 481:
1. On page 35, line 2, strike "he" and insert "~~he~~ it".

2. On page 36, line 11, and in the title, line 12, strike "and".

(Signed) Donald Dworak, Chairman

MOTION–Withdraw LB 341

Mr. Carsten renewed his pending motion, found in the Journal on page 1262 for the Sixty-first Day, to withdraw LB 341.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 252. E & R amendment found in the Journal on page 1249 for the Sixty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 96. E & R amendment found in the Journal on page 1249 for the Sixty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198A. Laid over temporarily at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 317. E & R amendments found in the Journal on page 1249 for the Sixty-first Day were adopted.

Mr. Duis offered the following amendment:

1. On page 6, line 20 after "regulation" insert "which are in force as of the effective date of this act".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 317A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 401. E & R amendments found in the Journal on page 1250 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 530. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198A. Mr. Cavanaugh offered the following amendment:

Strike $53,294.00. Add twenty-five thousand six hundred and twenty.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Reconsider Action on LB 328

Mr. Nichol renewed his pending motion, found in the Journal on page 1192 for the Fifty-eighth Day, to reconsider action on indefinitely postponing LB 328.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays and 15 not voting.

Mr. F. Lewis requested a record vote on the Nichol motion.

Voting in the affirmative, 28:

Anderson	Bereuter	Burbach	Carsten	Cavanaugh
Cope	Fowler	Goodrich	Hasebroock	Johnson
Kennedy	Keyes	Kime	Koch	Kremer
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Nichol	Skarda	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 14:

Barnett	Burrows	Chambers	DeCamp	Dickinson
Fitzgerald	Kelly	F. Lewis	Mills	Rasmussen
Rumery	Schmit	Simpson	Stoney	

Not voting, 7:

Clark	Duis	Dworak	George	R. Lewis
Mahoney	Savage			

The Nichol motion to reconsider action on LB 328 prevailed with 28 ayes, 14 nays and 7 not voting.

SPEAKER BURBACH PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 118, 321, 359, 359A, 473, 562, 573 and 578.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 118, 321, 359, 359A, 473, 562, 573 and 578.

MR. SAVAGE PRESIDING

MESSAGE FROM THE GOVERNOR

April 14, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 302, 303, 345, 365, 366, 436, 437, 448, and 480, and Reengrossed Legislative Bill No. 67.

These bills were signed by me on April 13, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Print in Journal

Mr. Luedtke asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

April 10, 1975

Honorable Roland A. Luedtke
Nebraska State Legislature
District No. 28
327 Park Vista
Lincoln, Ne. 68510

Dear Senator Luedtke:

This is in response to your letter of April 3, 1975, to William K. Schaphorst. As you may know, on April 7 I was sworn in as Acting United States Attorney and Mr. Schaphorst has left to go into private practice.

I am not, as you can well imagine, as thoroughly informed about these matters as I will be in the future. However, it is my position at this point that it would be inappropriate to reveal any information concerning this case until the criminal proceedings in court have been completed. It will be my desire as United States Attorney to complete these prosecutions as expeditiously as possible, and I can assure you that upon their completion I will make every attempt to completely reveal the matters in this case as much as the court will allow.

I will look forward to cooperating with you in this matter as soon as possible.

With kind regards,

(Signed) DANIEL E. WHERRY
United States Attorney

DEW:bf

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 115 in the Journal. No objections. So ordered.

1. On page 2, line 6, strike "has" and insert "~~has~~ shall have"; strike beginning with "The" in line 12 through the period in line 27, showing old matter as stricken and insert: "Before any erection work or repairs are started, or purchases of materials made, the county board shall determine the feasibility of completion of such work and repairs at a lower cost by the use of county personnel and equipment. If it is not feasible for the county to perform the necessary work, the county board shall call for the submission of bids for the completion of such work. The contract shall be let to the lowest responsible bidder.".

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 269 in the Journal. No objections. So ordered.

Proposed Amendments to LB 269

Amend Title by inserting after the word "banking" in line 4 thereof "section 8-301, Reissue Revised Statutes of Nebraska, 1943, relating to building and loan associations;"

Amend Title by inserting after the word "banking" in line 5 thereof "and building and loan association".

Amendments to Section 2:

Amend page 6, line 11. Delete the word "only".

Amend page 6, line 19. After the words "any other bank" insert the words "building and loan association or federal savings and loan association".

Amend page 6, line 19. After the words "a user bank" inser the words "or association".

Amend page 6, line 22. After the words "Any bank" insert the words "or building and loan association or federal savings and loan association".

Amend page 7, line 7. After the words "any other bank" insert the words "building and loan association or federal savings and loan association".

Amend page 8, line 10. After the words "any user bank" insert the words "building and loan association or federal savings and loan association".

Amend page 8, line 18. After the words "other user bank" insert the words "building and loan association or federal savings and loan association".

Amend page 8, line 23. After the words "State of Nebraska" insert the words "and to building and loan associations and federal savings and loan associations".

Amend page 9, line 11. After the words "against any bank" insert the words "or against any building and loan association".

Amend page 9, line 18. After the words "against any bank" insert the words "or building and loan association".

Amend page 9, line 18 after the words "that one bank" insert the words "or building and loan association".

Amend page 9, line 19. After the words "that any bank" insert the words "or building and loan association".

Amend page 10, line 1. Before the words "The provisions of" insert the words "Except as provided in sections 3 and 4 of this act" and delete the word "The" and insert the word "the".

ADD new sections 3 and 4 as follows:

Section 3. That section 8-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

The Department of Banking shall have power to issue permits to and shall have general supervision and control of all building and loan associations as defined in sections 8-301 to 8-345 8-355.

(1) As used in sections 8-301 to 8-355, unless the context otherwise requires:

(a) Association shall mean building and loan associations organized under the laws of this State;

(b) Order shall include orders transmitted by electronic transmission;

(c) Electronic satellite facility shall mean an off-premises unmanned facility or terminal through which

building and loan transactions are transmitted to an association or associations by means of an electronic impulse;

(d) Manned electronic satellite facility shall mean an off-premises facility, terminal, or place at which building and loan transactions are brought about with the assistance of one or more persons and transmitted to an association or associations by means of an electronic impulse. Such person or persons shall not be employees of the association or associations involved with such transmissions;

(e) Making loans shall include advances or credits that are initiated by means of credit card or other transaction card. Transaction card and other transactions, including transactions made pursuant to prior agreements, may be brought about and transmitted by means of an electronic impulse. Such loan transactions including transactions made pursuant to prior agreements shall be subject to sections 8-315 to 8-330, and shall be deemed loans made at the place of business of the association;

(f) Establishing association shall mean any association establishing an electronic satellite facility or a manned electronic satellite facility;

(g) User association shall mean any association which desires to avail itself and its customers of an electronic satellite facility or manned electronic satellite facility services;

(h) Switch shall mean an installation where a transaction impulse is received and the transaction message is immediately routed and electronically transmitted to a processing center. A switch may be a processing center;

(i) Impulse shall mean an electronic impulse;

(j) A processing center shall mean a place designated by a user association capable of receiving and processing electronic impulse transactions.

(2) Upon the application of the association, with the approval of the director, any association or associations may establish and maintain any number of electronic satellite facilities or manned electronic satellite facilities at which all building and loan transactions, defined as receiving deposits of every kind and nature and crediting such to customer accounts, cash withdrawals, transfer of funds from savings accounts to accounts of other customers, payment transfers from customer account into accounts maintained by other association customers or the association, including preauthorized draft authority, preauthorized loans and credit transactions, receiving payments payable at the association or otherwise, and such other transactions that the Director of Banking upon application, notice, and hearing may approve, may be conducted. Neither such electronic satellite facility, the manned electronic satellite facility, nor the transactions conducted thereat shall be construed as the establishment of a branch association. Such facilities shall be available on a non-discriminating basis for use by customers of any other association becoming a user association and for use by customers of any federal savings and loan association and of any bank of banks. It shall not be deemed discrimination if a facility does not offer the same transaction services as other facilities.

Any association, federal savings and loan association or any bank or banks may become a user association by agreeing to pay the establishing association its pro rata transaction and other costs, including a reasonable return on capital expenditures incurred in establishing and maintaining such facilities. The establishing association shall file with the director the information necessary to originate a transaction at any facility. Such information must contain a means of designating the association or processor to which such transactions shall be switched, and must also contain information adequate to perform authorization of cash withdrawal and other transactions authorized by this act. The director shall make such information available to any other association desiring to become a user association. The establishing association shall be responsible for transmitting transactions originationg from its factility to a switch, but nothing contained in this section may be construed to provide that any in-house or branch office premises transactions shall be required to go through a switch. The director shall approve any such application for the establishment of any electronic satellite facilities or manned electronic satellite facilities if the application shows that such facilities will be available on a nondiscriminating basis through methods and processes that the establishing association has provided for switching transactions. Once approval is given for the facility of an establishing association, the director, upon notice and after a hearing, may revoke the approval for the establishing association facilities including its utlization of switches or may suspend the use of such facilities if he determines that those facilities are not available on a nondiscriminating basis, that the necessary information is not on file with the director, or that transactions originated by customers of user association are not being switched to processing centers. Nothing in this section may be construed to prohibit nonassociation employees from assisting in transactions originated at the facilities, and such assistance shall not be deemed to be engaging in the business of an association or in the business of banking. Such nonassociation employees may be trained in the use of the facilities by association employees.

(3) An establishing association shall not be deemed to make a facility available on a nondiscriminating basis, if through personnel services offered, advertising on or off the facility premises, or otherwise, it discriminates in the use of the facility against any user association, federal savings and loan association, bank or banks.

(4) Off-premises electronic satellite facilities and manned electronic satellite facilities may be established and maintained by an association or by a group of two or more associations or a combination of association or associations and a third party. No one, through personnel services offered, advertising on or off the facility premises, or otherwise, may discriminate in the use of the facility against any other user association, federal savings and loan association, bank or banks desiring to use the services of the facility.

RENUMBER existing sections 3 and 4 respectively, to be sections 4 and 5 respectively.

AMEND page 10, line 13, by deleting the date "January 1, 1976" and inserting the date "July 1, 1975."

BILL ON FIRST READING

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

LEGISLATIVE BILL 259A. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

UNANIMOUS CONSENT—Unbracket LB 23

Mr. Barnett asked unanimous consent to unbracket LB 23 on Select File. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 371

Mr. Kennedy asked unanimous consent to unbracket LB 371 on Select File.

Mr. Cavanaugh objected.

UNANIMOUS CONSENT—Print in Journal

Mr. Kennedy asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

Amendment to LB 371

1. Strike standing committee amendment 1 to LB 371 adopted April 4.

2. On page 3, line 2 strike "real and"; in line 3 after "thereby" insert a "." and strike ", but no"; strike lines 4 to 6 and insert "Each area board may acquire and hold title to not more than one lot of real property each year for the purpose of erecting buildings by students as part of a regular course of study, and sell, convey, or lease any property upon which any of such buildings are located;".

SELECT FILE

LEGISLATIVE BILL 23.

Mr. Luedtke offered the following amendment:

Amendments to the Standing Committee Amendments
On L. B. 23
(as found on Pg. 756 of the Legis. Journal)

1. Strike the first three sentences of Section 1 of the Standing Committee amendments.

2. In the 4th sentence of Section 1 of the standing committee amendments strike "which will preserve the rights of privacy and freedom from undesirable publicity,".

The amendment was adopted with 25 ayes, 1 nay and 23 not voting.

Mr. Barnett offered the following amendment:

In the Amended Committee Amendments:

1. Insert a new section to read:

"Sec. 7. That section 28-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-409. Whoever assaults another with intent to commit a murder, ~~rape~~, sodomy, or robbery upon the person so assaulted, shall be imprisoned in the Nebraska Penal and Correctional Complex not more than fifteen nor less than two years.".

2. Renumber sections 7 and 8 as sections 8 and 9.

3. On page 8, line 18, insert "section 28-409, Reissue Revised Statutes of Nebraska, 1943, and" after "original"; and in line 20 strike "sections 28-407 and 28-409" and insert "section 28-407".

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Laid over at the request of Mr. Barnett.

UNANIMOUS CONSENT—Unbracket LB 371

Mr. Kennedy asked unanimous consent to unbracket LB 371 on Select File. No objections. So ordered.

MOTION—Return LB 306 to Select File

Mr. Wiltse moved to return LB 306 to Select File for the specific amendment found in the Journal on page 1264 for the Sixty-first Day.

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 306. The Wiltse specific amendment found in the Journal on page 1264 for the Sixty-first Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Stoney asked unanimous consent to print the following amendment to LB 528 in the Journal. No objections. So ordered.
Page 5 line 23 reinstate the stricken word specified.

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 414 in the Journal. No objections. So ordered.

On the Final Reading copy of L.B. 414, at page 8, strike lines 15 through 27 and at page 9, strike lines 1 through 14 and in lieu thereof insert:
"I. Alcoholic liquors, including beer, issued for consumption on the premises to a religious or fraternal non-profit corporation which has been exempted from payment of federal income taxes and does not hold a retail liquor license under Section 53-124. Such license shall be issued subject to the following conditions:

(a) The license authorized in this subdivision shall not be applied for and used by the same non-profit corporation on more than three occasions in one calendar year;

(b) The license shall be valid only for the occasion or the date of such occasion indicated on the license, provided such license shall only be used on three calendar days;

(c) The fee for such license shall be twenty dollars for each such occasion and shall be submitted with the application for the license;

(d) The non-profit corporation seeking such license shall, at least thirty days prior to the occasion for which the license is required, file an application which shall include the date, time, and place of the occasion together with the required fee and such other information that may be required by the commission to determine if the applicant is qualified to receive this license; and

(e) The application shall be processed by the Liquor Control Commission without the necessity of forwarding the said application to the local governing body nor without having a hearing on said application nor shall the applicant be required to file a bond or lease. The application, if it meets the requirements of this subsection, shall be taken as authority for the non-profit corporation to use said premises but provided that all other statutory provisions and rules and regulations of the Commission shall be applicable, except the provision of Section 53-177 shall not apply to said applicant. If the application does not qualify for this license, then it shall be denied by the commission.

GENERAL FILE

LEGISLATIVE BILL 430. Considered.

Mr. Rumery renewed his pending amendment found in the Journal on page 1125 for the Fifty-fifth Day.

The amendment lost with 16 ayes, 0 nays and 33 not voting.

Speaker Burbach renewed his pending amendment found in the Journal on page 1126 for the Fifty-fifth Day.

Amendment pending.

UNANIMOUS CONSENT–Bracket LB 306

Mr. Mills asked unanimous consent to bracket LB 306. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 187 in the Journal. No objections. So ordered.

Amendments to LB 187

1. On page 5, line 14 strike the new matter and reinstate the stricken matter except "~~or~~" and insert "and" after "~~or~~".

2. On page 6, after the period in line 21 insert "If such application is approved by the Nebraska Workmen's Compensation Court, the application shall be submitted to a judge of the district court in the county in which the accident occurred unless otherwise stipulated by all the parties, but if the accident occurred outside of the State of Nebraska, the application shall, unless otherwise stipulated by all the parties, be submitted to the district court of Lancaster County."; and in lines 21 to 27 strike the new matter and reinstate the stricken matter.

3. On page 7, lines 1 and 2, reinstate the stricken matter; in line 5 insert "and if such application has been approved by the Nebraska Workmen's Compensation Court," after the comma; in lines 9 to 11 reinstate the stricken matter; at the end of line 13 insert "After the application is acted upon by the district court, a copy of the order of the district court shall be filed immediately with the Nebraska Workmen's Compensation Court by the employer or insurer."; in line 23 insert "approval by and" after "and"; in line 24 strike the period and insert "and"; and in lines 24 and 25 reinstate the stricken matter except the comma.

4. On page 14, line 11, strike "and" and show as stricken.

5. On page 17, lines 19 and 20, strike "be conclusive in the absence of fraud" and insert "have the same force and effect as a jury verdict in a civil case".

6. On page 18, lines 22 and 23, strike the new matter and reinstate the stricken matter.

7. Strike section 18 and renumber sections 19 to 23 as sections 18 to 22 respectively.

8. On page 21, line 1, strike "21" and insert "20"; and in line 6 strike "48-194,".

RESOLUTIONS

LEGISLATIVE RESOLUTION 30.

Introduced by DeCamp, 40th District.

WHEREAS, a full scale invasion by the Communist North Vietnamese government into South Vietnam has seriously jeopardized the future existence of the Republic of South Vietnam; and

WHEREAS, the United States of America and the free world have a serious stake in the outcome of events in South Vietnam by virtue of previous military, financial, and moral commitments to that country and to the free world; and

WHEREAS, it appears that without application of the program suggested by President Ford with respect to South Vietnam that South Vietnam will fall to the North Vietnamese Communists; and

WHEREAS, when and if the Communist North Vietnamese do take over the country of South Vietnam there will be recriminations, death, and imprisonment against those people who collaborated with, supported, aided, or were in any way key persons involved with the United States of America in helping establish and maintain the Republic of South Vietnam.

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

1. That this Legislature encourage the Congress of the United States to act favorably upon the President's plans and requests with respect to South Vietnam or in the alternative failing to take this action that the Congress provide the funds and programs necessary to evacuate and provide safety to those people in South Vietnam who are most likely to suffer retribution at the hands of the Communists because of their previous association or involvement with programs of the American government in South Vietnam or with helping to maintain the country of South Vietnam.

2. That a copy of this resolution be sent to the President of the United States and the members of Congress.

Laid over.

UNANIMOUS CONSENT—Print in Journal

Mr. Rasmussen asked unanimous consent to have the following statement from the Government, Military and Veteran's Affairs Committee printed in the Journal. No objections. So ordered.

On Friday, April 11, 1975 the Government, Military and Veterans Affairs Committee met in Room 2102 and held an Executive Session.

It was the unanimous consent of the committee at that time to hold over LB 144 introduced by Senator Rasmussen; LB 182 introduced by Senator Kelly; LB 453 introduced by Senator Anderson; LB 531 introduced by Senator Cavanaugh; LB 539 introduced for the Governor by Senator Bereuter and LB 591 introduced for the Governor by Senator Anderson.

These bills will not be decided upon in this year's session but will be held during the interim period for further study and then decided upon next year.

Voting to hold these bills over for further study were Senators: Chambers, Fowler, Koch, Stoney and Rasmussen. Senators Duis, Hasebroock and George were absent.

April 15, 1975 (Signed) Dennis L. Rasmussen, Chairman

NOTICE OF COMMITTEE HEARING
Committee on Committees

April 23, 1975

The Committee on Committees will meet at 12:00 Noon, Wednesday, April 23, 1975, in the Supreme Court Hearing Room for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Mr. Charles E. Blair
Nebraska Investment Council

Dr. Jack Swanson
State Board of Health

(Signed) John S. Savage, Chairman

VISITORS

The President introduced 17 senior high school students and teacher from Bruning, Nebraska; 22 junior and senior high school students and sponsors from Millard, Nebraska; 28 fourth grade students and sponsors from Seward, Nebraska; 20 United Methodist Church women from Lincoln, Nebraska; 20 seventh grade students and sponsors from St. Teresa's School, Lincoln, Nebraska.

RECESS

At 12:02 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:05 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Mahoney, and R. Lewis who were excused and the members of the Appropriations Committee who were absent until 2:20 p.m.

GENERAL FILE

LEGISLATIVE BILL 430. Considered.

Speaker Burbach renewed his pending amendment found in the Journal on page 1126 for the Fifty-fifth Day.

MR. HASEBROOCK PRESIDING

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 10 nays and 15 not voting.

Speaker Burbach moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay and 30 not voting.

The Call showed 43 members present.

Speaker Burbach moved the Call be raised. The motion prevailed with 24 ayes, 2 nays and 23 not voting.

The Burbach amendment was adopted with 25 ayes, 18 nays and 6 not voting.

Mr. Kelly renewed his pending amendment found in the Journal on page 1131 for the Fifty-fifth day.

The amendment was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. Cavanaugh asked unanimous consent to withdraw his pending amendment found in the Journal on page 1191 for the Fifty-eighth Day. No objections. So ordered.

Mr. Syas offered the following amendment:

1. In the Burbach amendment 3, line 9, strike "in proportion to" and insert ". The State Board of

Equalization and Assessment, in making such adjustment, may take into consideration"; and in line 15, strike "shall" and insert "may".

Mr. Syas asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Duis offered the following amendment:
Strike Burbach amendment and increase food tax credit to $16.

Mr. Duis moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays and 29 not voting.

The Call showed 45 members present.

Mr. Duis requested a roll call vote on his amendment.

Voting in the affirmative, 32:

Barnett	Bereuter	Cavanaugh	Chambers	Clark
Cope	DeCamp	Dickinson	Duis	Fitzgerald
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Keyes	Kime	Koch	Kremer	F. Lewis
Luedtke	Maresh	Marsh	Nichol	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Swigart	Syas			

Voting in the negative, 14:

Anderson	Burbach	Burrows	Carsten	George
Kennedy	Marvel	Mills	Moylan	Murphy
Rasmussen	Stull	Warner	Wiltse	

Not voting, 3:

Dworak	R. Lewis	Mahoney

The Duis amendment was adopted with 32 ayes, 14 nays and 3 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 350. Mr. Murphy asked unanimous consent to hold LB 350 until LB 349 is heard. No objections. So ordered.

LEGISLATIVE BILL 339. Title read. Considered.

Mr. Cope renewed his pending amendment found in the Journal on page 1177 for the Fifty-seventh Day.

SPEAKER BURBACH PRESIDING

Mr. George offered the following amendment to the Cope amendment:
Insert: at a rate of up to 3 per cent.

Mr. Cope asked unanimous consent to withdraw his amendment.

Mr. George objected.

The George amendment to the Cope amendment was adopted.

Mr. Cope asked unanimous consent to withdraw his amendment, as amended. No objections. So ordered.

Mr. F. Lewis offered the following amendment:
line 15 page 6 strike by resolution of its governing body and insert by a vote of the people.

The amendment lost with 11 ayes, 16 nays and 22 not voting.

Mr. Cavanaugh offered the following amendment:
Every person not a resident of the city of Kearney who seeks to travel through the city limits of the city of Kearney shall be charged a fee of Ten Dollars. The proceeds to go to the Chamber of Commerce to promote tourism.

Mr. Warner offered the following amendment to the Cavanaugh amendment:
to add Omaha following the word Kearney.

The Warner amendment was adopted with 15 ayes, 13 nays and 21 not voting.

The Cavanaugh amendment, as amended, lost with 11 ayes, 18 nays and 20 not voting.

Mr. Chambers moved to indefinitely postpone LB 339.

Mr. Koch moved to hold the bill over until tomorrow.

Mr. Koch moved for a Call of the House. The motion lost with 13 ayes, 13 nays and 23 not voting.

The Koch motion to hold over lost with 17 ayes, 16 nays and 16 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment in the Journal. No objections. So ordered. Amendment to LB 344
1. On page 13, line 11, strike the word "two" and insert the word "five".
2. On page 13, line 23, strike the word "two" and insert the word "five".

RESOLUTION

LEGISLATIVE RESOLUTION 31.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Kennedy, 21st District; Rumery, 42nd District; Dickinson, 31st District; Kime, 43rd District; Burrows, 30th District.

WHEREAS, the sale of meat and meat products at retail is almost universally on a cash basis; and

WHEREAS, retail sellers of meat and meat products, in purchasing their products from packers and other wholesalers, almost universally delay payment for said products from seven to twenty-eight days; and

WHEREAS, the delay in paying for said meat and meat products results in the receipt of interest income by said retailers of many millions of dollars annually, at the expense of packers and other wholesalers; and

WHEREAS, packers and other wholesalers pass this interest loss on to producers of livestock by various means of delaying payment to said producers, who, being unable to pass the resultant losses on, bear the total burden of this practice; and

WHEREAS, this practice of delayed payments is not only inherently unfair, but also dangerous in that:

1. It permits an accumulation of unpaid debts to producers, who have little recourse in case of bankruptcy;

2. It permits producers (retailers) to operate in an insolvent condition because of the informal and unconsented-to loans extracted from the sellers of these commodities;

3. It places an unacceptable burden on the cattle producing industry, which is already in the worst economic crisis in history.

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

1. That the United States Department of Agriculture is urged to take whatever regulatory steps are necessary to require that any purchaser of

meat and meat products pays for such meat and meat products promptly, and that practices used in delaying the collection of funds for such products be eliminated.

2. In the event the United States Department of Agriculture is unwilling or unable to adequately require such prompt payment, then the U.S. Congress is urged to take whatever steps are necessary to accomplish this end.

Laid over.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 521. Placed on General File.

(Signed) Frank Lewis, Chairman

MOTION—Adjourn

Mr. Swigart moved to adjourn. The motion lost with 7 ayes, 21 nays and 21 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused at 4:20 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 339. Mr. Chambers renewed his pending motion to indefinitely postpone.

Mr. Skarda 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. Chambers moved for a Call of the House. The motion prevailed with 18 ayes, 12 nays and 19 not voting.

The Call showed 45 members present.

Mr. DeCamp moved the Call be raised. The motion lost with 9 ayes, 25 nays and 15 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone LB 339.

Voting in the affirmative, 20:

Barnett	Bereuter	Burbach	Cavanaugh	Chambers
Clark	Duis	Fitzgerald	Fowler	Hasebroock
Kennedy	F. Lewis	Marvel	Mills	Murphy
Rasmussen	Simpson	Skarda	Syas	Warner

Voting in the negative, 23:

Anderson	Carsten	Cope	DeCamp	Dickinson
George	Goodrich	Johnson	Kelly	Keyes
Kime	Koch	Kremer	Luedtke	Maresh
Moylan	Nichol	Rumery	Savage	Schmit
Stoney	Stull	Swigart		

Not voting, 6:

Burrows	Dworak	R. Lewis	Mahoney	Marsh
Wiltse				

The Chambers motion to indefinitely postpone lost with 20 ayes, 23 nays and 6 not voting.

Mr. Dickinson moved the Call be raised. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

Mr. Koch moved to bracket LB 339 until May 1. The motion prevailed.

MESSAGE FROM THE GOVERNOR

April 14, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 254, 389 and 493.

These bills were signed by me on April 14, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Members Excused

Mr. Skarda asked unanimous consent to be excused April 16 and 17, 1975. No objections. So ordered.

Mr. Fowler asked unanimous consent to be excused until 10:00 a.m., April 16, 1975. No objections. So ordered.

ADJOURNMENT

At 4:33 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, April 16, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTY-THIRD DAY–APRIL 16, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 16, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our eyes are closed in prayer just now, O Lord our God, but in a moment they will be open once more to the calendar, the journal, the letters, the bills, the papers, the vote tally, the record.
>
> And then also will the eyes of many be open and looking down upon us here; a few from the galleries in this room; some through the news media back home; others, in time, perhaps, from the pages of history.
>
> Remind us also, O God, that Your eyes are open and You see what is going on inthis House, and in each heart within it. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused and Mr. Fowler who was excused until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 418. Replaced on Select File as amended.
E & R amendments to LB 418:

1. On page 4, line 6, insert "at" after "expire" and "on" after "midnight" and strike the comma.
2. On page 11, line 6, insert "representative of a" after "one"; strike "government" and insert "governmental".

3. On page 12, strike beginning with the comma in line 17 through "1974" in line 18.

4. On page 14, line 1, strike the second "more"; strike beginning with the comma in line 6 through the second comma in line 7.

LEGISLATIVE BILL 198. Replaced on Select File as amended.
E & R amendments to LB 198:

1. In the Kelly amendment, insert "original" after "strike".

2. Renumber original sections 10 and 11 as sections 3 and 4.

3. On page 13, lines 1 and 2, strike ", 48-122, and 48-122.03" and insert "and 48-122".

4. In the title, line 2 and 3, strike ", 48-122, and 48-122.03" and insert "and 48-122"; and strike beginning with "to" in line 5 through the semicolon in line 7.

LEGISLATIVE BILL 317. Replaced on Select File as amended.
E & R amendments to LB 317:

1. On page 4, line 19, strike "a multicounty" and insert "an intergovernmental".

2. On page 7, line 21, strike "multicounty" and insert "intergovernmental".

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 8. Laid over temporarily at the request of Mr. Anderson.

LEGISLATIVE BILL 245. With Emergency.

A BILL FOR AN ACT to amend section 71-3305, Revised Statutes Supplement, 1974, relating to public health and welfare; to provide when a fluoridation ordinance may not be adopted; to provide certain powers to contract for the sale and purchase of water; to provide certain uses of a water supply; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Schmit	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Chambers	DeCamp	Fowler	Johnson	F. Lewis
Marvel	Savage	Simpson	Skarda	

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 255. With Emergency.

A BILL FOR AN ACT to amend section 71-1,158, Revised Statutes Supplement, 1974, relating to veterinary medicine and surgery; to provide for an increase in license fees; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Chambers	Fowler	F. Lewis	Simpson	Skarda

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 323.

A BILL FOR AN ACT to amend sections 16-302.01, 16-307, 19-612, and 19-613.01, Revised Statutes Supplement, 1974, relating to elections; to delete obsolete matter; to change certain procedures; to extend certain terms; to eliminate certain primary elections; to repeal the original sections, and also section17-107.01, 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, 37:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Moylan
Rasmussen	Rumery	Savage	Stoney	Swigart
Syas	Wiltse			

Voting in the negative, 6:

Clark	Marvel	Murphy	Schmit	Stull
Warner				

Not voting, 6:

Fowler	Johnson	Kime	Nichol	Simpson
Skarda				

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

LEGISLATIVE BILL 360.

A BILL FOR AN ACT to amend sections 88-503 and 88-518, Reissue Revised Statutes of Nebraska, 1943, relating to grain warehouses; to provide that certain businesses and their agents shall be licensed to carry on collective bargaining in the marketing of grain, or be licensed to handle grain; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Fowler	Nichol	Skarda

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

LEGISLATIVE BILL 324. With Emergency.

A BILL FOR AN ACT to repeal sections 81-263.37, 81-263.38, 81-263.41, 81-263.42, 81-263.43, 81-263.44, 81-263.45, 81-263.46, 81-263.47, 81-263.48, 81-263.49, 81-263.81, 81-263.82, 81-263.83, 81-263.85, and 81-263.86, Reissue Revised Statutes of Nebraska, 1943, and sections 81-263.39, 81-263.40, and 81-263.84, Revised Statutes Supplement, 1974, relating to the Nebraska Dairy Products Board; 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?' "

Voting in the affirmative, 41:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Rasmussen	Rumery	Schmit
Simpson	Stoney	Stull	Swigart	Syas
Warner				

Voting in the negative, 0.

Not voting, 8:

Dickinson	Fowler	Keyes	Marvel	Nichol
Savage	Skarda	Wiltse		

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 414. Mr. F. Lewis moved to return LB 414 to Select File for the specific amendment, found in the Journal on page 1278 for the Sixty-second Day.

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

LEGISLATIVE BILL 475. Mr. Fowler asked unanimous consent to pass over LB 475. No objections. So ordered.

LEGISLATIVE BILL 494.

A BILL FOR AN ACT to amend sections 32-216 and 32-515, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide a place of registration; to provide for changes in registration to a political party 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	George	Goodrich

Hasebroock	Johnson	Kelly	Keyes	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Mills	Murphy	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 3:

Burbach	Kime	Rasmussen

Not voting, 7:

Duis	Fowler	Kennedy	Mahoney	Moylan
Nichol	Skarda			

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

LEGISLATIVE BILL 500.

A BILL FOR AN ACT to amend section 30–2446, Revised Statutes Supplement, 1974, relating to the probate of wills; to revise the requirements for bonds; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Fowler	R. Lewis	Nichol	Skarda

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

LEGISLATIVE BILL 541.

A BILL FOR AN ACT to amend section 43-210, Revised Statutes Supplement, 1974, relating to juvenile court procedure; to provide procedures for revocation of probation; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Duis	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Nichol	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 4:

Dworak	Kime	R. Lewis	Rasmussen

Not voting, 7:

Dickinson	Fitzgerald	Fowler	Keyes	Marvel
Murphy	Skarda			

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

MOTION—Suspend Rules

Speaker Burbach moved to suspend the rules to read LB 218 on Final Reading today.

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 218. With Emergency.

A BILL FOR AN ACT to amend sections 25-2221 and 62-301, Revised Statutes Supplement, 1974, relating to holidays; to designate the last Monday in May as Memorial Day; to provide that federal holidays shall be observed 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, 33:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Koch
F. Lewis	Luedtke	Mahoney	Marsh	Moylan
Nichol	Rumery	Savage	Simpson	Stoney
Swigart	Syas	Wiltse		

Voting in the negative, 14:

Burbach	Duis	Kennedy	Kime	Kremer
R. Lewis	Maresh	Marvel	Mills	Murphy
Rasmussen	Schmit	Stull	Warner	

Not voting, 2:

Fowler Skarda

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. Luedtke asked unanimous consent to expedite LB 218. No objections. So ordered.

MOTION–Return LB 8 to Select File

Mr. Anderson moved to return LB 8 to Select File for the following specific amendment:

1. On page 2, lines 10 and 11 strike "the most convenient means of transportation" and show the old matter as stricken and insert "authorized according to the provisions of section 84-306.03"; in line 11 strike "so" and insert "~~so~~ may be"; in

line 12 strike "own motor vehicles" and show as stricken and insert "personal automobile"; in line 13 strike ", whether"; in line 16 before "shall" insert "and"; in line 18 strike "on the"; and in line 19 strike "same basis as state officers and employees".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 96, 226, 252, and 401.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1975 at 9:45 a.m., were the following bills: 118, 321, 359, 359A, 473, 562, 573, and 578.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 316 in the Journal. No objections. So ordered.

1. Insert four new sections to read:

"Section 1. That section 49-1105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1105. For the partial administration of the provisions of sections 49-1101 to 49-1117, there is hereby established the Conflicts of Interest Committee. The committee shall be composed of ~~seven~~ nine members of the Legislature. ~~, one member from each of the four districts from which members of the Committee on Committees of the Legislature are named, elected at large, one of whom shall be an elected official named in Article IV, Constitution of Nebraska and two of whom shall be lay members. The members of the Legislature shall be named to the committee by secret written ballot of the Legislature in the same manner as officers of the Legislature are selected. The other three~~ members shall ~~be nominated by the Committee on Committees subject to approval by the Legislature.~~ At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect to the committee three members from legislative districts Nos. 1, 2, 15, 16, 23 to 30, 32 to 35, and 46; three members from legislative districts Nos. 3 to 14, 20, 31, and 45; and

three members from legislative districts Nos. 17 to 19, 21, 22, 36 to 44, and 47 to 49. Any vacancy on the committee shall be filled for the remainder of the unexpired term in the same manner as the members are originally named, except that any vacancy occurring while the Legislature is not in session shall be filled by appointment by the Executive Board of the Legislative Council. Any person so named to fill a vacancy shall have the same qualifications as his immediate predecessor. The ~~legislative and elective~~ members of the committee shall receive no compensation for their services as such other than the salary allowed them by law but shall be reimbursed for their actual and necessary expenses. ~~The lay members shall be paid a per diem of fifty dollars for each day actually and necessarily engaged in the performance of their duties as members of such committee in addition to such expense allowance.~~ The terms of the members of the committee, including the committee initially named, shall terminate ~~on the first Thursday after the first Tuesday in January in each odd-numbered year~~ upon the election of their successors. The committee shall organize by selecting a chairman and such other officer or officers as it may deem necessary. ~~The initial members of the committee shall be selected within ten legislative days after April 11, 1969 and shall first meet on call of the Speaker of the Legislature not later than five days following their selection.~~

Sec. 2. That section 50-416, Reissue Revised Statutes of Nebraska, be amended to read as follows:

50-416. ~~The Executive Board of the Legislative Council shall, prior to the first day of each regular ninety day session of the Legislature, appoint five members of the Legislature to serve, commencing on the first day of such session, together with the Chairman of the Committee on Budget, on a committee to be known as the Nebraska Retirement Systems Committee. The Executive Board shall name the chairman of the committee. Such committee shall serve until the first day of the next succeeding regular ninety day session of the Legislature. Any vacancy on such committee shall be filled by appointment from among the members of the Legislature. The members of the committee serving on April 2, 1971 shall continue to serve as such until the first day of the next succeeding regular ninety day session of the Legislature.~~ There is hereby established within the Legislative Council a special committee to be known as the Retirement Systems Committee, which committee shall consist of nine members. At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect to the committee three members from legislative districts Nos. 1, 2, 15, 16, 23 to 30, 32 to 35, and 46; three members from legislative districts Nos. 3 to 14, 20, 31, and 45; and three members from legislative districts Nos. 17 to 19, 21, 22, 36 to 44, and 47 to 49. The committee shall organize by selecting a chairman and such officer or

officers as it may deem necessary. Any vacancy on such committee occasioned by the fact that any member thereof is not a member of the next session of the Legislature shall be filled by appointment of the Executive Board from among members of the Legislature. It shall be the duty of the committee to make a continuing study of the retirement systems of the state or of any agency or political subdivision thereof and to make such recommendations for legislative change as it may consider appropriate.

Sec. 3. There is hereby established within the Legislative Council a special committee to be known as the Telecommunications Committee, which committee shall consist of nine members. At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect to the committee three members from legislative districts Nos. 1, 2, 15, 16, 23 to 30, 32 to 35, and 46; three members from legislative districts Nos. 3 to 14, 20, 31, and 45; and three members from legislative districts Nos. 17 to 19, 21, 22, 36 to 44, and 47 to 49. The committee shall organize by selecting a chairman and such officer or officers as it may deem necessary. Any vacancy on such committee occasioned by the fact that any member thereof is not a member of the next session of the Legislature shall be filled by appointment of the Executive Board from among members of the Legislature. It shall be the duty of the committee to make a continuing study of the telecommunications needs of the states and methods of improving telecommunications service furnished to the state and to make such recommendations for legislative change as it may consider appropriate.

Sec. 4. That section 81-816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-816. The Legislative Committee Intergovernmental Cooperation shall consist of five senators nine members of the Legislature. ~~The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairman of other standing committees of the Legislature.~~ At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect to the committee three members from legislative districts Nos. 1, 2, 15, 16, 23 to 30, 32 to 35, and 46; three members from legislative districts Nos. 3 to 14, 20, 31, and 45; and three members from legislative districts Nos. 17 to 19, 21, 22, 36 to 44, and 47 to 49. The committee shall organize by selecting a chairman and such officer or officers as it may deem necessary. In addition to the regular members, the President and the Speaker of the Legislature shall be ex officio honorary nonvoting members of this committee.".

2. Renumber original sections 1 and 2 as sections 5 and 6.

3. On page 3, line 3, insert "sections 49-1105, 50-416, and 81-816, Reissue Revised Statutes of Nebraska, 1943, and" after "original"; and in line 4 strike "is" and insert "are".

SELECT FILE

LEGISLATIVE BILL 481. E & R amendments found in the Journal on page 1268 for the Sixty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 23. Laid over temporarily at the request of Mr. Chambers.

LEGISLATIVE BILL 371. Mr. Kennedy renewed his pending amendment found in the Journal on page 1276 for the Sixty-second Day.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 414. Mr. F. Lewis renewed his specific amendment found in the Journal on page 1278 for the Sixty-second Day.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 414 to Select File

Mr. George moved to return LB 414 to Select File for the following specific amendment:
Amend the F. Lewis amendment, (Journal, page 1278) to include municipalities.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 414. The George specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 8. The Anderson specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 466. Mr. Goodrich offered the following amendment:

Any employee of the Nebraska Psychiatric Institute who is a member of the State Employees Retirement System and whose status as a Department of Public Institutions employee is changed by the Legislature to that of a University of Nebraska Employee shall, upon application to the Public Employees Retirement Board, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have been accrued to the date of transfer, except that the employee may not withdraw the amount in his employee account prior to his retirement and still receive vested benefits. Any such employee shall be eligible for immediate participation in the University of Nebraska Retirement System if the preliminary service, age and employment status requirements of the University of Nebraska's Retirement System are satisfied.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Laid over at the request of Mr. Goodrich.

LEGISLATIVE BILL 23. Mr. Chambers offered the following amendment:

Section 3 (2), strike "~~fifty~~" and insert "fifteen"

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 5 ayes, 22 nays and 22 not voting.

Mr. Kelly offered the following amendment to the Chambers amendment:

Strike 15, insert 25

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?"

The motion lost with 19 ayes, 16 nays and 14 not voting.

Mr. Kelly requested a record vote on his amendment.

Voting in the affirmative, 25:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	DeCamp	Dworak	Fowler
Goodrich	Kelly	Keyes	Kime	Koch
F. Lewis	Luedtke	Maresh	Marsh	Mills
Moylan	Nichol	Schmit	Simpson	Stoney

Voting in the negative, 14:

Carsten	Cope	Dickinson	Duis	Fitzgerald
George	Hasebroock	Kennedy	Murphy	Rasmussen
Rumery	Savage	Swigart	Syas	

Not voting, 10:

Clark	Johnson	Kremer	R. Lewis	Mahoney
Marvel	Skarda	Stull	Warner	Wiltse

The Kelly amendment to the Chambers amendment was adopted with 25 ayes, 14 nays and 10 not voting.

The Chambers amendment, as amended, was adopted with 25 ayes, 11 nays and 13 not voting.

Mr. Murphy offered the following amendment:

Amend LB 23, Sec. 3 - Pg 3 - Line 17 - insert after the word 'years' - if a person is convicted of 1st degree sexual assault for the second time the court shall confine such person for not less than 25 years.

Amendment pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 218.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 218.

EXPLANATION OF VOTE

Please record an aye vote on LB 323.

(Signed) Gerald D. Koch

UNANIMOUS CONSENT–Member Excused

Mr. Nichol asked unanimous consent to be excused at 10:00 a.m. on Thursday, April 17, 1975 until April 23, 1975. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 29. Read and considered.

Mr. Bereuter 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. Syas moved to indefinitely postpone.

The Chair ruled the motion out of order.

Mr. F. Lewis moved for a Call of the House.

Mr. Chambers appealed the decision of the ruling of the Chair on the Syas motion.

The Chair ruled the appeal out of time.

Mr. Chambers appealed the Chair's decision on the time. The question is, "Shall the Chair be sustained?" The motion lost with 18 ayes, 16 nays and 15 not voting.

The Chair was not sustained.

Mr. Chambers appealed the decision of the Chair on the ruling of the Syas motion. The question is, "Shall the Chair be sustained?" The motion lost with 1 aye, 18 nays and 30 not voting.

The Chair was not sustained.

Mr. Syas moved to indefinitely postpone.

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 prevailed with 23 ayes, 6 nays 20 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

The motion to close debate prevailed with 27 ayes, 7 nays and 5 not voting.

The motion to indefinitely postpone prevailed with 27 ayes, 12 nays and 10 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1975, at 11:30 a.m., was the following bill: 218.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT–Members Excused

Mr. Cavanaugh asked unanimous consent to be excused at 11:25 a.m. No objections. So ordered.

Mr. Swigart asked unanimous consent to be excused from 10:40 a.m. until he arrives. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused at noon until he arrives. No objections. So ordered.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 439. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Urban Affairs

LEGISLATIVE BILL 444. Placed on General File as amended.
Standing Committee amendment to LB 444:

1. On page 3, lines 22 and 23 strike "and also notes of all other types".

LEGISLATIVE BILL 445. Placed on General File as amended.
Standing Committee amendments to LB 445:

1. On page 2 lines 19 to 23 strike the new matter and reinstate the stricken matter; and in line 27 strike "or as".
2. On page 3, line 1 strike the new matter and strike original section 2 on pages 3 and 4.
3. On page 4, line 9 strike "sections" and insert "section" and strike "and"; and in line 10 strike "18-2144" and strike "are" and insert "is".

(Signed) Steve Fowler, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 32.

Introduced by Rasmussen, 41st District; DeCamp, 40th District; Keyes, 3rd District; Kremer, 34th District.

WHEREAS, the North Loup Division and the O'Neill Unit, Pick-Sloan Missouri Basin Program, Nebraska, were authorized by the Congress of the United States in October, 1972; and

WHEREAS, the Congress of the United State has appropriated Funds for the Preconstruction Planning in Fiscal Years 1974 and 1975 for each of these Projects; and

WHEREAS, the O'Neill Unit and the North Loup Division have strong local support from the owners of irrigable land to be served by each of the Projects, and from the Communities which will benefit from the construction of these Projects; and

WHEREAS, there is and will continue to be strong need to maintain, strengthen and enhance Nebraska's largest industry, Agriculture; and

WHEREAS, there is definite need in these project areas for surface irrigation water to maintain the declining ground waters; and

WHEREAS, Nebraska's people need the fish and wildlife and recreational opportunities that can be provided by the O'Neill and North Loup developments; and

WHEREAS, the Congress of the United States will conduct Hearings on Appropriations for the two Projects forthwith.

NOW, THEREFORE, BE IT RESOLVED by the members of the Eighty-fourth Legislature of Nebraska, First Session:

1. That the First Session of the Eighty-fourth Legislature of Nebraska strongly supports the continued funding and the immediate construction and development of the North Loup Division and the O'Neill Unit.

2. That the Legislature memorializes the 94th Congress and the respective Appropriation Committees thereof to support the Appropriation of Funds for the continuation of Advanced Planning Studies for the North Loup Division in the amount of $175,000.00 for Fiscal Year 1976, and $50,000.00 for the transition period in Fiscal Year 1976.

3. That the Legislature memorializes the 94th Congress of the United States and the respective Appropriation Committees thereof to support the Appropriation of Funds for the continuation of Advanced Planning Studies for the O'Neill Unit in the amount of $645,000.00 for Fiscal Year 1976, and $150,000.00 for the transition period in Fiscal Year 1976.

4. That the Legislature further memorializes the Congress of the United States to appropriate Funds to commence the construction of the O'Neill Unit and the North Loup Division in Fiscal Year 1976 by the Appropriation of $500,000.00 for each Project in Fiscal Year 1976 and the transition period for Fiscal Year 1976.

5. That copies of this Resolution, suitably engrossed, be transmitted by the Clerk of the Legislature to the United States Senate and House of Representatives of the 94th Congress, to Honorable John L. McClellan, Chairman of the Senate Appropriations Committee, and Honorable George H. Mahon, Chairman of the House Appropriations Committee, and to each member from Nebraska in the Senate and House of Representatives of the United States.

Laid over.

VISITORS

The President introduced Messrs. Alan Walder, Thomas Brown, Roger Daw, Clive Hill, James Mortell and David Shaw from England, young business and professional men on a study exchange program, accompanied by Mr. Albert Hamersky of Lincoln; Mr. Haile-Maskel, Director General for non-government schools, Ministry of Education, Ethiopia and Mr. Austin Brown, escort officer, U. S. Department of State, Mr. G. B. Childs, Director Emeritus, University Extension Division, UNL; 29 United Methodist Women from First United Church, Omaha; 101 eighth grade students and 4 adults from Gretna; 7 high school students and teacher from Bradshaw; 7 high school students and teacher from Rising City; 15 G.O.P. Women from Aurora; 29 fourth grade students and 6 adults from Saratoga School, Lincoln; 85 eighth grade students and teacher from Elkhorn; Messrs. Frank Kovas, Bronius Jonusas, Vitalis Gaidelis and George P. Damas members of the Lithuanian Choir from Omaha.

RECESS

At 12:06 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Skarda and Warner who were excused and Messrs. Cavanaugh and Kennedy who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 30. Read and Considered.

Mr. Goodrich offered the following amendment:
To strike lines 2 and 3 of the first now therefore part striking these words; "act favorable upon the President's plans and requests with respect to South Vietnam or in the alternative failing to take this action that the Congress"

The amendment lost with 23 ayes, 0 nays and 26 not voting.

Mr. Chambers moved to indefinitely postpone LR 30.

Mr. DeCamp moved for a Call of the House. The motion lost with 17 ayes, 18 nays and 14 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 19:

Anderson	Bereuter	Burrows	Chambers	Fitzgerald
Fowler	Goodrich	Hasebroock	Johnson	Kime
Koch	F. Lewis	Luedtke	Mills	Murphy
Nichol	Rasmussen	Stoney	Wiltse	

Voting in the negative, 21:

Barnett	Burbach	Carsten	Clark	Cope
DeCamp	Dickinson	Keyes	R. Lewis	Mahoney
Maresh	Marsh	Marvel	Moylan	Rumery
Savage	Schmit	Simpson	Stull	Swigart
Syas				

Not voting, 9:

Cavanaugh	Duis	Dworak	George	Kelly
Kennedy	Kremer	Skarda	Warner	

The motion to indefinitely postpone lost with 19 ayes, 21 nays and 9 not voting.

Mr. DeCamp asked unanimous consent to bracket LR 30 for two days.

Mr. Chambers objected.

Mr. DeCamp moved to indefinitely bracket LR 30. The motion prevailed with 25 ayes, 12 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 23. Mr. Murphy renewed his pending amendment found in this day's Journal on page 1303.

The amendment lost with 12 ayes, 17 nays and 20 not voting.

Advanced to E & R for Engrossment.

MOTION–Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Appropriations Committee. (Req. No. 837)

Mr. Marvel moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

Mr. Dickinson moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The motion to introduce the new bill prevailed with 33 ayes, 2 nays and 14 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 597. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Bereuter, 24th District; Simpson, 46th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 79-1446, Reissue Revised Statutes of Nebraska, 1943, relating to rehabilitation services; to place the Division of Rehabilitation Services in the Department of Public Welfare; to provide for a transition period; to provide for employee rights; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 598. By Appropriations Committee at the request of the Governor: Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Goodrich, 20th District; Simpson, 46th District; Marsh, 29th District; Savage, 10th District; Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 17 and 50, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, section 4, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, with items of appropriations reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, section 5, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, with items of appropriations reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, as amended by section 10, Legislative Bill 537, Eighty-fourth Legislature, First Session, 1975, Sections 7 and 8, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, as amended by sections 6 and 7 respectively, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975, and sections 10, 11,

12, and 13, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, relating to appropriations; to increase certain cash and revolving fund appropriations; to repeal the original sections; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB 597 General File
LB 598 General File

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT—Bracket LB 597

Mr. Simpson asked unanimous consent to bracket LB 597 on General File indefinitely. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 425. Title read. Considered.

Mr. Chambers offered the following amendment:

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

Section 1. That section 24-537, Revised Statutes Supplement, 1974, be amended to read as follows:

24-537. When judgment shall have been rendered against a defendant in his absence, the same may be set aside upon the following conditions: (1) That he pay the costs awarded against him; (2) that his motion be made within ~~ten~~ thirty days after such judgment was entered; (3) that he notify in writing the opposite party, or his attorney, or cause it to be done, of the opening of such judgment and of the time and place of trial, at least five days before the time thereof, if the party reside in the county, and if neither the plaintiff or his attorney be a resident of the county, by leaving a written notice thereof at the office of the clerk of the court ten days before the trial; Provided, that the time of trial shall not be more than ~~twenty~~ forty days after the rendition of the judgment.

Section 2. Within three days after rendition of any judgment, the clerk of the county or municipal court shall send a post card by United States mail to each party's attorney or attorneys of record or if none, to an individual defendant at his usual place of residence, if known, and to a defendant not an individual to any proper recipient of summons for that party as designated by law.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Luedtke moved to reject the Standing Committee amendments found in the Journal on page 796 for the Fortieth Day. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 29 ayes, 1 nay and 19 not voting.

LEGISLATIVE BILL 132. Considered.

Mr. Swigart offered the following amendment:

1. Strike the Standing Committee amendment, Journal page 824, and in lieu thereof, on page 2 lines 7 to 9 strike the new matter and insert the following:

"It shall be unlawful to operate a school bus in this state if (a) the total number of passengers on such school bus exceeds the manufacturer's rated maximum seating capacity, (b) any passenger on such school bus is required to stand because the number of passengers exceeds the maximum seating capacity, or (c) the total of all passengers exceeds the manufacturers maximum weight capacity. The provisions of this section shall not apply to situations when severe and inclement weather, breakdowns in transportation equipment, or other emergency require that the above passenger restrictions be exceeded."; after line 22, insert a new subsection as follows:

"(4) Any person who shall violate or cause a violation of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars.".

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 Swigart amendment was adopted with 27 ayes, 2 nays and 20 not voting.

Mr. Cavanaugh offered the following amendment:
Strike Lewis Amendment of 4/9/75.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 18 ayes, 12 nays and 19 not voting.

The Call showed 45 members present.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 21:

Barnett	Bereuter	Cavanaugh	Chambers	Dworak
Fowler	Goodrich	Kelly	Koch	Luedtke

Mahoney	Marsh	Mills	Moylan	Rumery
Savage	Schmit	Simpson	Stoney	Swigart
Syas				

Voting in the negative, 21:

Anderson	Burbach	Burrows	Carsten	Clark
Cope	Dickinson	Fitzgerald	Hasebroock	Johnson
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Maresh	Murphy	Nichol	Rasmussen	Stull
Wiltse				

Not voting, 7:

DeCamp	Duis	George	Kennedy	Marvel
Skarda	Warner			

The amendment lost with 21 ayes, 21 nays and 7 not voting.

Mr. Dickinson moved the Call be raised. The motion prevailed with 37 ayes, 2 nays 10 not voting.

Advanced to E & R for Review with 27 ayes, 4 nays and 18 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Luedtke asked unanimous consent to be excused on Thursday, April 17, 1975. No objections. So ordered.

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee, Thursday, April 17, 1975 at 8:30 a.m. under the North balcony.

ADJOURNMENT

At 4:00 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, April 17, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTY-FOURTH DAY–APRIL 17, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 17, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 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 Messrs. Luedtke and Skarda who were excused and Mr. Kelly who was absent until 9:10, Mr. Cavanaugh who was absent until 9:35 and Mr. Goodrich who was absent until 10:00.

CORRECTIONS FOR THE JOURNAL

Page 1305, line 5 after "excused" insert "on April 23, 1975"
The Journal for the Sixty-third Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 430. Placed on Select File as amended.
E & R amendments to LB 430:

1. Strike sections 1 and 3 and renumber remaining sections accordingly.

2. Reinstate the stricken matter on pages 11 and 12 except "~~thirteen~~" on page 11, line 11, and immediately after "~~thirteen~~" insert "sixteen".

3. In the Kelly amendment, line 3, strike "children" and insert "any child"; and strike line 6 and insert "guardian.".

4. On page 16, strike lines 24 and 25 and insert:

"Sec. 2. This"; and in line 27 strike "1976" and insert "1975".

5. On page 17 strike lines 1 to 3 and insert:

"Sec. 3. That original section 77-2715, Revised Statutes Supplement, 1974, is repealed.".

6. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1974, relating to taxation; to increase the food sales tax credit; to provide an operative date; and to repeal the original section.".

Correctly Engrossed

The following bills were correctly engrossed: 481 and 530.

Correctly Enrolled

The following bills were correctly enrolled: 245, 255, 323, 324, 360, 494, 500, and 541.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 245, 255, 323, 324, 360, 494,500, and 541.

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 416. Placed on General File as amended.
Standing Committee amendments to LB 416:

1. On page 2, line 18, strike "fifty" and reinstate the stricken "fifty-five";line 23 after "list." insert "Any fireman who retires on or after age fifty-five with less than twenty-one years of service shall receive a pension of at least fifty per cent of the salary he was receiving at the time of his retirement multiplied by the ratio of the years of his service to twenty-one."

2. On page 5, line 7 after "annum" insert "."; strike beginning with "or" in line 7 through "pension."

in line 14; line 21 strike "fifty" and reinstate the stricken "fity-five"; line 27 after "list." insert "Any fireman who retires on or after age fifty-five with less than twenty-one years of service shall receive a pension of at least fifty per cent of the salary he was receiving at the time of his retirement multiplied by the ratio of the years of his service to twenty-one."

3. On page 6, lines 5 and 6 reinstate the stricken matter.

4. On page 8, line 1 after "annum" insert "."; strike beginning with ", or" in line 1 through "pension." in line 8.

(Signed) W. H. Hasebroock, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 20. With Emergency.

A BILL FOR AN ACT to amend sections 28-1501, 28-1502, 28-1503, 28-1504, and 28-1506, Revised Statutes Supplement, 1974, relating to abuse of minor children and incompetent or disabled persons; to redefine terms; to provide protection for neglected persons; to provide forwarding of all reports of abuse or neglect; to repeal the original sections, and also sections 28-481, 28-482, 28-483, and 28-484, Revised Statutes Supplement, 1974; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kennedy	Kime
Koch	Kremer	F. Lewis	R. Lewis	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Cavanaugh	Goodrich	Kelly	Keyes	Luedtke
Schmit	Skarda			

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 564. With Emergency.

A BILL FOR AN ACT to amend section 19-3326, Reissue Revised Statutes of Nebraska, 1943, and sections 19-3311, 19-3315, and 19-3327, Revised Statutes Supplement, 1974, relating to off-street parking; to provide that certain cities may create off-street parking districts; to provide duties; to provide for bonds; to provide uses for taxes collected for a city; to provide opportunity for notice and hearing; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kelly	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Simpson	Stoney	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 1:

Syas

Not voting, 7:

Cavanaugh	Goodrich	Kennedy	Luedtke	Murphy
Schmit	Skarda			

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

SELECT FILE

LEGISLATIVE BILL 466. Mr. Marvel asked unanimous consent to lay over LB 466.

LEGISLATIVE BILL 418. E & R amendments found in the Journal on page 1289 for the Sixty-third Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 198. E & R amendments found in the Journal on page 1290 for the Sixty-third Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 317. E & R amendments found in the Journal on page 1290 for the Sixty-third Day were adopted.

Advanced to E & R for Re-Engrossment.

MOTION—Change of Order

Mr. F. Lewis moved to alter the Speakers order and consider LB 349 as the first order on General File.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 2 nays and 23 not voting.

Mr. Stull moved the Call be raised. The motion failed with 21 ayes, 0 nays and 28 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The F. Lewis motion prevailed with 29 ayes, 10 nays and 10 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Anderson asked unanimous consent to be excused Monday, 21 April and Tuesday, 22 April, 1975. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 349. Title read. Considered.

Mr. Warner moved to indefinitely postpone.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays and 13 not voting.

The Warner motion to indefinitely postpone failed with 9 ayes, 27 nays and 13 not voting.

Mr. Burrows offered the following amendment:
Page 3 Line 3 strike twelve and insert nine

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 5 nays and 15 not voting.

The Burrows amendment lost with 10 ayes, 24 nays and 15 not voting.

Mr. DeCamp offered the following amendments:

Strike bill and insert:

Section 1. That section 45-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-102. ~~Interest~~ Unless otherwise specifically provided by law interest upon the loan or forbearance of money, goods or things in action shall be at the rate of ~~six dollars per year upon one hundred dollars~~ per cent per annum, unless a greater rate, ~~not exceeding nine per cent per annum, be contracted for~~ be agreed upon by the parties, ~~Provided, the limitations on the rate of interest herein fixed shall not apply to loans made under subsection (4) of section 8-319 nor to loans made by any licensees or permittees operating under any license or permit issued by the Department of Banking pursuant to (1) sections 45-114 to 45-155, (2) sections 8-401 to 8-417; (3) sections 8-815 to 8-829; or (4) sections 21-1760 to 21-17,119; and provided further, that corporations, domestic or foreign, may by an agreement in writing which clearly spells out either the amount or the rate of interest charged on any stock agreement or combination thereof, and not otherwise, agree to pay any rate of interest in excess of the legal rate provided in this section, and in such instances where the rate is above such legal rate, the defense of usury is prohibited~~ in writing setting forth the terms of the loan or forbearance of money, goods, or things in action including the specific rate of interest on a per cent per annum basis.

Sec. 2. That original section 45-102, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?"

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 15 nays and 13 not voting.

The Call showed 46 member present.

Mr. Clark moved the Call be raised. The motion prevailed with 38 ayes, 1 nay and 10 not voting.

The F. Lewis motion to cease debate failed with 21 ayes, 14 nays and 14 not voting.

Mr. Stull offered the following amendment to the DeCamp amendment:
To Amend the DeCamp motion on line 8, after rate, add not to exceed 12 percent per annum.

Mr. Stull asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. DeCamp asked for a record vote.

Voting in the affirmative, 15:

Clark	Cope	DeCamp	Dworak	Kelly
Kime	Koch	R. Lewis	Maresh	Murphy
Rasmussen	Rumery	Schmit	Simpson	Stull

Voting in the negative, 23:

Anderson	Burrows	Carsten	Cavanaugh	Chambers
Dickinson	Duis	Fitzgerald	Fowler	Goodrich
Hasebroock	Johnson	Keyes	Mahoney	Marsh
Marvel	Mills	Moylan	Savage	Stoney
Swigart	Syas	Warner		

Not voting, 11:

Barnett	Bereuter	Burbach	George	Kennedy
Kremer	F. Lewis	Luedtke	Nichol	Skarda
Wiltse				

The DeCamp amendments lost with 15 ayes, 23 nays and 11 not voting.

Mr. Maresh offered the following amendment:
Page 3, Sec 2. line 3 strike twelve and insert "10½"

Mr. Koch moved the previous question. The question is, "Shall the debate now close?"

The Koch motion to cease debate failed with 20 ayes, 12 nays and 17 not voting.

Mr. Goodrich offered the following amendment:
To amend Maresh amendment from 10½ to 11%

Mr. Koch moved the previous question. The question is, "Shall debate now close?"

The motion to close debate prevailed with 28 ayes, 4 nays and 17 not voting.

The Goodrich amendment lost with 16 ayes, 26 nays and 7 not voting.

The Maresh amendment lost with 15 ayes, 26 nays and 8 not voting.

Mr. Warner offered the following amendment:
Amend LB 349 Section 5 page 5 by striking all new language and re-instate the old language.

The Warner amendment was adopted with 27 ayes, 9 nays and 13 not voting.

Advanced to E & R for Review with 28 ayes, 17 nays and 4 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 430 in the Journal. No objections. So ordered.

Amendments to LB 430

Strike all amendments to Legislative Bill 430 and in lieu thereof insert the following:

1. On page 3, lines 16 to 27 strike the new matter and reinstate the stricken matter.

2. On page 4, lines 1 to 8 reinstate the stricken matter.

3. On page 11, lines 8 to 27 reinstate the stricken matter; line 11 strike "thirteen" and insert "~~thirteen~~ sixteen"; line 14 after the period insert: "An additional and separate food sales tax credit shall be allowed resident individuals of any municipality that has adopted sales and use taxes under sections 77-27,142 to 77-27,148, which credit shall be equal to six dollars multiplied by the number of allowable personal exemptions claimed for individuals who are residents of the municipality, exclusive of the extra exemptions allowable for age or blindness, and which credit shall be allowed or refunded solely from the proceeds of the municipal taxes. All provisions of this subsection applicable to the food sales tax credit or refund shall be separately applicable to the additional and separate credit allowed by this subdivision.".

4. On page 12, lines 1 to 14 reinstate the stricken matter; after line 14 insert the following:

"(e) Credits claimed for minor children, including children whose parent or guardian is a recipient of aid to dependent children payments, shall be claimed by the parent or guardian of such minor child."; strike original section 3 and insert the following:

"Sec. 3. That section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,144. The Tax Commissioner shall collect the tax imposed by any incorporated municipality concurrently with collection of a state tax in the same manner as the state tax is collected. The Tax Commissioner shall remit monthly the proceeds of the tax to the incorporated municipalities levying the tax, after deducting an amount sufficient to allow the food sales tax credit provided by section 77-27,115, the amount of refunds made and then three per cent of the remainder as an administrative fee necessary to defray the cost of collecting the tax and the expenses incident thereto. The Tax Commissioner shall keep full and accurate records of all money received and distributed under the provisions of sections 77-27,142 to 77-27,148.

All receipts from the three per cent administrative fee shall be deposited in the Tax Commissioner Cash Fund which is hereby created. Expenditures from this fund shall be used for costs incurred in the development, administration, and enforcement of sections 77-27,142 to 77-27,148. Any money in the Tax Commissioner Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.".

5. On page 16, strike lines 24 to 27.

6. On page 17, line 1 after "original" insert "section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, and", after "77-2704" strike the comma and insert "and"; and line 2 strike "and 77-2715.01,".

GENERAL FILE

LEGISLATIVE BILL 368. Title read. Considered.

The Standing Committee amendments found in the Journal on page 678 for the Thirty-fifth Day were considered.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 23 ayes, 2 nays and 24 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Standing Committee amendments were adopted with 27 ayes, 0 nays and 22 not voting.

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at 1:30 p.m. today in room 2102.

UNANIMOUS CONSENT—Unbracket LB 306

Mr. Wiltse asked unanimous consent to unbracket LB 306 on E & R Final. No objections. So ordered.

VISITORS

The President introduced 23 high school seniors and sponsors from Adams, Nebr; 43 sixth grade students and sponsors from Tecumseh, Nebr; 14 twelfth grade students from Monroe, Nebr; 60 fourth grade students and sponsors from Newell School, Grand Island, Nebr; 12 students from Crete, Nebr; 34 fourth grade students and sponsors from Bennington, Nebr; 31 seventh grade students and sponsors from Bellwood, Nebr.

RECESS

At 11:56 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kime, Nichol, Luedtke and Skarda who were excused.

UNANIMOUS CONSENT–Member Excused

Mr. F. Lewis asked unanimous consent to be excused Monday, April 21, 1975 and Tuesday, April 22, 1975. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused at 2:50 p.m. No objections. So ordered.

The Appropriations Committee asked unanimous consent to be excused until they arrive. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 8.

Correctly Enrolled

The following bills were correctly enrolled: 20 and 564.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 20 and 564.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 17, 1975 at 1:45 p.m., were the following bills: 541, 500, 494, 360, 324, 323, 255, and 245.

(Signed) Barbara Jackson, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

April 16, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legisaltive Bill No. 335.

This bill was signed by me on April 16, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

RESOLUTIONS

LEGISLATIVE RESOLUTION 33.

Introduced by George, 16th District.

WHEREAS, the members of the Nebraska State Legislature are at all times interested in the achievements of outstanding young persons in our state; and

WHEREAS, the Legislature wishes to encourage all such persons in their pursuits by conferring recognition of conspicuous excellence; and

WHEREAS, Charisse Hutton of Blair, Nebraska has exhibited such excellence in being chosen as Nebraska's Junior Miss.

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

1. That Miss Hutton be congratulated upon her selection as Nebraska's Junior Miss.

2. That the members of the Legislature, and all of Nebraska wish her well in her participation in America's Junior Miss Pageant to be held in Mobile, Alabama in May of this year.

3. That a copy of this resolution be sent by the Clerk of the Legislature to Miss Hutton.

Laid over.

LEGISLATIVE RESOLUTION 31. Laid over temporarily.

LEGISLATIVE RESOLUTION 32. Read and considered.

Mr. Cavanaugh moved the previous question. The question is, "Shall the debate now close?"

The Cavanaugh motion to close debate failed with 21 ayes, 7 nays and 21 not voting.

Messrs. Dworak and Kelly asked unanimous consent to add their names to LR 32. No objections. So ordered.

Mr. Rasmussen moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay and 30 not voting.

Mr. Rasmussen moved the Call be raised. The motion prevailed with 22 ayes, 2 nays and 25 not voting.

LR 32 was adopted with 25 ayes, 1 nay and 26 not voting.

LEGISLATIVE RESOLUTION 31. Read and considered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays and 30 not voting.

Mr. Kennedy asked unanimous consent to be excused for 15 minutes. No objections. So ordered.

Mr. Schmit moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

LR 31 was adopted with 33 ayes, 0 nays and 16 not voting.

UNANIMOUS CONSENT–Members Excused

Mr. Kremer asked unanimous consent to be excused April 23, 24 and 25, 1975. No objections. So ordered.

Messrs. Fitzgerald and Mahoney asked unanimous consent to be excused for the remainder of the afternoon. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present I would have voted in favor of LR 32.

(Signed) John W. DeCamp

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 398. Placed on General File as amended.
Standing Committee amendments to LB 398:

1. On page 2, lines 3 to 10 strike the new matter and reinstate the stricken matter except "subsection 2 of" in line 8; lines 11 to 27, reinstate the stricken matter.

2. On page 3, reinstate line 1 and after line 1 insert a new subsection (3) as follows:

"(3) With the approval of the director, any bank which has its principal or main chartered office in a city of the metropolitan class may establish a branch or any number of branches within the corporate limits of such city."; line 2, strike "(2)" and insert "(4)".

(Signed) J.R. Murphy, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 175. Placed on General File as amended.
Standing Committee amendments to LB 175:

1. On page 2, line 4 after "retirement" insert "or disability"; in line 18 after "benefits" insert a period and strike "; or"; and strike lines 19 to 27.

2. On page 3 strike lines 1 to 12; in line 13 after "The" insert "city"; in lines 15 and 16 strike "no portion of"; in line 16 strike "any" and insert "the"; and in line 17 strike "or by any other retirement system".

3. Renumber original sections 4 and 5 as sections 3 and 4 respectively.

(Signed) W.H. Hasebroock, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Reveiw

LEGISLATIVE BILL 317. Replaced on Select File as amended.
E & R amendment to LB 317:

1. In committee amendment 3, line 3, insert "Reissue Revised Statutes of Nebraska, 1943," after the comma.

LEGISLATIVE BILL 306. Replaced on Select File as amended.
E & R amendments to LB 306:

1. In the Wiltse amendment 3, line 2, insert "after 'section' " before the semicolon.

2. In the title, line 2, insert "39-6,181, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; in line 5 insert ", length, and weight" after "width"; and strike line 7 and insert "sections.".

LEGISLATIVE BILL 414. Replaced on Select File as amended.
E & R amendments to LB 414:

1. In lieu of the George amendment, in the Lewis amendment, subdivision I, line 2, insert "municipal corporation or a" after "a".

2. In the Lewis amendment, subdivision (a), line 2, insert "municipal, religious, or fraternal" after "same".

3. In the Lewis amendment, subdivision (b), line 3, strike ", provided such" and insert ". Such".

4. In the Lewis amendment, subdivision (d), line 1, insert "municipal, religious, or fraternal" after "The".

5. In the Lewis amendment, subdivision (e), line 1, insert "Nebraska" before "Liquor"; in line 3, strike "the said" and insert "such"; in line 5, strike "said" and insert "such"; in line 7, strike "subsection" and insert "subdivision"; in line 8, insert "municipal, religious, or fraternal" after "the"; and in lines 9 and 13, strike "said" and insert "such".

6. In the Final Reading Bill, in the title, line 11, insert "municipal or religious or fraternal" after "to".

LEGISLATIVE BILL 23. Replaced on Select File as amended.
E & R amendments to LB 23:

1. In lieu of the Chambers and Kelly amendments, in the Amended Committee Amendments, page 3, line 17, strike "fifty" and insert "twenty-five".

2. In the title, strike lines 2 and 3 and amendments thereto and insert:
"FOR AN ACT to amend section 28-409, Reissue Revised Statutes of Nebraska, 1943, and sections 28-401 and";
and strike line 9 as amended and insert "sections, and also section 28-407,".

LEGISLATIVE BILL 425. Placed on Select File as amended.
E & R amendments to LB 425:

1. In new section 2, line 5, insert an underscored comma after "and"; and in line 6, insert an underscored comma after "individual".

2. Insert a new section 3 as follows:

"Sec. 3. That original section 24-537, Revised Statutes Supplement, 1974, is repealed.".

3. In the title, strike lines 2 to 5, and insert:

"FOR AN ACT to amend section 24-537, Revised Statutes Supplement, 1974, relating to courts; to require mailing of a post card to defendants after rendition of judgment; to change certain time limits for the setting aside of judgments; and to repeal the original section.".

LEGISLATIVE BILL 132. Placed on Select File as amended.
E & R amendments to LB 132:

1. In the Swigart amendment, line 10, strike "section" and insert "subsection"; and in line 12, strike "emergency" and insert "emergencies", and strike "the above" and insert "such".

2. In lieu of the Lewis amendment, insert a new subsection (5) to read as follows:

"(5) The provisions of this section shall not apply to any buses owned or operated by any school district in the state.".

3. In the title, line 5, insert "to provide certain exemptions; to provide an penalty;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 368.

Mr. Dickinson moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays and 27 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 30 ayes, 1 nay and 10 not voting.

Advanced to E & R for Review with 28 ayes, 11 nays and 10 not voting.

LEGISLATIVE BILL 368A. Read. Considered.

Mr. Duis moved for a Call of the House. The motion prevailed with 27 ayes, 4 nays and 18 not voting.

Mr. Duis moved the Call be raised. The motion prevailed with 28 ayes, 2 nays and 19 not voting.

Advanced to E & R for Review with 27 ayes, 11 nays and 11 not voting.

LEGISLATIVE BILL 74. Title read. Considered.

Standing Committee amendments found in the Journal on page 831 for the Forty-second Day were considered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays and 35 not voting.

The Standing Committee amendments were adopted with 35 ayes, 0 nays and 14 not voting.

Mr. Clark moved the Call be raised. The motion failed with 8 ayes, 24 nays and 17 not voting.

Mr. Mills offered the following amendment:
Page 9 Line 22, after shall insert, "Reimburse the Collector of Accounts 1/16 cents per bushel.

Mrs. Marsh moved the Call be raised. The motion failed with 12 ayes, 22 nays and 15 not voting.

The Mills amendment was withdrawn.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

Mr. Maresh moved the Call be raised. The motion prevailed with 30 ayes, 3 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 317. E & R amendment found in the Journal on page 1326 for the Sixty-fourth Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 306. E & R amendments found in the Journal on page 1326 for the Sixty-fourth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 414. E & R amendments found in the Journal on page 1327 for the Sixty-fourth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 23. E & R amendments found in the Journal on page 1327 for the Sixty-fourth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 425. E & R amendments found in the Journal on page 1327 for the Sixty-fourth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 132. E & R amendments found in the Journal on page 1328 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 430. E & R amendments found in this day's Journal were adopted.

Laid over.

MOTION–Return LB 306 to Select File

Mr. Mills moved to return LB 306 to Select File for the following specific amendment:

Amend the Wiltse amendment to 306 strike, on page 2 line 14 all new language.

In new section 39-6, 181 - Sec. 1 Line 5, strike "or assembled".

The motion to return to Select File failed with 10 ayes, 13 nays and 26 not voting.

SELECT FILE

LEGISLATIVE BILL 466. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 298. Placed on General File as amended.
Standing Committee amendments to LB 298:

1. On page 2, line 7 before "his" insert "if such judge shall have had ten or more years of service, the spouse

of such judge shall at his or her option be immediately entitled to those benefits which the spouse would have been entitled to under subsection (4) of section 24-710, had the judge retired on the date of death and elected to have the retirement annuity paid as a joint and survivor annuity payable as long as either the judge or the judge's spouse should survive; Provided, that if no spouse survives or if the judge has not served for ten years, then"; after "beneficiary" insert ", or his estate if he has not filed a written statement with the board naming a beneficiary,"; and strike the underscored comma; in line 8 strike "at the option of the beneficiary,"; and strike "either"; in line 10 after "interest" insert ".", and strike "or a paid-up deferred annuity"; and strike lines 11 to 20 and show old matter as stricken.

(Signed) W. H. Hasebroock, Chairman

MESSAGE FROM THE GOVERNOR

April 17, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 391.

This bill was signed by me on April 17, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

VISITORS

The President introduced 8 American Public Address students from Nebraska Wesleyan, Lincoln, Nebraska and 20 fourth grade students and sponsors from Coleridge, Nebraska.

ADJOURNMENT

At 4:08 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Monday, April 21, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTY-FIFTH DAY—APRIL 21, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 21, 1975

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> O Lord God when we, thy children are apprehensive about the affairs of our world, remind us that Thou art in Thy world as well as above and beyond it. Remind us that thou art not indifferent.
>
> The feet that were wounded on the Cross still walk the trails of earth. The heart that was broken on the tree still feels the pang of every human woe.
>
> We pray for a broader vision of the needs of all mankind, and a deeper compassion to fill those needs; for a planting of the seeds of concern for all humanity in our hearts; for a tapping of the wells of generosity.
>
> Bless those who bear legislative responsibility for our state and nation. May they be led to do the right as thou dost give them to see the right. May the material and human resources, be harnessed to serve the greater ends of human brotherhood, and may the laws which are enacted serve the cause of justice, tempered with equity and mercy; that freedom shall liberate us from selfishness - to serve the Higher power. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, F. Lewis, Nichol, Hasebroock and Skarda who were excused and Mr. Fowler who was absent until 10:10 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1317, lines 7, 10, 13, delete "Re".
Page 1325, line 13, delete "26" and insert "23".
Page 1329, line 26, delete "Re".
Page 1330, lines 7 and 10, delete "Re".
The Journal for the Sixty-fourth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Keyes asked unanimous consent to be excused at 11:00 a.m. until he returns. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused Tuesday, April 22, 1975 through Thursday, April 24, 1975. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Keyes asked unanimous consent to print the following amendments to LB 74 in the Journal. No objections. So ordered.

1. On page 2, after line 7 insert a new subsection (2) as follows:

"(2) Grain shall mean wheat, corn, barley, oats, rye, kaffir, flax, field peas, popcorn, dry edible beans, soybeans, grain sorghum, and such other grains as are usually stored in grain elevators. Such term excludes such grain after being processed and the products of such processing when packaged or sacked. Processing shall not include hulling, cleaning, and drying."; in line 9 after "growing" insert "grain or"; in line 10 after "growing" insert "grain or"; in line 18 after "to" insert "grain or"; in line 21 after "such" insert "grain or"; in line 24 after "of" insert "grain or"; in line 27 after "any" insert "grain or"; and renumber original subsections (2) through (4) as subsections (3) through (5) respectively.

2. On page 3, line 1 after "from" insert "grain or"; in line 2 after "of" insert "grain or"; and renumber original subsection (5) as subsection (6).

3. On page 10, after line 12 insert new sections 19 through 22 as follows:

"Sec. 19. There shall be a tax of one half cent on each bushel of all grain raised and sold in Nebraska. Such tax shall be assessed at the time of each sale transaction of any grain raised and sold within the state to a

first purchaser.

Sec. 20. Every sale of grain by a grower in Nebraska to a first purchaser shall be reported to the Tax Commissioner who shall be responsible for collecting the one half cent tax. He shall make rules and regulations, prepare and distribute sale reporting forms, and perform all other functions consistent with duties of his office which are necessary to administer provisions of this act.

Sec. 21. The grain tax shall be collected no later than the first day of March of each year after this act becomes effective. The proceeds of this tax shall be placed in the General Fund. The net proceeds of such tax shall be placed in a special fund to be known as the University of Nebraska College of Agriculture Plant Science Building Fund which is hereby created and which shall be used for the erection of a plant science facility for the College of Agriculture including land acquisition, construction, equipping, furnishing, and providing necessary parking space.

Sec. 22. The tax on grain imposed by this act shall terminate upon the completion date of the plant science facility as provided in section 21 of this act. Any excess tax money remaining in the University of Nebraska College of Agriculture Plant Science Building Fund on such completion date shall be paid into the General Fund.".

4. Renumber original section 19 as section 23.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of April 17, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Jensen, Soren S. - Omaha, United Parcel Service

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 414. Replaced on Select File as amended.
E & R amendments to LB 414:

1. Strike E & R amendments adopted 4/17/75.
2. Pursuant to the George amendment, in the new matter added by the F. Lewis amendment, insert "municipal corporation or" after "a" in line 2, after "same" in

subdivision (a), line 2, and after "The" in subdivision (d), line 1.

3. In the new matter added by the F. Lewis amendment, line 2, insert an underscored comma after "premises"; in line 6, strike "Section 53-124" and insert "this section"; in subdivision (b), line 3, strike ", provided such license" and insert "and"; and in line 4 insert "in one calendar year" after "days"; in subdivision (d), line 8, strike "this" and insert "such"; and in subdivision (e), lines 1 and 2, strike "Liquor Control Commission" and insert "commission", in line 3 strike "the said application" and insert "it", in line 4, strike "nor without" and insert "or", in lines 4 and 5, strike "on said application" and insert "thereon,", in line 7, strike "subsection" and insert "subdivision"; strike lines 8 and 9 and insert "be approved and permission shall be granted and a license issued for use of the described premises, but all other", in line 13 strike "said" and insert "the"; and in line 14 strike "this" and insert "a" and strike "then".

3. In the title of the Final Reading bill, line 11, insert "municipal corporations or religious or fraternal" after "to".

LEGISLATIVE BILL 425. Replaced on Select File as amended.
E & R amendments to LB 425:

1. In section 2, line 1, strike "Section 2." and insert "Sec. 2."; in line 3, insert "notice thereof" after "card"; and in line 5, strike "and" and insert "or".

2. In the title as amended, line 4, insert "notice" after "card".

LEGISLATIVE BILL 466. Replaced on Select File as amended.
E & R amendments to LB 466:

1. Insert the Goodrich amendment as section 8 and renumber present sections 8 to 10 as sections 9 to 11 respectively.

2. In new section 8, line 11, insert an underscored comma after "age".

3. In the title, line 9, insert "to provide for retirement benefits;" after the semicolon.

LEGISLATIVE BILL 349. Placed on Select File as amended.
E & R amendments to LB 349:

1. In lieu of the Warner amendment, on page 5, in lines 16 through 22, strike all new matter and reinstate all stricken matter.

2. On page 2, line 10, insert an underscored comma after "loan"; and in line 12, insert an underscored comma after "life".

3. On page 3, line 4, insert an underscored comma after "balance"; and in line 10, strike "licensees or permittees" and insert "licensee or permittee".

4. In the title, line 6, strike "to allow the recovery of interest;".

LEGISLATIVE BILL 368. Placed on Select File as amended.
E & R amendments to LB 368:

1. In section 5, line 7, strike "first" and re-insert the same after "shall".

2. In new section 7, line 1, insert an underscored comma after "act".

3. In new section 8, subdivision (3), line 5, insert underscored commas after "that" and after "enrollment".

4. In standing committee amendment 2, line 4, strike the comma after "1974"; and in line 5, insert a comma before "and".

LEGISLATIVE BILL 368A. Placed on Select File.

LEGISLATIVE BILL 74. Placed on Select File as amended.
E & R amendments to LB 74:

1. In standing committee amendment 2, line 8, strike "if" and insert "of".

2. In standing committee amendment 6, line 4, strike "from the fund"; and in line 10 insert a comma after "director".

3. In standing committee amendment 8, line 2, strike " 'public' " and insert "the period"; in line 8, strike the last "the" and insert "this"; in line 16, strike "including" and insert "and"; and in line 22, strike "Nebraska".

4. On page 7, line 12, strike the period.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 306

Correctly Engrossed

The following bills were correctly engrossed: 23, 132, 198, 198A, 317, 317A, 371, and 418.

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 475. With Emergency.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1974, relating to the Employment Security Law; to increase the maximum weekly benefit amount; 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, 40:

Barnett	Bereuter	Burrows	Carsten	Cavanaugh
Chambers	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	Burbach	Clark	Hasebroock	Johnson
F. Lewis	Nichol	Schmit	Skarda	

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 243. Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 243A. Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 253.

A BILL FOR AN ACT to amend section 60-1001, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide additional motor vehicles which shall be exempt from being identified as motor vehicles of the State of Nebraska; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Rumery	Savage	Schmit
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Anderson	Cavanaugh	Hasebroock	Kime	F. Lewis
Nichol	Skarda			

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

LEGISLATIVE BILL 264.

A BILL FOR AN ACT to amend sections 60-524 and 60-549, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to increase the amount of deposits required; to require proof of financial responsibility for certain reinstatements; 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, 30:

Barnett	Bereuter	Burrows	Carsten	Cavanaugh
Cope	DeCamp	Dworak	Fowler	George
Goodrich	Kelly	Kennedy	Keyes	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Mills
Moylan	Rumery	Schmit	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 12:

Burbach	Chambers	Clark	Dickinson	Duis
Kime	Koch	Marsh	Marvel	Murphy
Rasmussen	Savage			

Not voting, 7:

Anderson	Fitzgerald	Hasebroock	Johnson	F. Lewis
Nichol	Skarda			

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

LEGISLATIVE BILL 267.

A BILL FOR AN ACT to amend section 84-906.03, Revised Statutes Supplement, 1974, relating to state officers; to provide for additional distribution of agency rules and 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, 34:

Barnett	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Clark	Cope	Dickinson	Duis
Fitzgerald	Fowler	George	Goodrich	Johnson
Kelly	Kennedy	Keyes	Koch	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Rasmussen	Savage	Schmit	Simpson
Stoney	Swigart	Warner	Wiltse	

Voting in the negative, 9:

Bereuter	DeCamp	Dworak	Kime	Kremer
Mills	Rumery	Stull	Syas	

Not voting, 6:

Anderson	Hasebroock	F. Lewis	Mahoney	Nichol
Skarda				

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

LEGISLATIVE BILL 267A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 267, Eighty-fourth Legislature, First Session, 1975.

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:

Barnett	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Fitzgerald	Fowler	George	Goodrich
Johnson	Kennedy	Koch	R. Lewis	Luedtke
Mahoney	Marsh	Marvel	Moylan	Rasmussen
Savage	Schmit	Stoney	Swigart	Warner

Voting in the negative, 13:

Bereuter	Dworak	Kelly	Keyes	Kime
Kremer	Maresh	Mills	Rumery	Simpson
Stull	Syas	Wiltse		

Not voting, 6:

Anderson	Hasebroock	F. Lewis	Murphy	Nichol
Skarda				

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

LEGISLATIVE BILL 315.

A BILL FOR AN ACT to amend sections 23-1721, 23-1722, and 23-1732, Revised Statutes Supplement, 1974, relating to county government and officers; to alter the size of counties to be affected by the sheriff's office merit commission; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp

Dickinson	Duis	Dworak	Fowler	George
Goodrich	Kelly	Kennedy	Keyes	Koch
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 1:

Kime

Not voting, 7:

Anderson	Fitzgerald	Hasebroock	Johnson	F. Lewis
Nichol	Skarda			

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

LEGISLATIVE BILL 318.

A BILL FOR AN ACT to amend sections 54-820, 54-821, 54-825, 54-826, 54-827, 54-828, 54-839, and 54-843, Reissue Revised Statutes of Nebraska, 1943, relating to commercial feeds; to redefine terms; to provide for the registration of commercial feed manufacturers and distributors; to change registration and labeling requirements; to provide for the voluntary registration of custom mixed feeds; to change the inspection fees; to change penalty provisions; to provide an operative date; and to repeal the original sections, and also section 54-829, 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, 43:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Anderson	Hasebroock	F. Lewis	Marvel	Nichol
Skarda				

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

LEGISLATIVE BILL 320. With Emergency.

A BILL FOR AN ACT to amend section 81-201, Revised Statutes Supplement, 1974, relating to the Department of Agriculture; to authorize the Department of Agriculture to publish and distribute materials valuable to agricultural interests; to provide for the collection of costs of publication; to provide for deposit of the costs of publication; 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, 31:

Bereuter	Burbach	Burrows	Carsten	Chambers
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Johnson	Kennedy	Keyes	Kime
Koch	Kremer	Mahoney	Maresh	Marsh
Moylan	Rasmussen	Rumery	Savage	Schmit
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 12:

Barnett	Cavanaugh	Clark	Cope	Dworak
Goodrich	Kelly	R. Lewis	Luedtke	Marvel
Mills	Simpson			

Not voting, 6:

Anderson	Hasebroock	F. Lewis	Murphy	Nichol
Skarda				

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Bereuter	Burbach	Burrows	Carsten	Chambers
DeCamp	Dickinson	Duis	George	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	Mahoney	Maresh	Marsh	Moylan
Rasmussen	Rumery	Savage	Schmit	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 10:

Barnett	Cavanaugh	Clark	Cope	Dworak
R. Lewis	Luedtke	Marvel	Mills	Simpson

Not voting, 9:

Anderson	Fitzgerald	Fowler	Goodrich	Hasebroock
F. Lewis	Murphy	Nichol	Skarda	

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 374.

A BILL FOR AN ACT to amend sections 44-213 and 44-213.03, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide for retirement plan modifications; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Rumery	Savage	Schmit
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Anderson	Chambers	Hasebroock	F. Lewis	R. Lewis
Nichol	Skarda			

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

LEGISLATIVE BILL 387. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 2, Legislative Bill 1056, Eighty-third Legislature, Second Session, 1974; to increase a project cost authorization; to make an appropriation; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Johnson	Kelly	Keyes
Kime	Koch	Kremer	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 2:

Kennedy	R. Lewis

Not voting, 6:

Anderson	Hasebroock	F. Lewis	Murphy	Nichol
Skarda				

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

LEGISLATIVE BILL 470. With Emergency.

A BILL FOR AN ACT relating to planning; to provide that the State Office of Planning and Programming shall keep a record of aid given to

local governments; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Fitzgerald	Fowler	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Anderson	Dworak	Hasebroock	F. Lewis	Nichol
Skarda				

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 509.

A BILL FOR AN ACT to amend sections 30-318 and 30-321, Reissue Revised Statutes of Nebraska, 1943, relating to executors and administrators; to provide additional powers to a special administrator; to require court approval prior to dismissing certain actions; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	Luedtke	Mahoney	Maresh

Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Anderson	Dickinson	Hasebroock	Kime	F. Lewis
R. Lewis	Nichol	Skarda		

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

LEGISLATIVE BILL 517.

A BILL FOR AN ACT relating to children; to specify regulations governing the manufacture and sale of toys; to provide for investigations of complaints; 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, 42:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Rumery	Savage	Schmit
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 1:

Clark

Not voting, 6:

Anderson	Hasebroock	F. Lewis	R. Lewis	Nichol
Skarda				

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

LEGISLATIVE BILL 527.

A BILL FOR AN ACT to amend section 25-1625, Revised Statutes Supplement, 1974; to provide a minimum salary for jury commissioners in certain counties; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Rasmussen	Rumery	Savage	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Anderson	Hasebroock	F. Lewis	Marvel	Murphy
Nichol	Schmit	Skarda		

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

LEGISLATIVE BILL 542. Mr. Cavanaugh moved to return LB 542 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 18 ayes, 21 nays and 10 not voting.

A BILL FOR AN ACT relating to juvenile court procedure; to define terms; and to provide a procedure for an informal adjustment of cases 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, 24:

Barnett	Bereuter	Carsten	Clark	Cope
DeCamp	Duis	Goodrich	Johnson	Kelly
Koch	Kremer	Luedtke	Marsh	Moylan
Murphy	Rumery	Savage	Schmit	Simpson
Stoney	Swigart	Syas	Wiltse	

Voting in the negative, 16:

Burbach	Burrows	Cavanaugh	Dworak	Fitzgerald
Fowler	George	Kennedy	Kime	R. Lewis
Mahoney	Maresh	Marvel	Mills	Rasmussen
Stull				

Not voting, 9:

Anderson	Chambers	Dickinson	Hasebroock	Keyes
F. Lewis	Nichol	Skarda	Warner	

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 572.

A BILL FOR AN ACT to amend section 60-115, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to increase certain fees; to increase the amount of fees retained by the counties; 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:

Barnett	Bereuter	Burbach	Carsten	Clark
Cope	DeCamp	Dickinson	Dworak	Fowler
George	Goodrich	Johnson	Kelly	Kennedy
Kime	Kremer	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 5:

Burrows	Duis	Koch	Marvel	Stull

Not voting, 10:

Anderson	Cavanaugh	Chambers	Fitzgerald	Hasebroock
Keyes	F. Lewis	R. Lewis	Nichol	Skarda

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

LEGISLATIVE BILL 588. With Emergency.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to require amendments to the State of Nebraska Classification and Pay Plan; to provide duties; to provide for the expiration of provisions; 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, 30:

Barnett	Bereuter	Carsten	Cavanaugh	Chambers
Cope	DeCamp	Dickinson	Duis	Fitzgerald
Fowler	George	Goodrich	Johnson	Koch
Kremer	Luedtke	Mahoney	Marsh	Moylan
Murphy	Rumery	Savage	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 11:

Burbach	Clark	Dworak	Kelly	Kennedy
R. Lewis	Maresh	Marvel	Mills	Rasmussen
Schmit				

Not voting, 8:

Anderson	Burrows	Hasebroock	Keyes	Kime
F. Lewis	Nichol	Skarda		

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Barnett	Bereuter	Carsten	Cavanaugh	Chambers
Cope	DeCamp	Dickinson	Duis	Fitzgerald
Fowler	George	Goodrich	Johnson	Koch

Kremer	Luedtke	Mahoney	Marsh	Moylan
Murphy	Rumery	Savage	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 10:

Burbach	Clark	Dworak	Kennedy	R. Lewis
Maresh	Marvel	Mills	Rasmussen	Schmit

Not voting, 9:

Anderson	Burrows	Hasebroock	Kelly	Keyes
Kime	F. Lewis	Nichol	Skarda	

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

SELECT FILE

LEGISLATIVE BILL 430. Mr. Chambers offered the following amendment:
To amend LB 430 by striking the Duis amendment and restoring language of original bill.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Call showed 41 members present.

The Chambers amendment lost with 15 ayes, 24 nays and 10 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 24 ayes, 4 nays and 21 not voting.

Mr. Barnett renewed his pending amendment found in the Journal on page 1320 for the Sixty-fourth Day.

SPEAKER BURBACH PRESIDING

Mr. Maresh offered the following amendment to the Barnett amendment:
Amend the Barnett amendment after six dollars insert "or 50 cents per month of residency".

PRESIDENT WHELAN PRESIDING

Mr. Maresh asked unanimous consent to withdraw his amendment. No objections. So ordered.

The Barnett amendment was adopted with 25 ayes, 17 nays and 7 not voting.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

April 21, 1975

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

Dear Mr. President and Senators:

I return herewith LB 473 without my signature and with my objections which are threefold.

First, the measure is unconstitutional as is apparent by even cursory reading and substantiated by the Attorney General's opinion, copy attached.

Secondly, most objective students of government would recognize this as an attempt at unwarranted invasion of the executive branch of government by the legislative. Specifically, with regard to gubernatorial duties, the bill eliminates approximately 60 days of the time historically granted the Governor for his important budget making duties. With regard to a newly elected incoming chief executive, he could be allowed only ten working days to prepare a budget which requires months of work if properly prepared.

Thirdly, such unreasonable demands on the Governor and his staff are not necessary. There is no need whatsoever for the Appropriations Committee and its extensive staff to be delayed by one hour or one day in their deliberations as some incorrectly imply. That committee now has full authority to proceed with their investigation and considerations at will, and any delays are of their own making.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINIONS

April 18, 1975

Honorable J. James Exon
Governor, State of Nebraska
Capitol Building
Lincoln, Nebraska

Dear Governor Exon:

You direct our attention to L. B. 473 which has been passed by the Legislature and in your possession for signing. This bill deals with the Governor's budget under the provisions of Section 7, Article IV, Constitution of Nebraska. Section 7 provides that the Governor shall present, by message, a complete itemized budget of the financial requirements of all departments, institutions and agencies of the state and a budget bill to be introduced by the Speaker of the Legislature at your request. The purpose of the bill is to fix certain times within which various acts with relation to the budget shall be accomplished.

Under Section 3 of the act the forms for budget requests shall be distributed to the various state agencies by August 1 of each year. The budget request by the agency (under Sections 2 and 3) must be filed by the agency with the Director of Administrative Services on or before October 15 of each year. Section 2 of the act further provides that no extension of the deadline for filing these budget requests shall be granted.

Section 4 of this act provides for a penalty. It is new language. Very simply, it provides that any state agency which fails to submit its budget request by October 15 shall have the name of the agency and the name of the chief executive officer of the agency published in a newspaper of general circulation which publication shall state the noncompliance of such agency with this act. In addition, subsection(2) of Section 4 provides that the salary of the chief executive officer of the agency "shall be withheld and forfeited for each day that the budget is not filed after October 15." We note that there is no savings or severability clause in the bill nor any indication that the bill is to be effective at any other date than that provided for in Article III, Section 27, of the Constitution. A reading of Section 4, L. B. 473, indicates to us that it is the intent of this penalty provision to apply to all agencies of the State of Nebraska which submit their budget to the Governor. This would include the various constitutional officers as well as those executive officers who might head departments created by the Legislature.

The immediate question which appears is that by imposing a penalty under the conditions stated whether this effects a change in salary of the officers concerned. We note that the term executive officer is not defined in the act. We would suggest that the chief executive officer of the office of Secretary of State is the Secretary of State. Under Article IV, Section 1, Constitution of Nebraska, this officer has a fixed term. Under Section 19, Article III, his salary cannot be increased or diminished during his term. We suggest that the same is true as to the Governor, the Attorney General, the State Treasurer, the State Auditor, and the Public Service Commission.

Certainly, with respect to these officers, Section 4 is clearly invalid. Can then, the bill be valid as to those executive officers who do not have a term of office. We are convinced that it cannot. In Fitzgerald v. Kuppinger, 163 Neb. 286, 79 N. W. 2d 547, our court pointed out that when it was intended that an act apply to both constitutional and legislative created offices and the act was inseparable, if the act was found to be invalid as to constitutional offices that such an act was invalid in whole and could not be enforced against the legislative created offices. The present bill is similar to that.

We might point out, in addition, that this provision might be otherwise unenforceable. In the first place, we find no definition of the term chief executive officer of the agency. In the case of a board or a commission there could be some question. Also, it is not clear who is to enforce the provisions of this penalty section. There is further no indication by what manner the penalty is to be enforced. In the absence of notice and hearing, even were we to assume this section to be valid otherwise, it could well be invalid as a violation of due process of law as a penalty is to be assessed without provision for notice and hearing. For the foregoing reasons, we are of the opinion that Section 4 of L. B. 473 is clearly in violation of the Constitution of the State of Nebraska.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:dnj

Opinion No. 63
April 17, 1975

Dear Senator Rasmussen:

In your letter of April 14, 1975 you ask whether in our opinion the proposed change in the residency requirements of Section 80-301, R. S. Supp., 1974, set forth in Legislative Bill 595 would be constitutional.

Section 80-301, R. S. Supp., 1974, as amended by Legislative Bill 595 would require all applicants to the Nebraska Veterans' Home to have been bona fide Nebraska residents for at least two years immediately preceding their application.

The United States Supreme Court has recently had occasion to consider the question of the constitutionality of such durational residency requirements. The Court held unconstitutional a Tennessee statute which required one year's residence within the state and three months' residence within the county as a prerequisite to register to vote. Dunn v. Blumstein, 92 S. Ct. 995, 405 U. S. 330, 31 L. Ed. 2d 274. In Graham v. Richardson, 91 S. Ct. 1848, 403 U. S. 365, 29 L. Ed. 2d 534, the Court struck down

an Arizona welfare law which required persons to be citizens or to have resided within the state for a period of years. More directly on point the Supreme Court declared unconstitutional another Arizona statute which required indigent persons to have resided within the state one year in order to qualify for nonemergency medical care. Memorial Hospital v. Maricopa County, 94 S. Ct. 1076 (1974).

These durational residency requirements have generally been held unconstitutional as volitive of a constitutionally protected right to travel among the states and therefore volitive as denying these various persons of the equal protection of the law.

Based upon the discussion set out above it would be our opinion that the constitutionality of this portion of Legislative Bill 595 would be most difficult to defend.

If we can be of further assistance on this matter please let us know.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Special Assistant Attorney General

TRS:saa
cc Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 593. Indefinitely postponed.

(Signed) George Syas, Chairman

EXPLANATION OF VOTE

Had I been present and voting on Thursday, April 17, 1975, I would have voted "aye" on LB 20 and LB 564.

(Signed) Roland A. Luedtke

VISITORS

The President introduced the Benson Women's Republican Club and President Mrs. Betty Wetherby; 25 seniors from Chester-Hubbel High and their teachers.

RECESS

At 12:04 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Hasebroock, F. Lewis, Duis, Nichol, and Skarda who were excused and Messrs. Keyes, Mills, Maresh, and Kennedy who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Read and considered.

LR 33 was adopted with 28 ayes, 0 nays and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 187. Title read.

Mr. Kelly asked unanimous consent to hold LB 187 and LB 187A over until 3 p.m. No objections. So ordered.

LEGISLATIVE BILL 316. Considered.

Mr. R. Lewis asked unanimous consent to withdraw his pending amendment found in the Journal on page 858 for the Forty-third Day. No objections. So ordered.

The F. Lewis pending amendment to the R. Lewis amendment found in the Journal on page 1214 for the Fifty-ninth Day was withdrawn.

Mr. Mahoney asked unanimous consent to withdraw his pending amendment found in the Journal on page 1214 for the Fifty-ninth Day. No objections. So ordered.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 1298 for the Sixty-third Day. The amendment lost with 9 ayes, 13 nays and 27 not voting.

Mr. R. Lewis moved to indefinitely postpone.

SPEAKER BURBACH PRESIDING

The R. Lewis motion to indefinitely postpone lost with 9 ayes, 23 nays and 17 not voting.

Advanced to E & R for Review with 25 ayes, 5 nays and 19 not voting.

LEGISLATIVE BILL 74A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

UNANIMOUS CONSENT--Member Excused

Mr. Wiltse asked unanimous consent to be excused at 3:15 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

Mr. Cavanaugh renewed his pending amendment found in the Journal on page 1272 for the Sixty-second Day.

Mr. Cavanaugh offered the following amendment to his pending amendment:

1. In the Cavanaugh amendments on page 1274 of the Journal in lines 1 to 3 of subdivision (e) strike "Making loans shall include advances or credits that are initiated by means of credit card or other transaction card."; in lines 6 to 8 of subdivision (e) strike ". Such loan transactions including transactions made pursuant to prior agreements shall be subject to sections 8-315 to 8-330, and shall be deemed loans made at the place of business of the association"; and in subsection (2) lines 7 to 12 strike "transfer of funds from savings accounts to accounts of other customers, payment transfers from customer account into accounts maintained by other association customers or the association, including preauthorized draft authority, preauthorized loans and credit transactions,".

PRESIDENT WHELAN PRESIDING

Mr. DeCamp raised a point of order, to go back to LB 187 that was set for 3:00 p.m.

The Chair ruled to return to LB 187 at this time.

Mr. Murphy appealed the decision of the Chair. The question is, "Shall the Chair be sustained?"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The Call showed 41 members present.

Mr. DeCamp requested a roll call vote on sustaining the Chair.

Voting in the affirmative, 27:

Barnett	Bereuter	Burbach	Carsten	Cavanaugh
Clark	DeCamp	Duis	Fitzgerald	Fowler
Goodrich	Johnson	Kelly	Kime	Koch
Luedtke	Mahoney	Maresh	Marsh	Moylan
Rumery	Savage	Schmit	Simpson	Stoney
Swigart	Syas			

Voting in the negative, 14:

Burrows	Cope	Dickinson	Dworak	George
Kennedy	Kremer	R. Lewis	Marvel	Mills
Murphy	Rasmussen	Stull	Warner	

Not voting, 8:

Anderson	Chambers	Hasebroock	Keyes	F. Lewis
Nichol	Skarda	Wiltse		

The motion prevailed with 27 ayes, 14 nays and 8 not voting.

The Chair was sustained.

Mr. Barnett moved the Call be raised. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 187. Considered.

Standing Committee amendment found in the Journal on page 796 for the Fortieth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1279 for the Sixty-second Day. The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Kelly offered the following amendment:

1. Strike sections 1 to 8 and 11 to 22.

2. On page 21, insert a new section as follows:

"Sec. 3. That original sections 48-152 and 48-153, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

3. Renumber original sections 9, 10, and 23 as sections 1, 2, and 4, respectively.

The amendment lost with 7 ayes, 21 nays and 21 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 31, LR 32, and LR 33.

MOTION–Introduce Bill

Mr. Mahoney moved the introduction of a new bill by the Executive Board. (Req. 857)

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 599. By Executive Board: Mahoney, 5th District, Chairman; Kelly, 35th District; Burbach, 19th District; Barnett, 26th District; R. Lewis, 38th District; Rasmussen, 41st District; Schmit, 23rd District; Savage, 10th District.

A BILL FOR AN ACT to amend section 2-1205, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to permit a race meet licensee to conduct all or part of such race meet at other licensed facilities; to permit agreements between licensees for the operation and management of the meets and to permit the sharing in the proceeds thereof; to repeal the original section; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
599	General File

(Signed) Eugene T. Mahoney, Chairman

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 590 Placed on General File.

(Signed) J. R. Murphy

Appropriations

LEGISLATIVE BILL 472. Placed on General File as amended.
Standing Committee amendments to LB 472:

1. On page 6, after line 10 insert new sections to read as follows:
"Sec. 2. The data processing administrator, the Director of

Administrative Services, or any employee of such administrator or director shall not release or permit the release of any data maintained in computer files to any person or persons without the express written approvel of both the agency primarily responsible for collection and maintenance of such data and the employee.

Sec. 3. Any public official or employee who shall violate the provisions of section 2 of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than three months nor more than six months, and shall be subject to removal from office or discharge in the discretion of the Governor or agency head as appropriate.".

2. Renumber original section 2 as section 4.

(Signed) Richard D. Marvel

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 528 in the Journal. No objections. So ordered.

1. On page 5, line 13 after the period insert "Dividends accruing on any policy of whole life insurance issued in this state shall be computed on a basis of not less than three and one half per cent per annum."; line 23 reinstate the stricken matter; line 24 reinstate the stricken "six" and after "six" insert "per cent per annum in the case of a stock insurance company, and"; line 24 after "annum" insert "in the case of a mutual insurance company".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 349 in the Journal. No objections. So ordered.

1. On page 2, lines 5 and 6 strike "but shall not include loan service costs" and insert "and shall include prepayment charges, late charges, fees for escrow, and interest on interest after default"; in line 6 after ";" insert "(2) Capitalization method shall mean the method of handling escrow accounts by which escrow payments are credited directly to the loan principal, thereby decreasing the total amount of the loans outstanding and when escrow payments are paid out by the lending institution, the amount of the loan outstanding is correspondingly increased; and"; strike line 7 to 19; in line 20 after "charges" insert ",", and in lines 20 and 21 strike "except actual loan service costs"; in line 22 after "points" insert ","; and in lines 26 and 27 strike "the original term of the" and insert "a maximum period of one year and may be charged only

once on any one".

2. On page 3, line 1 after "2." insert "(1)"; line 2 after "upon" insert "after the effective date of this act "; line 3 after "annum" insert "for a period of eighteen months and not exceeding nine per cent per annum thereafter"; after line 7 insert the following:

"(2) Whenever any lending institution shall require that any borrower shall make deposits with it in the form of establishing an escrow account or similar fund in order to pay real estate taxes, insurance, or other charges which shall accrue with respect to the security given in connection with a loan, such lending institution shall utilize, at the option of the borrower, the capitalization method or shall pay to the borrower an annual interest on the amount of such deposit in such account at a rate not less than two per cent lower than the rate charged on the loan.

(3) Subsections (1) and (2) of this section are not intended to compel lending institutions to require establishment of an escrow account in circumstances which suggest that a borrower could be exempt from escrow requirements upon sufficient demonstration of personal financial responsibility.".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 269 in the Journal. No objections. So ordered.

Amendments to LB 269

Delete Sections 1, 2, 3, and 4 of the bill and insert the following new sections:

Section 1. The Legislature hereby finds and determines that in order to properly preserve the peace, safety, and welfare of its citizens, a moratorium on the electronic transmission of funds by financial institutions should be declared.

Section 2. For the purposes of this Act, the following definitions shall apply:

A. "Financial institutions" shall mean--(1) any bank which is insured by the Federal Deposit Insurance Corporation according to section 1813 of title 12, United States Code; (2) any insured institution as defined by title IV of the National Housing Act (12 U.S.C. 1724); and (3) any insured credit union as defined by the Federal Credit Union Act at section 1752 of title 12, United States Code.

B. "Offsite place of business" shall mean any place of business, other than those whose premises are devoted primarily to the transacting of business of financial institutions, including but not limited to, grocery stores, department stores, automobile service stations, or sites accommodating vending type machines, but it shall not include such places where check exchanges, automated and nonautomated clearinghouses and

like business among financial institutions is conducted.

C. "Receipt of deposits" shall mean any form or manner, direct, or indirect, of crediting accounts of depositors of financial institutions.

D. "Making of loans" shall mean the making of the final decision in the granting of credit but specifically shall not include advancing any sort of credit under a plan preauthorized by a financial institution.

E. "Electronic methods of funds transfer" shall mean the utilization of any kind of device operating on the basis of electronic impulses that would authorize transfers of funds either into or out of the accounts of depositors of financial institutions.

Section 3. After the effective date of this Act, no financial institution shall enter into any contract involving electronic methods of funds transfers at offsite places of business and any such contract executed after the effective date of this Act, is null and void and unenforceable. No regulatory agency of financial institutions, whether State or Federal, may authorize financial institutions subject to their respective jurisdictions from engaging in any activity in violation of this section.

Section 4. After the effective date of this Act, no offsite place of business shall enter into any contract involving electronic methods of funds transfer with a Finacial institution and any such contract executed after the effective date of this Act is null and void and unenforceable.

Section 5. Any person, firm or corporation who violates the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine of not less than five hundred dollars nor more than five thousand dollars.

Section 6. This Act shall expire on December 1, 1976, or such other time as the Legislature may determine.

Section 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

UNANIMOUS CONSENT–Bracket LB 202

Speaker Burbach asked unanimous consent to bracket LB 202. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced executive sessions of the Appropriations Committee as follows:

Monday, April 21, 1975	4:00 p.m.
Tuesday, April 22, 1975	4:00 p.m.
Wednesday, April 23, 1975	4:00 p.m.
Thursday, April 24, 1975	4:00 p.m.

UNANIMOUS CONSENT–Member Excused

Mr. Kelly asked unanimous consent to be excused until Friday, April 25, 1975. No objections So ordered.

VISITORS

The President introduced 16 Second Grade School students from Park School, Lincoln, Nebraska and three adults.

ADJOURNMENT

At 4:19 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, April 22, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SIXTH DAY--APRIL 22, 1975

LEGISLATIVE JOURNAL

SIXTY-SIXTH DAY—APRIL 22, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 22, 1975

Pursant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor, Westminster Presbyterian Church Lincoln.

> Almighty Father, creator of the universe, sustainer of all life; we come to you conscious of our frailties and our shortcomings, but with confidence and composure, knowing that having put our trust in you, we are grounded in reality and supported in power.
>
> Grant your wisdom to enlighten our darkness. May we tolerate nothing in our personal living, which, if multiplied, would weaken our nation.
>
> Deliver us from discouragement. Enable us to see the issues clearly, and seek the solutions through your higher wisdom. Let us not break faith with yesterdays promises while accepting today's opportunities. Let us now live this day as a gift of God. In the name of Jesus Christ, we pray, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, F. Lewis, Kelly, Nichol, Kremer, Keyes, and Skarda who were excused, Mr. Dickinson who was excused until he arrives, and Mr. Warner who was excused until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-fifth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused at 10:00 a.m. until he returns. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

April 18, 1975

Vincent D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

This will acknowledge receipt of your letter of April 14, 1975, enclosing Legislative Resolution 28.

For the record, I am enclosing herewith a copy of the Attorney General's opinion on this matter which I believe is self-explanatory. For the record, I think it would be well if the Attorney General's opinion were entered into the legislative journal.

I wold hope that the Legislature would appreciate that I am not in a position to abide by their Resolution, since such action would be in violation of my oath of office.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah
Enclosure

April 14, 1975

The Honorable J. James Exon
Governor of Nebraska
State Capitol
Lincoln, Nebraska

Dear Governor Exon:

In your letter of April 10, 1975, you request our opinion as to your authority to expend money from the Governor's Emergency Fund to improve the dike which is presently protecting the sandpit immediately upstream from the Hanson Lake development.

Provision is made for the Governor's Emergency Fund, and its use, by Section 81-829.42, R. S. Supp., 1974. This section is far too long to be set forth in full herein, but in general, it makes provision for the use of this Fund to meet disaster emergencies. The report from the Nebraska National Guard, which you enclosed with your letter, does not disclose any imminent danger of flooding, but only points out that the dike involved is

seriously weakened, and would probably we washed away in the event of very high water in the Platte River.

This dike was constructed by private developers on private property, and we find no indication in the statutes dealing with the Governor's Emergency Fund that the Fund could be expended for the repair of such private sturctures, particularly in the absence of an imminent threat of danger from a particular flood. Many towns and inhabited places on many streams throughout the state are periodically endangered by flooding. The Governor's Emergency Fund was not designed to authorize the Governor to erect or maintain flood control structures to protect such municipalities or inhabited places. Another question that would need to be considered is the legality of the dike itself. In Bahm v. Raikes, 160 Neb. 503, 70 N. W. 2d 507 (1955) the court said:

> "It is beyond the area of argument in this state that a riparian owner may not dam, obstruct, or dike against floodwaters of a running stream to the injury of a lower landowner. * * *." (160 Neb. at 515)

We cannot, of course, assess the effect of the dike in question upon other land bordering on the Platte River. However, it is obvious that the homes to be protected are in the flood plain of the river, and that water prevented from flowing in the natural flood channel must necessarily go somewhere else, possibly upon the land of someone who would not otherwise be flooded. A court might therefore very well find that the dike was unlawful, and assess damages caused by it, or require its destruction. The state, by participating in the maintenance of this dike, might subject itself to liability to other property owners along the river. Or, after the state had expended money for the maintenance and improvement of the dike, a court might order the dike torn down.

The general law on the question of obstruction of flood plains is clouded somewhat by Sections 2-1506.01 to 2-1506.14, R. R. S. 1943, and by L.B. 108, which, under some circumstances, seem to authorize obstructions of flood channels. However, we do not believe that any of these sections of the statutes are applicable to the dike in question. There is also the question of whether the construction of such dike by the state would be in violation of Article XIII, Section 3 of the Nebraska Constitution which forbids the lending or giving of the credit of the state in aid of any individual, association or corporation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smh

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1975, at 9:30 a.m., were the following bills: 20 and 564.

(Signed) Jan Loder, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

April 21, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 20, 245, 321, 323, 360, 494, 500, 541, 562, 564, 573, and 578, and Reengrossed Legislative Bills Nos. 118 and 255.

These bills were signed by me on April 21, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 430. Placed on Select File as amended.
E & R amendments to LB 430:

1. Strike original section 1 and renumber remaining sections accordingly.

2. In the Barnett amendment 4, line 6, strike the new matter and insert "or guardian.".

3. On page 17, strike lines 1 to 3 as amended and insert:

"Sec. 3. That original section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715, Revised Statutes Supplement, 1974, are repealed.".

4. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715,

Revised Statutes Supplement, 1974, relating to taxation; to increase the food sales tax credit; to provide a food sales tax credit under the Local Option Revenue Act;".

Correctly Enrolled

The following bills were correctly enrolled: 253, 264, 267, 267A, 315, 318, 320, 374, 387, 470, 475, 509, 517, 527, 572, and 588.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 253, 264, 267, 267A, 315, 318, 320, 374, 387, 470, 475, 509, 517, 527, 572, and 588.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 96. With Emergency.

A BILL FOR AN ACT to amend sections 32-210.01, 32-231, 32-231.01, 32-231.08, and 32-231.10, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide when certain salaries shall be set; to prescribe the compensation to be paid to election officials and employees; to repeal the original sections, and also section 32-531, 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kennedy	Kime	Koch
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Syas	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Anderson	Dickinson	Johnson	Kelly	Keyes
Kremer	F. Lewis	Murphy	Nichol	Skarda
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 226.

A BILL FOR AN ACT to amend section 70-624.02, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to change the maximum amount payable to members of the board and the president of districts having gross revenue not in excess of forty million dollars per year; to clarify existing language; 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:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	DeCamp	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kennedy	Kime	Koch	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Rasmussen	Rumery	Savage	Schmit	Stoney
Stull	Swigart	Wiltse		

Voting in the negative, 5:

Barnett	Chambers	Dworak	Simpson	Syas

Not voting, 11:

Anderson	Dickinson	Kelly	Keyes	Kremer
F. Lewis	Marvel	Mills	Nichol	Skarda
Warner				

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

LEGISLATIVE BILL 252.

A BILL FOR AN ACT to amend section 39-677, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska Rules of the Road; to provide what shall constitute overloading of the front seat or obstructing the driver's view; 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, 32:

Bereuter	Burbach	Burrows	Carsten	Chambers
Clark	Cope	DeCamp	Fitzgerald	George
Hasebroock	Johnson	Kennedy	Kime	Koch
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Wiltse			

Voting in the negative, 7:

Barnett	Cavanaugh	Duis	Dworak	Fowler
Goodrich	Mills			

Not voting, 10:

Anderson	Dickinson	Kelly	Keyes	Kremer
F. Lewis	R. Lewis	Nichol	Skarda	Warner

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

LEGISLATIVE BILL 401.

A BILL FOR AN ACT to amend sections 39-2223 and 39-2224, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Highway Bond Act; to authorize the issuance of bonds as prescribed; to provide how the proceeds of the sale of bonds shall be expended; to provide for refunding of present and future bonded indebtedness; and to repeal the original sections.

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

Voting in the affirmative, 38:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kennedy	Kime
Koch	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Anderson	Dickinson	Kelly	Keyes	Kremer
F. Lewis	Murphy	Nichol	Skarda	Syas
Warner				

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

SELECT FILE

LEGISLATIVE BILL 414. E & R amendments found in the Journal on page 1335 for the Sixty-fifth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 425. E & R amendments found in the Journal on page 1336 for the Sixty-fifth Day were adopted.

Mr. Chambers asked unanimous consent to bracket LB 425. No objections. So ordered.

LEGISLATIVE BILL 466. E & R amendments found in the Journal on page 1336 for the Sixty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 349. E & R amendments found in the Journal on page 1336 for the Sixty-fifth Day were adopted.

Mr. DeCamp asked unanimous consent to bracket LB 349. No objections. So ordered.

LEGISLATIVE BILL 368. E & R amendments found in the Journal on page 1337 for the Sixty-fifth Day were adopted.

Mr. Mills asked unanimous consent to bracket LB 368 and LB 368A.

Mr. Koch objected.

Mr. Mills moved to bracket LB 368 and LB 368A.

Mr. Mills moved for a Call of the House. The motion prevailed with 22 ayes, 11 nays and 16 not voting.

Mr. Mills requested a roll call vote on bracketing.

Voting in the affirmative, 21:

Barnett	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	Clark	Cope	Dworak	Fowler
Goodrich	Kennedy	R. Lewis	Maresh	Marvel
Mills	Moylan	Murphy	Schmit	Simpson
Swigart				

Voting in the negative, 18:

Carsten	DeCamp	Duis	Fitzgerald	George
Hasebroock	Johnson	Koch	Luedtke	Mahoney
Marsh	Rasmussen	Rumery	Savage	Stoney
Stull	Syas	Wiltse		

Not voting, 10:

Anderson	Dickinson	Kelly	Keyes	Kime
Kremer	F. Lewis	Nichol	Skarda	Warner

The motion lost with 21 ayes, 18 nays and 10 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

Mr. Barnett moved to indefinitely postpone.

Motion pending.

UNANIMOUS CONSENT—Members Excused

Messrs. Kime and Wiltse asked unanimous consent to be excused the remainer of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 74. E & R amendments found in the Journal on page 1337 for the Sixty-fifth Day were adopted.

Laid over at the request of Speaker Burbach.

GENERAL FILE

LEGISLATIVE BILL 187. Considered.

Mr. Koch moved to indefinitely postpone.

Mr. Koch asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Stull offered the following amendment:
Amend Sec. 9 line 18 strike five and reinstate four

Mr. Stull requested a record vote.

Voting in the affirmative, 15:

Clark	Cope	Dworak	George	Hasebroock
Johnson	Kennedy	R. Lewis	Maresh	Marvel
Murphy	Rasmussen	Rumery	Stull	Warner

Voting in the negative, 19:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Fitzgerald	Fowler	Goodrich
Luedtke	Mahoney	Marsh	Mills	Moylan
Simpson	Stoney	Swigart	Syas	

Not voting, 15:

Anderson	DeCamp	Dickinson	Duis	Kelly
Keyes	Kime	Koch	Kremer	F. Lewis
Nichol	Savage	Schmit	Skarda	Wiltse

Advanced to E & R for Review with 26 ayes, 7 nays and 16 not voting.

LEGISLATIVE BILL 187A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 5 nays and 18 not voting.

LEGISLATIVE BILL 269. Considered.

Mr. Cavanaugh renewed his pending amendment, found in the Journal on page 1357 for the Sixty-fifth Day to his pending amendment found in the Journal on page 1272 for the Sixty-second Day.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 7 nays and 18 not voting.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 20 ayes, 15 nays and 14 not voting.

The Call showed 38 members present.

Mr. Cavanaugh requested a record vote on his amendment found in the Journal on page 1357 to the amendment on page 1272.

Voting in the affirmative, 14:

Cavanaugh	Chambers	DeCamp	Dworak	Fitzgerald
Fowler	Goodrich	Mahoney	Maresh	Marsh
Rumery	Savage	Schmit	Swigart	

Voting in the negative, 20:

Barnett	Bereuter	Burbach	Burrows	Carsten
Clark	Cope	George	Hasebroock	Kennedy
Luedtke	Marvel	Mills	Murphy	Rasmussen
Simpson	Stoney	Stull	Syas	Warner

Not voting, 15:

Anderson	Dickinson	Duis	Johnson	Kelly
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Moylan	Nichol	Skarda	Wiltse

The amendment lost with 14 ayes, 20 nays and 15 not voting.

Speaker Burbach 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 Cavanaugh amendment found in the Journal on page 1272 lost with 12 ayes, 23 nays and 14 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1361 for the Sixty-fifth Day. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 6 nays and 14 not voting.

LEGISLATIVE BILL 269A. Title read. Considered.

Mr. Murphy moved to advance to E & R for Review.

Mr. Murphy moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay and 26 not voting.

Mr. Murphy moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays and 17 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Mills asked unanimous consent to be excused Friday, April 25, 1975. No objections. So ordered.

ANNOUNCEMENT

Mr. Rasmussen announced an executive session of the Government, Military and Veterans Affairs Committee on Thursday, April 24, 1975 at 4:00 p.m.

UNANIMOUS CONSENT–Print in Journal

Mr. Marvel asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

Amendment to LB 307

1. On page 2 strike lines 1 to 4 and insert:

"Section 1. Any municipal corporation may contract with any person and provide funds for home-delivered meals for the elderly and retired senior volunteer programs.".

VISITORS

The President introduced 38 grade school students and teachers from Schuyler, Nebraska; 12 grade school students and teachers from Milligan, Nebraska; 26 students and teachers from Virginia, Nebraska; 20 fifth grade

students and teacher from Odell, Nebraska; 35 representatives of National Iranian Radio and Television; Gary Grenier, representative of Great Plains National Instructional Television Library; 24 fifth grade students and teacher from Crete, Nebraska; 122 American Government students and 3 sponsors from Omaha Central High School, Omaha, Nebraska; 26 junior high students and teacher from Central Catholic High, Grand Island, Nebraska and 27 senior high school students and teachers from Walthill, Nebraska.

RECESS

At 11:52 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Kelly, Keyes, Kime, Kremer, F. Lewis, Nichol, Skarda, and Wiltse who were excused.

GENERAL FILE

LEGISLATIVE BILL 141. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Mr. Cavanaugh renewed his pending amendment found in the Journal on page 1189 for the Fifty-eighth Day.

Mr. Stull offered the following amendment to the Cavanaugh amendment: Amend the Cavanaugh amendment after "judge" strike in a county judge district having a population of one hundred thousand or more according to the last federal decennial census.

Mr. Stull asked unanimous consent to withdraw his amendment.

Mr. Bereuter objected.

Mr. Stull moved to withdraw his amendment. The motion prevailed with 26 ayes, 5 nays and 18 not voting.

Mr. Schmit offered the following amendment to the Cavanaugh amendment:

1. On page 2, line 5 strike "thirty-one" and insert "thirty".

2. In the Cavanaugh amendment 1 page 1189 of the Journal, line 7 strike "twenty-five" and insert "twenty-seven" and after "thousand" insert "five hundred".

Mr. Bereuter requested a record vote.

Mr. Schmit moved for a Call of the House. The motion lost with 19 ayes, 7 nays and 23 not voting.

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 17:

Carsten	Cavanaugh	Chambers	DeCamp	Dickinson
Fowler	Goodrich	Koch	Luedtke	Maresh
Marsh	Moylan	Rumery	Savage	Schmit
Simpson	Syas			

Voting in the negative, 19:

Barnett	Bereuter	Burbach	Burrows	Cope
Dworak	Fitzgerald	George	Hasebroock	Johnson
R. Lewis	Marvel	Mills	Murphy	Rasmussen
Stoney	Stull	Swigart	Warner	

Not voting, 13:

Anderson	Clark	Duis	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	Mahoney
Nichol	Skarda	Wiltse		

The Schmit amendment lost with 17 ayes, 19 nays and 13 not voting.

Mr. Barnett offered the following amendment to the Cavanaugh amendment:

1. To amend Page 2, line 5 strike 31000 and insert 30000

2. In Cavanaugh amendment 1 page 1189 of the Journal, line 7 strike 25000 and insert 24000.

Mr Syas raised a point of order.

The Chair ruled the Barnett amendment is in order at this time.

Mr. Syas appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion prevailed with 26 ayes, 2 nays and 21 not voting. The Chair was sustained.

Mr. Cavanaugh moved the previous question. The question is, "Shall the debate now close on the Barnett amendment?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Barnett amendment lost with 9 ayes, 21 nays and 19 not voting.

Mr. Luedtke offered the following amendment to the Cavanaugh amendment:
To amend the Cavanaugh amendment to provide for $25,000 annual salary for judges other than metropolitan counties and $30,000 in metropolitan counties.

Mr. Cavanaugh 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 Luedtke amendment was adopted with 20 ayes, 14 nays and 15 not voting.

The Cavanaugh amendment found in the Journal on page 1189, as amended, lost with 21 ayes, 15 nays and 13 not voting.

Mr. DeCamp moved to indefinitely postpone.

Mr. Cavanaugh 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 indefinitely postpone lost with 11 ayes, 18 nays and 20 not voting.

Mr. Koch offered the following amendment:
Amend LB 141 to include the following amounts - $28,500 for judges districts having a population of 100,000 or more - and $25,500

The amendment lost with 15 ayes, 17 nays and 17 not voting.

Mr. Koch moved to bracket LB 141 until Thursday, April 24, 1975. The motion prevailed with 27 ayes, 2 nays and 20 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Hasebroock asked unanimous consent to print the following amendments to LB 235 in the Journal. No objections. So ordered.

1. On page 2 insert a new section 1 to read as follows:

"Section 1. That section 60-444, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-444. Each patrolman while in the service of the Nebraska State Patol shall pay a sum equal to ~~seven~~ eight per cent of his monthly salary. Such amounts shall be deducted monthly by the Director of Administrative Services who shall draw a warrant monthly in the amount of the total deductions from salaries of members of the Nebraska State Patrol and the State Treasurer shall credit the amount of such warrant to the fund created by sections 60-441 to 60-461. The director shall cause a detailed report of all monthly deductions to be made each month to the Public Employees Retirement Board. In addition thereto, there shall be transferred from the General Fund monthly, by the State Treasurer, a sum equal to the amount of said salary deductions each month, the same to be credited to the fund created by sections 60-441 to 60-461. The fund shall further be supplemented annually by an appropriation in such amount as may be determined on the basis of an actuarial valuation prepared by a member of the American Academy of Actuaries to be sufficient to fully fund the unfunded accrued liabilities of the system by level payments up to January 1, ~~1994~~ 2005.".

2. On page 3 strike lines 1 to 17; and in line 25 strike "The" and insert "~~The~~ For retirement on or after the fifty-fifth birthday of the member the".

3. On page 4, line 2 after the period insert "For retirement on or after the fiftieth birthday of the member, but prior to the fifty-fifth birthday of the member, the percentage shall be the actuarial equivalent of the percentage which would apply if the member were age fifty-five at the date of retirement to reflect the younger retirement age.".

4. On page 6, line 14, after "at" insert "any"; in line 15 before "fifty" insert "from" and after "fifty" insert "to fifty-five"; in lines 17 and 18 strike "to commence at age fifty" and show the old matter as stricken; and in line 25 strike "section" and insert "sections 60-444 and".

5. Renumber original sections 1 to 4 as sections 2 to 5 respectively.

UNANIMOUS CONSENT—Members Excused

Mr. Carsten asked unanimous consent to be excused at 3:00 p.m. until he returns. No objections. So ordered.

Mr. Mahoney asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 69. Placed on General File as amended.
Standing Committee amendments to LB 69:

1. Strike sections 1 to 4 and insert:

"Section 1. That section 39-2402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2402. The State Treasurer shall monthly transfer from the Highway Allocation Fund to the Grade Crossing Protection Fund thirty thousand dollars and to the State Recreation Road Fund an amount equal to fifty cents for each motor vehicle registration during the preceding month. There shall next be disbursed out of the Highway Allocation Fund such amount as may be appropriated by the Legislature for the purchase of materials for the manufacturing of motor vehicle license plates. For the years 1970 and 1971, commencing January 1, 1970, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-five and one-third per cent to the various counties for road purposes, and twenty-one and one-third per cent to the various municipalities for street purposes; for the years 1972 and 1973, commencing January 1, 1972, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-four and one-third per cent to the various counties for road purposes, and twenty-two and one-third per cent to the various municipalities for street purposes; and for the year 1974 and thereafter, commencing January 1, 1974, the balance of the money in the Highway Allocation Fund shall be allocated

fifty-three and one-third per cent to the Department of Roads, twenty-three and one-third per cent to the various counties for road purposes, and twenty-three and one-third per cent to the various municipalities for street purposes; Provided, that for the calendar years 1970 and 1971, if it is determined by November 1 of each respective year that any county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries, an amount in such year which is less than such county received in state-collected highway revenue in the calendar year 1967, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1967 highway allocation for such year shall be transferred from the Highway Allocation Fund to such county; provided further, for the calendar year 1972 and each year thereafter, if it is determined by November 1 of each year that any county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries an amount in such year which is less than such county received in state-collected highway revenue in calendar year 1969, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1969 highway allocation for such year shall be transferred from the Highway Allocation Fund to such county; and provided further, that any such makeup funds must be matched by the county as provided in sections 39-2501 to 39-2510. The portion allocated to the Department of Roads shall be credited monthly to the Highway Cash Fund. The portions allocated to the counties and municipalities shall be distributed monthly as provided by law.

Sec. 2. That section 60-324, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-324. All letters, numbers, printing, writing, and other identification marks upon such plates and certificate shall be kept clear and distinct and free from grease, dust or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the nighttime. In case any such plate or certificate of registration shall be lost or mutilated, or shall have become illegible, the person

to whom such plate and certificate shall have been furnished shall immediately apply to the county treasurer for a duplicate certificate or for new license plates, accompanying his application with a fee of ~~one dollar~~ five dollars.

Sec. 3. That original sections 39-2402 and 60-324, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT relating to motor vehicle license plates; to increase the fee for replacement of lost or mutilated plates; to provide for payment of the costs of materials out of the Highway Allocation Fund; to amend sections 39-2402 and 60-324, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.".

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused at 3:15 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 598. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 551. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 472. Title read. Considered.

Standing Committee amendments found in the Journal on page 1359 for the Sixty-fifth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 550. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 282. Title read. Considered.

Standing Committee amendments found in the Journal on page 796 for the Fortieth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 486. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 114. Title read. Considered.

Standing Committee amendment found in the Journal on page 853 for the Forty-third Day was adopted with 25 ayes, 1 nay and 23 not voting.

Mr. Rasmussen renewed his pending amendment found in the Journal on page 1126 for the Fifty-fifth Day.

Mr. Rasmussen moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays and 27 not voting.

Mr. Rasmussen moved the Call be raised. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The Rasmussen amendment was adopted with 25 ayes, 4 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 115. Title read. Considered.

Mr. Warner moved to reject the Standing Committee amendments found in the Journal on page 853 for the Forty-third Day. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1236 for the Sixtieth Day. The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Rasmussen asked unanimous consent to withdraw his pending amendment found in the Journal on page 1272 for the Sixty-second Day. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 434. Mr. Schmit moved to bracket LB 434 indefinitely.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 217. Title read. Considered.

Standing Committee amendments found in the Journal on page 933 for the Forty-seventh Day were adopted with 26 ayes, 2 nays and 21 not voting.

Mr. Duis moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Mr. Mills moved the Call be raised. The motion lost with 10 ayes, 16 nays and 23 not voting.

Mr. Duis moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 5 nays and 19 not voting.

VISITORS

The President introduced 20 sophmore students and sponsors from Mt. Michael School, Elkhorn, Nebraska; 13 grade school students and teacher from Burchard, Nebraska.

ADJOURNMENT

At 4:10 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, April 23, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SEVENTH DAY—APRIL 23, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 23, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. J. Dallas Gibson, Fairhill United Presbyterian Church, Lincoln.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, Keyes, and Kremer who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1365, line 15, correct spelling of "would".
Page 1367, line 24, insert "Re" before "placed".
The Journal for the Sixty-sixth Day was approved as corrected.

ANNOUNCEMENT

The Clerk announced the Nebraska Library Association's Information Powermobile will be parked in front of the State Capitol, East side, Thursday, April 24, 1975 between 8:00 a.m. and 5:00 p.m. A photographer will be available to take pictures of Legislators.

POINT OF PERSONAL PRIVILEGE

Mr. Rumery announced a speech by Professor Roger D. Uhlinger will be printed on the life of former Senator Glenn Viehmeyer and will be available for distribution.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 244. Indefinitely postponed.

(Signed) Richard Marvel, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 533. Placed on General File as amended.
Standing Committee amendments to LB 533:

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

"Section 1. Any state employee who is a member of the State Employees Retirement System and whose status is changed by the Legislature to that of an employee of a Mental Health Region or an employee of a Community Mental Health Center shall, upon application to the Public Employees Retirement Board, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have accrued to the date of transfer. Such employee may not withdraw the amount in this employee account prior to his retirement and still receive such vested benefits.".

2. In the title strike lines 5 to 8 and insert "certain state employees may receive vested benefits in the Nebraska State Employees Retirement System when such employee is tranferred; to provide an operative date; and to declare an emergency.".

(Signed) W. H. Hasebroock, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 466. Replaced on Select File as amended.
E & R amendments to LB 466:

1. On page 4, lines 2, 3, 4, and 7, insert "patient or" before "inmate".

2. In the title, strike beginning with "to" in line 7 through the semicolon in line 8.

LEGISLATIVE BILL 316. Placed on Select File as amended.
E & R amendments to LB 316:

1. In the standing committee amendment, line 4, strike "they" and insert "such districts".

2. On page 2, line 18, insert "each of" after "from".

LEGISLATIVE BILL 74A. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 217 in the Journal.No objections. So ordered.

A.1 1. On page 28, after line 25 insert a new section as follows:
"Sec. 20. The provisions of this act shall not apply to any insurance company under the control or supervision of the Department of Insurance pursuant to sections 44-127.13 to 44-127.24, Revised Statutes Supplement, 1974, on the effective date of this act.".
2. Renumber original sections 20 and 21 as sections 21 and 22, respectively.

B.1 1. On page 28, after line 25, insert a new section as follows:
"Sec. 20. The State of Nebraska shall be liable if the Department of Insurance or the conservator, acting pursuant to sections 44-127.13 to 44-127.24, Revised Statutes Supplement, 1974, shall be guilty of any misfeasance in the handling of any matters pertaining to the conservatorship.".
2. Renumber original sections 20 and 21 as sections 21 and 22, respectively.

UNANIMOUS CONSENT—Final Reading

Mr. F. Lewis asked unanimous consent to read LB 243 and LB 243A on Final Reading today. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 349 in the Journal. No objections. So ordered.

Amendments to LB 349

1. Strike original sections 1 to 7, and amendments thereto, and insert the following:
"Section 1. That section 45-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-101. (1) Any rate of interest which may be agreed upon, not exceeding nine dollars per year upon one hundred dollars, 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; Provided, the limitation on the rate of interest herein fixed shall not apply to loans made under subsection (4) of section 8-319 nor to loans made by any licensees or permittees operating under a license or permit duly issued by the Department of Banking pursuant to (1) sections 45-114 to 45-155; (2) sections 8-401 to 8-417; (3) sections 8-815 to 8-829; or (4) sections 21-1760 to 21-17,119; and provided further, that corporations, domestic or foreign, may by an agreement in writing which clearly spells out either the amount or the rate of interest charged or any stock agreement or combination thereof, and not otherwise, agree to pay any rate of interest in excess of the maximum rate provided in this section and, in such instances where the rate is above such maximum rate, the defense of usury is prohibited.

(2) The limitation on the rate of interest provided in subsection (1) of this section shall not apply to first mortgage loans on urban real estate or on other real estate not to exceed ten acres in area. The borrower, with respect to such loans, may waive the defense of usury. Such waiver shall be in writing in a document separate from other loan papers and filed of record in the office of the register of deeds.

Sec. 2. That section 45-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-102. (1) Interest upon the loan or forbearance of money, goods or things in action shall be at the rate of six dollars per year upon one hundred dollars, unless a greater rate, not exceeding nine per cent per annum, be contracted for by the parties; Provided, the limitations on the rate of interest herein fixed shall not apply to loans made under subsection (4) of section 8-319 nor to loans made by any licensees or permittees operating under any license or permit issued by the Department of Banking pursuant to (1) sections 45-114 to 45-155; (2) sections 8-401 to 8-417; (3) sections 8-815 to 8-829; or (4) sections 21-1760 to 21-17,119; and provided further, that corporations, domestic or foreign, may by an agreement in writing which

clearly spells out either the amount or the rate of interest charged or any stock agreement or combination thereof, and not otherwise, agree to pay any rate of interest in excess of the legal rate provided in this section, and in such instances where the rate is above such legal rate, the defense of usury is prohibited.

(2) The limitation on the rate of interest provided in subsection (1) of this section shall not apply to first mortgage loans on urban real estate or on other real estate not to exceed ten acres in area. The borrower, with respect to such loans, may waive the defense of usury. Such waiver shall be in writing in a document separate from other loan papers and filed of record in the office of the register of deeds.

Sec. 3. That original sections 45-101 and 45-102, Reissue Revised Statutes of Nebraska, 1943, are repealed.

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.".

2. In the title strike lines 2 to 9 and insert the following:

"FOR AN ACT to amend section 45-101 and 45-102, Reissue Revised Statutes of Nebraska, 1943, relating to interest; to provide exceptions to the legal and maximum interest rates; to repeal the original sections; and to declare an emergency.".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 8.

A BILL FOR AN ACT to amend section 81-1014, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to harmonize provisions pertaining to mileage allowance; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson

Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kennedy	Kime
Koch	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 1:

Mills

Not voting, 7:

Cavanaugh	Chambers	Kelly	Keyes	Kremer
Marvel	Warner			

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

LEGISLATIVE BILL 481.

A BILL FOR AN ACT relating to probate proceedings; to harmonize provisions with the Nebraska Probate Code; to change county court fees for probate proceedings and other matters as prescribed; to amend sections 8-201, 8-317, 16-634, 21-20,105, 25-207, 25-308, 25-309, 25-819, 30-1601, 30-1610, 31-415, 31-822, 33-125, 33-126.02, 33-126.03, 33-126.04, 33-126.05, 42-105, 42-341, 49-801, 77-2004, 77-2018.01, and 77-2018.02, Reissue Revised Statutes of Nebraska, 1943, sections 24-536, 24-554, 24-559, 24-601, 30-1603, 30-2487, 30-2499, and 30-2622, Revised Statutes Supplement, 1974, and section 25-307, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 480, Eighty-fourth Legislature, First Sesison, 1975; 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, 43:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kennedy
Kime	Koch	F. Lewis	R. Lewis	Luedtke

Mahoney	Maresh	Marsh	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Duis	Kelly	Keyes	Kremer	Marvel
Murphy				

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

LEGISLATIVE BILL 530.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.09, 77-202 and 77-1241.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-331 and 77-1241.09, Revised Statutes Supplement, 1974; to provide a special registration fee in lieu of other fees and ad valorem taxes on motor vehicles proportionally registered; to provide for allocation of such 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, 35:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Cope	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Hasebroock	Johnson
F. Lewis	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 8:

Clark	Dickinson	George	Kime	Koch
Maresh	Rasmussen	Rumery		

Not voting, 6:

Cavanaugh	DeCamp	Kelly	Kennedy	Keyes
Kremer				

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

LEGISLATIVE BILL 243.

A BILL FOR AN ACT to amend sections 48-806 and 48-816, Reissue Revised Statutes of Nebraska, 1943, and sections 48-808 and 48-838, Revised Statutes Supplement, 1974, relating to labor; to set judges salaries as prescribed; to change duties of the court reporter; to provide for binding arbitration; to provide recognition of a representative labor organization by an employer; to provide for intervention by a labor organization; 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, 26:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Fitzgerald	Fowler
Goodrich	Johnson	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Mills	Moylan	Rumery
Savage	Simpson	Skarda	Stoney	Syas
Warner				

Voting in the negative, 17:

Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Hasebroock	Kennedy	Kime	R. Lewis
Marvel	Murphy	Nichol	Rasmussen	Schmit
Stull	Wiltse			

Not voting, 6:

George	Kelly	Keyes	Koch	Kremer
Swigart				

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

LEGISLATIVE BILL 243A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, Eighty-fourth Legislature, First Session, 1975.

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

Voting in the affirmative, 28:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Duis	Fitzgerald
Fowler	Goodrich	Johnson	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Moylan
Rumery	Savage	Schmit	Simpson	Stoney
Swigart	Syas	Warner		

Voting in the negative, 14:

Clark	Cope	DeCamp	Dickinson	Dworak
Kennedy	Kime	R. Lewis	Marvel	Murphy
Nichol	Rasmussen	Stull	Wiltse	

Not voting, 7:

George	Hasebroock	Kelly	Keyes	Koch
Kremer	Skarda			

Having failed to receive a constituional majority voting in the affirmative, the bill failed to pass.

Mr. F. Lewis asked the Chair for a ruling on the votes to pass this bill.

The Chair ruled this bill would take 30 votes to pass.

Mr. F. Lewis appealed the ruling of the Chair.

The question is, "Shall the Chair be sustained?" The motion prevailed with 28 ayes, 9 nays and 12 not voting.

The Chair was sustained.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 23, 1975 at 9:05 a.m., were the following bills: 253, 264, 267, 267A, 315, 318, 320, 374, 387, 470, 475, 509, 517, 527, 572, and 588.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 414.

Correctly Enrolled

The following bills were correctly enrolled: 96, 226, 252, and 401.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed with following bills: 96, 226, 252, and 401.

MOTION—Request Governor to Return LB 588

Mrs. Marsh moved to request the Governor to return LB 588 to the Legislature for further consideration.

The motion prevailed with 26 ayes, 9 nays and 14 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Warner asked unanimous consent to be excused until he arrives this afternoon. No objections. So ordered.

ANNOUNCEMENT

Mr. Savage announced the death of Mr. Dale McCoy.

COMMITTEE TO ESCORT GOVERNOR

The Chair appointed Messrs. Dworak, Mills and Koch to escort Governor J. James Exon to the rostrum.
The Governor addressed the members.
(Copy of Governor's speech not available)

The committee escorted the Governor from the Chamber.

Mr. Chambers requested a point of personal privilege on the Governor's address.

The Chair ruled the request out of order.

Mr. Chambers appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 12 ayes, 22 nays and 15 not voting. The Chair was not sustained.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 423. Placed on General File.

(Signed) Frank Lewis, Chairman

Appropriations

LEGISLATIVE BILL 553. Placed on General File as amended.
Standing Committee amendments to LB 553:

1. Strike original sections 1 to 5 and insert the following:

"Section 1. The Department of Correctional Services is hereby directed to explore and examine alternatives for the location and development of a Chemical Dependency Facility. The department shall first consider the location of the facility on the grounds adjacent to the present site of the Nebraska Penal and Correctional Complex Medium Security Unit and compare this location to other alternatives as selected by the department. A report on the various alternate locations and related costs of the facility and program shall be submitted in the 1976-77 budget request.

Sec. 2. That section 10, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975, is repealed.".

2. In the title strike lines 2 to 11 and insert "FOR AN ACT relating to the Department of Correctional Serivces; to provide duties of the department relating to the development of a Chemical Dependency Facility; and to repeal section 10, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975.".

(Signed) Richard D. Marvel, Chairman

SELECT FILE

LEGISLATIVE BILL 368. Mr. Barnett renewed his pending motion, found in the Journal on page 1372 for the Sixty-sixth Day, to indefinitely postpone.

SPEAKER BURBACH PRESIDING

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.

PRESIDENT WHELAN PRESIDING

The motion to indefinitely postpone lost with 16 ayes, 27 nays and 6 not voting.

Mr. Cavanaugh asked unanimous consent to bracket LB 368 and LB 368A on Select File.

Mr. F. Lewis objected.

Mr. Cavanaugh moved to bracket LB 368 and LB 368A.

Mr. Koch moved to amend the Cavanaugh motion to bracket LB 368 and LB 368A until May 1, 1975.

Amendment pending.

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

COMMUNICATIONS ON LB 588

April 23, 1975

The Honorable J. James Exon
Governor of Nebraska
Lincoln, Nebraska

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 588 to the Legislature for further consideration.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

bb

April 23, 1975

The Honorable Jules Burbach
Speaker, Nebraska Legislature
Room 2022, State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

I am transmitting herewith to the Legislature LB 588, the same having been returned by the Governor to the Legislature for further consideration. This bill will be placed on final reading pending the further action of the Legislature.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
Enclosure

UNANIMOUS CONSENT–Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 30 in the Journal. No objections. So ordered.

Amendment to LR 30

1. In lieu of LR 30 as it appears on page 1280 of the Legislative Journal, insert the following:

"WHEREAS, a full scale invasion by the Communist North Vietnamese government into South Vietnam has seriously jeopardized the future existence of the Republic of South Vietnam; and

WHEREAS, when and if the Communist North Vietnamese do take over the country of South Vietnam there will be recriminations, death, and imprisonment against those people who collaborated with, supported, aided, or were in any way key persons involved with the United States of America in helping establish and maintain the Republic of South Vietnam.

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

1. That this Legislature encourage the President of the United States, the Congress, and the American people to provide the funds and programs necessary to evacuate and provide safety to those people in South Vietnam who are most likely to suffer retribution at the hands of the Communists because of their previous association or involvement with programs of the American government in South Vietnam or with helping to maintain the country of South Vietnam.

2. That a copy of this resolution be sent to the President of the United States, the members of Congress, and the United States Ambassador to South Vietnam.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 443A. By Urban Affairs Committee: Fowler, 27th District, Chairman.

A BILL FOR AN ACT to appropriate and reappropriate funds to aid in carrying out the provisions of Legislative Bill 443, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 34.

Introduced by Barnett, 26th District.

WHEREAS, there exists an urgent need for doctors in Nebraska to extend quality medical treatment to all citizens; and

WHEREAS, qualifications for admission to medical school are of necessity quite high; and

WHEREAS, one wishing to enter the study of medicine must undertake a great amount of preparation and study to obtain the level of scholastic achievement necessary for admission to a medical school; and

WHEREAS, approximately one hundred fifty persons are admitted to medical school in Nebraska each year; and

WHEREAS, it is inevitable that many well qualified applicants will be denied entrance to medical school; and

WHEREAS, among the many applicants turned away from the study of medicine are persons who have directed their entire pursuit of occupational preparedness toward the study of medicine alone.

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

1. That the Appropriations Committee of the Legislature study all qualifications for admission to the University of Nebraska College of Medicine, the process for actually selecting candidates to enter such school, and the desirability and means of broadening the opportunity of more persons to enter the study of medicine in Nebraska.

2. That the Committee obtain a record of students that have been accepted by the school in the last ten years to determine what percentage of Nebraska applicants are being accepted.

3. That the Committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board of the Legislative Council.

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 1:30 p.m. today under the North balcony.

VISITORS

The President introduced 18 fifth grade students from Meridian School and teacher from Alexanderia, Nebraska; 30 fifth grade students and teacher from Hebron, Nebraska; 25 senior high school students and teacher from Waterloo, Nebraska; 21 grade school students and teacher from Lewiston, Nebraska; 18 grade school students and teacher from Bruning, Nebraska; 26 grade school students and sponsors from Endicott, Nebraska.

RECESS

At 12:05 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, Keyes, and Kremer who were excused and Messrs. Kennedy, Swigart, and Warner who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

April 21, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 218.

This bill was signed by me on April 21, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

April 22, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 324, 359, and 359A. These bills were signed by me on April 22, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTION—General Fund Money Bills

Mr. Syas moved that the Speaker be directed to place on top of General File all bills now on General File or which come to General File which cost over $25,000 of state general fund money, and also revenue producing bills.

Motion pending.

MEMBERS BIRTHDAY

The Chair announced Mr. George's birthday.

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the committee on Appropriations. (Req. 840)

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 600. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Simpson, 46th District; Bereuter, 24th District; Goodrich, 20th District; Savage, 10th District; Stull, 49th District.

A BILL FOR AN ACT relating to game and fish; to provide that the State of Nebraska assents to the federal Youth Conservation Corps Act, as amended; and to establish the Youth Conservation Corps Fund.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules to place LB 600 on General File without a public hearing.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 114 in the Journal. No objections. So ordered.

1. In the Rasmussen amendment to LB 114,
Journal page 1126, in line 5 after "basis" and in
line 10 after "improvements" insert ", but the county
board shall adhere to all specifications that were
required for the initial bids on contracts".

UNANIMOUS CONSENT–Member Excused

Mr. Savage asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 368. Mr. Koch renewed his pending amendment to the pending Cavanaugh motion, to bracket LB 368 and LB 368A until May 1, 1975.

Mr. Dickinson 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 Koch amendment to bracket until May 1, 1975 lost with 21 ayes, 18 nays and 10 not voting.

The Cavanaugh motion to bracket LB 368 and LB 368A lost with 21 ayes, 21 nays and 7 not voting.

Mr. Dworak moved to advance LB 368.

Mr. Mills moved for a Call of the House. The motion lost with 20 ayes, 20 nays and 9 not voting.

Mr. F. Lewis requested a roll call vote on advancing.

Voting in the affirmative, 25:

Burbach	Carsten	Cope	DeCamp	Dickinson
Duis	Fitzgerald	Fowler	George	Hasebroock
Johnson	Kime	Koch	F. Lewis	Luedtke
Mahoney	Marsh	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Wiltse

Voting in the negative, 18:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Clark	Dworak	Goodrich	R. Lewis
Maresh	Marvel	Mills	Moylan	Murphy
Skarda	Stull	Syas		

Not voting, 6:

Kelly	Kennedy	Keyes	Kremer	Swigart
Warner				

Advanced to E & R for Engrossment with 25 ayes, 18 nays and 6 not voting.

LEGISLATIVE BILL 368A. Mr. F. Lewis requested a machine vote on advancing.

Mr. Duis moved for a Call of the House. The motion lost with 14 ayes, 19 nays and 16 not voting.

Mr. Duis requested a roll call vote on advancing.

Voting in the affirmative, 22:

Burbach	Carsten	Cope	DeCamp	Dickinson
Duis	Fitzgerald	Fowler	George	Johnson
Koch	F. Lewis	Luedtke	Mahoney	Marsh
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Stoney			

Voting in the negative, 22:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Clark	Dworak	Goodrich	Hasebroock
Kennedy	Kime	R. Lewis	Maresh	Marvel
Mills	Moylan	Murphy	Skarda	Stull
Syas	Wiltse			

Not voting, 5:

Kelly Keyes Kremer Swigart Warner

Failed to advance to E & R for Engrossment with 22 ayes, 22 nays and 5 not voting.

Mr. Barnett moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 74. Mr. Maresh offered the following amendment:
(1) Amend the committee amendments to LB 74, page 5 Sec 6 line 21 strike 50 and insert 30.

The amendment was adopted with 32 ayes, 1 nay and 16 not voting.

Mr. Maresh offered the following amendment:
(2) Amend LB 74, page 3 Sec 4 line 25 after committee insert: "No more than four members shall be of the same political party."

Mr. George moved to bracket the bill until Wednesday, April 30, 1975. The motion lost with 14 ayes, 18 nays and 17 not voting.

Mr. Cavanaugh moved to amend the Maresh amendment as follows:
Amend Maresh amendment "Member of the board not belong to any political party and not be registered to vote"

The Cavanaugh amendment lost with 3 ayes, 26 nays and 20 not voting.

The Maresh amendment (2) was adopted with 26 ayes, 10 nays and 13 not voting.

Mr. Maresh offered the following amendment:
Add the emergency clause.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Warner asked unanimous consent to bracket LB 74.

Mr. Maresh objected.

Mr. Clark moved to bracket LB 74.

Mr. Mills moved for a Call of the House. The motion lost with 18 ayes, 19 nays and 12 not voting.

Mr. F. Lewis requested a roll call vote on bracketing.

Voting in the affirmative, 21:

Barnett	Bereuter	Carsten	Clark	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kennedy	Koch	F. Lewis
Marvel	Mills	Murphy	Rasmussen	Skarda
Stoney				

Voting in the negative, 19:

Anderson	Burbach	Burrows	Cavanaugh	Cope
Johnson	Kime	R. Lewis	Luedtke	Mahoney
Maresh	Moylan	Nichol	Rumery	Schmit
Simpson	Stull	Syas	Wiltse	

Not voting, 9:

Chambers	DeCamp	Kelly	Keyes	Kremer
Marsh	Savage	Swigart	Warner	

The motion to bracket lost with 21 ayes, 19 nays and 9 not voting.

Mr. George moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 430. E & R amendments found in the Journal on page 1367 for the Sixty-sixth Day were adopted.

Mr. F. Lewis moved to bracket until Wednesday, April 30, 1975.

The motion prevailed with 26 ayes, 7 nays and 16 not voting.

UNANIMOUS CONSENT—Unbracket LB 307

Mr. Marvel asked unanimous consent to unbracket LB 307. No objections. So ordered.

MOTION—Return LB 307 to Select File

Mr. Marvel moved to return LB 307 to Select File for the following specific amendment:

1. On page 2 strike lines 1 to 4 and insert:
"Section 1. Any municipal corporation may contract with any person and provide funds for home-delivered meals for the elderly and retired senior volunteer programs.".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 307. The Marvel specific amendment found in the day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT–Members Excused

Messrs. Fitzgerald and Syas asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

MOTION–Reconsider Action on LB 588

Mrs. Marsh moved to reconsider action on final passage of LB 588.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay and 24 not voting.

The Call showed 38 members present.

Mrs. Marsh requested a roll call vote on reconsideration.

Voting in the affirmative, 34:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fowler	Hasebroock
Johnson	Kennedy	Kime	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nichol	Rasmussen	Rumery	Schmit
Skarda	Stoney	Stull	Wiltse	

Voting in the negative, 4:

Dworak	George	R. Lewis	Simpson

Not voting, 11:

Fitzgerald	Goodrich	Kelly	Keyes	Koch
Kremer	Mills	Savage	Swigart	Syas
Warner				

The motion prevailed with 34 ayes, 4 nays and 11 not voting.

MOTION–Adjourn

Mr. Chambers moved to adjourn. The motion lost with 2 ayes, 28 nays and 19 not voting.

MOTION–Return LB 588 to Select File

Mrs. Marsh moved to return LB 588 to Select File for the following specific amendment:

"Strike section 4, page 3, renumber sections accordingly."

The motion prevailed with 25 ayes, 6 nays and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 588. The Marsh specific amendment found in this day's Journal was adopted with 26 ayes, 5 nays and 18 not voting.

Mr. Chambers moved the Call be raised. The motion lost with 13 ayes, 24 nays and 12 not voting.

Advanced to E & R for Re-engrossment with 26 ayes, 5 nays and 18 not voting.

MOTION–Return LB 588 to Select File

Mrs. Marsh moved to return LB 588 to Select File for the following specific amendment:

Add the emergency clause.

The Chair ruled the motion out of order.

Mrs. Marsh appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 1 aye, 25 nays and 23 not voting. The Chair was not sustained.

The motion to return LB 588 to Select File prevailed with 31 ayes, 3 nays and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 588. The Marsh specific amendment found in this day's Journal was adopted with 29 ayes, 1 nay and 19 not voting.

Advanced to E & R for Re-Engrossment.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 30. Read and considered.

Mr. DeCamp renewed his pending amendment found in this day's Journal on page 1397.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay and 33 not voting.

The Call showed 39 members present.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 31:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Cope	DeCamp	Dickinson
Goodrich	Hasebroock	Johnson	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Rumery	Schmit
Simpson	Skarda	Stoney	Stull	Warner
Wiltse				

Voting in the negative, 2:

Koch	Rasmussen

Not voting, 16:

Chambers	Clark	Duis	Dworak	Fitzgerald
Fowler	George	Kelly	Kennedy	Keyes
Kime	Kremer	Nichol	Savage	Swigart
Syas				

The amendment was adopted with 31 ayes, 2 nays and 16 not voting.

Mr. Stull moved the Call be raised. The motion prevailed with 34 ayes, 2 nays and 13 not voting.

Mr. Chambers moved to indefinitely postpone LR 30.

The motion lost with 7 ayes, 17 nays and 25 not voting.

Mr. F. Lewis offered the following amendment:

Insert on line three under resolve 1., after people, priority for evacuation will be given to women and children.

The amendment lost with 10 ayes, 12 nays and 27 not voting.

Mr. DeCamp moved LR 30 be adopted.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 19:

Barnett	Burbach	Carsten	Clark	Cope
DeCamp	Dickinson	George	Goodrich	Hasebroock
R. Lewis	Mahoney	Maresh	Marsh	Moylan
Rumery	Schmit	Simpson	Wiltse	

Voting in the negative, 18:

Anderson	Burrows	Chambers	Fowler	Johnson
Kennedy	Kime	Koch	F. Lewis	Marvel
Mills	Murphy	Nichol	Rasmussen	Skarda
Stoney	Stull	Warner		

Not voting, 12:

Bereuter	Cavanaugh	Duis	Dworak	Fitzgerald
Kelly	Keyes	Kremer	Luedtke	Savage
Swigart	Syas			

LR 30 failed with 19 ayes, 18 nays and 12 not voting.

MOTION—Governor Address

Mr. Chambers moved that the Governor not be permitted to address the Legislature except after a vote of a majority of the elected members, to extend him a formal invitation.

Motion pending.

UNANIMOUS CONSENT—Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 397 in the Journal. No objections. So ordered.

1. On page 3, line 3 strike "not exceed" and insert "be".

ADJOURNMENT

At 4:14 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, April 24, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 24, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The members stood for a moment of silent prayer.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, Keyes, and Kremer who were excused, and Mr. F. Lewis who was absent until 9:40 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1393, line 19, correct spelling of "constitutional".
The Journal for the Sixty-seventh Day was approved as corrected.

UNANIMOUS CONSENT–Member Excused

Mr. Fitzgerald asked unanimous consent to be excused Friday, April 25, 1975. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 269A. Placed on Select File.
LEGISLATIVE BILL 598. Placed on Select File.
LEGISLATIVE BILL 551. Placed on Select File.

LEGISLATIVE BILL 472. Placed on Select File as amended.
E & R amendments to LB 472:

1. On page 6, line 4, insert "that of" after "including"; and in line 6 strike "definition" and insert "definitions".

2. In new section 2, line 1, strike "The" and insert "Neither the"; in line 2 strike "or" and insert "nor"; in line 3 strike "not"; and in line 6 insert "to whom such data pertains" after "employee".

3. In the title, line 7, insert "to prohibit the release of data except as prescribed; to provide a penalty;" after the semicolon.

LEGISLATIVE BILL 550. Placed on Select File as amended.
E & R amendment to LB 550:

1. On page 2, line 2, strike "and".

LEGISLATIVE BILL 282. Placed on Select File as amended.
E & R amendments to LB 282:

1. In new section 2, strike lines 3 and 4 and insert"

"33-139. Witnesses before the district court, and the county, or municipal court, except the Small Claims Court, and the grand jury shall receive twenty dollars, and"; and in line 6 insert an underscored comma after "dollars".

2. In the title, line 4, insert "to amend section 33-139, Revised Statutes Supplement, 1974; to reduce the witness fee in the Small Claims Court;" after the semicolon; and in line 5, strike "section" and insert "sections".

LEGISLATIVE BILL 486. Placed on Select File as amended.
E & R amendments to LB 486:

1. For correlation purposes, on page 2, line 2, page 5, line 20, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 6, Eighty-fourth Legislature, First Session, 1975" after "1974"; on page 2, lines 18 and 20, strike "under section 28-4,117,"; in line 18, insert ", for" after "conviction"; in line 20, insert a comma after "conviction" and "for" after "and"; and in lines 21 and 22, strike "under section 28-4,117;" and insert a semicolon after "conviction".

2. On page 4, insert "on drug abuse" at the end of line 15 and strike the same in line 19; in line 16 insert "one of" after "by"; insert an underscored comma at the end of line 21; and in line 22 strike "where appropriate" and insert "when appropriate, to".

3. On page 5, line 1, insert "on drug abuse" after "counseling" and strike the same in line 4; and in line 1 insert "one of" after "by".

LEGISLATIVE BILL 114. Placed on Select File as amended.
E & R amendment to LB 114:

1. In the title, strike lines 4 to 6 and insert "to county roads; to increase the cost requiring public letting; to change standards for acceptance of bids; to provide for rejection of bids; to permit negotiation; to change notice requirements; and to".

LEGISLATIVE BILL 115. Placed on Select File as amended.
E & R amendments to LB 115:

1. In the Warner amendment, strike line 2 and insert "strike original section 1 and insert:

Section 1. That section 39-810, Reissue Revised Statutes"; in line 26, strike "and" and show stricken; and strike line 27 and insert "approaches thereto, or culverts, or ~~for the~~ to purchase ~~of~~ gravel".

2. In the title, line 6, insert "require individual cost accounting on certain projects;" after the semicolon.

LEGISLATIVE BILL 447. Placed on Select File as amended.
E & R amendments to LB 447:

1. On page 3, line 22, strike "him" and insert "it".

2. On page 6, strike the comma in line 19 and show the same as stricken; and insert an underscored comma after "agency" in line 19 and after "government" in line 23.

3. On page 7, line 5, insert an underscored comma after "funds".

4. For correlation purposes, on page 2, line 2, insert ", as amended by section 3, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975" after "1943"; in line 12 strike "and" and insert "articles of personal property and shall"; in line 15 strike "and"; in line 19 strike the period and insert a semicolon; and after line 19 insert:

"(4) Property shall mean public or privately-owned real property containing a building or buildings used primarily for office space, storage, maintenance, parking, or other use; and

(5) Lease and contract shall mean an agreement entered into by the state or using agency with another party whereby, for a stated consideration, the state or using agency is to receive the articles or property, or use thereof, furnished by the other party.".

5. For correlation purposes, on page 3, line 11, insert ", as amended by section 5, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975" after "1974";

in line 12 strike "service" and insert "utility"; and in line 24 insert "or property" after "articles".

6. For correlation purposes, on page 5, line 4, insert ", as amended by section 9, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975" after "1943"; in line 7, insert ", contracts, or leases" after "purchases"; in line 8 insert "or supplier" after "vendor"; in line 10 insert "unique" before "nature"; in lines 10 and 12 insert "or property" after "article"; and in line 14 insert "or contracting" after "purchasing".

7. For correlation purposes, on page 7, line 18, insert ", as amended by section 14, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975" after "1974"; on page 8, line 26, insert "The materiel division shall assist the State Building Administrator in administering public notice and bidding procedures and any other areas designated by the director to carry out sections 81-145 to 81-151, 81-153, 81-154, 81-156, 85-159, 81-161 to 81-162, 81-1108.16, and 81-1108.22." after "agencies"; and strike line 27 and insert "of and contracts for materials, supplies, or equipment, and all leases of property as defined in section 81-145".

8. For correlation purposes, on page 9, strike lines 19 to 24 and insert:

"Sec. 8. That sections 81-149 and 81-161.01, Reissue Revised Statutes of Nebraska, 1943, section 81-161.04, Revised Statutes Supplement, 1974, section 81-145, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975, section 81-161.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975, section 81-153, Revised Statutes Supplement, 1974, as amended by section 5, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975, and section 81-1118, Revised Statutes Supplement, 1974, as amended by section 14, Legislative bill 359, Eighty-fourth Legislature, First Session, 1975, and also section 81-161.06, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

9. For correlation purposes, in the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend section 81-149 and 81-161.01, Reissue Revised Statutes of Nebraska, 1943, section 81-161.04, Revised Statutes Supplement, 1974, section 81-145, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative bill 359, Eighty-fourth Legislature, First Session, 1975, section 81-161.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 359, Eighty-fourth

Legislature, First Session, 1975, section 81-153, Revised Statutes Supplement, 1974, as amended by section 5, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975, and section 81-1118, Revised Statutes Supplement, 1974, as amended by section 14, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975, relating to the Department".

10. In the title, line 12, insert "to eliminate an exception for the reproduction services bureau" after the semicolon.

LEGISLATIVE BILL 508. Placed on Select File as amended.
E & R amendments to LB 508:

1. On page 2, line 23, strike the comma and show as stricken.

2. For correlation purposes, on page 2, line 2, page 3, line 6, and in the title, line 3, insert ", as amended by section 2, Legislative Bill 481, Eighty-fourth Legislature, First Session, 1975" after "1943"; and on page 2 strike the sentence beginning in line 8.

Correctly Re-engrossed

The following bill was correctly re-engrossed: 588.

Correctly Enrolled

The following bills were correctly enrolled: 8, 243, 481, and 530.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 24, 1975 at 9:00 a.m., were the following bills: 96, 226, 252, and 401.

(Signed) Jan Loder, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 23.

A BILL FOR AN ACT to amend section 28-409, Reissue Revised Statutes of Nebraska, 1943, and sections 28-401 and 28-929, Revised Statutes Supplement, 1974, relating to crimes and punishments; to revise language

pertaining to criminal sexual acts as prescribed; to define terms; to provide penalties; and to repeal the original sections, and also section 28-407, Reissue Revised Statutes of Nebraska, 1943, and section 28-408, Revised Statutes Supplement, 1974.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kennedy	Kime	Koch	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	

Voting in the negative, 0.

Not voting, 5:

Kelly	Keyes	Kremer	F. Lewis	Wiltse

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

LEGISLATIVE BILL 132.

A BILL FOR AN ACT to amend section 79-488.07, Revised Statutes Supplement, 1974, relating to schools; to provide for the number of passengers on school buses as prescribed; to provide certain exemptions; to provide a penalty; 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, 19:

Barnett	Bereuter	Carsten	Cavanaugh	Chambers
Cope	Dickinson	Fowler	George	Goodrich
Koch	Luedtke	Maresh	Marsh	Moylan
Rumery	Stoney	Syas	Wiltse	

Voting in the negative, 25:

Anderson	Burbach	Burrows	Clark	DeCamp
Duis	Dworak	Fitzgerald	Hasebroock	Johnson
Kennedy	Kime	R. Lewis	Mahoney	Marvel
Mills	Murphy	Rasmussen	Savage	Schmit
Simpson	Skarda	Stull	Swigart	Warner

Not voting, 5:

Kelly	Keyes	Kremer	F. Lewis	Nichol

Having failed to receive a constitutional majority in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 198. With Emergency.

A BILL FOR AN ACT to amend section 48-121 and 48-122, Revised Statutes Supplement, 1974, relating to workmen's compensation; to increase weekly benefits; 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:

Anderson	Barnett	Bereuter	Burrows	Chambers
Dickinson	Fitzgerald	Fowler	George	Goodrich
Koch	Luedtke	Mahoney	Marsh	Moylan
Savage	Schmit	Simpson	Stoney	Swigart
Syas				

Voting in the negative, 23:

Burbach	Carsten	Cavanaugh	Clark	Cope
Duis	Dworak	Hasebroock	Johnson	Kennedy
Kime	R. Lewis	Maresh	Marvel	Mills
Murphy	Nichol	Rasmussen	Rumery	Skarda
Stull	Warner	Wiltse		

Not voting, 5:

DeCamp	Kelly	Keyes	Kremer	F. Lewis

Having failed to recieve a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. DeCamp moved to return LB 198 to Select File for the following specific amendment:
Change from $110 to $100

The motion lost with 20 ayes, 23 nays and 6 not voting.

Mr. Duis moved to return LB 198 to Select File for the following specific amendment:
Amend LB 198 to delete $110 and insert $96

The motion prevailed with 27 ayes, 18 nays and 4 not voting.

LEGISLATIVE BILL 306.

A BILL FOR AN ACT to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,177, Revised Statutes Supplement, 1974, relating to the Nebraska Rules of the Road; to change provisions relating to exceptions to width, length, and weight restrictions 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, 37:

Anderson	Bereuter	Burbach	Burrows	Carsten
Clark	Cope	DeCamp	Dickinson	Duis
Fitzgerald	Goodrich	Hasebroock	Johnson	Kennedy
Kime	Koch	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 5:

Barnett	Dworak	Fowler	Mills	Simpson

Not voting, 7:

Cavanaugh	Chambers	George	Kelly	Keyes
Kremer	R. Lewis			

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

LEGISLATIVE BILL 317. Mr. DeCamp moved to return LB 317 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. DeCamp asked unanimous consent to withdraw his motion. No objections. So ordered.

A BILL FOR AN ACT relating to the State Office of Planning and Programming; to provide additional responsibilities; and to provide certain requirements for certain classes of municipalities.

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:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Dickinson	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Koch
F. Lewis	Luedtke	Marsh	Marvel	Moylan
Murphy	Nichol	Simpson	Stoney	Swigart
Syas	Warner			

Voting in the negative, 18:

Burbach	Carsten	Clark	DeCamp	Duis
Dworak	Kennedy	Kime	R. Lewis	Mahoney
Maresh	Mills	Rasmussen	Rumery	Savage
Schmit	Skarda	Stull		

Not voting, 4:

Kelly	Keyes	Kremer	Wiltse

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

LEGISLATIVE BILL 317A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 317, Eighty-fourth Legislature, First session, 1975.

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:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Dickinson	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Koch
F. Lewis	Luedtke	Marsh	Marvel	Moylan
Murphy	Nichol	Simpson	Stoney	Swigart
Syas	Warner			

Voting in the negative, 17:

Burbach	Carsten	Clark	DeCamp	Duis
Dworak	Kennedy	Kime	R. Lewis	Mahoney
Maresh	Mills	Rasmussen	Rumery	Schmit
Skarda	Stull			

Not voting, 5:

Kelly	Keyes	Kremer	Savage	Wiltse

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

The Chair ruled this bill required 25 votes to pass.

Mr. DeCamp appealed the decision of the Chair. The question is, "Shall the Chair be sustained?"

The motion prevailed with 32 ayes, 7 nays and 10 not voting.

The Chair was sustained.

LEGISLATIVE BILL 371. Mr. Savage moved to return LB 371 to Select File for the following specific amendment:
Amend Line 2 after "property" on Page 3. Add "by public bid"
Amend the Kennedy amendment of 4-16-75 to read as follows:

"Each area board may acquire and hold title to not more than one lot of real property at a cost not to exceed $3,000.00 for the purpose of erecting buildings by students as part of a regular course of study. Each lot so acquired may not be used for any other purpose and must be sold one year from the date acquired."

Mr. Savage asked unanimous consent to have the motion laid over.

Mr. Kennedy objected.

Mr. Savage moved to hold the motion over.

The motion lost with 17 ayes, 19 nays and 13 not voting.

The motion to return LB 371 to Select File for the specific amendment lost with 20 ayes, 18 nays and 11 not voting.

Mr. Mahoney moved to return LB 371 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. DeCamp asked unanimous consent to be excused until 2:00 p.m. No objections. So ordered.

The Mahoney motion to return to Select File lost with 21 ayes, 21 nays and 7 not voting.

Mrs. Marsh asked unanimous consent to bracket LB 371 until Monday, April 28, 1975. No objections. So ordered.

LEGISLATIVE BILL 418. Mr. Barnett moved to return LB 418 to Select File for his amendment found in the Journal on page 1197.

The Chair ruled the motion out of order.

Mr. F. Lewis moved to return LB 418 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 8 nays and 10 not voting.

The F. Lewis motion to return LB 418 lost with 14 ayes, 27 nays and 8 not voting.

Mr. Stull moved to bracket LB 418 until Monday, April 28, 1975.

Mr. Stull requested a roll call vote.

Voting in the affirmative, 27:

Anderson	Barnett	Bereuter	Cavanaugh	Chambers
Clark	Duis	Fitzgerald	Fowler	Goodrich
F. Lewis	Luedtke	Mahoney	Maresh	Marsh

Marvel	Mills	Nichol	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Wiltse			

Voting in the negative, 18:

Burbach	Burrows	Carsten	Cope	Dickinson
Dworak	George	Hasebroock	Johnson	Kennedy
Kime	Koch	R. Lewis	Moylan	Murphy
Rasmussen	Skarda	Warner		

Not voting, 4:

DeCamp	Kelly	Keyes	Kremer

The motion to bracket prevailed with 27 ayes, 18 nays and 4 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 187. Placed on Select File as amended.
E & R amendments to LB 187:

1. On page 7, line 1, strike the underscored period.
2. On page 8, line 17, strike the comma and show as stricken.
3. On page 12, line 15, strike "their or" and show stricken and insert "or his" after "its".
4. On page 14, line 5, insert an underscored comma after "praecipe".
5. In lieu of the DeCamp amendment 6, strike section 16 and renumber subsequent sections accordingly.
6. Because of the committee amendment, strike the DeCamp amendment 8.
7. On page 21, line 5, strike "48-187,".
8. In the title, line 5, strike "48-187," and "48-194,"; in line 10 insert "except for approval of lump sum settlements" after "jurisdiction"; in line 13 strike "to provide an operative date;" and insert "and"; and in line 16 insert a period after "1943" and strike the remainder of the title.

LEGISLATIVE BILL 187A. Placed on Select File.

LEGISLATIVE BILL 269. Placed on Select File as amended.
E & R amendments to LB 269:

1. On page 4, insert an underscored comma at the end of line 7 and after "bank" in line 8.
2. On page 6, line 12, strike "8-104" and insert "8-101"; and in lines 14 and 15 strike "facility" and insert "facilities".
3. On page 7, line 6, strike "act" and insert "section"; in line 21 strike "establishing bank facilities"

and insert "facility"; in line 22 strike "facilities" and insert "facility"; and in line 23 strike "those facilities are" and insert "it is".

4. On page 8, line 14, insert "a" after "of"; and in line 20 strike "act" in both places and insert "section".

5. On page 9, line 5, strike "is" and insert "are"; and in line 20 strike "act" and insert "section".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 203. Placed on General File as amended.
Standing Committee amendments to LB 203:

1. Strike original sections 1 to 7 and insert the following:

"Section 1. The Legislature hereby recognizes and declares an intent to nurture the free enterprise system, to provide for the continued existence of the family farm against potential monopolization of the agricultural industry, and to protect against alien ownership of Nebraska agricultural land. In pursuit of documented evidence of any anticompetitive forces at work within the agricultural industry in Nebraska, the Legislature finds it necessary to accumulate the information required by this act.

Sec. 2. For the purposes of this act agricultural land shall mean land used or usable for the production of agricultural crops or fruit or other horticultural products, for the keeping or feeding of animals for the production of livestock or livestock products, poultry or poultry products, or milk or dairy products.

Sec. 3. That section 76-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-407. Any such corporation violating the provisions of section 76-406 shall be construed and held to be an alien and within the provisions of sections 76-401 to 76-415 applicable to alien persons. Any such domestic corporation violating the provisions of ~~section~~ sections 76-402 to 76-406 shall forfeit its charter and be dissolved. Any such foreign corporation violating the provisions of ~~said section~~ such sections shall forfeit its right to do business in the State of Nebraska.

Sec. 4. That section 76-408, Reissue Revised Staututes of Nebraska, 1943, be amended to read as follows:

76-408. Whenever any such lands shall revert and escheat to the State of Nebraska, as provided in sections ~~76-403~~ 76-402, 76-405, ~~and~~ 76-411, and this section, it shall be the duty of the county attorney of the county in which such lands are situated, to proceed against such alien or corporation in the district court of the county where the land is situated for the purpose of having such forfeiture declared. Service of summons may be had upon the nonresident alien or corporate defendants by

publication as provided in the statutes of Nebraska for the service of the summons by publication in cases of foreclosure of mortgages, and the court shall have power to hear and determine the questions presented in such cases and to declare such lands escheated to the state. When such forfeiture shall be declared by the district court, it shall be the duty of the clerk of the court to notify the Governor of the state that the title to such lands is vested in the state by the decree of the court. The clerk of the court shall present the Director of Administrative Services with the bill of costs incurred by the county in prosecuting such case, who shall issue a warrant to the clerk of the court on the state treasury to repay the county for such costs incurred. The heirs, ~~or~~ persons, or corporations who would have been entitled to such lands shall be paid by the State of Nebraska the full value thereof, as ascertained by appraisement upon the oaths of the judge, treasurer, and clerk of the county where such lands lie, and such lands shall become subject to the law, and shall be disposed of as other lands belonging to the state; Provided, the expense of the appraisement shall be deducted from the appraised value of the land.

Sec. 5. After the effective date of this act, each corporation which has acquired title to agricultural land or which has obtained any leasehold interest or any other greater interest less than fee in any agricultural land in this state shall, not later than January 1, 1976 and each year thereafter, file with the Secretary of State a report containing the following information:

(1) The name of the corporation and its place of incorporation;

(2) The address of the registered office of the corporation in this state, the name and address of its registered agent in this state, and in the case of a foreign corporation, the address of its principle office in its place of incorporation;

(3) The total acreage and location, listed by county, of all lots and parcels of land in this state owned or leased by the corporation and used for the growing of crops or the keeping or feeding of poultry or livestock;

(4) The names and addresses of the officers and members of the board of directors and of all shareholders owning ten per cent or more of the stock of the corporation;

(5) The percentage of the members of the board of directors who are aliens;

(6) The percentage of shares of voting stock owned by aliens;

(7) The names and addresses of the executive officers and managers of the corporation who are aliens;

(8) The percentage of shares owned by persons residing on the farm or actively engaged in farming, or their relatives within the third degree of kindred according to the rules of civil law; and

(9) Any other information which the Secretary of State determines necessary to enforce the provisions of sections 76-402 to 76-415.

Sec. 6. The reporting requirements of this act shall not apply to land owned or leased for farming or capable of being used for farming when such land is within the boundaries of any railroad, telephone, or utility operating right-of-way.

Sec. 7. Within ninety days after the effective date of this act, the Secretary of State shall provide all forms necessary to carry out the provisions of this act and shall make rules and regulations relating to the manner of submitting reports.

Sec. 8. Each corporation which fails to submit a report, as required by this act, or which willfully submits false, fraudulent, or misleading information on any report shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars.

Sec. 9. That original sections 76-407 and 76-408, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title strike lines 2 and 3 and insert:

"FOR AN ACT to amend sections 76-407 and 76-408, Reissue Revised Statutes of Nebraska, 1943, relating to alien corporations; to provide restrictions on alien corporation ownership of agricultural land; to declare intent; to define terms; to require the filing of reports as prescribed; to provide penalties; and to repeal the original sections.".

LEGISLATIVE BILL 433. Placed on General File as amended.
Standing Committee amendments to LB 433:

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

"Section 1. There is hereby created an advisory council to the Legislature's Committee on Agriculture and Environment to be known as the State Land Planning and Management Advisory Council. The council shall consist of fourteen members to be appointed by the Executive Board of the Legislative Council as follows: One representative of conservation, one representative of the agricultural processing industry, one representative of the automotive or petroleum industry, one representative of the chemical industry, one representative of heavy industry, one representative of the power generating industry, one representative of agriculture actively engaged in crop production, one representative of labor, one professional engineer experienced in control of air and water pollution and solid wastes, one physician knowledgeable in the health aspects of air, water, and land pollution, one representative from county government, two representatives from municipal government, one of whom shall represent cities other than those of the primary or metropolitan class, and one representative of the livestock industry.

Sec. 2. The Executive Board of the Legislative Council shall appoint the fourteen members to the council on July 1, 1975. Members shall serve for a term of one

year. The board shall make appointments in such a manner as to provide equal representation based upon the distribution of population in the state. All members shall be citizens and residents of the State of Nebraska.

Sec. 3. The council shall elect from its members a chairman, vice-chairman, and secretary. The vice-chairman shall serve as chairman in case of the absence or disability of the chairman. The secretary shall keep all records of meetings of and actions taken by the council. He shall be promptly advised as to such actions by the chairman. He shall perform other duties as determined by the council, not inconsistent with the policies adopted by the council under the authority given to the council by this act.

Sec. 4. The members of the council, while engaged in the performance of their official duties, shall receive compensation at the rate of twenty dollars per day. In addition, members of the council shall receive reimbursement for actual and necessary expenses on the same basis and subject to the same conditions as full-time state employees.

Sec. 5. The council shall hold at least four meetings, once each calendar quarter at a time and place fixed by the council and shall keep a record of its proceedings, which shall be open to the public for inspection. Special meetings shall be called by the chairman upon receipt of a written request signed by three or more members of the council, subject to the approval of the Legislature's Committee on Agriculture and Environment. Written notice of the time and place of all meetings shall be mailed in advance to the office of each member of the council by the secretary. The majority of the members of the council shall constitute a quorum.

Sec. 6. The council shall utilize the services and staff of the Legislature's Committee on Agriculture and Environment and may receive assistance from any state agencies and institutions that the Legislature's Committee on Agriculture and Environment may request. All elected and appointed officials of the state and its political subdivisions are authorized and directed to promptly furnish the council, upon request made by the Legislature's Committee on Agriculture and Environment, such information as is necessary, and shall cooperate with the council to the fullest extent to aid it in carrying out its duties. The Legislature's Committee on Agriculture and Environment is authorized to receive and utilize federal funds to support the council's activities, and to engage legal or technical assistance when the committee deems that adequate legal or technical resources are not available within state government or its institutions.

Sec. 7. It shall be the duty of the council to:

(1) Collect facts and statistics and make special studies of conditions and problems pertaining to land planning and management in the state;

(2) Make recommendations to the State Office of Planning and Programming and to the Legislature's

Committee on Agriculture and Environment for purposes of coordinating existing land-use programs and policies of Nebraska state government and its political subdivisions;

(3) Keep informed of the latest developments in land-use policies and programs in order to meet the needs of the state and communities;

(4) Serve as a central agency and advisory council for the mutual exchange of ideas and information between state and local governmental agencies, private organizations, and individuals; and

(5) Report and make recommendations to the State Office of Planning and Programming and to the Legislature's Committee on Agriculture and Environment on the activities of such advisory council.

Sec. 8. The council shall submit its report to the State Office of Planning and Programming and the Legislature's Committee on Agriculture and Environment not later than November 1, 1976. Such report shall:

(1) Analyze land-use controls utilized in this state;

(2) Provide an analysis of land-use problems affecting the state;

(3) Identify existing data base and any data base rerequirements necessary for development of a land management program;

(4) Designate critical areas or key impact areas where local land management planning and implementation of controls may have been inappropriate;

(5) Make suggestions as to the proper role of state government in a state land management and resource planning program; and

(6) Recommend actions necessary to implement a land resources management program in this state.

Sec. 9. The Legislature's Committee on Agriculture and Environment shall receive and compile information on state and local programs for land planning and management for the purpose of coordinating legislative plans for land-use and resources management and encouraging the development of local programs to correct local problems of environmental impact. In carrying out its responsibilities, the Legislature's Committee on Agriculture and Environment may (1) conduct hearings across the state on the issues involved with land planning and management, (2) consult with representatives from all governmental subdivisions, (3) receive local plans, programs, and proposals with regard to land-use planning, zoning, or land resources management, and (4) report to the Legislature on its findings and make recommendations for legislation as it deems appropriate.

Sec. 10. 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 514. Placed on General File as amended.
(Amendments printed separate from the Journal and on file in the Clerk's office.)

LEGISLATIVE BILL 357. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

Committee on Committees

April 24, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Mr. Charles E. Blair–Appointment to Nebraska Investment Council

Senator Richard Marvel appeared in support of Mr. Blair's appointment to the Investment Council. No one appeared in opposition.

Committee Vote: For: (9) Senators Chambers, Clark, Duis, Hasebroock, Kime, Koch, Marsh, Savage, and Skarda. Against: None. Absent and not voting: (4) Senators DeCamp, Kelly, Keyes, and Wiltse.

Dr. Jack Swanson–Appointment to State Board of Health

No one appeared in support of Mr. Swanson's appointment and no one appeared in opposition.

Committee Vote: For: (9) Senators Chambers, Clark, Duis, Hasebroock, Kime, Koch, Marsh, Savage, and Skarda. Against: None. Absent and not voting: (4) Senators DeCamp, Kelly, Keyes, and Wiltse.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Savage asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.
Amend Line 2 after "property" on page 3. Add "by public bid"
Amend the Kennedy amendment of 4-16-75 to read as follows:

"Each area board may acquire and hold title to not more than one lot of real property at a cost not to exceed $3,000.00 for the purpose of erecting buildings by students as part of a regular course of study. Each lot so acquired may not be used for any other purpose and must be sold one year from the date acquired."

SELECT FILE

LEGISLATIVE BILL 368A. Mr. F. Lewis asked unanimous consent to bracket LB 368A until Wednesday, April 30, 1975. No objections. So ordered.

LEGISLATIVE BILL 74. Mr. George asked unanimous consent to withdraw his pending motion found in the Journal on page 1403 to indefinitely postpone. No objections. So ordered.

Mr. Warner asked unanimous to print the following amendments to LB 74 in the Journal. No objections. So ordered.

In the Warner amendment to LB 74 white copy:
2. On page 5, line 21 after "regulations" insert "and appoint special advisory committees".
2. On page 7, after line 21 insert the following:
"Sec. 12. (1) The board shall determine by referendum, requested by five per cent of all the growers in this state, whether the affected growers reject or approve any proposed programs of soybean research, education, market development, or promotion. Such proposed program shall be approved when a majority of those growers voting in the referendum vote in favor of the proposed program.
(2) If any proposed program or amendment shall not be approved by such referendum, no additional referendum on such program or amendment shall be held for two years from the date of the close of such referendum period. The referendum vote shall be held for three consecutive days to provide each grower the opportunity to vote on the referendum.
(3) Any soybean program established by this act shall remain in effect for three years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of not less than five per cent of the growers. Continuation or termination shall be determined by the same voting requirements for adoption as established in subsection (1) of this section.
(4) The board shall have the duty to carry out all provisions and aspects of any program adopted pursuant to this act.".
3. Renumber original sections 12 to 21 as sections 13 to 22 respectively.

(The second set of the Warner amendments are printed separate from the Journal and available in the Clerk's Office.)

LEGISLATIVE BILL 466. E & R amendments found in the Journal on page 1386 for the Sixty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 316. E & R amendments found in the Journal on page 1386 for the Sixty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 74A. Advanced to E & R for Engrossment.

ANNOUNCEMENT

The Chair announced that Mrs. Marie Savage last night was awarded the School Bell Award by the Omaha Education Association for her contributions to education.

SELECT FILE

LEGISLATIVE BILL 198. Mr. Duis renewed his specific amendment found in this day's Journal.

Mr. Cavanaugh asked unanimous consent to have the amendment laid over.

Mr. Duis objected.

Mr. Cavanaugh moved to hold the amendment over.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 22 ayes, 7 nays and 20 not voting.

Mr. Cavanaugh requested a roll call vote on his motion.

Voting in the affirmative, 24:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Fitzgerald	Fowler	Goodrich
F. Lewis	Luedtke	Mahoney	Maresh	Mills
Moylan	Nichol	Rumery	Savage	Simpson
Skarda	Stull	Syas	Wiltse	

Voting in the negative, 17:

Burbach	Clark	Cope	Dickinson	Duis
Dworak	Hasebroock	Johnson	Kennedy	Koch
R. Lewis	Marsh	Murphy	Rasmussen	Schmit
Swigart	Warner			

Not voting, 8:

DeCamp	George	Kelly	Keyes	Kime
Kremer	Marvel	Stoney		

The motion to hold over the Duis amendment lost with 24 ayes, 17 nays and 8 not voting.

Mr. Dworak moved the Call be raised. The motion prevailed with 27 ayes, 7 nays and 15 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close on the Duis amendment?" The motion lost with 19 ayes, 15 nays and 15 not voting.

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 Duis amendment was adopted with 27 ayes, 14 nays and 8 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Luedtke asked unanimous consent to print the following amendment to LB 583 in the Journal. No objections. So ordered.

Amendments to LB 583

1. On page 6, line 6 after "as" insert "to avoid and prevent interception of confidential communications to or from persons of the classes described in sections 20-146, 25-1204, and 25-1206 unless there exists probable cause to believe such persons have committed, are committing or are conspiring to commit offenses specified in section 86-703, and shall be conducted in such a way as".

2. On page 11, line 1 after "forfeiture." insert "Nothing in this section shall be construed to suspend or otherwise interfere with the operation of the provisions of sections 20-144 to 20-146 and 25-1204 to 25-1206 inclusive.".

3. On page 12, line 27 after "investigation." insert "Nothing in this section shall be construed to suspend or otherwise interfere with the operation of the provisions of sections 20-144 to 20-146 and 25-1204 to 25-1206 inclusive.".

UNANIMOUS CONSENT—Member Excused

Mr. Warner asked unanimous consent to be excused Friday afternoon, April 25, 1975. No objections. So ordered.

VISITORS

The President introduced 10 junior and senior high school students and teacher from Republican City, Nebraska; 20 fifth grade students and

teacher from Sterling, Nebraska; 52 fourth grade students and teacher from Meadow Lane School, Lincoln; 13 grade school students, teacher and parents from Wisner, Nebraska; 28 students and teacher from Strang, Nebraska; 5 grade school students, teacher and parents from Friend, Nebraska, District 57; 42 seventh and eighth grade students and teacher from Stanton County rural schools.

RECESS

At 12:00 noon, on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, Keyes and Kremer who were excused; Mr. DeCamp who was excused until 2:00 p.m. and Mr. Carsten who was excused until he arrives.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 66
April 23, 1975

Dear Senator Syas:

In your letter of April 16, 1975, you inquire about the constitutional validity of the provision in LB 339 that the Convention and Visitor Committee appointed to administer the Convention and Visitor Fund provided for in the act shall include one member who shall be a representative of the Chamber of Commerce. We believe this is not subject to constitutional attack.

In an opinion of this office dated January 24, 1961, Report of the Attorney General, 1961-62, page 15, we reached the conclusion that a provision that at least one member of the Game, Forestation and Parks Commission be actually engaged in agricultural pursuits and an actual resident of a farm or ranch was valid. We held that it was not arbitrary or unreasonable for the Legislature to decide that groups most affected should be represented on the commission.

We do not believe that Wittler v. Baumgartner, 180 Neb. 446, 144 N. W. 2d 62 (1966), invalidates the provision in question. In that case, the limitations on appointment were so severe that only certain specified persons could be appointed, and the court held this to be appointment by the Legislature, and therefore encroachment on the powers of the

Governor. Obviously, many different persons could be appointed to represent the Chamber of Commerce.

A similar provision is found in Section 2-1504, R. S. Supp., 1974, providing for the composition of the Nebraska Natural Resources Commission. That section provides that one of the members to be appointed by the Governor shall represent the Chambers of Commerce. The validity of the entire legislation of which this was a part was attacked in Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672, 217 N. W. 2d 166 (1974). The court ruled invalid the designation of some members of the commission, but not the one designated to represent the Chambers of Commerce. While the court did not discuss this particular provision, its failure to strike it down, in face of the broad, general attack on the composition of the commission, seems to give some support to the validity of such a provision.

Obviously, Chambers of Commerce are usually actively engaged in general promotional activities, and in attempting to attract conventions and visitors to the cities in which they are located. Representation of Chambers of Commerce on the committee administering the programs contemplated by this act does not seem unreasonable or arbitrary. We therefore believe the provisions would be sustained by the court.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 67
April 22, 1975

Dear Senator DeCamp:

You have requested our opinion as to the constitutionality of proposed legislation which would effect certain changes in the Nebraska Uniform Commercial Code. In effect, the proposed bill would provide that in all sale transactions where it turns out that the buyer is insolvent the purchase transaction is void and the "purported seller" can reclaim and recover the goods either in its original or substituted or altered form or the accounts or proceeds therefrom.

Under the Uniform Commercial Code in its present form some secured creditors are entitled to immediate and automatic liens against subsequently acquired collateral of their debtors. However, the proposed bill would eliminate such liens, except to the extent that the secured

creditor may have given new value or credit in a "reasonable amount." The troublesome feature of the bill is that it is expressly made retroactive so as to affect prior transactions except those transactions on which "an action at law or in equity has been reduced to a final judgment."

Articles 3 and 16 of the Bill of Rights to the Constitution of the State of Nebraska provide that no person shall be deprived of property without due process of law and that no law shall be passed impairing the obligation of contracts. A recognized exception to this constitutional prohibition has been developed with respect to certain types of legislation; such as laws respecting penalties for usury. The Nebraska Installment Loan Act originally provided that a loan made in violation of the Act was void and that the licensee had no right to collect or receive any principal, interest, or charges whatsoever. In 1963 the Legislature amended the Installment Loan Act to provide that a loan made in violation of the Act shall not on that account be void, but that the licensee shall simply have no right to collect or receive any interest or charges, with the principal indebtedness being unimpaired. This amendment further provided that the penalty provisions as amended shall apply to all transactions made prior to the effective date of the Act except where an action on such a transaction had been reduced to final judgment.

Davis v. General Motors Acceptance Corp., 176 Neb. 865, 127 N.W. 2d 907, involved the conditional sales contract purchase of a truck which had been entered into prior to the 1963 amendment to the Installment Loan Act. The plaintiffs contended that insomuch as their loan was in violation of the Act that the entire contract was void and that the lender had no right to collect either interest or principal. Relying upon Article I, Sections 3 and 16 of the Nebraska Constitution, the plaintiffs contended that the 1963 amendment could not be retroactively applied to prior transactions. However, the Nebraska Supreme Court disagreed and, in so doing, quoted with approval from a United States Supreme Court decision as follows:

> "Perhaps the leading case in the United States on this question is Ewell v. Daggs, 108 U.S. 143, 2 S. Ct. 804, 27 L.Ed. 682. That case involved a Texas statute which provided that contracts in violation of the statute 'shall be void and of no effect for the whole premium or rate of interest only.' * * * * * * Independent of the nature of the forfeiture as a penalty, which is taken away by a repeal of the act, the more general and deeper principle on which they are to be supported is, that the right of a defendant to avoid his contract is given to him by statute, for purposes of its own, and not because it affects the merits of his obligation; and that whatever the statute gives, under such circumstances, as long as it remains in fieri, and not realized by having passed into a completed transaction, may, by a subsequent statute, be taken away. It is a privilege that belongs to the remedy, and forms no element in the rights that inhere in the contract. The benefit which he has received as the consideration of the contract, which, contrary to law, he actually made, is just

> ground for imposing upon him, by subsequent legislation, the liability which he intended to incur. That principle has been repeatedly announced and acted upon by this court. Read v. Plattsmouth, 107 U.S. 568; and see Lewis v. McElvain, 16 Ohio, 347; Johnson v. Bentley, Ib. 97; Trustees v. McCaughy, 2 Ohio State, 152; Satterlee v. Mathewson, 16 S. & R. 169; S.C. in error; 2 Pet. 380; Watson v. Mercer, 8 Pet. 88. * * * The right which the curative or repealing act takes away in such case is the right in the party to avoid his contract, a naked legal right which it is usually unjust to insist upon, and which no constitutional provision was ever designed to protect. Cooley Constitutional Limitations, 378, and cases cited.' " (176 Neb. at 875, 876.)

The rule announced in the Davis case was reaffirmed in White Motor Co. v. Reynolds, 179 Neb. 91, 136 N.W. 2d 437, where the court said:

> "The defendant is attempting to claim a vested right to the forfeiture of all principal, interest, and charges which was the penalty provided in the Installment Loan Act before L.B. 17 was enacted. There is no vested right in a usury law and it may be repealed or changed so as to affect causes of action or defenses in pending suits. Davis v. General Motors Acceptance Corp., 176 Neb. 865, 127 N.W. 2d 907." (179 Neb. at 94.)

The bill which you submitted for our examination contains retroactivity language identical to that contained in the 1963 amendment to the Installment Loan Act; and we surmise that it was the intent of the drafter of the legislation to attempt to bring the bill within the application of the principle enunciated in the usury cases to the effect that the due process and impairment of contract clauses of the Constitution are inapplicable. However, we believe such a position is difficult to support, in view of certain other decisions of the Nebraska Supreme Court.

There are two well recognized rules of law in this jurisdiction which we think are applicable to the question under consideration. Generally speaking, the laws in force when a contract is entered into form a part of it and enter into its obligation; and a legislative act will not be permitted, even if an attempt to do so is disclosed, to operate retrospectively where it will have the effect to invalidate or impair the obligation of contracts or to interfere with vested rights. See, Dell v. City of Lincoln, 170 Neb. 176, 102 N.W. 2d 62.

In the depression year of 1937, the Nebraska Legislature enacted a moratorium law whereby owners of mortgaged real estate might be granted a stay of foreclosure proceedings. The moratorium act had the effect of denying or impairing the right of the mortgagee to enforce specific provisions in the mortgage covenants. In First Trust Co. v. Smith, 134 Neb. 84, 277 N.W. 762, a lending institution challenged the constitutionality of the moratorium law; and the Nebraska Supreme Court agreed with the plaintiff, saying:

"That the Nebraska moratorium act impairs the 'obligation of contracts,' and is thus embraced within the prohibitions of section 16 of our Bill of Rights, is unquestionably established by the authorities. * * * (citations omitted).

"This is admitted by appellees, both in their brief and in their argument presented at the bar of this court. Their rejoinder is that the legislature has power to pass laws which impair the obligation of contracts and violate the sections of the state Constitution referred to, and that an economic emergency or crisis is sufficient to call such power into action; that such emergency exists, and thereby the Nebraska moratorium is sustained.

"This moratorium, it may be said, is a postponement of fulfilment of obligations enumerated therein, decreed by the state through the medium of the legislature and the courts. Applying to a restricted class of debtors, it is in its nature essentially special, and in its essence is the application of the sovereign power. * * *.

"* * *. So, too, the contract clause of section 16 of our Bill of Rights may with equal truth be said, in a historical sense, to evidence the exercise of police power, and to have originated in an economic and financial emergency greater indeed than that from which we are now suffering. On this subject Chief Justice Hughes, in delivering the majority opinion in Home Bldg. & Loan Ass'n. v. Blaisdell, supra, says, in part:

" 'But the reasons which led to the adoption of that clause, and of the other prohibitions of section 10 of article I, are not left in doubt and have frequently been described with eloquent emphasis. The widespread distress following the revolutionary period, and the plight of debtors, had called forth in the states an ignoble array of legislative schemes for the defeat of creditors and the invasion of contractual obligations. Legislative interferences had been so numerous and extreme that the confidence essential to prosperous trade had been undermined and the utter destruction of credit was threatened. "The sober people of America" were convinced that some "thorough reform" was needed which would "inspire a general prudence and industry, and give a regular course to the business of society." The Federalist, No. 44. It was necessary to interpose the restraining power of a central authority in order to secure the foundations even of "private faith." The occasion and general purpose of the contract clause are summed up in the terse statement of Chief Justice Marshall in Ogden v. Saunders, 12 Wheat. pp. 213, 354, 355: "The power of changing the relative situation of debtor and creditor, of interfering with contracts, a power which comes home to every man, touches the interest of all, and controls the conduct of every individual in those things which he supposes to be proper for his own exclusive management, had been used to such an excess by the state

legislatures, as to break in upon the ordinary intercourse of society, and destroy all confidence between man and man. The mischief had become so great, so alarming, as not only to impair commercial intercourse, and threaten the existence of credit, but to sap the morals of the people, and destroy the sanctity of private faith. To guard against the continuance of the evil was an object of deep interest with all the truly wise, as well as the virtuous, of this great community, and was one of the important benefits expected from a reform of the government.'' ''

We believe there is a much closer analogy between the proposed bill under consideration and the moratorium case than there is with the usury cases. A creditors right to a lien (which would be defeated or impaired under the proposed bill) is not in the nature of a penalty (as in the case of usury laws); it is an integral and inherent obligation of the security agreement between the creditor and the debtor.

The conclusion just expressed not only is, we believe, supported by Nebraska case law, but also it appears to be in harmony with the general weight of authority in other jurisdictions, as is evidenced by the following excerpts from a standard legal encyclopedic work appearing in 16 Am. Jur. 2d, Constitutional Law:

"Under the restraint which the Fourteenth Amendment to the Federal Constitution imposes upon retrospective legislation, as well as under the restraints imposed thereon by state constitutional provisions expressly prohibiting the enactment of retrospective laws, a state cannot by a mere act of the legislature take property from one man and vest it in another directly; nor can such property, by the retrospective operation of laws, be indirectly transferred from one to another. Hence, a statute is unconstitutional which in effect, either by legislative fiat or by direct or indirect operation, takes the property of one man and gives it to another. Pursuant to this general principle, retroactive declaratory statutes will not be allowed to affect vested rights, and an act of the legislature declaring the interpretation to be placed upon a previous statute will not be allowed to affect transactions or rights of action which accrued prior to the enactment of such statute." (Section 426, p.767)

"Conformably to the well-established rule that the laws which subsist at the time and place of making a contract enter into and form a part of it as if they were expressly referred to or incorporated in its terms, the obligation of a contract is measured by the standard of the laws in force at the time it was entered into, and its performance is to be regulated by the terms and rules which they prescribe. There can be no other standard by which to ascertain the extent of the obligation than that which the terms of the contract indicate according to their settled legal meaning;

when it becomes consummated, the existing law defines the duty and the right, compels one party to perform the thing contracted for, and gives the other a right to enforce the performance by the remedies then in force. * * *." (Section 436, p.781)

"It is a fundamental principle of constitutional law in reference to the obligation of contracts that the laws in force at the time of making a contract and the right to a remedy enter into and form a part of it as if they were expressly referred to or incorporated in its terms, and that they likewise constitute a part of its obligation. This principle embraces alike those laws which affect its validity, construction, discharge, and enforcement.

"The remedy which is protected by the contract clause of the Constitution is something more than the privilege of having a claim adjudicated. Mere judicial inquiry into the rights of parties is not enough. There must be power to enforce the results of such an inquiry before there can be said to be a remedy which the Constitution deems part of the contract. Nothing is more material to the obligation of a contract than the means of its enforcement. The ideas of validity and remedy are therefore inseparable, and both are parts of the obligation which is guaranteed by the Constitution against impairment. Under the constitutional inhibition, it is immaterial whether the obligation of a contract is impaired by acting on the remedy or directly upon the contract–impairment in either case is prohibited." (Section 437, p.783)

"The repeal of a law which constitutes a contract is an impairment of its obligation. The obligation of a contract is impaired by a statute which alters its terms by imposing new conditions or dispensing with conditions, or which adds new duties, releases or lessens any part of the contract obligation, or substantially defeats its end.

"A law may be within the constitutional inhibition against impairment of contract obligations by implication, as well as by expression. It may also be stated that this constitutional provision is considered as rendering void any statute which is retrospective and which destroys a vested right of action arising ex contractu." (Section 445, p. 794)

"The test of impairment is met by a showing that the value of a contract has been diminished. New burdens cannot be imposed so as to decrease materially the value and benefit of a contract. Although a state may alter laws governing the remedy on a contract as long as an effective remedy is preserved, where it so lessens or impairs the value of the remedy as to lessen and impair the value of the contract, the law is void as impairing the obligation of contracts. * * *." (Section 447, p. 795)

"Whenever the law is so changed that the means of enforcing the duty imposed by a contract are materially impaired, the obligation of the contract no longer remains the same. Therefore, a constitution or a statute impairs the obligation of a contract if it prevents enforcement, tends to postpone or retard enforcement, or seriously interferes with the enforcement of the contract." (Section 448, p. 796)

More particularly relating to liens are the following text statements appearing in 16A C.J.S., Constitutional Law:

"Mortgages and pledges are recognized as within the protection of the contract clause of the constitution, and the obligations thereof may not be directly impaired by legislation. * * *." (Section 346, p.15)

"A lien created by act of the parties cannot, in general, be abrogated or impaired by a subsequent act of the legislature, for such an act would be within the inhibition of the constitution against the impairment of the obligation of contracts; * * *." (Section 386, p. 67)

It is not without some regret that we feel compelled to the conclusion that the retroactive aspect of the proposed bill probably is invalid; as we are mindful of the fact that many citizens of this state are faced with severe financial losses in connection with sales of livestock to an insolvent packing firm; and we also are aware that the retroactivity provision appears in the bill out of a good faith effort to alleviate some of such losses. Be that as it may, no matter how distressing the situation may be and no matter how commendable might be the legislative motivation, these circumstances cannot justify violation of clear constitutional mandates. As was pointed out in the mortgage foreclosure moratorium case previously discussed herein, at the time the Bill of Rights of our Constitution (including the impairment of contract clause) was adopted, the state and nation were in an economic and financial emergency greater than that from which the country was suffering in the depression of the 1930's.

In order that it may not be speculated that we may have overlooked the same, we do note that the proposed bill contains an express disclaimer of any intent to impair the obligation of existing contracts. Needless to say, such a perfunctory declaration cannot and does not alter the clear meaning and intent of the act itself.

Absent the retroactivity provision we find nothing otherwise unconstitutional about the proposed bill.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smh
cc: Mr. Vincent D. Brown
Clerk of the Nebraska Legislature

MESSAGE FROM THE GOVERNOR

April 23, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 253, 264, 318, 320, 374, 470, 475, 509, 527, and 572.

These bills were signed by me on April 23, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Call of the House

Mr. Rasmussen asked unanimous consent that Senator Jack Mills be given a Badge and a big Club to assist the Sargeant of Arms in securing members of the Legislature and holding them in their chairs when there is a Call of the House. No objections. So ordered.

MOTION—Return LB 198 to Select File

Mr. Mahoney moved to return LB 198 to Select File for the following specific amendment:
Strike 96.00 and insert $108.00

Mr. Mahoney moved for a Call of the House. The motion prevailed with 21 ayes, 9 nays and 19 not voting.

The Call showed 41 members present.

Mr. Rasmussen moved the Call be raised. The motion lost with 16 ayes, 21 nays and 12 not voting.

Mr. Stull moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Mahoney requested a record vote on his motion.

Voting in the affirmative, 25:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Dickinson	Fitzgerald	Fowler
George	Goodrich	F. Lewis	Luedtke	Mahoney

Maresh	Marsh	Moylan	Murphy	Rumery
Savage	Simpson	Stoney	Swigart	Syas

Voting in the negative, 17:

Clark	Cope	Duis	Dworak	Hasebroock
Johnson	Kennedy	Kime	R. Lewis	Marvel
Mills	Rasmussen	Schmit	Skarda	Stull
Warner	Wiltse			

Not voting, 7:

Carsten	DeCamp	Kelly	Keyes	Koch
Kremer	Nichol			

The motion prevailed with 25 ayes, 17 nays and 7 not voting.

SELECT FILE

LEGISLATIVE BILL 198. The Mahoney specific amendment found in this day's Journal lost with 23 ayes, 19 nays and 7 not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 198 to Select File

Mr. Maresh moved to return LB 198 to Select File for the following specific amendment:

"Strike $96 and insert $100"

Mr. F. Lewis offered the following amendment to the Maresh motion:

Amend the Maresh amendment to $103.

The Chair ruled the F. Lewis amendment out of order.

The Maresh motion prevailed with 25 ayes, 14 nays and 10 not voting.

SELECT FILE

LEGISLATIVE BILL 198. The Maresh specific amendment found in this day's Journal was adopted with 27 ayes, 8 nays and 14 not voting.

Advanced to E & R for Re-engrossment.

MOTION–Return LB 198 to Select File

Mr. Cavanaugh moved to return LB 198 to Select File for the following specific amendment:

Reinstate Section 8 of the original bill.

Mr. Cavanaugh moved for a Call of the House. The motion lost with 19 ayes, 20 nays and 10 not voting.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 20:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Fitzgerald	Fowler	Goodrich	F. Lewis
Luedtke	Mahoney	Marsh	Mills	Moylan
Rumery	Savage	Simpson	Skarda	Syas

Voting in the negative, 21:

Burbach	Carsten	Clark	Cope	Dickinson
George	Hasebroock	Johnson	Kennedy	Kime
Koch	R. Lewis	Maresh	Murphy	Nichol
Rasmussen	Stoney	Stull	Swigart	Warner
Wiltse				

Not voting, 8:

DeCamp	Duis	Dworak	Kelly	Keyes
Kremer	Marvel	Schmit		

The motion lost with 20 ayes, 21 nays and 8 not voting.

MOTION-RETURN LB 198 to Select File

Mr. F. Lewis moved to return LB 198 to Select File for the following specific amendment:
Strike 100 insert 103

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 23:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Fitzgerald	Fowler	George
Goodrich	Koch	F. Lewis	Luedtke	Mahoney
Marsh	Mills	Moylan	Rumery	Savage
Simpson	Swigart	Syas		

Voting in the negative, 23:

Carsten	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Hasebroock	Johnson	Kennedy

Kime	R. Lewis	Maresh	Marvel	Murphy
Nichol	Rasmussen	Schmit	Skarda	Stoney
Stull	Warner	Wiltse		

Not voting, 3:

Kelly	Keyes	Kremer

The motion lost with 23 ayes, 23 nays and 3 not voting.

EXPLANATION OF VOTE

Had I been present this morning, April 24, 1975, I would have voted yes for LB 23.

(Signed) F. Lewis

UNANIMOUS CONSENT–Member Excused

Mr. Kennedy asked unanimous consent to be excused Friday, April 25, 1975. No objections. So ordered.

MOTION–Introduce Bill

Mr. Schmit moved the introduction of a new bill by the committee on Agriculture and Environment. (Req. No. 855)

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 601. By Agriculture and Environment Comm.: Schmit, 23rd District, Chairman; DeCamp, 40th District; Rumery, 42nd District; Maresh, 32nd District; Burrows, 30th District.

A BILL FOR AN ACT to amend sections 1-201, 2-403, and 2-702, Uniform Commercial Code; to provide remedies when a purchaser of goods is insolvent; to declare public policy in such situations; to provide retroactive protection; to provide severability; to repeal the original sections; and to declare an emergency.

MOTION–Suspend Rules

Mr. Schmit moved to suspend the rules and place LB 601 on General File without a public hearing.

Mr. Schmit moved for a Call of the House. The motion prevailed with 23 ayes, 7 nays and 19 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The Schmit motion to suspend the rules lost with 21 ayes, 19 nays and 9 not voting.

MESSAGE FROM THE GOVERNOR

April 24, 1975

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

Dear Mr. President and Senators:

I hereby return LB 267 and LB 267A without my signature and with my objections.

LB 267 provides that copies of all rules and regulations of every state agency be distributed to each county law library in the state. The accompanying "A" bill appropriates $120,000 to carry out the provisions of LB 267.

Presently, anyone wishing to review the rules and regulations of a state agency can do so by contacting either the state agency involved or the Secretary of State. Most state agencies presently voluntarily distribute copies of rules and regulations to those who request them. If there are isolated problems with regard to obtaining copies of rules and regulations, I am sure they can be individually corrected.

It is in the spirit of my message to your honorable body yesterday that I return these bills. Surely, there are higher priorities for the expenditure of $120,000, including the priority of not spending it at all.

Sincerely,
(Signed) J. James Exon
Governor

JJE:ah2

MOTION—General File Bills

Mr. Syas renewed his pending motion found in the Journal on page 1400 regarding General File appropriation bills.

Mr. Syas asked unanimous consent to have the motion laid over until Wednesday, April 30, 1975. No objections. So ordered.

MOTION–Governor Addressing Legislature

Mr. Chambers renewed his pending motion found in the Journal on page 1408 regarding the Governor giving notice on addressing the Legislature.

Mr. Chambers offered the following amendment to his motion:

That the Governor be instructed that the Legislature be given at least 24 hours written notice when he desires to address the Legislature.

The amendment lost with 10 ayes, 26 nays and 13 not voting.

Mr. Barnett offered the following amendment to the Chambers motion:

"that when the Governor finishes his speech he will remain for a 15 minute question and answer period"

The amendment lost with 9 ayes, 26 nays and 14 not voting.

Mr. Warner offered the following amendment to the Chambers motion:

Strike the word "not" and the word "except" in the Chambers motion.

The amendment lost with 18 ayes, 18 nays and 13 not voting.

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.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 11:

Anderson	Bereuter	Chambers	Fitzgerald	Fowler
Koch	Marsh	Marvel	Murphy	Schmit
Warner				

Voting in the negative, 29:

Burbach	Burrows	Carsten	Cavanaugh	Clark
Cope	DeCamp	Dickinson	Dworak	Hasebroock
Johnson	Kennedy	Kime	F. Lewis	Luedtke
Mahoney	Maresh	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Skarda	Stoney
Stull	Swigart	Syas	Wiltse	

Not voting, 9:

Barnett	Duis	George	Goodrich	Kelly
Keyes	Kremer	R. Lewis	Simpson	

The Chambers motion lost with 11 ayes, 29 nays and 9 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Marvel asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

Amendments to LB 447

1. On page 7, after line 16 insert the following:

"Sec. 7. That section 81-1107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1107. The Director of Administrative Services is hereby vested with the duties, powers and responsibilities involved in the preparation of the executive budget and execution of the approved budget except as otherwise provided by law, including a system of periodic allotments for the management and regulation of expenditures and making surveys and studies for the purpose of improving administrative procedures, methods and organization; in the keeping of general accounts and the promulgation of appropriate regulations and administrative orders designed to assure a uniform and effective system of accounts and accounting, in the approval of all vouchers and the preparation and issuance of warrants for all purposes; in the operation of such storerooms and warehouses as may be necessary; the allotment of space in the State Capitol building and other state office buildings to the various departments and agencies according to their needs and the space available as provided in section 81-1120; the supervision of telephone, mailing, messenger, duplicating, central data processing, and other like services adaptable to economical and centralized management; and the planning, review and preparation of a state capitol construction budget. The director shall adopt a seal. The director may contract with another state agency to furnish centralized mailing, messenger, duplicating, and printing services in the interest of economy and efficiency in government, while retaining ultimate direction and control.".

2. On page 9 line 20 strike "and" and after "81-161.03," insert "and 81-1107,".

3. Renumber original sections 7 and 8 as sections 8 and 9 respectively.

UNANIMOUS CONSENT—Print in Journal

Mr. Mills asked unanimous consent to print the following amendment to LB 394 in the Journal. No objections. So ordered.

Amendments to LB 394

2. Strike original sections 1 to 28 and insert the following:

"Section 1. No owner of a motor vehicle registered in the State of Nebraska, other than a person qualified as a self-insurer pursuant to section 60-562, Reissue Revised Statutes of Nebraska, 1943, shall operate or authorize any other person to operate such vehicle

unless the owner has the minimum insurance coverages provided under sections 2, 3, 6, and 7 of this act on such motor vehicle.

Sec. 2. The coverage required under this act shall include indemnity from legal liability for bodily injury, death, or property damage arising out of ownership, maintenance, or use of the vehicle to the limit, exclusive of interest and costs, of at least thirty thousand dollars for any one accident or to the limit prescribed in the Motor Vehicle Safety Responsibility Act, whichever is greater.

Sec. 3. The coverage required under this act shall include compensation to injured persons for reasonable and necessary expenses for medical, hospital, dental, surgical, medicine, X-ray, ambulance or prosthetic services, professional nursing and funeral services, and for loss of earnings and reasonable and necessary extra expense for personal services which would have been performed by the injured person had he not been injured, arising out of an accident involving such motor vehicle and incurred or medically ascertainable within twelve months of such accident. Such compensation shall have minimum limits of ten thousand dollars for any one person and twenty thousand dollars for all persons injured in any one accident and maximum compensation for funeral services of two thousand dollars per person.

Sec. 4. The coverage required by section 3 of this act shall be applicable to each person occupying such motor vehicle and to any other person injured in an accident involving such motor vehicle, other than an occupant of another motor vehicle.

Sec. 5. The owner of a vehicle may elect to have the coverage described in section 3 of this act written subject to certain deductibles, waiting periods, sublimits, percentage reductions, excess provisions and similar reductions offered by insurers in accordance with filings made by such insurers with the Department of Insurance, applicable to expenses incurred as a result of injury to the owner of the vehicle or members of such owner's household. This election shall be made in writing and signed by the owner of the vehicle. Insurers issuing such policies may not require such reductions.

Sec. 6. (1) The coverage required under this act shall include compensation for damage to property, in or upon the motor vehicle, and other property damaged in an accident involving the motor vehicle, other than damage to a motor vehicle, with the minimum limits of five thousand dollars for any one accident.

(2) The owner of the motor vehicle may elect to have coverage described in this section written to exclude in whole or in part the following:

(a) Aircraft, watercraft, self-propelled mobile equipment or any property in or upon such vehicle; or

(b) Any property in or upon the vehicle when the owner of such property is not occupying the vehicle.

(3) The election provided in subsection (2) of this section shall be made in writing and signed by the owner of the vehicle. The insurer issuing such policies may not require such reductions. Any reductions shall be

in accordance with filings made by the insurer with the Department of Insurance.

Sec. 7. The coverage required under this act shall include compensation for damage to the insured motor vehicle, including loss of use of the motor vehicle, not to exceed the actual cash value of the vehicle at the time of the loss and ten dollars per day, with a maximum payment of three hundred dollars for loss of use of such motor vehicle.

Sec. 8. The owner of the motor vehicle may elect to exclude, in whole or in part, the coverage described in section 7 of this act by the use of certain deductibles and exclusions in accordance with filings made by the insurer with the Department of Insurance.

Sec. 9. Only insurance policies validly issued by companies authorized to write in this state all the kinds of insurance embodied in the required coverages shall satisfy the requirements of this act.

Sec. 10. Nothing in this act shall be construed to prohibit the issuance of policies providing coverage more extensive than the minimum coverages required by this act or to require the segregation of such minimum coverages from other coverages in the same policy.

Sec. 11. Policies purporting to satisfy the requirements of this act shall contain a provision which states that, notwithstanding any of the other terms and conditions of the policy, the coverage afforded shall be not less than the minimum coverage required by this act.

Sec. 12. The coverage described in sections 2, 3, 6, and 7 of this act may be subject to conditions and exclusions customary to the field of liability, casualty, and property insurance and not inconsistent with the requirements of this act.

Sec. 13. Insurers providing benefits described in sections 2, 3, 6, and 7 of this act shall be subrogated to the rights, including claims under any workmen's compensation law, of the person for whom benefits are provided, to the extent of the benefits provided.

Sec. 14. Any person eligible for benefits described in section 3 or 6 of this act, other than an insurer in an action brought pursuant to section 13 of this act, shall be precluded from pleading or introducing into evidence in an action for damages against a tort-feasor those damages for which compensation is available under section 3 or 6 of this act without regard to any elective reductions in such coverage and whether or not such benefits are actually recoverable.

Sec. 15. Each insurance policy shall require the insurer to submit to arbitration a claim for damage to a motor vehicle, other than the insured motor vehicle, including loss of use of such vehicle upon the request of the owner of the damaged vehicle. Such request shall be in writing and mailed to the Director of Insurance within ninety days from the date of the accident causing such damage.

Sec. 16. (1) All arbitrations shall be administered by the Director of Insurance or his nominee.

(2) The Director of Insurance or his nominee shall establish a panel of arbitrators consisting of

attorneys authorized to practice law in the State of Nebraska and insurance adjusters licensed to act as such in the State of Nebraska.

(3) The Director of Insurance or his nominee, shall select three individuals from the panel of arbitrators, at least one of which shall be an attorney authorized to practice law in the State of Nebraska, to hear each request for arbitration.

(4) The Director of Insurance or his nominee shall promulgate such rules and regulations as shall be necessary to implement the arbitration program provided in section 15 of this act.

(5) The right to require such arbitration shall be purely optional and neither party shall be held to have waived any of their rights by any act relating to arbitration.

Sec. 17. The Director of Insurance shall establish a schedule of costs of arbitration. The arbitrators fee shall not exceed twenty-five dollars per arbitrator for any one arbitration. The cost of arbitration shall be borne equally by the parties to the arbitration.

Sec. 18. There is hereby created a fund, to be known as the Arbitration Cash Fund, from which shall be appropriated such amounts as are available therefrom and as shall be considered incident to the administration of arbitration by the Department of Insurance. The fund shall contain the costs of arbitration as provided under section 17 of this act, which shall be paid into the state treasury and the State Treasurer shall credit the money to the Arbitration Cash Fund.

Sec. 19. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.".

REFERENCE COMMITTEE REPORT

LB	Committee
601	Judiciary

(Signed) Eugene T. Mahoney, Chairman

ANNOUNCEMENT

Mr. Schmit announced an executive meeting of the Committee on Agriculture and Environment after adjournment.

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.

Amendment to LB 382

1. On page 3, line 23 after "money." insert "Any cooperative returning less than forty per cent of its profits to its owners may do so only upon a written majority vote of its membership approving such action.".

UNANIMOUS CONSENT—Member Excused

Speaker Burbach asked unanimous consent to be excused Friday, April 25, 1975. No objections. So ordered.

VISITORS

The President introduced 41 ladies from the Scotia Womens Club, Scotia, Nebraska; 60 fourth and fifth grade students and teachers from Bellevue, Nebraska; and 10 eighth grade students and sponsors from Victory Hill school in Scotts Bluff County.

ADJOURNMENT

At 3:53 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, April 25, 1975.

Vincent D. Brown
Clerk of the Legislature

SIXTY-NINTH DAY—APRIL 25, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 25, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Thomas C. Huxtable, Minister of the Eastridge Presbyterian Church, Lincoln.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Fitzgerald, Kennedy, Keyes and Mills who were excused; Messrs. Cavanaugh and Koch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1413, line 27, insert:
"PRESIDENT SIGNED
While the Legislature was in session and capable of transacting business, the President signed the following bills: 8, 243, 481 and 530."
The Journal for the Sixty-eighth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Marvel asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

Messrs. Moylan and R. Lewis asked unanimous consent to be excused this afternoon. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of April 24, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

McCoy, Dale E. - Omaha (deceased 4-23-75) United Transportation Union
Ryan, James E. - Lincoln, Nebraska Assn. of Trial Attorneys

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 307. Replaced on Select File as amended.
E & R amendment to LB 307:

1. In the title, lines 3 and 4, strike "public services" and insert "home-delivered meals".

LEGISLATIVE BILL 217. Placed on Select File as amended.
E & R amendments to LB 217:

1. In standing committee amendment 1, strike beginning with "obtaining" in line 2 through the second comma in line 4, and in line 4, strike "health maintenance".

2. In standing committee amendment 2, line 5, strike "within the scope" and insert "specified under the provisions".

3. On page 2, line 8, insert a comma after "protection"; in lines 22 and 23, strike "the provisions of"; insert a semicolon at the end of line 24; and strike line 25.

4. On page 3, line 2, strike "within the scope of the provisions of" and insert "specified in"; insert a comma in line 5 after "which" and after "act"; in line 9, insert a comma after "director" and after "act"; and strike lines 14 and 15 and insert "insurance business specified in section 3 of this act;".

5. On page 5, line 2, strike "and remain"; in line 3, insert "the business of" after "transact"; in line 6, strike "under the provisions of" and insert "according to"; and in line 13, strike "immediate" and insert "direct".

6. On page 6, lines 8 and 9, strike ", among other things,".

7. On page 14, line 3, insert "the business of" after "transact".

8. On page 18, line 10, insert "made" after "delegation".

9. On page 19, line 18, insert "as" after "designated".

10. On page 20, line 10, insert a comma after "alternative".

11. On page 26, insert a comma in line 18, after "shall" and in line 19, after "option".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 74. Laid over temporarily.
LEGISLATIVE BILL 269A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 598. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 551. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 472. E & R amendments found in the Journal on page 1409 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 550. E & R amendment found in the Journal on page 1410 for the Sixty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 282. E & R amendments found in the Journal on page 1410 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 486. E & R amendments found in the Journal on page 1410 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 114. E & R amendment found in the Journal on page 1410 for the Sixty-eighth Day was adopted.

Mr. Barnett renewed his pending amendment found in the Journal on page 1401 for the Sixty-seventh Day. The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 115. E & R amendments found in the Journal on page 1411 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 447. E & R amendments found in the Journal on page 1411 for the Sixty-eighth Day were adopted.

Mr. Marvel renewed his pending amendment found in the Journal on page 1444 for the Sixty-eighth Day. The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 508. E & R amendments found in the Journal on page 1413 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 187. E & R amendments found in the Journal on page 1420 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 187A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 269. E & R amendments found in the Journal on page 1420 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Bracket LB 598

Mr. Marvel asked unanimous consent to bracket LB 598 on E & R Final. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 74. Mr. Warner asked unanimous consent to have LB 74 laid over. No objections. So ordered.

MOTION—POSTAGE STAMPS

Mr. Mahoney moved that we authorize the purchase of $200 of postage stamps for each Senator for use in the interim at the conclusion of this session.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

GENERAL FILE

LEGISLATIVE BILL 32. Title read. Considered.

Standing Committee amendments found in the Journal on page 881 for the Forty-fourth Day were adopted with 26 ayes, 0 nays and 23 not voting.

The Hasebroock pending amendment found in the Journal on page 1222 for the Fifty-ninth Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 50. Title read. Considered.

Standing Committee amendments found in the Journal on page 888 for the Forty-fifth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. F. Lewis offered the following amendment:

1. On page 10, at the end of line 4, insert "A member must have acquired the equivalent of one-half year service or more as a public school employee under the school retirement system following the effective date of this act to be eligible for computation of his formula annuity using one and one-fourth per cent of this final average compensation as one of the factors."; and at the end of line 24 insert "A member must have acquired the equivalent of one-half year service or more as a public school employee under the school retirement system following the effective date of this act to be eligible for computation of his formula annuity using only five fiscal years in the determination of his final average compensation."

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 33 ayes, 2 nays and 14 not voting.

LEGISLATIVE BILL 50A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 2 nays and 17 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor April 25, 1975 at 10:00 a.m., were the following bills: 8, 243, 481, and 530.

(Signed) Jan Loder, Enrolling Clerk

Correctly Engrossed

The following bills were correctly engrossed: 316, 368, and 466.

Correctly Enrolled

The following bills were correctly enrolled: 23, 306, 317, and 317A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 23, 306, 317, and 317A.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 601 Monday, May 5, 1975 1:00 p.m.

(Signed) Roland A. Luedtke, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 128. Indefinitely postponed.

(Signed) Frank Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 235. Title read. Considered.

Mr. Hasebroock renewed his pending amendment found in the Journal on page 1379 for the Sixty-sixth Day. The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Dworak moved to bracket LB 235.

The motion lost with 11 ayes, 21 nays and 17 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 259A. Title read. Considered.

MR. SIMPSON PRESIDING

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 381. Considered.

Mr. Chambers offered the following amendment:

1. On page 3, line 4, page 5, line 5, page 7, line 10, and page 9, line 17, after "freeway" insert ", except that if a person operates a vehicle on any freeway of the National System of Interstate and Defense Highways at a speed not in excess of sixty-five miles per hour, such person shall be subject to a fine of one dollar but no costs or points shall be assessed against such person".

PRESIDENT WHELAN PRESIDING

Mr. Chambers moved for a Call of the House.

The motion prevailed with 19 ayes, 9 nays and 21 not voting.

The Call showed 40 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 22:

Barnett	Bereuter	Burrows	Chambers	Clark
DeCamp	Dickinson	Duis	Fowler	George
Goodrich	F. Lewis	R. Lewis	Luedtke	Mahoney
Moylan	Murphy	Rasmussen	Savage	Schmit
Simpson	Skarda			

Voting in the negative, 18:

Anderson	Carsten	Cope	Dworak	Hasebroock
Johnson	Kelly	Kremer	Maresh	Marsh
Nichol	Rumery	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Not voting, 9:

Burbach	Cavanaugh	Fitzgerald	Kennedy	Keyes
Kime	Koch	Marvel	Mills	

The amendment lost with 22 ayes, 18 nays and 9 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 31 ayes, 2 nays and 16 not voting.

Mr. Kime asked unanimous consent to be excused at 10:30 a.m. No objections. So ordered.

Mr. Bereuter asked unanimous consent to withdraw his pending amendment found in the Journal on page 1242 for the Sixtieth Day. No objections. So ordered.

Mr. Bereuter offered the following amendment:

"Sec. 4. The speed limits specified in this act shall remain in effect until ninety days after the date of adjournment of the next session of the Legislature following the effective date of this act.".

Add Severability clause.

The amendment was adopted with 25 ayes, 12 nays and 12 not voting.

Mr. Chambers offered the following amendments:

1. On page 13, strike lines 26 and 27 and show as stricken, and insert:

"(1) Conviction of motor vehicle homicide-- 12 points;".

2. On page 14, strike lines 6 through 15 and show as stricken; line 19 after "damage" strike the rest of the line and show as stricken; strike lines 20 through 24 and show as stricken; and insert "-- 6 points, if no report is submitted to the appropriate peace officers;".

3. On page 15 line 8 strike "3" and insert "~~3~~ 2".

4. On page 16, line 3 after the first comma insert "violations for not possessing a valid operator's license,".

5. Renumber original subdivisions (5) to (12) as (3) to (10) respectively.

Mr. Chambers moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays and 22 not voting.

The Call showed 39 members present.

Mr. Chambers moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

The Chambers amendment No. 1 was adopted with 25 ayes, 8 nays and 16 not voting.

Messrs. Clark and Warner asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

The Chambers amendment No. 2 lost with 16 ayes, 13 nays and 20 not voting.

Amendments Nos. 3, 4, and 5 pending.

UNANIMOUS CONSENT–Members Excused

Messrs. Dickinson and George asked unanimous consent to be excused Monday, April 28, 1975 and Tuesday, April 29, 1975. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 35.

Introduced by Kelly, 35th District; Cope, 36th District; Rasmussen, 41st District; Kremer, 34th District.

WHEREAS, the Nebraska Mid-State Reclamation Project, Pick-Sloan Missouri Basin Program, Nebraska, was authorized by the Congress of the United States in November, 1967; and

WHEREAS, the Congress of the United States has appropriated Funds for the preconstruction planning in fiscal years since authorization for Mid-State; and

WHEREAS, the Nebraska Mid-State Reclamation District has strong local support from the owners of irrigable land to be served by the project, and from the communities which will benefit from the construction of this project; and

WHEREAS, there is and will continue to be strong need to maintain, strengthen and enhance Nebraska's largest industry, agriculture; and

WHEREAS, there is definite need in this project area for surface irrigation water to maintain the declining ground waters; and

WHEREAS, Nebraska's people need the fish and wildlife and recreational opportunities that can be provided by the Mid-State Project; and

WHEREAS, the Congress of the United States will conduct hearings on appropriations for the project forthwith.

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

1. That the First Session of the Eighty-fourth Legislature of Nebraska strongly supports the continued funding and the immediate construction and development of the Nebraska Mid-State Project.

2. That the Legislature memorializes the 94th Congress and the respective Appropriation Committees thereof to support the appropriation of funds for the continuation of advanced planning studies for the Nebraska Mid-State Reclamation District in the amount of five hundred thousand dollars for fiscal year 1976.

3. That the Legislature further memorializes the Congress of the United States to appropriate funds to commence the construction of the Mid-State Project in fiscal year 1977.

4. That copies of this resolution, be transmitted by the Clerk of the Legislature to the United States Senate and House of Representatives of the 94th Congress, to Honorable John C. Stennis, Chairman of the Senate Appropriations Subcommittee on Public Works, and Honorable Joe L. Evins, Chairman of the House Appropriations Subcommittee on Public Works, and to each member from Nebraska in the Senate and House of Representatives of the United States.

Mr. Kelly moved to suspend the rules to consider LR 35 today. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

LR 35 was adopted with 26 ayes, 0 nays and 23 not voting.

VISITORS

The President introduced 80 participants in the YMCA Youth in Government Program; and Senator Clark introduced John Graham, Legislative Council staff, Byron Langley, State Representative, and J. Gavvin Jacobson, State Senator from North Dakota, and G. F. Mortimer, State Representative from South Dakota.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Fitzgerald, Kennedy, Keyes, Kime, R. Lewis, Mills, Moylan and Warner; Messrs. Clark, Koch, Marvel and Savage who were excused until they arrive and Mr. Cavanaugh who was absent until 2:00 p.m.

UNANIMOUS CONSENT—Member Excused

Mr. Syas asked unanimous consent to be excused Monday and Tuesday, April 28 and 29, 1975. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 198. Replaced on Select File as amended.
E & R amendments to LB 198:

1. In lieu of the Maresh amendment adopted 4/24, in the Final Reading bill, page 2, lines 10 and 23, page 6, line 13, and page 7, line 13, strike "ten".

2. Pursuant to Rule 6, section 9, of the Rules of the Legislature, in the Final Reading bill strike section 4; and in the title, line 5, insert "and" after the first semicolon and in lines 5 and 6, strike "; and to declare an emergency".

LEGISLATIVE BILL 259A. Placed on Select File.
(Signed) Donald Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 381. Considered.

Mr. Chambers offered the following amendment:
On page 16, line 3 after the first comma insert:
"VIOLATIONS FOR DRIVING WITHOUT A VALID OPERATOR'S LICENSE IN THE OPERATOR'S POSSESSION."
(language comes from 39-6,106)

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 455. Title read. Considered.

Standing Committee amendment found in the Journal on page 958 for the Forty-eighth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Duis offered the following amendment:
Page 3 line 17 after the period to add: In case of death of the owner the exemption shall continue through the year in which the estate is closed.

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. George moved to indefinitely postpone.

Mr. Barnett asked unanimous consent to bracket LB 455 until Tuesday, April 19, 1975.

Mr. George objected.

Mr. Barnett moved to bracket LB 455 until Tuesday, April 29, 1975.

Mr. George asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

The motion to bracket lost with 12 ayes, 19 nays and 18 not voting.

Mr. Cavanaugh renewed his pending amendment found in the Journal on page 1243 for the Sixtieth Day.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays and 29 not voting.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 19:

Cavanaugh	DeCamp	Duis	Fowler	George
Goodrich	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Nichol	Rumery	Savage	Schmit
Simpson	Skarda	Swigart	Syas	

Voting in the negative, 12:

Anderson	Bereuter	Burrows	Carsten	Cope
Dworak	Hasebroock	Johnson	Kelly	Kremer
Murphy	Rasmussen			

Not voting, 18:

Barnett	Burbach	Chambers	Clark	Dickinson
Fitzgerald	Kennedy	Keyes	Kime	Koch
R. Lewis	Marvel	Mills	Moylan	Stoney
Stull	Warner	Wiltse		

The amendment lost with 19 ayes, 12 nays and 18 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

Mr. George offered the following amendment:
To strike the new language
except the Duis amendment

The amendment lost with 16 ayes, 13 nays and 20 not voting.

Mr. Cavanaugh moved to indefinitely postpone LB 455. The motion lost with 12 ayes, 15 nays and 22 not voting.

Failed to advance to E & R for Review with 16 ayes, 14 nays and 19 not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 515. Placed on General File as amended.
Standing Committee amendments to LB 515:

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

"Section 1. That section 17-526, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-526. Second-class cities and villages may ~~collect a license tax of not less than one dollar nor more than three dollars per dog from~~ , by ordinance entered at large on the proper journal or record of proceedings of such municipality, impose a license tax, in an amount which shall be determined by the governing body of such second-class city or village for each dog, on the owners and harborers of dogs, and enforce the same by appropriate penalties, and cause the destruction of any dog, for which the owner or harborer shall refuse or neglect to pay such license tax. Such municipality may regulate, license, or prohibit the running at large of dogs and guard against injuries or annoyances therefrom and authorize the destruction of the same when running at large contrary to the provisions of any ordinance.

Sec. 2. That section 54-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-603. ~~The municipal authorities of any~~ Any county, city, ~~town or township~~ or village shall have authority by ordinance or resolution, ~~entered at large on the proper journal or record of proceedings of such municipality,~~ to impose a license tax ~~of not more than five dollars for each dog~~ in an amount which shall be determined by the appropriate governing body, on the owner or harborer of any dog or dogs, ~~which license tax shall constitute a special fund for the payment of all damages done by dogs within the limits of the body imposing the same,~~ to be paid under such regulations as shall be provided by such ordinance or resolutions.

Sec. 3. That original sections 17-526 and 54-603, Reissue Revised Statutes of Nebraska, 1943, are repealed.

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.".

2. In the title, line 2 strike "section" and insert "sections 17-526 and".

LEGISLATIVE BILL 565. Placed on General File as amended.
Standing Committee amendment to LB 565:

1. On page 2, line 8 after "shall" strike "have the discretion to"; line 10 after "county" insert "not directly benefited by any garbage or waste disposal services".

LEGISLATIVE BILL 467. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

Agriculture and Environment

LEGISLATIVE BILL 214. Indefinitely postponed.
LEGISLATIVE BILL 363. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 35.

UNANIMOUS CONSENT—Print in Journal

Mr. Rasmussen asked unanimous consent to print the following Government, Military and Veterans Affairs Committee statement in the Journal. No objections. So ordered.

COMMITTEE STATEMENT

On Thursday, April 24, 1975, the Government, Military and Veterans Affairs Committee met in Room 2102 and held an Executive Session.

It was the unanimous consent of those members present (Senators Duis and Chambers being absent) to hold LB 516 introduced by Senator Fitzgerald and LB 595 introduced by the Government Committee for interim study.

Due to the pressure from the Secretary of States office the committee reconsidered their action on holding LB 453 for interim study and went ahead and sent the bill to the floor although they felt it needed further study.

LB 516 and LB 595 will be studied this summer and decided upon in next year's session. Voting to hold these bills over were Senators: Fowler, Koch, Stoney, Hasebroock, George and Rasmussen. Senators Duis and Chambers were absent.

(Signed) Dennis L. Rasmussen, Chmn

MOTION–Reconsider Action on LB 317

Mr. Dickinson moved to reconsider action on passage of LB 317.

Motion pending.

UNANIMOUS CONSENT–Member Excused

Mr. Rasmussen asked unanimous consent to be excused until he arrives. No objections. So ordered.

MOTION–Suspend Rules

Mr. Mahoney moved to suspend the rules to read LB 414 on Final Reading today.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 414. With Emergency.

A BILL FOR AN ACT to amend section 53-125, Reissue Revised Statutes of Nebraska, 1943, and section 53-124, Revised Statutes Supplement, 1974, relating to alcoholic liquors; to provide for the license fee and occupation tax when the expiration date of a class C license is converted; to provide for leases for less than the full period of the license; to provide for revocation; to specify certain requirements for licenses issued to municipal corporations or religious or fraternal nonprofit corporations; 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, 34:

Anderson	Barnett	Burrows	Carsten	Cavanaugh
Clark	DeCamp	Dickinson	Duis	Dworak
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Wiltse	

Voting inthe negative, 2:

Bereuter Chambers

Not voting, 13:

Burbach	Cope	Fitzgerald	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Marvel
Mills	Moylan	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.

Mr. Mahoney asked unanimous consent to expedite LB 414. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 560. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 452. Title read. Considered.

Standing Committee amendments found in the Journal on page 981 for the Fiftieth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 414.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 414.

GENERAL FILE

LEGISLATIVE BILL 395. Title read. Considered.

Standing Committee amendments found in the Journal on page 1071 for the Fifty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 446. Title read. Considered.

Standing Committee amendments found in the Journal on page 994 for the Fiftieth Day were adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Stull renewed his pending amendment found in the Journal on page 1105 for the Fifty-fourth Day.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

PRESENTED TO GOVERNOR

Presented to the Governor April 25, 1975 at 3:10 p.m. was the following bill: 414.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT–Bracket LB 472

Mr. Cavanaugh asked unanimous consent to bracket LB 472 on E & R Final. No objections. So ordered.

MOTION–Introduce Bill

Mr. Murphy moved to introduce a new bill by the committee on Banking, Commerce and Insurance. (Req. No. 859)

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 602. By Banking, Commerce, and Insurance Committee: Murphy, 17th District, Chairman; Duis, 39th District; Hasebroock, 18th District; Wiltse, 1st District; Stoney, 4th District.

A BILL FOR AN ACT relating to insurance; to provide for professional liability insurance as prescribed; to provide duties of the Director and Department of Insurance; to provide an expiration date; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 333. Title read. Considered.

Standing Committee amendments found in the Journal on page 1070 for the Fifty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Mr. Dworak offered the following amendment:
1. On page 2, strike beginning with "giving" in line 25, through the period on page 3, line 3, showing the old matter as stricken, and insert "paying or allowing a rebate of fees for abstracting services, which unfair practice specifically includes rendering a statement or bill which does not reflect the true amount charged or charging an amount from which a rebate is to be paid to a person other than the client.".

The amendment was adopted with 27 ayes, 2 nays and 20 not voting.

Mr. Duis offered the following amendment:
1. On page 2, line 25 after "(2)" strike the remainder of the line and show as stricken; strike lines 26 and 27 and show as stricken.
2. On page 3, strike lines 1 and 2 and show as stricken; line 3 strike "services" and insert "~~services~~ paying or allowing a rebate of fees for abstracting services".

The amendment lost with 20 ayes, 3 nays and 26 not voting.

Mr. Dworak moved to advance LB 310.

Mr. Dworak moved for a Call of the House. The motion prevailed with 14 ayes, 9 nays and 26 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Bereuter	Burrows	Carsten	Cavanaugh
Dickinson	Dworak	Fowler	George	Goodrich
Kelly	Kremer	F. Lewis	Maresh	Murphy
Nichol	Rumery	Schmit	Skarda	Stoney
Swigart	Syas			

Voting in the negative, 13:

Barnett	Clark	Cope	Duis	Hasebroock
Johnson	Luedtke	Mahoney	Marsh	Savage
Simpson	Stull	Wiltse		

Not voting, 14:

Burbach	Chambers	DeCamp	Fitzgerald	Kennedy
Keyes	Kime	Koch	R. Lewis	Marvel
Mills	Moylan	Rasmussen	Warner	

Failed to advance to E & R for Review with 22 ayes, 13 nays and 14 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 21 ayes, 5 nays and 23 not voting.

LEGISLATIVE BILL 150. Title read. Considered.

Mr. Skarda offered the following amendment:
Add the emergency clause.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
602	Bkg. Comm. & Ins. and Pub. Hlth & Wel.

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance
and
Public Health and Welfare

LB 602 Monday, May 5, 1975 7:30 p.m.
Legislative Council Hearing Room

(Signed) J. R. Murphy, Chairman

VISITORS

The President introduced Senator Earl Christensen; Representative Nels Smith; Ralph Thomas, Director, Legislative Service Office; Ms. Jeanne Qualls, Coordinator, Legislative Service Office from the Wyoming Legislature; 30 students and teacher from Filley, Nebraska; 21 Eighth grade students and sponsors from Clearwater, Nebraska; 26 Fifth and Sixth grade school students and teacher from Goehner, Nebraska.

ADJOURNMENT

At 3:58 p.m., on a motion by Mr. Mahoney, the Legislature adjourned until 9:00 a.m., Monday, April 28, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTIETH DAY—APRIL 28, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 28, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Norman Smitheram, Lincoln.

> As we begin the labors of another day, may we do so with full knowledge of our need of Divine guidance and help. Therefore, we pause for a moment, to let our souls catchup with our bodies'; so that the deliverations in which we shall engage, may contribute to the well-being and prosperity of this great state. May our words, our actions, and our decisions this day be such, that when night falls, we may look back with a feeling of accomplishment.
>
> O God, "Grant us wisdom, grant us courage, for the living of these days". Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Dickinson, George, Keyes, Mahoney, Rasmussen and Syas who were excused; Messrs. R. Lewis, Koch and Luedtke who were excused until they arrive; Mr. Anderson who was absent until 9:30 a.m., and Messrs. Cavanaugh and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1459, line 26, delete "958" and insert "903".
Page 1467, line 15, delete "Skarda" and add "Nichol."
The Journal for the Sixty-ninth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Mahoney asked unanimous consent to be excused Monday, Tuesday and Wednesday, April 28, 29 and 30, 1975. No objections. So ordered.

Mr. Skarda asked unanimous consent to be excused Tuesday and Wednesday, April 29 and 30, 1975. No objections. So ordered.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 189. Placed on General File as amended.
Standing Committee amendments to LB 189:

1. On page 2, line 4 strike "twelve month period prior to" and insert "five years preceding"; in line 18 reinstate "fifty-five" and strike "fifty"; and in line 27 strike "and one half".

2. On page 3, line 2 after the period insert "Any fireman or policeman who retires on or after his fiftieth birthday but prior to his fifty-fifth birthday and who has completed at least twenty-one years of service shall receive the actuarial equivalent of the benefit which would otherwise be provided at age fifty-five."; strike lines 6 to 18.

3. On page 6, lines 19 and 20 strike the new matter and reinstate the stricken matter; in line 24 reinstate the stricken matter.

4. On page 7, line 19 strike "and one half"; and in line 22 and 23 reinstate the stricken matter.

5. On page 10, line 3 after "act;" insert "and"; in line 6 after "fireman" insert "." and strike beginning with ";" in line 6 through the period in line 9 and show as stricken; in line 21 after "retire" insert "at age fifty-five with twenty-one years of service"; and strike beginning with "Any" in line 22 through "of" in line 27 and show as stricken.

6. On page 11 strike lines 1 to 10 and show the old matter as stricken; after line 10 insert the following new sections:

"Sec. 7. Any fireman or policeman who retires on or after age fifty-five with fewer than twenty-one years of service shall receive a pension of at least fifty per cent of his regular pay multiplied by the ratio of the years of his service to twenty-one.

Sec. 8. Any fireman or policeman of a primary class city who terminates employment, either voluntarily or involuntarily, for reasons other than death or disability before becoming eligible to retire shall have the option to receive one of the following benefits:

(1) The lump-sum return of accumulated contributions with regular interest to the date of termination; or

(2) In lieu of such lump-sum benefit a member

with ten or more years of service may elect to receive a deferred annuity to commence at age fifty-five on a regular basis or at age fifty on an actuarially equivalent basis. If this election is made, the accumulated contributions of the member may not be withdrawn from the system. The deferred annuity to commence at age fifty-five shall be computed as fifty per cent of his regular pay at the date of termination multiplied by the ratio of the years of his service at the date of termination to the larger of the number of years from his date of employment to the attainment of age fifty-five or twenty-one, such ratio not to exceed one. In the event of the death of a terminated member during the deferred period the accumulated contributions with regular interest to the date of death shall be paid as a lump-sum benefit.".

7. Renumber original sections 4, 5, 6, 7, and 8 as sections 3, 4, 5, 6, and 9 respectively.

(Signed) W. H. Hasebroock, Chairman

COMMUNICATIONS

Acknowledge receipt of House Concurrent Resolution No. 31 applying to the Congress for a convention to propose an amendment to the Constitution of the United States from the State of Mississippi. (Filed in the Clerk's office.)

Acknowledge receipt of Resolution from the Thurston County Board of Supervisors regarding Winnebago Tribe of Nebraska. (Filed in the Clerk's office.)

UNANIMOUS CONSENT–Withdraw amendment on LB 371

Mr. Savage asked unanimous consent to withdraw his pending amendment found in the Journal on page 1426 to LB 371. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 371. With Emergency.

A BILL FOR AN ACT to amend section 79-2619, Reissue Revised Statutes of Nebraska, 1943, relating to the technical community colleges; to provide area boards with the power to acquire and dispose of property 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?' " Mr. Kennedy requested a roll call vote.

Voting in the affirmative, 33:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Cope	DeCamp	Duis	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Kremer	Luedtke	Maresh	Marsh
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Warner	Wiltse		

Voting in the negative, 5:

Clark	Dworak	Fitzgerald	Marvel	Mills

Not voting, 11:

Anderson	Cavanaugh	Dickinson	George	Keyes
Koch	F. Lewis	R. Lewis	Mahoney	Rasmussen
Syas				

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 418. With Emergency.

A BILL FOR AN ACT to provide for the regulation of ambulance and ambulance attendants as prescribed; to define terms; to provide duties of the Department of Health; to create the Board of Ambulance Advisors; to provide for the board's membership, operation, and responsibilities; to provide penalties; to amend section 60-337, Reissue Revised Statutes of Nebraska, 1943; 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, 35:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	Duis
Dworak	Fowler	Goodrich	Hasebroock	Johnson

Kelly	Kennedy	Kime	Kremer	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rumery	Savage	Skarda
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 3:

DeCamp	Schmit	Simpson

Not voting, 11:

Cavanaugh	Dickinson	Fitzgerald	George	Keyes
Koch	F. Lewis	R. Lewis	Mahoney	Rasmussen
Syas				

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—Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 349 in the Journal. No objections. So ordered.

1. On page 3, line 3 strike "twelve" and insert "eleven".

Mr. Barnett asked unanimous consent to print the following amendments to LB 237 in the Journal. No objections. So ordered.

In the Standing Committee amendment, white copy:

1. On page 3, line 16 strike "certified consulting" and insert "licensed".
2. On page 7, line 15 after "officer" insert "after such officer has conducted an investigation".
3. On page 11, line 23 strike "twenty-four" and insert "twelve".

SELECT FILE

LEGISLATIVE BILL 307. E & R amendment found in the Journal on page 1450 for the Sixty-ninth Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 217. E & R amendments found in the Journal on page 1450 for the Sixty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. E & R amendments found in the Journal on page 1459 for the Sixty-ninth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 259A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 74. Mr. Warner asked unanimous consent to have LB 74 laid over until Wednesday, April 30, 1975. No objections. So ordered.

MOTION—Return LB 217 to Select File

Mr. DeCamp moved to return LB 217 to Select File for the specific amendments (A) found in the Journal on page 1387 for the Sixty-seventh Day.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 217. Advanced to E & R for Engrossment.

MOTION—Return LB 217 to Select File

Mr. DeCamp moved to return LB 217 to Select File for the specific amendments (B) found in the Journal on page 1387 for the Sixty-seventh Day.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays and 25 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The motion to return LB 217 to Select File prevailed with 27 ayes, 7 nays and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 217. The DeCamp specific amendment (B) found in the Journal on page 1387 for the Sixty-seventh Day was renewed.

Mr. Cavanaugh asked unanimous consent to bracket LB 217 until Wednesday, April 30, 1975. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present on Tuesday, Wednesday, and Thursday, April 22, 23, and 24, 1975, I would have voted as follows:

Aye on bills 8, 96, 226, 252, 401, 481, 530, 23, 198, and 306.

No on bills 243, 243A, and 132.

(Signed) Ralph D. Kelly

NOTICE OF CHANGE OF HEARING ROOM

The Banking, Commerce and Insurance and Public Health and Welfare Committees will cancel Room 2102, Legislative Council Hearing Room and reset the hearing in Room 1019, LB 602, Monday, May 5, 1975 at 7:30 p.m.

(Signed) J. R. Murphy, Chairman
Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Bracket LB 187 and LB 187A

Mr. Nichol asked unanimous consent to bracket LB 187 and LB 187A on E & R Final until Thursday, May 1, 1975.

Mr. Luedtke objected.

Mr. Nichol moved to bracket the bills until Thursday, May 1, 1975.

The motion lost with 13 ayes, 13 nays and 23 not voting.

UNANIMOUS CONSENT–Members Excused

Mr. Moylan asked unanimous consent to be excused until he arrives. No objections. So ordered.

Mr. Koch asked unanimous consent to be excused today and Tuesday, April 29 until he arrives. No objections. So ordered.

MOTION–Return LB 387 to the Governor

Mr. Savage moved the Clerk be directed to request the Governor to return LB 387 to the Legislature for further consideration.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT—Print Statement on LB 362

Mr. Burrows asked unanimous consent for the amended version and amended Statement of Purpose, which was presented at committee hearing for L.B. 362, be printed and circulated by the Clerk's office. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 397. Title read. Considered.

Mr. Schmit renewed his pending amendment found in the Journal on page 1408 for the Sixty-seventh Day. The amendment lost with 16 ayes, 15 nays and 18 not voting.

Mr. Fowler offered the following amendment:
To strike sections 1 and 2 and
add the attached amendment to LB 397

1. On page 2, insert a new section as follows:

"Section 1. That section 43-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-504. (1) The term dependent child ~~means~~ shall mean a child under the age of eighteen years, or under the age of twenty-one years if he is a student regularly attending a school, college or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support or care by reason of the death, continued absence from the home, physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or childcare institution as a result of such determination when the state, any court having jurisdiction of such child, or the county welfare agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated;

(b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified above at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor. Every child between the ages of eighteen and twenty-one who would be eligible for aid to dependent children payments except for age shall nevertheless be eligible for medical assistance benefits.

(2) Only for the purpose of awarding aid to dependent children payments, the term dependent child shall include unborn children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or an increase in an existing unit budget.

~~(2)~~ (3) A physically handicapped or crippled child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.".

2. On page 4, line 1, after "original" insert "section 43-504, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 2, strike "is" and insert "are".

The Fowler amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 397A. Mr. Schmit moved to withdraw LB 397A.

Motion pending.

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at 12:00 noon today in room 1003.

UNANIMOUS CONSENT–Members Excused

Mr. Stull asked unanimous consent to be excused this afternoon until he returns. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused at 11:00 a.m. today until he returns. No objections. So ordered.

COMMUNICATIONS ON LB 387

April 28, 1975

The Honorable J. James Exon
Governor of Nebraska
Lincoln, Nebraska

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 387 to the Legislature for further consideration.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca

April 28, 1975

The Honorable Jules Burbach
Speaker, Nebraska Legislature
Room 2022, State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

I am transmitting herewith to the Legislature LB 387, the same having been returned by the Governor to the Legislature for further consideration. This bill will be placed on final reading pending the further action of the Legislature.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca
Enclosure

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 28, 1975 at 10:55 a.m., were the following bills: 23, 306, 317 and 317A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 114, 282, 486, 550 and 551.

(Signed) Donald N. Dworak, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 70
April 25, 1975

Re: L. B. 154

Dear Senator Nichol:

In reply to your inquiry concerning the provisions of the above bill this is to advise that in our opinion legislation would be necessary in order for a city to create underground wiring districts.

While the creation of such a district in an undeveloped or newly subdivided area could or would be effective it is doubtful that such a district could be made effective in an old established area already served by overhead wiring if the bill provided for assessment of all of the costs against the property owner. The reason for this, as I explained to you in more detail, is because of the principle that you can only assess a property owner for a service provided, and providing electricity by underground wiring would probably not be providing a service not already available to an old established area by overhead wiring.

We might ask, have those who suggested the need for the creation of underground wiring districts considered amending section 16-667, R. R. S. 1943, to include such districts?

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:saa
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 71
April 23, 1975

Dear Senator Warner:

Neb. Rev. Stat. Section 79-4,164 (Supp. 1974) limits the general fund expenditures of a school district over its expenditures for the preceding year to an amount which is based, in part, on the Consumer Price Index, as established by the UnitedStates Department of Labor, and the Wholesale Price Index, as established by the United States Department of Commerce. In your letter of inquiry you question whether the use of the Consumer Price Index and the Wholesale Price Index in that statute is an unconstitutional delegation of legislative power and state that you are asking the question at this time so that the Legislature could have the opportunity to amend the statute if, in our opinion, the statute is unconstitutional. Your question is hereinafter discussed.

It is well settled law that the Legislature may lawfully 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). It is also settled law that 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). Consequently, the critical legal problem associated with Neb. Rev. Stat. Section 79-4,164 (Supp. 1974) is the possibility that the United States Department of Labor or the United States Department of Commerce, or both, may establish certain criteria to determine the above stated indices different from the criteria which was established to determine these indices at the time Neb. Rev. Stat. Section 79-4,164 (Supp. 1974) became operative law. If that were to occur, Neb. Rev. Stat. Section 79-4,164 (Supp. 1974) would obviously be rendered inoperative and the constitutionality of LB 984, Eighty-Third Legislature, Second Session, would be placed in jeopardy. We therefore suggest that the Legislature should consider adopting, during this session, an appropriate amendment to Neb. Rev. Stat. Section 79-4,164 (Supp. 1974).

Very truly yours,

PAUL L. DOULGAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT–Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 525. No objections. So ordered.

Amendment to Legislative Bill 525 As amended

1. In the Standing Committee amendment white copy, on page 20 line 20 strike the period and insert "; and"; after line 20 insert the following:

"(g) Maximum fee for any inspection shall not exceed that fee charged for a four thousand ampere capacity.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 235A. Introduced by Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, Eighty-fourth Legislature, First Session, 1975.

MOTION–Approve Governor Appointments

Mr. Savage moved the confirmation of the Governor appointments found in the Journal on page 1426, Sixty-eighth Day of Charles E. Blair, Nebraska Investment Council and Dr. Jack Swanson, State Board of Health.

Vote on Charles E. Blair

Voting in the affirmatve, 34:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	Hasebroock	Kime
Kremer	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Mills	Murphy	Nichol	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 15:

Barnett	Clark	Dickinson	George	Goodrich
Johnson	Kelly	Kennedy	Keyes	Koch
R. Lewis	Mahoney	Moylan	Rasmussen	Syas

The President declared the appointment of Mr. Blair confirmed.

Vote on Dr. Jack Swanson

Voting in the affirmative, 34:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	Duis	Dworak
Fitzgerald	Fowler	Hasebroock	Kime	Kremer
F. Lewis	Luedtke	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 15:

Barnett	Clark	DeCamp	Dickinson	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Koch	R. Lewis	Mahoney	Rasmussen	Syas

The President declared the appointment of Dr. Swanson confirmed.

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 12 noon today under the north balcony.

MOTION—Reconsider Action on LB 387

Mr. Savage moved to reconsider action on final passage of LB 387. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 507. Placed on General File as amended.
Standing Committee amendment to LB 507:

1. Strike original section 1 and insert:

"Section 1. The Board of Educational Lands and Funds

is authorized to invest not to exceed six hundred seventy-five thousand dollars out of the Permanent School Fund for the purchase of the following described property, all in Sarpy County, which property shall be held in trust solely for common school purposes:

The northeast quarter and the northwest quarter of the northwest quarter of section 19, township 14 north, range 14 east, the north half and the north half of the south half of section 20, township 14 north, range 14 east, and the southwest quarter of the southwest quarter and the northeast quarter of the southwest quarter of section 18, township 14 north, range 14 east.".

(Signed) Richard D. Marvel, Chairman

VISITORS

The President introduced 21 seniors and sponsor from Odell, Nebraska.

RECESS

At 11:50 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dickinson, George, Keyes, Koch, Mahoney, Rasmussen and Syas who were excused and Messrs. Murphy, R. Lewis and Stull who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 528. Title read. Considered.

Mr. Stoney asked unanimous consent to add his name to LB 528. No objections. So ordered.

Mr. Cavanaugh renewed his pending amendments found in the Journal on page 1264 for the Sixty-first Day.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 20 ayes, 6 nays and 23 not voting.

The Call showed 37 members present.

Mr. Cavanaugh requested a roll call vote on the amendment.

Voting in the affirmative, 22:

Barnett	Bereuter	Burrows	Cavanaugh	Chambers
DeCamp	Dworak	Fitzgerald	Fowler	Goodrich
Kelly	Kime	F. Lewis	Luedtke	Maresh
Marvel	Mills	Moylan	Rumery	Savage
Simpson	Skarda			

Voting in the negative, 16:

Anderson	Burbach	Carsten	Clark	Cope
Duis	Hasebroock	Johnson	Kremer	Marsh
Nichol	Schmit	Stoney	Stull	Swigart
Wiltse				

Not voting, 11:

Dickinson	George	Kennedy	Keyes	Koch
R. Lewis	Mahoney	Murphy	Rasmussen	Syas
Warner				

The amendment lost with 22 ayes, 16 nays and 11 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Stoney renewed his pending amendment found in the Journal on page 1278 for the Sixty-second Day.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Cavanaugh renewed his pending amendment found in the Journal on page 1360 for the Sixty-fith Day.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 14:

Barnett	Burrows	Cavanaugh	DeCamp	Fitzgerald
Fowler	Kelly	Kennedy	Kremer	F. Lewis
Maresh	Mills	Moylan	Rumery	

Voting in the negative, 14:

Burbach	Carsten	Clark	Cope	Kime
Nichol	Savage	Schmit	Skarda	Stoney
Stull	Swigart	Warner	Wiltse	

Not voting, 21:

Anderson	Bereuter	Chambers	Dickinson	Duis
Dworak	George	Goodrich	Hasebroock	Johnson
Keyes	Koch	R. Lewis	Luedtke	Mahoney
Marsh	Marvel	Murphy	Rasmussen	Simpson
Syas				

The amendment lost with 14 ayes, 14 nays and 21 not voting.

Mr. Mills offered the following amendment:
Page 5, Line 24, strike eight, insert "twelve."

The amendment lost with 8 ayes, 20 nays and 21 not voting.

Mr. Burrows offered the following amendment:
On Page 5 Line 24 strike eight and insert five

The amendment lost with 7 ayes, 17 nays and 25 not voting.

Mr. Mills moved to indefinitley postpone LB 528.

Mr. Stoney moved for a Call of the House. The motion lost with 14 ayes, 16 nays and 19 not voting.

Mr. Stoney requested a record vote.

Voting in the affirmative, 18:

Barnett	Burrows	Carsten	Cavanaugh	Dworak
Fitzgerald	Fowler	Johnson	Kelly	Kennedy
Luedtke	Maresh	Mills	Moylan	Rumery
Simpson	Skarda	Warner		

Voting in the negative, 12:

Anderson	Burbach	Clark	Cope	Kremer
Marsh	Nichol	Schmit	Stoney	Stull
Swigart	Wiltse			

Not voting, 19:

Bereuter	Chambers	DeCamp	Dickinson	Duis
George	Goodrich	Hasebroock	Keyes	Kime
Koch	F. Lewis	R. Lewis	Mahoney	Marvel
Murphy	Rasmussen	Savage	Syas	

The motion to indefinitely postpone prevailed with 18 ayes, 12 nays and 19 not voting.

LEGISLATIVE BILL 141. Considered.

Mr. DeCamp offered the following amendment:
29.5 for metropolitan county judges
26.0 for county judges other than metropolitan judges

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 4 nays and 26 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The DeCamp amendment lost with 12 ayes, 12 nays and 25 not voting.

Mr. Duis offered the following amendment:
26.5 for all judges and delete any reference to supplemental payments

The amendment lost with 13 ayes, 14 nays and 22 not voting.

Mr. Schmit offered the following amendment
1. 1. On page 2, line 5 after "judge" insert
2 "in a county judge district having a population of
3 one hundred thousand or more according to the last
4 federal census", strike "thirty-one" and insert "thirty";
5 line 6 after "year" insert "and each county judge in a
6 county judge district having a population less than one
7 hundred thousand according to the last federal census
8 shall receive an annual salary of twenty-six thousand
9 dollars"; and in line 12 strike "fifty".

Mr. Schmit moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The Call showed 39 members present.

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Barnett	Burrows	Carsten	Cavanaugh
DeCamp	Fitzgerald	Fowler	Goodrich	Kelly
F. Lewis	Luedtke	Maresh	Marsh	Moylan
Rumery	Savage	Schmit	Simpson	Skarda
Swigart	Warner			

Voting in the negative, 17:

Bereuter	Burbach	Clark	Cope	Duis
Dworak	Hasebroock	Johnson	Kennedy	Kime
Kremer	Marvel	Mills	Nichol	Stoney
Stull	Wiltse			

Not voting, 10:

Chambers	Dickinson	George	Keyes	Koch
R. Lewis	Mahoney	Murphy	Rasmussen	Syas

The amendment lost with 22 ayes, 17 nays and 10 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

Mr. Nichol offered the following amendment:
27,500.00
24,000.00

The amendment lost with 20 ayes, 15 nays and 14 not voting.

Mr. Cavanaugh asked unanimous consent to have LB 141 laid over. No objections. So ordered.

LEGISLATIVE BILL 553. Title read. Considered.

MR. SAVAGE PRESIDING

Standing Committee amendments found in the Journal on page 1395 for the Sixty-seventh Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Marvel offered the following amendment:
Amend the Standing Committee amendments found on Page 1395
of the Journal for the Sixty-seventh Day as follows:
On Line 13 strike "in the 1976-77"

On Line 14 strike "budget request." and insert:
to the Building Division and a report and recommendations
from the Building Division shall be submitted to
the Executive Board of the Legislature and to the
Governor for his approval.
There is hereby appropriated $25,000 to the Department
of Corrections to develop an acceptable program statement,
make initial land acquisition if necessary, and sub-
sequently develop physical plans for a Chemical Depen-
dency Facility in a new or renovated facility.
It is the intent of this section that the Department
of Corrections shall select an acceptable site and
develop a program statement and Physical Plans for
a Chemical Dependency Facility.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 298. Title read. Considered.

Standing Committee amendment found in the Journal on page 1330 for the Sixty-fourth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Bracket LB 382

Mr. Duis asked unanimous consent to bracket LB 382 until next session. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 599. Title read. Considered.

Speaker Burbach offered the following amendment:
1. On page 2, line 4 before "If" insert "(1)".
2. On page 3, line 3 strike ", except that during" and insert:
"(2) Notwithstanding the provisions of subsection (1) of this section for", and strike "of"; in line 16 after the period insert "Any licensee which contracts with another licensee or licensees pursuant to this subsection shall, for purposes of this subsection and section 2-128, be deemed to have conducted the race meet for which such contract applies.".

PRESIDENT WHELAN PRESIDING

The Burbach amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 29 ayes, 5 nays and 15 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 443 in the Journal. No objections. So ordered.

1. In committee amendment, section 3 on page 935 of the Journal, line 9 strike "the effective date of this act" and insert "July 1, 1975".

2. Supply underscoring to sections 5 to 15 of the committee amendment.

3. In section 7, line 12 after "school" insert "and school-related activities"; and in subdivision (6) of section 7 after "city" insert ", except cities of the metropolitan class".

4. In section 8, line 1 after "be" insert "the principal state agency"; in line 2 strike "(1)"; in line 3 strike ", (2)" and insert "and"; and in lines 4 and 5 strike ", and (3) for administering federal and state programs for public transportation".

5. In section 9, subsection (3) after "basis" insert "in coordination with local plans and programs developed by municipalities, counties, and transit authorities"; and in subsection (7) of section 9 after "transportation" insert ", except those federal and state programs in which a municipality, county, transit authority, or other state agency is designated as the administrator".

6. In subsection (2) of section 13, line 2 after "for" insert "the eligible operating costs of a public transportation system, whether the applicant directly operates such system or contracts for its operation. Eligible operating costs shall include those expenses" and strike "(a) the operating costs"; strike lines 3 to 5; in line 6 strike "investment,"; in line 7 strike "derived"; and in line 9 after "any" insert "available".

7. In section 14, line 2 strike "on" and insert "for"; line 3 after "bus" insert "system operating"; and in lines 3 and 4 strike "operated by a bus system".

8. In section 15, line 2 after "sections" insert "13" and after "to" insert "15", and after "regulations" insert "pursuant to Chapter 84, article 9".

9. On page 938 of the Journal after section 15 insert the following:

"Sec. 16. Sections 1 to 4 of this act shall expire ninety days after their effective date.

Sec. 17. Sections 5 to 15 of this act shall become operative on July 1, 1975.".

10. In section 16, line 3 after "1974," insert "and also sections 68-1107, 68-1108, and 68-1109, Revised Statutes Supplement, 1974,".

11. In committee amendment 2, line 10 after "sections" insert ", and also sections 68-1107, 68-1108, and 68-1109, Revised Statutes Supplement, 1974".

12. Renumber sections 16 and 17 as sections 18 and 19 respectively.

ATTORNEY GENERAL'S OPINION

Opinion No. 72
April 28, 1975

Dear Senator Kennedy:

Re: L.B. 243

You have asked this office for an opinion concerning the constitutionality of L.B. 243 which makes binding arbitration negotiable in labor contracts. In our opinion, the constitutionality of such an authorization of binding arbitration in public labor contracts is questionable and it may be difficult to defend.

Section 3 of L.B. 243, which amends Section 48-816, R.R.S. 1943, adds binding aribitration to the list of things which are negotiable between public employers and public employees and authorizes the public employer and public employee to enter into an agreement concerning the same. Purportedly this section would apply to state officers, both constitutional and otherwise, and state employees. In order for the statutory provision to be constitutional it must be found to be constitutional as applied to all of these persons. Fitzgerald v. Kuppinger, 163 Neb. 286, 79 N.W. 2d 547 (1956). In order for that provision to be constitutional, therefore, it must be found that the Legislature may constitutionally authorize a constitutional officer to enter into a contract for binding arbitration.

Article IV, Section 1, of the Constitution of the State of Nebraska grants the following power to all constitutional officers, as well as the heads of all executive departments established by law:

> ". . . Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

On its face that provision of the Constitution grants the executive officers the power to deal with their employees in their respective departments. There is no grant of the authority to delegate this power to a private person as would be the case if they were allowed to contract for binding arbitration. Generally, a constitutional grant of power is not allowed to be delegated in the absence of a constitutional authorization for such delegation. State v. Leese, 37 Neb. 92, 55 N.W. 798 (1893); State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W. 2d 920 (1970). Although both of the cases cited deal with the Legislature delegating its constitutional powers, there seems to be no sound reason why the executive branch should be treated differently in cases of the delegation of its discretionary or decision making power. For this reason it is questionable whether this legislative authorization of the executive delegation of power to an arbitrator is constitutionally permissible.

Some authority also exists that such a contract to submit to binding arbitration by a public official may be against public policy. This line of reasoning is stated in 63 Am. Jur. 2d, Section 310, at p. 814, as follows:

> An agreement which controls or restricts, or tends or is calculated to control or restrict, the free exercise of a discretion for the public good vested in one acting in a public official capacity is illegal and reprobated by the courts, so that no redress can be given to a party who sues for himself in respect of it. Public officers and boards will not be permitted to make any agreement among themselves, or with others, by which their public action is to be or may be restrained or embarrassed, or its freedom in any wise affected or impaired. Courts will hold invalid any agreement by governing bodies by which they abdicate any of their legislative powers, or circumscribe the limits of such powers, or diminish their efficiency. . . ."

This office also has a question concerning the constitutionality of Section 5 of L.B. 243. That section provides as follows:

> "Any agreement between public employers and employees which has been bargained for pursuant to the provisions of Chapter 48, article 8, shall be binding upon the parties to such agreement."

That section would seen to controvene the requirement of legislative approval of any agreement with the State of Nebraska or any agency thereof as provided by Section 48-837, R. R. S. 1943. Section 5 would appear to make such a contract binding without the consent of the Legislature and therefore appears to be amendatory to Section 48-837. Article III, Section 14, of the Constitution of the State of Nebraska provides in part as follows:

". . . 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. . . ."

It is at least arguable that Section 5 of L. B. 243 amends Section 48-837 without containing that section or repealing that portion which is repugnant as required by the Constitution of the State of Nebraska. Therefore, we also find it questionable whether Section 5 of L. B. 243 is constitutional.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Special Assistant Attorney General

GBS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

VISITORS

The President introduced 32 third to eighth grade students and the sponsors from Zion Lutheran School, Thayer, Nebraska, and 16 fifth grade students and teacher from Seward, Nebraska.

ADJOURNMENT

At 4:15 p.m. on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, April 29, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-FIRST DAY—APRIL 29, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 29, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Norman Smitheram, Lincoln.

> Almighty God, the source of all wisdom and understanding, inspire and enlighten we pray thee, the minds of all to whom has been committed the responsibility of government and leadership in both State and Nation. Grant that they may be of one mind and purpose, to establish justice, and to promote the welfare of all citizens, regardless of color, class, or creed.
>
> Cleanse our lives both public and private of that which is evil and harmful; make us a disciplined and more devoted people, so that we may be more eager to do thy will on earth as it is done in heaven. In this Centennial Year help us as a nation to re-capture those qualities of character which are basic to 'life, liberty and the pursuit of happiness'. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Dickinson, George, Keyes, Mahoney, Rasmussen, Skarda and Syas who were excused and Messrs. Koch and Kime who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventieth Day was approved.

COMMUNICATIONS

Acknowledge receipt of letter from Congressman Charles Thone relative to status of Rock Island Railroad with an attachment from Interstate Commerce Commission. (Filed in the Clerk's office).

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 187. Replaced on Select File as amended.
E & R amendment to LB 187:
1. On page 21, line 6, strike "48-194,".

LEGISLATIVE BILL 32. Placed on Select File as amended.
E & R amendments to LB 32:
1. In committee amendments, page 1, line 6, and page 2, lines 18 and 20, strike "1974" and insert "1975".
2. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT to amend section 23-2306, Reissue Revised Statutes of Nebraska, 1943, section 23-2318, Revised Statutes Supplement, 1974, and section 23-2319, Revised Statutes Supplement, 1974, as amended by section 3, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1975, relating to the County Employees Retirement Act; to reduce the period of employment required for membership; to clarify provisions for prior service benefits; to provide an option for terminating members; to provide an operative date; and to repeal the original sections, and also section 1, Legislative Bill 56, Eighty-fourth Legislature, First Session, 1975.".

LEGISLATIVE BILL 50. Placed on Select File as amended.
E & R amendments to LB 50:
1. In line 6 of the F. Lewis amendment, strike "one-fourth" and insert "one-quarter".
2. In the title, insert "79-1523," at the end of line 2; strike beginning with "and" in line 4 through the second comma in line 5; in line 7 insert "provisions for disability retirement and" after "change"; strike beginning with "to" in line 8 through the semicolon in line 10; and in line 12 strike "and received".

LEGISLATIVE BILL 50A. Placed on Select File.

LEGISLATIVE BILL 235. Placed on Select File as amended.
E & R amendments to LB 235:
1. On page 2, strike beginning with the comma in line 14 through the comma in line 15 and show as stricken.
2. In committee amendment 2, line 3, insert an underscored comma after "member".

3. For correlation purposes, on page 5, line 27, insert ", as amended by section 1, Legislative Bill 55, Eighty-fourth Legislature, First Session, 1975" after "1974"; and on page 6, insert "In the event of the death of any patrolman during the deferred period, the accumulated value of the patrolman's contributions at the date of termination plus regular interest to the date of his death shall be paid to such patrolman's beneficiary." at the end of line 24.

4. For correlation purposes, on page 6, line 26, strike "and sections" and insert "section"; in line 27, strike "and 60-458"; and in line 27 insert ", and section 60-458, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 55, Eighty-fourth Legislature, First Session, 1975" after "1974".

5. In the title, line 2, strike "section" and insert "sections 60-444 and"; in line 3 strike "and sections" and insert "section"; in line 4 strike "and 60-458"; in line 5 insert ", and section 60-458, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 55, Eighty-fourth Legislature, First Session, 1975" after "1974"; in line 6 insert "to increase the rate of contribution;" after the semicolon; strike beginning with "to" in line 7 through the semicolon in line 8; in line 8 insert "the" after "increase"; in line 9 strike "annuity" and insert "annuities"; and in line 10 insert "to provide for actuarial equivalence for early retirement;" after the semicolon.

LEGISLATIVE BILL 381. Placed on Select File as amended.
E & R amendments to LB 381:

1. In the committee amendment, line 3, strike "convictions" and insert "conviction".

2. In lieu of the Chambers amendment thereto, on page 13, strike beginning with "a" in line 26 through "used" in line 27 and show as stricken and insert "motor vehicle homicide".

3. In lieu of the Chambers amendment thereto, on page 16 line 3, insert "violations for operating a motor vehicle without a valid operator's license in the operator's possession," after the first comma.

4. Pursuant to the Bereuter amendments, insert a new section to read:

"Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

5. In new section 4, line 3, insert "regular" after "next".

6. Renumber original sections 4 and 5 as sections 6 and 7.

7. In the title, line 6, insert "to change the assessment of points; to provide for expiration of speed limits; to provide severability;" after the semicolon.

8. In new section 4, line 2, strike "ninety days" and insert "three months".

LEGISLATIVE BILL 560. Placed on Select File as amended.
E & R amendment to LB 560:

1. On page 2, line 8, insert an underscored comma after "policy"; in line 9, insert "made" after "payments"; in lines 10 and 12, insert "or other person, firm, trust, or corporation" after "insured"; and in line 12, strike "insurer's", show as stricken, and insert "payer's".

LEGISLATIVE BILL 452. Placed on Select File as amended.
E & R amendment to LB 452:

1. In the title, strike beginning with "to" in line 7 through the semicolon in line 10 and insert "to provide additional powers; to change provisions for the annual meeting;" and in line 11 insert "the credit committee and" after "of".

LEGISLATIVE BILL 395. Placed on Select File as amended.
E & R amendment to LB 395:

1. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to public transportation systems; to eliminate a restriction on cities of the first class; to confer powers on cities of the second class as prescribed; to amend section 16-6,110, Revised Statutes Supplement, 1974; and to repeal the".

LEGISLATIVE BILL 446. Placed on Select File as amended.
E & R amendments to LB 446:

1. In the second line of the new matter in new section 1, strike "calling" and insert "date set for prepayment".

2. Renumber original section 1 as section 2, new sections added by committee amendments as sections 3 and 4, and original section 2 as section 5.

3. On page 3, line 21, insert an underscored comma after "18-1101".

4. In committee amendments, page 1, line 21, strike "This" and insert "Such".

5. In committee amendments, page 2, line 1, insert "or unaudited statement" after "report"; in line 2 insert an underscored period after "municipality" and strike "being audited." and show as stricken; and in line 24 strike "The" and insert "A copy of the".

6. In committee amendments, page 3, line 11, strike "19-1306" and insert "10-126, 19-1306,".

7. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT relating to public funds; to require notice when bonds are called for prepayment; to provide procedure in the issuance of additional combined revenue bonds; to provide for unaudited statements in lieu of village audits; to provide when an audit may be required; to amend sections 10-126, 19-1306, and 19-2905, Reissue Revised Statutes of Nebraska, 1943, and section 19-2903, Revised Statutes Supplement, 1974; and to repeal the original sections.".

LEGISLATIVE BILL 333. Placed on Select File as amended.

E & R amendments to LB 333:

1. On page 3, line 26, strike the comma.

2. On page 9, line 5, insert "that" after "request".

3. In committee amendment 8, line 3, insert an underscored comma before "labeled".

4. In committee amendment 9, line 2, strike "statement" and insert "report".

5. On page 12, line 17, strike "statement" and insert "~~statement~~ report".

6. On page 17, line 5, strike "hereunder" and insert "under this act".

7. In committee amendment 11, line 1, insert an underscored comma before "other".

8. On page 20, line 20, strike "or" and insert "~~or~~ on".

9. On page 22, line 17, insert "be" after "or"; and strike beginning with "both" in line 18 through "imprisonment" in line 19 and show as stricken and insert "be both so fined and imprisoned".

10. In the title insert "to provide an operative date;" at the end of line 13.

LEGISLATIVE BILL 150. Placed on Select File as amended.
E & R amendments to LB 150:

1. In lieu of the Nichol amendment, insert a new section 3 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. On page 2, line 10, strike the first "and".

3. In the title, strike beginning with "to" in line 4 through the period in line 7, and insert "to enlarge powers with respect to property; to repeal the original section; and to declare an emergency.".

(Signed) Donald N. Dworak, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 588. With Emergency.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to require amendments to the State of Nebraska Classification and Pay Plan; to provide duties; to provide for the expiration of provisions; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Fitzgerald	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Kremer	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rumery	Savage	Schmit
Simpson	Stoney	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 2:

Dworak	R. Lewis

Not voting, 11:

Cavanaugh	Dickinson	George	Keyes	Kime
Koch	F. Lewis	Mahoney	Rasmussen	Skarda
Syas				

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 215. Title read. Considered.

Mrs. Marsh requested a division of the question on the Standing Committee amendment found in the Journal on page 929 for the Forty-seventh Day.

The first part of the Standing Committee amendment up through "concessionaires" was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Anderson asked unanimous consent to withdraw the remaining Standing Committee amendment. No objections. So ordered.

Mr. Rumery moved to advance LB 215 to E & R for Review.

Speaker Burbach 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 Review with 27 ayes, 8 nays and 14 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 198 and 307.

Correctly Engrossed

The following bills were correctly engrossed: 115, 269 and 269A.

Correctly Enrolled

The following bills were correctly enrolled: 371 and 418.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 371 and 418.

GENERAL FILE

LEGISLATIVE BILL 305. Title read. Considered.

Standing Committee amendments found in the Journal on page 919 for the Forty-seventh Day were adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Mills asked unanimous consent to withdraw his pending amendment found in the Journal on pages 1004 and 1008 for the Fifty-first Day. No objections. So ordered.

Mr. Warner offered the following amendment: (1)
Page 5, line 13, following the work "inspected" delete the ".(period)" and add the following language -- "except for new vehicles being inspected for the first time."

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Warner offered the following amendment: (2)
Amend LB 305 Page 5 - line 10 strike the new language and re-instate the old language.

The amendment was adopted with 27 ayes, 5 nays and 17 not voting.

Mr. F. Lewis moved to indefinitely postpone LB 305.

Speaker Burbach 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 motion lost with 9 ayes, 25 nays and 15 not voting.

Mr. Wiltse offered the following amendment:
Strike the Warner amendment No. 2 to read 40 cents to go to Motor Vehicle Dept. for training of Inspection and Administration of this Bill. The Fee of 4.40 replace fee of 4.50 in original bill.

Mr. Mills offered the following amendment to the Wiltse amendment:
Page 5, Line 12, strike four, add three.75
Strike on Page 2 Line 20 thru Line 24 ending at period.

The Mills amendment was adopted with 19 ayes, 12 nays and 18 not voting.

The Wiltse amendment, as amended, was adopted with 25 ayes, 8 nays and 16 not voting.

Mr. F. Lewis offered the following amendment:
Repeal section 60-1701—1707.

The amendment lost with 7 ayes, 23 nays and 19 not voting.

Mr. Wiltse moved to advance LB 305 to E & R.

Mr. Mills moved for a Call of the House. The motion prevailed with 22 ayes, 4 nays and 23 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 8 nays and 14 not voting.

MOTION—Withdraw LB 397A

Mr. Schmit renewed his pending motion found in the Journal on page 1477 for the Seventieth Day to withdraw LB 397A.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

Amendment to Committee Amendment to LB 344

1. On page 14, line 1 after the "period"
insert:
"(4) Notwithstanding the provisions of subsection (1) of this section, the board may by unanimous vote certify to the county board of equalization of each county within the area served a mill levy in excess of two mills, uniform throughout such area for the purpose of supporting operating expenditures of the college. If the board shall vote to exceed the two mill limitation provided in subsection (1) of this section, the maximum combined levy authorized in subsection (3) of this section shall not be applicable."; Renumber original subsection (4) of section 15 as subsection (5).

MOTION–Request Governor to Return LB 243

Mr. Kennedy moved to direct the Clerk to request the Governor to return LB 243 to the Legislature for further consideration.

Mr. F. Lewis asked unanimous consent to lay the motion over one day.

Mrs. Marsh objected.

Mr. F. Lewis moved to lay the motion over one day. The motion lost with 14 ayes, 12 nays and 23 not voting.

Mr. Kennedy moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays and 25 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

The Kennedy motion to request the Governor to return LB 243 lost with 21 ayes, 14 nays and 14 not voting.

MOTION–Expedite All Bills

Speaker Burbach moved that the Clerk and E & R be directed to expedite the delivery of all bills to the Governor after Final Reading from and after this date.

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Kime asked unanimous consent to be excused the remainder of the week. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 443. Title read. Considered.

Standing Committee amendments found in the Journal on page 934 for the Forty-seventh Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Fowler renewed his pending amendment found in the Journal on page 1489 for the Seventieth Day. The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Fowler moved to advance LB 443 to E & R.

Motion pending.

VISITORS

The President introduced 31 eighth grade students and their teacher from So. East Consolidated, Stella, Nebraska; 55 ninth grade students and sponsor from Ralston Hi, Ralston, Nebraska; and 35 eighth grade students and their teacher from St. Thomas More, Omaha, Nebraska.

RECESS

At 11:59 a.m., on a motion by Mr. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dickinson, George, Keyes, Mahoney, Rasmussen, Skarda, and Syas who were excused and Mrs. Marsh who was excused until 2:15 p.m.

MESSAGE FROM THE GOVERNOR

April 28, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 96, 226, 252, 401, and 481, and Reengrossed Legislative Bills Nos. 8 and 414.

These bills were signed by me on April 28, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Member Excused

Mr. Bereuter asked unanimous consent to be excused at 4:00 p.m. on April 30, 1975, for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 443. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 443A. Title read. Considered.

Mr. Mills requested a roll call vote on advancing LB 443A to E & R.

Voting in the affirmative, 33:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Cope	DeCamp	Duis
Fitzgerald	Fowler	Goodrich	Hasebroock	Johnson
Koch	F. Lewis	R. Lewis	Luedtke	Maresh
Mills	Moylan	Murphy	Nichol	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Warner	Wiltse		

Voting in the negative, 1:

Kelly

Not voting, 15:

Carsten	Clark	Dickinson	Dworak	George
Kennedy	Keyes	Kime	Kremer	Mahoney
Marsh	Marvel	Rasmussen	Skarda	Syas

Advanced to E & R for Review with 33 ayes, 1 nay and 15 not voting.

LEGISLATIVE BILL 204. Title read. Considered.

Mr. Kelly offered the following amendment:

1. On page 13, after line 14, insert a new section as follows:

"Sec. 3. That section 53-165, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-165. Every manufacturer and distributor at wholesale shall, between the first and fifteenth day of each calendar month, make return under oath to the commission of all

alcoholic liquor manufactured and sold by him in the course of such business during the preceding calendar month. Such return shall be made upon forms prescribed and furnished by the commission and shall contain such other information as the commission may reasonably require. Such returns shall be only for the confidential use of the commission in the administration of its duties, and no information contained therein shall be made available to the general public unless such persons and businesses whose identity is revealed shall expressly agree to such availability. Nothing contained in this section shall be construed to prevent the use of such returns for statistical purposes if such statistical uses of the information contained in the returns shall not reveal the identity of any persons and businesses named in such returns without the express permission of such persons and businesses.".

2. On page 15 line 13, after "53-103" insert ",53-165,".

3. Renumber original sections 3 and 4 as sections 4 and 5, respectively.

The amendment lost with 13 ayes, 12 nays and 24 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 23 ayes, 7 nays and 19 not voting.

Mr. DeCamp moved the Call be reaised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

Advanced to E & R for Review with 25 ayes, 11 nays and 13 not voting.

LEGISLATIVE BILL 311. Title read. Considered.

Standing Committee amendment found in the Journal on page 1013 for the Fifty-first Day was adopted with 25 ayes, 9 nays and 15 not voting.

Mr. Moylan moved for a Call of the House. The motion prevailed with 20 ayes, 8 nays and 21 not voting.

Mr. Moylan requested a roll call vote on advancing LB 311.

Voting in the affirmative, 22:

Anderson	Barnett	Burbach	Cavanaugh	Cope
DeCamp	Duis	Fitzgerald	Fowler	Goodrich
F. Lewis	Luedtke	Maresh	Marsh	Moylan
Murphy	Nichol	Rumery	Savage	Schmit
Swigart	Warner			

Voting in the negative, 19:

Bereuter	Burrows	Carsten	Chambers	Clark
Dworak	Hasebroock	Johnson	Kelly	Kennedy
Koch	Kremer	R. Lewis	Marvel	Mills
Simpson	Stoney	Stull	Wiltse	

Not voting, 8:

Dickinson	George	Keyes	Kime	Mahoney
Rasmussen	Skarda	Syas		

Failed to advanced to E & R for Review with 22 ayes, 19 nays and 8 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 27 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 340. Title read. Considered.

Standing Committee amendment found in the Journal on page 1131 for the Fifty-fifth Day was adopted with 26 ayes, 1 nay and 22 not voting.

MR. SAVAGE PRESIDING

Mr. Chambers moved to indefinitely postpone LB 340.

The motion lost with 6 ayes, 14 nays and 29 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays and 17 not voting.

SPEAKER BURBACH PRESIDING

LEGISLATIVE BILL 342. Title read. Considered.

Mr. Chambers moved to indefinitely postpone LB 342.

Mr. Chambers moved for a Call of the House. The motion prevailed with 19 ayes, 15 nays and 15 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 17:

Burrows	Chambers	Cope	Duis	Fitzgerald
Kennedy	Koch	Kremer	R. Lewis	Luedtke
Maresh	Rumery	Savage	Simpson	Stoney
Swigart	Wiltse			

Voting in the negative, 24:

Anderson	Barnett	Bereuter	Burbach	Carsten
Cavanaugh	Clark	DeCamp	Dworak	Fowler
Goodrich	Hasebroock	Johnson	Kelly	F. Lewis
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Schmit	Stull	Warner	

Not voting, 8:

Dickinson	George	Keyes	Kime	Mahoney
Rasmussen	Skarda	Syas		

The motion to indefinitely postpone lost with 17 ayes, 24 nays and 8 not voting.

Mr. Savage moved the Call be raised. The motion prevailed 27 ayes, 0 nays and 22 not voting.

Mr. Murphy asked unanimous consent to bracket LB 342 until Monday, May 5, 1975. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 588.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 588.

PRESENTED TO GOVERNOR

Presented to the Governor on April 29, 1975, at 1:50 p.m., were the following bills: 418 and 371.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Override Veto on LB 267 and LB 267A

Mr. Cavanaugh moved to pass LB 267 notwithstanding the objections of the Governor.

Motion pending.

Mr. Cavanaugh moved to pass LB 267A notwithstanding the objections of the Governor.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 344. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Standing Committee amendments referred to in the Journal on page 1131, for the Fifty-fifth Day were considered.

Amendments pending.

PRESENTED TO GOVERNOR

Presented to the Governor on April 29, 1975, at 3:40 p.m., was the following bill: 588.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT–Print in Journal

Mr. Savage asked unanimous consent to print the following amendments to LB 387 in the Journal. No objections. So ordered.

1. On page 5, line 23 strike "1,013,000" and insert "1,053,830"; in line 25 strike "complete the purchase of" and insert "enter into an option to purchase"; in line 26 after "property" insert "which option shall extend to July 31, 1975".

2. In the Committee amendment 1, line 2, page 880 of the Journal strike "$950,000" and insert "$100,000".

3. On page 4, line 8, strike "1,013,000" and insert "1,053,830"

Mr. Maresh asked unanimous consent to print the following amendment to LB 342 in the Journal. No objections. So ordered.

To amend LB 342 in line 6 page 2 after "inhabitants" insert (and approved by a majority of those voting in an election held in such county, when such issue is placed on the ballot as provided by law.)

Mr. Luedtke asked unanimous consent to print amendment to LB 288 separate from the Journal. No objections. So ordered.

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 472 in the Journal. No objections. So ordered.

1. Insert a new section 4 to read as follows:

"Sec. 4. Public records shall mean all papers, correspondence, memoranda, accounts, reports, maps, plans, photographs, sound recordings, or other documents, regardless of physical form, including records produced by or for use with electronic or mechanical data processing devices, and which have been or shall be created or received by any agency or its lawful successor, or official thereof in the exercise of his office or in the conduct, transaction, or performance of any business, duty, or function pursued in accordance with law, but shall not include library or museum material made or acquired and preserved solely for reference purposes, extra copies of documents perserved only for convenience or reference, and stock of publications and reproduced documents.".

2. Renumber renumbered section 4 as section 5.

Mr. Fowler asked unanimous consent to print the following amendments to LB 417 in the Journal. No objections. So ordered.

1. On pages 25 and 26, strike original section 39 and insert the following:

"Sec. 39. (1) The Department of Corrections is hereby authorized to revise program statements, develop physical plans, and initiate construction for four medium-minimum correctional facilities with a total project cost not to exceed nine million five hundred thousand dollars. The director may employ architects and draftsmen for the preparation of such plans, working drawings, and specifications and may contract in the name of the State of Nebraska for the securing of the services of such persons and for the construction of such facilities.

(2) The revised program statements and physical plans required by subsection (1) of this section shall provide for four medium-minimum security correctional facilities to be located in Douglas County, Lancaster County, Central Nebraska, and Western Nebraska. The correctional facility to be located in Lancaster County may be built at the present site of the men's reformatory in Lincoln, Nebraska. Each of the four correctional facilities shall be designed to house seventy-five to one hundred twenty-five persons. In planning the construction of these new correctional facilities, consideration shall be given to providing separate, non-cell type housing units at each facility so that not more than fifty persons are housed in any single housing unit. Each correctional facility shall also include adequate

space for administrative offices, kitchen, dining facilities, and other space necessary for the efficient operation of such facility.

(3) For planning purposes, the six regions identified in seciton 83-1,143.06 shall be used to develop plans which will provide for a statewide correctional services delivery system on a regional basis. In determining the location of the facilities and programs authorized under this act, the Department of Correctional Services shall, in addition to the information presently available, consider:

(a) The projected number of inmates from each region, the security requirements for such projected inmates, and the respective educational and social service needs;

(b) The identification of any need for additional regional medium-minimum security correctional facilities, based on the projections made under subdivision (a) above, and other data available;

(c) The feasibility of purchasing, leasing, or renovating existing facilities to meet the requirements of subsection (2) of this section or the additional needs identified by subdivision (b) above;

(d) The coordination and utilization of existing psychological, educational, vocational, and other social service programs to supplement programs and services provided within the existing and planned correctional institutions. The use of such existing services and programs, both public and private, within the community shall be maximized; and

(e) The manner in which the Department of Correctional Services may provide, through its correctional services delivery system, technical assistance to the counties in the operation, maintenance, and utilization of county jails.".

UNANIMOUS CONSENT—Bracket LB 311

Mr. Moylan asked unanimous consent to bracket LB 311 on General File until Monday, May 5, 1975. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at 4:00 p.m. today.

VISITORS

The President introduced 38 eighth grade students and sponsors from St. Thomas-More School, Omaha; 24 sixth grade students and teachers from Plattsmouth; 14 fifth, sixth and seventh grade students from Elk City; 22 seventh grade students and sponsors from Elmwood; 10 Chamber of Commerce members from Ralston, Nebraska.

ADJOURNMENT

At 4:04 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, April 30, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-SECOND DAY—APRIL 30, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 30, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God our Father, may these Thy servants communicate truth and life as did Jesus Christ our Lord. Guide them until they acquire abilities equal to their opportunities. Assign to them tasks in which others have failed and help them to find answers from the failures of others. Grant them sufficient time to reach their goals. Discipline them toward meeting human need. Endow them with patience and continuing compassion toward the weak.
>
> And, O God, in the writing of new laws, grant that they may write well, so as to be acceptable in Thy sight. May they not be discouraged when their best is rejected by others. May they understand that life's best laws are ever rewritten and rewritten in agony and hope.
>
> Grant to these senators this day a new sense of Thy presence here and now. May a sense of eternal values grip them.
>
> We ask this in the name of our Lord Jesus Christ. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kime, Mahoney and Skarda who were excused and Mr. George who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-first Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Stoney asked unanimous consent to be excused at 4:00 p.m. today. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 447. Replaced on Select File as amended.
E & R amendments to LB 447:

1. On page 3, line 21, strike "it would be".

2. In line 9 of E & R 7, adopted 4/24, strike "agencies" and insert "the period".

3. In E & R 8, line 3, adopted 4/24, insert "original" after "That".

4. In line 2 of E & R 10, adopted 4/24, insert a semicolon after "bureau".

5. On page 9, line 14, strike "and"; in line 18 strike the period and insert "; and"; and after line 18 insert:

"(e) All contracts for purchases and leases shall be bid as a single whole item. In no case shall contracts be divided or fractionated in order to produce several contracts which are of an estimated value below that required for competitive bidding.".

6. In lieu of the Marvel amendment 2, in renumbered section 9, line 1, strike "and" and insert a comma and at the end of the line insert "and 81-1107,".

7. In the title, line 11, insert "to provide authority to contract for prescribed services;" after the semicolon.

8. In the title as amended, line 2, strike "and" and insert a comma and after "81-161.01" insert ", and 81-1107".

LEGISLATIVE BILL 397. Placed on Select File as amended.
E & R amendments to LB 397:

1. In lieu of the Fowler amendment 2, on page 4, insert:

"Sec. 2. That original section 43-504, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, strike lines 2 to 7 and insert "FOR AN ACT to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943, relating to assistance to dependent children; to include unborn children as dependent children; to allow application for benefits for such children; and to repeal the original section.".

LEGISLATIVE BILL 553. Placed on Select File as amended.
E & R amendments to LB 553:

1. In the Marvel amendment, lines 5 and 6, insert "state" after "the" and insert "of the Department of Administrative Services" after "division"; in line 7, strike "Legislative" and insert "Legislative Council"; and in lines 10 and 15, strike "Corrections" and insert "Correctional Services".

2. In the new title, line 4, insert "to make an appropriation;" after the semicolon.

LEGISLATIVE BILL 298. Placed on Select File as amended.
E & R amendments to LB 298:

1. In the standing committee amendment, page 1, line 3, strike "or her".

2. In the title, line 5, insert "or estate" after "beneficiary".

LEGISLATIVE BILL 599. Placed on Select File as amended.
E & R amendments to LB 599:

1. In the Burbach amendment 2, line 8, strike "for" and insert "to".

2. On page 3, line 3, insert an underscored period after "license"; and in line 10, strike "the".

3. In the title, line 8, strike "and", and insert a semicolon; and strike the second "the".

(Signed) Donald N. Dworak, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 316.

A BILL FOR AN ACT to amend section 84-908, Revised Statutes Supplement, 1974, relating to rules of administrative agencies; to increase the membership on the Legislature's Committee on Administrative Agency Rules and Regulations; to provide for their election; 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:

Anderson Barnett Bereuter Burrows Carsten

Chambers	DeCamp	Fitzgerald	Fowler	Goodrich
Johnson	Kelly	Keyes	Koch	Kremer
F. Lewis	Luedtke	Maresh	Marsh	Murphy
Nichol	Rumery	Schmit	Stoney	Swigart
Syas	Wiltse			

Voting in the negative, 14:

Burbach	Clark	Duis	Dworak	Hasebroock
Kennedy	R. Lewis	Marvel	Moylan	Rasmussen
Savage	Simpson	Stull	Warner	

Not voting, 8:

Cavanaugh	Cope	Dickinson	George	Kime
Mahoney	Mills	Skarda		

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

POINT OF PERSONAL PRIVILEGE

Mr. Duis requested a point of personal privilege on LB 316.

The Chair ruled the request out of order.

Mr. Chambers appealed the decision of the Chair.

The question is, "Shall the Chair be sustained?" The motion lost with 16 ayes, 15 nays and 18 not voting. The Chair was not sustained.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 466. With Emergency.

A BILL FOR AN ACT to amend sections 83-305.01, 83-305.03, 83-308, and 83-363, Reissue Revised Statutes of Nebraska, 1943, and sections 83-107.01 and 83-305, Revised Statutes Supplement, 1974, relating to care of the mentally ill; to provide for transfer of control of the Nebraska Psychiatric Institute; to provide for retirement benefits; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Fitzgerald	George	Kime	Mahoney	Skarda

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

SELECT FILE

LEGISLATIVE BILL 430. Mr. Goodrich asked unanimous consent to have LB 430 laid over.

Mr. F. Lewis objected.

Mr. Goodrich moved to have the bill laid over. The motion lost with 17 ayes, 17 nays and 15 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 368A. Failed to advanced to E & R for Engrossment with 20 ayes, 19 nays and 10 not voting.

LEGISLATIVE BILL 217. Mr. Schmit asked unanimous consent to bracket LB 217 until May 7, 1975. No objections. So ordered.

LEGISLATIVE BILL 187. E & R amendment found in the Journal on page 1494 for the Seventy-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 32. E & R amendments found in the Journal on page 1494 for the Seventy-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 50. E & R amendments found in the Journal on page 1494 for the Seventy-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 50A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 235. E & R amendments found in the Journal on page 1494 for the Seventy-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 381. E & R amendments found in the Journal on page 1495 for the Seventy-first Day were adopted.

Mr. Chambers offered the following amendment:

1. On page 3, line 4, page 5, line 5, page 7, line 10, and page 9, line 17, after "freeway" insert ", except that if a person operates a vehicle on any freeway of the National System of Interstate and Defense Highways at a speed not in excess of sixty-five miles per hour, such person shall be subject to a fine of 3 dollars but no costs or points shall be assessed against such person".

The amendment lost with 14 ayes, 23 nays and 12 not voting.

Mr. Chambers offered the following amendments:

1. Page 14, strike subsection (3).
2. Page 14, line 13; after second "of", insert "involvement in".
3. Page 14, line 18; after "of", insert "involvement in"; line 21 strike "4" and substitute "no", strike "8" and substitute "6".
4. Page 15, line 8; strike "3" and substitute "2".
5. Page 13, line 24; after the "period" insert: "All violations for which points shall be assessed shall be determined and specified only by the Legislature."

Mr. Chambers requested to vote on each separately.

Mr. Chambers moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays and 27 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Chambers amendment No. 1 was adopted with 25 ayes, 5 nays and 19 not voting.

Mr. Chambers offered the following amendment to his amendment No. 2:
Page 14 line 15 strike 12 points insert 6

The amendment to amend No. 2 was adopted with 14 ayes, 5 nays and 30 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 6 nays and 27 not voting.

The Call showed 45 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 27:

Bereuter	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
Keyes	Koch	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Rumery	Savage	Schmit
Simpson	Stoney			

Voting in the negative, 18:

Anderson	Barnett	Burbach	Burrows	Carsten
Cope	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kremer	Nichol	Stull	Swigart
Syas	Warner	Wiltse		

Not voting, 4:

George	Kime	Mahoney	Skarda

The Chambers amendment No. 2, as amended was adopted with 27 ayes, 18 nays and 4 not voting.

Mr. Kremer moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Kremer moved to bracket LB 381 until Monday, May 5, 1975. The motion lost with 18 ayes, 10 nays and 21 not voting.

The Chambers amendment No. 3 was renewed.

Mr. Chambers moved for a Call of the House. The motion lost with 16 ayes, 13 nays and 20 not voting.

The Chambers amendment No. 3 lost with 16 ayes, 12 nays and 21 not voting.

Mr. Chambers asked unanimous consent to withdraw his remaining amendments. No objections. So ordered.

Advanced to E & R for Engrossment with 26 ayes, 7 nays and 16 not voting.

LEGISLATIVE BILL 560. E & R amendment found in the Journal on page 1496 for the Seventy-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 452. E & R amendment found in the Journal on page 1496 for the Seventy-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 395. E & R amendment found in the Journal on page 1496 for the Seventy-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 446. E & R amendments found in the Journal on page 1496 for the Seventy-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 333. E & R amendments found in the Journal on page 1497 for the Seventy-first Day were adopted.

Mr. Schmit offered the following amendments:

1. On page 3, line 26 after "distributed" insert ", except unmanipulated animal and vegetable manures".

2. On page 6, line 6 after "distributed" insert ", except unmanipulated animal and vegetable manures".

The amendments were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 150. E & R amendments found in the Journal on page 1498 for the Seventy-first Day were adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 216. Placed on General File as amended.
Standing Committee amendments to LB 216:

1. Strike original sections 1 to 4 and insert the following:

"Section 1. Appropriations Statement

There is hereby appropriated to Agency No. 83--Technical Community Colleges as state aid to the technical community colleges from the General Fund the sum of $11,600,000 except as otherwise appropriated, to be distributed pursuant to Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975.

Sec. 2. 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 strike lines 2 to 11 and insert:

"FOR AN ACT making appropriations for Agency No. 83--Technical Community College for the period of July 1, 1974 to June 30, 1975; and to declare an emergency.".

(Signed) F. Lewis, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 508.

Correctly Enrolled

The following bill was correctly enrolled: 316 and 466.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 316 and 466.

UNANIMOUS CONSENT--Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendment to LB 14 in the Journal. No objections. So ordered.

1. On page 9, line 5, strike "control authority" and show as stricken, and insert "county board of supervisors or commissioners"; insert an underscored comma following "suthority"; insert ", within thirty days following the effective date of this act, and continually thereafter," following "shall"; on line 6, insert an underscored period following "superintendents"; strike "who shall" and show as stricken, and insert "Such superintendents shall, as a condition precedent to employment and at least annually thereafter,"; on line 7, insert "in writing" following "certified", and strike "as a condition precedent to" and show as stricken; on line 8, strike "employment" and show as stricken; on line 12, strike "control authority" and show as stricken, and insert "county"; on line 14, strike "control" and show as stricken; and on line 15, strike "authority" and show as stricken, and insert "county board".

Mr. R. Lewis asked unanimous consent to print the following amendment to LB 577 in the Journal. No objections. So ordered.

1. On page 10, line 20 after "area" insert ". When the directors find it necessary to take this action, they shall also have the option to restrict the drilling of new wells in the control area, to gain the most beneficial use of the available supply of water".

MOTION–Return LB 430 to Select File

Mr. Goodrich moved to return LB 430 to Select File for the following specific amendment:

Strike the Barnett amendment.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 22 ayes, 16 nays and 11 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 29 ayes, 1 nay and 19 not voting.

The motion to return LB 430 to Select File prevailed with 25 ayes, 18 nays and 6 not voting.

SELECT FILE

LEGISLATIVE BILL 430. Mr. Goodrich renewed his specific amendment found in this day's Journal.

Mr. Goodrich moved for a Call of the House. The Chair ruled the motion prevailed with 17 ayes, 11 nays and 21 not voting.

Mrs. Marsh raised a point of order on the Chair ruling and requested another vote.

The second motion to go under Call prevailed with 25 ayes, 13 nays and 11 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Goodrich amendment was adopted with 26 ayes, 10 nays and 13 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 430 to Select File

Mr. F. Lewis moved to return LB 430 to Select File for the following specific amendment:

Section 3 of the Duis amendment shall expire as of January 1, 1977.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 20 ayes, 16 nays and 13 not voting.

The Call showed 44 members present.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 24:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Clark	DeCamp	Dworak	Fowler
George	Goodrich	Keyes	Koch	F. Lewis
Mills	Murphy	Nichol	Rumery	Savage
Schmit	Simpson	Stoney	Warner	

Voting in the negative, 21:

Burbach	Carsten	Cope	Dickinson	Duis
Fitzgerald	Hasebroock	Johnson	Kelly	Kennedy
Kremer	Luedtke	Maresh	Marsh	Marvel
Moylan	Rasmussen	Stull	Swigart	Syas
Wiltse				

Not voting, 4:

Kime	R. Lewis	Mahoney	Skarda

The motion to return LB 430 to Select File lost with 24 ayes, 21 nays and 4 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

PRESENTED TO GOVERNOR

Presented to the Governor on April 30, 1975 at 11:20 a.m., were the following bills: 316 and 466.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT-Members Excused

Mr. Kennedy asked unanimous consent to be excused until he returns.

Mr. Clark asked unanimous consent to be excused at 1:30 p.m., Thursday, May 1, 1975.

Mr. Dworak asked unanimous consent to be excused Thursday afternoon, May 1, 1975, until he returns.

RESOLUTION

LEGISLATIVE RESOLUTION 36.

Introduced by Warner, 25th District.

WHEREAS, the primary responsibility for public education unquestionably lies with the individual states; and

WHEREAS, Nebraska is committed to the delivery of quality post-secondary educational services to all citizens and in all regions of the state; and

WHEREAS, post-secondary education in America is at a threshold as critical as many it has encountered in the past; and

WHEREAS, post-secondary education in Nebraska is at a crossroads in its funding structures and many questions have been raised regarding its coordination and governance; and

WHEREAS, changes in the coordination or governance of post-secondary education are premature unless the proposed structure is a reflection of state policy; and

WHEREAS, information upon which to base state policy decisions is often incomplete or even totally unavailable.

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

1. That two Senators from each of the Congressional Districts in the state and the chairmen of the Committee on Education and the Committee on Appropriations be appointed by the Executive Board of the Legislature to serve as an interim study committee on post-secondary education.

2. That this committee is directed to investigate the following topics:

(a) What assignment of educational responsibilities among each of the systems and individual campuses makes the best use of existing resources;

(b) Adjustment of tuition rates to foster greater equity among students and optimize resource utilization;

(c) What influences a students' choice of institution;

(d) What should be the academic, vocational and adult educational roles of the community colleges and how their relationship to the public school districts;

(e) For purposes of governance, the feasibility of institutions offering up to two-year programs and those offering four or more year programs being grouped separately;

(f) The feasibility of some programs being absorbed and some institutional roles redefined for greater economic and educational efficiency; and

(g) The role of the state in preparing for probable declining enrollments in post-secondary education;

(3) That the committee report the results of its investigation and its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced 40 Government high school students and teacher from Burke, Nebraska; 14 first through fourth grade students and sponsors from Schuyler, Nebraska; and 61 fifth grade students and sponsors from Meadows Elementary School, Ralston, Nebraska.

RECESS

At 12:07 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kime, Mahoney and Skarda who were excused; Messrs. Duis and R. Lewis who were excused until they arrive; Mrs. Marsh who was absent until 1:50 p.m. and Mr. Cope who was absent until 2:00 p.m.

UNANIMOUS CONSENT–Unbracket LB 349 on Select File

Mr. F. Lewis asked unanimous consent to unbracket LB 349 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 349. Mr. DeCamp renewed his pending amendment found in the Journal on page 1473 for the Seventieth Day.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 5 nays and 22 not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 22 ayes, 2 nays and 25 not voting.

The DeCamp amendment was adopted with 26 ayes, 9 nays and 14 not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments found in the Journal on pages 1360 and 1387. No objections. So ordered.
Mr. Chambers moved to indefinitely postpone.

Mr. F. Lewis moved to suspend the rules (Rule 7, Sec. 3) and consider the motion to indefinitely postpone today.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 7 nays and 21 not voting.

Mr. Barnett asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The motion to suspend the rules prevailed with 30 ayes, 8 nays and 11 not voting.

Mr. Chambers renewed his motion to indefinitely postpone.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 11 nay and 14 not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays and 11 not voting.

The Chambers motion to indefinitely postpone lost with 10 ayes, 25 nays and 14 not voting.

Advanced to E & R for Engrossment with 29 ayes, 13 nays and 7 not voting.

LEGISLATIVE BILL 74. Mr. Keyes asked unanimous consent to withdraw his pending amendment found in the Journal on page 1334 for the Sixty-fifth Day. No objections. So ordered.

Mr. Warner renewed his pending amendments referred to in the Journal on page 1427 for the Sixty-eighth Day and printed separate from the Journal.

Mr. Warner moved for a Call of the House. The motion prevailed with 26 ayes, 4 nays and 19 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 30 ayes, 1 nay and 18 not voting.

The Warner amendment was adopted with 26 ayes, 9 nays and 14 not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1427 for the Sixty-eighth Day.

Mr. Warner moved for a Call of the House. The motion prevailed with 26 ayes, 5 nays and 18 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The Warner amendment was adopted with 27 ayes, 6 nays and 16 not voting.

Mr. Maresh offered the following amendment:
Add the severability clause.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Maresh asked unanimous consent to bracket LB 74. No objections. So ordered.

MOTION—Introduce Bills

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 849)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 847)

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 841)

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 603. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Marsh, 29th District; Simpson, 46th District; Bereuter, 24th District; Goodrich, 20th District; Johnson, 15th District; Stull, 49th District; Clark, 47th District.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period of July 1, 1975, to June 30, 1976; to lapse an appropriation; and to declare an emergency.

LEGISLATIVE BILL 604. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Marsh, 29th District; Simpson, 46th District; Bereuter, 24th District; Goodrich, 20th District; Johnson, 15th District; Stull, 49th District; Clark, 47th District.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period of July 1, 1975 to June 30, 1976; and to declare an emergency.

LEGISLATIVE BILL 605. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Marsh, 29th District; Simpson, 46th District; Bereuter, 24th District; Goodrich, 20th District; Johnson, 15th District; Stull, 49th District; Clark, 47th District.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period July 1, 1975 to June 30, 1976; and to declare an emergency.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules (Rule 3, Sec. 5) and place LB 603, LB 604 and LB 605 on General File without a public hearing.

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 477 in the Journal. No objections. So ordered.

In the title of the bill on page one, the word "minimum" should be stricken and in its place the word "maximum" inserted.

On page two, line five, strike the word "ten" and insert the word "five."

On page nine, line ten, strike the word "ten" and insert the word "five" and on line 18, strike the word "ten" and insert the word "five" and on line 27, strike the word "ten" and insert the word "five."

On page ten, line 19, strike the word "sixty" and insert the words "seventy-two." Line 21, put a period after the second time "dollars" is used and strike the balance of the sentence.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00 noon, Wednesday, May 22, 1975, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Ted Johnson – Nebraska Resources Commission.

Charles Davey – Advisory Committee
Department of Economic Development

(Signed) John S. Savage, Chairman

MOTION—Override Veto on LB 267

Mr. Cavanaugh renewed his pending motion, found in the Journal on page 1507 for the Seventy-first Day, to override the Governor's veto on LB 267.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays and 17 not voting.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 22 ayes, 12 nays and 15 not voting.

The Call showed 45 members present.

Mr. Mills moved the Call be raised. The motion lost with 15 ayes, 23 nays and 11 not voting.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 26:

Anderson	Barnett	Bereuter	Burbach	Cavanaugh
Clark	Cope	DeCamp	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Koch	F. Lewis	R. Lewis	Luedtke	Marsh
Marvel	Moylan	Savage	Schmit	Simpson
Warner				

Voting in the negative, 20:

Burrows	Carsten	Chambers	Dickinson	Dworak
Kelly	Kennedy	Keyes	Kremer	Maresh
Mills	Murphy	Nichol	Rasmussen	Rumery
Stoney	Stull	Swigart	Syas	Wiltse

Not voting, 3:

Kime	Mahoney	Skarda

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. Cavanaugh asked unanimous consent to lay over his motion to override LB 267A. No objections. So ordered.

MOTION–Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. 858)

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 606. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Bereuter, 24th District; Johnson, 15th District; Stull, 49th District; Goodrich, 20th District; Simpson, 46th District.

A BILL FOR AN ACT to make appropriations for the Legislative Council for the period July 1, 1975, to June 30, 1976; and to declare an emergency.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules (Rule 3 Sec 5) and place LB 606 on General File without a public hearing. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

MOTION—Reconsider Action on LB 267

Mr. Chambers moved to reconsider action in our override attempt on LB 267.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 344. Considered.

SPEAKER BURBACH PRESIDING

Standing Committee amendments referred to in the Journal on page 1131 for the Fifty-fifth Day were considered.

RECESS

At 3:46 p.m. on a motion by Speaker Burbach, the Legislature recessed until 4:15 p.m.

AFTER RECESS

The Legislature reconvened at 4:17 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, Kime, Mahoney, Skarda, and Stoney who were excused and Mr. R. Lewis who was absent until 6:00 p.m.

GENERAL FILE

LEGISLATIVE BILL 344. Considered.

Standing Committee amendments were renewed.

Mr. Koch moved for a Call of the House. The motion prevailed with 25 ayes, 7 nays and 17 not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 26 ayes, 5 nays and 18 not voting.

MR. SAVAGE PRESIDING

Speaker Burbach 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. Kennedy asked unanimous consent to be excused at 5:00 p.m. until he returns. No objections. So ordered.

SPEAKER BURBACH PRESIDING

Mr. F. Lewis moved for a Call of the House on the Standing Committee amendments. The motion prevailed with 23 ayes, 11 nays and 15 not voting.

The Call showed 41 members present.

Mr. F. Lewis requested a roll call vote.

Mr. Dickinson moved the Call be raised. The motion prevailed with 21 ayes, 16 nays and 12 not voting.

Voting in the affirmative, 26:

Anderson	Burbach	Burrows	Cavanaugh	Chambers
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Koch
Kremer	F. Lewis	Marvel	Mills	Moylan
Murphy	Nichol	Rumery	Savage	Swigart
Syas				

Voting in the negative, 15:

Barnett	Carsten	Clark	Cope	DeCamp
Dickinson	Dworak	Maresh	Marsh	Rasmussen
Schmit	Simpson	Stull	Warner	Wiltse

Not voting, 8:

Bereuter	Kennedy	Kime	R. Lewis	Luedtke
Mahoney	Skarda	Stoney		

The Standing Committee amendments referred to in the Journal on page 1131 for the Fifty-fifth Day were adopted with 26 ayes, 15 nays and 8 not voting.

Mr. Mills offered the following amendment:
Page 13, Line 11 strike "two" insert "five."
Line 16 strike "one," insert "two."

MR. SAVAGE PRESIDING

Mr. Mills requested a record vote.

Voting in the affirmative, 12:

Barnett	Clark	DeCamp	Dickinson	Dworak
Marsh	Marvel	Mills	Savage	Schmit
Simpson	Warner			

Voting in the negative, 24:

Anderson	Burrows	Carsten	Cope	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Keyes	Koch	Kremer	F. Lewis
Luedtke	Moylan	Murphy	Nichol	Rasmussen
Rumery	Stull	Swigart	Syas	

Not voting, 13:

Bereuter	Burbach	Cavanaugh	Chambers	Kelly
Kennedy	Kime	R. Lewis	Mahoney	Maresh
Skarda	Stoney	Wiltse		

The Mills amendment lost with 12 ayes, 24 nays and 13 not voting.

Mr. Dickinson requested to change his vote from aye to nay. The Chair ruled he couldn't.

Mr. Dickinson appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion prevailed with 25 ayes, 7 nays and 17 not voting.

Mr. Warner offered the following amendments:

AMENDMENT TO LB 344

In lieu of the Committee Amendment, strike sections 1-32 of the original bill and insert the following:

Section 1. That section 79-2603, Revised Statutes Supplement, 1974, be amended to read as follows:

79-2603. The state is hereby divided into six technical community college areas as follows:

(1) The Western Nebraska Technical Community College Area shall consist of the following counties: Sioux, Dawes, Sheridan, ~~including the entire territory of the Gordon high school and rural high school districts~~, Box Butte, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, and Grant, ~~including the entire territory of the Hyannis high school and rural high school districts and the Hyannis and Ashby elementary school districts~~ and voting districts Merriam, Russell, King, Mother Lake, Cody, Barley, Gillaspie, Lachey, and Calf Creek of Cherry County;

(2) The Mid-Plains Nebraska Technical Community College Area shall consist of the following counties: Cherry, except as provided in subdivision (1) of this section, Hooker, Thomas, Blaine, Loup, Arthur, McPherson, Logan, Custer, Keith, Lincoln, Perkins, Chase, Hases, Frontier, Dundy, Hitchcock, and Red Willow;

(3) The Northeast Nebraska Technical Community College Area shall consist of the following counties: Keya Paha, Brown, Rock, Boyd, Holt, Garfield, Wheeler, Knox, Cedar, Antelope, Pierce, Madison, Wayne, Stanton, Dixon, Dakota, Thurston, Burt, and Cuming, and North Oakland, South Oakland, Ashland, North Branch, Shell Creek, and Midland precincts in Boone County;

(4) The Central Nebraska Technical Community College Area shall consist of the following counties: Valley, Greeley, Platte, Colfax, Sherman, Howard, Nance, Merrick, Polk, Butler, Dawson, Buffalo, Hall, Hamilton, Gosper, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster, and Nuckills, and all of Boone County except North Oakland, South Oakland, Ashland, North Branch, Shell Creek, and Midland precincts;

(5) The Southeast Nebraska Technical Community College Area shall consist of the following counties: Saunders, Cass, York, Seward, Lancaster, Otoe, Fillmore,

Saline, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson; and

(6) The Metropolitan Technical Community College Area shall consist of the following counties: Dodge, Washington, Douglas, and Sarpy.

Sec. 2. That section 79-2612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2612. There is hereby created the State Board of Technical Community Colleges. The state board shall consist of one member to be chosen by each area board from among the members of such area board and five members to be appointed by the Governor. No member appointed by the Governor shall be a member or employee of any area board. Within thirty days after the effective date of this act the Governor shall make the appointments in such a manner as to provide equal representation based upon the distribution of population in this state. Members shall serve for terms of six years, except that of the members first appointed by the Governor, two members shall be appointed to serve until January 1, 1977, two members until January 1, 1978, and one member until January 1, 1979. ~~and one member shall be chosen by the State Board of Vocational Education from among the members of such board.~~ When a new area is established pursuant to sections 79-2601 to 79-2633, the representative of such area board shall be added to the state board. Those members members of the state board who are appointed by an area board shall serve for terms of six years and may be reappointed, but shall forfeit their membership on the state board if their membership on the respective area board ~~or State Board of Vocational Education~~ terminates for any reason. No member of the state board shall be employed by any publicly-supported school system. No member of the state board shall receive any salary for his services on such board, but shall receive twenty-five dollars per day for each day actually spent in attending to his duties as a member of such board, and mileage at the rate ~~of ten cents per mile~~ as provided in section 84-306.01.

Sec. 3. That section 79-2613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2613. A State Technical Community College Director may be appointed by the state board and shall serve at the pleasure of the state board. He shall be appointed with due regard to his fitness and background in education and his knowledge of and recent practical

experience in the field of educational administration particularly in institutions beyond the high school level. The state board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state.

He shall receive a salary to be fixed by the state board and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

He shall be the executive officer of the state board and serve as its secretary and under its supervision shall administer the provisions of sections 79-2601 to 79-2633 and the rules, regulations and orders established pursuant to sections 79-2601 to 79-2633. He shall attend, but not vote at, all meetings of the state board. He shall be in charge of offices of the state board and responsible to the state board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of technical community colleges. At the direction of the state board, he shall, together with the chairman of the state board, execute all contracts entered into by the state board.

The director shall, with the approval of the state board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the state board and for whose services funds have been appropriated. The director, employees of the state board, and employees of the area board shall be covered by the provisions of Chapter 81, article 13.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by sections 79-2601 to 79-2633. Such delegated powers and duties may be exercised by the director in the name of the state board.

Sec. 4. That section 79-2616, Revised Statutes Supplement, 1974, be amended to read as follows:

79-2616. The state board shall have general supervision and control over the state system of technical community colleges. In addition to the other powers and duties imposed upon the state board by

sections 79-2601 to 79-2633, the state board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the area boards;

(2) Establish guidelines and accredit courses of study for the disbursement of funds; and receive and disburse such funds for maintenance and operation and capital support of the technical community college areas as may be available;

(3) Insure, through the full use of its authority:

(a) That each technical community college area shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining high standards of excellence in transfer courses; realistic and practical courses in occupational education, both graded and ungraded, and community services of an educational, cultural, and recreational nature; and

(b) That each technical community college shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the state board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body; Provided, that the administrative officers of a technical community college may deny admission to a prospective student or attendance to an enrolled student if in their judgment, he would not be competent to profit from the curriculum offerings of the technical community college, or would by his presence or conduct, create a disruptive atmosphere within the technical community college not consistent with the purposes of the institution;

(4) Prepare a comprehensive plan for the development of technical community college education and training in the state;

(5) Define and administer criteria and guidelines for the establishment of new technical community college campuses within the existing areas;

(6) Establish minimum standards to govern the operation of the technical community colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel;

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed by law;

(c) The content of the curriculum and other educational and training programs, and the requirements, degrees and diplomas awarded by the colleges;

(d) Standard admission policies, and such policies may provide for preference for Nebraska residents in the event facilities are not adequate to accommodate all applicants for admission; and

(e) Standard procedures for recording and reporting the number of weekly instructional hours;

(7) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various technical community college areas;

(8) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(9) To pay expenses for recruitment of the State Technical Community College Director, academic, administrative, professional, and managerial personnel; and

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of sections 79-2601 to 79-2633.

Sec. 5 Except as provided in 79-2619, no area board shall acquire or dispose of any real property without the consent of the Legislature.

Sec. 6. Beginning July 1, 1973, all costs of technical community college areas shall be financed as provided in sections 79-2601 to 79-2633. The governing board of each area shall annually, prior to July 1, 1975, and each year thereafter, prepare a proposed budget for the fiscal year beginning the following July 1. The budgets shall show all expenditures proposed by the board, and the revenue anticipated from tuition and all other sources. Such budgets shall be submitted by August 1 to the state board. The state board shall review such budgets and attach its recommendations thereto and

transmit them to the Director of Administrative Services not later than September 15. The final budget for the total system shall be set by the Legislature. Such budget shall include (1) operational expenditures, (2) the amount necessary for the payment of principal and interest of any bonded indebtedness, (3) the amount necessary for construction, purchasing, or purchasing on contract of new buildings, and (4) the amount necessary for the remodeling or renovation of existing facilities. From the final budget for the total system, the Legislature shall deduct (1) the amount to be received from tuition and other fees, (2) federal funds other than direct grants, (3) revolving funds other than auxiliary enterprises, and (4) all other sources. After such deductions the Legislature shall appropriate to the State Board of Technical Community Colleges a sum each year sufficient to meet the needs of operation and capital construction of the technical community colleges. The state board shall allocate to each area the sum that the state board determines necessary to meet the needs of operation and capital construction of each area. The distribution of state funds shall be made to each college and area office on July 1, October 1, January 1 and April 1 of each year. Such appropriation shall be from the General Fund or other available funds. The balance of the budget for each area shall be raised by the area board from tuition and other nontax sources. The state board shall advise each area board of the budget and appropriation for that area.

Sec. 7. There is hereby created a fund to be known as the State Board of Technical Community College Cash Fund, and from which shall be appropriated such amounts as are available. All sums of money except state and federal funds received by the state board shall be paid into the state treasury and by the State Treasurer deposited in the State Board of Technical Community College Cash Fund. The State Treasurer shall disburse to the state board such amounts in the cash fund as are available and shall be considered incidental to the administration and operation of the state board. Such fund shall be disbursed under the direction of the state board.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 9. That original sections 79-2612, 79-2613, Reissue Revised Statutes of Nebraska, 1943, sections 79-2603, 79-2616, Revised Statutes Supplement, 1974, and also Chapter 79, article 16, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Mr. Duis asked unanimous consent to have the amendment laid over.

Mr. F. Lewis objected.

SPEAKER BURBACH PRESIDING

The Warner amendment lost with 17 ayes, 23 nays and 9 not voting.

Mr. Rasmussen offered the following amendment:
To amend the Committee Amendments Page 13 Line 17 after the word for strike the rest of line 17, all of 18
Line 19 strike the words fund, or and for

The amendment was adopted with 25 ayes, 14 nays and 10 not voting.

Mr. Rasmussen offered the following amendment:
To amend the Committee Amendment Page 11 Line 24 strike all language after colleges all of line 25
Line 26 or other employees of the college

Mr. F. Lewis offered the following amendment to the Rasmussen amendment:
Page 11 Line 25 or faculty or other employees of the college.

Mr. Cavanaugh 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 F. Lewis amendment lost with 19 ayes, 22 nays and 8 not voting.

The Rasmussen amendment was adopted with 31 ayes, 7 nays and 11 not voting.

Mr. Warner moved to bracket LB 344 until next session.

Mr. Duis moved to amend the Warner motion to May 12, 1975 of this session.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 3 nays and 15 not voting.

The Duis amendment lost with 4 ayes, 30 nays and 15 not voting.

The Warner motion to bracket until next session lost with 15 ayes, 25 nays and 9 not voting.

Mrs. Marsh asked unanimous consent to be excused at 6:30 p.m. today and until she arrives in the morning. No objections. So ordered.

LB 344 was advanced to E & R for Review with 25 ayes, 13 nays and 11 not voting.

VISITORS

The President introduced 60 fourth grade students and sponsors from Parkview School, Papillion, Nebraska; 22 third and fourth grade students and sponsors from Davenport, Nebraska; and 12 fourth through eighth grade students and sponsors from Papillion, Nebraska.

ADJOURNMENT

At 6:32 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, May 1, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-THIRD DAY—MAY 1, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 1, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> God of our fathers, in whose name this republic was born, we pray that by thy help we may be worthy to receive thy blessings upon our labors. In this troubled time, when men have made deceit a habit, lying an art, and cruelty a science, help us to show the moral superiority of the way of life we cherish. Here may men see truth upheld, honesty loved, and kindness practiced. In our dealings with each other, may we be gentle, understanding, and kind, with our tempers under control. In our dealings with other nations, may we be firm without obstinacy, generous without extravagance, and right without compromise. We do not pray that other nations may love us, but that they may know that we stand for what is right, unafraid, with the courage of our convictions. May our private lives and our public actions be consistent with our prayers. Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Mills, and Mrs. Marsh who were excused until they arrive; and Mr. Kime who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-second Day was approved.

MESSAGE FROM THE GOVERNOR

April 29, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 315, 517, and 530. These bills were signed by me on April 29, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 32. Replaced on Select File as amended.
E & R amendments to LB 32:

1. In committee amendments, page 1, line 4, and page 2, line 17, strike "section 3" and insert "section 4".

2. In the title, as amended, lines 4 and 5, strike "Revised Statutes Supplement, 1974" and insert "Reissue Revised Statutes of Nebraska, 1943"; and in line 6 strike "3" and insert "4".

3. Renumber the repeal section as section 5 and the operative date section as section 4.

LEGISLATIVE BILL 50. Replaced on Select File as amended.
E & R amendment to LB 50:

1. On page 13, line 3, insert "than" after "less"; and in line 15 insert a comma after "79-1524".

LEGISLATIVE BILL 395. Replaced on Select File as amended.
E & R amendment to LB 395:

1. In new section 2, line 10, strike "to" and insert "of".

LEGISLATIVE BILL 333. Replaced on Select File as amended.
E & R amendment to LB 333:

(NOTE: There is a discrepancy between the bill as introduced and as printed. All amendments are to the printed bill.)

1. In the Schmit amendments 1 and 2, line 2, insert an underscored comma after "manures".

LEGISLATIVE BILL 215. Placed on Select File as amended.
E & R amendments to LB 215:

1. On page 2, line 3, strike the comma.

2. In the committee amendment, line 6, strike the comma.

3. In the title, strike lines 3 to 5 and insert "approve and recommend purchase or lease-purchase of prescribed property in North Platte; to provide conditions and maximum purchase price; and to provide for use of such property.".

LEGISLATIVE BILL 305. Placed on Select File as amended.
E & R amendments to LB 305:

1. Because of the Mills amendment to page 2, strike section 1 and renumber original sections 3 and 4 as sections 1 and 2.

2. In lieu of the Warner amendment thereto, on page 5, line 13, insert "except for new vehicles being inspected for the first time" after "inspected".

3. In lieu of the Warner amendment thereto as amended by the Wiltse amendment, on page 5, line 10, strike "fifty" and insert "forty".

4. In lieu of the Warner amendment thereto as amended by the Wiltse amendment, on page 5, line 12, strike the new matter and insert "three" and insert "and seventy-five cents" after "dollars".

5. On page 6, line 2, strike "sections 60-1701 and" and insert "section"; and in line 3, strike "are" and insert "is".

6. In the title, line 2, strike "sections 60-1701 and" and insert "section"; and strike lines 4 to 8 and insert "to motor vehicle inspections; to increase and change the distribution of fees; to provide an exception; and to repeal the original section.".

LEGISLATIVE BILL 204. Placed on Select File as amended.
E & R amendments to LB 204:

1. On page 10, lines 13 and 14, strike "retailer" and insert "retail licensee".

2. On page 12, line 12, insert "retail" after "any"; and in line 14, insert "retail" after "such".

LEGISLATIVE BILL 340. Placed on Select File as amended.
E & R amendment to LB 340:
1. On page 2, line 5, insert "the" after "mean".

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanuagh asked unanimous consent to print the following amendments to LB 269 in the Journal. No objections. So ordered.

Amendments to LB 269 (Final Reading)

1. On page 6, line 11 strike "only"; line 19 after the first "bank" insert ", building and loan association, or federal savings and loan association", and after the second "bank" insert "or association"; and in line 22 after the first "bank" insert ", building and loan association, or federal savings and loan association".

2. On page 7, line 7 after "bank" insert ", building and loan association, or federal savings and loan association".

3. On page 8, lines 10 and 18 after "bank" insert ", building and loan association, or federal savings and loan association"; in line 23 after "Nebraska" insert "and to building and loan associations and federal savings and loan associations".

4. On page 9, lines 11 and 19 after "bank" and in line 18 after the first and second "bank" insert "or building and loan association".

5. On page 10, line 1 strike "The" and insert "Except as provided in sections 3 to 8 of this act, the"; after line 11 insert the following:

"Sec. 3. That section 8-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-301. The Department of Banking shall have power to issue permits to and shall have general supervision and control of all building and loan associations as defined in sections 8-301 to ~~8-345~~ 8-355.

Sec. 4. As used in sections 4 to 8 of this act and section 8-301 to 8-355, unless the context otherwise requires:

(1) Association shall mean building and loan associations organized under the laws of this state;

(2) Order shall include orders transmitted by electronic transmission;

(3) Electronic satellite facility shall mean an off-premises unmanned facility or terminal through which building and loan transactions are transmitted to an association or associations by means of an electronic impulse;

(4) Manned electronic satellite facility shall mean an off-premises facility, terminal, or place at which building and loan transactions are brought about with the assistance of one or more persons and trans-

mitted to an association or associations by means of an electronic impulse. Such person or persons shall not be employees of the association or associations involved with such transmissions;

(5) Transaction card and other transactions shall include transactions made pursuant to prior agreements and may be brought about and transmitted by means of an electronic impulse;

(6) Establishing association shall mean any association establishing an electronic satellite facility or a manned electronic satellite facility;

(7) User association shall mean any association which desires to avail itself and its customers of an electronic satellite facility or manned electronic satellite facility services;

(8) Switch shall mean an installation where a transaction impulse is received and the transaction message is immediately routed and electronically transmitted to a processing center. A switch may be a processing center;

(9) Impulse shall mean an electronic impulse; and

(10) A processing center shall mean a place designated by a user association capable of receiving and processing electronic impulse transactions.

Sec. 5. Upon the application of the association, with the approval of the director, any association or associations may establish and maintain any number of electronic satellite facilities or manned electronic satellite facilities at which all building and loan transactions, defined as receiving deposits of every kind and nature and crediting such to customer accounts, cash withdrawals, receiving payments payable at the association or otherwise, and such other transactions that the Director of Banking upon application, notice, and hearing may approve, may be conducted. Neither such electronic satellite facility, the manned electronic satellite facility, nor the transactions conducted thereat shall be construed as the establishment of a branch association. Such facilities shall be available on a non-discriminating basis for use by customers of any other association becoming a user association and for use by customers of any federal savings and loan association and of any bank or banks. It shall not be deemed discrimination if a facility does not offer the same transaction services as other facilities.

Sec. 6. Any association, federal savings and loan association, or any bank or banks may become a user association by agreeing to pay the establishing association its pro rata transaction and other costs, including a reasonable return on capital expenditures incurred in establishing and maintaining such facilities. The establishing association shall file with the director the information necessary to originate a transaction at any facility. Such information shall contain a means of designating the association or processor to which such transactions shall be switched, and shall also contain information adequate to perform authorization of cash withdrawal and other transactions authorized by this act. The director shall make such information available to any other association desiring to become

a user association. The establishing association shall be responsible for transmitting transactions originating from its facitility to a switch, but nothing contained in this section may be construed to provide that any in-house or branch office premises transactions shall be required to go through a switch. The director shall approve any such application for the establishment of any electronic satellite facilities or manned electronic satellite facilities if the application shows that such facilities will be available on a nondiscriminating basis through methods and processes that the establishing association has provided for switching transactions. Once approval is given for the facility of an establishing association, the director, upon notice and after a hearing, may revoke the approval for the establishing association facilities including its utilization of switches or may suspend the use of such facilities if he determines that those facilities are not available on a nondiscriminating basis, that the necessary information is not on file with the director, or that transactions originated by customers of user association are not being switched to processing centers. Nothing in this section may be construed to prohibit nonassociation employees from assisting in transactions originated at the facilities, and such assistance shall not be deemed to be engaging in the business of an association or in the business of banking. Such nonassociation employees may be trained in the use of the facilities by association employees.

Sec. 7. An establishing association shall not be deemed to make a facility available on a nondiscriminating basis, if through personnel services offered, advertising on or off the facility permises, or otherwise, it discriminates in the use of the facility against any user association, federal savings and loan association, bank or banks.

Sec. 8. Off-premises electronic satellite facilities and manned electronic satellite facilities may be established and maintained by an association or by a group of two or more associations or a combination of association or associations and a third party. No one, through personnel services offered, advertising on or off the facility premises, or otherwise, may discriminate in the use of the facility against any other user association federal savings and loan association, bank or banks desiring to use the services of the facility."; in line 13 strike "January 1, 1976" and insert "July 1, 1975"; in line 14 strike "section" and insert "sections" and after "8-101" insert "and 8-301"; and after line 16 insert the following:

"Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

6. Renumber original sections 3 and 4 as sections 9 and 10.

7. In the title, line 2 strike "section" and insert "sections" and after "8-101" insert "8-301"; line 8 strike "and"; line 9 after "sections" insert "; and to declare an emergency".

Mr. Cope asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

Strike all amendments to LB 339 and insert the following:

1. On page 2, strike original section 2 and insert the following:

"Sec. 2. Any county which has hotels lying within its boundaries, including hotels within the limits of any city or village in such county is hereby authorized, by resolution of its governing body, to impose a sales tax based upon the monetary charge for occupancy of any sleeping room furnished by any hotel at a rate not to exceed three per cent thereof, as provided in this act.".

2. On page 3, lines 20 and 24 strike "city or"; line 26 strike "city" and insert "cities".

3. On page 4, line 2 strike "city"; line 3 strike the first "or"; line 4 after the period insert "If the convention and visitor committee contracts with any persons or organization as herein authorized, such contract shall first be approved by the governing body of the respective county."; lines 7, 9, 12, 20, and 25, strike "city or"; line 12 after "act" insert ", and in prescribing the forms and the making of rules and regulations the county treasurer shall be consulted and have the opportunity to participate in the formulation thereof"; line 26 after "fund" insert "on a monthly basis".

4. On page 5, line 1 strike "city," and after "county" strike ","; strike lines 4 to 18 and insert the following:

"Sec. 9. (1) The county shall, by resolution, appoint a convention and visitor committee to administer the convention and visitor fund and make expenditures therefrom to carry out the purposes for which such fund is created. The committee shall consist of five members, two of whom shall be representatives of the hotel business as defined by the terms of this act, one shall be a representative of the chamber of commerce of the largest city of the county, and two to be appointed at large by the county.".

5. On page 6, line 8 strike "city or" and after "county" strike the rest of the line and insert "which shall approve its budget as to staff and operations."; after line 11 insert new sections as follows:

"Sec. 12. The county treasurer shall retain three per cent of the amount collected for the purpose of defraying the cost of collection. Enforcement of

the collection of the tax shall be by and through the county treasurer of the respective county, and the cost of auditing and enforcement of the tax shall be provided for and paid out of funds in the budget of the convention and visitor committee.

Sec. 13. Any person who fails to pay or is delinquent in the payment of the tax required to be paid pursuant to this act shall be assessed a penalty of ten per cent of the amount due, and in addition thereto, the unpaid balance due or the deficiency shall bear interest at the rate of three-fourths of one per cent per month or fraction thereof computed from the last day of the month following the period for which the amount should have been returned until the date of payment. In addition to the above penalty, any person who willfully fails to pay the tax or any part thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars for each violation.".

Mr. Anderson asked unanimous consent to print the following amendment to LB 386 in the Journal. No objections. So ordered.

1. On page 2, line 20, strike "twenty-five" and insert "~~twenty-five~~ twenty-four."

2. On page 3, line 13, after "engineer" insert "or professional architect, for an applicant who is required to establish his qualifications by the examination procedure;" strike beginning with "one" in line 14 through "dollars" in line 17 and insert "the amount required to recover all necessary and incidental expenses incurred in giving such applicant an examination. The initial fee required by filing application for registration as a professional engineer or professional architect of an applicant who has established his qualifications for registration in another state in a manner acceptable to the board shall not exceed one hundred dollars. Strike beginning with "one" in line 23 through "direct" in line 24 and show "dollars" as stricken and insert "the amount necessary to recover the expenses incurred in giving the examination".

3. On page 5, lines 4 and 5 reinstate "or architect-in-training"; in line 6, strike "one hundred dollars" and insert "dollars the amount required to recover all necessary and incidental expenses incurred in giving such applicant an examination,"; in line 8, 9, 10 and 11, reinstate the stricken matter; and strike beginning with "The" in line 11 throught the "." in line 16.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 114. Laid over temporarily.

LEGISLATIVE BILL 282. With Emergency.

A BILL FOR AN ACT relating to courts; to amend section 26-173.01, Revised Statutes Supplement, 1974; to extend provisions to all courts; to

amend section 33-139, Revised Statutes Supplement, 1974; to reduce the witness fee in the Small Claims Court; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Chambers	DeCamp	Kime	Mahoney	Marsh
Mills				

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 114.

A BILL FOR AN ACT to amend sections 39-1606 and 39-1407, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to increase the cost requiring public letting; to change standards for acceptance of bids; to provide for rejection of bids; to permit negotiation; to change notice 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, 42:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich

Hasebroock	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Chambers	DeCamp	Fowler	Kime	Mahoney
Marvel	Mills			

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

LEGISLATIVE BILL 486.

A BILL FOR AN ACT to amend section 28-4,125, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 6, Eighty-fourth Legislature, First Session, 1975, relating to the Uniform ControlledSubstances Act; to provide for treatment and counseling by community mental health facilities; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers	DeCamp	Kime	Mills

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

LEGISLATIVE BILL 550.

A BILL FOR AN ACT relating to the Nebraska Library Commission; to create a cash fund; to prescribe its name and purpose; and to provide for deposits.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

DeCamp	Kime	Mills

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

LEGISLATIVE BILL 551. With Emergency.

A BILL FOR AN ACT to provide for the payment of the salaries of the officers of the 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, 1976; to provide for the payment thereof; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope

Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

DeCamp	Goodrich	Kime	F. Lewis	Mills
Skarda				

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 37.

Introduced by Education Committee: F. Lewis, 45th District, Chairman.

WHEREAS, the Legislature has reaffirmed its position that all children, regardless of physical or mental capacity, are entitled to a meaningful education program; and

WHEREAS, the Legislature has mandated that it shall be the duty of each board of education to provide or contract for special education programs and services; and

WHEREAS, the confusing and chaotic situation has created uncertainty on the part of parents, educators, legislators, and other concerned citizens; and

WHEREAS, because of this situation, it is difficult to appraise Nebraska's stance regarding current national special education trends; and

WHEREAS, special education in the State of Nebraska is undergoing continued investigation of program accountability.

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

1. That the Education Committee of the Legislature conduct an interim study to identify the unique educational needs of handicapped persons in urban and local areas of the state.

2. That the committee direct special attention toward formulating recommendations for upgrading and improving educational programs for the handicapped to assist those agencies responsible for such programs.

3. That the committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 38.

Introduced by Education Committee: F. Lewis, 45th District, Chairman.

WHEREAS, there exists in the State of Nebraska an urgent need for enabling legislation to create Student Achievement Programs in state financed institutions of post-secondary education; and

WHEREAS, in 1970 at the University of Nebraska-Lincoln, and in 1971 at the state college in Chadron, federal programs of compensatory support services (college recruitment, developmental curricula, counseling, tutoring, and financial aid) were funded by the United States Office of Education (USOE) to advance the cause of Student Achievement; and

WHEREAS, the submission and approval of these proposals signaled a recognition by these institutions of the need for special educational services for low-income, disadvantaged persons residing in the State of Nebraska; and

WHEREAS, it is now obvious that the UNL/CSC Programs, in their separate manifestations are of such great potential to serve the low income, disadvantaged students of Nebraska, as to require in the public interest, their use as a prototypes for the establishment of Student Achievement Programs in all interested state financed post-secondary institutions of Nebraska; and

WHEREAS, statewide availability of such programs seems appropriate and desirable; and

WHEREAS, the federal government in a joint effort with the state government can effectively support Student Achievement Program Services in post-secondary institutions of the State of Nebraska; and

WHEREAS, the development of an interim study and concomitant enabling legislation for the establishment of Student Achievement Programs will provide an enlightened historical precedent in Nebraska's commitment to serve its low-income, underachieving citizenry.

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

1. That the Education Committee conduct an interim study of the Student Achievement Program concept with particular emphasis on methods of establishing such a program in Nebraska.

2. That the Education Committee report the findings of its study together with its recommendation for enabling legislation to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 204 in the Journal. No objections. So ordered.

1. On page 13 after line 14 insert new sections as follows:

"Sec. 3. That section 53-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-125. No license of any kind shall be issued to (1) a person who is not a resident of the county in which the premises covered by the license are located, except in case of railroad, airline, or boat licenses, (2) a person who is not a good character and reputation in the community in which he resides, (3) a person who is not a citizen of the United States, (4) a person who has been convicted of or has pleaded guilty to a felony under the laws of the State of Nebraska, any other state, or of the United States, (5) a person who has been convicted of or has pleaded guilty to being the keeper of or is keeping a house of ill fame, (6) a person who has been convicted of or has pleaded guilty to being the proprietor of a gambling house, or of pandering or other crime or misdemeanor opposed to decency and morality, (7) a person whose license issued under this act has been revoked for cause, (8) a person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application, (9) a copartnership, unless one of the copartners is a resident of the county, in which the premises covered by the license is located, and unless all the members of such copartnership shall otherwise be qualified to obtain a license, (10) a corporation, if any officer, manager or director thereof, or any stockholder, owning in the aggregate more than twenty-five per cent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence within the governmental subdivision; Provided, this subdivision shall not apply to railroad licenses; and provided further, that where the trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or a person who is mentally incompetent, (11) a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee, (12) a person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued, or (13) except for persons presently possessing a valid license issued by the commission, to a husband or wife, either as an individual, a partner, or as an officer or stockholder in a corporation if the spouse of such husband or wife is ineligible to secure a license in his or her own name.

Nothing in this section shall preclude issuing a license to a husband and wife with rights of survivor-

ship, if both persons make applications and are eligible to secure a license in his or her own name.

Sec. 4. That section 53-149, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-149. A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this act provided, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; ~~Provided~~ except, that (1) executors or administrators of the estate of any deceased licensee, when such estate consists in part of alcoholic liquor, ~~and~~ or a partnership upon the death of one or more of the partners, may continue the business of the sale or manufacture under order of the appropriate court, and may exercise the privileges of the deceased, or deceased partner after the death of such decedent, until the expiration of such license, but if such license would have expired within two months following the death of the licensee, the license may be renewed by the administrators or executors with the approval of the appropriate court for a period not to exceed one additional year; or (2) when a license is issued to a husband and wife, as colicensees with rights of survivorship, upon the death of one spouse the survivor may exercise all rights and privileges under such license in his or her own name. ~~and provided further, that the~~ The trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture under order of the appropriate court, and may exercise the privileges of the insolvent or bankrupt licensee until the expiration of such license.".

2. On page 15, line 13 before "and" insert ", 53-125, 53-144,".

3. Renumber original sections 3 and 4 as sections 5 and 6 respectively.

SELECT FILE

LEGISLATIVE BILL 447. E & R amendments found in the Journal on page 1513 for the Seventy-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 397. E & R amendments found in the Journal on page 1513 for the Seventy-second Day were adopted.

Mr. Schmit offered the following amendment:

Add the emergency clause

The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 553. E & R amendments found in the Journal on page 1514 for the Seventy-second Day were adopted.

Mr. Barnett offered the following amendment:
1. In the Marvel Amendment, Journal pages 1487 and 1488, to the Standing Committee amendment, on page 1488, line 6 after "$25,000" insert "of general funds and any available federal funds".

The amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 298. E & R amendments found in the Journal on page 1514 for the Seventy-second Day were adopted.

Mr. Luedtke offered the following amendment:
1. In the Standing Committee Amendment 1, line 4 before "those" insert "receive"; and in line 7 after "that" insert "if such option is not exercised by such spouse within ninety days of the judge's death,"; and in line 9 after "survives" insert an underscored comma.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 599. E & R amendments found in the Journal on page 1514 for the Seventy-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 368A. Mr. Koch moved to advance to E & R for Engrossment.

Mr. Koch moved for a Call of the House. The motion prevailed with 25 ayes, 5 nays and 19 not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment with 29 ayes, 13 nays and 7 not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 587. Placed on General File.

(Signed) F. Lewis, Chairman

MOTION–Request Governor to Return LB 317

Mr. Dickinson moved to direct the Clerk to request the Governor to return LB 317 the the Legislature for further consideration.

MR. SAVAGE PRESIDING

Mr. F. Lewis 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. Dickinson moved for a Call of the House. The motion prevailed with 22 ayes, 12 nays and 15 not voting.

The Call showed 47 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 18:

Burbach	Carsten	Clark	DeCamp	Dickinson
Dworak	Goodrich	Kennedy	Kremer	R. Lewis
Maresh	Mills	Moylan	Rasmussen	Schmit
Skarda	Stull	Wiltse		

Voting in the negative, 28:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Duis	Fitzgerald	Fowler
Johnson	Kelly	Keyes	Koch	F. Lewis
Luedtke	Mahoney	Marsh	Marvel	Murphy
Nichol	Rumery	Savage	Simpson	Stoney
Swigart	Syas	Warner		

Not voting, 3:

George	Hasebroock	Kime

The motion to return LB 317 to the Legislature lost with 18 ayes, 28 nays and 3 not voting.

PRESIDENT WHELAN PRESIDING

Mr. Simpson moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print the following amendments to LB 599 in the Journal. No objections. So ordered.

1. On page 3, after line 16 insert the following:
"Sec. 2. (1) There is hereby created for each race track licensed to conduct horse racing at a designated place within the state a fund to be known as the Race Track Maintenance and Improvement Fund.
(2) There is hereby appropriated from the state General Fund, from the gross sum wagered by the pari-mutuel method at race meetings conducted by each track, five per cent of any amount in excess of one million dollars, which amount is hereby appropriated to the applicable fund for each track for the fiscal year commencing July 1, 1975 and continuing for each fiscal year thereafter until June 30, 1994.
(3) The State Treasurer shall disburse to the appropriate track, subject to the approval of the State Racing Commission, such amounts in the funds as are available and as shall be considered incident to the maintenance and improvement of such track. The State Racing Commission shall approve the disbursements of funds if the licensee shall first submit in writing to the commission the intended use for such funds and the commission determines that such use is necessary and incidental to the maintenance and improvement of the track.".
2. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 453. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) Dennis L. Rasmussen, Chairman

MOTION—Return LB 387 to Select File

Mr. Savage moved to return LB 387 to Select File for the specific amendment found in the Journal on page 1508 for the Seventy-first Day.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 387. The Savage specific amendment found in the Journal on page 1508 for the Seventy-first Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Reconsider Action on LB 267

Mr. Chambers renewed his pending motion found in the Journal on page 1530 for the Seventy-second Day to reconsider action on the override of LB 267.

The motion prevailed with 25 ayes, 14 nays and 10 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 29 ayes, 4 nays and 16 not voting.

The Call showed 48 members present.

MR. SAVAGE PRESIDING

Whereupon the President stated:"The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Keyes	Koch	F. Lewis	R. Lewis
Luedtke	Mahoney	Marsh	Marvel	Moylan
Savage	Schmit	Simpson	Skarda	Warner

Voting in the negative, 18:

Carsten	Dickinson	Dworak	Johnson	Kelly
Kennedy	Kremer	Maresh	Mills	Murphy
Nichol	Rasmussen	Rumery	Stoney	Stull
Swigart	Syas	Wiltse		

Not voting, 1:

Kime

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 267A

Mr. Cavanaugh renewed his pending motion found in the Journal on page 1508 for the Seventy-first Day.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Keyes	Koch	F. Lewis	R. Lewis
Luedtke	Mahoney	Marsh	Marvel	Moylan
Savage	Schmit	Simpson	Skarda	Warner

Voting in the negative, 16:

Carsten	Dickinson	Dworak	Kelly	Kennedy
Maresh	Mills	Murphy	Nichol	Rasmussen
Rumery	Stoney	Stull	Swigart	Syas
Wiltse				

Not voting, 3:

Johnson	Kime	Kremer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Cavanaugh moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Nichol asked unanimous consent to be excused Friday, May 2, 1975. No objections. So ordered.

Mr. Wiltse asked unanimous consent to be excused Friday afternoon, May 2, 1975. No objections. So ordered.

MOTION–Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req 843)

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 607. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Bereuter, 24th District; Marsh, 29th District; Savage, 10th District; Stull, 49th District; Johnson, 15th District; Simpson, 46th District; Goodrich, 20th District.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period July 1, 1975 to June 30, 1976; and to declare an emergency.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules and place LB 607 on General File without a public hearing. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 235A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 3 nays and 16 not voting.

LEGISLATIVE BILL 417. Title read. Considered.

Standing Committee amendments found in the Journal on page 990 for the Fiftieth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1509 for the Seventy-first Day. No objections. So ordered.

Mr. Cavanaugh offered the following amendment:

AMENDMENT TO L.B. 417

1. On pages 25 and 26 strike original section 39 and insert the following:

"Sec. 39. (1) The Department of Correctional Services shall develop program statements and physical plans, and

shall construct correctional facilities. The Department of Correctional Services shall identify all available community services which could support the reintegration of offenders returning to their communities, and incorporate such services in the development of the correctional facilities program statements.

(2) The Department of Correctional Services shall develop a program statement and physical plans, and shall construct medium-minimum facilities designed to accommodate not more than one hundred seventy-five persons, in Lincoln, Lancaster County, Nebraska, with a total cost not to exceed four million dollars. There is hereby appropriated four hundred fifty thousand dollars from the State Building Fund for the fiscal year ending June 30, 1976, to develop the program statement and physical planning, and to initiate construction of the Lincoln, Nebraska, medium-minimum facilities. There is hereby appropriated three million five hundred fifty thousand dollars from the State Building Fund for the Fiscal year ending June 30, 1977, to complete the Lincoln, Nebraska, medium-minimum facilities.

(3) The Department of Correctional Services shall develop program statements and preliminary plans for additional medium-minimum facilities designed to accommodate one hundred seventy-five or fewer persons. The program statement shall include inmate demographic data for purposes of selecting the suitable community sites for future construction. There is hereby appropriated forty-five thousand dollars from the State Building Fund for the Fiscal year ending June 30, 1976, to develop the program planning for additional medium-minimum facilities.

(4) The Department of Correctional Services shall develop a program statement and preliminary plans for a maximum security facility designed to accommodate not more than two hundred fifty persons. The program statement shall include an assessment of the current facility's location and structure, and a determination as to the adequacy of such facility when compared to complete replacement and relocation. Such facility shall be supportive of a regional medium-minimum correctional program. There is hereby appropriated thirty thousand dollars to develop a program statement and preliminary plans for a maximum security facility.".

Amendment pending.

UNANIMOUS CONSENT—Print in Journal

Mr. Stull asked unanimous consent to print the following amendments to LB 69 in the Journal. No objections. So ordered.

Amendments to LB 69

1. Strike the Standing Committee amendment found on page 1380 of the Journal.

2. Strike original sections 1 to 4 and insert the following:

"Section 1. That section 60-311, Revised Statutes Supplement, 1974, be amended to read as follows:

60-311. (1) The Department of Motor Vehicles shall in 1969, furnish to every person, whose motor vehicle shall be registered, two number plates except that only one number plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one half inches nor more than three inches in height and (b) also the words Cornhusker State suitably lettered so as to be attractive. The plates shall be of a color designated by the director. The color of the plates shall be changed each time the license plates are changed. Each such plate shall be treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the license plate.

(2) Beginning with the number plates issued in 1969, such plates shall be issued every three years. The plates issued in 1972 shall also be valid for 1975. In 1976 a specially-designed passenger vehicle plate shall be issued in commemoration of the national bicentennial, which plate shall be valid for four years. Such plate shall be on a background of cream with the license number centered thereon in red figures and letters, shall display across the top thereof the word NEBRASKA in cream letters centered on a background of red flanked in the upper left and right hand corners respectively by a stylized drawing in blue of a covered wagon and an Indian chief in full headdress, and shall display across the bottom thereof 1776 BICENTENNIAL 1976 in cream letters on a background of blue. Beginning with the number plates issued in the year 1980, such plates shall be issued every four years. In the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person, whose motor vehicle shall be registered, one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) After the effective date of this act, there shall be assessed a fee of two dollars, in addition to other fees, on all number license plates issued in this state. Such fee shall be assessed against the registrant in the year of issuance, collected along with other fees at the time such plates are issued, and remitted to the General Fund. This fee shall not apply to replacement number plates.

Sec. 2. That original section 60-311, Revised Statutes Supplement, 1974, is repealed.".

COMMUNICATIONS ON LB 267 and LB 267A

May 1, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 267A, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 267A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 267A notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 267A 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 1st day of May, 1975.

(Signed) J. W. Burbach
Presiding Officer of the Legislature

May 1, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 267, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 267 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 267 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 267 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 1st day of May, 1975.

(Signed) J. W. Burbach
Presiding Officer of the Legislature

UNANIMOUS CONSENT–Members Excused

Mr. Skarda asked unanimous consent to be excused at 4:30 p.m. for the remainder of the day. No objections. So ordered.

Speaker Burbach asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

VISITORS

The President introduced the parents of Senator Barnett, Mr. and Mrs. Wally Barnett, Sr. and brother, Bob Barnett, from Washington D. C.; 14 sixth, seventh, and eighth grade students and sponsors from St. Paul Lutheran, Utica, Nebraska; 14 eighth grade students and principal and sponsors from St. Francis School, Omaha; 14 eighth grade students and sponsors from Holt County Rural School; 50 fourth grade students from Fairbury, Nebraska; 40 fourth grade students from Millard Public Schools, Millard; 12 fourth grade students and sponsors from Beemer, Nebraska; 52 fourth grade students and sponsors from Meadow Lane School, Lincoln; 44 fifth grade students and sponsors from Osceola, Nebraska; 45 fourth grade students and teacher from Millard Bryan Elementary, Millard, Nebraska; and 9 fourth grade students and teacher and sponsor from Polk, Nebraska.

RECESS

At 12:02 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Mr. Savage presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Kime, Dworak and Clark who were excused, and Messrs. DeCamp and Schmit who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 417. Considered.

Mr. Cavanaugh renewed his pending amendment found in this day's Journal on page 1561.

The amendment was adopted with 26 ayes, 13 nays and 10 not voting.

Advanced to E & R for Review with 35 ayes, 1 nay and 13 not voting.

LEGISLATIVE BILL 417A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

Mr. Luedtke asked unanimous consent to expedite LB 417 and LB 417A.

Mr. Koch objected.

Mr. Luedtke moved to expedite LB 417 and LB 417A. The motion prevailed with 25 ayes, 5 nays and 19 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 608. By F. Lewis, 45th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 79-4,166, Revised Statutes Supplement, 1974, relating to schools; to provide that in computing the amounts to be deducted from state funds being distributed to school districts for general school purposes when school districts have expended excess expenditures there shall not be deducted therefrom any amounts which are required by the Constitution of the State of Nebraska to be paid to such school district; to repeal the original section; and to declare an emergency.

MOTION–Suspend Rules

Mr. F. Lewis moved to suspend the rules to place LB 608 on General File without a public hearing.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

PRESIDENT WHELAN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 421. Title read. Considered.

Mr. Anderson moved for a Call of the House on the Standing Committee amendments. The motion prevailed with 23 ayes, 2 nays and 24 not voting.

Mr. Anderson moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Standing Committee amendment found in the Journal on page 1104 for the Fifty-fourth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 27 ayes, 6 nays and 16 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 114, 282, 486, 550, and 551.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 114, 282, 486, 550, and 551.

MESSAGE FROM SECRETARY OF STATE

May 1, 1975

Vincent D. Brown
Clerk of the Legislature
Eighty-fourth Legislature

First Session
State Capitol - Room 2018
Lincoln, Nebraska 68509

Dear Mr. Brown:

This letter is to acknowledge receipt of LB 267 which bill was passed notwithstanding the objections of the Governor.

I have on this day filed LB 267 along with cover letter signed by the Clerk of the Legislature, the Certificate signed by J. W. Burbach, Presiding Officer of the Legislature which Certificate reads as follows:

> "Legislative Bill 267 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutionalmajority, it has become law this 1st day of May, 1975."

and a copy of the Governor's veto message dated April 24, 1975.

LB 267 along with supported documents as aforementioned will become a part of the public record in the office of the Secretary of State.

Gratefully acknowledged,

(Signed) ALLEN J. BEERMANN
Secretary of State

May 1, 1975

Vincent D. Brown
Clerk of the Legislature
Eighty-fourth Legislature
First Session
State Capitol - Room 2018
Lincoln, Nebraska 68509

Dear Mr. Brown:

This letter is to acknowledge receipt of LB 267A which bill was passed notwithstanding the objections of the Governor.

I have on this day filed LB 267A along with cover letter signed by the Clerk of the Legislature, the Certificate signed by J. W. Burbach, Presiding Officer of the Legislature which Certificate reads as follows:

> "Legislative Bill 267A 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 1st day of May, 1975."

and a copy of the Governor's veto message dated April 24, 1975.

LB 267A along with supported documents as aforementioned will

become a part of the public record in the office of the Secretary of State.

Gratefully acknowledged,

(Signed) ALLEN J. BEERMANN
Secretary of State

GENERAL FILE

LEGISLATIVE BILL 526. Title read. Considered.

Mr. Johnson offered the following amendment to the Standing Committee amendment found in the Journal on page 1053 for the Fifty-third Day.
To amend LB 526 the Committee Amendment and strike "$50,000" and insert "$60,000"

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Standing Committee amendment was adopted, as amended, with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 3 nays and 19 not voting.

Mr. Luedtke asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 507. Title read. Considered.

Standing Committee amendment found in the Journal on page 1482 for the Seventieth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. DeCamp moved to indefintely postpone.

The motion lost with 6 ayes, 19 nays and 24 not voting.

Mr. Koch moved to advance LB 507 to E & R for Review.

Mr. Koch moved for a Call of the House. The motion prevailed with 25 ayes, 3 nays and 21 not voting.

The Call showed 42 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 28:

Barnett	Bereuter	Carsten	Cavanaugh	Chambers
Cope	Duis	Fitzgerald	Fowler	George

Goodrich	Hasebroock	Johnson	Keyes	Koch
Maresh	Marsh	Marvel	Mills	Rumery
Savage	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 9:

Burrows	DeCamp	Dickinson	Kennedy	R. Lewis
Murphy	Nichol	Rasmussen	Schmit	

Not voting, 12:

Anderson	Burbach	Clark	Dworak	Kelly
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Moylan	Wiltse			

Advanced to E & R for Review with 28 ayes, 9 nays and 12 not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 12 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 150, 187, 187A, 235, 259A, 349, 446, 452, and 560.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 577 in the Journal. No objections. So ordered.

1. On page 4, strike lines 23 and 24, in line 25 strike "(a) By" and insert:

"(2) A hearing to designate a control area may be initiated by".

2. On page 5, line 4 after "established" insert "." and strike "; or "; and strike line 5.

GENERAL FILE

LEGISLATIVE BILL 423. Title read. Considered.

Mr. Simpson offered the following amendment:

Proposed Amendment to LB 423

Add new sections

Section 1. That section 79-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-902. The board of education of a fourth class district shall consist of six members or more who shall be elected upon a general ticket from among the legal voters who are taxpayers at the time for holding the general city election in each year. The number of members of the board of education shall be determined by the board or by a vote of the people. Two members of the board shall be elected at the general election in 1967 for four years; two members of the board shall be elected at the general election in 1969 for four years; and three members of the board shall be elected for four years and one member of the board shall be elected for two years at the general election in 1971. The board of education shall divide the district into election districts equally and proportionally by 1976. At the general election in 1976, one member shall be elected from each district, with the members from the even-numbered districts elected for four years and the members from the odd-numbered districts elected for two years, unless the board or people vote to elect the members at one time. Then a member shall be elected from each district for four years. The candidate from each district shall file nomination papers with the county clerk or election commissioner. The district shall be redistricted every ten years or when the board determines that redistricting is necessary. When the boundaries of the school district are changed the district shall be redistricted. Thereafter their successors will be elected for four years and until their successors are elected and qualified. The election shall be conducted in accordance with the provisions of Chapter 32. The members of the board shall enter upon the duties of their office on the third Monday of the month in which they are elected. Prior thereto they shall take and subscribe the usual oath of office. In case any person elected shall fail so

to do, his election shall be void and the vacancy thereby occasioned shall be filled by the board. Candidates for members of the board of education shall be nominated and chosen at the primaries at the same time and in the same manner as candidates are nominated and chosen for members of the city council. No filing fee shall be required of such candidates.

Sec. 2. That original section 79-902, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Mr. Simpson requested to withdraw his amendment.

Mr. Johnson asked unanimous consent to be excused the remainder of the day and Friday, May 2, 1975 all day. No objections. So ordered.

Mr. Chambers moved to advance LB 423 to E & R.

Mr. F. Lewis 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. Chambers moved for a Call of the House. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

The Call showed 41 members present.

Mr. Syas asked to direct a question after debate closing.

The Chair ruled the question out of order.

Mr. Syas appealed the decision of the Chair. Mr. Syas withdrew his appeal.

Advanced to E & R for Review with 25 ayes, 13 nays and 11 not voting.

Mr. Savage moved the previous question. The question is,"Shall the debate now close?" The motion prevailed with 24 ayes, 3 nays and 22 not voting.

MESSAGE FROM THE GOVERNOR

May 1, 1975

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

Dear Mr. President and Seantors:

I hereby return LB 243 without my signature and with my objections, and two Attorney General's opinions attached hereto, supporting this action.

In the Attorney General's opinion to Senator Kennedy, there was addressed the matter of unconstitutional delegation of powers.

In the opinion of this date, at my request, the Attorney General has indicated further that even should LB 243 become law, he would rule that no such negotiations could or should be instituted by state officials.

Even aside from the legitimate constitutional questions, I do not concur that governmental officials should take even the first step towards "binding arbitration" with employees. While this practice is commonplace and proper in private industry, I feel that elected officials represent a constituency, and that the people and taxpayers do not expect legislators or constitutional officers to shirk their duty by "passing on" such decisions to unknown and non-responsible third parties called arbitrators. The buck should stop with elected officials and there should be no law authorizing a lateral pass to a third party.

In addition, LB 243 provides for pay increases for judges of the Court of Industrial Relations; however, no "A" bill to fund this section was passed.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

May 1, 1975

The Honorable J. James Exon
Governor of Nebraska
State Capitol Building
Lincoln, Nebraska

Re: Legislative Bill 243

Dear Governor Exon:

You have asked this office what our advice would be to the state labor negotiating team or to any state executive officer regarding the negotiation of a proposed binding arbitration agreement if L.B. 243 were to become law.

Our advice would be that a state executive officer should not delegate the constitutional power granted to him by Article IV, Section 1 of the Nebraska Constitution for the same reasons we expressed in the opinion

regarding L.B. 243 requested by Senator Kennedy. Article IV, Section 1 specifically grants to state executive officers the power "to appoint and remove all subordinate employees in their respective departments." It is our opinion that these state officers cannot delegate this constitutional power except where the Constitution itself surrenders or abridges that power, or authorizes the delegation. State v. Leese, 37 Neb. 92 (1893); and State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490 (1970), which deal with the delegation of constitutional power granted to the Legislature, preclude such a delegation. We can see no significant difference where dealing with the delegation of constitutional power granted to state executive officers.

This office would also advise against entering such a binding arbitration agreement with the labor union because the state would be unable to enforce such an agreement. The Nebraska Supreme Court in the case of Rentschler v. Missouri Pacific Railroad Company, 126 Neb. 493, 253 N.W. 694 (1943) held that such an agreement to submit to binding arbitration is against public policy and void being contrary to Article I, Section 13 which guarantees to every person the access to the courts. The Supreme Court cited Rentschler with approval and followed that case in Poppert v. Brotherhood of Railroad Trainmen, 187 Neb. 297, 189 N.W.2d 469 (1971), at pages 303 and 304 so that the present law of Nebraska clearly is that such a binding arbitration agreement is not enforceable. See also, Sandobal v. Armour & Co., 429 F.2d 249 (8th Cir. 1970).

Therefore, our advice to the state labor negotiating team or to any state executive officer regarding the negotiation of a proposed binding arbitration agreement would be that such an agreement should not be entered into because the state would be unable to enforce such an agreement. This is so because first it is questionable whether a state executive officer could constitutionally delegate any such power to an arbitrator and, second, because at the present time such binding arbitration agreements are not enforceable in the State of Nebraska.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Special Assistant Attorney General

Attached was Attorney General Opinion No. 72 to Senator Kennedy found on page 1490 of the Legislative Journal.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 553. Replaced on Select File as amended.
E & R amendment to LB 553:

1. In line 6 of the Marvel amendment as amended, strike "of the Department of Administrative Services".

LEGISLATIVE BILL 298. Replaced on Select File as amended.
E & R amendment to LB 298:
1. In the Luedtke amendment, line 2, strike "line 7" and insert "line 8".

LEGISLATIVE BILL 599. Replaced on Select File as amended.
E & R amendments to LB 599:
1. In the Burbach amendment 2, line 4, insert an underscored comma after "section".
2. On page 3, line 3, strike the comma.

LEGISLATIVE BILL 430. Replaced on Select File as amended.
E & R amendments to LB 430:
1. Pursuant to the Goodrich amendment, strike sections 2 and 3 and insert:
"Sec. 2. That original section 77-2715, Revised Statutes Supplement, 1974, is repealed.".
2. In lieu of E & R 4 adopted 4/30/75, in the title, strike lines 2 to 8 and insert:
"FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1974, relating to taxation; to increase the food sales tax credit; and to repeal the original section.".

LEGISLATIVE BILL 381. Replaced on Select File as amended.
E & R amendments to LB 381:
1. In lieu of the Chambers amendment 1, adopted 4/30, on page 14, strike lines 6 to 11 and show as stricken; and on pages 14 and 15 renumber subdivisions (4) to (12) as (3) to (11) respectively, showing old numbers stricken and new ones underscored.
2. In lieu of the Chambers amendment to the Chambers amendment 2 adopted 4/30, on page 14, line 15, strike "12" and insert "~~12~~ 6".

LEGISLATIVE BILL 387. Replaced on Select File as amended.
E & R amendment to LB 387:
1. On page 5, line 17, strike "$1,013,000" and insert "$1,053,830".

LEGISLATIVE BILL 443. Placed on Select File as amended.
E & R amendments to LB 443:
1. In new section 1, line 1, insert "sections 1 to 4 of" after "in".
2. In new section 2, line 6, strike the period after "herein" and insert a comma as in the statutes.

3. In new section 7, line 1, insert "sections 5 to 19 of" after "in".

4. In new section 11, line 3, insert an underscored comma after "act"; in line 5, insert an underscored comma after "elderly"; in line 7, strike "the individual designated as"; and in line 8, insert "Nebraska" after "the".

5. In the Fowler amendments, page 1, appearing on page 1489 of the Journal, line 8, insert ", line 2," after "7".

6. In the new title, line 9, insert "to make an appropriation; to provide an expiration date; to provide an operative date;" after the first semicolon.

LEGISLATIVE BILL 443A. Placed on Select File.

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendments to LB 344:

1. In lieu of the Rasmussen amendment thereto, on page 13, strike beginning with "the" in line 17 through "for" in line 19.

2. In committee amendments, page 5, line 4, insert a comma after "meeting"; and in line 8 insert "such" after "both".

3. In committee amendments, page 9, insert a comma after "shall" in line 20 and "act" in line 21.

4. In committee amendments, page 11, line 2, strike the first comma; and in line 27, strike "fund".

5. In committee amendments, page 13, strike the sentence beginning in line 4 and insert "Such warrants shall be subject to registration as provided in Chapter 77, article 22, Reissue Revised Statutes of Nebraska, 1943."; insert a comma after "year" in line 9 and "area" in lines 12 and 17; and in line 14 insert "to the levy provided in subsection (1) of this section" after "addition".

6. In committee amendments, page 14, line 2, strike "taxes" and insert "tax"; insert a comma after "Legislature" in line 7 and at the end of line 9; and in line 19 strike "relative".

7. In committee amendments, page 16, line 8, strike "member" and insert "of whom".

8. In committee amendments, page 17, line 3, insert "based" after "colleges".

9. In committee amendments, page 18, insert a comma after "shall" in line 2 and "time" in line 3.

10. In committee amendments, page 19, line 24, strike ", but" and insert "but,"; and in line 27 strike "council" and insert "commission".

11. In the title, line 6, insert "; to provide an operative date;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 123. Title read. Considered.

MR. SAVAGE PRESIDING

Standing Committee amendments found in the Journal on page 975 for the Forty-ninth Day were considered.

UNANIMOUS CONSENT–Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 423 in the Journal. No objections. So ordered.

1. In LB 423, strike all the new matter and reinstate all the stricken matter.

2. On page 3, line 23, after the period insert the following: "The board of education or the school board of a fifth class school district shall have a question placed on the ballot in the 1976 general election to determine if the members of the school board shall be elected by subdistricts.".

MOTION–Adjournment

Mr. Syas moved to adjourn. The motion lost with 6 ayes, 24 nays and 19 not voting.

VISITORS

The President introduced 30 fourth, fifth and sixth grade students and sponsors from Dunbar, Nebraska; 50 eighth grade students, Fr. Robert J. Eimers and adults from St. Helena, Nebraska East Catholic Elementary School; and 20 Kindergarten through eighth grade students and adults from District 83, Weston, Nebraska.

GENERAL FILE

LEGISLATIVE BILL 123. Considered.

Standing Committee amendments found in the Journal on page 975 for the Forty-ninth Day were considered.

Mr. Mahoney moved to adjourn. The motion lost.

Mr. Stull moved to adjourn and requested a machine vote. The motion prevailed with 19 ayes, 18 nays and 12 not voting.

ADJOURNMENT

At 5:50 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Friday, May 2, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-FOURTH DAY—MAY 2, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 2, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. Richard Nesmith, Trinity Methodist Church, Lincoln.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Kime, Nichol, Johnson, and Skarda who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1573, line 2, correct spelling of "Senators".
The Journal for the Seventy-third Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused at 3:00 p.m. today. No objections So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of May 1, 1975. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Moylan, James H. - Omaha, Nebraska Association of Trial Attorneys
Wilson, Franklin L. - Omaha, Brotherhood of Maintenance of Way Employees

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 115.

A BILL FOR AN ACT to amend section 39-810, Reissue Revised Statutes of Nebraska, 1943, relating to bridges; to change provisions relating to the construction and repair of bridges, approaches, and culverts as prescribed; to require individual cost accounting on certain projects; 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:

Barnett	Bereuter	Burrows	Carsten	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Marsh	Mills
Moylan	Murphy	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 3:

Dworak	R. Lewis	Maresh

Not voting, 8:

Anderson	Burbach	Cavanaugh	Johnson	Kime
Marvel	Nichol	Skarda		

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

LEGISLATIVE BILL 198.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1974, relating to workmen's compensation; to increase weekly benefits; 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, 34:

Anderson	Barnett	Bereuter	Burrows	Carsten
Chambers	Cope	DeCamp	Dickinson	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Kelly	Keyes	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Rumery	Savage	Schmit	Simpson
Stoney	Swigart	Syas	Warner	

Voting in the negative, 7:

Clark	Duis	Kennedy	Marvel	Rasmussen
Stull	Wiltse			

Not voting, 8:

Burbach	Cavanaugh	Johnson	Kime	R. Lewis
Murphy	Nichol	Skarda		

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

LEGISLATIVE BILL 198A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 198, Eighty-fourth Legislature, First Session, 1975; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kelly	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Rasmussen	Rumery
Schmit	Simpson	Stoney	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Burbach	Duis	Johnson	Kennedy	Kime
R. Lewis	Marvel	Murphy	Nichol	Savage
Skarda	Stull			

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 269 to Select File

Mr. Cavanaugh moved to return LB 269 to Select File for the specific amendment found in the Journal on page 1544 for the Seventy-third Day.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 1 nay and 16 not voting.

The Cavanaugh motion to return lost with 14 ayes, 22 nays and 13 not voting.

Mr. F. Lewis moved to lay over LB 269 and LB 269A until Monday, May 5, 1975.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 21:

Bereuter	Burrows	Cavanaugh	Chambers	DeCamp
Duis	Dworak	Fitzgerald	Fowler	Goodrich
Kelly	F. Lewis	R. Lewis	Mahoney	Maresh
Marsh	Rumery	Savage	Schmit	Swigart
Syas				

Voting in the negative, 23:

Anderson	Barnett	Carsten	Clark	Cope
Dickinson	George	Hasebroock	Kennedy	Keyes
Koch	Kremer	Luedtke	Marvel	Mills
Moylan	Murphy	Rasmussen	Simpson	Stoney
Stull	Warner	Wiltse		

Not voting, 5:

Burbach	Johnson	Kime	Nichol	Skarda

The motion to lay over lost with 21 ayes, 23 nays and 5 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 269.

A BILL FOR AN ACT to amend section 8-101, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1974, relating to banking; to define terms; to provide for banking transactions through the use of manned or unmanned electronic satellite facilities as prescribed; 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:

Anderson	Barnett	Bereuter	Carsten	Clark
Cope	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	George	Hasebroock	Kelly	Kennedy
Keyes	Koch	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Murphy
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 7:

Burrows	Cavanaugh	Chambers	Fowler	Goodrich
F. Lewis	Mahoney			

Not voting, 6:

Burbach	Johnson	Kime	Moylan	Nichol
Skarda				

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

LEGISLATIVE BILL 269A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, Eighty-fourth Legislature, First Session, 1975.

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:

Anderson	Barnett	Bereuter	Carsten	Clark
Cope	DeCamp	Dickinson	Duis	Dworak
George	Hasebroock	Kelly	Kennedy	Keyes
Koch	Kremer	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Mills	Murphy	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 8:

Burrows	Cavanaugh	Chambers	Fitzgerald	Fowler
Goodrich	F. Lewis	Mahoney		

Not voting, 6:

Burbach	Johnson	Kime	Moylan	Nichol
Skarda				

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

LEGISLATIVE BILL 307. With Emergency.

A BILL FOR AN ACT relating to counties and cities; to allow municipal corporations to contract for home-delivered meals as prescribed; to define terms; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George

Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Rasmussen	Rumery	Savage
Simpson	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Burbach	Dickinson	Johnson	Kime	Nichol
Schmit	Skarda			

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

Messrs. Duis and Clark asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

May 1, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 316, 371, and 418, and Reengrossed Legislative Bill No. 588.

These bills were signed by me on April 30, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 1, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 23.
This bill was signed by me on May 1, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 368A, 397, and 447.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 1975, at 9:10 a.m., were the following bills: 282, 114, 486, 550, and 551.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Member Excused

Mr. Koch asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 32. E & R amendments found in the Journal on page 1542 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 50. E & R amendments found in the Journal on page 1542 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 395. E & R amendments found in the Journal on page 1542 for the Seventy-third day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 333. E & R amendment found in the Journal on page 1543 for the Seventy-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 215. E & R amendments found in the Journal on page 1543 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. E & R amendments found in the Journal on page 1543 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204. E & R amendments found in the Journal on page 1543 for the Seventy-third Day were adopted.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1554 for the Seventy-third Day.

The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

Mr. Kelly offered the following amendment:

1. Insert a new section 3 as follows:

"Sec. 3. That section 53-165, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-165. Every manufacturer and distributor at wholesale shall, between the first and fifteenth day of each calendar month, make return under oath to the commission of all alcoholic liquor manufactured and sold by him in the course of such business during the preceding calendar month. Such return shall be made upon forms prescribed and furnished by the commission and shall contain such other information as the commission may reasonably require. Such returns shall be for the use of the commission in the administration of its duties. The general public shall have access to the information contained in such records. Prior to the

distribution of such information by the commission, persons and businesses whose identity is revealed in such information shall be informed in writing of the name of each individual to whom the information will be supplied prior to the release of such information. Nothing contained in this section shall be construed to prevent the use if such returns for statistical purposes if such statistical uses of the information shall not reveal the identity of any persons and businesses named in such returns without the express permission of such persons and businesses.".

2. On page 15, line 13, insert ", 53-165," after "53-103".

3. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

Mr. Kelly moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay and 25 not voting.

Mr. Kelly moved the Call be raised. The motion prevailed with 26 ayes, 2 nays and 21 not voting.

The Kelly amendment was adopted with 25 ayes, 1 nay and 23 not voting.

Mr. Chambers moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 340. E & R amendment found in the Journal on page 1544 for the Seventy-third Day was adopted.

Mr. R. Lewis offered the following amendments:
AMENDMENTS TO LB 340
On the Title Page, line 4, delete the words "or jobbers" and insert in lieu thereof the following:
"jobbers or retailers"
On Page 2, line 13, delete the word "or" at the end of the line.
On Page 2, line 14, after the word "jobber" insert the following:
" or retailer"
On Page 2, line 23, delete the "." and insert in lieu thereof the following:
". . . and if the price of alcoholic liquor offered to the wholesaler, distributor, or jobber by the manufacturer or importer is different than the price at which the wholesaler last purchased the alcoholic liquor from that manufacturer or importer then the wholesaler shall offer that item of alcoholic liquor at a price to the retailer which shall proportionately reflect any change in price to the wholesaler, distributor or jobber."

On Page 3, line 11, delete the "." and insert in lieu thereof the following:

Every wholesaler shall file with the Nebraska Liquor Control Commission:
(1) A current schedule of costs for each brand and each size item of alcoholic liquor, except beer, purchased from a manufacturer or importer authorized to do business in the State of Nebraska and (2) a current schedule of prices for each brand and each size item of alcoholic liquor, except beer, sold or offered for sale in Nebraska, which prices shall proportionately reflect any change in prices from the manufacturer or importer.

On Page 3, line 21, delete the words "or importer" and insert in lieu thereof the following:

", importer or wholesaler"

On Page 4, line 1, delete the words "or jobber" and insert in lieu thereof the following:

"jobber or retailer"

On Page 4, line 4, delete the words "or jobber" and insert in lieu thereof the following

"jobber or retailer"

Mr. R. Lewis moved for a Call of the House. The motion prevailed with 20 ayes, 11 nays and 18 not voting.

The Call showed 40 members present.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 4 nays and 17 not voting.

The R. Lewis amendment lost with 22 ayes, 18 nays and 9 not voting.

Mr. F. Lewis offered the following amendments:

AMENDMENTS TO LEGISLATIVE BILL 340

1. On page 2, line 19 after "except" insert "wine and".

2. On page 3, lines 2, 7, and 27 after "except" insert "wine and ".

3. On page 4, line 5 after "except" insert "wine and".

4. In the title, line 2 after "except" insert "wine and".

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays and 22 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The F. Lewis amendment was adopted with 27 ayes, 8 nays and 14 not voting.

Advanced to E & R for Engrossment with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 553. E & R amendment found in the Journal on page 1574 for the Seventy-third Day was adopted.

Mr. F. Lewis requested a machine vote to advance.

Failed to advance to E & R for Engrossment with 23 ayes, 0 nays and 26 not voting.

Mr. Dworak moved for a Call of the House. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Call showed 36 members present.

Mr. Dworak moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 298. E & R amendment found in the Journal on page 1575 for the Seventy-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 599. E & R amendments found in the Journal on page 1575 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 430. E & R amendments found in the Journal on page 1575 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 381. E & R amendments found in the Journal on page 1575 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 387. E & R amendment found in the Journal on page 1575 for the Seventy-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 443. E & R amendments found in the Journal on page 1575 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 443A. Mr. Fowler offered the following amendment:

1. On page 2, line 5, insert "in Program 305" after "existing".

The amendment was adopted with 25 ayes, 1 nay and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 344. E & R amendments found in the Journal on page 1576 for the Seventy-third Day were adopted.

Mr. F. Lewis asked unanimous consent to have the bill laid over until Monday, May 5, 1975 and have the pending amendments printed in the Journal. No objections. So ordered.

Duis Amendments to LB 344

1. On page 13, line 11 strike "not to exceed two mills"; in line 12 strike "operating expenditures"; in line 13 strike "of"; strike lines 14 to 27 and insert "Such mill levy shall have prior approval by a majority vote of the qualified electors of the area voting in a primary, general, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election.".

2. On page 14 strike line 1; and renumber original subsection (4) as subsection (2).

Goodrich Amendments to LB 344

1. In the committee amendments page 13, line 21, insert ", except that for the purpose of campus acquisition and construction, such power shall exist until June 30, 1986, for the Metropolitan Technical Community College" after "1980".

Marvel Amendments to LB 344

1. On page 1, line 23 strike "served".

2. On page 2, line 3 after "college" insert "area"; in lines 23 and 24 strike "colleges one for each of the following areas" and insert "college areas as follows"; in line 25 after "Western" insert "Nebraska" and after "College" insert "Area"; and in line 26 strike "serve the area consisting" and insert "consist".

3. On page 3, line 5 after "The" insert "Nebraska"; in lines 5, 12, and 19 after "College" insert "Area"; in lines 6, 13, and 20 strike "serve the area consisting" and insert "consist"; and in lines 12 and 19

before "Technical" insert "Nebraska".

4. On page 4, lines 1 and 6 before "Technical" insert "Nebraska"; in lines 1 and 6 after "College" insert "Area"; in lines 2 and 7 strike "serve the area consisting" and insert "consist"; in line 9 strike "colleges" and insert "college areas"; in lines 11, 16, 20, and 25 after "College" insert "Area"; in lines 12 and 13 strike "served by the college"; and in line 24 strike "college" and insert "area".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 115, 198, 198A, 269, 269A, and 307.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 115, 198, 198A, 269, 269A, and 307.

UNANIMOUS CONSENT—Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

1. In the Standing Committee Amendment to LB 507, Journal page 1482, after line 12 on Journal page 1483 insert:

"If the Board of Educational Lands and Funds shall lease such property, the lease payments shall be computed so that the minimum return on the investment is equal to or greater than the average rate of return of the Permanent School Fund for the last five years immediately preceding such lease.".

SELECT COMMITTEE REPORT
Rules

Mr. President,

The Rules Committee met on May 2, 1975, and acted favorably on the following rule changes:

"Amend Rule 2, Section 2 as found on page 384 and page 385 of the Journal."

"Amend Rule 7, Section 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 elected members ~~then present~~, and when so suspended shall not again be ordered on the 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.~~"

"Amend Rule 2, Section 3 as follows: Amend section (b), (iii) to read as follows: (iii) Reporters of regularly accredited newspapers and broadcasting stations. Such reporters shall remain under the balcony or in front of the desk area while the Legislature is in session except by special permission of the presiding officer."

"Add to Rule 7, a new section, Section 10. At any stage of the consideration of a bill, a motion to bracket or to bracket to a day certain shall be permitted with the unanimous consent if made by the primary introducer of the bill, or if made by other than the primary introducer, there shall then be required a majority vote of the elected membership to bracket."

"Amend Rule 2, Section 7(a) by adding the following: The presiding officer shall be responsible for maintaining a visible list of those requesting time to speak in the sequence in which they make application to speak."

(Signed) John W. DeCamp, Chairman

MOTION–Rule Change

Mr. Kelly offered the following rule change:

Mr. President,

I move that the following amendment be accepted to Rule 7, Section 5.

"The presiding officer shall not accept a motion to raise the call until all unexcused members are in their seats."

Amendment pending.

Mr. Luedtke offered the following rule change:

To amend the proposed Rule Change to Rule 5(b) by striking all the new matter and inserting in lieu thereof the following:

"No bill shall be introduced after the twentieth Legislative day by any standing, select or special committee or by the Executive Board of the Legislative Council."

POINT OF PERSONAL PRIVILEGE

Mr. Cavanaugh requested a point of personal privilege.

The Chair ruled the request out of order.

Mr. F. Lewis appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 4 ayes, 19 nays and 26 not voting. The Chair was not sustained.

SELECT FILE

LEGISLATIVE BILL 553. Advanced to E & R for Engrossment.

MOTION—Return LB 259 to Select File

Mr. Anderson moved to return LB 259 to Select File for the following specific amendment:

Amendments to LB 259 Final Reading

1. On page 30 after line 7 insert the following:

"Sec. 7. This act shall become operative on July 1, 1975.".

2. Renumber original sections 7 and 8 as sections 8 and 9 respectively.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 259. The Anderson specific amendment found in this day's Journal was renewed.

Mr. Anderson moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Anderson moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Anderson specific amendment found in this day's Journal was adopted with 29 ayes, 1 nay and 19 not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 269A to Select File

Mr. Anderson moved to return LB 269A to Select File for the following specific amendment:

1. On page 2, line 3, strike "July 1, 1975 to" and insert "ending"; in line 4 strike "1976" and insert "1975"; in line 5 strike "032" and insert "071"; and at the end of line 7 insert "The unexpended balance of such appropriation existing on June 30, 1975, is hereby reappropriated for the period ending June 30, 1976.".

The motion prevailed with 27 ayes, 1 nay and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 269A. The Anderson specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay and 21 not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT–Bracket LB 599

Mr. Murphy asked unanimous consent to bracket LB 599 on E & R Final. No objections. So ordered.

MOTION–Return LB 508 to Select File

Mr. Schmit moved to return LB 508 to Select File for the following specific amendment:

1. On page 2, insert a new section 1 as follows:
"Section 1. That section 8-157, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 269, Eighty-fourth Legislature, First Sesion, 1975, be amended to read as follows:
8-157. (1) No bank shall maintain any branch bank and, except as provided in subsection (2) or subsections (3) to (9) of this section, the general business of every bank shall be transacted at the place of business specified in its charter.
(2) With the approval of the director, (a) any bank may maintain an attached auxiliary teller office, and (b) any bank may establish and maintain not more than two detached auxiliary teller offices, to be used as motor vehicle and walkup off-street banking facilities, such offices to be within the corporate limits of the city in which such bank is located. Any bank that establishes and maintains two auxiliary teller offices shall locate one of such offices within three miles of the premises specified as its place of business in its charter. Neither shall be located within three hundred feet of another nonparticipating bank or within fifty feet of another auxiliary teller office. The services of such auxiliary teller offices whether attached to or

detached from the bank shall be limited to receiving deposits of every kind and nature, cashing checks or orders to pay, issuing exchange, and receiving payments payable at the bank.

(3) With the approval of the director, any bank or banks may establish and maintain any number of electronic satellite facilities or manned electronic satellite facilities at which all banking transactions defined as receiving deposits of every kind and nature and crediting such to customer accounts, cashing checks and cash withdrawals, transfer of funds from checking accounts to savings accounts, transfer of funds from savings accounts to checking accounts, transfer of funds from either checking accounts and savings accounts to accounts of other customers, payment transfers from customer accounts into accounts maintained by other bank customers or the bank, including preauthorized draft authority, preauthorized loans and credit transactions, receiving payments payable at the bank or otherwise, and such other transactions that the Director of Banking upon application, notice, and hearing may approve, may be conducted. Such electronic satellite facilities or manned electronic satellite facilities may be established only by a bank as defined in subdivision (4) of section 8-101 or by a national banking association whose main chartered office is located in the State of Nebraska. Neither such electronic satellite facilities, the manned electronic satellite facilities, nor the transactions conducted thereat shall be construed as the establishment of a branch bank or as branch banking. Such facilities shall be available on a nondiscriminating basis for use by customers of any other bank becoming a user bank. It shall not be deemed discrimination if a facility does not offer the same transaction services as other facilities.

Any bank may become a user bank by agreeing to pay the establishing bank its pro rata transaction and other costs, including a reasonable return on capital expenditures incurred in establishing and maintaining such facilities. The establishing bank shall file with the director the information necessary to originate a transaction at any facility. Such information must contain a means of designating the bank or processor to which such transactions shall be switched, and must also contain information adequate to perform authorization of cash withdrawal and other transactions authorized by this section. The director shall make such information available to any other bank desiring to become a user bank. The establishing bank shall be responsible for transmitting transactions originating from its facility to a switch, but nothing contained in this section may be construed to provide that any in-house or auxiliary teller office premises transactions shall be required to go through a switch. The director shall refuse to approve the establishment of any electronic satellite facilities or manned electronic satellite facilities unless such facilities will be available on a nondiscriminating basis through methods and processes that the establishing bank has provided for switching transactions. Once approval is given for the facility of an establishing bank, the director, upon notice and after

a hearing, may revoke the approval for the facility or may suspend the use of such facility if he determines that it is not available on a nondiscriminating basis, that the necessary information is not on file with the director, or that transactions originated by customers of user banks are not being switched to processing centers. Nothing in this section may be construed to prohibit nonbank employees from assisting in transactions originated at the facilities, and such assistance shall not be deemed to be engaging in the business of banking. Such nonbank employees may be trained in the use of the facilities by bank employees.

(4) An establishing bank shall not be deemed to make a facility available on a nondiscriminating basis if, through personnel services offered, advertising on or off the facility premises, or otherwise, it discriminates in the use of the facility against any user bank.

(5) Off-premises electronic satellite facilities and manned electronic satellite facilities may be established and maintained by a bank or by a group of two or more banks or a combination of a bank or banks and a third party. No one, through personnel services offered, advertising on or off the facility premises, or otherwise, may discriminate in the use of the facility against any other user bank desiring to use the services of the facility.

(6) It is an intent of this section that this section shall apply to banks chartered by the State of Nebraska and all national banking associations whose main chartered offices are located in the State of Nebraska and that there be an equal opportunity to all Nebraska banks for the use of and access to a switch and that no discrimination shall exist or preferential treatment be given in either the operation of such switch or the charges for use thereof. The operation of such switch shall be with the approval of the Director of Banking. Approval of such switch shall be given by the Director of Banking when he shall determine that its design and operation are such as to provide access thereto and use thereof by any Nebraska bank without discrimination as to access or cost of its use.

(7) If the director, upon notice and hearing, determines at any time that the design or operation of a switch or provision for use thereof does discriminate against any bank in providing access thereto and use thereof either through access thereto or by virtue of the cost of its use, he may revoke his approval of such switch operation and forthwith order the discontinuance of the operation of such switch.

(8) If it shall be determined by the Director of Banking, after notice and hearing, that discrimination against any bank has taken place or that one bank has been preferred over another or that any bank or person has not complied with any of the provisions of this section, he shall forthwith issue a cease and desist order or an order for compliance within ten days from the date of the order and upon noncompliance with such order, the offending bank shall become ineligible to receive and hold any deposits of any nature of the State of Nebraska or any political subdivision thereof.

(9) The provisions of sections 8-101 and 8-157 shall apply to banks and their activities. ~~only.~~ ~~Nothing in such sections may be construed to provide any authority for any nonbank institution to engage in any of the banking transactions enumerated in this section.~~ When reference is made in this section to activities by third parties, such activities shall be limited to the ownership, operation, and maintenance of electronic satellite facilities.

(10) Nothing in this section shall prohibit ordinary clearing house transactions between banks.".

2. On page 3, after line 1 insert:

"Sec. 3. Nothing in section 1 of this act shall prohibit building and loan associations as defined in sections 8-301 to 8-345 from establishing and operating new electronic satellite facilities or manned electronic satellite facilities."; in line 5 strike "is" and insert "and section 8-157, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 269, Eighty-fourth Legislature, First Session, 1975, are".

3. Renumber original section 1 as section 2.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 508. The Schmit specific amendment found in this days Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. 862)

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 609. By Appropriations Committee: Marvel, 33rd District, Chairman; Marsh, 29th District; Bereuter, 24th District; Savage, 10th District; Simpson, 46th District; Goodrich, 20th District and Stull, 49th District.

A BILL FOR AN ACT making appropriations and reappropriations for capital construction and improvements and land acquisition; to provide conditions; to amend section 4, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974; to repeal the original section; and to declare an emergency.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules (Rule 3, Section 5) to place LB 609 on General File without a public hearing.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION–Study Rules

Mr. F. Lewis moved that the Rules Committee specific study the rule on personal privilege and make appropriate recommendations.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays and 25 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

The F. Lewis motion prevailed with 29 ayes, 2 nays and 18 not voting.

VISITORS

The President introduced 12 seventh and eighth grade students and sponsors from Ohiowa, Nebraska;12 first to eighth grade students and sponsors from District No. 65 Grandy, Fairbury, Nebraska; 22 sixth, seventh, and eighth grade students and sponsors from Newman Grove, Nebraska; 50 fourth grade students and sponsors from Bellevue, Nebraska; 40 sixth grade students and sponsors from Shelton, Nebraska; 28 fourth grade students and sponsors from So. East Consolidated, Stella, Nebraska; 30 fourth grade students and sponsors from Wakefield, Nebraska; 19 High School Seniors and sponsors from Hayes Center, Nebraska; 10 third through sixth grade students and sponsors from Alliance, Nebraska; and 102 eighth students and sponsors from Minden, Nebraska.

RECESS

At 11:58 a.m. on a motion by Mr. Mahoney, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Clark, Duis, Hasebroock, Johnson, Kime, Koch, Kremer, Nichol, Skarda and Wiltse who were excused.

RESOLUTION

LEGISLATIVE RESOLUTION 39.

Introduced by Goodrich, 20th District; Anderson, 37th District; Barnett, 26th District; Burrows, 30th District; Carsten, 2nd District; Cavanaugh, 9th District; Clark, 47th District; Cope, 36th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Dworak, 22nd District; Fitzgerald, 14th District; George, 16th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; F. Lewis, 345th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Mills, 44th District; Moylan, 6th District; Murphy, 17th District; Rasmussen, 41st District; Rumery, 42nd District; Savage, 10th District; Schmit, 23rd District; Skarda, 7th District; Stoney, 4th District; Stull, 49th District; Syas, 13th District; Warner, 25th District; Wiltse, 1st District.

WHEREAS, more than two years have passed since the signing of the Paris Peace Accords; and

WHEREAS, the Communist bloc countries in Southeast Asia are not abiding by Articles 8a and 8b of the Paris agreement or the Laotian Protocols, which provide for an accounting of American servicemen who are Missing in Action and the repatriation of all Prisoners of War; and

WHEREAS, there appears to be a lack of effective action being taken or proposed to achieve a full accounting of the remaining 1300 Prisoners of War and Missing in Action; and

WHEREAS, the 1300 families of these men have too long borne the painful burden of uncertainty that this situation has caused; and

WHEREAS, we as Americans and citizens of a free nation acknowledge our continuing responsibility to resolve the fate of these men who served their country in Southeast Asia.

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

1. That the Congress of the United States be requested to conduct a thorough investigation of the issue of American Prisoners of War and Missing in Action in Southeast Asia, and that it take such action as may be necessary to ensure an honorable determination of the fate of these men.

2. That a copy of this resolution be forwarded to each member of the Nebraska delegation in the Congress of the United States with the request that it be inserted into the Congressional Record.

Laid over.

CORRECTED NOTICE OF COMMITTEE HEARING
Committee on Committees

On page 1528, line 20, change "Wednesday, May 22, 1975" to read "Thursday, May 22, 1975".

(Signed) John S. Savage, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 1975, at 1:40 p.m., were the following bills: 115, 198, 198A, 269, 269A, and 307.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT–Member Excused

Mr. Anderson asked unanimous consent to be excused at 3:00 p.m. today. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 123. Considered.

Standing Committee amendments were considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 12 nays and 22 not voting.

Mr. Mahoney moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 13 nays and 21 not voting.

LB 123 laid over until Monday, May 5, 1975 at request of Mr. Mahoney.

Mr. Simpson asked unanimous consent to consider a request on LB 306 at this time. No objections. So ordered.

MOTION–Request Governor to Return LB 306

Mr. Simpson moved to direct the Clerk to request the Governor to return LB 306 to the Legislature for further consideration.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 417. Placed on Select File as amended.
E & R amendments to LB 417:

1. On page 3, line 15, strike "the" and insert "each"; in line 19 strike "division"; in line 23 strike "such assistant director's" and insert "his"; and in lines 25 and 26 strike "each assistant director" and insert "he".

2. On page 4, lines 11 and 12, strike "each assistant director's" and insert "his"; in lines 15 and 16, strike "each correctional services" and insert "his"; and in lines 18 and 19 strike "such assistant director's" and insert "his".

3. On page 7, line 2, insert an underscored comma after "parole"; and in line 17 strike the comma.

4. On page 8, line 18, insert an underscored comma after "director".

5. On page 9, insert an underscored comma at the end of line 3; and in line 9 strike the period and insert an underscored semicolon.

6. In committee amendment 4, line 2, strike the first period and insert an underscored comma.

7. On page 10, line 6, strike the comma.

8. On page 11, line 3, strike the comma; in lines 19 and 20 strike "14 and 15" and insert "13 and 14"; and in line 22 strike "18" and insert "17".

9. On page 12, line 4 strike "head" and insert "supervisor"; and in line 12, insert an underscored comma after "Services".

10. On page 13, line 2 and lines 15 and 16, strike "such supervisor's" and insert "his"; in line 10 strike "the supervisor" and insert "he"; and in line 18 insert an underscored comma after "Services".

11. On page 14, line 14, strike "Fiscal operations, providing" and insert "Providing"; in line 18 strike "Personnel, providing" and insert "Providing"; strike line 20 and insert "recruitment, and evaluation, and establishing and maintaining"; in line 23 strike "Engineering, providing" and insert "Providing"; and in line 25 strike ". Also supervise" and insert "and supervising".

12. On page 15, strike line 1 and insert:
"(4) Providing data"; and strike line 8 and insert:
"(5) Design and implementation of a comprehensive".

13. On page 16, line 9, strike "juvenile" and insert "juveniles".

14. On page 17, insert an underscored comma after "services" in line 16 and "maintenance" in line 23; and in line 25 strike "26 to 34" and insert "25 to 33".

15. On page 18, lines 1 and 12, strike "26 to 34" and insert "25 to 33"; in line 22 strike "of the facilities district" and insert "for the district in which any criminal detention facility is located"; in line 23 strike "facilities" and insert "facility"; and in line 27 strike "31 to 34" and insert "30 to 33".

16. On page 19, line 9, insert "sections 25 to 33 of" after "in"; in line 17 insert "the" after the comma; and in line 27 strike "Department of Correctional Services" and insert "department".

17. On page 20, line 12, strike "criminal detention"; and in lines 22 and 27 strike "detention".

18. On page 21, lines 16 and 17, and line 18, strike "criminal detention"; in lines 21 and 22 strike "26 to 34" and insert "25 to 33"; and in line 23 strike "referred to herein".

19. On page 22, lines 1 and 2, strike "of the State of Nebraska"; in line 3 strike "criminal detention"; in line 7 strike "closed" and insert "enforced so as to require the closing of any facility"; strike lines 11 and 12 and insert "which case such period shall be one year."

20. On page 24, line 9, reinstate the comma.

21. Renumber the section inserted by the Cavanaugh amendment as section 38.

22. In the Cavanaugh amendment, page 1, line 4, strike the comma and insert "for"; in line 5, strike "shall"; in lines 5 and 6 and lines 11 and 25, and page 2, line 8, strike "Department of Correctional Services" and insert "department"; and on page 1, line 12, strike ", and shall" and insert "for and".

23. In the Cavanaugh amendment, page 2, line 17, insert "from the State Building Fund" after "dollars".

24. In the title, strike beginning with "to" in line 9 through the semicolon in line 11 and insert "to provide for the construction of certain facilities; to make appropriations;"; and in line 13, strike "83-1,140,".

LEGISLATIVE BILL 417A. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

1. In the Standing Committee amendment white copy on page 13, strike lines 11 to 15; line 16 strike "area served a mill"; strike lines 22 to 27.
2. On page 14 strike line 1; line 2 strike "(4)" and insert "(2)".

Mr. Burrows asked unanimous consent to print the following amendments to LB 344 in the Journal. No objections. So ordered.

AMENDMENTS TO STANDING COMMITTEE AMENDMENTS TO LEGISLATIVE BILL 344

1. On page 13, line 23 strike "and one half".
2. On page 14, after "election" insert "except, that the combined levy provided in subsections (1) and (2) of this section shall not exceed two and one half mills for any technical community college located in any area containing

a metropolitan class city, without prior approval by a majority vote of the qualified electors of the area in a primary, general, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election".

GENERAL FILE

LEGISLATIVE BILL 14. Title read. Considered.

Standing Committee amendments found in the Journal on page 950 for the Forty-eighth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 1520 for the Seventy-second Day.

Mr. R. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay and 27 not voting.

Mr. Mahoney moved the Call be raised. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The R. Lewis amendment was adopted with 25 ayes, 3 nays and 21 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

COMMUNICATIONS ON LB 306

May 2, 1975

The Honorable J. James Exon
Governor of Nebraska
Lincoln, Nebraska

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 306 to the Legislature for further consideration.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt

May 2, 1975

The Honorable Jules Burbach
Speaker, Nebraska Legislature
Room 2022, State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

I am transmitting herewith to the Legislature LB 306, the same having been returned by the Governor to the Legislature for further consideration. This bill will be placed on final reading pending the further action of the Legislature.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt
Enclosure

GENERAL FILE

LEGISLATIVE BILL 449. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

VISITORS

The President introduced 44 fourth and fifth grade students and adults from Bellevue, Nebraska; 18 seventh and eighth grade students and adults from Funk Public School, Funk, Nebraska; 28 fifth grade students and adults from Valley Public School, Valley, Nebraska; 41 fourth grade students and adults from Plainview, Nebraska.

MOTION–Adjournment

Mr. Mahoney moved to adjourn until 9:00 a.m., Monday, May 5, 1975. The motion prevailed with 24 ayes, 6 nays and 19 not voting. At 3:32 p.m., the Legislature adjourned until 9:00 a.m., Monday, May 5, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-FIFTH DAY—MAY 5, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 5, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our schedules, our plans, our bills for a new week we have in mind as we pause now for an opening moment of Prayer, O Lord our God, in the continuing faith that we are instruments in the fulfilling not of our own will, but the will of the God and Father of all men.
>
> As we sincerely seek to do what is right, make it plain to us--and keep it plainly before us as pressures mount and deadlines approach.
>
> Through the often discordant tones of human need and human choice, may we yet hear the unifying theme of human love -- and may that unite us to one another in the service of others. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Burbach who was excused and Messrs. Cavanaugh, Kelly, Koch and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1590, line 26 and page 1598, line 27, insert "Re-" before "Engrossment".
Page 1595, lines 2, 3, and 12, delete "269A" and insert "259A".
Page 1600, line 11, delete "345th" and insert "45th".
The Journal for the Seventy-fourth Day was approved as corrected.

UNANIMOUS CONSENT–Member Excused

Mr. Wiltse asked unanimous consent to be excused Thursday and Friday, May 8 and May 9, 1975. No objections. So ordered.

COMMUNICATIONS

Letter from the Department of Agriculture acknowledging receipt of LR 31.

Letter from U. S. Senator Roman L. Hruska regarding Legislature's expression on O'Neill and North Loup Reclamation projects and acknowledging receipt of LR 31. (Copy of S.1532 filed in Clerks Office).

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 259. Replaced on Select File as amended.
E & R amendments to LB 259:

(NOTE: The Anderson amendment refers to the Final Reading bill.)

1. In the Final Reading bill, page 26, lines 23 and 24, strike "residents of the state" and insert "such persons".

2. In the title of the Final Reading bill, line 8, insert "to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 235A. Placed on Select File.

LEGISLATIVE BILL 421. Placed on Select File as amended.
E & R amendment to LB 421:

1. In the title, line 4, strike "and villages", and insert "of the primary or metropolitan class".

LEGISLATIVE BILL 526. Placed on Select File as amended.
E & R amendment to LB 526:

1. In lieu of the Johnson amendment, on page 2, line 13, strike "fifty" and insert "sixty".

LEGISLATIVE BILL 507. Placed on Select File as amended.
E & R amendment to LB 507:

1. In the title, line 2, strike "make an appropriation to" and insert "authorize"; and in line 4 insert "common" after "for".

LEGISLATIVE BILL 423. Placed on Select File as amended.
E & R amendments to LB 423:

1. On page 3, insert an underscored comma at the end of line 26.

2. In the title, line 8, strike "sections" and insert "section".

(Signed) Donald N. Dworak, Chairman

MOTION–Reconsider Action on LB 306

Mr. Wiltse moved to reconsider action on final passage of LB 306.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

MOTION–Return LB 306 to Select File

Mr. Wiltse moved to return LB 306 to Select File for the following specific amendment:
Amend LB 306 as follows
on line 16 page 5 insert after "assembled" the words "in the field"

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 306. The Wiltse specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 508 to Select File

Mr. Murphy moved to return LB 508 to Select File for the following specific amendment:
That LB 508 be returned to Select File for a specific amendment; to correct improper changes that were made under colour of adding the Schmit amendment, as originally presented to this body: by reinstating the stricken material in Subsection 9, page 6, line 14, beginning with the word "only" and continuing through the word "section" on line 17.

Mr. Murphy requested a roll call vote.

Mr. Murphy moved for a Call of the House. The motion prevailed with 24 ayes, 8 nays and 17 not voting.

The Call showed 46 members present.

Voting in the affirmative, 27:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cope	Dickinson	Dworak	George	Hasebroock
Kennedy	Kime	Koch	Kremer	Luedtke
Maresh	Marvel	Mills	Murphy	Nichol
Rasmussen	Savage	Simpson	Stoney	Stull
Syas	Warner			

Voting in the negative, 14:

Chambers	Clark	DeCamp	Fitzgerald	Fowler
Goodrich	Keyes	R. Lewis	Mahoney	Marsh
Rumery	Schmit	Skarda	Swigart	

Not voting, 8:

Burbach	Cavanaugh	Duis	Johnson	Kelly
F. Lewis	Moylan	Wiltse		

The Murphy motion prevailed with 27 ayes, 14 nays and 8 not voting.

Mr. Murphy moved to bracket LB 508 on Select File. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Luedtke moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 417. E & R amendments found in the Journal on page 1602 for the Seventy-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 417A. Advanced to E & R for Engrossment.

Mr. Luedtke asked unanimous consent to bracket LB 417 and LB 417A on E & R for Engrossment. No objections. So ordered.

LEGISLATIVE BILL 204. Mr. Chambers renewed his pending motion found in the Journal on page 1588 for the Seventy-fourth Day to indefinitely postpone.

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 6 nays and 20 not voting.

The Call showed 47 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 22:

Barnett	Bereuter	Cavanaugh	Chambers	Clark
Dickinson	Dworak	Fowler	Kennedy	Keyes
Koch	Kremer	Mahoney	Marsh	Mills
Nichol	Savage	Skarda	Stoney	Swigart
Syas	Wiltse			

Voting in the negative, 25:

Anderson	Burrows	Carsten	Cope	DeCamp
Duis	Fitzgerald	George	Goodrich	Hasebroock
Johnson	Kime	F. Lewis	R. Lewis	Luedtke
Maresh	Marvel	Moylan	Murphy	Rasmussen
Rumery	Schmit	Simpson	Stull	Warner

Not voting, 2:

Burbach	Kelly

The Chambers motion lost with 22 ayes, 25 nays and 2 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 39 ayes, 0 nays and 10 not voting.

Mr. Syas requested a machine vote on advancing LB 204.

Advanced to E & R for Engrossment with 25 ayes, 18 nays and 6 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Murphy asked unanimous consent to be excused until this afternoon. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 344. Mr. Marvel requested his amendment found in the Journal on page 1591 for the Seventy-fourth Day be withdrawn.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1591 for the Seventy-fourth Day.

Mr. Burrows offered the following amendment to the Goodrich amendment:

Amend the Goodrich Amendment LB 344
Strike: the Metropolitan Technical Community College
Insert: Any technical community college located in any area containing a metropolitan class city

The amendment was adopted with 25 ayes, 5 nays and 19 not voting.

The Goodrich amendment, as amended, was adopted with 26 ayes, 13 nays and 10 not voting.

Mr. Duis renewed his pending amendment found in the Journal on page 1591 for the Seventy-fourth Day.

Mr. Duis requested a record vote.

Voting in the affirmative, 14:

Barnett	Carsten	Clark	DeCamp	Duis
Koch	Maresh	Marsh	Marvel	Mills
Rasmussen	Simpson	Stull	Warner	

Voting in the negative, 22:

Anderson	Bereuter	Burrows	Cavanaugh	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Johnson
Kennedy	Kime	Kremer	F. Lewis	Mahoney
Moylan	Nichol	Rumery	Skarda	Stoney
Swigart	Syas			

Not voting, 13:

Burbach	Chambers	Cope	Dickinson	Fowler
Kelly	Keyes	R. Lewis	Luedtke	Murphy
Savage	Schmit	Wiltse		

The amendment lost with 14 ayes, 22 nays and 13 not voting.

Mr. Burrows renewed his pending amendment found in the Journal on page 1603 for the Seventy-fourth Day.

Mr. Mahoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays and 19 not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 21 ayes, 11 nays and 17 not voting.

Mr. Burrows moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Duis requested a record vote on the Burrows amendment.

Voting in the affirmative, 26:

Anderson	Burrows	Cavanaugh	Clark	DeCamp
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Johnson	Kennedy	Kime	Kremer	F. Lewis
R. Lewis	Mahoney	Maresh	Mills	Moylan
Nichol	Rumery	Schmit	Stull	Syas
Warner				

Voting in the negative, 17:

Barnett	Carsten	Cope	Dickinson	Duis
George	Keyes	Koch	Luedtke	Marsh
Marvel	Savage	Simpson	Skarda	Stoney
Swigart	Wiltse			

Not voting, 6:

Bereuter	Burbach	Chambers	Kelly	Murphy
Rasmussen				

The Burrows amendment was adopted with 26 ayes, 17 nays and 6 not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1603 for the Seventy-fourth Day.

The amendment lost with 9 ayes, 24 nays and 16 not voting.

Mr. Cavanaugh offered the following amendment:
1. Page 13, lines 17 thru 19 reinstate the stricken matter.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 22 ayes, 7 nays and 20 not voting.

Mr. Cavanaugh moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Cavanaugh amendment was adopted with 25 ayes, 14 nays and 10 not voting.

Mr. Rasmussen offered the following amendment:
On page 8 strike paragraph 12, on line 13 strike the word real, on line 24 strike the words sale, conveyance, or.

The amendment lost with 10 ayes, 23 nays and 16 not voting.

Mr. Kremer offered the following amendment:
1. Page 12, line 11 and page 13, line 25 after "area" insert "voting"

The amendment was adopted with 35 ayes, 0 nays and 14 not voting.

Mr. Skarda asked unanimous consent to be excused until this afternoon. No objections. So ordered.
Mr. Marvel offered the following amendments to the Standing Committee amendments to LB 344: (No. 1)

1. On page 6, line 16 strike "construct,"
and in lines 16 and 17 strike "purchase, purchase on
contract,".
2. On page 8, strike lines 18 to 20; in line
21 strike "real and"; in line 23 after "thereby" insert
";" and strike beginning with the comma in line 23
through the semicolon in line 27; and renumber subdivisions (13) to (18) of section 9 as subdivisions
(12) to (17) respectively.
3. On pages 11 to 13 strike original sections
13 and 14.
4. On page 14 after line 21 insert the following:
"Sec. 15. The board of each college shall
annually, prior to July 1, 1976, and each year thereafter, prepare a proposed capital construction budget
for the fiscal year beginning the following July 1. The
budgets shall show all expenditures proposed by the
board and the revenue anticipated from any available
sources. The Department of Administrative Services
shall review such budgets and attach its recommendations
thereto and transmit them to the Director of Administrative Services not later than September 15. The Legislature
shall review such proposals and set the final capital
construction budget for each college.".
5. Renumber original sections 15, 16, and 17
to 31 as sections 13, 14, and 16 to 30, respectively.

Mr. Marvel moved for a Call of the House. The motion prevailed with 19 ayes, 11 nays and 19 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 25:

Anderson	Barnett	Bereuter	Carsten	Clark
Cope	DeCamp	Dickinson	Duis	Dworak
Johnson	Kime	R. Lewis	Maresh	Marsh
Marvel	Mills	Rasmussen	Savage	Schmit
Simpson	Stull	Swigart	Warner	Wiltse

Voting in the negative, 18:

Burrows	Cavanaugh	Fitzgerald	Fowler	Goodrich
Hasebroock	Kennedy	Keyes	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Moylan	Nichol
Rumery	Stoney	Syas		

Not voting, 6:

Burbach	Chambers	George	Kelly	Murphy
Skarda				

The Marvel amendment was adopted with 25 ayes, 18 nays and 6 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 24 ayes, 4 nays and 21 not voting.

Mr. Marvel offered the following amendment: (No. 2)

In the Standing Committee amendment to LB 344, white copy:

1. On page 2, line 5 after ";" insert "and"; strike lines 6 through 21 and insert the following:

"(5) Tuition income shall mean any money actually collected from students enrolled at a technical community college for the support of instruction. Tuition income shall include all fees or special assessments collected from students.".

2. On page 6 line 22 after "including" strike "full-time equivalent student enrollment total" and insert "tuition income".

3. On page 14, lines 17 and 18, and 19 strike "full-time equivalent student enrollment total" and insert "tuition income"; strike lines 22 to 27.

4. On page 15 strike lines 1 to 21.

5. Renumber original sections 18 to 31 as sections 17 to 30, respectively.

Mr. Mahoney 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. Marvel moved for a Call of the House. The motion prevailed with 27 ayes, 7 nays and 15 not voting.

Mr. Marvel requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Barnett	Bereuter	Carsten	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	George
Johnson	Kime	Koch	Luedtke	Maresh
Marsh	Marvel	Mills	Rasmussen	Savage
Schmit	Simpson	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 16:

Anderson	Burrows	Cavanaugh	Fitzgerald	Fowler
Goodrich	Hasebroock	Kennedy	Kremer	F. Lewis
Mahoney	Moylan	Nichol	Rumery	Stoney
Syas				

Not voting, 7:

Burbach	Chambers	Kelly	Keyes	R. Lewis
Murphy	Skarda			

The Marvel amendment was adopted with 26 ayes, 16 nays and 7 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

ANNOUNCEMENTS

Mr. Schmit announced the hearing on the Agriculture and Environment Committee bill LB 601 before the Judiciary Committee at 1:00 p.m. today in room 2102.

Mr. Marvel announced an executive session of the Appropriations Committee, Tuesday, May 6, 1975 in room 1003 at 12:00 noon.

MESSAGE FROM THE GOVERNOR

May 2, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 269, 269A, 317, and 317A.

These bills were signed by me on May 2, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

BILL ON FIRST READING

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

LEGISLATIVE BILL 215A. By Rumery, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 215, Eighty-fourth Legislature, First Session, 1975; to provide duties; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 40.

Introduced by George, 16th District; Hasebroock, 18th District.

WHEREAS, the Nebraska Hall of Fame Commission was established by action of the Nebraska State Legislature; and

WHEREAS, the commission utilizing the criteria established by the Legislature has elected John G. Neihardt as a member of the Hall of Fame; and

WHEREAS, John G. Neihardt artistically and authentically portrayed in both his prose and his poetry the beauty of the Nebraska countryside, the philosophy and idealism of the Indians, the intrepid courage of the explorers and the pioneers, canopied always with a sympathy for, and understanding of, the entire human race; and

WHEREAS, John G. Neihardt's work is growing in fame and importance, not only in the United States, but in foreign countries as well; and

WHEREAS, John G. Neihardt was truly one of us, growing up among us and electing, in his latter years, to return to us.

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

1. That this Legislature accept the Bust of John G. Neihardt and have it placed in the Hall of Fame in the State Capitol.

2. That the ceremony for the dedication and installation of the Bust be held on Thursday, May the 15th, 1975, at 1:15 P.M. in the Hall of Fame in the State Capitol.

Laid over.

VISITORS

The President introduced Senator Swigart's wife, two sisters and sister-in-law from Iowa; 33 eighth grade students from Scribner; 53 members of the Des Moines Iowa Youth Symphony and sponsor; 20 twelfth grade students and teacher from Wynot High, Wynot; 93 seventh grade students from St. Cecelia School, Omaha; 5 Government students and sponsor from Clay Center and 92 fourth grade students and teacher from Aurora.

RECESS

At 12:07 p.m., on a motion by Mr. Mahoney, the Legislature recessed until 1:15 p.m.

AFTER RECESS

The Legislature reconvened at 1:22 p.m., Mr. Savage presiding.

ROLL CALL

The roll was called and all members were present except Mr. Burbach who was excused, Messrs. Kelly, Murphy, and Skarda who were excused until they arrive, and the members of the Judiciary Committee who were absent until 2:10 p.m.

ATTORNEY GENERAL'S OPINION

Opinion No. 73
May 2, 1975

Dear Senator DeCamp:

Referring to our opinion letter to you dated April 22, 1975 (Opinion No. 67), you now submit the following questions:

"1. In those cases -- if there are any -- in which rights have not vested, would this bill apply retroactively.
2. The Agriculture Committee has been informed that responsible legal people believe that in those cases involving American Beef in which no legal action have been filed, no rights have vested yet. Assuming a court would to conclude that no rights have been vested would this bill then retroactively apply to those cases.
3. I realize that you may disagree with this assumption on vested rights, but for the purposes of discussion on the bills possible retroactivity, I would like to know whether the bill could apply if the court determined the rights vested."

In our previous opinion we pointed out that under the Uniform Commercial Code in its present form some secured creditors are entitled to immediate and automatic liens against subsequently acquired collateral of their debtors; the so-called "floating lien." Further, we concluded that such liens were in the nature of contractural rights the impairment of which by subsequent legislation is forbidden by the Constitution. Thus, as is anticipated in your letter, we do not agree with any assumption that no rights under such liens become vested until legal action thereon is instituted.

However, assuming such to be the case, then the proposed legislation (now LB 601) could be made retroactively applicable to prior transactions. And this would be true with respect to any other nonvested rights arising under the code. Conversely, with respect to rights arising under the code which were vested at the time of enactment of the amendatory bill, in our opinion there could be no retroactive application to prior transactions in such a way as to impair those vested rights.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 344. Mr. Marvel offered the following amendment:

Amendments to Standing Committee Amendments to LB 344 No. 3

1. On page 1, line 10 strike "colleges" and insert "college areas"; in line 11 after "college" insert "area"; and in line 23 strike "served".

2. On page 2, line 3 after "college" insert "area"; line 22 strike "(1) There are hereby created" and insert "The state is hereby divided into"; in lines

23 and 24 strike "colleges are for each of the following" and insert "college"; in line 24 after "areas" insert "as follows"; in line 25 after "Colleges" insert "Area"; and in line 26 strike "serve the area consisting" and insert "consist".

3. On page 3, lines 5, 12, and 19 after "College" insert "Area" and in lines 6, 13, and 20 strike "serve the area consisting" and insert "consist".

4. On page 4, lines 1 and 6 after "College" insert "Area"; in lines 2 and 7 strike "serve the area consisting" and insert "consist"; strike lines 9 to 15; renumber subdivisions (a) to (f) of section 3 as subdivisions (1) to (6) respectively; in line 16 after "College" insert "area"; in line 18 after "sued" insert a period and strike the remainder of the line; strike line 19; in line 20 after "college" insert "area"; in line 24 strike "college" and insert "area"; and in line 25 after "college" insert "area".

5. On page 5, line 18 after "college" insert "area".

6. On page 6, line 2 strike "the" and insert "each"; in line 10 strike "served"; and in line 19 after "college" insert "area".

7. On page 7, line 4 after "college" insert "area".

8. On page 8, line 5 strike "served"; and in lines 10, 13, 23, and 25 after "college" insert "area".

9. On page 9, line 12 strike "the" and insert "each" and after "college" insert "within its area"; in line 15 strike "college" and insert "area".

10. On page 10, line 2 strike "colleges" and insert "technical community college areas"; in lines 5 and 6 strike "served by the technical community college"; in lines 9, 12, and 16 strike "served"; and in lines 15 and 18 after "College" insert "Area".

11. On page 11, line 1 strike "district" and insert "area".

12. On page 12, line 2 strike "college" and insert "board"; in lines 21, 26, and 27 before "college" insert "technical community" and after "college" insert "area".

13. On page 13, before "college" insert "technical community" and after "college" insert "area".

14. On page 16, line 4 strike "colleges" and insert "college areas"; in line 9 after "college" insert "area".

15. On page 17, lines 3, 5, 11 and 17 strike "colleges" and insert "college area", and in line 3 strike "served".

16. On page 19, line 9 strike "college" and insert "board".

17. On page 20, lines 21 and 24 after "college" insert "area" and in line 21 after "or" insert "area".

PRESIDENT WHELAN PRESIDING

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Goodrich moved to bracket LB 344. The motion prevailed with 27 ayes, 3 nays and 19 not voting.

Mr. Mahoney asked unanimous consent to print all proposed amendments to LB 344 in the Journal. No objections. So ordered.

Cavanaugh Amendments to LB 344 No.1

Amend the Burrows amendment on line 7 after "area" insert "voting"; on line 6 after "metropolitan" insert "or primary" and after "city" insert "or area with outstanding general obligation bonds"

Cavanaugh Amendments to LB 344 No.2

Amend the Burrows amendment, line 6 on page 1604 after "city" insert "and primary class".

Koch Amendments to LB 344

1. On page 2, strike lines 4 and 5; renumber original subdivisions (5) and (6) of section 2 as subdivisions (4) and (5) respectively.

2. On page 5, line 13 strike "commission" and insert "State Board of Education".

3. On page 6, line 27 strike "commission" and insert "State Board of Education".

4. On page 10, line 25 after the period insert "No person shall be eligible to membership on the board who is an elected or appointed member of any other board relating to education.".

5. On page 14, line 26 strike "commission" and insert "State Board of Education".

6. On page 15, line 7 strike "commission" and insert "State Board of Education".

7. On page 16, strike lines 2 through 19; in line 20 strike "The commission" and insert "In order to facilitate the sharing of expertise and resources among the technical community colleges and avoid possible duplications and inefficiencies in educational programs and services, the State Board of Education"; and in line 22 strike "commission" and insert "State Board of Education".

8. On page 17, line 8 strike "commission" and insert "technical community colleges"; line 10 strike "commission" and insert "board"; in lines 18, 21, and 22 strike "commission" and insert "State Board of Education"; in lines 20 and 24 strike "the commission" and insert "such board"; and strike beginning with "All" in line 25 through line 27.

9. On page 18 strike lines 1 to 12; in lines 13 and 24 strike "commission" and insert "State Board of Education"; in line 18 strike "the commission" and insert "such board pursuant to this act"; strike beginning with "The" in line 21 through the period in line 23; and in line 27 after "duties" insert "under this act".

10. On page 19, in line 4 strike "commission" and insert "State Board of Education"; in line 5 after "The" insert "State Board of Education" and strike beginning with "commission" in line 5 through "and" in line 7.

11. On page 20, line 11 after "The" insert "State Board of Education" and strike beginning with "commission" in line 11 through "and" in line 13.

12. Renumber original sections 20, 21 and 23 to 31 as sections 19 to 29 respectively.

Warner Amendments to LB 344

1. On page 14 strike beginning with "Such" in line 15 through "year" in line 21 and insert "The governing board of each area shall annually, prior to November 1, 1975, and each year thereafter, prepare a proposed budget for the fiscal year beginning the following July 1. Such budget shall be submitted by November 1 to the commission. The commission shall review such budgets and attach its recommendation thereto and transmit them to the Legislative Fiscal Analyst not later than January 1. The final budget for each area shall be set by the Legislature."; and on pages 14 and 15 strike section 17.

2. Renumber original sections 18 to 31 as sections 17 to 30.

GENERAL FILE

LEGISLATIVE BILL 603. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 604. Title read. Considered.

Mr. F. Lewis offered the following amendment:

Page 8 after line 11 and 12 insert 92000 of the total shall be used to provide flood protection for the protection of citizens in and about Cris and Hanson Lake

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 20 ayes, 13 nays and 16 not voting.

The Call showed 46 members present.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The F. Lewis amendment was adopted with 25 ayes, 19 nays and 5 not voting.

Mr. Cavanaugh offered the following amendment:
Page 30, Line 23 Strike the period after "acceptance" and add "and that all gifts or bequest or real property in excess of $10,000 to be used for State purposes be approved by the governor and the legislature."

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The Cavanaugh amendment was adopted with 32 ayes, 2 nays and 15 not voting.

Mr. Barnett offered the following amendment:
To amend the Frank Lewis amendment on line 12 page 8 of 604 to include "$150,000" for a swimming pool in North Lincoln.

The amendment lost with 9 ayes, 28 nays and 12 not voting.

Mr. Barnett offered the following amendment:
To amend LB 604 on page 19 strike lines 19 to 23

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays,19 not voting.

The Barnett amendment lost with 14 ayes, 23 nays and 12 not voting.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 387.

Correctly Engrossed

The following bills were correctly engrossed: 32, 50, 50A, 298, 395, and 553.

(Signed) Donald N. Dworak, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 41.

Introduced by Kremer, 34th District.

WHEREAS, Agriculture is the most important sector in the economy of the State of Nebraska; and,

WHEREAS, the use of irrigation systems by agriculture producers and farmers generally is regarded as a critical factor to the development of Agriculture and hence the economy of the State of Nebraska; and,

WHEREAS, the Federal Power Commission has recently suggested that it may curtail the use of natural gas for irrigation use, notwithstanding the fact that this could cause severe and irreparable harm to Agriculture and notwithstanding the fact President Ford has repeatedly said that Agriculture should be in a high priority for using the nation's energy resources; and,

WHEREAS, revenue generated by farm production is a significant determinant of the export equation and is thus directly tied to the balance of payments for the entire economy of the United States.

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

1. That the Legislature of the State of Nebraska urge the President to work with the Congress in an effort of mutual cooperation to prevent the implementation of curtailment programs affecting the supply of natural gas for irrigation use.

2. That an urgent plea be made that the members of the Nebraska Congressional delegation in Washington, D. C. make a special effort to secure passage of remedial legislation and executive action to effectuate such legislation.

3. That during the time the President and the Congress are working toward a legislative resolve of this critical issue, the Federal Power Commission refrain from the imposition of natural gas curtailment programs for irrigation use.

4. That this resolution of the Governor of Nebraska and the Nebraska Legislature be made known to the Honorable President Gerald Ford, President of the United States, and also the members of the Nebraska Congressional delegation, as well as to the commissioners of the Federal Power Commission.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 606. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 607. Title read. Considered.

Mr. F. Lewis offered the following amendment:
Strike lines 1 and 2 of page 12 LB 607

The amendment lost with 4 ayes, 21 nays and 24 not voting.

Advanced to E & R for Review with 32 ayes, 3 nays and 14 not voting.

LEGISLATIVE BILL 342. Considered.

Mr. Maresh renewed his pending amendment found in the Journal on page 1508 for the Seventy-first Day.

Mr. Maresh moved for a Call of the House. The motion prevailed with 22 ayes, 15 nays and 12 not voting.

SPEAKER BURBACH PRESIDING

Mr. Dworak requested a record vote on the Maresh amendment.

Mr. Maresh moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Voting in the affirmative, 25:

Barnett	Bereuter	Burrows	Carsten	Chambers
Cope	Dickinson	Dworak	Goodrich	Hasebroock
Johnson	Keyes	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marvel	Rumery	Schmit
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 19:

Burbach	Cavanaugh	Clark	DeCamp	Fitzgerald
Fowler	George	Kelly	Kime	Koch
F. Lewis	Marsh	Moylan	Murphy	Nichol
Rasmussen	Simpson	Skarda	Stoney	

Not voting, 5:

Anderson	Duis	Kennedy	Mills	Savage

The Maresh amendment was adopted with 25 ayes, 19 nays and 5 not voting.

Mr. Murphy moved to advance LB 342.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to E & R for Review with 25 ayes, 12 nays and 12 not voting.

LEGISLATIVE BILL 311. Considered.

Mr. Chambers offered the following amendment:
To Amend LB 311
Page 2, line 6 - substitute $16,500

The amendment lost with 2 ayes, 26 nays and 21 not voting.

Mr. Koch offered the following amendment:
Line 5 - reinsert $17,500 and in line 6 strike 25,000, and add - the chairman to receive $18,500;

The amendment lost with 8 ayes, 24 nays and 17 not voting.

Advanced to E & R for Review with 29 ayes, 9 nays and 11 not voting.

LEGISLATIVE BILL 123. Considered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 6 nays and 17 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Standing Committee amendments found in the Journal on page 975 for the Forty-ninth Day were adopted with 25 ayes, 12 nays and 12 not voting.

Mr. Marvel offered the following amendment:
1. Strike the underscored language and re-instate the stricken language.
2. On Page 2, line 8, strike "twenty-five" and

insert "thirty-five".
3. Add the Emergency Clause.

Mr. Warner offered the following amendment to the Marvel amendment: To amend the Marvel amendment to strike "35" and insert "30"

PRESIDENT WHELAN PRESIDING

The Warner amendment was adopted with 26 ayes, 14 nays and 9 not voting.

Mr. Keyes offered the following amendment to the Marvel amendment:
25% on first 25,000
35% on 25,000 and up

The amendment was adopted with 22 ayes, 12 nays and 5 not voting.

The Marvel amendment, as amended, was adopted with 25 ayes, 17 nays and 7 not voting.

Mr. Mills moved to indefinitely postpone.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 23 nays and 6 not voting.

Mr. Mills moved for a Call of the House. The motion prevailed with 25 ayes, 16 nays and 8 not voting.

The Call showed 48 members present.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 21:

Burbach	Carsten	Clark	Cope	Dickinson
George	Hasebroock	Johnson	Kelly	Kennedy
Kime	Kremer	R. Lewis	Luedtke	Mills
Moylan	Murphy	Schmit	Stoney	Stull
Wiltse				

Voting in the negative, 25:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Dworak	Fitzgerald	Fowler	Goodrich
Keyes	Koch	F. Lewis	Mahoney	Maresh
Marvel	Nichol	Rasmussen	Rumery	Savage
Simpson	Skarda	Swigart	Syas	Warner

Not voting, 3:

DeCamp Duis Marsh

The Mills motion to indefinitely postpone lost with 21 ayes, 25 nays and 3 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Messrs. Moylan, Hasebroock, and Wiltse asked unanimous consent to be excused at 6:00 p.m. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. In Standing Committee Amendment 2, in section 2, line 1 after "applicable" insert "only after the passage and approval of Legislative Bills 368 and 368A, Eighty-fourth Legislature, First Session, 1975,".

The amendment lost with 17 ayes, 22 nays and 10 not voting.

Mr. Koch offered the following amendment:

1. On page 2 strike the new matter and reinstate the stricken matter; in line 9 strike "twenty-five" and insert "~~twenty-five~~ thirty" and strike the Marvel amendment

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Bereuter	Burbach	Carsten	Clark	Cope
DeCamp	Dickinson	Duis	George	Kelly
Kennedy	Koch	Kremer	R. Lewis	Luedtke
Marvel	Murphy	Schmit	Stoney	Stull
Warner				

Voting in the negative, 22:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
Fitzgerald	Fowler	Goodrich	Keyes	Kime
F. Lewis	Mahoney	Maresh	Mills	Nichol
Rasmussen	Rumery	Savage	Simpson	Skarda
Swigart	Syas			

Not voting, 6:

Dworak	Hasebroock	Johnson	Marsh	Moylan
Wiltse				

The Koch amendment lost with 21 ayes, 22 nays and 6 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 443 in the Journal. No objections. So ordered.

1. In the Standing Committee amendment, Journal page 938, on line 10 of section 15, after "that" strike "priority" and insert "at least thirty-nine per cent of the funds for this program shall be made available to fund eligible projects which are designed to primarily serve that portion of the population of the state that resides in unincorporated areas and in municipalities of less than five thousand persons as determined by the last federal decennial census. Priority on the allocation of all funds".

VISITORS

The President introduced students and their instructor from North Platte High School attending government day; 39 Fifth through Eighth Grade students, Principal and teacher from Waterbury and Dixon Schools, Dixon County.

ADJOURNMENT

At 6:16 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, May 6, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-SIXTH DAY—MAY 6, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 6, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 worth while. 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. In the name of Christ. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, F. Lewis and Luedtke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-fifth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Stull asked unanimous consent to be excused Wednesday, Thursday and Friday, May 7, 8 and 9, 1975. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused at 5:00 p.m. today. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused Thursday and Friday, May, 8 and 9, 1975. No objections. So ordered.

Mr. Savage asked unanimous cosnent to be excused at 4:00 p.m. today. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 333. Replaced on Select File as amended.
E & R amendments to LB 333:

1. On page 14, line 6, strike "food" and insert "~~food~~ nutrients".

2. On page 23, line 25, strike the second period and insert a comma.

LEGISLATIVE BILL 305. Replaced on Select File as amended.
E & R amendment to LB 305:

1. In E & R 4, strike lines 1 and 2 and insert:

"4. In lieu of the Wiltse amendment thereto as amended by the Mills amendment, on page 5, line 12, strike".

LEGISLATIVE BILL 340. Replaced on Select File as amended.
E & R amendment to LB 340:

1. On page 3, line 9, strike "item" and insert "size".

LEGISLATIVE BILL 430. Replaced on Select File as amended.
E & R amendments to LB 430:

1. Renumber the repeal section as section 3.

2. In the title, as amended, insert "to provide an operative date;" at the end of line 4.

LEGISLATIVE BILL 204. Replaced on Select File as amended.
E & R amendments to LB 204:

1. Renumber the new section added by the Kelly amendment as section 5 and original sections 3 and 4 as sections 6 and 7.

2. For correlation purposes, in new section 3, line 2, insert ", as amended by section 2, Legislative Bill 414, Eighty-fourth Legislature, First Session, 1975" after "1943"; and on page 2 thereof, line 20, insert ", but if, because of a change in the renewal period provided for in section 53-124, the lease is for less than the full period for which the license is to be issued, the license shall be issued and a new lease covering the remainder of the license

period must be filed with the commission prior to expiration of the original lease or the license shall be revoked by the commission on ten days' written notice to the licensee" after "issued".

3. In new section 3, page 3, line 1, strike the comma.

4. In new section 4, page 1, line 14, insert an underscored comma after "licensee" and strike the semicolon and the comma and show as stricken.

5. In new section 5, line 21, strike "if" and insert "of".

6. In lieu of the Goodrich and Kelly amendments 2, on page 15, line 13, insert ", 53-149, 53-165," after "53-103"; in line 14 strike "and"; and in line 15 insert ", and section 53-125, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 414, Eighty-fourth Legislature, First Session, 1975" after "1974".

7. In the title, line 2, insert ", 53-149, 53-165," after "53-103"; in line 3 strike "and"; in line 5 insert " , and section 53-125, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 414, Eighty-fourth Legislature, First Session, 1975" after "1974"; and in line 6 insert "to provide for license with right of survivorship; to provide restrictions on the use of information contained in required sections;" after the first semicolon.

LEGISLATIVE BILL 14. Placed on Select File as amended.
E & R amendments to LB 14:

1. In section 1, insert an underscored period after "control" in lines 5 and 7 and in the same lines strike the period and show as stricken; and in line 8 strike ", however," and show as stricken.

2. In committee amendment 7, line 3, insert "the second" after the first "strike".

3. On page 7, line 18, insert "it is" after "When".

4. In the R. Lewis amendment, strike line 3 and insert "commissioners,';".

5. On page 9, line 26, insert an underscored comma after "control" and strike the comma and show as stricken; and insert an underscored semicolon at the end of line 27.

6. On page 10, line 1, strike the semicolon and show as stricken.

7. On page 11, line 14, insert an underscored

period after "controlled" and strike the period and show as stricken; and insert "over which" at the end of line 21.

8. On page 12, reinstate the first comma in line 10; and in line 15 insert an underscored period after "control" and strike the period.

9. In section 9, line 12, insert "shall," after "and"; and in line 13 strike "shall" and insert "~~shall~~".

10. In the title, strike lines 2 to 14 and insert:

"FOR AN ACT to amend sections 2-946.02, 2-952, 2-953, 2-954, 2-956, 2-959, 2-960, 2-965, and 2-966, Reissue Revised Statutes of Nebraska, 1943, and sections 2-955 and 2-963, Revised Statutes Supplement, 1974, relating to noxious weeds; to redefine terms; to provide for the reestablishment of county weed district boards; to eliminate references to eradication; to provide compensation; to change hearing provisions; to change provisions for superintendents; to change the manner for recovery of expenses; and to repeal the original sections, and also section 2-954.01, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 449. Placed on Select File.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 306.

Correctly Engrossed

The following bills were correctly engrossed: 215 and 381.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused at 9:20 a.m. this morning until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 123. Considered.

Mr. Keyes moved to advance to E & R for Review.

Mr. Keyes moved for a Call of the House. The motion prevailed with 23 ayes, 4 nays and 22 not voting.

The Call showed 47 members present.

Mr. Keyes requested a roll call vote.

Mr. Simpson moved to excuse Messrs. F. Lewis and Koch until they arrive. The motion prevailed with 30 ayes, 15 nays and 4 not voting.

Voting in the affirmative, 20:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
DeCamp	Dworak	Fitzgerald	Fowler	Goodrich
Keyes	F. Lewis	Mahoney	Maresh	Nichol
Rasmussen	Savage	Simpson	Swigart	Syas

Voting in the negative, 28:

Bereuter	Burbach	Carsten	Clark	Cope
Dickinson	Duis	George	Hasebroock	Johnson
Kelly	Kennedy	Kime	Kremer	R. Lewis
Luedtke	Marsh	Marvel	Mills	Moylan
Murphy	Rumery	Schmit	Skarda	Stoney
Stull	Warner	Wiltse		

Not voting, 1:

Koch

Failed to advance to E & R for Review with 20 ayes, 28 nays, and 1 not voting.

Mr. DeCamp moved to indefinitely postpone.

Mr. Dickinson requested a roll call vote.

Mr. DeCamp requested to withdraw his motion to indefinitely postpone.

Mr. Barnett offered the following amendment:

1. On page 2 strike the new matter and reinstate the stricken matter; in line 9 strike "twenty-five" and insert "~~twenty-five~~ thirty".

Mr. Chambers moved the Call be raised. The motion prevailed with 39 ayes, 0 nays and 10 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 18 nays and 6 not voting.

The Barnett amendment was adopted with 30 ayes, 4 nays and 15 not voting.

Advanced to E & R for Review with 27 ayes, 7 nays and 15 not voting.

MOTION—Consider LB 141

Mr. Schmit moved to consider LB 141 on General File at this time. The motion prevailed with 25 ayes, 5 nays and 19 not voting.

GENERAL FILE

LEGISLATIVE BILL 141. Considered.

Mr. Cavanaugh offered the following amendment:

On page 2, line 5, strike "thirty-one" and insert in lieu "thirty"; at line 7, after the word "judge" insert:

1. On page 2, line 5, after "judge" insert "in a county judge district having a population of one hundred thousand or more; line 6, after "year" insert ", and each county judge in a county judge district having a population less than one hundred thousand receive an annual salary of twenty-six thousand dollars"; line 12, after "hundred" strike "fifty".

Mr. Cavanaugh moved for a Call of the House. The motion lost with 20 ayes, 13 nays and 16 not voting.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 24:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
Dickinson	Fowler	Goodrich	Keyes	Koch
F. Lewis	Luedtke	Mahoney	Marsh	Moylan
Nichol	Rasmussen	Savage	Schmit	Simpson
Skarda	Stoney	Swigart	Syas	

Voting in the negative, 19:

Bereuter	Burbach	Clark	Cope	Duis
Dworak	George	Hasebroock	Kelly	Kime
Kremer	R. Lewis	Maresh	Marvel	Murphy
Rumery	Stull	Warner	Wiltse	

Not voting, 6:

Carsten DeCamp Fitzgerald Johnson Kennedy
Mills

The Cavanaugh amendment lost with 24 ayes, 19 nays and 6 not voting.

Mr. George offered the following amendment:
$ 29,000 in counties over 150,000 population
$ 25,000 in all other counties.

Mr. R. Lewis offered the following amendment to the George amendment:
That each county district judge be given 5% increase

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 R. Lewis amendment lost with 13 ayes, 23 nays and 13 not voting.

Mr. DeCamp offered the following amendment to the George amendment:
$ 26,000
$ 30,000

The DeCamp amendment lost with 16 ayes, 22 nays and 11 not voting.

Mr. F. Lewis offered the following amendment to the George amendment:
$ 29,000
$ 24,000

The F. Lewis amendment was adopted with 26 ayes, 13 nays and 10 not voting.

The George amendment, as amended, was adopted with 25 ayes, 5 nays and 19 not voting.

Mr. Schmit offered the following amendment:
Strike 30500 insert 29500
Strike 26000 insert 25500

Mr. Schmit moved for a Call of the House. The motion lost with 14 ayes, 18 nays and 17 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 23:

Anderson	Burrows	Chambers	Cope	DeCamp
Dickinson	Duis	Fowler	Goodrich	Kelly
Koch	F. Lewis	Luedtke	Mahoney	Marsh
Mills	Moylan	Rasmussen	Rumery	Savage
Schmit	Syas	Warner		

Voting in the negative, 22:

Barnett	Bereuter	Burbach	Carsten	Cavanaugh
Clark	Dworak	Fitzgerald	Hasebroock	Kime
Kremer	R. Lewis	Maresh	Marvel	Murphy
Nichol	Simpson	Skarda	Stoney	Stull
Swigart	Wiltse			

Not voting, 4:

George	Johnson	Kennedy	Keyes

The Schmit amendment lost with 23 ayes, 22 nays and 4 not voting.

Advanced to E & R for Review with 28 ayes, 5 nays and 16 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

1. On page 2 after line 19 insert the following:
"Sec. 2. No commissioner shall:
(1) Receive any compensation from any source for his services as such employee other than the salary payable to him according to law;
(2) Receive any supplement to his salary from any private source;
(3) Solicit, accept, or agree to accept any gift, loan, gratuity, discount, favor, hospitality, or service from any person under circumstances from which it could reasonably be inferred that a purpose of the donor is to influence him in the performance of his official duties;
(4) Disclose to any person, other than as required by his official duties, any confidential information acquired in the course of his official duties nor use such imformation in the furtherance of his own economic interests or those of any other person;
(5) Solicit, accept, or agree to accept any compensation contingent upon state legislative, executive, or administrative action or inaction; or

(6) Hold any position, perform any duties, or engage in any activities incompatible with his offical capacity.

Sec. 3. Any commissioner violating the provisions of section 2 of this act shall be subject to removal from office or discharge.".

2. Renumber original section 2 as section 4.

Page 2, Line 6 - Strike "~~Twenty~~" &
Reinsert "Twenty Five".

UNANIMOUS CONSENT–Members Excused

Messrs. Stoney and Fitzgerald asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 215A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 10 nays and 11 not voting.

LEGISLATIVE BILL 605. Title read. Considered.

Mr. Mahoney offered the following amendment:
1) On page 32, lines 24 and 25, strike "71,593" and insert "88,561".

2) On page 33, lines 1 and 2, strike "71,593" and insert "88,561".

The amendment was adopted with 26 ayes, 6 nays and 17 not voting.

Mr. Goodrich offered the following amendment:
1. On page 12, line 4, strike "18,932,861" and insert "19,082,861"; on line 7, strike "23,129,235" and insert "23,279,235"; and on line 20, strike "789,250" and insert "939,250".

2. On page 16, line 13, strike "31,399,859" and insert "31,549,859"; on line 17, strike "45,956,595" and insert "46,106,595".

Amendment pending.

ANNOUNCEMENTS

Messrs. Murphy and Kennedy announced a joint executive session of the Public Health and Welfare and Banking, Commerce and Insurance committees at 1:20 p.m. under the North Balcony.

Mr. Mahoney announced all resolutions requesting a study by an interim committee should be introduced by Friday, May 16, 1975.

VISITORS

The President introduced 16 third and fourth grade students and sponsors from Deshler Public School, Deshler; 23 grade school students and teachers from Douglas School, Douglas; 28 fifth and sixth grade students and teacher from Park School, Lincoln; 41 Senior Citizens from Lefler Methodist Church, Omaha; 50 seventh grade students and teacher from Sandy Creek, Clay County; 12 students and teacher from Elk City School.

RECESS

At 12:00 noon on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present.

MESSAGE FROM THE GOVERNOR

May 5, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 114, 115, 198A, 282, 466, 486, 550, and 551, and Reengrossed Legislative Bills Nos. 198 and 307.

These bills were signed by me on May 5, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 443. Replaced on Select File as amended.
E & R amendments to LB 443:

1. In new section 9, subdivision (8), line 2, insert "sections 5 to 15 of" after "under"; in subdivision (9), line 1, strike "Exercise" and insert "To exercise"; and in the last line of the section insert "sections 5 to 15 of" after "of".

2. In new section 10, lines 5 and 9, insert "sections 5 to 15 of" after "of".

3. In new section 13, line 5, strike the last comma.

4. In new section 14, lines 4 and 5, insert "sections 5 to 19 of" before "this".

LEGISLATIVE BILL 603. Placed on Select File as amended.
E & R amendments to LB 603:

1. On page 14, line 23, strike the comma.

2. On page 16, after line 2, insert "Sec. 14. Cash Funds"; and in line 3, strike "Sec. 14.".

3. On page 18, line 18, strike "bill" and insert "act".

LEGISLATIVE BILL 604. Placed on Select File as amended.
E & R amendments to LB 604:

1. In lieu of the F. Lewis amendment, on page 8, after line 12, insert

"There is included $92,000 which shall be expended to provide flood protection for the citizens in and about Cris and Hansen Lake.".

2. On page 18, line 17, strike "in" and insert "on".

3. On page 30, insert a comma after "or" in line 19 and "donor" in line 20; and in line 27 strike "bill" and insert "act".

4. In lieu of the Cavanaugh amendment, on page 30, line 22, insert "of personal property" after "bequests"; and in line 23 insert "; and provided further, that all gifts or devises of real property in excess of $10,000 to be used for state purposes be approved by the Governor and the Legislature before acceptance" after "acceptance".

LEGISLATIVE BILL 606. Placed on Select File.

LEGISLATIVE BILL 607. Placed on Select File as amended.
E & R amendment to LB 607:
1. On page 29, line 16, strike "bill" and insert "act".

LEGISLATIVE BILL 342. Placed on Select File as amended.
E & R amendment to LB 342:
1. In lieu of the Maresh amendment, on page 2, line 6, insert "after approval by a majority vote of those voting on the issue in a general or special election called for that purpose in any such county by the county board in the manner provided by law" after "inhabitants".

LEGISLATIVE BILL 311. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 605. Considered.

Mr. Goodrich renewed his pending amendment found in this day's Journal.

Mr. Murphy 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. Goodrich requested a roll call vote.

Voting in the affirmative, 18:

Cavanaugh	Chambers	Dickinson	Fitzgerald	George
Goodrich	Johnson	Keyes	Koch	F. Lewis
Mahoney	Maresh	Moylan	Rumery	Savage
Stoney	Swigart	Syas		

Voting in the negative, 29:

Anderson	Barnett	Bereuter	Burrows	Carsten
Clark	Cope	DeCamp	Duis	Dworak
Fowler	Hasebroock	Kelly	Kennedy	Kime
Kremer	R. Lewis	Luedtke	Marsh	Marvel
Mills	Murphy	Rasmussen	Schmit	Simpson
Skarda	Stull	Warner	Wiltse	

Not voting, 2:

Burbach Nichol

The Goodrich amendment lost with 18 ayes, 29 nays and 2 not voting.

Advanced to E & R for Review with 34 ayes, 3 nays and 12 not voting.

MOTION–Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 861)

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.

The motion to introduce the new bill prevailed with 35 ayes, 2 nays and 12 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 610. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Goodrich, 20th District; Bereuter, 24th District; Simpson, 46th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period of July 1, 1975 to June 30, 1976; and to declare an emergency.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules (Rule 3, Sec. 5) and place LB 610 on General File without a public hearing. The motion prevailed with 31 ayes, 2 nays and 16 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

1. In the Standing Committee Amendment to
LB 507, Journal page 1482, after line 12 on Journal
page 1483 insert:

"If the Board of Educational Lands and Funds shall lease such property, the lease payments shall be computed so that the minimum return on the investment is equal to or greater than the average rate of return of the Permanent School Fund for the last five years immediately preceding such lease.".

MESSAGE FROM THE GOVERNOR

April 28, 1975

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

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Nebraska Educational Television Commission requiring legislative confirmation:

First District
Dr. Philip Heckman, Doane College, Crete (Private College Rep.–reappointment)
Mrs. Dorithy Obbink, 1935 So. 50th, Lincoln (Class IV School District Rep.)

Second District
Mr. Al Gilmore, 5201 No. 52nd, Omaha (Class V School District Rep.)
Mr. Don Conrad, R.R., Blair (Class I or VI School District Rep.)

Third District
Dr. Ed Nelson, Chadron State College, Chadron (State College Rep.)
Mrs. June Popken, Brady (Class II School District Rep. reappointment)
Mr. Jim Johnson, Nebraska Television Network, Kearney (Class III School District Rep.)

The appointees would serve a 4-year term ending January 9, 1979.
I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

UNANIMOUS CONSENT–Member Excused

Mr. Bereuter asked unanimous consent to be excused after Final Reading on May 7, 1975. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 443 in the Journal. No objections. So ordered.

1. In the Standing Committee amendment, Journal page 938, on line 10 of section 15, after "that" strike "priority" and insert "at least fifty per cent of the funds for this program shall first be made available to fund eligible projects which are designed to primarily serve that portion of the population of the state that resides in unincorporated areas and in villages, cities of the second class, or cities of the first class. Priority on the allocation of all funds".

GENERAL FILE

LEGISLATIVE BILL 608. Title read.

Mr. F. Lewis asked unanimous consent to have the bill laid over. No objections. So ordered.

LEGISLATIVE BILL 609. Title read. Considered.

Mr. Kelly offered the following amendment:
Page 7 Line 16 delete 250,000.00

The amendment lost with 12 ayes, 23 nays and 14 not voting.

Advanced to E & R for Review with 31 ayes, 1 nay and 17 not voting.

LEGISLATIVE BILL 571. Title read. Considered.

Mr. Kennedy moved to advance LB 571.

Mr. George moved the previous question. "The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays 15 not voting.

Advanced to E & R for Review with 35 ayes, 4 nays and 10 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 14 in the Journal No objections.

1. Add new sections to read as follows:

Sec. 12. (1) It shall be unlawful for a past control professional, as such term is defined in section 2-2601, to apply an economic poison for a valuable consideration in a quantity or at an application rate different from that which was represented by the pest control professional to the person who is to provide the valuable consideration for the application of the economic poison.

Sec. 13. For the purpose of enforcing the provisions of this section, the director shall have the authority to sample, examine and analyze any economic poison to be applied for a valuable consideration, or the remaining portion of an economic poison which has been so applied, to determine whether the economic poison is present in a quantity equal to the application rate represented by the pest control professional to the person who is to provide the valuable consideration for the application of the economic poison.

Sec. 14. If it shall appear from the directors analysis that an economic poison has been applied by a pest control professional at an application rate different from that which was represented by said pest control professional to the person who is to provide the valuable consideration for the application of the economic poison, the director shall immediately advise the person who is to provide the valuable consideration and the pest control of the professional, in writing, of the complete results of the analysis.

Sec. 15. Any person who violates the provisions of this section or who interferes with the carrying out of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than one thousand dollars; Provided, that before any violation is reported to any county attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the director or his designated agent, either orally or in writing, in person or by attorney, with regard to such contemplated proceeding.

2. Amend section 12 to section 16.

Mr. Savage asked unanimous consent to print the following amendment to LB 423 in the Journal. No objections. So ordered.

Amendments to LB 423

1. On page 3, strike beginning with "Members" in line 23 through the period on page 4, line 7.

2. Insert new sections 2 and 3 as follows:

"Sec. 2. The following election procedure shall be applicable to all Class II, III, IV, and VI districts.

The election commissioner or county clerk of the county in which the greater part of each district is located shall divide such district into as many numbered districts of compact and contiguous territory and of as nearly equal population as may be practical as there are members of such school board. A member of the board shall be elected from each such district.

Sec. 3. Members of the boards of education of Class II, III, IV, V, or VI districts on the effective date of this act shall serve until the expiration of

their terms. At the general election in 1976 and each four years thereafter one member shall be elected from each of the even-numbered districts. At the general election in 1978 and each four years thereafter, one member shall be elected from each of the odd-numbered districts. The election commissioner or county clerk shall adjust the boundaries of such districts to conform to changes in the territory of the school district and following each federal decennial census.".

3. Renumber original sections 2 and 3 as sections 4 and 5.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance
Public Health and Welfare Committee

LB 602

The joint committee of the Banking, Commerce and Insurance Committee and the Public Health and Welfare Committee met in executive session on May 6, 1975 and resolved to conduct an interim study on the malpractice insurance problem. Testimony indicated that there is presently coverage available and that the bill in its present form was inadequate to cover the total problem. Accordingly, the bill will be held in committee for further study.

Dated May 6, 1975

(Signed) J. R. Murphy, Chairman
Banking, Commerce & Insurance
Committee

(Signed) Thomas C. Kennedy, Chairman
Public Health and Welfare
Committee

UNANIMOUS CONSENT–Member Excused

Mr. Dickinson asked unanimous consent to be excused at 4:00 p.m. today. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 571A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 5 nays and 14 not voting.

GENERAL FILE

LEGISLATIVE BILL 69. Title read. Considered.

Mr. Stull renewed his pending amendments found in the Journal on page 1562 for the Seventy-third Day.

SPEAKER BURBACH PRESIDING

The amendment was adopted with 25 ayes, 4 nays and 20 not voting.

Standing Committee amendments found in the Journal on page 1380 for the Sixty-sixth Day were rejected with 25 ayes, 2 nays and 22 not voting.

Mr. Keyes moved to indefinitely postpone.

Mr. Stull asked unanimous consent to add his name to LB 69. No objections. So ordered.

Mr. Johnson 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 Keyes motion to indefinitely postpone lost with 12 ayes, 24 nays and 13 not voting.

Mr. Keyes asked unanimous consent to withdraw his name from LB 69. No objections. So ordered.

Mr. Barnett appealed the ruling of the Chair on whether Mr. Stull could add his name to this bill.

The question is, "Shall the Chair be overruled?"The motion lost with 11 ayes, 24 nays and 14 not voting.

The Chair was not overruled.

Mr. Dworak offered the following amendment:
LB 69 Amend Stull Amendment to keep the 15.00 fee constant and eliminate the front plate

Mr. Mills 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. Dworak requested a record vote.

Voting in the affirmative, 13:

Anderson	Bereuter	Burrows	Cavanaugh	Chambers
DeCamp	Duis	Dworak	George	Kelly
F. Lewis	Mahoney	Mills		

Voting in the negative, 22:

Burbach	Carsten	Clark	Cope	Dickinson
Hasebroock	Johnson	Kime	Koch	Kremer
Luedtke	Maresh	Marsh	Marvel	Rumery
Simpson	Skarda	Stull	Swigart	Syas
Warner	Wiltse			

Not voting, 14:

Barnett	Fitzgerald	Fowler	Goodrich	Kennedy
Keyes	R. Lewis	Moylan	Murphy	Nichol
Rasmussen	Savage	Schmit	Stoney	

The Dworak amendment lost with 13 ayes, 22 nays and 14 not voting.

Mr. F. Lewis offered the following amendment:
After Stull amendment.
Each statement for the taxpayer shall include the following statement:
State tax for Roads 17.50

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 F. Lewis amendment lost with 10 ayes, 22 nays and 17 not voting.

Mr. Chambers offered the following amendment:

Amendment to LB 69

"Section 1. That section 7-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

7-101. Except as provided in section 7-101.01, commencing July 1, 1976 no person shall practice as an attorney or counselor at law, or commence, conduct, or defend any action or proceeding to which he is not a party, either by using or subscribing his own name, or the name of any other person, or by drawing pleadings or other papers to be signed and filed by a party, in any court of record of this state, unless he has been licensed and previously admitted to the bar by order of the Supreme Court of this state. No such paper shall be received or filed in any action or proceeding unless the same bears the endorsement of some admitted attorney, or is drawn, signed, and presented by a party to the action or proceeding. It is hereby made the duty of the judges of such courts to enforce this prohibition. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding thirty days. ~~but this section shall not apply to persons admitted~~

~~to the bar under preexisting laws.~~

Sec. 2. Any person desiring a license to practice law in this state shall make written application to the Clerk of the Supreme Court. The application shall show that the applicant has been admitted to the bar by order of the Supreme Court of the state and such other information and proof as the Supreme Court may require by rule. The application shall be accompanied by a fee of fifty dollars. Applications for license shall be upon forms prepared by the Clerk of the Supreme Court. Upon compliance with the provisions of this act an applicant shall be issued a license to practice law.

Sec. 3. The license of every person licensed under this act shall be renewed each year. On or before May 1 of each year, the Clerk of the Supreme Court shall mail an application for renewal of license to each person to whom a license was issued or renewed during the current year. The applicant shall return such application to the clerk with a renewal fee of fifty dollars on or before June 30 following the mailing of such notice. Upon receipt of the application and fee, the clerk shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the year beginning July 1 following the mailing of such notice and expiring June 30.

Sec. 4. Any licensee, who fails to pay the renewal fee, on or before June 30, shall be given a second notice in the same manner advising him (a) of his failure to pay, (b) that his license on that account has expired, (c) that the Supreme Court will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the annual renewal fee, together with an additional fee of five dollars, no order or revocation will be entered, and (e) that upon the failure to receive the amount then due, an order of revocation will be entered.

Sec. 5. A license to practice law may be revoked or suspended when the licensee is guilty of any of the following acts or offenses: (1) Fraud in procuring a license; (2) immoral, unprofessional, or dishonorable conduct; (3) failure to pay the annual license renewal fee; or (4) violation of the Code of Professional Responsibility adopted by the Supreme Court of Nebraska as it may, from time to time, be approved or amended by the court.

Sec. 6. The Supreme Court shall adopt rules and regulations prescribing procedures for reinstatement, revocation, or suspension of licenses and any other rules and regulations necessary to carry out the provisions of this act.".

2. On page 3, line 3 after "section" insert "7-101, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 4 strike "is" and insert "are".

3. Renumber original sections 1 to 3 as sections 7 to 9 respectively.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 17 nays and 15 not voting.

Speaker Burbach ruled the Chambers amendment not germane to the bill.

Mr. Chambers moved LB 69 be referred to a committee for public hearing.

Mr. Chambers moved for a Call of the House. The motion lost with 18 ayes, 19 nays and 12 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 25:

Anderson	Barnett	Burrows	Carsten	Cavanaugh
Chambers	Duis	Dworak	Fowler	Kelly
Kennedy	Keyes	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Mills	Nichol
Rasmussen	Rumery	Swigart	Syas	Warner

Voting in the negative, 19:

Bereuter	Burbach	Clark	Cope	DeCamp
George	Goodrich	Johnson	Kime	Koch
Marsh	Marvel	Moylan	Murphy	Schmit
Simpson	Skarda	Stull	Wiltse	

Not voting, 5:

Dickinson	Fitzgerald	Hasebroock	Savage	Stoney

The Chambers motion to refer LB 69 back to committee prevailed with 25 ayes, 19 nays and 5 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 74
May 6, 1975

Dear Senator Kennedy:

In your letter of May 5, 1975, you call our attention to a proposed amendment to LB 604. LB 604 is an appropriation bill. The amendment in question would amend the appropriation to the Governor's Emergency Fund by providing that $92,000 of the sum appropriated to that fund should be used to provide flood protection for the protection of citizens in

and about Cris and Hanson Lake. You ask our opinion as to the validity of such an amendment.

We believe that there are at least two problems with the amendment in question. First, no attempt is made to amend the general statutes specifying the types of projects for which the Governor's Emergency Fund may be used. The purpose of an appropriation bill is to appropriate money to a fund. The general purposes for which the appropriated sums may be used must be spelled out in general legislation, as has been done with respect to the Governor's Emergency Fund. Section 81-829.42, R.S. Supp., 1974, establishes the Governor's Emergency Fund, and provides the purposes for which it may be used. In general, it authorizes expenditures from that fund only for emergencies. Expenditures from the fund for general flood control or protection, in the absence of some disaster emergency, would, in our opinion, be foreign to the purposes spelled out in Section 81-829.42. We therefore conclude that the proposed amendment of LB 604 could not operate to amend the general statute dealing with the Governor's Emergency Fund, and would not authorize the expenditure of the designated fund for the purpose contemplated by the amendment.

Second, we question whether the Legislature could authorize and direct the expenditure of state money for this special purpose even if Section 81-829.42 were amended. Article III, Section 18, of the Constitution provides in 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; * * *. In all other cases where a general law can be made applicable, no special law shall be enacted."

Any legislation which deals with named individuals or specific property owned by private individuals is suspect of being in violation of the above constitutional provision. For example, in Cox v. State, 134 Neb. 751, 279 N. W. 482, the Legislature had waived the sovereign immunity of the state, and authorized suit against it by a particular individual for injuries sustained by the negligence of state employees. The court held this to be special legislation, saying:

> "Legislative Bill No. 20 involves the right of an individual to sue the state, and the state in such bill creates a liability in the individual's favor that heretofore did not exist by virtue of general statute. The legislature is without force to pass a special law creating a liability in behalf of an individual and authorizing such individual to institute suit, in the absence of a general statute

providing liability on the part of the state for the negligence of its agents and servants. * * *."

There is also the question of the possible violation of Article XIII, Section 3, of the Constitution which provides that the credit of the state shall never be given or loaned in aid of any individual, association, or corporation. Perhaps general flood control legislation, providing for the erection of flood control structures along streams to protect private property might be upheld. However, a provision for the erection or repair of a particular dike on particular privately owned property to protect a particular privately owned area would probably be held to violate Article XIII, Section 3, of the Constitution.

In conclusion, we are of the opinion that the proposed amendment would not accomplish its apparent purpose because of the failure to amend the section dealing with the Governor's Emergency Fund, and that if it did, our court might very well find it to be in violation of one or more constitutional provisions.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Introduce Bill

Mr. Marvel moved the introduction of a new bill by the committee on Appropriations.(Req.865)

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 611. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Goodrich, 20th District; Johnson, 15th District; Stull, 49th District; Bereuter, 24th District; Marsh, 29th District.

A BILL FOR AN ACT relating to appropriations; to authorize and make appropriations for the preparation of program statements, capital construction, and land acquisition; and to declare an emergency.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules and place LB 611 on General File without a public hearing. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT–Bracket LB 204

Mr. DeCamp asked unanimous consent to bracket LB 204 indefinitely.

Mr. Goodrich objected.

Mr. DeCamp moved to bracket LB 204 indefinitely. The motion prevailed with 26 ayes, 5 nays and 18 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Clark asked unanimous consent to be excused at 5:00 p.m. today. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 344 in the Journal. No obejctions. So ordered.

Amendments to Standing Committee amendment to LB 344

1. On pages 9 and 10 strike section 10 and insert:

"Sec. 10. After the operative date of this act the Southeast Technical Community College Area shall serve as the coordinating body for the Fire Service Safety Program and the Emergency Medical Training Program for the entire state and shall be reimbursed for expenses incurred in carrying out its duties under this section from funds made available for such purposes. Such area shall work in conjunction with the Department of Health when applicable. The boards shall within ninety days after the operative date of this act assume the responsibilities and assets of the Fire Service Safety Program and the Emergency Medical Training Program pursuant to a mutually agreeable plan formulated by the Southeast Technical Community College Area and other appropriate state and federal agencies.".

REFERENCE COMMITTEE REPORT

LB	Committee
69	Revenue

(Signed) Eugene T. Mahoney, Chairman

MOTION–Suspend Rules

Mr. Carsten moved to suspend the rules to set a public hearing on LB 69 on May 12, 1975 at 12:00 noon.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

NOTICE OF COMMITTEE HEARING
Revenue

LB 69 Monday, May 12, 1975 (Room 1019) 12:00 noon

(Signed) Cal Carsten, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 508 in the Journal. No objections. So ordered.

1. Strike the Schmit amendment found on page 1595 to 1598 of the Journal.
2. On page 3, after line one insert;
"Sec. 2. Nothing in section 8-157 shall prohibit building and loan associations as defined in sections 8-301 to 8-345 from establishing and operating new electronic satellite facilities or manned electronic satellite facilities for the purpose of transmitting savings and loan transactions."
3. Renumber original section 2 as section 3.

GENERAL FILE

LEGISLATIVE BILL 589. Title read. Considered.

Standing Committee amendment found in the Journal on page 975 for the Forty-ninth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Stull offered the following amendment:

1. On page 6, after line 7, insert a new subsection as follows:
"(3) The Governor or a majority of the members of the board may at any time call a meeting of the State Board of Equalization and Assessment for the purpose of setting a new tax rate if due to unforeseen events such change in the tax rate is required to meet current needs, or if in the opinion of the Governor the current tax rate is or shall be insufficient to meet the necessary operating costs of the state and its

11 agencies.".
12 2. Renumber original subsection (3) of
13 section 1, as subsection (4).

Mr. Keyes offered the following amendment to the Stull amendment:

1. On page 6, after line 7, insert a new subsection as follows:

"(3) The governor or a majority of the members of the executive board may at any time call a meeting of Legislature for the purpose of setting a new tax rate if due to unforeseen events such change in the tax rate is required to meet current needs, or if in the opinion of the Governor the current tax rate is or shall be insufficient to meet the necessary operating costs of the state and its agencies.".

2. Renumber original subsection (3) of section 1, as subsection (4).

Mr. Keyes requested his amendment be withdrawn.

The Stull amendment is pending.

VISITORS

The President introduced 80 fifth and sixth grade students and teacher from St. Patrick School, Fremont; 80 tenth through twelfth grade students and teacher from David City.

ADJOURNMENT

At 5:34 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, May 7, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-SEVENTH DAY—MAY 7, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 7, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

ROLL CALL

The roll was called and all members were present except Mr. Stull who was excused and Mr. Cavanaugh who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-sixth Day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 150. With Emergency.

A BILL FOR AN ACT to amend section 16-201, Revised Statutes Supplement, 1974, relating to cities of the first class; to enlarge powers with respect to property; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler

George	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Simpson	Skarda	Stoney
Swigart	Syas	Warner		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Johnson	Marvel	Schmit	Stull
Wiltse				

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 187.

A BILL FOR AN ACT to amend sections 48-125, 48-138, 48-139, 48-140, 48-141, 48-142, 48-143, 48-152, 48-153, 48-163, 48-170, 48-182, 48-185, 48-186, 48-188, and 48-1,100, Reissue Revised Statutes of Nebraska, 1943, and section 48-108, Revised Statutes Supplement, 1974, relating to the Nebraska Workmen's Compensation Court; to eliminate district court jurisdiction except for approval of lump sum settlements; to provide for direct appeals to the Supreme Court; to provide for an additional judge; to provide for transition; and to repeal the original sections, and also sections 48-181, 48-183, and 48-184, 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, 35:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Keyes	Kime	Koch
Kremer	F. Lewis	Luedtke	Maresh	Marsh
Moylan	Nichol	Savage	Simpson	Skarda
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 9:

Dworak	Kelly	Kennedy	R. Lewis	Marvel
Mills	Murphy	Rasmussen	Schmit	

Not voting, 5:

Cavanaugh Johnson Mahoney Rumery Stull

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

UNANIMOUS CONSENT—Change of Order

Mr. Duis asked unanimous consent to consider a new resolution at this time. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 42.

Introduced by Duis, 35th District.

WHEREAS, millions of dollars of damage have just been incurred because of the tornados which struck the Omaha area and other points in the state on May 6; and

WHEREAS, immediate emergency measures for the protection of life and property and the restoration of essential services appear necessary, the cost of which must be borne at least in part from the Governor's Emergency Fund; and

WHEREAS, the taking of such action will almost certainly require an appropriation to such fund in addition to the amount currently proposed; and

WHEREAS, the Legislature desires early guidance in determining the amount of such addition.

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

That the Legislature requests advice from the Governor of the amount necessary to be added to the appropriation to the Governor's Emergency Fund so that it might move promptly to provide him with the funds required in this emergency.

Mr. Luedtke asked unanimous consent to add all members names to LR 42. No objections. So ordered.

LR 42 was adopted with 47 ayes, 0 nays and 2 not voting.

Mr. Duis asked unanimous consent that a copy of LR 42 be sent to the Governor. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 187A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Eighty-fourth Legislature, First Session, 1975; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Keyes	Koch
Kremer	F. Lewis	Luedtke	Maresh	Marsh
Moylan	Nichol	Rumery	Savage	Simpson
Skarda	Stoney	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 9:

Dworak	Kelly	Kennedy	Kime	R. Lewis
Marvel	Mills	Rasmussen	Schmit	

Not voting, 4:

Johnson	Mahoney	Murphy	Stull

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 349. Mr. Warner moved to return LB 349 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays and 11 not voting.

The motion lost with 19 ayes, 27 nays and 3 not voting.

With Emergency.

A BILL FOR AN ACT to amend sections 45-102 and 45-105, Reissue Revised Statutes of Nebraska, 1943, relating to interest; to define terms; to change the interest rates as prescribed; to provide exceptions; to repeal the original sections, and also section 45-101, 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, 32:

Anderson	Bereuter	Burbach	Carsten	Clark
Cope	Dickinson	Duis	Dworak	Fitzgerald
Goodrich	Hasebroock	Johnson	Kelly	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Murphy	Nichol
Savage	Schmit	Skarda	Stoney	Swigart
Syas	Wiltse			

Voting in the negative, 16:

Barnett	Burrows	Cavanaugh	Chambers	DeCamp
Fowler	George	Kennedy	Keyes	Kime
R. Lewis	Marvel	Rasmussen	Rumery	Simpson
Warner				

Not voting, 1:

Stull

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Anderson	Bereuter	Burbach	Carsten	Cope
Dickinson	Duis	Dworak	Fitzgerald	Goodrich
Hasebroock	Johnson	Kelly	Koch	Kremer
F. Lewis	Luedtke	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Savage	Schmit
Stoney	Swigart	Syas	Wiltse	

Voting in the negative, 17:

Barnett	Burrows	Cavanaugh	Chambers	Clark
DeCamp	Fowler	George	Kennedy	Keyes
R. Lewis	Marvel	Rasmussen	Rumery	Simpson
Skarda	Warner			

Not voting, 3:

Kime	Mahoney	Stull

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 446.

A BILL FOR AN ACT relating to public funds; to require notice when bonds are called for prepayment; to provide procedure in the issuance of additional combined revenue bonds; to provide for unaudited statements in lieu of village audits; to provide when an audit may be required; to amend sections 10-126, 19-1306, and 19-2905, Reissue Revised Statutes of Nebraska, 1943, and section 19-2903, Revised Statutes Supplement, 1974; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Simpson	Skarda
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Fitzgerald	Marvel	Schmit	Stull

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

LEGISLATIVE BILL 452.

A BILL FOR AN ACT to amend section 21-1780, Reissue Revised Statutes of Nebraska, 1943, and sections 21-1786, 21-1790, and 21-1791, Revised Statutes Supplement, 1974, relating to credit unions; to provide additional powers; to change provisions for the annual meeting; to revise the duties of the credit committee and the supervisory committee; and to repeal the original sections, and also sections 21-1792 and 21-17,111, 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:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Barnett	Johnson	Marvel	Stull

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

LEGISLATIVE BILL 560.

A BILL FOR AN ACT to amend section 25-1222.01, Revised Statutes Supplement, 1974, relating to civil procedure; to provide that certain payments made to an injured person shall not be an admission of liability; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

R. Lewis

Not voting, 3:

Kime Marvel Stull

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

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused at 10:30 until he returns. No objections. So ordered.

MOTION—Return LB 368 to Select File

Mr. Duis moved to return LB 368 to Select File for the following specific amendment:

1. On page 7, lines 8 and 9, 15 and 16, strike "for the immediately preceding year ending March 31" and insert "issued as of March 1, 1975, which shall set the increase factor or percentage for the 1975-76 school year".
2. On page 8, in lines 17, 18, and 23 to 26 strike the new matter and reinstate the stricken matter and in line 23 after "limitation" insert ", but no deduction shall be made from any funds required by the Constitution of the State of Nebraska to be paid to such district".

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 397. With Emergency.

A BILL FOR AN ACT to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943, relating to assistance to dependent children; to include unborn children as dependent children; to allow application for benefits for such children; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Duis	Dworak	Fowler	Goodrich
Hasebroock	Kelly	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Mills	Moylan	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Swigart
Syas	Warner			

Voting in the negative, 3:

Dickinson	Nichol	Wiltse

Not voting, 9:

Fitzgerald	George	Johnson	Kennedy	Koch
Mahoney	Murphy	Skarda	Stull	

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 447.

A BILL FOR AN ACT to amend sections 81-149, 81-161.01, and 81-1107, Reissue Revised Statutes of Nebraska, 1943, section 81-161.04, Revised Statutes Supplement, 1974, section 81-145, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975, section 81-161.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975, section 81-153, Revised Statutes Supplement, 1974, as amended by section 5, Legislative

Bill 359, Eighty-fourth Legislature, First Session, 1975, and section 81-1118, Revised Statutes Supplement, 1974, as amended by section 14, Legislative Bill 359, Eighty-fourth Legislature, First Session, 1975, relating to the Department of Administrative Services; to harmonize provisions; to change provisions relating to the Purchasing Agent; to provide duties of the material division; to change competitive bid procedures; to provide authority to contract for prescribed services; to allow for direct purchase by agencies as prescribed; to eliminate an exception for the reproduction services bureau; and to repeal the original sections, and also section 81-161.06, 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:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Simpson	Stoney	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 2:

Barnett	Kelly

Not voting, 5:

Kennedy	Koch	Rasmussen	Skarda	Stull

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

MOTION—Suspend Rules

Mr. F. Lewis moved to suspend the rules (Rule 6, Sec. 6) to read LB 50 and LB 50A on Final Reading today. The motion prevailed with 31 ayes, 9 nays and 9 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 50.

A BILL FOR AN ACT to amend sections 79-1501, 79-1522.01, 79-1523, 79-1524, and 79-1528, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to redefine and change provisions for disability retirement and the method of determining the disability retirement allowance; to provide for changes in the manner by which the monthly formula annuity shall be determined; to provide for a monthly annuity to a surviving spouse 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Dickinson	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 1:

Dworak

Not voting, 6:

Clark	Kime	R. Lewis	Murphy	Skarda
Stull				

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

LEGISLATIVE BILL 50A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 50, Eighty-fourth Legislature, First Session, 1975.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Dickinson	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 3:

Clark	Dworak	R. Lewis

Not voting, 3:

Murphy	Skarda	Stull

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

MOTION—Suspend Rules

Mr. Mahoney moved to suspend the rules for the introduction of a new bill. (Req. No. 866)

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 612. By Mahoney, 5th District.

A BILL FOR AN ACT to appropriate and reappropriate funds for the Governor's Emergency Fund; and to declare an emergency.

MOTION—Suspend Rules

Mr. Mahoney moved to suspend the rules (Rule 3, Sec. 5) and place LB 612 on General File without a public hearing.

The motion prevailed with 36 ayes, 0 nays and 13 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills and resolution were correctly enrolled: LB 150, LB 187, LB 187A, and LR 42.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LB 150, LB 187, LB 187A, and LR 42.

UNANIMOUS CONSENT–Member Excused

Mr. Stoney asked unanimous consent to be excused Thursday and Friday, May 8 and 9, 1975. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 259. E & R amendments found in the Journal on page 1607 for the Seventy-fifth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 235A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 421. E & R amendment found in the Journal on page 1607 for the Seventy-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 526. E & R amendment found in the Journal on page 1607 for the Seventy-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 507. E & R amendment found in the Journal on page 1607 for the Seventy-fifth Day was adopted.

Mr. Kelly renewed his pending amendment found in the Journal on page 1641 for the Seventy-sixth Day.

Mr. Burrows offered the following amendment to the Kelly amendment:
Strike Line 7, 8 and 9
Insert is 11%

Amendments pending.

Mr. Cavanaugh asked unanimous consent to bracket LB 507. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 43.

Introduced by Barnett, 26th District.

WHEREAS, effective research is a vital fact of any successful governmental function, especially the legislative function; and

WHEREAS, a computer assisted research system, if properly implemented and utilized, can be an effective tool to enhance the accuracy and efficiency of those engaged in research on behalf of state government; and

WHEREAS, an automated information processing system which would provide instant access to multiple varieties of information, including legal research materials required by the legislative, executive, and judicial branches of state government may prove to be desirable and economically feasible.

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

1. That the Legislature authorize and fund a study made by an entity of its choice to determine the feasibility of implementing a computer assisted information processing system.

2. That such study examine the feasibility of utilization of such a system by all branches of state government, although the study should center upon the Legislature as the dominant general user of such system.

3. That the needs of the executive and judicial branches of government for the use of such a system be meticulously identified and evaluated with consideration given to beginning an on-going translation into computer readable form of Supreme Court opinions and selected documents of other government and offices which exhibit high wage characteristics.

4. That such study include an analysis of alternate forms of research systems which are not computer based.

5. That the results of this study and the recommendations which may result, be formulated as a master plan for implementation of a computer assisted research system, and such plan be presented to the next regular session of the Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 1975, at 10:50 a.m., were the following bills: 150, 187, and 187A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 50, 50A, 349, 397, 446, 447, 452, and 560.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 50, 50A, 349, 397, 446, 447, 452, and 560.

UNANIMOUS CONSENT–Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 522 in the Journal. No objections. So ordered.

1. On page 2, line 18, following the word "transportation", insert "shall be provided", and following the word "for", insert "only such". On line 19, following the word, "schools," insert "who reside in a district which provides transportation to public school students, and such transportation".

UNANIMOUS CONSENT–Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 423. E & R amendments found in the Journal on page 1608 for the Seventy-fifth Day were adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 1577 for the Seventy-third Day.

Mr. Koch moved for a Call of the House. The motion lost with 17 ayes, 15 nays and 17 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 19:

Burbach	Carsten	Cope	Dickinson	George
Goodrich	Johnson	Kime	Koch	F. Lewis
Maresh	Mills	Moylan	Murphy	Nichol
Savage	Skarda	Swigart	Syas	

Voting in the negative, 24:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
Clark	DeCamp	Dworak	Fitzgerald	Fowler
Kelly	Kennedy	Keyes	R. Lewis	Luedtke
Mahoney	Marsh	Marvel	Rasmussen	Rumery
Simpson	Stoney	Warner	Wiltse	

Not voting, 6:

Bereuter	Duis	Hasebroock	Kremer	Schmit
Stull				

The Koch amendment lost with 19 ayes, 24 nays and 6 not voting.

Mr. Savage renewed his pending amendment found in the Journal on page 1644 for the Seventy-sixth Day.

Amendment pending.

LEGISLATIVE BILL 333. E & R amendments found in the Journal on page 1630 for the Seventy-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. E & R amendment found in the Journal on page 1630 for the Seventy-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 340. E & R amendment found in the Journal on page 1630 for the Seventy-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 430. E & R amendments found in the Journal on page 1630 for the Seventy-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204. E & R amendments found in the Journal on page 1630 for the Seventy-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 14. E & R amendments found in the Journal on page 1631 for the Seventy-sixth Day were adopted.

Laid over.

LEGISLATIVE BILL 449. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 443. E & R amendments found in the Journal on page 1639 for the Seventy-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 603. E & R amendments found in the Journal on page 1639 for the Seventy-sixth Day were adopted.

Laid over.

LEGISLATIVE BILL 604. E & R amendments found in the Journal on page 1639 for the Seventy-sixth Day were adopted.

Laid over.

MESSAGE FROM THE GOVERNOR

May 7, 1975

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

Dear Mr. President and Senators:

I respectfully request that your honorable body delay any further action on LB 604 until we have had an opportunity to make recommendations as a result of the disaster suffered in Omaha and other

Nebraska communities following the May 5, 1975 tornadoes.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

SELECT FILE

LEGISLATIVE BILL 606. Laid over.

LEGISLATIVE BILL 607. E & R amendment found in the Journal on page 1640 for the Seventy-sixth Day was adopted.

Laid over.

LEGISLATIVE BILL 342. E & R amendments found in the Journal on page 1640 for the Seventy-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 311. Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor, May 7, 1975 at 11:50 a.m. were the following bills: 446, 452, 560, 349, 397, 447, 50, and 50A.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused at 12:00 noon today until he returns. No objections. So ordered.

VISITORS

The President introduced 28 third and fourth grade students and teacher from Clarks, Nebraska; 65 fourth grade students and sponsors from Carriage Hill, Papillion, Nebraska; 25 fifth and sixth grade students and teacher from Deshler, Nebraska; 20 fourth grade students and teacher from Pawnee City, Nebraska; 40 fourth grade students and teacher from St. Bons, Columbus, Nebraska; and 10 students and teacher and sponsors from District 41, Cass County.

RECESS

At 12:00 noon, on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Bereuter who was excused, Messrs. Duis, Dickinson, Kremer, and Schmit who were excused until they arrive, and Messrs. Carsten, Cavanaugh, Chambers, Fitzgerald, George, Goodrich, Kennedy, Keyes, Koch, F. Lewis, Mahoney, Moylan, Rasmussen, Savage, Skarda, Stoney, Swigart, and Syas who were absent.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 123. Placed on Select File as amended.
E & R amendments to LB 123:

1. Because of the Barnett amendment, strike committee amendment 1 and the Marvel, Warner, and Keyes amendments.

2. In the title, line 4, strike "provide for a graduated" and insert "increase the"; in line 5 strike "and" and insert "to provide an operative date;"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 141. Placed on Select File as amended.
E & R amendment to LB 141:

1. In lieu of the George amendment as amended by the Lewis amendment, on page 2, line 5, strike "thirty-one" and insert "twenty-four"; in line 6 strike the new matter and reinstate the stricken matter; reinstate the stricken matter in lines 7 to 11; and in the reinstated line 10, strike "twenty-seven" and insert "~~twenty-seven~~ twenty-nine" and strike "five hundred" and show as stricken.

LEGISLATIVE BILL 215A. Placed on Select File.

LEGISLATIVE BILL 605. Placed on Select File as amended.
E & R amendments to LB 605:

1. On page 3, line 10, strike "state" and insert "Supreme Court -".

2. On page 28, line 3, insert "upon" after "or"; and in line 4, strike "date" and insert "period".

3. On page 38, line 13, strike "bill" and insert "act".

LEGISLATIVE BILL 609. Placed on Select File.

LEGISLATIVE BILL 571. Placed on Select File as amended.
E & R amendments to LB 571:

1. On page 2, insert a comma at the end of line 23.

2. On page 3, line 25, and page 4, lines 2, 5, and 10, insert a comma after "residencies".

3. In the title, line 4, insert "for" before "funding".

LEGISLATIVE BILL 571A. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Bracket LB 204

Mr. DeCamp asked unanimous consent to bracket LB 204 on E & R Final. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 508

Mr. Murphy asked unanimous consent to unbracket LB 508 on Select File. No objections. So ordered.

UNANIMOUS CONSENT—Change of Order

Speaker Burbach asked unanimous consent to take up Select File bills reported in this afternoon. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 123. E & R amendments found in this day's Journal were adopted.

Mr. Warner offered the following amendment:
Add the emergency clause.

The amendment lost with 22 ayes, 2 nays and 25 not voting.

Mr. Chambers asked unanimous consent to add his name to LB 123. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 141. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 215A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 609. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 571. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 571A. Advanced to E & R for Engrossment.

RECESS

At 1:51 p.m., on a motion by Mr. Barnett, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:14 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, Stull, and Schmit who were excused and Messrs. Kremer and Kennedy who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 76
April 29, 1975

Dear Senator Bereuter:

You have requested our opinion as to whether proposed amendments to Legislative Bill 410 might invalidate the bill as being in violation of Article III, Section 14 of the Nebraska Constitution. The Constitution provides that no bill shall contain "more than one subject, and the same shall be clearly expressed in the title."

L.B. 410, in its present form, relates only to zoning regulations and the regulation of subdivision of property in certain municipalities. The amendments proposed for incorporation into L.B. 410 relate to sewer and water districts in certain types of municipalities. Both L.B. 410 and the

proposed amendments thereto provide for the amendment of various existing sections of the statutes pertaining to cities and villages.

Following are some of the general rules which are applicable to the interpretation and construction of constitutional provisions such as that contained in Article III, Section 14 of the Nebraska Constitution, as found in 73 Am. Jur. 2d, Statutes:

> "The constitutional prohibition of more than one subject in an act does not impose any limitation on the comprehensiveness of the subject, which may be as comprehensive as the legislature chooses to make it, provided it constitutes, in the constitutional sense, a single subject and not several. To constitute plurality of subject, an act must embrace two or more dissimilar and discordant subjects, that by no fair intendment can be considered as having any legitimate connection with or relation to each other. * * *. Generally speaking, the courts are agreed that a statute may include every matter germane, referable, auxiliary, incidental, or subsidiary to, and not inconsistent with, or foreign to, the general subject or object of the act. The constitutional provision is not intended, nor should it be so construed as, to prevent the legislature from embracing in one act all matters properly connected with one general subject or object, but the term 'subject' or 'object' as used in these provisions is to be given a broad and extended meaning, so as to allow the legislature full scope to include in one act all matters fairly, reasonably, naturally, logically, properly, or directly or indirectly connected with, or related to, each other or the same subject or object. * * *."(Sec. 125, pp. 338, 339)

> "It has been held that amendments by a single statute of any number of sections of some particular subject matter contained in a single chapter, title, or other division of a code do not violate the provision that no act shall contain more than one subject. * * *." (Sec. 133, p. 344.)

We find no decision of the Nebraska Supreme Court which is closely analogous to the situation presently under discussion. However, it is evident from some of the reported Nebraska decisions involving interpretation of Article III, Section 14, that Nebraska does follow the general rules enunciated in the foregoing text quotations.

In Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 43 N.W. 2d 174, construing Article III, Section 14, the court said:

> "* * *. An act, no matter how comprehensive, is valid as containing but one subject if a single main purpose is within its purview and nothing is included within it except that which is naturally connected with and incidental to that main purpose.***." (152 Neb. at 872)

In Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322, the constitutionality of the Nebraska Revenue Act was attacked as being, among other things violative of Article III, Section 14 of the Constitution. That act contained three general subdivisions: (a) sales and use tax; (b) income tax; and (c) general provisions concerning the administration of both state and municipal sales and use taxes. Notwithstanding the very broad and far-reaching provisions of the act, the court concluded that it did not contain more than one subject within the meaning of the Constitution. The court said:

> "* * *. If an act has but one general object, no matter how broad that object may be, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Article III, Section 14 of the Constitution." (182 Neb. at 408)

Of course, the mere fact that a bill may contain amendments to more than one existing section of the statutes does not mean that the bill contains more than one subject. See, Dorrance v. County of Douglas, 149 Neb. 685, 32 N.W.2d 202.

It seems to us that there is sufficient general subject relationship between such matters as zoning and the regulation of subdivisions on the one hand and the regulation of sewer and water improvements on the other within cities and villages, that both could be said to be naturally connected with and incidental to a single main purpose and, therefore, that the legislation covers but one general subject or object.

We are of the opinion that the incorporation of these two legislative measures into a single bill would not offend against Article III, Section 14 of the Constitution, assuming that the title were appropriately amended to conform to the newly incorporated provisions therein.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smh
cc: Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT–Member Excused

Mr. Nichol asked unanimous consent to be excused Friday, May 9, 1975. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 423. Mr. Savage renewed his pending amendment found in the Journal on page 1644 for the Seventy-sixth Day.

Mr. Syas offered the following amendment to the Savage amendment:
Strike all reference to Class II School Districts in the Savage amendment to LB 423

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. Syas requested a record vote.

Voting in the affirmative, 12:

Cavanaugh	Dworak	George	Goodrich	Koch
Maresh	Moylan	Savage	Skarda	Stoney
Swigart	Syas			

Voting in the negative, 18:

Anderson	Burrows	Chambers	Clark	Cope
DeCamp	Dickinson	Fitzgerald	Keyes	F. Lewis
Luedtke	Mahoney	Marsh	Murphy	Nichol
Rumery	Simpson	Warner		

Not voting, 19:

Barnett	Bereuter	Burbach	Carsten	Duis
Fowler	Hasebroock	Johnson	Kelly	Kennedy
Kime	Kremer	R. Lewis	Marvel	Mills
Rasmussen	Schmit	Stull	Wiltse	

The Syas amendment lost with 12 ayes, 18 nays and 19 not voting.

Mr. DeCamp 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 Savage amendment lost with 9 ayes, 26 ayes and 14 not voting.

Mr. Goodrich moved to indefinitely postpone.

Mr. Chambers moved to suspend the rules and consider the Goodrich motion to indefinitely postpone today. The motion prevailed with 32 ayes, 4 nays and 13 not voting.

Mr. Chambers 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 motion to indefinitely postpone lost with 19 ayes, 23 nays and 7 not voting.

Mr. Chambers moved to advance LB 423 to E & R for Engrossment.

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 9 nays and 17 not voting.

The Call showed 44 members present.

Mr. Chambers moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

LB 423 was advanced to E & R for Engrossment with 25 ayes, 18 nays and 6 not voting.

UNANIMOUS CONSENT--Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 7 in the Journal. No objections. So ordered.

1. On page 2, insert a new section 1 as follows:

"Section 1. That section 76-1416, Revised Statutes Supplement, 1974, be amended to read as follows:

76-1416. (1) A landlord may not demand or receive security, however denominated, in an amount or value in excess of one month's periodic rent, except that a pet deposit not in excess of one-fourth of one month's periodic rent may be demanded or received when appropriate, but this subsection shall not be applicable to housing authorities organized or existing under section 71-1518 to 71-1554.

(2) Upon termination of the tenancy property or money held by the landlord as prepaid rent and security may be applied to the payment of rent and the amount of damages which the landlord has suffered by reason of the tenant's noncompliance with the rental agreement or section 76-1421. The balance, if any, and a written itemization shall be delivered or mailed to the tenant within fourteen days after demand and designation of the location where payment may be made or mailed.

(3) If the landlord fails to comply with subsection (2) the tenant may recover the property and money due him and reasonable attorney's fees.

(4) This section does not preclude the landlord or tenant from recovering other damages to which he may be entitled under sections 24-568 and 76-1401 to 76-1449.

(5) The holder of the landlord's interest in the premises at the time of the termination of the tenancy is bound by this section.

(6) If a landlord chooses to maintain security deposits in a separate account, all such security deposits described in subsection 1 of this section so maintained and received on and after the effective date of this act shall be held by the landlord in a licensed financial institution located in this state; in line 9 strike "section" and insert "sections 76-1416 and"; in line 10 strike "is" and insert "are".

2. Renumber original sections 1 to 3 as sections 2 to 4 respectively.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly Re-engrossed: 259 and 259A.

Correctly Engrossed

The following bills were correctly engrossed: 235A, 421, and 526.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 589. Considered.

SPEAKER BURBACH PRESIDING

The Stull amendment found in the Journal on page 1653 for the Seventy-sixth Day was withdrawn.

Mr. Warner offered the following amendment:

Amend LB 589 strike the new language reinstate the stricken language. Then in line 9 strike "3" (1973) and insert "5" (1975) and in line 10 strike "Thirteen" and insert "Twelve"

PRESIDENT WHELAN PRESIDNG

Mr. Warner moved for a Call of the House. The motion prevailed with 24 ayes, 4 nays and 21 not voting.

The Call showed 44 members present.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Barnett	Burbach	Burrows	Clark
DeCamp	Duis	Kelly	Kime	Koch
Kremer	R. Lewis	Luedtke	Marvel	Murphy
Nichol	Rumery	Simpson	Stoney	Swigart
Warner	Wiltse			

Voting in the negative, 23:

Carsten	Cavanaugh	Chambers	Cope	Dickinson
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Keyes	F. Lewis	Mahoney
Maresh	Marsh	Mills	Moylan	Rasmussen
Savage	Skarda	Syas		

Not voting, 4:

Bereuter	Kennedy	Schmit	Stull

The Warner amendment lost with 22 ayes, 23 nays and 4 not voting.

Mr. Chambers asked unanimous consent to be excused until 4:30 p.m. No objections. So ordered.

Mr. F. Lewis offered the following amendment:
Page 4 line 17 after total insert "individual"

Mr. Warner offered the following amendment to the F. Lewis amendment: Amend the Lewis amendment by adding "The sales tax rate for state purposes shall not exceed 2%."

The Warner amendment lost with 14 ayes, 20 nays and 15 not voting.

Mr. Koch offered the following amendment to the F. Lewis amendment: Amend the Lewis Amendment by adding 3% sales tax for state purposes

The Koch amendment lost with 3 ayes, 28 nays and 18 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 25 ayes, 1 nays and 23 not voting.

The Call showed 41 members present.

Mr. Dickinson moved the Call be raised. The motion lost with 17 ayes, 20 nays and 12 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The F. Lewis amendment was adopted with 25 ayes, 19 nays and 5 not voting.

Mr. Warner offered the following amendment:

AMENDMENT TO LB 589

1. On page 6, after line 10 insert a new section as follows:

"Sec. 2. (1) The Tax Commissioner shall include in the revenue estimate provided to the State Board of Equalization and Assessment monthly estimates of the anticipated receipts for each source of General Fund revenue which provides an excess of five million dollars annually to such fund.

(2) On or before the fifteenth day of each month the Tax Commissioner shall provide to each member of the State Board of Equalization and Assessment a report reflecting the General Fund deposits for the preceding calendar month, and the limitations of information contained in such report. Such report shall be made available to any individual upon request.

(3) After January 1, 1976, if the accumulative total deposits to the General Fund for the year shall at any time be less than ninety per cent or greater than 110 per cent of the projected deposits for such period, the Governor may call a meeting of the State Board of Equalization and Assessment to determine whether the rates for the sales tax and income tax shall be changed. If such a change is required the board shall establish the new rates pursuant to section 77-2715.01.".

2. Renumber original section 2 as section 3.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Keyes offered the following amendment:
that the 11 per cent be sub for 13 per cent

Mr. Keyes requested a record vote.

Voting in the affirmative, 8:

Clark	DeCamp	Kelly	Keyes	Kime
Marvel	Murphy	Wiltse		

Voting in the negative, 23:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Cope	Duis	Dworak	Fitzgerald	Fowler
Hasebroock	Johnson	Koch	Kremer	Maresh
Marsh	Mills	Moylan	Rasmussen	Rumery
Skarda	Syas	Warner		

Not voting, 18:

Barnett	Bereuter	Chambers	Dickinson	George
Goodrich	Kennedy	F. Lewis	R. Lewis	Luedtke
Mahoney	Nichol	Savage	Schmit	Simpson
Stoney	Stull	Swigart		

The amendment lost with 8 ayes, 23 nays and 18 not voting.

LB 589 failed to advance to E & R for Review with 21 ayes, 21 nays and 7 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 604 in the Journal. No objections. So ordered.

AMENDMENT TO LB 604

1. On page 2, line 5 strike "19" and insert "20".
2. On page 19, line 3 strike "965,562" and insert "959,224"; in line 6 strike "1,513,669" and insert "1,507,331"; and strike lines 19 to 27.
3. On page 20, strike lines 1 to 4; in line 7 strike "1,351,452" and insert "1,345,114"; and in line 10 strike "1,968,011" and insert "1,961,673".
4. On page 25, after line 19 insert the following:

"Sec. 20. Agency No. 70 — Economic Opportunity Commission

Program No. 547 — Economic Opportunity Act	
General Fund	6,338
Federal Fund	268,687
Program Total	275,025

For Informational Purposes Only: Total Appropriations to Agency No. 70 and Fund Source

General Fund	6,338
Federal Fund	268,687
Program Total	275,025"

5. On page 32, after line 13 insert:

"Economic Opportunity Commission 20"

6. Renumber original sections 20 to 30 as sections 21 to 31, respectively.

UNANIMOUS CONSENT—Unbracket LB 422

Mr. Cavanaugh asked unanimous consent to unbracket LB 422 on Select File. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Skarda asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 577. Title read. Considered.

Standing Committee amendments found in the Journal on page 1024 for the Fifty-first Day were adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Mills renewed his pending amendment (B) found in the Journal on page 1008 for the Fifty-first Day.

The amendment lost with 14 ayes, 22 nays and 13 not voting.

Mr. Mills requested his pending amendment (A) found in the Journal on page 1008 for the Fifty-first Day be withdrawn.

Messrs. Kremer, Bereuter, Wiltse, Mills, Maresh, Kelly, Moylan, R. Lewis, Cavanaugh and Warner offered the following amendment:

1. On page 22, strike the new matter in lines 2 to 9 and insert the following: "Any rules and regulations adopted by such board of directors shall be consistent with the purposes of this act, shall not conflict with rules and regulations adopted pursuant to section 8 or 10 of this act, and shall, prior to adoption, receive concurrent approval by the natural resource district or districts encompassed in whole or in part by the ground-water conservation district.".

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 1521 for the Seventy-second Day.

The amendment was adopted with 30 ayes, 3 nays and 16 not voting.

Mr. Kelly renewed his pending amendment found in the Journal on page 1570 for the Seventy-third Day.

SPEAKER BURBACH PRESIDING

The Kelly amendment lost with 8 ayes, 17 nays and 24 not voting.

Mr. Mills offered the following amendment:

1. On page 9, strike line 11, in line 12 strike "sources"; after line 27 insert the following:

"Sec. 9. (1) In order to conserve ground water supplies and to prevent the inefficient or improper runoff of such ground water, after the effective date of this act each person who uses ground water irrigation in an area designated as a control area shall take action to control or prevent the runoff of water used in such irrigation.

(2) Within ninety days after the effective date of this act each district shall adopt, following public hearing, notice of which shall be given in the manner provided in section 3 of this act, rules and regulations necessary to prohibit surface runoff of water derived from ground water irrigation. Such rules and regulations shall prescribe (a) standards and criteria delineating what constitutes the inefficient or improper runoff of ground water used in irrigation, (b) procedures to prevent, control, and abate such runoff, (c) meansures for the construction, modification, extension, or operation of remedial measures to prevent, control, or abate runoff of ground water used in irrigation, and (d) procedures for the enforcement of this section.

(3) Each district may issue cease and desist orders to enforce any of the provisions of this section or rules and regulations issued pursuant hereto.".

2. Renumber original sections 9 to 24 as sections 10 to 25 respectively.

Mr. Mills moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 28 ayes, 4 nays and 17 not voting.

The Mills amendment was adopted with 28 ayes, 5 nays and 16 not voting.

Mr. Kremer offered the following amendment:

Amendment to Standing Committee Amendment to Legislative Bill 577

1. In Standing Committee amendment 2 on page 1024 of the Journal, line 5 strike "a representative" and insert "representatives"; in committee amendment 5, line 5 strike "(16)" and insert "(6)"; in committee amendment 12, line 2 strike "as"; and in line 4 strike "with gravel"; reinstate line 27, page 17.

2. Strike committee amendment 13 and insert the following

and on page 18, line 1 after "Resources," insert "."; and on page 18 strike beginning with "and" in line 1 through abandonment" in line 3 and show as stricken and insert ". The method specified in such rules and regulations for filling well cavities shall be designed to eliminate any safety hazard created by abandoned wells and to prevent deterioration in the quality of the underlying groundwaters"; in line 3 after the period insert "Written notice of any such abandonment shall be provided to the Department of Water Resources within sixty days thereafter."; and before "When" insert "(4)" and start a new paragraph; in line 12 strike "(4)" and insert "(5)"; strike beginning with "In" in line 15 through "possible" in line 19 and insert "The owner of such abandoned well may immediately proceed to dig a replacement well and pump water therefrom without obtaining a permit if the pump installed in a replacement well is to be of a capacity not greater than the pump formerly used on the abandoned well"; and in line 21 strike "(3)" and insert "(4)".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Kremer offered the following amendment:

1. On page 7, line 14 strike "not".
2. On page 22, line 6 strike "remin" and insert "remain".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Rasmussen offered the following amendment:
Line 27 Strike the words or with rules and regulations adopted pursuant to this act.

The amendment lost with 12 ayes, 14 nays and 23 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 522 in the Journal. No objections. So ordered.

1. On page 2, line 18, following the word "transportation", insert "shall be provided", and following the word "for", insert "only such". On line 19, following the word, "schools," insert "who reside in a district which provides transportation to public school students, and such transportation".

UNANIMOUS CONSENT–Unbracket LB 598

Mr. Marvel asked unanimous consent to unbracket LB 598 on E & R Final. No objections. So ordered.

MOTION–Return LB 598 to Select File

Mr. Marvel moved to return LB 598 to Select File for a specific amendment. (Amendment printed separate from the Journal and on file in the Clerk's office.)

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 598. The Marvel specific amendment referred to in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

Mr. Marvel asked unanimous consent to expedite LB 598. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 611. Title read. Considered.

Mr. Duis offered the following amendment:
1) Insert a new section to read as follows:
"Program No. 907 - The University of Nebraska at Lincoln is hereby authorized to construction an auditorium addition to the Life Sciences Building with a total project cost not to exceed $291,300. There is hereby appropriated $291,300 from the State Building Fund for the fiscal year ending June 30, 1976, to construct the auditorium addition."

Mr. Duis moved for a Call of a House. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Call showed 42 members present.

Mr. Duis requested a roll call vote.

Voting in the affirmative, 18:

Barnett	Burbach	Cavanaugh	Duis	Dworak
Fitzgerald	Fowler	Hasebroock	Johnson	Koch

F. Lewis	Luedtke	Mahoney	Marsh	Savage
Simpson	Swigart	Syas		

Voting in the negative, 16:

Anderson	Burrows	Carsten	Clark	Cope
Dickinson	Kime	R. Lewis	Maresh	Marvel
Mills	Moylan	Rasmussen	Rumery	Warner
Wiltse				

Not voting, 15:

Bereuter	Chambers	DeCamp	George	Goodrich
Kelly	Kennedy	Keyes	Kremer	Murphy
Nichol	Schmit	Skarda	Stoney	Stull

The Duis amendment lost with 18 ayes, 16 nays and 15 not voting.

Mr. Duis moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. F. Lewis offered the following amendment:
Page 5 Sec 7
Strike line 7, 8, 9 and 10 and reinsert Metropolitan Technical College is hereby authorized to acquire the south campus and to initiate campus planning with a total project cost
Page 5 Strike lines 20, 21, 22 and 23 and insert Southeast Technical Community College is hereby authorized to acquire a campus site in Lincoln and to initiate campus planning with a total

The amendment was adopted with 28 ayes, 11 nays and 10 not voting.

Mr. Koch offered the following amendment:
To strike Section 7 and Section 8

The amendment lost with 11 ayes, 23 nays and 15 not voting.

Mr. Marvel moved to advanced LB 611.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays and 12 not voting.

Advanced to E & R for Review with 26 ayes, 13 nays and 10 not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 610. Title read. Considered.

Mr. Duis moved to advance LB 610.

Mr. Duis requested his motion be withdrawn.

Mr. Mahoney asked unanimous consent to consider LB 612 on General File at this time. No objections. So ordered.

LEGISLATIVE BILL 612. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

VISITORS

The President introduced 31 Sixth Grade students and teacher from Longfellow School, Hastings, Nebraska; Leslie Gandar, Member of Parliment, New Zealand and his escort Mrs. Norma Miller, Lincoln, Nebraska; 40 High School students and teacher from Fremont, Nebraska; 24 Eighth Grade students and teacher from Clay Center, Nebraska; 34 Fourth Grade students from Merle Beattie School and their teacher from Lincoln, Nebraska; Mr. R. C. Johnson from Wahoo, Nebraska.

ADJOURNMENT

At 7:25 p.m., on a motion by Mr. F. Lewis, the Legislature adjourned until 9:00 a.m., Thursday, May 8, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-EIGHTH DAY—MAY 8, 1975

LEGISLATIVE JOURNAL

SEVENTY-EIGHTH DAY–MAY 8, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 8, 1975

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> God, our Father, you have listened for many years to prayers asking guidance and wisdom and knowledge for these Senators who represent so many of Your people.
>
> Now we ask Your guidance and wisdom and knowledge for the citizens of this State, most of whom do not know what goes on here during the sessions. They do not know how hard our lawmakers work, not only during these few months but all year long. They do not recognize the sacrifices these men and their families make in money and in time in order to serve this government.
>
> Please help them to understand this, bless us all and help us all through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kennedy, Stoney, and Stull who were excused and Messrs. Anderson and Cavanaugh who were absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1644, line 6, strike "past" and insert "pest".
The Journal for the Seventy-sixth Day was approved as corrected.
The Journal for the Seventy-seventh Day was approved.

UNANIMOUS CONSENT–Member Excused

Messrs. Skarda, Mahoney, and Savage asked unanimous consent to be excused Friday, May 9, 1975. No objections. So ordered.

Mr. Swigart asked unanimous consent to be excused at 10:45 this morning until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 449. Replaced on Select File as amended.
E & R amendment to LB 449:
1. On page 3, line 27, strike "or section 80-401.05" and show as stricken.

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 32.

A BILL FOR AN ACT to amend section 23-2306, Reissue Revised Statutes of Nebraska, 1943, section 23-2318, Revised Statutes Supplement, 1974, and section 23-2319, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 47, Eighty-fourth Legislature, First Session, 1975, relating to the County Employees Retirement Act; to reduce the period of employment required for membership; to clarify provisions for prior service benefits; to provide an option for terminating members; to provide an operative date; and to repeal the original sections, and also section 1, Legislative Bill 56, Eighty-fourth Legislature, First Session, 1975.

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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	DeCamp	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

Dworak

Not voting, 13:

Anderson	Cavanaugh	Clark	Cope	Dickinson
Kelly	Kennedy	Keyes	Koch	Marsh
Marvel	Stoney	Stull		

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

LEGISLATIVE BILL 298.

A BILL FOR AN ACT to amend section 24-707, Revised Statutes Supplement, 1974, relating to judges retirement; to provide additional benefits for the beneficiary or estate of a judge who dies prior to retirement; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fowler	George	Goodrich
Hasebroock	Johnson	Keyes	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Anderson	Cavanaugh	Fitzgerald	Kelly	Kennedy
Kime	Koch	Marvel	Stoney	Stull

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

LEGISLATIVE BILL 387. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 2, Legislative Bill 1056, Eighty-third Legislature, Second Session, 1974; to increase a project cost authorization; to make an appropriation; 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, 38:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Cope	DeCamp	Dickinson	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Syas	Warner	Wiltse		

Voting in the negative, 2:

Dworak	R. Lewis

Not voting, 9:

Anderson	Cavanaugh	Clark	Kennedy	Kime
Koch	Stoney	Stull	Swigart	

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 395.

A BILL FOR AN ACT relating to public transportation systems; to eliminate a restriction on cities of the first class; to confer powers on cities of the second class as prescribed; to amend section 16-6,110, Revised Statutes Supplement, 1974; 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:

Barnett	Burbach	Burrows	Carsten	Chambers
Cope	DeCamp	Dickinson	Duis	Dworak
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Koch	F. Lewis	R. Lewis	Luedtke
Mahoney	Marsh	Mills	Moylan	Murphy

Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 5:

Bereuter	Clark	Kremer	Maresh	Marvel

Not voting, 8:

Anderson	Cavanaugh	Fitzgerald	Kennedy	Keyes
Kime	Stoney	Stull		

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

LEGISLATIVE BILL 553.

A BILL FOR AN ACT relating to the Department of Correctional Services; to provide duties of the department relating to the development of a Chemical Dependency Facility; to make an appropriation; and to repeal section 10, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975.

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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Anderson	Cavanaugh	Kennedy	Stoney	Stull

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

MOTION–Suspend Rules

Mr. Wiltse moved to suspend the rules to read tomorrow's Final Reading today. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 306.

A BILL FOR AN ACT to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,177, Revised Statutes Supplement, 1974, relating to the Nebraska Rules of the Road; to change provisions relating to exceptions to width, length, and weight restrictions 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:

Bereuter	Burbach	Burrows	Carsten	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Fitzgerald	George	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Swigart	Syas	Warner	Wiltse

Voting in the negative, 3:

Barnett	Dworak	Fowler

Not voting, 6:

Anderson	Cavanaugh	Kennedy	Marvel	Stoney
Stull				

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

LEGISLATIVE BILL 381. Mr. Chambers moved to return LB 381 to Select File for the following specific amendment:

10 Miles per hour or less or the 55 mile per hour speed limit, on the interstate will result in a fine of not in excess of $10 but no costs or points.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 27:

Barnett	Bereuter	Burrows	Cavanaugh	Chambers
Clark	DeCamp	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Kelly
Kime	F. Lewis	R. Lewis	Mahoney	Maresh
Marvel	Mills	Rasmussen	Savage	Schmit
Simpson	Skarda			

Voting in the negative, 19:

Anderson	Burbach	Carsten	Cope	Hasebroock
Johnson	Keyes	Koch	Kremer	Luedtke
Marsh	Moylan	Murphy	Nichol	Rumery
Swigart	Syas	Warner	Wiltse	

Not voting, 3:

Kennedy	Stoney	Stull

The motion prevailed with 27 ayes, 19 nays and 3 not voting.

SELECT FILE

LEGISLATIVE BILL 381. The Chambers specific amendment found in this day's Journal was adopted with 26 ayes, 16 nays and 7 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Members Excused

Messrs. R. Lewis, Rasmussen, and Clark asked unanimous consent to be excused at noon on Friday, May 9, 1975. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 41. Read and considered.

LR 41 was adopted with 28 ayes, 0 nays and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 610. Title read. Considered.

Mr. Duis offered the following amendment:
1) On page 16, after line 21, insert:
"There is included $150,000 General Fund which shall be used for the development of local libraries. The commission will distribute the grant-in-aid funds using the same criteria as required for the distribution of federal funds".
2) On page 16, line 19, strike "19,823" and insert "169,823"; on line 21, strike "561,823" and insert "711,823"; on line 24 strike "477,719" and insert "627,719"; and on line 27, strike "1,105,819" and insert "1,255,819".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Cavanaugh offered the following amendment:
1) On page 46, line 19, strike "6,646,660" and insert "6,691,660"; and on line 22, strike "11,969,686" and insert "12,014,686".
2) On page 47, after line 15, insert:
"(d) General Improvement
(i) Women's Athletics $45,000";
and on line 25, strike "7,402,856" and insert "7,447,856".
3) On page 48, line 1, strike "13,115,961" and insert "13,160,961".

Mr. Barnett offered the following amendment to the Cavanaugh amendment:
Amend Cavanaugh amendment to include $90000 for UNL Womans athletics program

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 12 nays and 16 not voting.

Mr. Mills moved for a Call of the House. The motion prevailed with 24 ayes, 7 nays and 18 not voting.

The Call showed 45 members present.

Mr. Mills moved the previous question on the Barnett amendment. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays and 16 not voting.

The Barnett amendment lost with 10 ayes, 27 nays and 12 not voting.

Mr. F. Lewis moved the previous question on the Cavanaugh amendment. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 6 nays and 11 not voting.

Mr. Cavanaugh requested a record vote on his amendment.

Voting in the affirmative, 22:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Goodrich
Keyes	Koch	F. Lewis	Mahoney	Maresh
Mills	Moylan	Rumery	Savage	Schmit
Skarda	Syas			

Voting in the negative, 23:

Barnett	Bereuter	Clark	Cope	Dworak
Fitzgerald	Fowler	George	Hasebroock	Johnson
Kime	Kremer	R. Lewis	Luedtke	Marsh
Marvel	Murphy	Nichol	Rasmussen	Simpson
Swigart	Warner	Wiltse		

Not voting, 4:

Kelly	Kennedy	Stoney	Stull

The amendment lost with 22 ayes, 23 nays and 4 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 6 nays and 15 not voting.

Mr. F. Lewis offered the following amendment:
(1) Strike sections 11 to 16.
(2) Insert a new section 22 as follows:
"Sec. 23. Agency No. 56 -- Technical Community Colleges
Program No. 299 -- Aid to Technical Community Colleges

GENERAL FUND	11,600,000
PROGRAM TOTAL	11,600,000

The General Funds shown shall be distributed pursuant to Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975.
For Informational Purposes Only: Total Appropriations to Agency No. 56 and Fund Source

GENERAL FUND	11,600,000
AGENCY TOTAL	11,600,000

(3) On page 19, line 11, strike "334,294" and insert "88,660"; strike lines 12 and 13; in line 14 strike "437,502" and insert "88,660"; strike lines 15 through 20.

(4) On page 21, strike lines 8 through 27.
(5) On page 22, strike lines 1 through 3; in line 6, strike "334,294" and insert "88,660", strike lines 7 and 8; and in line 9, strike "437,502" and insert "88,660."
(6) Renumber original sections.

Mr. Simpson offered the following amendment to the F. Lewis amendment:
To amend the F. Lewis motion to LB 610 by striking all reference to funding for vocational-technical schools out of LB 610

The amendment lost with 11 ayes, 19 nays and 19 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 22 ayes, 15 nays and 12 not voting.

The Call showed 45 members present.

Mr. F. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Anderson	Burbach	Burrows	Cavanaugh	Chambers
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Kelly	Keyes	Koch	Kremer	F. Lewis
Mahoney	Maresh	Moylan	Nichol	Rumery
Savage	Skarda	Syas		

Voting in the negative, 22:

Barnett	Bereuter	Carsten	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Johnson
Kime	R. Lewis	Luedtke	Marsh	Marvel
Mills	Murphy	Rasmussen	Schmit	Simpson
Warner	Wiltse			

Not voting, 4:

Kennedy	Stoney	Stull	Swigart

The F. Lewis amendment lost with 23 ayes, 22 nays and 4 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Messrs. Clark, Maresh, Mills, and Dworak asked unanimous consent to be excused at 11:30 a.m. until they return. No objections. So ordered.

Messrs. Wiltse, Johnson, Nichol and Simpson asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

Mr. Maresh offered the following amendment:
1) On page 44, line 23, strike "12,040,644" and insert "12,052,644"; ond on line 27, strike "19,020,481" and insert "19,032,481".
2) On page 45, after line 17, insert:
"(c) Sorghum Research Technician – 12,000".
3) On page 46, line 10, strike "34,728,906" and insert "34,740,906"; and on line 14, strike "55,024,719" and insert "55,036,719".

Mr. Maresh moved for a Call of the House. The motion lost with 16 ayes, 13 nays and 20 not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 21:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Chambers	George	Goodrich	Hasebroock	Johnson
Kime	Kremer	F. Lewis	Mahoney	Maresh
Moylan	Nichol	Rasmussen	Rumery	Schmit
Wiltse				

Voting in the negative, 19:

Barnett	Bereuter	Cope	Dickinson	Dworak
Fitzgerald	Fowler	Kelly	Koch	R. Lewis
Luedtke	Marsh	Marvel	Murphy	Savage
Simpson	Skarda	Syas	Warner	

Not voting, 9:

Clark	DeCamp	Duis	Kennedy	Keyes
Mills	Stoney	Stull	Swigart	

The amendment lost with 21 ayes, 19 nays and 9 not voting.

Mrs. Marsh moved to advance LB 610. The Chair ruled the motion out of order at this time.

UNANIMOUS CONSENT—Print Amended Version of LB 69

Mr. Carsten asked unanimous consent to request the E & R Attorney integrate all amendments to LB 69 and to prepare a final draft of the same. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LR 43 in the Journal. No objections. So ordered.

Amendment to LR 43

1. In the Barnett resolution on page 1668 of the Journal, in numbered paragraph 3, line 5 strike "wage" and insert "usage".

Mr. Dworak asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

Amendment to LB 571

1. Insert two new sections to read as follows:

"Sec. 7. There is hereby established a statewide dental education program in comprehensive dentistry for the purpose of training dentists in the clinic of the College of Dentistry during the senior year of dental training. The Dean of the College of Dentistry of the University of Nebraska shall be responsible for implementing the comprehensive dentistry program.

Sec. 8. Funding for the comprehensive dentistry program shall be provided by section 3 of this act.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 32, 298, 306, 387, 395, and 553.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 32, 298, 306, 387, 395, and 553.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 598. Replaced on Select File as amended.
E & R amendments to LB 598:

1. In the amendments adopted 5/7, page 9, line 1, strike "flouridation" and insert "~~flouridation~~

fluoridation"; and on page 31, line 1, strike "increase" and insert "~~increase~~ increased".

2. On page 47, line 1, strike "allocaton" and insert "~~allocaton~~ allocation".

3. In the title, line 2, strike "sections 17" and insert "section 1, Legislative Bill 162A, Eighty-third Legislature, First Session 1973, section 1, Legislative Bill 986, Eighty-third Legislature, Second Session, 1974, as amended by section 1, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975, sections 3, 15, 17,"; in line 4 insert "section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, as amended by section 30, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, and as amended by section 1, Legislative Bill 537, Eighty-fourth Legislature, First Session, 1975," after the first comma; in line 21 strike the first "and"; and in line 23 insert "sections 14, 16, and 17, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, as amended by sections 12, 14, and 15, respectively, Legislative Bill 537, Eighty-fourth Legislature, First Session, 1975, and section 15, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, as amended by section 1, Legislative Bill 13, Eighty-fourth Legislature, First Session, 1975, and as amended by section 13, Legislative Bill 537, Eighty-fourth Legislature, First Session, 1975," after the third comma.

Correctly Engrossed

The following bills were correctly engrossed: 123, 141, 215A, 305, 340, 342, and 430.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Bracket LB 398

Mr. Schmit asked unanimous consent to bracket LB 398 on General File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 449. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 598. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 443 in the Journal. No objections. So ordered.

1. In the Standing Committee amendment, Journal page 938, on line 10 of section 15, after "that" strike "priority" and insert "except that fifty per cent of the funds for this program shall first be made available to fund eligible projects which are designed to primarily serve that portion of the population of the state that resides in unincorporated areas and in villages, cities of the second class, or cities of the first class. Priority on the allocation of all funds".

UNANIMOUS CONSENT—Unbracket LB 599

Mr. Murphy asked unanimous consent to unbracket LB 599 on E & R Final. No objections. So ordered.

UNANIMOUS CONSENT—Withdraw Amendment to LB 599

Mr. Murphy asked unanimous consent to withdraw his pending amendment found in the Journal on page 1558 to LB 599. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 368. Mr. Duis renewed his pending specific amendment found in the Journal on page 1662 for the Seventy-seventh Day.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 311. Mr. Chambers renewed his pending amendment found in the Journal on page 1636 for the Seventy-sixth Day.

Amendment pending.

VISITORS

The President introduced 45 fourth, fifth, and sixth grade students and sponsors from Trumbull, Nebraska; 50 fourth grade students and teacher from Fairbury; 31 eighth grade students, teacher and sponsor from Lyons, Nebraska; 45 fifth and sixth grade students and teacher from District No. 38, Grand Island; 20 seniors and teacher from St. Edward, Nebraska; 18 students and teachers from District No. 70, Wahoo, Nebraska; and 30 eighth grade students and teacher from Wakefield, Nebraska.

RECESS

At 11:52 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kennedy, Stoney, Stull, and Wiltse who were excused and Mr. Swigart who was excused until he arrives.

GENERAL FILE

LEGISLATIVE BILL 610. Considered.

Mr. Koch offered the following amendment:
page 18 line 13 strike 2,522,611.- and insert 2,501,011.

The amendment lost with 20 ayes, 16 nays and 13 not voting.

Mr. F. Lewis offered the following amendment:
beginning on line 14 page 30 strike all matter through line 22 page 34.

The amendment was adopted with 25 ayes, 13 nays and 11 not voting.

Mr. Cavanaugh offered the following amendment:
1) On page 44, line 6, strike "(b) IMPROVEMENT OF STUDENT-TEACHER CONTACT--118,274," and insert "ADDITION OF 6.4 FTE FACULTY--118,274".

Mr. Barnett offered the following amendment to the Cavanaugh amendment:
Amend the Cavanaugh amendment to include line 6 page 47 at 4.67

The Barnett amendment was adopted with 18 ayes, 9 nays and 22 not voting.

Mrs. Marsh appealed the decision of the Chair on the Barnett amendment being adopted. The question is, "Shall the Chair be sustained?"

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 7 nays and 19 not voting.

Mr. Chambers moved the Call be raised.

The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The Chair was sustained with 26 ayes, 6 nays and 17 not voting.

Mr. Cavanaugh asked unanimous consent to withdraw his amendment. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 1 nay and 18 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 8, 1975 at 1:35 p.m., were the following bills: 306, 553, 395, 387, 298, and 32.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 217. Mr. DeCamp asked unanimous consent to withdraw his pending amendments (A) and (B) found in the Journal on page 1387 for the Sixty-seventh Day. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 14. Mr. Rasmussen renewed his pending amendment found in the Journal on page 1644 for the Seventy-sixth Day.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 311. Mr. Chambers renewed his pending amendment found in the Journal on page 1636 for the Seventy-sixth Day.

The amendment lost with 11 ayes, 13 nays and 25 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 508. Mr. Murphy asked unanimous consent to have LB 508 laid over. No objections. So ordered.

LEGISLATIVE BILL 422. Advanced to E & R for Engrossment.

MOTION—Return LB 422 to Select File

Mr. Cavanaugh moved to return LB 422 to Select File for the following specific amendment:

On Page 6, line 4, strike "Framework" and add background.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 422. The Cavanaugh specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 74

Mr. Maresh asked unanimous consent to unbracket LB 74 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 74. Mr. Maresh offered the following amendments:

1. On page 2, line 5 after the semicolon insert:
"(5) Trial period shall mean the first three years of the program after the initial board takes office;"; renumber original subdivision (5) of section 2 as subdivision (6); in lines 18 and 21 strike "elected" and insert "appointed by the Governor"; in line 19 strike "elected" and insert "appointed"; in line 22 strike "ballot and shall pay no filing fee" and insert "basis"; in line 23 strike "election" and insert "appointment"; in line 24 strike "the ballot in" and insert "a candidacy list for"; and in line 27 strike "election" and insert "appointment".

2. On page 3 strike beginning with "Candidates" in line 5 through the period in line 6; and in line 7 strike "elected" and insert "appointed".

3. On page 4, line 3 strike "election" and insert "appointment"; in line 8 strike "elected" and insert "other"; line 21 strike "and" and insert ","; in line 22 after "Resources" insert ", and the president of the Nebraska Soybean Association"; line 25 strike "committee" and insert "board"; and in line 26 strike "committee" and insert "Governor".

4. On page 5 strike lines 4 to 8; in line 10 strike "electing" and insert "appointing"; strike beginning

with "For" in line 11 through the period in line 20; in line 21 strike "may" and insert "shall prescribe all necessary forms for registering candidacy and"; and in line 24 strike "elections" and insert "appointments".

5. Strike the Warner amendment found on page 1427 of the Journal.

6. On page 7 after line 21 insert the following:

"Sec. 12. (1) After the trial period a referendum shall be held to determine (a) whether the soybean checkoff program shall continue, and (b) whether there shall be an appointed or elected board to administer the program, when ten per cent of the soybean growers in the state indicate a desire to place such propositions on the ballot by signing a petition to that effect. Ballots shall be mailed to each grower on record that was subject to a checkoff during such trial period.

(2) If the soybean producers shall not approve the program by such referendum, all future checkoffs shall cease and all funds withheld during the previous sixty days shall be refunded to producers. The remainder of the funds shall be appropriated by the Legislature to be used for soybean research.

(3) If the soybean producers shall disapprove having an appointed board in favor of an elected board by such referendum, the Director of Agriculture shall within thirty days after the referendum notify those soybean growers subject to the checkoff that candidates for election to the initial board may place their names on the ballot in the respective district by filing a petition signed by at least fifty qualified soybean producers of such district, who were subject to the checkoff during the trial period.

Sixty days after the referendum the Director of Agriculture shall mail ballots to each producer subject to the checkoff in each district. The ballots shall be returned by such growers within fourteen days to the director designating the candidate of their choice, and one week thereafter the director shall have the results of such election published in a newspaper of general circulation for each district.

(4) If such proposed program and having an appointed board shall be approved by a majority of those growers voting in the referendum, no additional referendum on such issues shall be held for three years from the date of the close of such referendum.

Sec. 13. (1) Within thirty days after the election of the board, such board shall conduct its first regular meeting. At such meeting, the board shall appoint the seventh member to the board. Such appointment shall be made at large and the appointee shall meet the same qualifications as the elected members on the board.

(2) The board shall elect from its members a chairman, treasurer, and such other officers as may be necessary. The term of office for members of the board shall be for five years, except that the term of the members of the board first taking office shall be for one, three, or five years as determined by lot.

Sec. 14. Whenever a vacancy occurs on the elected board for any reason, the board shall appoint an individual to fill such vacancy from the district in which the vacancy exists. If the vacant position is that of the at-large

member, the appointment to fill such vacancy shall be made at large.

Vacancies on the board during the term of office shall be filled by the board until the next regular election. No state or federal officeholder may be elected to or jointly hold a position on a commodity board.".

7. Renumber original sections 12 to 21 as sections 15 to 24 respectively.

The amendment was adopted with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for Engrossment with 26 ayes, 5 nays and 18 not voting.

UNANIMOUS CONSENT—Withdraw Amendments on LB 443

Mr. Bereuter asked unanimous consent to withdraw his pending amendments found in the Journal on page 1628 for the Seventy-fifth Day and page 1643 for the Seventy-sixth Day. No objections. So ordered.

MOTION—Return LB 443 to Select File

Mr. Bereuter moved to return LB 443 to Select File for the specific amendment found in today's Journal on page 1703.

Mr. Bereuter asked unanimous consent to withdraw his motion temporarily.

MOTION—Return LB 443A to Select File

Mr. Fowler moved to return LB 443A to Select File for the following specific amendment:
on lines 1 and 2 strike one million insert one million two hundred and fifty thousand

The motion prevailed with 26 ayes, 5 nays and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 443A. The Fowler specific amendment found in this day's Journal was adopted with 25 ayes, 1 nay and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 443 to Select File

Mr. Bereuter moved to return LB 443 to Select File for the specific amendment found in this day's Journal on page 1703.

The motion prevailed with 29 ayes, 1 nay and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 443. The Bereuter specific amendment found in this day's Journal on page 1703 was renewed.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Member Excused

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. SIMPSON PRESIDING

MOTION–Return LB 571 to Select File

Mr. Dworak moved to return LB 571 to Select File for the specific amendment found on page 1701 in this day's Journal.

Mr. Kelly moved to bracket LB 571 on E & R Final, Monday, May 12, 1975 with the Dworak motion pending.

PRESIDENT WHELAN PRESIDING

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay and 19 not voting.

The motion to bracket prevailed with 25 ayes, 13 nays and 11 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 612. Placed on Select File.

LEGISLATIVE BILL 611. Placed on Select File as amended.
E & R amendments to LB 611:

1. In lieu of the first F. Lewis amendment,
on page 5, strike lines 7 to 10 and insert:
"Sec. 7. The Metropolitan Technical Community College is hereby authorized to acquire the South Campus and to initiate campus planning with a total project cost".

2. In lieu of the second F. Lewis amendment, on page 5, strike lines 20 to 23 and insert:

"Sec. 8. The Southeast Technical Community College is hereby authorized to acquire a campus site in Lincoln and to initiate campus planning with a total".

LEGISLATIVE BILL 577. Placed on Select File as amended.
E & R amendments to LB 577:

1. Renumber the new section added by committee amendment 9 as section 13 and original sections 12 to 24 as sections 14 to 26 respectively.

2. On page 3, line 3, strike ", 5, 6, and" and insert "to"; in line 19, strike "and"; in line 27, strike the period and insert "; and"; and after line 27 insert:

"(9) Control area shall mean any area so designated by the director following a public hearing initiated and conducted pursuant to section 3 of this act,".

3. In committee amendment 1, line 2, strike the comma.

4. On page 4, strike beginning with "Control" in line 1 through the period in line 3; and in line 20 strike the comma.

5. On page 5, line 26, strike "the above-named" and insert "such".

6. on page 7, strike the comma in lines 8 and 9; and in line 13 insert an underscored comma after "district".

7. In committee amendment 4, line 3, strike "after 'act' ".

8. On page 9, strike line 6 and insert "may:"; in line 15, strike "to"; in line 20 strike the second "to"; and in line 26 strike the first "to".

9. In new section 9, line 8, insert an underscored comma after "act"; and in the last line strike "hereto" and insert "to this section".

10. On page 10, line 4, strike "herein authorized" and insert "authorized in this act"; in line 8 strike "same"; and in line 11 strike "9" and insert "10".

11. In the R. Lewis amendment, line 2, strike "this" and insert "such"; and in line 4 strike the comma and insert "so as".

12. On page 11, lines 12 and 16, strike "9" and insert "10"; in line 15, insert an underscored comma after "If"; and in line 23 strike "11" and insert "12".

13. On page 12, lines 14 and 26, strike "10" and insert "11"; in line 19 strike "published as" and insert "given in the manner"; and in line 20 strike "subsection (3) of".

14. On page 13, strike beginning with "is" in line 10 through "to" in line 11 and insert "may".

15. On page 14, line 4, strike "10" and insert "11"; and in line 27 insert an underscored comma after "2-3225".

16. On page 17, lines 19 and 20, strike ", referred to in subsection (1) of this section," and show as stricken.

17. In committee amendment 12, line 4, strike the period.

18. In the Kremer amendments line 8, strike the second comma; in line 10, strike the period; in line 23 strike the first "a" and insert "the"; and in line 24 strike "on" and insert "in".

19. In the Kremer, Bereuter, etc. amendment, line 5 strike "10" and insert "11"; and in line 7 strike "resource" and insert "resources".

20. On page 22, line 10, strike "16" and insert "18" and after "act" insert "and this section".

Correctly Engrossed

The following bills were correctly engrossed: 333, 423 and 598.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 443 in the Journal. No objections. So ordered.

Strike "fifty per cent of the funds" in the Bereuter amendment and insert "$250,000".

Mr. Barnett asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

Amendments to Standing Committee Amendment to LB 344

1. On pages 9 and 10 strike section 10 and insert:

"Sec. 10. After the operative date of this act, the Department of Education shall assume responsibility of and serve as the coordinating body for the Fire Service Safety Program and the Emergency Medical Training Program for the entire state. All funds made available for such programs shall be transferred to the Department of Education for the purpose of carrying out its duties under this section.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 44.

Introduced by George, 16th District.

WHEREAS, the State of Nebraska was given civil and criminal jurisdiction over Indians and Indian country in this state by the Act of Congress of August 15, 1953, generally known as Public Law 280; and

WHEREAS, the assumption of such jurisdiction has led to steadily increasing cost for law enforcement in Thurston County, Nebraska; and

WHEREAS, an overwhelming percentage of the criminal offenses which occur in Thurston county involve Indians within the boundaries of the Indian reservations of Thurston County, Nebraska; and

WHEREAS, law and order on the Winnebago Indian Reservation could be adequately maintained and enforced by a law enforcement organization of the Winnebago Tribe of Nebraska with the assistance of the Bureau of Indian Affairs; and

WHEREAS, the Winnebago Tribe can adquately handle civil disputes arising within the Winnebago Indian Reservation among and between Indians; and

WHEREAS, the Legislature of Nebraska in its Eightieth regular session passed Legislative Resolution 37 which offered a retrocession of jurisdiction to the United States over offenses committed by or against Indians in the Indian country in Thurston County, Nebraska; and

WHEREAS, in 1969 the Thurston County Board of Supervisors urged retrocession on the Winnebago Tribe, which at that time preferred to remain under state jurisdiction in order to study the matter in more detail, but has now decided it wants criminal and civil jurisdiction returned to the Winnebago Tribe and the United States; and

WHEREAS, section 403 (a) of Public Law 90-284 authorized the United States to accept a retrocession by any state of all or any measure of the criminal or civil jurisdiction, or both, acquired by that state pursuant to Public Law 280; and

WHEREAS, a committee of members of the Legislature appointed by the Executive Board of the Legislative Council following adoption of Public Law 90-284 has studied the problems of law enforcement on the Winnebago Indian Reservation and the question of a retrocession of criminal and civil jurisdiction and has met with leaders of the Winnebago Tribe, County officials and officials of the Bureau of Indian Affairs and recommends passage of this resolution.

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

1. That the State of Nebraska hereby retrocedes to the United States all criminal and civil jurisdiction within the Winnebago Indian Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraphs 2, 3, and 4 of this resolution.

2. That the existing municipal law enforcement authorities within the Winnebago Indian Reservation are deemed fit and proper to maintain law and order within their respective municipalities and their jurisdiction will remain, concurrent with that of the United States.

3. That the State of Nebraska, through the State Highway Patrol, shall retain concurrent jurisdiction with the United States over any offenses involving the operation of motor vehicles on state and county roads or highways with the Winnebago Indian Reservation.

4. That this retrocession of jurisdiction will apply prospectively upon adoption by the Nebraska State Legislature and acceptance by the Secretary of Interior.

5. That the Executive Board of the Legislative Council is hereby authorized and directed to take all necessary action to present this resolution to the United States Government and to cooperate with the Winnebago Tribe in its implementation.

Mr. George requested the Reference Committee to refer LR 44 to a committee.

LEGISLATIVE RESOLUTION 45.

Introduced by Goodrich, 20th District.

WHEREAS, the education of young people of Nebraska is of great importance to all citizens of the state; and

WHEREAS, the quality of education each young Nebraskan receives will shape the destiny of the state as well as the future of the pupil; and

WHEREAS, all citizens should have the best educational experience possible, whether it be in public or private schools; and

WHEREAS, private schools are responsible for part or all of the education of a number of our youth.

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

1. That the Legislature appoint a committee to conduct an interim study of private schools in Nebraska including their curriculum, accreditation and tuition fees.

2. That the committee make a report of its findings together with any recommendation it may formulate concerning private education to the next regular session of the Legislature.

Referred to Executive Board.

LEGISLATIVE RESOLUTION 46.

Introduced by DeCamp, 40th District.

WHEREAS, incredible destruction was left in the wake of tornados which struck the city of Omaha, and other communities on May 6, 1975; and

WHEREAS, authorities were compelled to move swiftly in an effort to stabilize a critical disturbance to the peace and safety of the citizens of those communities; and

WHEREAS, members of the Nebraska National Guard were called upon to leave their jobs, homes, and families to serve as an influence for order and an agency for the rescue and relief of many disconsolute citizens; and

WHEREAS, the presence of Guardsmen in a time of need have been invaluable to both private citizens and civil authorities.

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

1. That the Legislature commend the National Guard for its responsiveness and readiness in a time of great emergency.

2. That the Legislature recognize and commend the selfless actions of Guardsmen in answering the call of an emergency situation by subordinating the needs of their private lives to the needs of many Nebraskans.

3. That the Legislature commend and thank the employers of all Guardsmen called to duty in the force of the tornado emergency for their understanding and cooperation through the disruptions in their business activity due to the sudden disruption of the civilian lives of Nebraska Guardsmen.

Laid over.

LEGISLATIVE RESOLUTION 47.

Introduced by Rasmussen, 41st District.

WHEREAS, there is growing concern over the apparent increase in the use and abuse of alcoholic beverages by minors; and

WHEREAS, this in part reflects the ready accessibility of these beverages to minors, despite laws prohibiting and punishing the selling or procuring of alcoholic beverages to or for minors, as well as the mere possession by minors of such beverages; and

WHEREAS, this problem has ramifications beyond the social and health considerations because of the tendency of minors to mix their thirst for alcoholic beverages with their hunger to drive motor vehicles; and

WHEREAS, there are differing views concerning appropriate enforcement methods, and local communities are seeking remedial measures; and

WHEREAS, there should be an assessment of the present state of programs and ideas relative to the best ways of meeting the problem, as well as a discovery of possible innovative approaches.

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

1. That the Government, Military and Veterans Affairs Committee undertake a comprehensive study of all facets of the problems of the possession and use of alcoholic beverages by minors during the coming interim period.

2. Thatthe Committee seek input from the various local communities and areas of the state concerning approaches to solving these problems, including ways of handling minors who have been charged with alcohol-related offenses.

3. That the Committee, upon the completion of its study, report its findings to the Legislature, together with any recommendations it develops for legislation or other actions to assist in solving or alleviating the problem.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

LR	Committee
44	Judiciary

Eugene T. Mahoney, Chairman

MOTION—Return LB 609 to Select File

Mr. Marvel moved to return LB 609 to Select File for the following specific amendment:

(1) Add a new section 14 and renumber original sections.

Sec. 14. Program No. 905. That section 26, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 26. The Department of Correctional Services, Central Office, is hereby authorized to renovate the Extended Care Building on the Lincoln Regional Center campus for a diagnostic and evaluation center with a total project cost not to exceed $1,800,000 $2,409,376. There is hereby appropriated $250,000 from the Nebraska Capital Construction fund for the fiscal year ending June 30, 1975, to complete working drawings and initial construction phase for the diagnostic and evaluation center building project. There is hereby appropriated $1,550,000 from the Nebraska Capital Construction Fund and $609,376 from the State Building Fund for the fiscal year ending June 30, 1976, for obligations and expenditures to complete the diagnostic and evaluation center building project.

(2) Add a new section 15 and renumber original sections.

Sec. 15. The Department of Correctional Services, in conjunction with the Department of Public Institutions, is hereby directed to develop a plan for future utilization or disposition of state-owned real properties in the vicinity of southwest Lincoln. Such study shall include recommendations for zoning changes, access routes and any other pertinent considerations necessary to assure that the citizens of Nebraska receive maximum value for any land it retains or sells.

(3) Add a new section 26 and renumber original sections.

Sec. 26. Program No. 903. In recognition of Section 77-2602, Revised Statutes Supplement, 1974, there is hereby appropriated two million four hundred thousand dollars to the University of Nebraska at Lincoln Field House Fund, one million two hundred thousand dollars to the State Office Building Fund, and nine hundred and sixty thousand dollars to the State Office Building of Omaha Fund. Such funds are not in addition to the funds appropriated in Section 77-2602, Revised Statutes Supplement, 1974, but represent the amounts to be appropriated to these funds for the 1975-76 fiscal year from the State of Nebraska Capital Construction Fund.

(4) Add a new section 27 and renumber original sections.

Sec. 27. Reappropriations

There is hereby reappropriated for the period July 1, 1975 to June 30, 1976 from the unexpended and unencumbered

appropriations balance existing on June 30, 1975, to each agency for each program from the respective funds for capital construction as follows:
(1) Agency No. 13 -- Department of Education
Programs 902 and 906.
(2) Agency No. 25 – Department of Public Institutions
Programs 903, 960, 962, 963, 964, 974, 975, 977, 980, 981, 982, 983, 984, 985, and 986.
Program 964 is hereby redesignated for statewide master planning.
The unexpended and unencumbered appropriation balance existing on June 30, 1975, in the Nebraska Veteran's Home Building Fund is hereby reappropriated, and all receipts collected during fiscal year 1975-76 are appropriated to the Department of Public Institutions for Program 984, the development and construction of a Western Nebraska Veteran's facility.
(3) Agency No. 26 – Department of Public Welfare
Programs 911 and 912.
(4) Agency No. 27 – Department of Roads
Program 901.
(5) Agency No. 31 – Military Department
Program 901.
Program 901 consists of a consolidation of programs: 902, 903, 916, 921, and 922.
(6) Agency No. 33 – Game and Parks Commission
Programs 900, 901, 902, 903, 905, 918, 931, 932, 967, 968, 969, 970, 971, 972, 973, 974, 976, and 977.
Program No. 974 is hereby redesignated for Fort Robinson program statement.
The unexpended and unencumbered appropriation balance not to exceed $13,000 is hereby reappropriated for a definitive program statement for Fort Robinson State Park under the guidelines established in the Wilcox Plan as modified by interagency agreements.
(7) Agency No. 46 – Department of Correctional Services
Programs 903, 904, 905, and 906.
Program 906 consists of a consolidation of programs 901 and 902 of Agency No. 46 Department of Correctional Services and programs 972 of Agency No. 25 – Department of Public Institutions. Program 903 is hereby redesignated for rehabilitation research and facility planning.
(8) Agency No. 50 – State Colleges
Programs 901, 903, 904, 908, 909, 910, 912, 927, and 940.
Program 940 consists of a transfer of Program 905 of Agency No. 83 – State Board of Technical Community Colleges.
(9) Agency No. 51 – University of Nebraska
Programs 907, 911, 916, 926, 930, 932, 946, 959, 972, 975, 976, 977, 984, 985, 988, 989, 993, 995, and 998.

(10) Agency No. 52 – State Board of Agriculture
Programs 906, 907, 908, and 911.
Program 907 consists of a consolidation
of programs 905 and 907.
Program 908 consists of a consolidation
of programs 908 and 910.
(11) Agency no. 54 -- State Historical Society
Programs 904, 906, 907, and 940.
(12) Agency No. 65 – Department of Administrative
Services
Program 900, 912, 917, and 918.
Program 900 consists of a transfer of programs
901, 905, 907, 908, 910, 911, 913, 915, and
916 of Agency No. 42 – State Building Commission.
Program 912 consists of a transfer of programs
912 and 914 of Agency No. 42 – State Building
Commission.
Program 917 consists of a transfer of program
917 of Agency No. 42 – State Building Commission.
Program 918 consists of a transfer of program
918 of Agency No. 42 – State Building Commission.
(13) Agency No. 72 - Department of Economic
Development
Programs 900, 902, and 940.
Program 900 was formally Program 899.
All fund appropriations for capital construction
existing on June 30, 1975, in excess of expended and en-
cumbered amounts and not otherwise reappropriated, are
hereby lapsed to the respective funds, unless otherwise
expressly provided. All encumbered amounts on June 30,
1975 are hereby reappropriated for the period July 1,
1975, to June 30, 1976, which amounts shall be in
addition to the amounts reappropriated in this act.
(5) On page 13, line 16, strike "26," and show as striken.
(6) On page 14, line 2, strike "section 4," and insert "sections 4 and 26,"
~~and after "4" insert "and 26";~~ and on line 4, strike "is"
and insert "are".
(7) On page 4, after line 21, insert a new paragraph as follows:
"The appropriations contained in this section include
$178,750 State Building Fund which amount is eligible for federal
reimbursement. Upon reimbursement, such funds shall be credited
to the state General Fund."
(8) On page 9, line 14, after "including" insert the following:
"a program statement for use of the Education-
Humanities building and".

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

SELECT FILE

LEGISLATIVE BILL 609. Mr. Marvel renewed his specific amendment found in this day's Journal..

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 609 to Select File

Mr. Dickinson moved to return LB 609 to Select File for the following specific amendment:

1. On page 13 after line 2 insert a new section as follows:

"Sec. 25. Program No. 920. The University of Nebraska at Lincoln is hereby authorized to construct the Plant Science Facility Complex including Headhouse-Greenhouse Complex with a total project cost not to exceed $13,500,000. There is hereby appropriated $232,000 from the State Building Fund for the fiscal year ending June 30, 1976, for working drawings for the Plant Science Facility Complex including Headhouse-Greenhouse Complex and demolition.",

2. Renumber original sections 25 to 29 as sections 26 to 30 respectively.

The motion prevailed with 25 ayes, 7 nays and 17 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Maresh and R. Lewis asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 609. Mr. Dickinson renewed his specific 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 25 ayes, 4 nays and 20 not voting.

Mr. Dickinson moved for a Call of the House. The motion prevailed with 19 ayes, 16 nays and 14 not voting.

The Call showed 41 members present.

Mr. Dickinson requested a roll call vote.

Mrs. Marsh moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Voting in the affirmative, 21:

Anderson	Burbach	Carsten	Cavanaugh	Chambers
Cope	DeCamp	Dickinson	Duis	George

Hasebroock	Johnson	Keyes	Kime	Kremer
F. Lewis	Mills	Rasmussen	Rumery	Schmit
Warner				

Voting in the negative, 15:

Barnett	Bereuter	Burrows	Clark	Dworak
Fowler	Kelly	Koch	Luedtke	Marsh
Marvel	Savage	Simpson	Skarda	Syas

Not voting, 13:

Fitzgerald	Goodrich	Kennedy	R. Lewis	Mahoney
Maresh	Moylan	Murphy	Nichol	Stoney
Stull	Swigart	Wiltse		

The Dickinson amendment lost with 21 ayes, 15 nays and 13 not voting.

Advanced to E & R for Engrossment with 25 ayes, 9 nays and 15 not voting.

MESSAGE FROM THE GOVERNOR

May 8, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 150.

This bill was signed by me on May 7, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

May 8, 1975

Re: L.B. 507

Dear Senator DeCamp:

This is in reply to your inquiry concerning the provisions of the above bill as amended by Standing Committee Amendment dated April 28, 1975.

Without considering the possible unconstitutionality of the bill in its present form we call to your attention the fact that the Board of Educational Lands and Funds does not have the responsibility of the investment of the permanent school fund. Under the provisions of Section 72-1243, R.R.S. 1943, all state funds, including the permanent school fund (see Opinion of the Attorney General No. 60, June 9, 1971) are invested by the State Investment Officer in those investments authorized by Section 72-1246, R. S. Supp., 1974.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:saa
cc Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 508 in the Journal. No objections. So ordered.

AMENDMENT TO LB 508 ON FINAL READING

1. Strike the new material of the Schmit Amendment found on page 6, line 25, 26, 27 and page 7, line 1 and 2.
2. On page 3, after line one, insert;
"Sec. 2. Nothing in section 8-157 shall prohibit building and loan associations as defined in sections 8-301 to 8-345 from establishing and operating new electronic transmission terminals or manned electronic transmission terminals for the purpose of transmitting savings and loan transactions, or industrial loan and investment companies as defined in sections 8-401 to 8-450 from establishing and operating new electronic transmission terminals or manned electronic transmission terminals for the purpose of transmitting industrial loan and investment company transactions."
3. Renumber original section 2 as section 3.

VISITORS

The President introduced 17 eighth grade students and teacher from Petersburg, Nebraska; 32 fourth grade students and teachers from Brownell School, Lincoln; 39 eighth grade students and teacher from Christ Lutheran School, Norfolk, Nebraska.

ADJOURNMENT

At 5:03 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, May 9, 1975.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-NINTH DAY—MAY 9, 1975

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 9, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Reverend Everett Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> Our Father God, in the midst of the complicated situations of life and unsolved problems of the world, deliver your servants from any sense of futility. Rather let them feel the undergirding support of the prayers of hosts of citizens of our state. Even more, let them know the uplift of your Everlasting Arms.
>
> Assure every member of the Legislature and our Governor that God's power is not obstructed by difficulties, nor His love limited by the confusion of human plans.
>
> We thank you for your help, O God, and we seek it humbly. Start us right today that we may be found using wisely our time, our talents, and our strength. In the Master's name, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kennedy, Kremer, Mahoney, Nichol, Savage, Skarda, Stoney, Stull, and Wiltse who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-eighth Day was approved.

UNANIMOUS CONSENT—Change Request on LB 508

Mr. Murphy asked unanimous consent to change the request to print amendments to LB 508 on page 1720 of the Journal to read "requested by Senator Schmit". No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 443A. Replaced on Select File as amended.
E & R amendment to LB 443A:
1. In lieu of the Fowler amendment, on page 2, insert "two hundred fifty thousand" after "million".

(Signed) Donald N. Dworak, Chairman

REPORT OF EMPLOYEES

During the month of April, 1975, there were 173 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total amount paid to these employees was $77,935.15, of which $250.86 was overtime. The figure includes the State's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting office of the Legislative Council.

UNANIMOUS CONSENT–Member Excused

Mr. Duis asked unanimous consent to be excused this afternoon.

UNANIMOUS CONSENT–Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 204. No objections. So ordered.

Amendments to LB 204

1. Strike original sections 1 to 4 and all amendments, and insert:
"Section 1. All provisions of law appropriating state funds passed by the Eighty-fourth Legislature, First Session, shall be reduced not less than seven per cent by the Governor.
Sec. 2. 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 strike lines 2 to 7 and insert:
"FOR AN ACT relating to appropriations; to reduce appropriation measures as prescribed; and to declare an emergency.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 48.

Introduced by Carsten, 2nd District.

WHEREAS, the State Legislature has the responsibility for the development of public policy for the state and appropriating the funds necessary to implement such policy; and

WHEREAS, the committees of the Nebraska Legislature represent a key part of the legislative process; and

WHEREAS, the work load of the standing committees may be inequitably distributed; and

WHEREAS, a smoothly functioning committee system would provide more time for legislative deliberations.

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

1. That the chairman of the Agriculture and Environment Committee, the Appropriations Committee, the Banking, Commerce and Insurance Committee, the Constitutional Revision and Recreation Committee, the Education Committee, the Government, Military and Veterans Affairs Committee, the Judiciary Committee, the Labor Committee, the Miscellaneous Subjects Committee, the Public Health and Welfare Committee, the Public Works Committee, the Revenue Committee, and the Urban Affairs Committee, with two members of the Executive Board of the Legislature serve as an interim study committee to review the work load of the standing committees with special emphasis placed on the work load of the Appropriations Committee.

2. That the Committee make a report of its findings and submit recommendations to the next regular session of the Legislature concerning methods of distributing committee work so that such work may be completed in a more efficient and timely manner.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 49.

Introduced by F. Lewis, 45th District.

WHEREAS, educational service units were created by the Legislature to provide supplementary services to the public school systems of the state; and

WHEREAS, educational service units have been in operation for a sufficient period of time to demonstrate whether or not they are performing this function; and

WHEREAS, there appears to be a lack of understanding among the citizens of the state as to the functions that can and should be performed

by educational service units; particularly in the area of special education; and

WHEREAS, educational service units have a taxing authority upon the property in the respective units.

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

1. That the Legislature appoint the Education Committee to conduct a study to evaluate the performance of the educational service units of the state.

2. Such report shall include an assessment of the value of educational service units to public education in Nebraska and the equity of allowing a local tax upon property of a district which may not elect to participate in any of the educational programs offered by the servicing unit.

3. That the committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

May 8, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 50 and 50A.

These bills were signed by me on May 8, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT FILE

LEGISLATIVE BILL 603. Mr. Keyes offered the following amendment:

1. Reduce each General Fund appropriation by ten per cent and adjust totals accordingly.

Mr. Keyes moved to recess for 10 minutes. The motion lost with 8 ayes, 19 nays and 22 not voting.

Mr. Simpson requested a record vote on the Keyes amendment.

Voting in the affirmative, 10:

Barnett	Cope	George	Kelly	Keyes
Kime	Maresh	Moylan	Murphy	Rasmussen

Voting in the negative, 18:

Bereuter	Burrows	Carsten	Clark	Fowler
Goodrich	Hasebroock	Johnson	Koch	F. Lewis
R. Lewis	Luedtke	Marsh	Schmit	Simpson
Swigart	Syas	Warner		

Not voting, 21:

Anderson	Burbach	Cavanaugh	Chambers	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Kennedy
Kremer	Mahoney	Marvel	Mills	Nichol
Rumery	Savage	Skarda	Stoney	Stull
Wiltse				

The Keyes amendment lost with 10 ayes, 18 nays and 21 not voting.

Mr. F. Lewis offered the following amendment:
(1) On page 12, after line 10, insert "There is included in the amount shown $100,000 General Funds for flood control projects which amount shall not be used for any other purpose."

The amendment lost with 14 ayes, 17 nays and 18 not voting.

Mr. Marvel offered the following amendments:
1) On page 7, line 4, strike "4,940,157" and insert "5,005,032"; and on line 5, strike "5,063,491" and insert "5,128,366".
2) On page 8, line 24, strike "5,745,846" and insert "5,810,721"; and on line 26, strike "9,265,413" and insert "9,330,288".
3) On page 4, line 21, strike "259,751" and insert "276,882"; and on line 22, strike "259,751" and insert "276,882".
4) On page 5, line 27, strike "1,430,143" and insert "1,447,274".
5) On page 6, line 2, strike "3,986,191" and insert "4,003,322".
6) On page 18, line 13, insert "of personal property" after "bequests"; and on line 14, insert "; and provided further, that all gifts or devises of real property in excess of $10,000 to be used for state purposes be approved by the Governor and the Legislature before acceptance" after "acceptance".

Mr. Goodrich offered the following amendment to the Marvel amendment:
Amend bequest provision to provide for Gov approval only (not Legislative)

The amendment lost with 10 ayes, 21 nays and 18 not voting.

The Marvel amendments 1) through 5) were adopted with 26 ayes, 0 nays and 23 not voting.

The Marvel amendment 6) was adopted with 27 ayes, 7 nays and 15 not voting.

Mr. Marvel offered an amendment:
(Amendment printed separate from the Journal and on file in the Clerk's office)

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Marvel offered the following amendment:
(1) On page 9, line 17, strike "53,114" and insert "55,033"; on line 18, strike "53,114" and insert "55,033"; and on line 27, strike "67,114" and insert "69,033".
(2) On page 10, line 1, strike "67,114" and insert "69,033".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Bereuter offered the following amendment:
1) On page 2, after the period on line 6, insert the following new material:
"Due to adverse economic conditions, it is necessary to require agency administrators to redouble their efforts to cut operational costs. Such reductions shall first be made in administrative operations and in related or supportive areas. To the extent practicable reductions shall not directly or adversely affect the quality or level of current or newly established services to, or place hardships on, individuals and organizations receiving such services."
2) Reduce each general fund appropriation by 3% and adjust totals accordingly.

Mr. F. Lewis offered the following amendment to the Bereuter amendment:
The provisions of the Bereuter amendment in no case shall apply to any funds for the subdivisions of government in the 45th, 13th, 12th, 14th, 26th, 27th, 28th and 46th and the office of the Lt. Gov.

Mr. Goodrich 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 F. Lewis amendment lost with 14 ayes, 18 nays and 17 not voting.

The Bereuter amendment lost with 18 ayes, 16 nays and 15 not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 612. Bracketed at the request of Speaker Burbach.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 368.

Correctly Engrossed

The following bill was correclty engrossed: 449.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 611. E & R amendments found in the Journal on page 1709 for the Seventy-eighth Day were adopted.

Mr. Warner offered the following amendment:
Strike sections 7 and 8

Amendment pending.

Mr. F. Lewis asked unanimous consent to bracket LB 611 until Tuesday, May 13, 1975.

Mrs. Marsh objected.

Mr. F. Lewis moved to bracket LB 611 until Tuesday, May 13, 1975. The motion prevailed with 25 ayes, 8 nays and 16 not voting.

LEGISLATIVE BILL 577. E & R amendments found in the Journal on page 1710 for the Seventy-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 443A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 606. Mr. Keyes offered the following amendment:
1. Reduce each General Fund appropriation by ten per cent and adjust totals accordingly.

The amendment lost with 7 ayes, 16 nays and 26 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 577 to Select File

Mr. Bereuter moved to return LB 577 to Select File for the following specific amendment:
That the amendment by Senator Richard Lewis to LB 577, found on page 1521 of the Legislative Journal, adopted on May 7, 1975, during General File, be deleted.

Mr. Bereuter asked unanimous consent to withdraw his motion. No objections. So ordered.

LEGISLATIVE BILL 607. Mr. F. Lewis offered the following amendment:
1. On page 13, line 27, strike "559,813" and insert "594,813"; on page 14, line 2, strike "565,443" and insert "600,443"; on line 5, strike "559,813" and insert "594,813"; and on line 7, strike "565,443" and insert "600,443".

The amendment lost with 1 aye, 18 nays and 30 not voting.

Mr. Marvel offered the following amendment:
1) On page 21, line 20, strike "212,253" and insert "309,422".
2) On page 22, line 19, strike "138,852" and insert "150,871".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Marvel offered the following amendment:
1) On page 12, in lieu of the language found on lines 16 to 21, insert the following:
"State matching funds shall not be expended for the removal of advertising devices 660 feet or farther from the edge of the right of way as measured at right angles to the right of way until all non-conforming and illegal devices within 660 feet of the right of way have been removed."

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 23 seventh and eighth grade students and teachers from Hanover, Kansas; 51 fourth grade students and sponsors from Millard, Nebraska; 31 fourth grade students and teachers from Laurel, Nebraska; 30 eighth grade students and teachers from St. Rose School, Crofton, Nebraska; 80 eighth grade students and teacher from Holy Name School, Omaha, Nebraska; 23 third grade students thru sixth grade students and teachers from North Bend, Nebraska District 93; 33 seventh, eighth and ninth grade students and teacher from Westbroock High School, Omaha, Nebraska.

RECESS

At 12:07 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Duis, Kennedy, Kremer, R. Lewis, Marvel, Mahoney, Nichol, Savage, Skarda, Stoney, Stull, Rasmussen, and Wiltse who were excused and Mr. Hasebroock who was excused until he arrives, and Mr. Kime who was absent until 2:10 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 422. Replaced on Select File as amended.
E & R amendments to LB 422:

1. On page 3, lines 10, 12, and 20, page 6, line 26, page 21, line 16, and page 23, lines 19, 24, and 27, strike "71-1,132.36" and insert "~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.37".

2. In lieu of E & R 4 adopted 4/8, on page 6, strike beginning with "71-1,132.36" in line 14 through "71-1,132.42" in line 15 and show as stricken and insert

"71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41".

3. In lieu of the amendment thereto made by E & R 1 adopted 4/8, on page 19, strike line 18 and show as stricken and insert "71-132.09, 71-132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41,"; and strike line 20 and insert "provisions of such sections. ~~71-132.04 to 71-1,132,36.~~ On or"

4. Strike E & R amendments to page 22, lines 10 and 11 and page 25, line 13.

5. In line 2 of E & R 7 adopted 4/8, insert "first" after "the".

LEGISLATIVE BILL 609. Replaced on Select File as amended.
E & R amendments to LB 609:

1. On page 8, line 23, and page 9, line 3, strike "Corrections" and insert "Correctional Services".

2. In new section 14, line 5, strike the comma.

3. In the Marvel amendment 5 adopted 5/8, strike "and show as stricken".

4. Renumber original sections 14 to 24 as sections 16 to 26, sections 26 and 27 added by the Marvel amendment adopted 5/8 as sections 27 and 28, and original sections 25 to 29 as sections 29 to 33.

5. In renumbered section 27, line 6, strike the second "and".

6. In renumbered section 28, strike line 1, and before "There" in line 2 insert "Sec. 28."; in subdivision (1), line 1, insert "State" before "Department"; in subdivision (2), line 4, strike the semicolon and insert an underscored comma; and in subdivision (11), line 1, insert "Nebraska" before "State".

7. In the title, line 4, insert "to provide duties; to provide for lapsing;" after the second semicolon; in line 5, strike "section 4" and insert "sections 4 and 26"; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 443. Replaced on Select File as amended.
E & R amendment to LB 443:

1. In the Bereuter amendment, line 3, strike "except that"; and in line 5 strike "primarily serve" and insert "serve primarily".

LEGISLATIVE BILL 603. Replaced on Select File as amended.
E & R amendments to LB 603:

1. Insert the first new section added by Marvel amendment 4 as section 12 and the second new section

as section 21.

2. Renumber original sections 12 to 19 as sections 13 to 20 and section 20 as section 22.

3. On page 20, after line 8, insert:

"Education, State Department of 12";

after line 16 insert:

"Apropriation of Cash Funds to General Fund 13";

and in the SECTION column increase by one each figure of 13 or greater.

4. In the title, line 5, insert "to increase an appropriation; to amend section 4, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, with items of appropriations reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, as amended by section 3, Legislative Bill 598, Eighty-fourth Legislature, First Session, 1975; and to repeal the original section;" after the semicolon.

LEGISLATIVE BILL 610. Placed on Select File as amended.
E & R amendments to LB 610:

1. On page 2, line 5, strike "21" and insert "16"; in line 16 strike "revisions" and insert "revision"; in line 21 insert "with respect" after "Education"; and in line 23 strike "begin" and insert "provide for beginning".

2. In the Duis amendment 1, line 2, strike "Fund" and insert "Funds"; in line 4, strike "will" and insert "shall"; and in the last line insert a period after "funds".

3. On page 55, line 22, strike ", or" and insert "or,".

4. Renumber original sections 17 to 32 as sections 11 to 26.

5. In renumbered section 25, on page 57, strike lines 4, 5, 13 to 18, 24 and 25; on page 58 strike lines 2 and 3; and on both pages reduce by six each remaining number of 17 or greater in the SECTION column.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 410. Title read. Considered.

Standing Committee amendments found in the Journal on page 996 for the Fiftieth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 203. Title read. Considered.

Standing Committee amendments found in the Journal on page 1421 for the Sixty-eighth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Messrs. Dworak and Keyes asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mr. Burbach offered the following amendment:

AMENDMENT TO LB 203

1. In committee amendments, section 2, line 2, strike "or usable"; and in line 4 strike "for the keeping" and insert "or for the raising".

2. In committee amendments, section 5, amend subdivision (6) to read:

"(6) The name and address of each alien owning ten per cent or more of its voting stock;"; and amend subdivision (8) to read:

"(8) The name and address of each person residing on a farm or actively engaged in farming and owning ten per cent or more of its voting stock;"; and in subdivision (9), line 2, insert "reasonably" after "State".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Cavanaugh asked unanimous consent to be excused until 3:30 p.m. No objections. So ordered.

Mr. Mills offered the following amendment:
to amend LB 203 - Standing Committee amendment on page 1422 of the Journal by inserting ", partnership, or individual" after corporation in Line 17, and;
inserting ", partnership, or individual" after corporation in Line 23, and;
add after Line 24, "(10) only information which applies to a partnership or individual will be demanded on their reports to the Secretary of State.", and:
inserting on page 1423 of the Journal,",partnership, or individual" after corporation in Line 8.

Mr. Burbach offered the following amendment to the Mills amendment:
report made on assessment Schedule rather than to Secretary of State

The Burbach amendment was adopted with 19 ayes, 2 nays and 28 not voting.

The Mills amendment, as amended, lost with 9 ayes, 15 nays and 25 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 311, 599, and 606.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 212. Title read. Considered.

Standing Committee amendments found in the Journal on page 1069 for the Fifty-third Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 468. Title read. Considered.

Standing Committee amendment was rejected with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 377. Title read. Considered.

Standing Committee amendment found in the Journal on page 1153 for the Fifty-sixth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 416. Title read. Considered.

Standing Committee amendments found in the Journal on page 1314 for the Sixty-fourth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 404. Title read. Considered.

Standing Committee aamendments found in the Journal on page 1145 for the Fifty-sixth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Schmit offered the following amendment:

1. On page 4, after line 11, insert a new section as follows:

"Sec. 4. That section 2-3228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3228. Each district shall have the power and authority to:

(1) Receive and use grants, state appropriations, gifts, and bequests for the purpose of this act;

(2) Establish advisory groups by appointing persons within the district, pay necessary and proper expenses of such groups as the board shall determine, and dissolve such group;

(3) Employ such persons as are necessary to carry out the purposes of this act~~;~~, and in addition to other compensation provided, may establish and fund a pension plan designed and intended for the benefit of all permanent full-time employees of the district. Any recognized method of funding a pension plan may be employed. Employee contribution shall be required to fund at least fifty per cent of the benefits, and past service benefits may be included. The district shall pay all costs of any such past service benefits, which may be retroactive to July 1, 1972, and, the plan may be integrated with old age and survivors insurance, generally known as social security. A uniform pension plan including the method for jointly funding such plan shall be established for all districts in the state. A district may elect not to participate in such a plan but shall not establish an independent plan.

(4) Purchase liability, property damage, workmen's compensation, and other types of insurance as in the judgment of the board are necessary to protect the assets of the district;

(5) Borrow money to carry out the provisions of this act;

(6) Adopt rules and regulations to carry out the purposes of this act; and

(7) Invite the local governing body of any municipality or county to designate a representative to advise and counsel with the board on programs and policies that may affect the property, water supply or other interests of such municipality or county."; line 12 strike "and" and insert ","; line 13 after the first comma insert "and 2-3228,".

2. Renumber original section 4 as section 5.

MR. SIMPSON PRESIDING

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 20 ayes, 4 nays and 25 not voting.

The Schmit amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Schmit offered the following amendment:

AMENDMENT TO LB 404

1. In the standing committee amendment 1, line 5, strike "two" and insert "five"; in line 11, insert "and acting in any fiduciary capacity" after "institution"; in line 20, after "one" insert "or more"; and in line 21, strike "within" and insert "as necessary to cover".

2. In standing committee amendment 2, line 9, strike "of general circulation within" and insert "or newspapers which provide general coverage of"; and in line 10, insert "with publication costs to be paid by the district" after "directors".

The amendment was adopted with 25 ayes, 1 nay and 23 not voting.

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Kelly offered the following amendment:
(2) Failure to file audit at proper time shall be a misdemeanor.
Strike subsection (2) of committee amendments.

The amendment was adopted with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 381. Replaced on Select File as amended.
E & R amendments to LB 381:

Pursuant to the Chambers amendment adopted 5/8:

1. Insert a new section to read:

"Sec. 3. Any person convicted of exceeding by not more than ten miles per hour the speed limit on the National System of Interstate and Defense Highways shall be fined not more than ten dollars but no court costs shall be assessed against him.".

2. In the Final Reading bill, page 15, line 19, insert "no points shall be assessed upon conviction of

exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; and provided further, that" after "that".

3. On page 16, line 5, insert "except as provided in the first proviso in this subdivision" after "39-666".

4. In the title of the Final Reading bill, line 6, insert "to provide a penalty;" after the semicolon.

LEGISLATIVE BILL 217. Replaced on Select File as amended.
E & R amendments to LB 217:

1. On page 25, line 14, strike "as" and insert "was".

2. On page 26, line 2, strike "of it".

3. On page 27, line 22, strike "is" and insert "are".

LEGISLATIVE BILL 14. Replaced on Select File as amended.
E & R amendments to LB 14:

1. In the Rasmussen amendment, strike the longhand material and reinstate the typed matter in each place.

2. In new section 12, line 4, strike "the pest control professional" and insert "him"; in lines 5 and 6, line 13, and lines 17 and 18, strike "for the application of the economic poison" and insert "therefor"; in line 8, insert an underscored comma after "examine"; in line 16 strike "said pest control professional" and insert "him"; in line 19 strike "of the"; and in lines 24 and 25, strike "; Provided, that before" and insert ". Before".

3. In the title as amended, line 2, insert "related to agriculture;" after "ACT"; and in line 13 insert "to make certain acts of pest control professionals unlawful; to provide a penalty;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 189. Title read. Considered.

Standing Committee amendments found in the Journal on page 1470 for the Seventieth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Goodrich offered the following amendment:

to amend LB 189 by adding the following amendment:
Sect 8

Any state employee who is a member of the State Employees Retirement System and whose status is changed by the Legislature to that of an

employee of a Mental Health Region or an employee of a Community Mental Health Center shall, upon application to the Public Employees Retirement Board, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have accrued to the date of transfer. Such employee may not withdraw the amount in his employee account prior to his retirement and still receive such vested benefits.
Sect 9
The provisions of Sect 8 of this act shall be retroactively operative as of July 1, 1974.
Sect 11
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.
Renumber original Sect 8 as Sect 10
Amend title page accordingly

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 249. Title read. Considered.

Standing Committee amendments found in the Journal on page 919 for the Forty-seventh Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Mills renewed his pending amendment found in the Journal on page 1003 for the Fifty-first Day. The amendment lost with 9 ayes, 10 nays and 30 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Standing Committee amendments found in the Journal on page 1041 for the Fifty-second Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Luedtke asked unanimous consent to print the following amendments to LB 417 and LB 417A. No objections. So ordered.

AMENDMENT TO LB 417

1. On pages 25 and 26, strike the original section 39 and the Cavanaugh amendment to section 39, Journal page 1561, and insert the following:

"Sec. 39. (1) The Department of Correctional Services is hereby authorized to revise program statements, develop physical plans, and initiate construction for two medium-minimum facilities with a total project cost not to exceed nine million dollars.

The revised program statements and physical plans shall provide for one medium-minimum security correctional facility to be located in Lancaster County and an additional facility to be located in Douglas County.

(2) The correctional facility to be located in Lancaster County may be built at the present site of the men's reformatory in Lincoln, Nebraska, and shall be designed to house two hundred persons. The ancillary services shall be designed to provide for future expansion to serve an additional fifty persons. Total project cost for the medium-minimum correctional facility to be located in Lancaster County shall not exceed five million dollars. Construction shall begin not later than July 1, 1976.

(3) The medium-minimum correctional facility to be located in Douglas County shall be designed to house one hundred and seventy-five persons. Ancillary services shall be designed to provide for future expansion to serve an additional twenty-five persons. Total project cost for the medium-minimum correctional facility to be located in Douglas County shall not exceed four million dollars. It is the intent of the Legislature that construction begin not later than January 1, 1977.

(4) The Department of Correctional Services shall develop a program statement and preliminary plans for a maximum security facility designed to accommodate not more than two hundred fifty persons. The program statement shall include an assessment of the current facility's location and structure, and a determination as to the adequacy of such facility when compared to complete replacement and relocation.

(5) In planning the construction of these new correctional facilities, consideration shall be given to providing separate, non-cell type housing units. Each correctional facility shall also include adequate space for administrative offices, kitchen, and dining

facilities, and other space necessary for the efficient operation of such facility.".

Amendments to LB 417A

1. On page 2, strike lines 1 to 7 and insert:

"Section 1. To aid in carrying out the provisions of Legislative Bill 417, Eighty-Fourth Legislature, First Session, 1975, there is hereby appropriated to the Department of Correctional Services, the following sums from the State Building Fund for the programs specified to aid in carrying out the provisions of Legislative Bill 417, Eighty-Fourth Legislature, First Session, 1975:

(1) Medium-minimum facility in Lancaster County:

(a) Three hundred fifty thousand dollars for the fiscal year ending June 30, 1976, to revise the program statement and develop preliminary plans and initiate contruction of the project in accordance with section 81-1108.41, Reissue Revised Statutes of Nebraska, 1974; and

(b) Four million six hundred fifty thousand dollars from the State Building Fund for the fiscal year ending June 30, 1977, to complete the medium-minimum facility in Lancaster County;

(2) Medium-minimum facility in Douglas County:

Three Hundred thousand dollars for the fiscal year ending June 30, 1976, to develop a program statement and preliminary plans in accordance with section 81-1108.41, Reissue Revised Statutes of Nebraska, 1974.

(3) Maximun security facility:

Fifty thousand dollars for the fiscal year ending June 30, 1976, to develop a program statement and preliminary plans in accordance with section 81-1108.41, Reissue Revised Statutes of Nebraska, 1974.".

SELECT FILE

LEGISLATIVE BILL 422. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 609. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 443. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 603. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 381. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 217. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 14. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

VISITORS

The President introduced 32 one through fourth grade students and Teachers from Ohiowa, Nebraska; 76 sixth grade students and sponsors from Superior, Nebraska.

ADJOURNMENT

At 4:38 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, May 12, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTIETH DAY—MAY 12, 1975

EIGHTIETH DAY–MAY 12, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 12, 1975

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Heavenly Father, we pause before You this morning not to inform You, not to guide You, not to direct Your purposes but to ask that You will guide, direct, sustain, and strengthen us with the strength that we need for the problems confronting us, that we may realize that You are the great lawgiver of the universe and that the things we do here conform to Your great purpose, that they will benefit our fellowmen and be acceptable in Your sight. If we should falter in the lack of understanding of Your purposes and Your great basic principles, our efforts will be futile. Thank you for the great people who have convened in this chamber through the years, for the great purposes which have guided them and for the strength which You have been able to exercise through their willing spirits.
>
> For such strength we pray this day. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kremer who was excused and Mr. Barnett who was excused until he arrives, and Mr. Cavanaugh who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1730, line 3, insert: "Advanced to E & R for Engrossment".
Page 1741, line 10, insert "Re-" before "Engrossment".
The Journal for the Seventh-ninth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused Tuesday, May 13, 1975 at 11:00 a.m. for the remainder of the day. No objections. So ordered.

COMMUNICATIONS

Acknowledged receipt of Wyoming Joint Resolution No. 1 regarding federal agencies withholding federal funds.

(Filed in the Clerk's office)

ATTORNEY GENERAL'S OPINIONS

Opinion No. 79
May 9, 1975

Dear Senator Kremer:

This will acknowledge our receipt of your letter of 6 May, 1975. In that letter you state that the committee amendments to L. B. 344, Eighty-fourth Legislature, First Session, have been adopted and are, in fact, the bill. In connection therewith you have asked for our opinion on the constitutionality of four (4) amendments to the aforesaid committee amendments. The same are hereinafter discussed.

This office has previously offered its opinion which is reported on pages 1004 to 1006 of the Legislative Journal, that the amendments to L. B. 344 provide local control over technical community colleges and that the property tax provisions of section 15 thereof does not violate Article VIII, section 1A of the Nebraska Constitution. However each of the four (4) amendments to the committee amendments to L. B. 344, supra, would materially alter this legislative bill and our aforesaid opinion.

Subject to certain conditions, section 15 of the committee amendments would permit the Technical Community College Board of Governors for each of the six technical community college areas of the state to certify to the county board of equalization of each county within the area served a mill levy of not to exceed two mills, uniform throughout such area, for the purpose of supporting operating expenditures of the college. In addition, section 15 of the committee amendments would permit a mill levy, not to exceed one mill, for the purpose of establishing a capital improvement fund, a bond sinking fund, or for the retirement of general obligation bonds. The power to levy up to one mill for this purpose would not exist after June 30, 1980. Senator Goodrich's amendment thereto, which is published on page 1611 of the Legislative Journal, would permit the Technical Community College Board of Governors of any technical community college located in any area containing a metropolitan class city to levy until June 30, 1986, for the purpose of campus acquisition and

construction. Consequently such areas would be treated differently than those technical community college areas in which there is no metropolitan city. The question of equal protection of the law, or the lack of it, is therefore evident. It should be kept in mind, however, that there is nothing in the Constitution of this state or of the United States which ipso facto forbids the classification of subjects for the purpose of legislation, so long as the classification is not arbitrary. Halter v. State, 74 Neb. 757, 105 N. W. 298 (1905). The rule is well established that while it is competent for the legislature to classify, the classification, to be valid, must rest on some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expendiency of diverse legislation with respect to the objects classified. While there may be some such reason that would support the Goodrich amendment it is not readily evident. We are therefore of the opinion that this amendment casts a cloud on the constitutionality of the committee amendments to L. B. 344, supra.

Senator Burrow's amendment, which is published on page 1603 of the Legislative Journal, would also amend section 15 of the committee amendments. This amendment would limit the combined levy to two and one half mills of any technical community college located in any area containing a metropolitan city without prior approval by a majority vote of the qualified electors of the area. Again, there may be a legally acceptable reason which would permit such diverse legislation for technical community college areas but it is not readily evident. In our opinion this amendment likewise casts a cloud on the constitutionality of the committee amendments to L. B. 344, supra.

Senator Marvel's amendment, No. 1, which is published on page 1613 of the Legislative Journal, would also amend section 15 of the committee amendments. This amendment would permit the Legislature to set the final capital construction budget for each technical community college area notwithstanding that the budget would be raised by local property taxes. Consequently it would remove a portion of the control over the local area to the state. In State ex rel. Western Technical Community College Area v. Tallon, 192 Neb. 201, 219 N. W. 2d 454 (1974), the court stated:

> "* * *. The direct control by the State over capital expenditures, the right to contract for acquisition and additions, and to control and direct which facilities and training will be available in which area, together with the complete and direct control of the individual budget of each technical community college, demonstrate the dominance of the State as opposed to the local areas in all major matters of control and operation of the statutory system. It is undoubtedly true that such direct control will result in a more efficient and coordinated operation and avoid expensive and uneconomical duplication of facilities and services. Those particular objectives in themselves reflect the dominance of

a purpose to benefit the state as a whole." (192 Neb. at 211-12)

It is therefore our opinion that this amendment would make the act unconstitutional.

Senator Marvel's amendment No. 2, which is published on page 1614 of the Legislative Journal, would define "tuition income" and would distribute state aid to the technical community colleges in the same proportion as tuition income of each technical community college area. Although tuition charges and fees may vary from area to area under this amendment, the practical effect is to force uniform tuition rates. In State ex rel. Western Nebraska Technical Community College Area v. Tallon, supra, the court also stated:

> "* * *. The provisions requiring that the tuition in any technical community college area for any resident of the State of Nebraska shall be the same as for any resident of the particular area is strong indication of the legislative purpose to benefit residents of the entire state as contrasted to residents of particular local areas." (192 Neb. at 211)

Consequently this amendment likewise casts a cloud on the constitutionality of the committee amendments to L. B. 344 supra. It would also appear to be contrary to the intent set forth in section 1 of the amendments.

Lastly, you have asked what is the cumulative effect of the acoption of all four of the above amendments on the constitutionality L. B. 344. Perhaps we can best answer this question by merely saying that if these amendments were to be adopted the cumulative effect would result in a situation in which it would be very difficult, if not impossible, to successfully defend the constitutionality of L. B. 344, supra.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:dnj
cc: Vince Brown
Clerk of the Legislature

Opinion No. 80
May 8, 1975

Dear Senator Rasmussen:

You have requested our opinion as to the amended version of Legislative Bill 525, which would be known as the State Electrical Act.

In our February 27, 1975 letter to you we invited attention to possible deficiencies in Sections 16, 25, 27, 34 and 36, for the reason that provision was made therein for determination of license applicants' qualifications according to "approved standards" and "accepted standards," with no further specification or guidelines as to what the standards should be. These possible deficiencies appear to have been adequately remedied in the amended bill.

Section 16 now provides that an applicant shall be licensed when it has been demonstrated that "he is qualified to undertake and perform work in his trade or skill, to the end that any such work will be safely and properly accomplished and installed in accordance with approved standards, based upon minimum standards set forth in the National Electric Code, for such work." (Emphasis ours.)

Section 25 (Section 26 in the amended bill) now provides that if an inspector finds that "any installation is not in compliance with accepted standards of construction for safety to life and property, based upon minimum standards set forth in the National Electric Code, he shall by written order * * *." (Emphasis ours.) The underscored language did not appear in the original bill but was added in the amended version.

Section 27 (Section 28 in the amended bill), Section 34 (Section 35 in the amended bill) and Section 36 (Section 37 in the amended bill), all dealing with matters relating to inspections, correction orders and compliance, now also contain language similar to that above quoted from original Section 25 (26 in the amended bill). The National Electric Code, referred to in the sections which we have mentioned, is identified in Section 5(5) of the amended bill as being the Code "issued and adopted by the National Fire Protection Association in 1975, Publication Number 70-1975."

In our February 27, 1975 opinion we called attention to Section 2(4) of L.B. 525 which provides a job classification of "special electrician" for persons installing or repairing "special classes of electrical wiring, apparatus, or equipment;" and we called attention to the fact that there appeared to be no definition or specification as to what constitutes "special classes." Section 2(5) of the amended bill contains this additional language: "Such special classes of electrical wiring installations shall include, but not be limited to, fire alarm installation, well pump wiring, irrigation system wiring, and security system installation;"

We believe that that portion of L.B. 525 hereinabove discussed is now substantially free from constitutional infirmities.

Another question which we raised in our February 27, 1975 communication to you related to Sections 31 and 36. Those sections purported to relieve the supplier of electrical service from all liability in cases of subsequent damage or loss arising from any cause if the job had been inspected and approved. We expressed the feeling that such a provision might well be contrary to public policy and violative of constitutional quarantees of due process and equal protection. Section 32 of the amended act now reads as follows:

"Upon inspection and approval by any certified inspector, all liability upon any supplier of electrical service for subsequent damage or loss arising from any installation shall be terminated, except for any acts of gross negligence by such supplier. There shall be no liability on the part of the supplier of electrical service for installations in service prior to the effective date of this act, or for installations put in service prior to inspection and certification as provided by this act."

It is a well established principle of law that the state of the law at the time a contract is entered into form a part of it and enter into its obligation and, accordingly, the legislative act will not be permitted to operate retrospectively where it will have the effect of invalidating or impairing the obligation of contracts or interfering with vested rights. Dell v. City of Lincoln, 170 Neb. 176, 102 N.W.2d 62. Instead of complete immunity from liability, as was provided in the original draft, the present language of Section 32 would permit recovery for damage or loss arising from gross negligence by a supplier. Undoubtedly the Legislature has the power to so limit liability with respect to the transactions and rights accruing subsequent to the enactment of the bill. However, with respect to prior transactions the validity of such a limitation is questionable. As to contracts for the supplying of electrical service entered into previously, a supplier would have been liable for damages or loss under the common law doctrine of ordinary negligence. Accordingly, in order to avoid finding this provision unconstitutional, we assume that the courts would construe the same as having prospective effect only and not as applicable to prior transactions. It follows from what we have said that the provision in the second sentence of Section 32, to the effect there shall be no liability for installations in service prior to the effective date of the act, probably is void as constituting an impairment of contracts and interfering with vested rights as to any causes of action which may have accrued with respect to prior service installations. Moreover, this latter provision might well be considered as a violation of Article I, Section 13 of the Nebraska Constitution which provides that all courts shall be open and that every person shall have a remedy by due course of law for any injury done him. However, we do not feel that this provision would have been such a material inducement to the enactment of the complete bill so as to invalidate the entire act.

The final matter mentioned in our letter of February 27, 1975, had to do with Section 21(7) which would exempt from licensure requirements any person repairing electrical equipment for use on the farm or in the home in municipalities having a population of less than 2,500. Section 21(7) in the amended bill now simply provides that a license is not required of "any person in municipalites which have a population of less than 5,000 inhabitants." Assuming that the original subsection might have been subject to some question as to being an unlawful classification, it is doubtful that the amendment accomplishes any particular curative effect.

Be that as it may, by no means are we suggesting that the provision clearly constitutes unlawful classification; but, rather, we merely stated that "arguably" it might. Such a determination is essentially a factual matter, to be made upon the basis of the legal principle that where reasons exist for a legislative classification, which are not superficial or baseless, the courts will not interfere--even though the classification necessarily is somewhat arbitrary. See, Dorrence v. County of Douglas, 149 Neb. 685, 32 N.W.2d 202. In any event, here again is a situation where the invalidity of one particular part of the bill should not have the effect of invalidating the entire enactment.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:sh
cc: Mr. Vincent D. Brown
Clerk of the Nebraska Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 40. Read and considered.

LR 40 was adopted with 36 ayes, 0 nays and 13 not voting.

MOTION—Return LB 609 to Select File

Mr. Keyes moved to return LB 609 to Select File for the following specific amendment:

AMENDMENTS TO LB 609

1. Insert a new section to read:

"Sec. 13. Program No. 933. There is hereby appropriated $30,000 from the Nebraska Capital Construction Fund for the period of July 1, 1975 to June 30, 1976, to the Game and Parks Commission for the purpose of developing physical plans for an aquarium, visitor center, and nature center at the Schramm State Recreation Area located in Sarpy County, Nebraska.". Which Construction shall not exceed $350,000.

2. Renumber original sections 13 to 29 as sections 14 to 30.

Mr. Keyes moved for a Call of the House. The motion prevailed with 25 ayes, 14 nays and 10 not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Keyes motion to return LB 609 prevailed with 27 ayes, 14 nays and 8 not voting.

SELECT FILE

LEGISLATIVE BILL 609. The Keyes specific amendment found in this day's Journal was adopted with 25 ayes, 11 nays and 13 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 609 to Select File

Mr. F. Lewis moved to return LB 609 to Select File for the following specific amendment:
Strike Section 15 Page 9 and 10

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 9 nays and 16 not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 24 ayes, 22 nays and 3 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 27:

Anderson	Burbach	Burrows	Carsten	Chambers
Fitzgerald	Fowler	George	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	F. Lewis
Luedtke	Mahoney	Mills	Moylan	Murphy
Nichol	Rumery	Savage	Skarda	Stoney
Swigart	Syas			

Voting in the negative, 19:

Bereuter	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Goodrich	Kime	R. Lewis
Maresh	Marsh	Marvel	Rasmussen	Schmit
Simpson	Stull	Warner	Wiltse	

Not voting, 3:

Barnett	Cavanaugh	Kremer

The F. Lewis motion to return LB 609 prevailed with 27 ayes, 19 nays and 3 not voting.

SELECT FILE

LEGISLATIVE BILL 609. The F. Lewis specific amendment found in this day's Journal was adopted with 25 ayes, 15 nays and 9 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 609 to Select File

Mr. Mills moved to return LB 609 to Select File for the following specific amendment:

Add a new section to LB 609 to read as follows:

The Game and Parks Commission is hereby authorized renovate the Champion Mill Pond Lake with a total project cost not to exceed $15,000. There is hereby appropriated $15,000 from the State Building Fund for the fiscal year ending June 30, 1976, to renovate Champion Mill Pond Lake.

The motion prevailed with 27 ayes, 3 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 609. The Mills specific amendment found in this day's Journal was adopted with 28 ayes, 2 nays and 19 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 417 to Select File

Mr. Luedtke moved to return LB 417 to Select File for the specific amendment found in the Journal on page 1739 for the Seventy-ninth Day. The motion prevailed with 32 ayes, 5 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 417. The Luedtke specific amendment found in the Journal on page 1739 for the Seventy-ninth Day was adopted with 33 ayes, 5 nays and 11 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 417 to Select File

Mr. Swigart moved to return LB 417 to Select File for the following specific amendment:

AMENDMENT TO LB 417

1. Strike the Cavanaugh amendment to section 39, Journal page 1561 and strike the Luedtke amendment to section 39, Journal page 1739.

Mr. Chambers 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 Swigart motion lost with 7 ayes, 26 nays and 16 not voting.

MOTION–Return LB 417A to Select File

Mr. Luedtke moved to return LB 417A to Select File for the specific amendment found in the Journal on page 1740 for the Seventy-ninth Day.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 417A. The Luedtke specific amendment found in the Journal on page 1740 for the Seventy-ninth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 417A to Select File

Mr. Warner moved to return LB 417A to Select File for the following specific amendment:

AMENDMENT TO 417A

1. In the Luedtke amendment to LB 417A, Journal page 1740; and after the second line 3 insert:

"Each appropriation determined and set pursuant to this act shall be considered as an express obligation by the State Board of Equalization and Assessment when setting the tax rate pursuant to section 77-2715.01, Revised Statutes Supplement, 1974.".

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 417A. The Warner specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 571 to Select File

Mr. Dworak renewed his pending motion found in the Journal on page 1709 to return LB 571 to Select File for the specific amendment found in the Journal on page 1701 for the Seventy-eighth Day.

The motion prevailed with 26 ayes, 5 nays and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 571. The Dworak specific amendment found on page 1701 for the Seventy-eighth Day was adopted with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 577 to Select File

Mr. Rasmussen moved to return LB 577 to Select File for the following specific amendment:

Page 5, strike line 5.

Mr. Cavanaugh asked unanimous consent to have the motion laid over. No objections. So ordered.

MOTION—Return LB 607 to Select File

Mr. Warner moved to return LB 607 to Select File for the following specific amendment:

Amendment to LB 607 as Amended

1. After line 7 of the Marvel amendment to lines 16 to 21 of LB 607 insert:

"In expending such funds, first priority shall be given to the removal of advertising devices along the National System of Interstate and Defense Highways and such removal shall be completed before any funds may be expended for the removal of advertising devices along the highways of the state primary system.".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 607. The Warner specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 604. E & R amendments found in the Journal on page 1639 for the Seventy-sixth Day were adopted.

Mr. Kennedy offered the following amendment:
Strike the Lewis Amendment on LB 604

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Mahoney offered the following amendment:
(1) On page 8, line 11, strike "300,000" and insert "500,000"; on line 12, strike "300,000" and insert "500,000"; on line 15, strike "975,921" and insert "993,921"; on line 17, strike "1,029,761: and insert "1,047,761"; on line 26, strike "10,000" and insert "25,000"; and on line 27, strike "10,000" and insert "25,000".
(2) On page 9, line 3, strike "1,464,771" and insert "1,697,771"; and on line 6, strike "2,006,145" and insert "2,239,145".

Mr. Warner requested a division of the question on the Mahoney amendment.

Mr. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The first part of the amendment (1) through "$500,000" was adopted with 32 ayes, 0 nays and 17 not voting.

The second part of the amendment (1) through "1,047,761" was adopted with 26 ayes, 7 nays and 16 not voting.

Mr. Savage moved the previous question on the third part of the amendment (1) through "25,000". The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays and 18 not voting.

The third part of the amend. (1) lost with 15 ayes, 15 nays and 19 not voting.

The Mahoney amendment as a whole was adopted with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

1) On page 3, after line 3, insert:
"Notwithstanding any other provision of this act, at

least fifteen (15) of the residencies hereby established shall be in hospitals located in counties with less than 65,000 population according to the most recent dicennial census."

RESOLUTION

LEGISLATIVE RESOLUTION 50.

Introduced by George, 16th District.

WHEREAS, the Winnebago Tribal council of Thurston County is seeking civil and criminal retrocession to the federal government thereby removing the Winnebago Reservation from state jurisdiction under Public Law 280 and such an action requires acceptance by the Nebraska Legislature; and

WHEREAS, the Nebraska Legislature adopted a similar resolution in 1969 but later found cause to reverse its action upon the advice of the Attorney General. Such a reversal was made due to jurisdictional and conceptional questions which presently remain unanswered; and

WHEREAS, at question with retrocession is the right to equal protection under the law as constitutionally guaranteed to all citizens of the United States and State of Nebraska; and

WHEREAS, the Thurston County Board of Supervisors in their resolution of April 23 have requested a study be made to arrive at a workable system of civil and criminal law in Thurston County before any jurisdictional retrocession be considered by the Legislature.

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

1. That the Legislature designate the Judiciary Committee to perform an interim study of systems for implementing civil and criminal law in Thurston County before any consideration be given of jurisdictional retrocession by the Legislature.

2. That the findings of the committee together with recommendation for a workable system to implement civil and criminal law in such county be presented to the next regular session of the Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00 Noon, Thursday, May 22, 1975, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Ted Johnson – Nebraska Resources Commission
Charles Davey – Advisory Committee to Dept. of Economic Development
Dr. Philip Heckmen – Nebraska Educational Television Commission
Mrs. Dorothy Obbink – Nebraska Educational Television Commission
Mr. Al Gilmore – Nebraska Educational Television Commission
Mr. Don Conrad – Nebraska Educational Television Commission
Dr. Ed Nelson – Nebraska Educational Television Commission
Mrs. June Popken – Nebraska Educational Television Commission
Mr. Jim Johnson – Nebraska Educational Television Commission

(Signed) John S. Savage, Chairman

MESSAGE FROM THE GOVERNOR

May 9, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 187, 187A, 446, 452, and 560.

These bills were signed by me on May 9, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJ:fw

EXPLANATION OF VOTE

Had I been present on LB 604 - 1st amendment - I would have voted Aye.

(Signed) Warren Swigart

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 74. Replaced on Select File as amended.
E & R amendments to LB 74:

(Note: All references are to the Warner amendment, white copy, except as specifically stated otherwise.)

1. In the Maresh amendment 1, line 1, strike

"line 5 after the semicolon" and insert "after line 5"; and in line 3 insert "and" after the first semicolon.

2. On page 2, line 5, strike "and"; in line 14 strike the comma; and in line 16 strike "herein expressed" and insert "expressed in this section".

3. Strike section 6 and reinsert the same as section 4, renumbering original sections 4 and 5 as sections 5 and 6.

4. On page 7, line 16, strike "to be" and insert "from being"; and in line 24 strike "in" and insert "of".

5. In the Maresh amendments, page 2, line 5, strike "the trial period" and insert "a trial period as determined by the board,"; in line 12 strike "that" and insert "who"; and in line 25, insert "elected" after "initial".

6. In the Maresh amendments, page 3, line 2, insert a comma after "referendum"; and at the end of line 25 insert "Such board shall have the same powers and duties and receive the same expense reimbursement as the appointed board.".

7. In the Maresh amendments, page 4, line 8, strike "a commodity" and insert "the".

8. On page 8, line 1, insert "the" after "of"; in line 12 strike "he" and insert "it"; in lines 22 and 26, strike "13" and insert "16"; and in line 27, strike the comma.

9. On page 9, line 2, strike the comma; in line 14, strike "fee" and insert "fees"; and in line 23, strike "13" and insert "16".

10. On page 11, line 10, strike the comma.

11. Pursuant to the Maresh amendment adopted 4/30, insert a new section to read:

"Sec. 25. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

12. In the title, line 2, insert "; and to provide severability" after "Act".

LEGISLATIVE BILL 381. Replaced on Select File as amended.
E & R amendment to LB 381:

1. In the Final Reading Bill, renumber sections 3 to 7 as sections 4 to 8.

LEGISLATIVE BILL 263. Placed on Select File as amended.
E & R amendments to LB 263:

1. For correlation purposes, on page 2, line 2, insert ", as amended by section 2, Legislative Bill 259,

Eighty-fourth Legislature, First Session, 1975" after "1943"; and on page 3, line 1, after the period and before the Kremer amendment, insert "Any motor vehicle may be operated under an employment driving permit as provided by section 5 of this act.".

2. On page 5, line 6, strike "39-669.27,"; in line 7 strike the first comma; and in line 8 insert ", and section 39-669.27, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 259, Eighty-fourth Legislature, First Sesison, 1975" after "1943".

3. Add a new section to read:

"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.".

4. In the title, line 2, strike "39-669.27," and the second comma; in line 4 insert ", and section 39-669.27, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 259, Eighty-fourth Legislature, First Session, 1975" after "1943"; in line 4, strike "serious"; in line 7 strike "and"; and in line 8 insert "; and to declare an emergency" after "sections".

(Signed) Donald N. Dworak, Chairman

VISITORS

The President introduced 36 ninth grade students and sponsors from Clay Center, Nebraska; 24 sixth grade students and sponsors from Cardinal Spellman School, Omaha; 46 ninth grade students and sponsor from Omaha Monroe Jr. High; former Senator Fleming from Sydney; 19 seniors and teacher and sponsor from Johnson and Brock Nebraska; 19 seniors, teachers and sponsors from Hershey, Nebraska; and 43 seniors and teacher from Hebron, Nebraska.

RECESS

At 12:11 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Kremer who was excused.

SELECT FILE

LEGISLATIVE BILL 604. Mr. Cavanaugh offered the following amendment:

AMENDMENT TO LB 604

1. On page 2, line 5 strike "19" and insert "20".
2. On page 19, line 3 strike "965,562" and insert "959,224"; in line 6 strike "1,513,669" and insert "1,507,331"; and strike lines 19 to 27.
3. On page 20, strike lines 1 to 4; in line 7 strike "1,351,452" and insert "1,345,114"; and in line 10 strike "1,968,011" and insert "1,961,673".
4. On page 25, after line 19 insert the following:

"Sec. 20. Agency No. 70 – Economic Opportunity Commission

Program No. 547 – Economic Opportunity Act	
General Fund	6,338
Federal Fund	268,687
Program Total	275,025
For Informational Purposes Only: Total Appropriations to Agency No. 70 and Fund Source	
General Fund	6,338
Federal Fund	268,687
Program Total	275,025"

5. On page 32, after line 13 insert:

"Economic Opportunity Commission 20"

6. Renumber original sections 20 to 30 as sections 21 to 31, respectively.

The amendment was adopted with 27 ayes, 6 nays and 16 not voting.

Mr. Marvel offered the following amendment:

Committee Amendments for Select File to LB 604

1) Insert on page 24 after line 27 the following language:

"The following sums are hereby appropriated to the Workmen's Compensation and Sundry Claims Funds:

(a) $175,000 from Highway Cash Funds;

(b) $35,000 from University of Nebraska at Lincoln Revolving Funds;

(c) $1,800 from University of Nebraska at Lincoln Trust Funds;

(d) $1,500 from University of Nebraska at Lincoln Federal Funds;

(e) $2,200 from University of Nebraska Medical Center Revolving Funds;

(f) $1,000 from University of Nebraska Medical Center Federal Funds; and

(g) $1,000 from University of Nebraska Medical Center Trust Funds.

Such funds shall not be expended for purposes other than Tort Claims and Workmen's Compensation.

The State Treasurer shall, upon request and certification of the Chairman of the State Claims Board, credit the State Claims Board with funds from the appropriations listed in this section, not to exceed the amounts shown."

2) On page 7, line 9, strike "50,000" and insert "500,000"; on line 10, strike "398,700" and insert "848,700"; on line 23, strike "50,000" and insert "500,000"; and on line 24, strike "23,588,335" and insert "24,038,335".

3) On page 7, after line 14, insert the following language:

"The unexpended General Fund balance existing on June 30, 1975, is hereby reappropriated which amount shall be in addition to the amount shown."

4) On page 17, after line 8, insert the following sub-section:

(9) Program No. 191 -- Law Enforcement - Indian Affairs

GENERAL FUND	63,994
PROGRAM TOTAL	63,994

The funds appropriated for this program shall be divided as equally as possible between the areas of law enforcement and rehabilitation for the purposes of Legislative Bill 131, Eighty-third Legislature, First Session, 1973.

5) On page 17, line 11, strike "3,163,875" and insert "3,227,869"; and on line 15, strike "12,552,507" and insert "12,616,501".

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Marvel offered the following amendment:

Amendment to LB 604

(1) On page 17, lines 20 and 21, strike "96,068" and insert "111,068".

(2) On page 20, line 7, strike "1,351,452" and insert "1,366,452"; and on line 10 strike "1,968,011" and insert "1,983,011".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 417. Replaced on Select File as amended.

E & R amendments to LB 417:

1. On page 9, line 5, insert "as" after "manner".

2. On page 10, lines 5 and 11, strike "Division of".

3. On page 15, line 5, strike ". Develop" and insert ", and developing".

4. Renumber the new section 39 as section 38; on page 1 thereof, line 26, strike "and"; and on page 2, line 21, strike "such" and insert "the".

5. In E & R 24, lines 3 and 4, strike "make appropriations" and insert "provide for planning".

LEGISLATIVE BILL 417A. Replaced on Select File as amended.
E & R amendments to LB 417A:

1. In the amendments adopted 5/12, page 1, strike lines 2 and 3 and through "is" in line 4 and insert:

"Section 1. There are"; strike line 15 and insert "section 81-1108.41, Revised Statutes Supplement,"; strike line 25 and insert "Revised Statutes Supplement, 1974."; and on page 2, strike line 3 and insert "81-1108.41, Revised Statutes Supplement, 1974.".

LEGISLATIVE BILL 609. Replaced on Select File as amended.
E & R amendments to LB 609:

1. In lieu of the longhand addition to the Keyes amendment 1, in new section 13, line 7, insert ", at a total construction cost of not to exceed $350,000" after "Nebraska".

2. Strike the Keyes amendment 2.

3. Insert the new section added by the Mills amendment as section 14; and in line 2 thereof insert "to" after "authorized".

4. Renumber original section 13 as section 15, new sections 14 and 15 added by the Marvel amendments as sections 16 and 17, and original section 14 as section 18.

5. In the F. Lewis amendment, insert "original" after "Strike".

6. Renumber original sections 16 to 24 as sections 19 to 27, new sections 26 and 27 added by the Marvel amendments as sections 28 and 29, and original sections 25 to 29 as sections 30 to 34.

7. In renumbered section 16, line 1, strike "Program No. 905." and insert the same in line 4 after "26.".

8. In renumbered section 28, strike line 2 and insert "77-2602, there is hereby"; and strike line 9 and insert "section 77-2602, but".

LEGISLATIVE BILL 422. Replaced on Select File as amended.
E & R amendments to LB 422:

1. In E & R 1 adopted 5/9, insert "and page 24, line 6," at the end of line 2.

2. In line 3 of E & R 3 adopted 5/9, strike "71-132.11" and insert "71-1,132.11"; and in line 5 strike "~~71-132.04~~" and insert "~~71-1,132.04~~".

LEGISLATIVE BILL 410. Placed on Select File as amended.
E & R amendments to LB 410:

1. On page 7, line 1, strike the comma and show stricken; and in line 2 strike "their" and insert "~~their~~ its".

2. On page 11, line 12, strike "; and when" and insert ". When".

3. On page 12, line 3, insert an underscored comma after "19-913".

4. On page 14, line 25, insert an underscored comma after "19-901".

5. On page 15, line 8, strike the first comma and insert "and".

6. On page 25, line 26, strike "And as" and insert "~~And as~~ As".

LEGISLATIVE BILL 203. Placed on Select File as amended.
E & R amendments to LB 203:

1. In committee amendments, page 1, insert an underscored comma at the end of line 14.

2. In committee amendments, page 2, line 15, strike the comma and show as stricken.

3. In committee amendments, page 3, line 12, strike the comma and show as stricken.

4. In the Burbach amendment 2, line 8, insert "and" after the first semicolon.

5. In lieu of committee amendment 2, in the title strike lines 2 and 3 and insert:

"FOR AN ACT relating to agriculture; to declare intent; to provide for reports as prescribed from corporations having certain interest in agricultural lands; to amend sections 76-407 and 76-408, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 508. The Murphy specific amendment found in the Journal on page 1608 was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 508 to Select File

Mr. Schmit moved to return LB 508 to Select File for the specific amendment found in the Journal on page 1720 for the Seventy-eighth Day.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 508. The Schmit specific amendment found in the Journal on page 1720 for the Seventy-eighth Day was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Withdraw Amendment on LB 508

Mr. Schmit asked unanimous consent to withdraw his pending amendment to LB 508 found in the Journal on page 1653. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 605. E & R amendments found in the Journal on page 1673 for the Seventy-seventh Day were adopted.

Mr. Marvel offered the following amendment:

Committee Amendments for Select File to LB 605:
1) On page 5, line 20, strike "954,714" and insert "632,608"; and on line 23 strike "4,748,537" and insert "4,426,431".
2) Strike beginning with line 24, page 5, through line 14, page 6, and reinsert the same on page 7 after line 7.
3) On page 6, insert "and Tuberculosis" at the end of line 5; on lines 17 and 18, strike "161,388" and insert "483,494"; and after line 18 insert:

"There is included in the amount shown $161,388 General Funds which shall be used for chronic renal disease treatment.".

4) On page 14, line 1, insert "general" after the work "The" and strike "in this program" and insert "shown for each mental retardation region".
5) Add a new subsection (e) on page 20, after line 24, to read as follows:

"(e) The department shall also indicate the number of children and the cost involved under the agency's subsidized adoption policy for each fiscal year since the passage of LB 425 of the Eight-second Legislature, First Session."

6) On page 38, line 8, insert "of personal property" after "bequests"; and on line 9 insert "; and provided further, that all gifts or devises or real property in excess of $10,000 to be used for state purposes be approved by the Governor and the Legislature before acceptance" after "acceptance".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Cavanaugh offered the following amendment:
PROPOSED AMENDMENT TO LB 605

1. On page 14, in line 8 strike "218,246" and insert "234,746"; in line 11 strike "993,294" and insert "1,009,794"; in line 13 strike "184,367" and insert "210,968"; and in line 16 strike "1,296,351" and insert "1,322,952."

2. On page 15, in line 1 strike "562,960" and insert "662,613"; in line 4 strike "3,090,413" and insert "3,190,066"; in line 6 strike "1,102,486" and insert "1,607,000"; in line 9 strike "8,034,712" and insert "8,539,226'; in line 11 strike "2,826,969" and insert "3,474,237"; and in line 14 strike "17,385,724" and insert "18,032,992."

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 16:

Anderson	Barnett	Cavanaugh	Fitzgerald	Fowler
Goodrich	Koch	F. Lewis	Maresh	Moylan
Nichol	Rumery	Stoney	Stull	Swigart
Syas				

Voting in the negative, 22:

Bereuter	Burrows	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Kelly	Keyes
R. Lewis	Luedtke	Mahoney	Marsh	Marvel
Mills	Murphy	Rasmussen	Savage	Skarda
Warner	Wiltse			

Not voting, 11:

Burbach	Carsten	Chambers	George	Hasebroock
Johnson	Kennedy	Kime	Kremer	Schmit
Simpson				

The amendment lost with 16 ayes, 22 nays and 11 not voting.

Mr. Marvel offered the following amendment:

Pursuant to the passage to LB 466, which transfers the Nebraska Psychiatric Institute from the Department of Public Institutions to the University of Nebraska-Medical Center, the following amendment is required:

AMENDMENT TO LB 605

1) On page 12, line 4, strike "18,932,861" and insert "16,022,989"; on line 5, strike "3,596,755" and insert "2,860,249"; on line 6, strike "599,619" and insert "542,116"; and on line 7, strike "23,129,235" and insert "19,425,354".
2) On page 16, line 13, strike "31,399,859" and insert "28,489,987"; on line 14, strike "9,088,143" and insert "8,351,637"; on line 15, strike "4,772,774" and insert "4,715,271"; and on line 17, strike "45,956,595" and insert "42,252,714".
3) On page 37, line 1, strike "Nebraska Psychiatric Institute Trust Funds,".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 417. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 417A. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 609. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 422. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 609 to Select File

Mr. Warner moved to return LB 609 to Select File for the following specific amendment:

1. On page 14 after line 1 insert:
"Sec. 28. Any appropriation for capital con-

struction from the General Fund or the State Building Fund shall be considered as express obligations by the State Board of Equalization and Assessment when setting the tax rate pursuant to section 77-2715.01.".

2. Renumber original sections 28 and 29 as sections 29 and 30, respectively.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 609. The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 607 to Select File

Mr. Marvel moved to return LB 607 to Select File for the following specific amendment:

1) On page 11, after line 22, insert the following:
"There is included in the Cash Fund $180,000 to be transferred by the State Treasurer from the gross receipts to the Highway Trust Fund."

2) On page 11, after line 27, insert the following:
"There is included in the amount shown $150,000 Cash Fund which is hereby transferred from the Vehicle Safety Inspection Cash Fund to the Motor Vehicles Computerization Fund."

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 607. The Marvel specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 603.

(Signed) Donald N. Dworak, Chairman

MOTION—Return LB 607 to Select File

Mr. Cavanaugh moved to return LB 607 to Select File for the following specific amendment:
P. 16, lines 8, 9, 12, and 13, strike "141,274" and insert "148,591"

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 607. The Cavanaugh specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 610. E & R amendments found in the Journal on page 1732 for the Seventy-ninth Day were adopted.

Mr. Maresh offered the following amendment:
AMENDMENT TO LB 610
1) On page 44, line 23, strike "12,040,644" and insert "12,052,644";
ond on line 27, strike "19,020,481" and insert "19,032,481".
2) On page 45, after line 17, insert:
"(c) Sorghum Research Technician - 12,000".
3) On page 46, line 10, strike "34,728,906" and insert "34,740,906";
and on line 14, strike "55,024,719" and insert "55,036,719".

MR. SAVAGE PRESIDING

Speaker Burbach 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 Maresh amendment was adopted with 31 ayes, 1 nay and 17 not voting.

Mr. Duis offered the following amendment:
AMENDMENT TO LB 610
1. On page 3, strike lines 20 through 26.
2. On page 4, strike lines 1 through 18.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Cavanaugh re-offered his amendment found in the Journal on page 1697 for the Seventy-eighth Day.

Mr. Cavanaugh moved for a Call of the House. The motion lost with 18 ayes, 14 nays and 17 not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cavanaugh appealed the decision of the Chair on ruling the motion lost on Call of the House. The question is, " Shall the Chair be sustained?" The motion lost with 20 ayes, 14 nays and 15 not voting.

The Chair was not sustained.

The Call showed 42 members present.

Mr. Cavanaugh requested a roll call vote.

Mrs. Marsh moved the Call be raised. The motion prevailed with 25 ayes, 18 nays and 6 not voting.

Voting in the affirmative, 20:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Dickinson	Fitzgerald	Goodrich	Keyes
Koch	F. Lewis	Mahoney	Moylan	Rumery
Savage	Skarda	Stoney	Swigart	Syas

Voting in the negative, 18:

Bereuter	Clark	Cope	Dworak	Fowler
Hasebroock	Johnson	R. Lewis	Luedtke	Marsh
Marvel	Murphy	Nichol	Rasmussen	Simpson
Stull	Warner	Wiltse		

Not voting, 11:

Barnett	DeCamp	Duis	George	Kelly
Kennedy	Kime	Kremer	Maresh	Mills
Schmit				

The Cavanaugh amendment lost with 20 ayes, 18 nays and 11 not voting. Laid over.

PRESIDENT WHELAN PRESIDING

UNANIMOUS CONSENT–Change of Order

Speaker Burbach asked unanimous consent to take up a new resolution at this time. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 51.

Introduced by DeCamp, 40th District; Cavanaugh, 9th District; Kennedy, 21st District; Mahoney, 5th District; Simpson, 46th District.

WHEREAS the State of Nebraska has a serious problem of providing adequate medical services in rural areas because of a lack of doctors in rural areas; and

WHEREAS several Nebraska communities have advised the Nebraska Health Department and members of the Legislature of their desire to have doctors in their communities; and whereas at the present time, as a result of the refugees evacuation from Vietnam, there are a number of doctors in the refugee camp at Camp Pendleton, California who are seeking places to establish themselves and their families and practice medicine.

NOW BE IT RESOLVED by the Nebraska Legislature as follows:

That a select committee appointed by the Executive Board be delegated to go to Camp Pendleton accompanied by Nebraska Health Department officials and other medical authorities from the State of Nebraska for the purpose of determining whether medically qualified Vietnamese Refugee Doctors wish to come to Nebraska and that the Nebraska Legislature hereby agrees to act as sponsor for doctors and families if sufficiently qualified doctors who are desirous of locating in Nebraska can be located.

That a copy of this resolution be provided to the proper customs and immigration authorities of the United States.

Mr. Simpson moved to suspend the rules to consider LR 51 today.

Mr. Simpson moved for a Call of the House. The motion prevailed with 23 ayes, 5 nays and 21 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The motion to suspend the rules prevailed with 33 ayes, 6 nays and 10 not voting.

Mr. Simpson moved LR 51 be adopted.

Speaker Burbach 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. Simpson moved for a Call of the House. The motion prevailed with 18 ayes, 16 nays and 15 not voting.

The Call showed 44 members present.

Mr. Johnson moved the Call be raised. The motion prevailed with 26 ayes, 4 nays and 19 not voting.

LR 51 failed with 24 ayes, 15 nays and 10 not voting.

MOTION–Reconsider Action on LR 51

Mr. Warner moved to reconsider action on LR 51.

Motion pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 604. Replaced on Select File as amended.
E & R amendments to LB 604:

1. Because of the Kennedy amendment, strike E & R 1 adopted 5/12.

2. In line 1 of the Mahoney amendment to page 9, strike "1,697,771" and insert "1,682,771"; and in line 2 strike "2,239,145" and insert "2,224,145".

3. In line 3 of the Marvel amendment to page 24, insert ", which sums are not included in the agency totals" after "Funds".

4. On pages 32 and 33, increase by one each item of 20 or more in the SECTION column.

LEGISLATIVE BILL 212. Placed on Select File as amended.
E & R amendments to LB 212:

1. Renumber original sections 4 and 5 as sections 3 and 4 and original sections 7 to 12 as sections 5 to 10.

2. In lieu of section 2 as found in committee amendment 2, insert the following as in the statutes:

"Sec. 2. That section 42-371, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-371. (1) All judgments and orders for payment of money under sections 42-347 to 42-379 shall be liens upon property as in other actions and may be enforced or collected by execution and the means authorized for collection of money judgments. The judgment creditor may execute a partial or total release of the judgment, generally or on specific property. Release of judgments for child support must be approved by the court which rendered the judgment. The judgment debtor may petition

the court which rendered the original judgment for an order releasing the lien as to specific property. The court shall grant the relief prayed for in the petition upon a showing by the judgment debtor that sufficient property shall remain subject to the lien to cover all child support due and that which may become due.

(2) Child support judgments shall cease to be liens on property ten years from the date (a) the youngest child becomes of age or dies, or (b) the most recent execution was issued to collect the judgment, whichever is later, and such lien shall not be reinstated.

(3) Alimony and property settlement award judgments shall cease to be a lien on property ten years from the date (a) the judgment was entered, (b) the most recent payment was made, or (c) the most recent execution was issued to collect the judgment, whichever is latest, and such lien shall not be reinstated.

(4) Whenever a judgment creditor under sections 42-347 to 42-379 refuses to execute a release of the judgment as provided in this section, the person desiring such release may file an application for the relief desired. A copy of the application and a notice of hearing shall be served on the judgment creditor either personally or by registered or certified mail no less than ten days before the date of hearing. If the court finds that the release is not requested for the purpose of avoiding payment and that the release will not unduly reduce the security, the court may release property from the judgment lien. As a condition for such release, the court may require the posting of a bond with the clerk in an amount fixed by the court, guaranteeing payment of the judgment.

(5) The court may in any case, if it finds it necessary, order a person required to make payments under sections 42-347 to 42-379 to post sufficient security with the clerk to insure payment. Upon failure to comply with the order the court may also appoint a receiver to take charge of the debtor's property to insure payment.".

3. On page 4, line 17, insert "that" after "year"; and in line 18 strike "becomes" and insert "is".

4. On page 5, line 5, insert "therefor" after "imprisoned"; in line 10 strike "on" and insert "under"; in line 13 insert "that" after "time"; and in line 21, strike the comma.

5. In lieu of the committee amendment to page 5, line 8, insert ", minus appropriate deductions for the costs of work release," after "program" on page 5, line 7.

6. In the title, strike lines 2 to 10 and insert:
"FOR AN ACT to amend sections 42-371, Reissue Revised Statutes of Nebraska, 1943, and 42-358, Revised Statutes Supplement, 1974, relating to husband and wife; to provide for enforcement of child support decrees as prescribed; to provide for the release of liens; to provide duties; to provide for removal from office; and to repeal the original sections.".

LEGISLATIVE BILL 468. Placed on Select File as amended.
E & R amendments to LB 468:

1. On page 2, line 4, insert ", both as to the validity and amount thereof," after "assessment"; insert a period after "located" in line 5; strike beginning with "such" in line 5 through the period in line 7 and insert "The issues on such appeal shall be tried de novo."; in lines 14 and 15, strike ". Such" and insert "conditioned that such"; in line 23 strike "such" and insert "the"; and insert a comma at the end of line 24.

2. In the title, line 2, strike "laws applicable to all"; in line 3 insert ", particular classes" after "villages"; and in line 5 strike the comma.

LEGISLATIVE BILL 377. Placed on Select File.

LEGISLATIVE BILL 416. Placed on Select File as amended.
E & R amendments to LB 416:

1. On page 3, line 13, insert an underscored comma after "cause".

2. All amendatory matter having been stricken therefrom, strike section 5 and renumber original sections 6 to 8 as sections 5 to 7.

3. On page 6, line 19, insert an underscored comma after "cause".

4. On page 8, line 10, strike "35-209,".

5. In the title, line 3, strike "35-209," and strike beginning with the second "to" in line 5 through the semicolon in line 6 and insert "to provide for reduced benefits as prescribed;"; and in line 7 insert "for disability" after "pensioned".

LEGISLATIVE BILL 404. Placed on Select File as amended.
E & R amendments to LB 404:

1. In committee amendment 1, insert "the second" at the end of line 18.

2. In committee amendment 1, lines 20 and 21, strike "at least one newspaper of general circulation within" and amendments thereto and insert "a newspaper or newspapers which provide general coverage of".

3. On page 3, line 8 insert an underscored comma after "directors".

4. On page 4, line 3, strike "notification of"; and strike beginning with "with" in line 4 through "Accounts" in line 5 and insert "within such time".

5. Renumber the new section added by the Schmit amendment as section 5 and original section 4 as section 6.

6. In new section 4, strike line 1 and insert:

"Sec. 4. (1) If any district fails to file a copy of the"; in line 2 insert "within the required time" after "audit"; and strike beginning with "shall" in line 2 through "The" in line 4 and insert "the"; in line 7 strike "; and" and insert an underscored period; and pursuant to the Kelly amendment, after line 7 insert:

"(2) Any officer or member of the board of directors responsible for such failure to file shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.".

7. In line 4 of the Schmit amendment to committee amendment 2, insert an underscored comma before "with".

8. In renumbered section 5, page 1, line 8, strike "purpose" and insert "purposes" as in the statutes; in line 12 strike "group" and insert "groups" as in the statutes; in line 14 strike ", and" and insert "and,"; in line 15 strike "may"; and on page 2, line 2, strike the period and insert an underscored semicolon.

9. In the title, line 2, strike "and 2-3220," and insert ", 2-3220, and 2-3228"; and line 9 insert "to provide penalties; to provide for a pension plan;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

MOTION—Introduce Bill

Mr. Mahoney moved the introduction of a new bill by the Executive Board. (Req. 868)

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 613. By Executive Board: Mahoney, Chairman, 5th District; Burbach, 19th District; Rasmussen, 41st District; R. Lewis, 38th District; Kelly, 35th District; Barnett, 26th District; Savage, 10th District; Schmit, 23rd District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 68-703, 81-829.42, and 81-829.55, Revised Statutes Supplement, 1974, relating to the Nebraska Disaster and Civil Defense Act; to assent to the Disaster Relief Act of 1974, P.L. 93-288; to provide powers and duties of the Governor, the state civil defense agency, and the Department of Public Welfare as prescribed; to provide severability; to repeal the original sections; and to declare an emergency.

MOTION–Suspend Rules

Mr. Mahoney moved to suspend the rules and place LB 613 on General File without a public hearing.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 605. Replaced on Select File as amended.
E & R amendments to LB 605:

1. In committee select file amendment 3, line 1, strike "line 5" and insert "line 15".
2. On page 20, line 21, strike "and"; and in line 24 strike the period and insert "; and".
3. In committee select file amendment 5, line 3, strike "department shall also indicate the".

LEGISLATIVE BILL 609. Replaced on Select File as amended.
E & R amendment to LB 609:

1. Insert the new section added by the Warner amendment as section 33 and renumber original sections 28 and 29 as sections 34 and 35.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 69. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

SELECT FILE

LEGISLATIVE BILL 74. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 381. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 263. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 410. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 203. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 604. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 212. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 468. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 377. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 416. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 404. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 605. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 609. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

VISITORS

The President introduced 13 Seventh grade students and sponsor from Goodrich Junior High, Lincoln, Nebraska.

ADJOURNMENT

At 4:52 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, May 13, 1975.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-FIRST DAY—MAY 13, 1975

LEGISLATIVE JOURNAL

EIGHTY-FIRST DAY—MAY 13, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 13, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, Whose Spirit from the beginning of the world has been bringing order out of chaos, we ask that today we may be connected with those creative forces so that we can help bring orderliness out of the confusion of our time.
>
> We bow at the beginning of business this day not to ask for divine favors, but rather for strength to use the ordinary opportunities we have at our disposal, the chances to help create a society where justice and freedom may flourish.
>
> Help us therefore to do our homework so that we may have wisdom a sense of fairness and humor in order that the decisions that are made here may reflect the best judgments of enlightened politicians. In Your Name, we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Maresh, Kennedy, and Kime who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

MESSAGE FROM THE GOVERNOR

May 12, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 32, 298, 395, and 447, and Reengrossed Legislative Bills Nos. 306 and 387.

These bills were signed by me on May 9, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

Opinion No. 81
May 12, 1975

Dear Senator Dickinson:

You have written to this office stating that the members of the Appropriations Committee of the Legislature state that they are prohibited by statutory law from authorizing a capital appropriation until after an official copy of the program statement of the agency proposing such is delivered to them. You refer specifically to Section 81-1108.41, R.S. Supp., 1974. You then ask if the foregoing section or any other statute makes it mandatory that a program statement be provided the Appropriations Committee prior to committee action recommending authorization of an appropriation for capital planning and/or construction.

We have reviewed the provisions of Section 81-1108.41, R.S. Supp., 1974. This section states that no contract for the planning, design, or construction of a new facility or major modification or repair of an existing facility "provided for by any state appropriation may be initiated unless an acceptable program statement has been approved by the Governor and the conditions of the contracts are approved in writing by the Governor; * * *." This section of the statutes further provides that a written report on such proposal shall be filed with the Governor and the Executive Board of the Legislative Council. With reference to your specific question, we see no requirement in this section of the statutes which would prevent the consideration of such an appropriation by the Appropriations Committee or would prevent the enactment of such an appropriation by the Legislature. We note that this particular section of the statutes is directed toward the initiation of a contract. Were an appropriation to be made then the steps contemplated by this section may well be accomplished subsequent to such an appropriation.

In addition, we are aware of no other provision of the statutes which attempts to inhibit the Appropriations Committee from considering and even recommending any appropriation which the Legislature has the

authority to make. We might add that it is certainly within the prerogative of the Appropriations Committee to insist upon any justification from the agency concerned in justification of the proposed appropriation. This is a matter within the discretion of that committee.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 14. Replaced on Select File as amended.
E & R amendments to LB 14:
1. In line 2 of E & R 4 adopted 5/7, strike the comma.

LEGISLATIVE BILL 571. Replaced on Select File as amended.
E & R amendments to LB 571:
1. In new section 8, line 2, strike "by" and insert "in the manner set forth in".
2. In the title, line 3, insert "and dental education" after "education".

LEGISLATIVE BILL 508. Replaced on Select File as amended.
E & R aamendments to LB 508:
1. Pursuant to the amendments adopted 5/12, strike section 1 as found in the Schmit amendments adopted 5/2.
2. In the title of the Final Reading bill, line 8 insert "to provide for construction;" after the semicolon.

LEGISLATIVE BILL 604. Replaced on Select File as amended.
E & R amendment to LB 604:
1. Strike the second E & R 3 adopted 5/12.

LEGISLATIVE BILL 189. Placed on Select File as amended.
E & R amendments to LB 189:
1. In committee amendment 4, line 2, insert "and strike the new" after "stricken".
2. In committee amendments, page 1, line 27, insert "of a primary class city" after "policeman".

3. In committee amendments, page 2, insert an underscored comma after "benefit" in line 13 and "period" in line 26.

4. Renumber the sections added by the Goodrich amendments as sections 9, 10, and 12, respectively, supplying paragraphing thereto, and renumber original section 8 as section 11.

5. In renumbered section 10, line 1, strike "Sect 8 of" and insert "section 9 of"

6. In the title, line 2, insert "relating to retirement;" after "ACT"; in lines 5 and 6 strike ", relating to pensions"; in line 11 strike "and" and insert "to provide vested rights for certain employees whose status is changed; to provide an operative date;" and insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 249. Placed on Select File as amended.
E & R amendment to LB 249:

1. On page 2, lines 1 and 2 and lines 18 and 19, page 6, line 2 and in the title, line 3, strike "Revised Statutes Supplement, 1974" and insert "Reissue Revised Statutes of Nebraska, 1943".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 14. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 571. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 508. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 604. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 189. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 249. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused at 10:50 a.m. until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 610. Mr. F. Lewis offered the following amendment:
Strike on page 19 lines 15 – 20
Page 21 strike lines 8 – 27
Page 22 strike line 1 – 3

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Cavanaugh offered the following amendment:

AMENDMENT TO LB 610

1) On page 41, line 18, strike "8,786,128" and insert "8,532,088"; on line 20, strike "1,158,864" and insert "1,062,739"; and on line 21, strike "11,990,170" and insert "11,640,005".
2) On page 42, after line 21, insert a new program:

"(4) Program No. 788--Intercollegiate Athletics

GENERAL FUND	265,219
CASH FUND	18,651
REVOLVING FUND	4,351,125
PROGRAM TOTAL	4,634,995

It is the intent of the Legislature that the Intercollegiate Athletic programs at the UN-L and UNO campuses be consolidated at the Systems Office. Revenue appropriated to such program shall be distributed back to the individual campuses on the basis of full-time equivalent students enrolled at each campus utilizing a common definition for FTE Student."

3) On page 43, line 5, strike "16,969,446" and insert "12,714,446"; on line 6, strike "16,969,446" and insert "12,714,446"; on line 9, strike "20,342,360" and insert "20,353,539"; on line 10, strike "2,612,374" and insert "2,631,025"; and on line 13, strike "83,935,604" and insert "83,965,434".

4) On page 46, line 19, strike "6,646,660" and insert "6,635,481"; on line 20, strike "5,188,998" and insert "5,170,347"; and on line 22, strike "11,969,686" and insert "11,939,856".
5) On page 47, line 25, strike "7,402,856" and insert "7,391,677"; on line 26, strike "5,188,998" and insert "5,170,347"
6) On page 48, line 1, strike "13,115,961" and insert "13,086,131".
7) Renumber all sub-sections accordingly.

Mr. Clark 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. Simpson requested a record vote in the Cavanaugh amendment.

Voting in the affirmative, 9:

Cavanaugh	Chambers	Fitzgerald	Koch	Mahoney
Moylan	Rumery	Savage	Skarda	

Voting in the negative, 22:

Barnett	Burbach	Burrows	Carsten	Clark
Cope	Fowler	Hasebroock	Johnson	Kelly
Luedtke	Marsh	Marvel	Murphy	Nichol
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner			

Not voting, 18:

Anderson	Bereuter	DeCamp	Dickinson	Duis
Dworak	George	Goodrich	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Maresh
Mills	Rasmussen	Wiltse		

The Cavanaugh amendment lost with 9 ayes, 22 nays and 18 not voting.

Mr. Cavanaugh offered the following amendment:
1) On page 41, line 18, strike "8,786,128" and insert "3,510,162"; on line 19, strike "2,045,178" and insert "184,000"; on line 20, strike "1,158,864" and insert "700,800"; and on line 21, strike "11,990,170" and insert "4,394,962".
2) On page 42, strike lines 1 through 15; on line 16, strike "(3)" and insert "(2)"; on line 22, strike "(4)" and insert "(3)"; on line 23, strike "26,366,664" and insert "402,082"; on line 24, strike "26,366,664" and insert "402,082"; and strike lines 25 through 27.
3) On page 43, strike lines 1 through 6 and insert:

"(4) Program No. 743--Federal Letter of Credit
FEDERAL FUND est. 1,265,547
PROGRAM TOTAL 1,265,547";
on line 9, strike "20,342,360" and insert "3,635,162";
on line 10, strike "2,612,374" and insert "399,625"; on line 11, strike "16,384,646" and insert "1,265,547"; on line 12, strike "44,596,224" and insert "1,204,132"; on line 13, strike "83,935,604" and insert "6,504,466"; and after line 15, insert:
"(1) Program No. 700--Stores and Services
REVOLVING FUND 16,306,534
PROGRAM TOTAL 16,306,534;
and on line 16, strike "(1)" and insert "(2)".
4) On page 44, line 16, strike "(2)" and insert "(3)"; after line 20, insert:
"(4) Program No. 713--Plant Operation and Maintenance
GENERAL FUND 6,427,565
CASH FUND 219,700
PROGRAM TOTAL 6,647,265
(5) Program No. 714--Administration and General Expense
GENERAL FUND 2,813,808
CASH FUND 633,175
REVOLVING FUND 199,071
PROGRAM TOTAL 3,646,054";
and on line 21, strike "(3)" and insert "(6)".
5) On page 45, line 18, strike "(4)" and insert "(7)".
6) On page 46, line 1, strike "(5)" and insert "(8)"; after line 7, insert:
"(9) Program No. 741--Federal Leter of Credit
FEDERAL FUND est. 5,250,000
PROGRAM TOTAL 5,250,000
(10) Program No. 742--Federal Grants
FEDERAL FUND est. 4,500,000
PROGRAM TOTAL 4,500,000
(11) Program No. 767--Auxiliary Enterprises
REVOLVING FUND 13,538,065
PROGRAM TOTAL 13,538,065";
on line 10, strike "34,728,906" and insert "43,970,279";
on line 11, strike "11,528,284" and insert "12,381,159";
on line 12, strike "2,891,364" and insert "12,641,364";
on line 13, strike "5,876,165" and insert "35,919,835";
on line 14, strike "55,024,719" and insert "104,912,637";
after line 16, insert:
(1) Program No. 700--Stores and Services
REVOLVING FUND 626,242
PROGRAM TOTAL 626,242

(2) Program No. 747--Federal Letter of Credit
FEDERAL FUND est. 1,084,453
PROGRAM TOTAL 1,084,453
(3) Program No. 748--Federal Grants
FEDERAL FUND est. 1,200,000
PROGRAM TOTAL 1,200,000
(4) Program No. 767--Auxiliary Enterprises
REVOLVING FUND 1,707,126
PROGRAM TOTAL 1,707,126";
and on line 17, strike "(1)" and insert "(5)".
7) On page 47, line 12, strike "(2)" and insert "(6)"; after line 15, insert:
"(7) Program No. 793--Plant Operation and Maintenance
GENERAL FUND 2,115,972
PROGRAM TOTAL 2,115,972
(8) Program No. 794--Administration and General Expense
GENERAL FUND 1,703,372
CASH FUND 204,323
REVOLVING FUND 141,930
PROGRAM TOTAL 2,049,625";
on line 16, strike "(3)" and insert "(9)"; on line 25, strike "7,402,856" and insert "11,222,200"; on line 26, strike "5,188,998" and insert "5,393,321"; after line 26, insert "FEDERAL FUND est. 2,284,453"; and on line 27, strike "524,107" and insert "2,999,405".
8) On page 48, line 1, strike "13,115,961" and insert "21,899,379"; after line 3, insert:
" (1) Program No. 700--Stores and Services
REVOLVING FUND 9,031,806
PROGRAM TOTAL 9,031,806";
on line 4, strike "(1)" and insert "(2)"; on line 20, strike "(2)" and insert "(3)"; after line 22, insert:
"(4) Program No. 733--Plant Operation and Maintenance
GENERAL FUND 2,887,695
CASH FUND 131,871
PROGRAM TOTAL 3,019,566
(5) Program No. 734--Administration and General Expense
GENERAL FUND 758,786
CASH FUND 1,023,680
REVOLVING FUND 117,063
PROGRAM TOTAL 1,899,529";
and on line 23, strike "(3)" and insert "(6)".
9) On page 49, line 1, strike "(4)" and insert "(7)"; after line 10, insert:
"(8) Program No. 744--Federal Letter of Credit
FEDERAL FUND est. 3,052,616
PROGRAM TOTAL 3,052,616

(9) Program No. 745--Federal Grants
FEDERAL FUND 32,030
PROGRAM TOTAL 32,030
(10) Program No. 767--Auxiliary Enterprises
REVOLVING FUND 1,724,255
PROGRAM TOTAL 1,724,255";
on line 13, strike "12,367,687" and insert "16,014,168";
on line 14, strike "14,370,534" and insert "15,526,085";
on line 15, strike "2,392,824" and insert "5,477,470";
on line 16, strike "202,265" and insert "11,075,389"; and
on line 17, strike "29,333,310" and insert "48,093,112".

SPEAKER BURBACH PRESIDING

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 25 ayes, 6 nays and 18 not voting.

The Call showed 44 members present.

Mr. Cavanaugh requested a roll call vote.

Mr. Barnett requested to start the roll call at the end of the alphabet.

Mr. Chambers objected.

Mr. Barnett moved to start at the end of the alphabet. The motion prevailed with 25 ayes, 5 nays and 19 not voting.

Voting in the affirmative, 22:

Anderson	Barnett	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Fitzgerald	Fowler	Goodrich
Kelly	Keyes	F. Lewis	R. Lewis	Mahoney
Marsh	Moylan	Savage	Skarda	Stoney
Swigart	Syas			

Voting in the negative, 20:

Clark	Cope	Dickinson	Duis	Dworak
Hasebroock	Johnson	Koch	Kremer	Luedtke
Marvel	Mills	Murphy	Nichol	Rasmussen
Rumery	Schmit	Simpson	Stull	Warner

Not voting, 7:

Bereuter	DeCamp	George	Kennedy	Kime
Maresh	Wiltse			

The Cavanaugh amendment lost with 22 ayes, 20 nays and 7 not voting.

The President announced today is Mr. Rasmussen's birthday.

Mr. Savage moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Marvel offered the following amendments:
(1) On page 19, after line 9, insert:
"Program No. 047--Tuition Remissions

General Fund	$796,230
Program Total	$796,230

The total appropriation of this program is for tuition remission programs at the State Colleges at Chadron, Kearney, Peru, and Wayne. The four colleges are hereby authorized to draw upon these funds according to guidelines established by the Board of Trustees. These guidelines shall be based upon financial need and scholastic ability of students attending each college, and the need to maximize resource utilization at each campus."
(2) On page 22, line 6, strike "334,294" and insert "1,130,524"; and on line 9 strike "437,502" and insert "1,233,732".
(3) On page 22, line 14, strike "1,455,697" and insert "1,293,550"; on line 17, strike "2,565,655" and insert "2,403,508"; and on line 25, strike "1,811,123" and insert "1,648,976".
(4) On page 23, line 4, strike the period and insert: "except in that amount which is distributed by the Board of Trustees to Chadron State College for tuition remissions persuant to Section 6, Agency 49, Program No. 047."
(5) On page 24, line 10, strike "2,754,022" and insert "2,591,875"; and on line 14, strike "5,350,259" and insert "5,188,112".
(6) On page 24, line 19, strike "3,062,602" and insert "2,683,614"; on line 22, strike "4,448,185" and insert "4,069,197"; and on line 25, strike "3,985,178" and insert "3,606,190".
(7) On page 25, line 4, strike the period and insert: "except in that amount which is distributed by the Board of Trustees to Kearney State College for tuition remissions pursuant to Section 6, Agency 49, Program No. 047."
(8) On page 26, line 10, strike "5,159,547" and insert "4,780,559"; and on line 14, strike "8,750,828 and insert "8,371,840".
(9) On page 26, line 18, strike "576,653" and insert "509,231"; on line 20, strike "716,966" and insert "649,544"; and on line 23, strike "703,353" and insert "635,931".
(10) On page 27, line 2, strike the period and insert: "except in that amount which is distributed by the Board of Trustees to Peru State College for tuition remissions

pursuant to Section 6, Agency 49, Program No. 047."
(11) On page 28, line 9, strike "1,327,450" and insert "1,260,028"; and on line 13, strike "1,999,114" and insert "1,931,692".
(12) On page 28, line 18, strike "1,396,307" and insert "1,208,634"; on line 20, strike "1,868,814" and insert "1,681,141"; and on line 23, strike "1,849,225" amd insert "1,661,552".
(13) On page 29, line 2, strike the period and insert: "except in the amount which is distributed by the Board of Trustees to Wayne State College for tuition remissions pursuant to Section 6, Agency 49, Program No. 047."
(14) On page 30, line 9, strike "2,795,269" and insert "2,607,596"; and on line 13, strike "4,380,589" and insert "4,192,916".
(15) On page 24, line 19, strike "3,062,602" and insert "3,115,037"; on line 22, strike "4,448,185" and insert "4,500,620"; and on line 25, strike "3,985,178" and insert "4,037,613".
(16) On page 26, line 10, strike "5,159,547" and insert "5,211,982"; and on line 14, strike "8,750,828" and insert "8,803,263".
(17) On page 30, line 16, strike "2,031,729" and insert "2,062,299"; and on line 17, strike "306,201" and insert "275,631".
(18) On page 31, line 6, strike "2,031,729" and insert "2,062,299"; and on line 7, strike "306,201" and insert "275,631".
(19) On page 34, line 1, strike "4,209,640" and insert "4,293,726"; on line 2, strike "1,062,018" and insert "977,932"; on line 18, strike "4,209,640 and insert "4,293,726"; and on line 19, strike "1,062,018" and insert "977,932".
(20) On page 41, line 19, strike "2,045,178" and insert "3,045,178"; on line 21, strike "11,990,170" and insert "12,990,170"; and after line 26, insert:

"There is included in the amount shown $1,000,000 Cash Funds which shall be used exclusively for salary increases for faculty to reward special merit and to correct existing inequities. The University shall create a special cash fund which may be generated from a tuition increase of $1.00 per student credit hour (or its equivalent) at the three campuses which shall be spent for salary increases on the specific campus that generates such funds."

(21) On page 43, line 10, strike "2,612,374" and insert "3,612,374"; and on line 13, strike "83,935,604" and insert "84,935,604".
(22) On page 48, line 5, strike "10,683,206" and insert "10,715,656"; on line 9, strike "13,763,511" and insert "13,795,961"; on line 10, strike "167,350" and insert "199,800"; and after line 19, insert:

"(f) Prevocational Program for the Handicapped"

(23) On page 49, line 13, strike "12,367,687" and insert "12,400,137"; and on line 17, strike "29,333,310" and insert "29,365,760".

The Marvel amendments 1 though 14 were adopted with 27 ayes, 0 nays and 22 not voting.

The Marvel amendments 15 and 16 were adopted with 26 ayes, 0 nays and 23 not voting.

The Marvel amendments 17, 18, and 19 were adopted with 26 ayes, 0 nays and 23 not voting.

The Marvel amendments 22 and 23 were adopted with 28 ayes, 0 nays and 21 not voting.

The Marvel amendments 20 and 21 lost with 17 ayes, 19 nays and 13 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 579 in the Journal. No objections. So ordered.

1) On page 10, after line 9, insert:

"The commission is instructed to accomplish the following directives for the Nebraska Technical Community Colleges prior to June 30, 1976:

(1) Complete development and implementation of a statewide management information system;

(2) Disperse the administrative functions of the EMTA and fire service programs to each of the six two-year state colleges;

(3) Certify the accuracy and comparability of the total semester credit hours produced by each of the two-year state college campuses for fiscal year 1974-75 by the following classifications: (a) Resident credit programs; (b) nonresident credit programs; and (c) each special credit program for which a special tuition rate is assessed;

(4) Develop a method of evaluating teaching and administrative performance on each campus to include student and peer evaluation; and

(5) Develop a follow-up procedure from all graduates and drop-outs and to utilize the information gained from this study to evaluate existing programs, curricula, teaching methodology, and program needs for each campus.";

and on line 10, strike "Sec. 12." and insert "Sec. 13.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 217, 443, and 443A.

LEGISLATIVE BILL 140. Placed on Select File as amended.
E & R amendment to LB 140:

1. In the title, strike lines 3 to 6 and insert "Supplement, 1974, relating to the implied consent law; to provide the status of those withdrawing blood at the request of an officer; to provide for liability and immunity; and to".

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 40.

SELECT FILE

LEGISLATIVE BILL 610. Mr. Cavanaugh offered the following amendment:

1) On page 42, strike lines 16 through 21.
2) On page 43, line 9, strike "20,342,360" and insert "20,217,360"; on line 10, strike "2,612,374" and insert "2,396,749"; on line 12, strike "44,596,224" and insert "44,494,974"; and on line 13, strike "83,935,604" and insert "83,493,729".
3) On page 44, line 17, strike "1,066,372" and insert "1,191,372"; on line 18, strike "21,000" and insert "236,625"; on line 19, strike "1,683,636" and insert "1,784,886"; on line 20, strike "2,771,008" and insert "3,212,883"; and after line 20, insert:

"it is the intent of the Legislature that the headquarters of State University of Nebraska (SUN) program be physically located on the Lincoln campus in order to assure maximum utilization of existing faculty, staff, and the educational television facilities located there."

4) On page 46, line 10, strike "34,728,906" and insert "34,853,906"; on line 11, strike "11,528,284" and insert "11,743,909"; on line 13, strike "5,876,165" and insert "5,977,415"; and on line 14, strike "55,024,719" and insert "55,466,594".

Mr. F. Lewis offered the following amendment to the Cavanaugh amendment:

Nothing in the above provision shall limit the establishment of centers for carrying out the purpose of the SUN program.

Amendment pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 417, 417A and 607.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 140. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT —Members excused

Mr. Marvel asked unanimous consent to be excused at 1:30 p.m. until he returns. No objections. So ordered.

Messrs. Hasebroock and Wiltse asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

MOTION—Reconsider Action on LR 51

Mr. Warner renewed his pending motion found in the Journal on page 1769 for the Eightieth Day to reconsider action on LR 51.

Mr. Savage 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 motion to reconsider action on LR 51 prevailed with 25 ayes, 0 nays and 24 not voting.

LR 51 was adopted with 26 ayes, 0 nays and 23 not voting.

VISITORS

The President introduced third, fourth, fifth and sixth grade students and teachers from District 15, Hastings; 33 fourth grade students and sponsors from Plymouth and DeWitt;8 cadettegirl scouts and sponsors from Troop 315, Elkhorn; 29 eighth grade students and sponsors from Fordyce; 24 seniors and sponsors from North Loup and Scotia.

RECESS

At 12:13 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Duis, Kennedy, Kime, and Maresh who were excused; Messrs. R. Lewis and Marvel who were excused until they arrive; and Mr. Cavanaugh who was absent until 1:45 p.m. and Mr. Schmit who was absent until 2:00 p.m.

SELECT FILE

LEGISLATIVE BILL 610. Mr. F. Lewis renewed his pending amendment found in this day's Journal to the pending Cavanaugh amendment found in this day's Journal on page 1788.

The F. Lewis amendment lost with 15 ayes, 16 nays and 18 not voting.

Mr. Barnett moved to hold over the Cavanaugh amendment until he returns.

Mr. Barnett moved for a Call of the House. The motion lost with 17 ayes, 16 nays and 16 not voting.

The motion to hold the Cavanaugh amendment over lost with 21 ayes, 13 nays and 15 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close on the Cavanaugh amendment?" The motion lost with 24 ayes, 12 nays and 13 not voting.

Mr. Cavanaugh requested a record vote on his amendment.

Voting in the affirmative, 16:

Anderson	Barnett	Cavanaugh	Chambers	Clark
Dickinson	Fitzgerald	Fowler	George	Goodrich
Luedtke	Mills	Moylan	Murphy	Simpson
Skarda				

Voting in the negative, 23:

Bereuter	Burbach	Burrows	Carsten	Cope
Dworak	Hasebroock	Johnson	Koch	Kremer
F. Lewis	R. Lewis	Mahoney	Marsh	Nichol
Rumery	Savage	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Not voting, 10:

DeCamp	Duis	Kelly	Kennedy	Keyes
Kime	Maresh	Marvel	Rasmussen	Schmit

The amendment lost with 16 ayes, 23 nays and 10 not voting.

Mr. Murphy offered the following amendment:
To amend LB 610 on page 42 - Strike line 18 Change line 21 from $441,875 to $316,875

Speaker Burbach 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. Murphy moved for a Call of the House. The motion prevailed with 24 ayes, 13 nays and 12 not voting.

Mr. Murphy requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Barnett	Burbach	Cavanaugh	Clark
Dickinson	Fitzgerald	George	Kelly	F. Lewis
R. Lewis	Luedtke	Mahoney	Murphy	Nichol
Rasmussen	Simpson	Skarda	Stull	Swigart
Syas	Wiltse			

Voting in the negative, 20:

Bereuter	Burrows	Carsten	Cope	Dworak
Fowler	Goodrich	Hasebroock	Johnson	Keyes
Koch	Kremer	Marsh	Mills	Moylan
Rumery	Savage	Schmit	Stoney	Warner

Not voting, 7:

Chambers	DeCamp	Duis	Kennedy	Kime
Maresh	Marvel			

The Murphy amendment lost with 22 ayes, 20 nays and 7 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

Mr. Marvel offered the following amendment:
1) On page 44, line 8, after "Science" insert "1.0 FTE 17,972"; on line 9, after "Station" insert ".4 FTE 8,852"; and on line 10, after "Administration" insert "5.0 FTE 91,450".
2) On page 47, line 8, after "Administration" insert "2.0 FTE 30,524"; on line 9, after "Arts" insert "1.0 FTE 7,792"; and on line 10, after "Justice" insert "1.67 FTE 18,884".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Marvel offered the following amendment:
1) On page 48, after line 27, insert the following:
"(4) Program No. 736 – Nebraska Psychiatric Institute

GENERAL FUND	2,909,872
CASH FUND	736,506
FEDERAL FUND EST.	57,503
PROGRAM TOTAL	3,703,881"

2) Renumber original subsection (4) as subsection (5).
3) On page 49, line 13, strike "12,367,687" and insert "15,277,559"; line 14, strike "14,370,534" and insert "15,107,040"; line 15, strike "2,392,824" and insert "2,450,327"; and line 17, strike "29,333,310" and insert "33,037,191".
4) On page 55, line 4, after "Fund;" insert "Nebraska Psychiatric Institute Trust Funds".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. F. Lewis offered the following amendment:
AMENDMENT TO LB 610
1) On page 43, line 18, strike "20,431,129" and insert "20,566,129"; on line 22, strike "31,792,469" and insert "31,927,469"; and on line 23, strike "$538,218" and insert "$673,218".
2) On page 44, after line 11, insert:
"(d) PROGRAM DEVELOPMENT - 135,000
to be allocated to
(i) Intercollegiate Athletics for Women".
3) On page 46, line 10, strike "34,728,906" and insert "34,863,906"; on line 14, strike "55,024,719" and insert "55,159,719"; on line 19, strike "6,646,660" and insert "6,691,660"; on line 22, strike "11,969,686" and insert "12,014,686"; and on line 23, strike "$142,836" and insert "$187,836".
4) On page 47, after line 11, insert:
"(d) GENERAL IMPROVEMENT - 45,000
to be allocated to
(i) Intercollegiate Athletics for Women";
on line 25, strike "7,402,856" and insert "7,447,856".
5) On page 48, line 1, strike "13,115,961" and insert "13,160,961".

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 14 nays and 16 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 20:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Fowler	Goodrich	Koch
F. Lewis	Luedtke	Marsh	Mills	Moylan
Rumery	Savage	Simpson	Swigart	Syas

Voting in the negative, 19:

Burbach	Clark	Cope	Dworak	Fitzgerald
George	Hasebroock	Johnson	Kremer	R. Lewis
Mahoney	Murphy	Rasmussen	Schmit	Skarda
Stoney	Stull	Warner	Wiltse	

Not voting, 10:

DeCamp	Dickinson	Duis	Kelly	Kennedy
Keyes	Kime	Maresh	Marvel	Nichol

The F. Lewis amendment lost with 20 ayes, 19 nays and 10 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Mills offered the following amendment:

AMENDMENT TO LB 610

1) On page 44, line 23, strike "12,040,644" and insert "12,305,144"; and on line 27, strike "19,020,481" and insert "19,284,981".
2) On page 45, line 7, strike "192,605" and insert "457,105"; after line 11, insert:

"(a) AREAS OF EXCELLENCE

(i) Water Resources Management - 264,500";

on line 12, strike "(a)" and insert "(b)"; and on line 17, strike "(b)" and insert "(c)".
3) On page 46, line 10, strike "34,728,906" and insert "34,993,406"; and on line 14, strike "55,024,719" and insert "55,289,219".

Mr. Mills moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Mills amendment was adopted with 25 ayes, 9 nays and 15 not voting.

Mr. Stoney offered the following amendment:
1) On page 46, line 19, strike "6,646,660" and insert "6,690,884";
on line 22, strike "11,969,686" and insert "12,013,910"; and on
line 23, strike "142,836" and insert "187,060".
2) On page 47, after line 5, insert:
"(iv) Art Extension - 20,512";
after line 11, insert:
"(d) GENERAL IMPROVEMENT - 23,712 to be allocated to:
(i) Speech";
and on line 25, strike "7,402,856" and insert "7,447,080".
3) On page 48, line 1, strike "13,115,961" and insert "13,160,185".

Mr. Stoney moved for a Call of the House. The motion prevailed with 22 ayes, 14 nays and 13 not voting.

Mr. Stoney requested a record vote.

Voting in the affirmative, 20:

Anderson	Burbach	Carsten	Cavanaugh	Dickinson
Fitzgerald	George	Goodrich	Keyes	Koch
F. Lewis	Mahoney	Moylan	Nichol	Rasmussen
Savage	Skarda	Stoney	Swigart	Syas

Voting in the negative, 22:

Barnett	Bereuter	Burrows	Clark	Cope
Dworak	Fowler	Hasebroock	Johnson	Kelly
Kremer	R. Lewis	Luedtke	Marsh	Mills
Murphy	Rumery	Schmit	Simpson	Stull
Warner	Wiltse			

Not voting, 7:

Chambers	DeCamp	Duis	Kennedy	Kime
Maresh	Marvel			

The Stoney amendment lost with 20 ayes, 22 nays and 7 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Koch offered the following amendment:
AMENDMENT TO LB 610
1) On page 46, line 19, strike "6,646,660" and insert "6,681,660";
and on line 22, strike "11,969,686" and insert "12,004,686".

2) On page 47, after line 11, insert:
"(d) General Improvement
(i) Women's Athletics $35,000";
and on line 25, strike "7,402,856" and insert "7,437,856".
3) On page 48, line 1, strike "13,115,961" and insert "13,150,961".

Mr. Koch moved for a Call of the House. The motion prevailed with 22 ayes, 11 nays and 16 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 24:

Anderson	Burrows	Carsten	Cavanaugh	Chambers
Dickinson	Fitzgerald	George	Goodrich	Johnson
Keyes	Koch	F. Lewis	Mahoney	Mills
Moylan	Nichol	Rumery	Savage	Skarda
Stoney	Swigart	Syas	Warner	

Voting in the negative, 18:

Bereuter	Burbach	Clark	Cope	Dworak
Fowler	Hasebroock	Kelly	Kremer	R. Lewis
Luedtke	Marsh	Murphy	Rasmussen	Schmit
Simpson	Stull	Wiltse		

Not voting, 7:

Barnett	DeCamp	Duis	Kennedy	Kime
Maresh	Marvel			

The Koch amendment lost with 24 ayes, 18 nays and 7 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Fowler offered the following amendment:
Strike lines 2 - 5 page 36 and insert the following language:
The University shall allocate one per cent of the instructional budget for improvement and experimentation in instruction and shall report annually to the legislature on the use of such funds.

The amendment lost with 15 ayes, 16 nays and 18 not voting.

Mr. Carsten offered the following amendment:
1) On page 26, line 18, strike "576,653" and insert "628,030";
on line 20, strike "716,966" and insert "768,343"; and on
line 23, strike "703,353" and insert "754,730".

2) On page 28, line 9, strike "1,327,450" and insert "1,378,827"; and on line 13, strike "1,999,114" and insert "2,050,491".

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Cavanaugh offered the following amendment:
On page 42, after line 21 insert:
"The headquarters of the State University of Nebraska (SUN) program shall be located at Beatrice".

Mr. Cavanaugh moved for a Call of the House. The motion lost with 6 ayes, 17 nays and 26 not voting.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 3:

Burrows	F. Lewis	R. Lewis

Voting in the negative, 28:

Anderson	Bereuter	Burbach	Carsten	Cavanaugh
Clark	Cope	Dickinson	Fowler	Johnson
Luedtke	Mahoney	Marsh	Marvel	Mills
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Not voting, 18:

Barnett	Chambers	DeCamp	Duis	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
Maresh	Moylan	Simpson		

The Cavanaugh amendment lost with 3 ayes, 28 nays and 18 not voting.

Mr. F. Lewis offered the following amendment:
1) On page 19, line 11, strike "334,294" and insert "88,660"; strike line 12; strike line 13; and on line 14 strike "437,502" and insert "88,660".
2) On page 22, line 6, strike "334,294" and insert "88,660"; strike line 7; strike line 8; and on line 9, strike "437,502" and insert "88,660".

The amendment was adopted with 27 ayes, 1 nay and 21 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 605.

LEGISLATIVE BILL 508. Replaced on Select File as amended.
E & R amendment to LB 508:
1. Strike the entire Schmit amendment 2, adopted 5/2.

LEGISLATIVE BILL 74. Replaced on Select File as amended.
E & R amendment to LB 74:
1. On page 11, line 1, insert ", Reissue Revised Statutes of Nebraska, 1943, and amendments thereto" before the period.

LEGISLATIVE BILL 212. Replaced on Select File as amended.
E & R amendments to LB 212:
1. On page 5, line 11, strike "on" and insert "under"; and in line 20 insert "the" after "under".
2. In the title as amended, line 2, strike "sections" and insert "section"; and in line 3 insert "section" after "and".

LEGISLATIVE BILL 468. Replaced on Select File as amended.
E & R amendment to LB 468:
1. On page 2, line 5, strike the comma.

LEGISLATIVE BILL 404. Replaced on Select File as amended.
E & R amendments to LB 404:
1. In new section 4, line 6, insert an underscored comma after "district".
2. In the Schmit amendments, page 1, line 23, strike the third comma.
3. In line 1 of E & R 9, strike the third comma; and in lines 2 and 3 strike "to provide penalties;".
4. In the title, insert "to prohibit directors from having an interest in certain contracts;" at the end of line 5.

LEGISLATIVE BILL 416. Replaced on Select File as amended.
E & R amendment to LB 416:
1. Strike the period inserted by committee amendment on page 5, line 7 and on page 8, line 1; and strike

the period in committee amendment 2, line 2, and in committee amendment 4, line 2.

(Signed) Donald N. Dworak, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 237A. By Barnett, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 508. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 74. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 212. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 468. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 404. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 416. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 52.

Introduced by Warner, 25th District.

WHEREAS, the prowess of the University of Nebraska football team is known nationwide; and

WHEREAS, the public demand for University of Nebraska football tickets is quite high; and

WHEREAS, the limited supply of these tickets makes them very valuable; and

WHEREAS, distribution of free tickets to public officials or others by the University raises questions concerning the propriety of such distribution; and

WHEREAS, the University of Nebraska requires additional revenue to fund its athletic program and fieldhouse maintenance; and

WHEREAS, sale of such tickets, would generate additional revenue.

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

1. That the Board of Regents of the University of Nebraska be advised that the Legislature desires all nonstudent tickets be sold at one fair market price which shall apply to all tickets so sold.

2. That the Legislature requests that the Board of Regents take all necessary measures to permanently end the free distribution of football tickets by the University of Nebraska to any parties except students.

3. That the Legislature request the Board of Regents to provide a list once each year no later than October 1 to the Clerk of the Legislature and the Governor containing the names of all recipients of tickets distributed free for any reason by the University.

Laid over.

UNANIMOUS CONSENT—Unbracket LB 344

Mr. Kremer asked unanimous consent to unbracket LB 344. No objections. So ordered.

SPEAKER BURBACH PRESIDING

SELECT FILE

LEGISLATIVE BILL 344. Mr. Warner requested his pending amendment found in the Journal on page 1621 be withdrawn.

Mr. Koch renewed his pending amendments found in the Journal on page 1620.

Mr. Koch requested his pending amendments Nos. 1 through 3 and 5 through 12 found in the Journal on page 1620 be withdrawn.

The Koch amendment No. 4 was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Kelly requested his amendments found in the Journal on page 1285 be withdrawn.

Mr. Cavanaugh requested his amendments found in the Journal on page 1620 be withdrawn.

Mr. Barnett requested his amendments found in the Journal on pages 1652 and 1711 be withdrawn.

Mr. Barnett offered the following amendment:

Amendments to Standing Committee Amendment to LB 344

1. On pages 9 and 10 strike section 10 and insert:

"Sec. 10. After the operative date of this act, the Department of Education shall assume responsibility of and serve as the coordinating body for the Fire Service Safety Program and the Emergency Medical Training Program for the entire state. All funds made available for such programs shall be transferred to the Department of Education for the purpose of carrying out its duties under this section. The Department of Education shall work with the Department of Health to assure coordination of the EMTA program with the other EMS programs.".

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays and 22 not voting.

The Barnett amendment was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. Clark offered the following amendment:

STANDING COMMITTEE AMENDMENT TO LB 344

1. On page 2, strike lines 4 and 5; renumber original subdivisions (5) and (6) of section 2 as subdivisions (4) and (5) respectively.

2. On page 5 strike lines 12 to 16 and insert:

"Sec. 7. Each board shall transmit a report in writing to the Governor and the Legislature before December 31 of each year, which report shall contain a summary of its proceedings during the preceding fiscal year, a

detailed and itemized statement of all revenue and all expenditure made by or on behalf of the board, such other information as it may deem necessary or useful, and any other additional information which may be requested by the Legislature or the Governor.".

3. On page 6, line 27 strike "commission" and insert "Legislative Fiscal Analyst".

4. On page 14, line 25 strike "," and insert "and"; and in line 26 strike ", and the commission".

5. On page 15, line 6 strike "," and insert "and"; and in line 7 strike ", and the commission".

6. On pages 16 to 20 strike sections 19, 20, 21, 22, 23, 24, 25, and 26.

7. On page 20, line 21 after "college" insert "area"; and after "or" insert "area".

8. Renumber sections 27 to 31 as sections 19 to 23 respectively.

The amendment lost with 19 ayes, 21 nays and 9 not voting.

Mr. Kremer offered the following amendment:

Amendments to Committee Amendments to LB 344

1. Strike the Goodrich amendments found on page 1591 of the Legislative Journal;

2. Strike the Burrows amendments found on page 1603 of the Legislative Journal;

3. Strike the Marvel amendments found on page 1613 of the Legislative Journal; and

4. Strike the Marvel amendments found on page 1614 of the Legislative Journal.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Dworak offered the following amendment:
To amend the committee amendments to LB 344 as follows:
1. Pg 13 line 19 after "bonds" insert "; provided, new capital construction must be approved by a vote of the people in the manner set forth in Sec. 13"

The amendment was adopted with 25 ayes, 7 nays and 17 not voting.

Mr. Murphy asked unanimous consent to be excused at 4:50p.m.for the remainder of the day. No objections. So ordered.

Mr. Kelly renewed his pending amendment found in the Journal on page 1501 for the Seventy-first Day.

The Kelly amendment lost with 5 ayes, 20 nays and 24 not voting.

Mr. Mahoney offered the following amendment:
Strike Dworak amendment to LB 344

The Mahoney amendment was adopted with 25 ayes, 12 nays and 12 not voting.

Mr. Warner moved to bracket LB 344 until the 1976 Session.

Mr. Goodrich moved to amend the Warner motion to bracket until May 14, 1975.

The Goodrich amendment prevailed with 26 ayes, 15 nays and 8 not voting.

Mr. Warner asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Kremer moved to advance LB 344.

Mr. Warner requested a machine vote.

Advanced to E & R for Engrossment with 27 ayes, 13 nays and 9 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 383. No objections. So ordered.

1. On page 3, strike beginning with "a" in line 5 through the period in line 10, showing old matter as stricken and insert "the question as to which district the annexed territory shall be part of shall be negotiated by the school boards of the school districts involved. If the majority of the members of each school board cannot reach agreement on such question within ninety days after the effective date of the city annexation ordinance, the question of which school district the annexed territory shall be a part of shall be placed on the ballot for the next general election. The residents of all Class I districts which form the annexed territory shall then vote on the question at such general election. A simple majority of votes cast shall resolve the issue.

If, within the boundaries of the annexed territory, there exists a Class VI school, the school building, facilities, and land owned by the district shall remain a part of the Class VI district notwithstanding any action taken by the school boards and notwithstanding the result of such election.

If the Class VI district wishes to dispose of such school building, facilities, or land to any individual or political subdivision, including a Class I school district, the question of such disposition shall be placed on the ballot for the next general election. All residents of such Class VI district shall then vote on the question at such general election. A simple majority of the votes cast shall resolve the issue.".

EXPLANATION OF VOTE

Had I been present on May 8, 1975, I would have voted "aye" on LB 32, "aye" on LB 298, "aye" on LB 387, "aye" on LB 395, "aye" on LB 553 and "no" on LB 306.

(Signed) Larry D. Stoney

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT—Print in the Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 577 in the Journal. No objections. So ordered.

1. Strike the R. Lewis amendment adopted May 7, insert the following after line 1 on page 11:

(2) If the district determines, following a public hearing conducted pursuant to section 9 of this act, that depletion of the groundwater supply in the control area or any portion thereof is so excessive that the public interest cannot be protected solely through implementation of reasonable controls adopted pursuant to subsection (1) of this section, it may, with the approval of the director, close the control area or portion thereof to the issuance of any additional permits for a period of one calendar year; furthermore, such areas may be closed thereafter by a similar procedure for additional one-year periods. Provided, that such area may be reopened at any time the district shall determine that conditions warrant new permits, at which time the Director shall consider all previously submitted applications for permits in the order in which they were received.

2. Renumber subsections (2), (3), (4), and (5) of section 10 as subsections (3), (4), (5), and (6).

SELECT FILE

LEGISLATIVE BILL 611. Mr. Warner renewed his pending amendment found in the Journal on page 1728 for the Seventy-ninth Day.

Mr. Duis 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. Warner requested a roll call vote.

Voting in the affirmative, 18:

Barnett	Carsten	Clark	Dickinson	Dworak
Fowler	George	Kelly	R. Lewis	Luedtke
Mills	Rasmussen	Rumery	Schmit	Simpson
Stull	Warner	Wiltse		

Voting in the negative, 20:

Anderson	Bereuter	Burbach	Cavanaugh	Chambers
Cope	Duis	Fitzgerald	Goodrich	Hasebroock
Johnson	Keyes	F. Lewis	Mahoney	Marvel
Moylan	Savage	Skarda	Stoney	Syas

Not voting, 11:

Burrows	DeCamp	Kennedy	Kime	Koch
Kremer	Maresh	Marsh	Murphy	Nichol
Swigart				

The Warner amendment lost with 18 ayes, 20 nays and 11 not voting.

Mr. Mills asked unanimous consent to be excused at 6:00 p.m. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Koch offered the following amendment:
1) Add a new section 9 as follows:

"Sec. 9. The Game and Parks Commission is hereby authorized to purchase the following described property, all in Sarpy County, which property shall be held in trust for educational purposes with a project cost not to exceed six hundred seventy-five thousand dollars:

The northeast quarter and the northwest quarter of the northwest quarter of section 19, township 14 north, range

14 east, the north half and the north half of the south half of section 20, township 14 north, range 14 east, and the southwest quarter of the southwest quarter and the northeast quarter of the southwest quarter of section 18, township 14 north, range 14 east.

There is hereby appropriated $200,000 from the State Building Fund for the fiscal year ending June 30, 1976. There is hereby appropriated $200,000 from the State Building Fund for the fiscal year ending June 30, 1977. There is hereby appropriated $275,000 from the State Building Fund for the fiscal year ending June 30, 1978.

2) Renumber original sections.

Mr. Koch moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay and 30 not voting.

The Call showed 40 members present.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 23:

Bereuter	Burbach	Carsten	Cavanaugh	Duis
Fitzgerald	Fowler	George	Goodrich	Johnson
Kelly	Keyes	Koch	Luedtke	Mahoney
Rumery	Savage	Schmit	Skarda	Stoney
Swigart	Syas	Warner		

Voting in the negative, 11:

Anderson	Burrows	Clark	Cope	Dickinson
Dworak	Hasebroock	R. Lewis	Marvel	Rasmussen
Stull				

Not voting, 15:

Barnett	Chambers	DeCamp	Kennedy	Kime
Kremer	F. Lewis	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Simpson	Wiltse

The Koch amendment lost with 23 ayes, 11 nays and 15 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Duis offered the following amendment:
1) Insert a new section to read as follows:
"Program No. 907 - The University of Nebraska at Lincoln is hereby authorized to construction an auditorium addition to the Life Sciences Building with a total project cost not to exceed $291,300. There is hereby appropriated $291,300 from the State Building Fund for the fiscal year ending June 30, 1976, to construct the auditorium addition."

The amendment was adopted with 25 ayes, 5 nays and 19 not voting.

Mr. Barnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Mahoney offered the following amendment:
Amend LB 611 on page 3 line 7 strike "$10,000.00" and insert $100,000.00

The amendment lost with 18 ayes, 14 nays and 17 not voting.

Mr. Dickinson moved to adjourn. The motion prevailed with 14 ayes, 13 nays and 22 not voting.

MESSAGE FROM THE GOVERNOR

May 13, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I would urge your honorable body to reconsider your recent actions in adopting the Chambers amendment to LB 381.

LB 381 makes permanent the 55 m.p.h. speed limit mandated by the President and Congress. The Congressional mandate requires each state to adopt and enforce a maximum 55 m.p.h. speed limit.

If effective enforcement cannot be certified and proved to the Federal Department of Transportation, Nebraska will lose its entire federal highway construction money. After having just won a lawsuit against the federal government over the impoundment of our highway trust money, it would be foolhardy for the Legislature to embark on a course which would place our road money in jeopardy.

The Chambers amendment effectively eliminates any penalty for violation of up to 10 m.p.h. over 55 m.p.h. speed limit. Such action would

put Nebraska out of compliance with the federal law, encourage violation of traffic laws, and weaken Nebraska's point system which until this time has been an effective and strong deterrent to irresponsible driving habits.

Once again, I would respectfully suggest that you reconsider your action so that Nebraska will not be forced to face some very undesirable consequences.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah

ADJOURNMENT

At 6:31p.m., on a motion by Mr. Dickinson, the Legislature adjourned until 9:00 a.m., Wednesday, May 14, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SECOND DAY—MAY 14, 1975

EIGHTY-SECOND DAY—MAY 14, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 14, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor Westminster Presbyterian Church, Lincoln.

> O God, our Father, we give thanks to you for the leaders of our state and our nation. Strengthen with courage, faith, and sincere endeavor our senators.
>
> Make plain to them your will as they seek to know it and do it.
>
> Keep us from fretting over things unchangeable. Enable us to discern the difference between faith and fatalism, between activity and accomplishment, between humility and inferiority. Grant us your divine wisdom for the decisions to be made this day, to the end that the people of our communities within our state shall be benefited, and the love for our fellowman shall be enhanced.
>
> In the spirit of Jesus Christ, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Kennedy, and Maresh who were excused and Mr. R. Lewis who was excused until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-first Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 51.

SPEAKER'S ORDER

Speaker Burbach suggested any excused absences today take 25 votes.

Mr. Chambers appealed the decision of the Speaker.

The Speaker withdrew his request on 25 votes for absentees.

SELECT FILE

LEGISLATIVE BILL 611. Mr. Mahoney offered the following amendment:

1. On page 3, line 7, strike "$10,000" and insert "$100,000".

Mr. Clark raised a point of order on whether the amendment is a reconsideration.

The Chair sustained Mr. Clark's point of order.

Mr. Mahoney appealed the decision of the Chair.

The question is, "Shall the Chair be sustained?" The motion lost with 14 ayes, 22 nays and 13 not voting.

The Chair was not sustained.

Mr. Mahoney moved for a Call of the House. The motion prevailed with 23 ayes, 8 nays and 18 not voting.

The Call showed 44 members present.

Mr. Mahoney moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The Mahoney amendment was adopted with 25 ayes, 13 nays and 11 not voting.

Mr. Koch reoffered his amendment found in the Journal on page 1804 for the Eighty-first Day.

Mr. Koch moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Call showed 45 members present.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Bereuter	Carsten	Cavanaugh	Duis
Fitzgerald	Fowler	George	Goodrich	Johnson
Kelly	Keyes	Koch	Luedtke	Mahoney
Moylan	Nichol	Rumery	Savage	Schmit
Skarda	Stoney	Swigart	Syas	

Voting in the negative, 19:

Anderson	Burbach	Burrows	Chambers	Clark
Cope	Dickinson	Dworak	Hasebroock	Kime
Marsh	Marvel	Mills	Murphy	Rasmussen
Simpson	Stull	Warner	Wiltse	

Not voting, 6:

DeCamp	Kennedy	Kremer	F. Lewis	R. Lewis
Maresh				

The Koch amendment lost with 24 ayes, 19 nays and 6 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 33 ayes, 1 nay and 15 not voting.

Mr. Fitzgerald offered the following amendment:
To add a new section to LB 611;

The Metropolitan Community College is authorized to renovate the Ft. Omaha facility. There is hereby appropriated $300,000 from the State Building Fund for the fiscal year ending June 30, 1976, to make renovations.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 82
May 13, 1975

Dear Senator Goodrich:

In your letter of April 28, 1975, you indicate that since the enactment of Legislative Bill 104 a question has arisen concerning the validity of its title in light of the requirements of Article III, Section 14, of the Nebraska Consti- tution and you question whether further action by the Legislature would therefore be required.

Section 14 of Article III of the Constitution of the State of Nebraska requires in part that:

> "No bill shall contain more than one subject, and the same shall be clearly expressed in the title."

The Nebraska Supreme Court in Duerfeldt v. State, 184 Neb. 242, 166 N.W. 2d 737(1969), stated:

> "Where the title of an act fairly gives expression to the general subject matter contained in the act, such act will not be held invalid as being broader than its title."

The Supreme Court additionally held in Duerfeldt, with respect to the construction of titles:

> "The provisions of the Constitution relating to titles are to be liberally construed so as to admit of the insertion in a legislative act of all provisions which although not specifically expressed in the title, are comprehended within the objects and purposes of the act as expressed in the title. . . ."

The Supreme Court also interpreted Section 14 of Article III in Mehrens v. Bauman, 120 Neb. 110, 231 N.W. 701 (1930) and Spier V. Thomas, 131 Neb. 579, 269 N.W. 61(1936), and reached the same conclusions as stated in Duerfeldt.

In light of the liberal interpretations given Section 14 of Article III of the Constitution of the State of Nebraska, and after an examination of the title to Legislative Bill 104, we are of the opinion that this title is valid and not in conflict with the Nebraska Constitution.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Special Assistant Attorney General

TRS:ss
cc Mr. Vincent D. Brown
Clerk of the Legislature

MOTION—Return LB 609 to Select File

Mr. George moved to return LB 609 to Select for the following specific amendment:

1) Add a new section 13 and renumber original sections:

"Sec. 13. That section 16, Legislative Bill 1055,

Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 16. The Game and Parks Commission is hereby authorized to enter into agreements with the United States Army Corps of Engineers and political subdivisions to ~~acquire recreation lands and improvements~~ for the acquisition and development of site 20 of the Papillion Creek and Tributaries Flood Control ~~sites~~ project with a total project cost not to exceed ~~$2,536,300~~ $656,000 which amount includes $375,000 appropriated in section 17, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974. There is hereby appropriated $178,250 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1975, to acquire recreation lands and improvements as identified. There is hereby appropriated ~~$207,375~~ $102,750 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1976, for obligations and expenditures incurred in such agreements. ~~to acquire recreation lands and improvements for the Papio Creek and Tributaries Flood Control Sites building project. There is hereby appropriated $269,475 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1977, for obligations and expenditures incurred in such agreements to require such recreation lands and improvements.~~

~~It is the intent of this section that the Game and Parks Commission shall enter into all necessary agreements with the United States Army Corps of Engineers for the acquisition, development, operation and maintenance of fish, wildlife, and recreation lands and facilities and all things pertaining thereto on reservoir sites of the Papillion Creek and Tributaries project under the provisions of Public Law 89-72, the federal Water Project Recreation Act.~~

(2) On page 13, line 16, strike "16," and show as striken.

(3) On page 14, line 2, strike "section 4," and insert "sections 4 and 16,".

Mr. Skarda 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 George motion to return LB 609 to Select File lost with 15 ayes, 22 nays and 12 not voting.

MOTION—Return LB 609 to Select File

Mr. F. Lewis moved to return LB 609 to Select File for the following specific amendment:

1. In renumbered section 29, subdivision (8), insert "and" at the end of line 2; in line 3, strike ", and 940"; and strike lines 4 to 6; and insert a new subdivision (14) as follows:

"(14) Agency No. 83 -- Nebraska Coordinating Commission for Technical Community Colleges
Program 905 for Metropolitan Technical Community College Area."

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 609. The F. Lewis amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 609 to Select File

Mr. Dickinson moved to return LB 609 to Select File for his specific amendment found in the Journal on page 1718 for the Seventy-eighth Day.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays and 15 not voting.

Mr. Dickinson moved for a Call of the House. The motion prevailed with 25 ayes, 12 nays and 12 not voting.

The Call showed 46 members present.

Mr. Dickinson requested a roll call vote.

Voting in the affirmative, 26:

Anderson	Burbach	Carsten	Cope	Dickinson
Duis	Fitzgerald	George	Hasebroock	Johnson
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Mills	Nichol	Rasmussen	Rumery
Schmit	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 18:

Barnett	Bereuter	Burrows	Chambers	Clark
Dworak	Fowler	Goodrich	Kelly	Luedtke
Marsh	Marvel	Moylan	Murphy	Savage
Simpson	Skarda	Warner		

Not voting, 5:

Cavanaugh DeCamp Kennedy Mahoney Maresh

The motion to return LB 609 prevailed with 26 ayes, 18 nays and 5 not voting.

SELECT FILE

LEGISLATIVE BILL 609. The Dickinson specific amendment found in the Journal on page 1718 for the Seventy-eighth Day was adopted with 25 ayes, 17 nays and 7 not voting.

Advanced to E & R for Engrossment.

Mr. Dickinson moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

MESSAGE FROM THE GOVERNOR

May 13, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 349, 397, and 553.
These bills were signed by me on May 13, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 383 in the Journal. No objections. So ordered.

1. In the Dworak amendment to LB 383,
line 11, strike "residents" and insert "registered voters".

RESOLUTION

LEGISLATIVE RESOLUTION 53.

Introduced by Fowler, 27th District.

WHEREAS, the problems of urban redevelopment, lack of adequate housing, revitalization of older business districts, and the need for incentives for investment in older neighborhoods are problems in Nebraska; and

WHEREAS, there is a need for the Legislature to analyze all the available options for solving these problems.

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

1. That the Urban Affairs Committee study the problem of urban redevelopment including:

(a) The causes of urban decay;

(b) Current federal and state programs in urban redevelopment;

(c) The laws and programs of other states that encourage urban redevelopment;

(d) Incentives to encourage urban redevelopment; and

(e) The need for changes in Nebraska law.

2. That the study analyze these problems as they exist statewide, in small communities as well as large.

3. That the committee draw upon information and resources available in state agencies and among local governments.

4. That the committee hold public hearings throughout the state and report their findings together with their recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

SPEAKER BURBACH PRESIDING

MOTION—Return LB 604 to Select File

Mr. Cavanaugh moved to return LB 604 to Select File for the following specific amendment:
(1) On page 19, line 3, strike "959,224" and insert "934,224"; on line 5, strike "469,776" and insert "187,000"; and on line 6, strike "1,507,331" and insert "1,199,555".
(2) On page 20, line 7, strike "1,360,114" and insert "1,335,114"; on line 9, strike "476,774" and insert "193,998"; and on line 10, strike "1,976,673" and insert "1,668,897".

The motion prevailed with 26 ayes, 1 nay and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 604. The Cavanaugh specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 610 to Select File

Mr. Cavanaugh moved to return LB 610 to Select File for the following specific amendment:
1) after line 22, strike lines 23 through 27 and insert"
"The University will operate and maintain the Fieldhouse on the funds provided and the Legislature will not consider a 1975-76 deficiency for such operation."

PRESIDENT WHELAN PRESIDING

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 12:

Anderson	Bereuter	Burrows	Cavanaugh	Dickinson
Fowler	Kelly	R. Lewis	Marvel	Moylan
Rumery	Simpson			

Voting in the negative, 24:

Barnett	Burbach	Carsten	Clark	Cope
Dworak	Fitzgerald	Goodrich	Johnson	Kremer
Luedtke	Mahoney	Marsh	Mills	Murphy
Savage	Schmit	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Not voting, 13:

Chambers	DeCamp	Duis	George	Hasebroock
Kennedy	Keyes	Kime	Koch	F. Lewis
Maresh	Nichol	Rasmussen		

The Cavanaugh motion lost with 12 ayes, 24 nays and 13 not voting.

RECESS

At 12:03 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Kennedy, Maresh, and Rasmussen who were excused and Mr. Chambers who was absent until 2:00 p.m.

MOTION–Return LB 610 to Select File

Mr. Koch moved to return LB 610 to Select File for the following specific amendment:
1) On page 46, line 19, strike "6,646,660" and insert "6,671,660";
and on line 22, strike "11,969,686" and insert "11,994,686".
2) On page 47, after line 11, insert:
"(d) General Improvement
(i) Women's Athletics $25,000";
and on line 25, strike "7,402,856" and insert "7,427,856".
3) On page 48, line 1, strike "13,115,961" and insert "13,140,961".

Mr. Stull 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. Koch moved for a Call of the House. The motion lost with 17 ayes, 18 nays and 14 not voting.

The Koch motion to return LB 610 lost with 18 ayes, 15 nays and 16 not voting.

MOTION–Return LB 610 to Select File

Mr. F. Lewis moved to return LB 610 to Select File for the following specific amendment:
1) On page 18, after line 10, insert the following:
"There is included in the amounts shown $16,000 for
The Grand Generation program to be produced in cooperation
with the Commission on Aging."

The motion lost with 18 ayes, 17 nays and 14 not voting.

MOTION–Return LB 610 to Select File

Mr. Schmit moved to return LB 610 to Select File for the following specific amendment:
1) On page 44, line 23, strike "12,040,644" and insert "12,114,729";
and on line 27, strike "19,020,481" and insert "19,094,566".
2) On page 45, line 7, strike "192,605" and insert "266,690";
on line 12, strike "26,205" and insert "37,290"; and after
line 16, insert:
"(iv) Food Science & Technology
(v) Crop Physiology
(b) School of Tech. Ag. at Curtis 37,000
(c) Counservation and Survey 18,000
(d) Water Resources Res. Inst. 8,000";
and on line 17, strike "(b)" and insert "(e)".

3) On page 46, line 10, strike "34,728,906" and insert "34,802,991"; and on line 14, strike "55,024,719" and insert "55,098,804".

The motion prevailed with 25 ayes, 8 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 610. The Schmit specific amendment found in this day's Journal was adopted with 27 ayes, 5 nays and 17 not voting.

Advanced to E & R for Engrossment with 27 ayes, 0 nays and 22 not voting.

MOTION—Return LB 611 to Select File

Mr. Koch moved to return LB 611 to Select File for the following specific amendment:
1) Add a new section 9 as follows:

"Sec. 9. The Game and Parks Commission is hereby authorized to purchase the following described property, all in Sarpy County, which property shall be held in trust for educational purposes with a project cost not to exceed six hundred seventy-five thousand dollars:

The northeast quarter and the northwest quarter of the northwest quarter of section 19, township 14 north, range 14 east, the north half and the north half of the south half of section 20, township 14 north, range 14 east, and the southwest quarter of the southwest quarter and the northeast quarter of the southwest quarter of section 18, township 14 north, range 14 east.

There is hereby appropriated $150,000 from the State Building Fund for the fiscal year ending June 30, 1976. There is hereby appropriated $150,000 from the State Building Fund for the fiscal year ending June 30, 1977. There is hereby appropriated $150,000 from the State Building Fund for the fiscal year ending June 30, 1978. There is hereby appropriated $150,000 from the State Building Fund for the fiscal year ending June 30, 1979. There is hereby appropriated $75,000 from the State Building Fund for the fiscal year ending June 30, 1980.
2) Renumber original sections.

Mr. Koch moved for a Call of the House. The motion lost with 13 ayes, 15 nays and 21 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 20:

Barnett	Bereuter	Cavanaugh	Fitzgerald	Fowler
George	Goodrich	Koch	Kremer	Luedtke
Mahoney	Moylan	Nichol	Rumery	Savage
Schmit	Skarda	Stoney	Swigart	Syas

Voting in the negative, 16:

Anderson	Burbach	Burrows	Carsten	Clark
Cope	Dickinson	Hasebroock	Kelly	Kime
R. Lewis	Marsh	Marvel	Simpson	Stull
Wiltse				

Not voting, 13:

Chambers	DeCamp	Duis	Dworak	Johnson
Kennedy	Keyes	F. Lewis	Maresh	Mills
Murphy	Rasmussen	Warner		

The motion lost with 20 ayes, 16 nays and 13 not voting.

MOTION—Return LB 212 to Select File

Mr. Schmit moved to return LB 212 to Select File for the following specific amendment:

1. On page 5, line 8 after "payments" insert "minus appropriate deductions for the cost of work release".

The motion prevailed with 28 ayes, 1 nay and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 212. The Schmit specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 212 to Select File

Mr. Duis moved to return LB 212 to Select File for the following specific amendment:

1. On page 4 strike lines 14 to 19 and insert:
"Sec. 4. Records of delinquencies in permanent child support payments shall be kept by the clerk of the district court upon request by the mother notifying the clerk of the district court of such delinquency.".

Mr. Duis moved for a Call of the House. The motion lost with 15 ayes, 9 nays and 25 not voting.

The Duis motion lost with 11 ayes, 17 nays and 21 not voting.

MOTION—Return LB 123 to Select File

Mr. Swigart moved to return LB 123 to Select File for the following specific amendment:

The Corporate tax rate under LB 123 be amended to allow the Corporate tax to remain at 2.5 for the 1st 25000 Corporate Income and would increase to 3% for all income above $25000.

SPEAKER BURBACH PRESIDING

Mr. Swigart asked unanimous consent to bracket LB 123 for 2 days.

Mr. Keyes objected.

MOTION—Return 571 to Select File

Mr. Kelly moved to return LB 571 to Select File for the specific amendment found in the Journal on page 1753 for the Eightieth Day.

PRESIDENT WHELAN PRESIDING

Mr. Kelly requested to withdraw his motion temporarily.

Mr. R. Lewis asked unanimous consent to bracket LB 571 on E & R Final.

Mr. Goodrich objected.

Mr. R. Lewis moved to bracket LB 571 on E & R Final.

Mr. R. Lewis requested his motion be withdrawn.

MOTION—Return LB 571 to Select File

Mr. Kelly moved to return LB 571 to Select File for the specific amendment found in the Journal on page 1753 for the Eightieth Day.

The motion lost with 16 ayes, 21 nays and 12 not voting.

MOTION—Return LB 249 to Select File

Mr. Mills moved to return LB 249 to Select File for the specific amendment found in the Journal on page 1003 for the Fifty-first Day.

The motion lost with 10 ayes, 19 nays and 20 not voting.

MOTION-Return LB 311 to Select File

Mr. Chambers moved to return LB 311 to Select File for the specific amendment found in the Journal on page 1636 for the Seventy-sixth Day with sub-paragraph (2) deleted therefrom.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 21:

Anderson	Bereuter	Burrows	Cavanaugh	Chambers
Dickinson	Duis	Fitzgerald	Fowler	Goodrich
Kelly	Keyes	R. Lewis	Mahoney	Marvel
Mills	Nichol	Savage	Schmit	Skarda
Swigart				

Voting in the negative, 7:

Cope	Dworak	Luedtke	Moylan	Murphy
Rumery	Warner			

Not voting, 21:

Barnett	Burbach	Carsten	Clark	DeCamp
George	Hasebroock	Johnson	Kennedy	Kime
Koch	Kremer	F. Lewis	Maresh	Marsh
Rasmussen	Simpson	Stoney	Stull	Syas
Wiltse				

The motion lost with 21 ayes, 7 nays and 21 not voting.

MOTION—Return LB 305 to Select File

Mr. Warner moved to return LB 305 to Select File for the following specific amendment:
Subsection 3, Page 2, Line 22, after the word "order", place a period. Strike "and" and insert "Each official inspection station"

The motion prevailed with 26 ayes, 3 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 305. The Warner specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 333 to Select File

Mr. Schmit moved to return LB 333 to Select File for the following specific amendment:

1. On page 8, strike lines 16 and 17 and show as stricken and after line 23 insert:

"Available Phosphoric Acid (P205)..... per cent
Soluble Potash (K20)..... per cent"

2. On page 16, line 18 strike "complete" and show as stricken.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 333. The Schmit specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 404 to Select File

Mr. Schmit moved to return LB 404 to Select File for the following specific amendment:

1. In the Standing Committee Amendment 1, on page 1145 of the Journal, line 22 after "month." insert "Any newspaper utilized by the district shall publish such list of expenditures for a fee no greater than the rate provided by law for the publication of proceedings of county boards.".

MR. SIMPSON PRESIDING

Mr. Dickinson 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 Schmit motion to return LB 404 to Select File prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 404. The Schmit specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISALTIVE BILL 344. Replaced on Select File as amended.
E & R amendments to LB 344:

1. On page 3, line 8, strike "(a)"; and in line 25 strike "(1) (c)" and insert "(3)".

2. On page 13, line 14, insert a comma before the first "the".

3. In E & R 11, line 1, strike the semicolon.

4. In the Marvel amendments, page 1, line 7, strike "are" and insert "one".

5. In the Marvel amendments, page 2, line 21, insert "line 13," after the comma; and in line 27 strike "area" and insert "areas".

6. In the Koch amendment 4, line 1, insert "second" after "the".

7. On page 13, lines 10 and 16, strike "served".

8. In the Barnett amendment, insert "State" after "the" in lines 4 and 8 and after "The" in line 10; in line 12 strike "EMTA" and insert "Emergency Medical Training Program" and strike "EMS" and insert "emergency medical service"; and in line 12, strike "program".

9. In the title, line 5, insert "to transfer certain responsibilities to the State Department of Education;" after the semicolon.

LEGISLATIVE BILL 611. Replaced on Select File as amended.
E & R amendments to LB 611:

1. In line 4 of E & R 1 and 2, adopted 5/9, insert "Area" after "College".

2. Insert the new section inserted by the Duis amendment as section 9 and the new section added by the Fitzgerald amendment as section 10.

3. Renumber original sections 9 and 10 as sections 11 and 12.

4. In new section 10, line 1, insert "Technical" after "Metropolitan" and "Area" after "College"; and in line 2 strike "Ft" and insert "Fort".

LEGISLATIVE BILL 410. Replaced on Select File as amended.
E & R amendment to LB 410:

1. On page 11, line 3, insert "one time" after "published" and strike the same in line 4.

LEGISLATIVE BILL 609. Replaced on Select File as amended.
E & R amendment to LB 609:
1. Renumber the new section added by the Dickinson amendment as section 30 and subsequent sections accordingly.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 344. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 611. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 410. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 609. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 344, 609, and 611.

(Signed) Donald N. Dworak, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 525A. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 525, Eighty-fourth Legislature, First Session, 1975.

RESOLUTION

LEGISLATIVE RESOLUTION 54.

Introduced by Marsh, 29th District.

WHEREAS, it is suspected that many laws of Nebraska do, or are intended to discriminate against a portion of the state's citizenry on the basis of sex; and

WHEREAS, such laws should receive a comprehensive review and analysis with a view toward future change.

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

1. That the Judiciary Committee working closely with the Nebraska Commission on the Status of Women and other interested individuals conduct an intensive study to be funded by the Legislature, of all laws of Nebraska which may be discriminatory on the basis of sex.

2. That the Judiciary Committee prepare recommendations for the proposed legislation to rewrite such laws in a nondiscriminatory form and present such recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 571A in the Journal. No objections. So ordered.

1) On page 2, after line 7, insert a new section:

"Sec. 2. There is hereby appropriated one hundred sixteen thousand eight hundred sixty dollars from the General Fund for the period July 1, 1975, to June 30, 1976, to the University of Nebraska-Lincoln, Agency No. 51-1, for Program 711, to aid in carrying out the provision of Legislative Bill 571, Eighty-fourth Legislature, First Session, 1975."; and

On line 8, strike "2" and insert "3".

UNANIMOUS CONSENT—Unbracket LB 612

Mr. Mahoney asked unanimous consent to unbracket LB 612 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 612. Mr. Burbach offered the following amendment:

1. On page 2, line 1 strike "ten" and insert "one"; strike beginning with the second comma in line 4

through "tornadoes" in line 6; and at the end of line 7 insert "Such funds shall be in addition to those funds appropriated in Legislative Bill 604, Eighty-fourth Legislature, First Session.".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Mahoney offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's office)

Mr. Goodrich offered the following amendment to the Mahoney amendment:

1. On page 13, strike the sentence beginning in line 11.

The Goodrich amendment was adopted with 14 ayes, 13 nays and 22 not voting.

Mr. Duis moved to reconsider action on the Goodrich amendment. The motion prevailed with 28 ayes, 2 nays and 19 not voting.

The Goodrich amendment lost with 7 ayes, 19 nays and 23 not voting.

The Mahoney amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Burbach offered the following amendment:

1. On page 2, line 26 after "and" strike "cooperate with" and insert ", under the general direction and guidance of"; line 27 after "agency" insert ",".

2. On page 3, line 3 after "disaster" insert ";" and strike the remainder of the line; strike line 4.

3. On page 12, line 20 after "otherwise" strike "adequately"; strike beginning with "state" in line 25 through "jointly" in line 26 and insert "Adjutant General shall"

4. On page 13, line 20 after "imprisonment" insert "in the county jail".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 83
May 14, 1975

Dear Senator Koch:

In your letter of April 24, 1975, you ask for our interpretation of Article IV, Section 7, of the Constitution of the State of Nebraska, with respect to the Governor's addressing the Legislature. Article IV, Section 7, provides in pertinent part:

> "The Governor may, at the commencement of each session, and at the close of his term of office and whenever the Legislature may require, give by message to the Legislature information of the condidtion of the state, and shall recommend such measures as he shall deem expedient. At a time fixed by law, he shall present, by message, a complete itemized budget of the financial requirements of all departments, institutions and agencies of the state. . . . "

This section provides that the Governor may address the Legislature at the commencement of each session, at the close of his term of office, as provided elsewhere by law, and whenever the Legislature shall require.

The procedure for determing the desire of the Legislature is specifically left to that body in Article III, Section 10, of the Nebraska Constitution. Article III, Section 10, provides in part:

> ". . . [T]he Legislature shall determine the rules of its proceedings . . . ."

The Legislature has provided that the Governor may be admitted to the floor upon permission of the chair in Rule 2, Sec. 3(c) of the Rules of the Nebraska Unicameral and have further provided in Rule 7(A), Sec. 1 (c) for receipt of messages from the Governor at any stage of the legislative proceedings.

It would appear that the Governor's ability to address the Legislature is not founded solely upon Article IV, Section 7, but is also derived from an application of the Rules of the Nebraska Unicameral drawn pursuant to the authority granted it in Article III, Section 10, of the Nebraska Constitution.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Special Assistant Attorney General

TRS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

EASE

The Legislature was at ease from 4:14 p.m. until 4:35 p.m.

GENERAL FILE

LEGISLATIVE BILL 237. Title read. Considered.

Mr. Barnett offered the following amendment to the Standing Committee amendment.

1. In the standing committee amendment white copy, on page 3, line 16 after "certified" strike "consulting" and insert "clinical".

2. On page 13, strike lines 6 to 16 and insert:

"Sec. 27. (1) The county shall be reimbursed for costs incurred in carrying out the provisions of sections 24 to 26 of this act from funds appropriated to the Department of Public Institutions for the purpose of reimbursing such costs to the counties.

(2) The county clerk shall, not later than September 30, December 31, March 31, and June 30 of each year, submit to the governing board, a certified statement which shall clearly indicate the services rendered pursuant to sections 24 to 26 of this act, and the cost of such service. The governing board shall review these claims and transmit all valid claims to the director who shall issue directly to the counties warrants to cover such costs.".

3. On page 16, line 12 after "." insert "Such rules and regulations shall include requirements that each governing board shall formulate, and have approved by the division, a plan and budget to provide services pursuant to sections 1 to 34 of this act prior to the expenditure of funds."; line 16 after "reports," insert "budgets,".

The amendment was adopted with 21 ayes, 0 nays and 28 not voting.

Mr. Barnett offered the following amendment to the Standing Committee amendment:

1. On page 6, line 11 after "detoxification" insert "or may hold an intoxicated person in the confinement of a jail for up to six hours to determine if such person has been involved in any criminal activity while intoxicated".

The amendment was adopted with 21 ayes, 2 nays and 26 not voting.

Mr. Barnett offered the following amendment to the Standing Committee amendment:

1. In the Standing Committee amendment white copy, on page 6 lines 22 and 23 strike "seventy-two" and insert "twenty-four"; line 23 after "individual" insert "to a responsible person".

The amendment was adopted with 19 ayes, 1 nay and 29 not voting.

Mr. Barnett requested to withdraw his pending amendment found in the Journal on page 1473 for the Seventieth Day.

Mr. Barnett offered the following amendment:

In the Standing Committee amendment, white copy:

1. On page 7, line 15 after "officer" insert "after such officer has conducted an investigation".

2. On page 11, line 23 strike "twenty-four" and insert "six".

The amendment was adopted with 19 ayes, 1 nay and 29 not voting.

Standing Committee amendments referred to in the Journal on page 959 were adopted, as amended, with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays and 14 not voting.

LEGISLATIVE BILL 237A. Title read. Considered.

Mr. Barnett moved for a Call of the House on advancing LB 237A. The motion prevailed with 25 ayes, 8 nays and 16 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

Advanced to E & R for Review with 27 ayes, 12 nays and 10 not voting.

LEGISLATIVE BILL 142. Title read. Considered.

Mr. Syas offered the following amendment:

1. On page 6, at the end of section 3 insert:

"Sec. 4. That section 37-501, Revised Statutes Supplement, 1974, be amended to read as follows:

37-501. It shall be unlawful (1) to shoot from any roadway, as defined in section 39-602, at any bird or animal protected by this act, or at any migratory bird; (2) except as provided in section 37-226, to hunt, shoot, or take or attempt to hunt, shoot, or take any bird or animal with the aid of an

artificial light attached to or used from a motor vehicle; Provided, that nothing in this subdivision shall prohibit the hunting on foot of racoon with the aid of a handlight, or the hunting, shooting, or taking of nonprotected species of wildlife in the protection of property by landowners or operators or their regular employees on land under their control on foot or from a motor vehicle with the aid of artificial light; (3) to hunt, kill or attempt to hunt or kill any protected species from any boat or watercraft while being propelled by sails or electric, gas or steam power or from an aeroplane or hydroplane; (4) to use any rifle, pistol, revolver, swivel gun, or shotgun larger than ten gauge, in hunting any game birds, or to trap, snare, net or attempt to trap, snare or net any game bird or birds; Provided, that game birds obtained from the holder of a game farm permit or otherwise legally obtained which have been transported and are tagged in accordance with commission regulations and which are being used for dog training purposes, may be reclaimed through the use of recall boxes or recall pens by the holder of a written permit issued by the commission, subject to regulations established by the commission. Such person owning or controlling any device used for reclaiming purposes shall, prior to the operation thereof, pay an annual fee of ten dollars to the commission for each such device under his ownership or control. The commission is hereby authorized to promulgate rules and regulations for the possession, use and licensing of such reclaim devices; (5) to take or needlessly destroy the nests or eggs of any game bird or birds; (6) to hunt, kill or attempt to hunt or kill any game bird or birds by attracting them to the place where hunted by the distribution of grain or other feed, commonly called baiting; (7) except as provided in section 37-214.03, to hunt, kill, take or attempt to hunt, kill or take any game bird or birds from a vehicle of any kind; (8) to hunt, kill, take, trap or attempt to hunt, kill, take or trap any game birds with nets, traps or clubs, except as specified in subdivision (4) of this section; (9) to hunt, drive, or stir up game birds or game animals with or from any aircraft or boat propelled by sail or power; or (10) to have or carry, except as permitted by law, any shotgun having shells in either the chamber, receiver, or magazine in or on any vehicle on any highway."; in line 19 strike "4" and insert "5"; in line 20 after "1943," insert "and section 37-501, Revised Statutes Supplement, 1974,".

Mr. Warner offered the following amendment to the Syas amendment:
Strike "migratory" in the new matter.

The Warner amendment was adopted with 23 ayes, 16 nays and 10 not voting.

The Syas amendment, as amended, was adopted with 32 ayes, 4 nays and 13 not voting.

Mr. Chambers moved to indefinitely postpone LB 142. The motion lost with 14 ayes, 25 nays and 10 not voting.

Mr. Warner offered the following amendment:

1. On page 6, after line 18 insert:

"Sec. 4. That section 37-501, Revised Statutes Supplement, 1974, be amended to read as follows:

37-501. It shall be unlawful (1) to shoot from ~~any roadway, as defined in section 39-602,~~ at any bird or animal protected by this act from any highway or roadway, which shall include that area of land from the center of the traveled surface to the right-of-way on either side; (2) except as provided in section 37-226, to hunt, shoot, or take or attempt to hunt, shoot, or take any bird or animal with the aid of an artificial light attached to or used from a motor vehicle; Provided, that nothing in this subdivision shall prohibit the hunting on foot of raccoon with the aid of a handlight, or the hunting, shooting, or taking of nonprotected species of wildlife in the protection of property by landowners or operators or their regular employees on land under their control on foot or from the motor vehicle with the aid of artificial light; (3) to hunt, kill or attempt to hunt or kill any protected species from any boat or watercraft while being propelled by sails or electric, gas or steam power or from an aeroplan or hydroplane; (4) to use any rifle, pistol, revolver, swivel gun, or shotgun larger than ten gauge, in hunting any game birds, or to trap, snare, net or attempt to trap, snare or net any game bird or birds; Provided, that game birds obtained from the holder of a game farm permit or otherwise legally obtained which have been transported and are tagged in accordance with commission regulations and which are being used for dog training purposes, may be reclaimed through the use of recall boxes or recall pens by the holder of a written permit issued by the commission, subject to regulations established by the commission. Such person owning or controlling any device used for reclaiming purposes shall, prior to the operation thereof, pay an annual fee of ten dollars to the commission for each such device under his ownership or control. The commission is hereby authorized to promulgate rules and regulations for the possession, use and licensing of such reclaim

devices; (5) to take or needlessly destroy the nests or eggs of any game bird or birds; (6) to hunt, kill or attempt to hunt or kill any game bird or birds by attracting them to the place where hunted by the distribution of grain or other feed, commonly called baiting; (7) except as provided in section 37-214.03, to hunt, kill, take or attempt to hunt, kill or take any game bird or birds from a vehicle of any kind; (8) to hunt, kill, take, trap or attempt to hunt, kill, take or trap any game birds with nets, traps or clubs, except as specified in subdivision (4) of this section; (9) to hunt, drive, or stir up game birds or game animals with or from any aircraft or boat propelled by sail or power; or (10) to have or carry, except as permitted by law, any shotgun having shells in either the chamber, receiver, or magazine in or on any vehicle on any highway"; line 20 after "1943," insert "and section 37-501, Revised Statutes Supplement, 1974,".

2. Renumber original section 4 as section 5.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Mills offered the following amendment:

Page 6 Line 3 after, comma insert "or shooting any dove that is not flying,

The amendment was adopted with 27 ayes, 7 nays and 15 not voting.

Advanced to E & R for Review with 26 ayes, 12 nays and 11 not voting.

LEGISLATIVE BILL 325. Title read. Considered.

Mr. Koch offered the following amendments to the Standing Committee amendments:

Amend the Committee Amendments to LB 325

1. Page 5 Sect 5(2), line 3, by striking the word "right" and insert the word "privilege"

2. Page 8 Sect 9(3) on line 15 after word body Stike language beginning with the Court may order payment of reasonable attorney fees and Court Costs to a successful plaintiff in a suit brought under this section.

Mr. Bereuter requested a division of the question on the Koch amendment.

The Koch amendment No. 1 was adopted with 24 ayes, 7 nays and 18 not voting.

Mr. Koch requested to withdraw his No. 2 amendment.

Standing Committee amendments found in the Journal on page 1052 for the Fifty-third Day were adopted, as amended, with 29 ayes, 2 nays and 18 not voting.

Mr. Syas offered the following amendment:
On page 3 Sec 3 Strike "two-thirds" and insert "a majority of the elected Membership"

The amendment was adopted with 25 ayes, 4 nays and 20 not voting.

Mr. Cavanaugh offered the following amendment:
Page 4 Line 16 Strike "simultaneously"

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 31 ayes, 1 nay and 17 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 610. Replaced on Select File as amended.
E & R amendments to LB 610:

1. In line 2 of the Marvel amendment to page 19, insert "(1)" before "Program".

2. On page 19, line 10, insert "(2)" before "Program".

3. In line 4 of the Marvel amendment 4 to page 23, line 4, strike "persuant to Section 6" and insert "pursuant to section 6 of this act".

4. In line 4 of the Marvel amendments 7 to page 25, 10 to page 27, and 13 to page 29, strike "Section 6" and insert "section 6 of this act".

5. Because of the F. Lewis amendment, strike the Marvel amendments 17, 18, and 19.

6. In the Marvel amendment 4 to page 55, in line 1 strike the semicolon and insert a period before "Nebraska".

7. Pursuant to the Marvel and F. Lewis amendments thereto, on page 22, amend the figures in lines 6 and 9 to read "884,890".

8. Pursuant to the Marvel amendments 6 and 15 thereto, on page 24, amend the figure in line 19 to read "2,736,049", in line 22 to read "4,121,632", and the figure in line 25 to read "3,658,625".

9. Pursuant to the Marvel amendments 8 and 16 thereto, on page 26, line 10, amend the figure to read "4,832,994" and the figure in line 14 to read "8,424,275".

10. Pursuant to the Marvel and Carstens amendments thereto, on page 26, line 18, amend the figures to read "560,608", in line 20 to read "700,921", and in line 23 to read "687,308"; and on page 28, line 9, amend the figure to read "1,311,405" and in line 13 to read "1,983,069".

11. Pursuant to the Maresh and Mills amendments thereto, on page 44, line 23, amend the figure to read "12,317,144" and in line 27 to read "19,296,981"; and on page 46, line 10, amend the figure to read "35,005,406" and in line 14 to read "55,301,219".

12. Pursuant to the Marvel amendments thereto, on page 49, amend the figures in lines 13, 14, 15, and 17 to read "15,310,009", "15,107,040", "2,450,327"; and "33,069,641" respectively.

13. In line 2 of the Maresh amendment 2, strike "(c)" and insert "(g)".

14. In lieu of the Schmit amendment thereto, on page 44, line 23, amend the figure to read "12,391,229" and in line 27 to read "19,371,066".

15. In lieu of the Schmit amendment to page 45, line 7, amend the figure to read "531,190".

16. On page 45, line 17 as amended, strike "(c)" and insert "(f)".

17. In the Schmit amendment 2, lines 6 to 8, strike "(b)" to "(d)" and insert "(c)" to "(e)" respectively.

18. In the Maresh amendment 2, line 2, strike "(c)" and insert "(g)".

19. In lieu of the Schmit amendments thereto, on page 46, line 10, amend the figure to read "35,079,491"; and in line 14 to read "55,375,304".

LEGISLATIVE BILL 305. Replaced on Select File as amended.
E & R amendments to LB 305:

1. In the Warner amendment, line 2, insert "show as stricken and" before "insert".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 610. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 55.

Introduced by F. Lewis, 45th District.

WHEREAS, rehabilitation services are designed to develop, improve, or restore the working usefulness of handicapped individuals to the degree that they may be satisfactorily employed; and

WHEREAS, mentally and physically impaired citizens of our state represent a significant resource when given the opportunity to participate in rehabilitative programs; and

WHEREAS, significant federal and state funds are allocated annually for rehabilitative programs through diverse agencies such as Vocational Rehabilitation; and

WHEREAS, the broadest possible use of program and agency services should be a primary concern to the Legislature when considering the best means of helping handicapped persons join the ranks of the productive citizens.

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

1. That the Executive Board of the Legislature appoint a committee to conduct an interim study of the interrelationship of Vocational Rehabilitation and other state agencies and federal programs devoted to rehabilitation of the handicapped citizens.

2. That the committee give particular emphasis to the study of what changes in state activity might be made to make better use of federal programs for rehabilitation services.

3. That the committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Member Excused

Mr. Dworak asked unanimous consent to be excused at 7:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 261. Title read. Considered.

Standing Committee amendments found in the Journal beginning on page 1073 for the Fifty-third Day with numbered line 2, were adopted with 25 ayes, 0 nays and 24 not voting.

Standing Committee amendments 1 through 7 found in the Journal on page 1073 for the Fifty-third Day, were rejected with 27 ayes, 0 nays and 22 not voting.

Mr. Stull offered the following amendment:
Amend Sec 3 line 5 page 3 Strike "10 " and insert "50"

The amendment lost with 7 ayes, 20 nays and 22 not voting.

Mr. Mills offered the following amendment:
Strike Section 7

The amendment lost with 14 ayes, 14 nays and 21 not voting.

Mr. Warner offered the following amendment:
Page 3 Sec (4) sub section (1) strike the words "Such statement shall include amounts received by such lobbyist from any principal for his personal living expenses and amounts received for lobbying purposes from any principal which is reportable as income to him for federal tax purposes."

Mr. Savage 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. Cavanaugh requested a record vote.

Voting in the affirmative, 26:

Burbach	Carsten	Clark	Dickinson	Fitzgerald
George	Hasebroock	Johnson	Kelly	Keyes
Kime	Kremer	Luedtke	Mahoney	Marsh
Mills	Moylan	Nichol	Savage	Schmit
Skarda	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 8:

Anderson	Bereuter	Burrows	Cavanaugh	Fowler
Goodrich	F. Lewis	R. Lewis		

Not voting, 15

Barnett	Chambers	Cope	DeCamp	Duis
Dworak	Kennedy	Koch	Maresh	Marvel
Murphy	Rasmussen	Rumery	Simpson	Stoney

The Warner amendment was adopted with 26 ayes, 8 nays and 15 not voting.

LB 261 was laid over temporarily.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 212. Replaced on Select File as amended.
E & R amendment to LB 212:
1. Strike E & R 5 adopted 5/12.

LEGISLATIVE BILL 612. Replaced on Select File as amended.
E & R amendments to LB 612:
1. Renumber original section 1 as section 10, and sections 10 to 12 found in the Mahoney amendments as sections 11 to 13; and strike original section 2.
2. In line 6 of the first Burbach amendment 1, insert ", 1975" after "Session".
3. In the Mahoney amendments, page 11, line 17, strike "as".
4. In the Mahoney amendments, page 12, line 9, strike the first comma; and in lines 23 and 24, strike "; and" and insert ".".
5. In the title, strike lines 2 to 4 and insert:
"FOR AN ACT to amend section 68-703, 81-829.42, and 81-829.55, Revised Statutes Supplement, 1974, relating to the Nebraska Disaster and Civil Defense Act; to assent to the Disaster Relief Act of 1974, P.L. 93-288; to provide powers and duties of the Governor, the state civil defense agency, and the Department of Public Welfare as prescribed; to appropriate and reappropriate funds for the Governor's Emergency Fund; to provide severability; to repeal the original sections; and to declare an emergency.".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 212. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 612. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 305 and 333.

Correctly Engrossed

The following bills were correctly engrossed: 212, 249, 571, 571A, 604, and 610.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 261. Considered.

Mr. Warner offered the following amendment:
Amend LB 261 page 3, section (4) subsection (3) strike the words "and each amendment to a legislative bill or resolution".

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 27:

Burbach	Carsten	Clark	Dickinson	Duis
Fitzgerald	George	Hasebroock	Kelly	Keyes
Kime	Kremer	Luedtke	Mahoney	Marsh
Marvel	Mills	Nichol	Savage	Schmit
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 8:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Fowler	Goodrich	F. Lewis		

Not voting, 14:

Chambers	Cope	DeCamp	Dworak	Johnson
Kennedy	Koch	R. Lewis	Maresh	Moylan
Murphy	Rasmussen	Rumery	Simpson	

The Warner amendment was adopted with 27 ayes, 8 nays and 14 not voting.

Mr. Mills moved to indefinitely postpone.

Mr. Bereuter requested a record vote.

Voting in the affirmative, 20:

Burbach	Carsten	Clark	Cope	Dickinson
Fitzgerald	George	Hasebroock	Johnson	Keyes
Kime	Mahoney	Mills	Nichol	Rumery
Savage	Skarda	Stull	Syas	Wiltse

Voting in the negative, 17:

Anderson	Barnett	Bereuter	Burrows	Duis
Fowler	Goodrich	Kelly	Kremer	F. Lewis
Luedtke	Marsh	Marvel	Schmit	Stoney
Swigart	Warner			

Not voting, 12:

Cavanaugh	Chambers	DeCamp	Dworak	Kennedy
Koch	R. Lewis	Maresh	Moylan	Murphy
Rasmussen	Simpson			

The motion to indefinitely postpone prevailed with 20 ayes, 17 nays and 12 not voting.

MOTION–Vietnam Doctors

We move that due to the overwhelming response of Nebraska communities to the action of this Legislature which took the first necessary steps to provide access to this state for the refugee doctors from Vietnam by sending a delegation of Nebraska State Senators to California to inform those refugee doctors that the State of Nebraska stood ready to receive them, that the Nebraska Legislature and the Governor of the State use the necessary resources of the state including National Guard air craft if necessary to provide transportation to this state for those refugee doctors who are presently being interviewed in California by a delegation of

Nebraska State Senators. The purpose of this would be to assist those Nebraska communities who wish to secure the services of a physician.

(Signed) Eugene T. Mahoney, Loran Schmit, Warren R. Swigart, John S. Savage, Orval Keyes, Jerome Warner, Walter George, James Dickinson, Glenn Goodrich, Irving Wiltse, Douglas Bereuter, Tom Fitzgerald, Larry Stoney, Calvin F. Carsten, Jack Mills.

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 404 and 612.

(Signed) Donald N. Dworak, Chairman

VISITORS

The President introduced 32 third through eighth grade students and sponsors from District 3, Hall County; 11 first through sixth grade students and sponsors from Doulgas County No. 41, Elkhorn, Nebraska; 43 seventh grade students and sponsors from Trinity Lutheran, Grand Island; 26 fifth through eighth grade students and sponsors from Hadar, Nebraska; 30 eighth grade students and sponsors from Trinity Lutheran, Fremont, Nebraska; 35 third grade students and sponsors from Clinton School, Lincoln; 27 fifth grade students and sponsors from Valley, Nebraska; and 50 fifth grade students and sponsors from Crete, Nebraska. The President introduced 7 eighth graders and sponsors from St. Pauls Lutheran School, Arlington; 26 sixth grade students and sponsors from Columbus, Nebr; 24 eighth grade students and sponsors from Axtell, Nebr.

ADJOURNMENT

At 7:58 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, May 15, 1975.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-THIRD DAY—MAY 15, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 15, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God of our fathers, standing here in this Chamber, their heads bowed in prayer, are those who have been chosen by their peers through the democratic process to discuss and to deliberate, to enact and cause to be enforced the laws by which our lives are governed within this State.
>
> Given to the task of preserving the rights of all peoples regardless of their color or creed, their political views or religious convictions;
>
> Given to the task of preserving the natural resources of our State, its fields and its streams as well as its atmosphere;
>
> Given to the task of bringing hope to the forlorn, material comfort to the poverty-stricken, adequate housing to the depressed; better economic opportunities to the downtrodden and health to the diseased;
>
> Help us to do Thy will in this House through this and every year, we ask in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Dickinson, Kennedy, and Maresh who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1827, line 13, correct spelling of "condition".
Page 1835, line 4, insert "Re-" before "Engrossment".
The Journal for the Eighty-Second Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

May 8, 1975

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

Dear Mr. President & Senators:

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

> Mr. Phillip H. Weaver, 1906 Fulton Street, Falls City, Ne., to serve a 6-year term beginning May 24, 1975.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

RESOLUTION

LEGISLATIVE RESOLUTION 56.

Introduced by Goodrich, 20th District.

WHEREAS, there are many agencies in this state providing human services; and

WHEREAS, it is the first duty of the state to meet the personal needs of its citizens with as little duplication and waste as possible, together with ensuring that no area of the state is omitted from the delivery of human services; and

WHEREAS, the legal, program, and administrative inter-relationships of these agencies result in public confusion; and

WHEREAS, having many agencies providing human services suggests a lack of efficiency and costly duplication; and

WHEREAS, there are now numerous agencies in the state dealing with human services that have offices in some areas and not in others, making it necessary for some citizens to travel from building to building, and city to city to have their needs cared for; and

WHEREAS, the administrative details in Nebraska involved in the processing, diagnosing, evaluating, counseling and administering assistance has become so complicated that it may very well have reached self-defeating proportions; and

WHEREAS, the system of referral is used to bypass those individuals whose requirements are difficult to meet, while agencies compete for the easy to serve; and

WHEREAS, the provision of services to eligible persons must be the primary emphasis of the human services agencies, rather than self-perpetuation; and

WHEREAS, significant federal, state, and local funds are allocated annually for human services; and

WHEREAS, there is a need to evaluate the current level of human services in the state and their effectiveness; and

WHEREAS, there is a need to identify gaps in human services and to evaluate the effectiveness and efficiency of the service delivery system; and

WHEREAS, there is a need to assure the sound and coordinated development of all services and to assure the availability of human services where the need exists; and

WHEREAS, there is currently no statewide planning and coordination of human services.

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

1. That a select committee of senators be appointed to conduct a thorough study of the current delivery of human service programs, giving special attention to (a) the elimination of waste and duplication, (b) areas lacking sufficient human services programs, (c) ease of accessability to human service programs,and (d) the desirability of regional organization of such programs. Such human service programs to be studied would include, but not be limited to:

(A) Mental Retardation
(B) Mental Health
(C) Public Health
(D) Vocational Rehabilitation
(E) Technical Assistance Agency
(F) Youth Services
(G) Special Education
(H) Corrections
(I) Welfare
(J) Aging
(K) Drug Abuse

2. That such committee investigate the feasibility of a human resource agency to coordinate and control the quality of human services.

3. Study the feasibility of creating a Human Resources Ombudsman-type function which would both disseminate information to the public concerning services available and refer the public to the appropriate Human Services function and provide follow-up to public inquiries.

4. That such committee, at the conclusion of its study, submit a report of its findings and recommendations for legislation to the next session of the Legislature.

Referred to the Executive Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 235.

A BILL FOR AN ACT to amend sections 60-444 and 60-452, Reissue Revised Statutes of Nebraska, 1943, section 60-452.01, Revised Statutes Supplement, 1974, and section 60-458, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 55, Eighty-fourth Legislature, First Session, 1975, relating to the Nebraska State Patrol; to increase the rate of contribution; to reduce the minimum retirement age; to increase the percentage for computation of annuities; to accelerate eligibility for the deferred annuity; to provide for actuarial equivalence for early retirement; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 0.

Not voting, 6:

Carsten	DeCamp	Dickinson	Kennedy	Maresh
Wiltse				

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

LEGISLATIVE BILL 235A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, Eighty-fourth Legislature, First Session, 1975.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner		

Voting in the negative, 0.

Not voting, 6:

Carsten	DeCamp	Dickinson	Kennedy	Maresh
Wiltse				

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

LEGISLATIVE BILL 259. With Emergency.

A BILL FOR AN ACT to amend sections 39-602, 39-669.27, 39-669.30, and 60-418, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for issuance of an employment driving permit; to establish criteria; to provide for fee payment; to provide a penalty; 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, 33:

Anderson	Barnett	Bereuter	Burbach	Burrows

Carsten	Cavanaugh	Chambers	Cope	Duis
Dworak	Fowler	George	Hasebroock	Kelly
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Marsh	Moylan	Murphy
Nichol	Rumery	Savage	Simpson	Skarda
Stoney	Stull	Warner		

Voting in the negative, 9:

Clark	Goodrich	Johnson	Kime	Marvel
Mills	Rasmussen	Swigart	Syas	

Not voting, 7:

DeCamp	Dickinson	Fitzgerald	Kennedy	Maresh
Schmit	Wiltse			

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 259A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Eighty-fourth Legislature, First Session, 1975; 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, 29:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	Duis
Fowler	George	Hasebroock	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Marsh
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Skarda	Stoney	Stull	

Voting in the negative, 14:

Clark	Dworak	Fitzgerald	Goodrich	Kelly
Kime	R. Lewis	Marvel	Mills	Rasmussen
Simpson	Swigart	Syas	Warner	

Not voting, 6:

DeCamp	Dickinson	Johnson	Kennedy	Maresh
Wiltse				

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

The Chair ruled this bill will take 30 votes to pass with "emergency clause" stricken.

Mr. Anderson requested a roll call vote.

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	Duis
Fowler	George	Hasebroock	Kelly	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Marsh	Moylan	Murphy	Nichol	Rumery
Savage	Schmit	Skarda	Stoney	Stull

Voting in the negative, 13:

Clark	Dworak	Fitzgerald	Goodrich	Kime
R. Lewis	Marvel	Mills	Rasmussen	Simpson
Swigart	Syas	Warner		

Not voting, 6:

DeCamp	Dickinson	Johnson	Kennedy	Maresh
Wiltse				

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 421.

A BILL FOR AN ACT to amend section 53-124.03, Reissue Revised Statutes of Nebraska, 1943, relating to liquor licenses; to allow cities of the primary or metropolitan class a beneficial interest in more than two liquor licenses; 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, 31:

Anderson	Barnett	Burbach	Burrows	Cavanaugh
Clark	Cope	Duis	Dworak	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kime	Koch	F. Lewis	R. Lewis	Luedtke
Mahoney	Marsh	Marvel	Mills	Murphy
Nichol	Rasmussen	Savage	Schmit	Skarda
Warner				

Voting in the negative, 9:

Bereuter	Chambers	Moylan	Rumery	Simpson
Stoney	Stull	Swigart	Syas	

Not voting, 9:

Carsten	DeCamp	Dickinson	Fitzgerald	Kennedy
Keyes	Kremer	Maresh	Wiltse	

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

LEGISLATIVE BILL 526. With Emergency.

A BILL FOR AN ACT relating to the State Board of Agriculture; to authorize such board, as a state bicentennial project, to construct and furnish a Heritage Village and Education Building and related facilities on the Nebraska State Fairgrounds; to make an appropriation for such purpose; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Duis	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Keyes	Kime	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Marsh	Moylan	Murphy
Nichol	Rumery	Savage	Schmit	Simpson
Stull	Swigart	Syas	Warner	

Voting in the negative, 7:

Cavanaugh	Cope	Dworak	R. Lewis	Marvel
Mills	Stoney			

Not voting, 8:

DeCamp	Dickinson	Fitzgerald	Kennedy	Maresh
Rasmussen	Skarda	Wiltse		

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 123. Speaker Burbach requested LB 123 be laid over until this afternoon and read after LB 598.

LEGISLATIVE BILL 141.

A BILL FOR AN ACT to amend section 24-513, Revised Statutes Supplement, 1974, relating to judges; to provide for an increase in county judges' salaries as prescribed; to provide for a supplemental salary in certain counties; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
Duis	Dworak	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Swigart	Syas	Warner	

Voting in the negative, 4:

Kime	R. Lewis	Marvel	Stull

Not voting, 6:

DeCamp	Dickinson	Fitzgerald	Kennedy	Maresh
Wiltse				

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

LEGISLATIVE BILL 215.

A BILL FOR AN ACT relating to state office buildings; to approve and recommend purchase of prescribed property in North Platte; to provide conditions and maximum purchase price; and to provide for use 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, 35:

Anderson	Barnett	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Kelly
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Skarda	Stull	Swigart	Syas

Voting in the negative, 8:

Bereuter	Clark	Dworak	Marsh	Marvel
Simpson	Stoney	Warner		

Not voting, 6:

DeCamp	Dickinson	Johnson	Kennedy	Maresh
Wiltse				

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

LEGISLATIVE BILL 215A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 215, Eighty-fourth Legislature, First Session, 1975; to provide duties, 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:

Anderson	Barnett	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Skarda	Stull	Swigart	Syas	

Voting in the negative, 8:

Bereuter	Clark	Dworak	Marsh	Marvel
Simpson	Stoney	Warner		

Not voting, 7:

DeCamp	Dickinson	Kennedy	Mahoney	Maresh
Schmit	Wiltse			

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 340. With Emergency.

A BILL FOR AN ACT relating to alcoholic liquor, except wine and beer; to define terms; to provide for the maximum price at which alcoholic liquors may be sold to wholesalers, distributors, or jobbers; to provide for filings; to prohibit certain acts; to provide penalties and procedure; 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?"

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 33:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	Duis	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Kelly
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Marvel	Mills	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Swigart	Warner		

Voting in the negative, 9:

Cavanaugh	Chambers	Fowler	Keyes	R. Lewis
Marsh	Moylan	Stull	Syas	

Not voting, 7:

DeCamp	Dickinson	Johnson	Kennedy	Kime
Maresh	Wiltse			

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 342.

A BILL FOR AN ACT to amend section 2-1213, Revised Statutes Supplement, 1974, relating to horseracing; to permit horseracing on Sunday in certain counties; and to repeal the original section.

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

Voting in the affirmative, 25:

Anderson	Barnett	Bereuter	Burbach	Carsten
Cavanaugh	Clark	Fitzgerald	Fowler	George
Goodrich	Kelly	Kime	F. Lewis	Mahoney
Marsh	Mills	Moylan	Murphy	Nichol
Schmit	Skarda	Stull	Syas	Warner

Voting in the negative, 12:

Chambers	Cope	Duis	Koch	Kremer
R. Lewis	Luedtke	Rasmussen	Rumery	Simpson
Stoney	Swigart			

Not voting, 12:

Burrows	DeCamp	Dickinson	Dworak	Hasebroock
Johnson	Kennedy	Keyes	Maresh	Marvel
Savage	Wiltse			

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

LEGISLATIVE BILL 423. Mr. Koch moved to return LB 423 to Select File for the following specific amendment:
1. In LB 423 strike all the new matter and reinsert all the stricken matter.
2. On page 3, line 23, after the period insert the following: "The board of education of the Class V school district shall have a question placed on the ballot in the 1976 general election to determine if the members of the Class V school board shall be elected by districts."

The motion lost with 17 ayes, 23 nays and 9 not voting.

A BILL FOR AN ACT to amend section 79-1003, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for election of members of the board of education of a Class V school district from districts; 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, 26:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	Duis
Dworak	Fitzgerald	Fowler	Kelly	Keyes
Kremer	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Rasmussen	Rumery	Schmit	Simpson
Warner				

Voting in the negative, 17:

Carsten	Goodrich	Hasebroock	Johnson	Kime
Koch	F. Lewis	Mills	Moylan	Murphy
Nichol	Savage	Skarda	Stoney	Stull
Swigart	Syas			

Not voting, 6:

DeCamp	Dickinson	George	Kennedy	Maresh
Wiltse				

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

LEGISLATIVE BILL 430.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1974, relating to 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, 31:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Kelly
F. Lewis	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Moylan	Murphy	Rumery	Savage
Schmit	Simpson	Stoney	Swigart	Syas
Warner				

Voting in the negative, 12:

Carsten	Cope	Hasebroock	Johnson	Kime
Koch	Kremer	Mills	Nichol	Rasmussen
Skarda	Stull			

Not voting, 6:

DeCamp	Dickinson	Kennedy	Keyes	Maresh
Wiltse				

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

LEGISLATIVE BILL 311. Mr. Chambers moved to return LB 311 to Select File for the specific amendment found in the Journal on page 1636.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 19:

Anderson	Bereuter	Burrows	Chambers	Dworak
Fitzgerald	Fowler	Kelly	Keyes	R. Lewis
Mahoney	Marsh	Marvel	Mills	Nichol
Rasmussen	Savage	Skarda	Swigart	

Voting in the negative, 20:

Barnett	Burbach	Carsten	Clark	Cope
Duis	Hasebroock	Johnson	Kime	Koch
Kremer	Luedtke	Moylan	Murphy	Rumery
Schmit	Simpson	Stull	Syas	Warner

Not voting, 10:

Cavanaugh	DeCamp	Dickinson	George	Goodrich
Kennedy	F. Lewis	Maresh	Stoney	Wiltse

The motion lost with 19 ayes, 20 nays and 10 not voting.

A BILL FOR AN ACT to amend section 75-104, Revised Statutes Supplement, 1974, relating to the Public Service Commission; to increase the annual salary of commissioners; 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, 28:

Barnett	Burbach	Burrows	Carsten	Cope
Duis	Fitzgerald	Fowler	Goodrich	Kelly
Keyes	Koch	F. Lewis	Luedtke	Mahoney
Marsh	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Skarda	Stoney
Swigart	Syas	Warner		

Voting in the negative, 7:

Bereuter	Dworak	Kremer	R. Lewis	Mills
Simpson	Stull			

Not voting, 14:

Anderson	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	George	Hasebroock	Johnson	Kennedy
Kime	Maresh	Marvel	Wiltse	

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

LEGISLATIVE BILL 368.

A BILL FOR AN ACT relating to schools; to amend sections 79-1333, 79-1334, 79-1335, 79-1336, and 79-1343, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,166, Revised Statutes Supplement, 1974; to change amounts of financial support; to provide a spending limitation; and to repeal the original sections, and also section 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,164, Revised Statutes Supplement, 1974.

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:

Burbach	Carsten	Clark	Cope	Duis
Fitzgerald	Fowler	George	Hasebroock	Johnson
Keyes	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Marsh	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Swigart
Syas	Warner			

Voting in the negative, 14:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Dworak	Goodrich	Kelly	R. Lewis
Marvel	Mills	Skarda	Stull	

Not voting, 8:

DeCamp	Dickinson	Kennedy	Kime	Maresh
Moylan	Murphy	Wiltse		

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

LEGISLATIVE BILL 368A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 368, Eighty-fourth Legislature, First Session, 1975.

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

Mr. Duis requested a roll call vote.

Voting in the affirmative, 28:

Burbach	Carsten	Clark	Cope	Duis
Fitzgerald	Fowler	George	Hasebroock	Johnson
Keyes	Kime	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Marsh	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Swigart	Syas	Warner		

Voting in the negative, 14:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Dworak	Goodrich	R. Lewis	Marvel
Mills	Moylan	Skarda	Stull	

Not voting, 7:

DeCamp	Dickinson	Kelly	Kennedy	Maresh
Murphy	Wiltse			

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Mr. F. Lewis appealed the decision of the Chair on this taking 30 votes to pass. The question is, "Shall the Chair be sustained?" The motion prevailed with 26 ayes, 10 nays and 13 not voting.

The Chair was sustained.

UNANIMOUS CONSENT–Hold LB 368

Mr. Simpson asked unanimous consent to hold LB 368. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 449. With Emergency.

A BILL FOR AN ACT to amend sections 79-4,147.01, 79-4,147.02, 79-4,147.03, and 79-4,147.04, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to revise language referring to high school equivalency; to repeal the original sections and also section 80-401.05, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,147, Revised Statutes Supplement, 1974; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich

Hasebroock	Johnson	Kelly	Keyes	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Marsh	Marvel	Mills	Moylan	Nichol
Rasmussen	Rumery	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner

Voting in the negative, 0.

Not voting, 9:

Cavanaugh	DeCamp	Dickinson	Kennedy	Kime
Maresh	Murphy	Savage	Wiltse	

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 599. With Emergency.

A BILL FOR AN ACT to amend section 2-1205, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to permit a race meet licensee to conduct all or part of such race meet at other licensed facilities; to permit agreements between licensees for the operation and management of the meets; to permit sharing in the proceeds thereof; 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, 35:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Marvel
Mills	Moylan	Murphy	Nichol	Schmit
Skarda	Stoney	Stull	Syas	Warner

Voting in the negative, 2:

Chambers	Swigart

Not voting, 12:

Cavanaugh	DeCamp	Dickinson	George	Kennedy
Maresh	Marsh	Rasmussen	Rumery	Savage
Simpson	Wiltse			

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 606. With Emergency.

A BILL FOR AN ACT to make appropriations for the Legislative Council for the period July 1, 1975, to June 30, 1976; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Moylan	Murphy	Nichol	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner			

Voting in the negative, 0.

Not voting, 12:

Anderson	Cavanaugh	DeCamp	Dickinson	Kennedy
Keyes	Maresh	Mills	Rasmussen	Rumery
Savage	Wiltse			

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 603. With Emergency.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period of July 1, 1975, to June 30, 1976; to lapse an appropriation; to increase an appropriation; to amend section 4, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, with items of appropriations reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, as amended by section 3, Legislative Bill 598, Eighty-fourth Legislature, First Session, 1975; 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, 42:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner			

Voting in the negative, 1:

Clark

Not voting, 6:

DeCamp	Dickinson	Kennedy	Maresh	Marvel
Wiltse				

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 381 and 508.

Correctly Engrossed

The following bills were correctly engrossed: 14, 203, 263, 377, 416, 422 and 468.

Correctly Enrolled

The following bills were correctly enrolled: 235, 235A, 259, 259A, 421 and 526.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 235, 235A, 259, 259A, 421, and 526.

ATTORNEY GENERAL'S OPINION

Opinion No. 86
May 15, 1975

Dear Senator Chambers:

This is in response to your inquiry concerning the constitutionality of eliminating court costs for certain speeding convictions as proposed in an amendment to LB 381. The proposed amendment provides:

> "Any person convicted of exceeding by not more than ten miles per hour the speed limit on the National System of Interstate and Defense Highways shall be fined not more than ten dollars but no court costs shall be assessed against him."

We feel that this amendment, if adopted, could render LB 381 constitutionally suspect as "special legislation" which is generally prohibited under Article III, Section 18, of the Constitution of Nebraska. In Omaha Packing Authority v. City of Omaha, 163 Neb. 97, 77 N. W. 2d 862 (1956), the court set forth this rule to determine whether or not a particular legislative act was special legislation:

> ". . . The rule is well established that the legislature may, for the purpose of legislating, classify persons, places, objects or subjects, but such classification must rest upon some difference in situation or circumstance which, in reason, calls for distinction or circumstance which, in reason, calls for distinctive legislation for the class. The class must have a substantial quality or attribute which requires legislation appropriate or necessary for those in the class which would be inappropriate or unnecessary for those without the class. . . ."

In Fougeron v. County of Seward, 174, Neb. 753, 119, N. W. 2d 298 (1963), the court ruled:

> ". . . The power of classification rests with the Legislature and it will not be interferred with by the courts if real and substantial differences exist which afford a rational basis for classification. The act is not special if it operates uniformly upon a classification reasonably made. . . ."

Again, in Tom & Jerry, Inc. v. Nebraska Liquor Control Commission, 183, Neb. 410, 160 N. W. 2d 232(1968), the court ruled:

> ". . . While it is competent for the Legislature to classify for purposes of legislation, the classification, to be valid, must rest on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. . . ."

The amendment would exempt a certain class of traffic violators from the payment of court costs, which, depending upon the circumstances, may be considerable. The question then becomes whether there is some rational basis for making this class distinction. We have difficulty in recognizing the "substantial quality or attribute" common to only those persons who choose to drive between fifty-five and sixty-six miles per hour on the Interstate Highway which requires legislation "which would be inappropriate or unnecessary for those without the class," specifically, other speeding violators or traffic violators in general. We doubt whether the courts would consider such a provision a reasonable classification.

Section 5 of LB 381 contains a severability clause. Assuming, arguendo, that LB 381, including the amendment, was passed, then even if the above quoted language in the amendment was thereafter declared unconstitutional by a court of competent jurisdiction, it would probably not render the whole act unconstitutional. The applicable rule is stated in Tom & Jerry, Inc. v. Nebraska Liquor Control Commission, supra:

> ". . . Where it appears that unconstitutional portions of an act can be separated from the valid portions and the latter enforced independent of the former, and it further appears that the invalid portions did not constitute such an inducement to the passage of the valid parts that they would not have been passed without them, the former may be rejected and the latter upheld. . . ."

The above quoted language in the amendment probably would be severable from the remainder of the act in the event that it was declared unconstitutional. Assuming that the language was declared unconstitutional, then even though technically enforceable, the part of the act to which the severable language related may be rendered unenforceable as a practical matter, since there would be no penalty provision. This possibility, along with its implications and consequences, are factors which the Legislature may wish to consider.

Sincerely,
PAUL L. DOUGLAS
Attorney General

(Signed) Steven C. Smith
Special Assistant Attorney General

SCS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 57.

Introduced by Keyes, 3rd District.

WHEREAS, our nation faces many energy problems; and
WHEREAS, the development of mining of certain minerals is essential to relieving such problems; and
WHEREAS, in the future Nebraska has great potential for mining development; and
WHEREAS, current mining operations in Nebraska have effected 30,000 known acres of land in the last fifty years; and
WHEREAS, past mining operations in Nebraska have caused ecological disruptions posing a threat to public safety and welfare; and
WHEREAS, responsibility for the overseeing of such mining should be vested in our state government.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That an interim study committee be appointed by the members of the Legislature to study public and operational problems within the mining industry.
2. That such committee shall propose legislation based upon its findings to be introduced at the next session of the Legislature to provide for state regulation of mining operation in Nebraska. The objective of such legislation shall be to harmonize public and private interests in the mining industry within the state regulatory scheme.

Referred to the Executive Board.

MOTION–Change of Order

Mr. Anderson moved to consider LB 567 on General File after LB 213. The motion prevailed with 25 ayes, 3 nays and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 328. Considered.

Mr. Murphy offered the following amendment:
New Section 2. "Helmets shall not be required when participating in a parade function authorized by any unit of government". Renumber Sec. 2 to be Section 3.

The amendment was adopted with 25 ayes, 4 nays and 20 not voting.

Mr. F. Lewis moved to indefinitely postpone.

Speaker Burbach 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 indefinitely postpone lost with 16 ayes, 22 nays and 11 not voting.

Mr. F. Lewis offered the following amendment:
1. Add a new section to read as follows:
"Section 5. This act shall become operative on January 1, 1976.
2. Renumber original Section 2 as Section 6.

The amendment lost with 18 ayes, 18 nays and 13 not voting.

Mr. Chambers offered the following amendment:
Add new section: This act shall take effect from and after the passage of a federal statute establishing a uniform, national requirement that a headgear be worn by everyone operating a motorcycle on any public street or highway.

Mr. Chambers moved for a Call of the House. The motion lost with 15 ayes, 17 nays and 17 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 20:

Anderson	Barnett	Burrows	Chambers	Clark
Dickinson	Dworak	Fitzgerald	Fowler	George
Kelly	F. Lewis	Mahoney	Mills	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney

Voting in the negative, 20:

Burbach	Cope	Goodrich	Hasebroock	Johnson
Keyes	Kime	Koch	Kremer	Luedtke
Marsh	Marvel	Moylan	Murphy	Nichol
Stull	Swigart	Syas	Warner	Wiltse

Not voting, 9:

Bereuter	Carsten	Cavanaugh	DeCamp	Duis
Kennedy	R. Lewis	Maresh	Skarda	

The Chambers amendment lost with 20 ayes, 20 nays and 9 not voting.

Laid over temporarily.

UNANIMOUS CONSENT—Member Excused

Mr. Johnson asked unanimous consent to be excused this afternoon. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 58.

Introduced by Kelly, 35th District; Schmit, 23rd District; R. Lewis, 38th District; Goodrich, 20th District; Marvel, 33rd District.

WHEREAS, the State of Nebraska has a serious deficiency of physicians in contrast to the average number of physicians in the United States; and

WHEREAS, the geographical distribution of those physicians in Nebraska is such as to leave many areas and large numbers of people without adequate or easily obtainable medical services; and

WHEREAS, one successful method of attracting physicians to practice in a region is through the availability of an adequate number of internships and residencies; and

WHEREAS, LB 571 was introduced in recognition of this fact, and proposes to expand the primary care residency programs and to sustain the level of commitment in the sub-specialty programs in response to the physician manpower needs of the state; and

WHEREAS, Section 2 of LB 571 sets forth the goal to be accomplished and the responsibility of the Dean of the College of Medicine for its implementation as follows:

> There is hereby established a statewide medical education residency program for the purpose of training resident physicians. The Dean of the College of Medicine of the University of Nebraska Medical Center shall be responsible for implementing the development and expansion of residency programs in cooperation with the medical profession, hospitals, and clinics located throughout the state. The Dean and the departmental chairmen in the College of Medicine shall determine where residency education and training shall be established giving consideration to communities in the state where the population, hospital facilities, number of physicians and interest in medical education indicate the potential success of residency education and training. The communities chosen shall be selected because they can be expected to fill requirements of the American Medical Association for participation in a residency program.

WHEREAS, the passage of LB 571 reflects the agreement of the Legislature with the proposed program, and whereby it is desirable to proceed with its implementation.

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

1. That the Executive Board of the Legislative Council designate an ad hoc Committee of interested and concerned senators to monitor the carrying out of the program proposed by LB 571, and to assist and encourage its implementation as soon as is practicable.

2. That this ad hoc Committee be composed as follows: Senators Richard Lewis, Chairman; Ralph D. Kelly, Richard D. Marvel, Loran Schmit, and Glenn A. Goodrich.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 141, 215, 215A, 311, 340, 342, 423, 430, 449, 599, 603, and 606.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 141, 215, 215A, 311, 340, 342, 423, 430, 449, 599, 603, and 606.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 1975 at 11:50 a.m., were the following bills: 235, 235A, 259, 259A, 421, and 526.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Unbracket LB 472

Mrs. Marsh asked unanimous consent to unbracket LB 472 on E & R Final. No objections. So ordered.

VISITORS

The President introduced 6 UNL students - International House, Lincoln; 20 sixth to eighth grade students and sponsors from Washington, Nebraska; 35 fourth grade students and sponsors from St. John, Lincoln; 31 third and fourth grade students and sponsors from Odell, Nebraska; 31 eighth grade students and sponsors from St. Francis, Humphrey, Nebraska; 120 third and fourth grade students and sponsors from Calvert Elementary, Lincoln; Messrs. Gossen, Motoriko, Riabov, Shiiatyi, and Suleimenov, soil scientists from Russia; 17 Pre-school Headstart Day care students and sponsors from Malone Center, Lincoln; 24 fourth grade students and sponsors from Beaver Crossing; and 13 kindergarten through sixth grade students and sponsors from Brownville, Nebraska.

RECESS

At 12:10 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Johnson, Kennedy, and Maresh who were excused.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 598. With Emergency.

A BILL FOR AN ACT to amend section 1, Legislative Bill 162A, Eighty-third Legislature, First Session, 1973, section 1, Legislative Bill 986, Eighty-third Legislature, Second Session, 1974, as amended by section 1, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975, sections 3, 15, 17, and 50, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, as amended by section 30, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, and as amended by section 1, Legislative Bill 537, Eighty-fourth Legislature, First Session, 1975, section 4, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, with items of appropriations reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, section 5, Legislative Bill 1053, Eighty-third Legislature, Second Session, 1974, with items of appropriations reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska, as amended by section 10, Legislative Bill 537, Eighty-fourth Legislature, First Session, 1975, sections 7 and 8, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, as amended by sections 6 and 7 respectively, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975, sections 10, 11, 12, and 13, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, sections 14, 16, and 17, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, as amended by sections 12, 14, and 15, respectively, Legislative Bill 537, Eighty-fourth Legislature, First Session, 1975, and section 15, Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974, as amended by section 1, Legislative Bill 13, Eighty-fourth Legislature, First

Session, 1975, and as amended by section 13, Legislative Bill 537, Eighty-fourth Legislature, First Session, 1975, relating to appropriations; to increase certain cash and revolving fund appropriations; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson
Duis	Dworak	Fowler	Goodrich	Hasebroock
Kelly	Keyes	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Chambers	DeCamp	Fitzgerald	George	Johnson
Kennedy	Koch	F. Lewis	Maresh	Skarda

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 123. Mr. Warner moved the adoption of the DeCamp motion to return to Select File for the following specific amendment:

1. On page 2, insert a new section 1 to read as follows:

"Section 1. (1) The Legislature hereby declares that it is the intent and purpose of this act to provide additional financial assistance to carry out the provisions of the School Foundation and Equalization Act.

(2) The purpose of this act is to assure the availability of adequate funds to meet the funding requirements of sections 79-1330 to 79-1344 and the provision of Legislative Bill 368, Eighty-fourth Legislature, First Session, 1975.".

2. On page 6, line 1 strike "applicable" and

13 insert "effective after the passage and approval of
14 Legislative Bill 368 and 368A, Eighty-fourth Legislature, First
15 Session, 1975,".

The motion lost with 2 ayes, 38 nays and 9 not voting.

With Emergency.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1974, relating to revenue and taxation; to increase the corporate income tax 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, 31:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Kelly
Keyes	Kime	Koch	Mahoney	Marsh
Marvel	Moylan	Rasmussen	Rumery	Savage
Simpson	Skarda	Stull	Swigart	Syas
Warner				

Voting in the negative, 13:

Burbach	Cope	Dickinson	Duis	Kremer
R. Lewis	Luedtke	Mills	Murphy	Nichol
Schmit	Stoney	Wiltse		

Not voting, 5:

DeCamp	Johnson	Kennedy	F. Lewis	Maresh

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Keyes

Kime	Koch	F. Lewis	Mahoney	Marsh
Marvel	Moylan	Rumery	Savage	Simpson
Skarda	Stull	Swigart	Syas	Warner

Voting in the negative, 13:

Burbach	Cope	Dickinson	Duis	Kelly
Kremer	R. Lewis	Luedtke	Mills	Murphy
Schmit	Stoney	Wiltse		

Not voting, 6:

DeCamp	Johnson	Kennedy	Maresh	Nichol
Rasmussen				

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

GENERAL FILE

LEGISLATIVE BILL 328. Considered.

Mr. F. Lewis offered the following amendment:
At least 10% of all highway safety funds shall be used for motorcycle safety.

Mr. F. Lewis asked unanimous consent to bracket LB 328 with his amendment until January 15, 1976.

Mrs. Marsh objected.

Mr. F. Lewis moved to bracket LB 328. The motion lost with 11 ayes, 22 nays and 16 not voting.

Mr. F. Lewis requested his amendment be withdrawn.

Speaker Burbach moved for a Call of the House on advancing LB 328. The motion prevailed with 27 ayes, 7 nays and 15 not voting.

Speaker Burbach moved the Call be raised. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 26 ayes, 11 nays and 12 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Rasmussen asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 589. Title read. Considered.

Mr. Duis offered the following amendment:
To delete F. Lewis amendment to LB 589 which inserted the word "individual" after the word "total" Line 17 page 4.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 24 ayes, 10 nays and 15 not voting.

Mr. F. Lewis moved the Call be raised. The motion lost with 19 ayes, 21 nays and 9 not voting.

Mr. Dickinson requested a roll call vote in the Duis Amendment.

Mr. Mills moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Voting in the affirmative, 26:

Barnett	Carsten	Clark	Cope	Dickinson
Duis	Dworak	George	Hasebroock	Kelly
Kime	Koch	Kremer	R. Lewis	Luedtke
Marsh	Murphy	Nichol	Rasmussen	Rumery
Schmit	Simpson	Stoney	Stull	Warner
Wiltse				

Voting in the negative, 19:

Anderson	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	Fitzgerald	Fowler	Goodrich	Keyes
F. Lewis	Mahoney	Marvel	Mills	Moylan
Savage	Skarda	Swigart	Syas	

Not voting, 4:

DeCamp	Johnson	Kennedy	Maresh

The Duis amendment was adopted with 26 ayes, 19 nays and 4 not voting.

Mr. F. Lewis moved to indefinitely postpone.

Mr. F. Lewis requested his indefinitely postpone motion be withdrawn.

Mr. Duis moved to reconsider action on his amendment adopted today.

Mr. Chambers 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 Duis motion to reconsider action on his amendment prevailed with 28 ayes, 9 nays and 12 not voting.

Mr. Duis asked unanimous consent to withdraw his amendment.

Mr. Warner objected.

Mr. Duis moved to withdraw his amendment.

Mr. F. Lewis 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 motion to withdraw the Duis amendment prevailed with 28 ayes, 14 nays and 7 not voting.

Laid over temporarily.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 123 and 598.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 123 and 598.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 237. Placed on Select File as amended.
E & R amendments to LB 237:

1. Strike original sections 1 to 38.

2. In committee amendments, page 1, redesignate subdivisions in section 2 as subdivisions (1) to (5); and in line 24 strike "service" and insert "sections".

3. In committee amendments, page 2, line 3 strike "a person" and strike line 4 and insert "an alcoholic as

defined in subdivision (2) of this section;"; and in line 26 strike the period and insert an underscored semicolon.

4. In committee amendments, page 4, strike beginning with "Director" in line 1 through "director" in line 3 and insert "director, the Director of Public Institutions"; and in section 5 renumber subsection (1) as subsection (3) and subsections (2) and (3) as subsections (1) and (2).

5. In committee amendments, page 5, insert "the" at the end of line 1.

6. In committee amendments, page 7, strike line 1 and insert "program or"; in line 11 strike the comma; in line 15 strike "such petition" and insert "a petition for judicial rehabilitation"; and insert an underscored comma at the end of line 16.

7. In committee amendments, page 8, insert an underscored comma after "hearing" in line 5; strike the comma in line 6; in line 7, strike "10" and insert "12"; and in line 21 strike "and" and insert "or".

8. In committee amendments, page 9, line 9, insert "a" after "informal"; and in line 19, insert an underscored comma after "cause".

9. In committee amendments, page 12, line 23 strike "auditor" and insert "clerk"; in line 24 strike "this" and insert "the"; in line 26 strike "auditor to whom this" and insert "county board of the county to which the"; and in line 27 strike "he" and insert "the county clerk" and strike "his" and insert "the board's".

10. In new section 27, lines 8 and 9 strike the comma; in line 11 strike "these" and insert "such"; and strike lines 12 and 13 and insert "who shall submit his voucher to the Director of Administrative Services for issuance of his warrant directly to the county or counties entitled to payment.".

11. In committee amendments, page 14, line 4, insert an underscored comma after "representation"; in line 10 strike "; Provided, that this provision" and insert ". This section"; in line 11 insert "of" after "equity"; and in line 21 strike "index" and insert "indexes".

12. In committee amendments, page 15, line 4, strike "30" and insert "32".

13. In committee amendments, page 16, line 1, insert "upon application for such writ".

14. In committee amendments, page 17, line 5, strike "offense" and insert "offenses"; and in line 13 strike "act" and insert "section".

15. In the title, line 3, insert "to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943; to increase taxes on alcoholic liquors;" after the semicolon; and in line 5 insert "the original section, and also" after "repeal".

LEGISLATIVE BILL 237A. Placed on Select File.

LEGISLATIVE BILL 142. Placed on Select File as amended.
E & R amendments to LB 142:

1. Because of the Warner amendment 1 found on page 1831 of the Journal, strike the Syas amendment.

2. For correlation purposes, on page 2, line 2, insert ", as amended by section 1, Legislative Bill 195, Eighty-fourth Legislature, First Session, 1975" after "1943"; and after the fourth comma in line 12 and at the end of line 14, insert "raccoon, opossum,".

3. Pursuant to the Warner amendment to the Syas amendment, in new section 4, line 5, insert ", or at any bird," after "act".

4. In lieu of the Mills amendment, on page 6, line 3, insert "or shoots at any mourning dove that is not flying," after the first comma.

5. In new section 4, insert a period at the end of the last line as in the Statutes.

6. For correlation purposes, in new section 4, line 2, insert ", as amended by section 1, Legislative Bill 220, Eighty-fourth Legislature, First Session, 1975" after "1974"; and strike beginning with "with" in line 10 through "nothing" in line 12 and insert "by projecting or casting the rays of a spotlight, headlight, or other artificial light attached to or used from a vehicle, in any field, pasture, woodland, forest, prairie, or other area which may be inhabited by wild animals or birds, while having in possession or control, either singly or as one of a group of persons, any firearm or bow and arrow. Nothing".

7. On page 6, strike lines 19 to 21 as amended and insert:

"Sec. 5. That original sections 37-307 2 and 37-308, Reissue Revised Statutes of Nebraska, 1943, 3 section 37-101, Reissue Revised Statutes of Nebraska, 4 1943, as amended by section 1, Legislative Bill 195, 5 Eighty-fourth Legislature, First Session, 1975, and 6 section 37-501, Revised Statutes Supplement, 1974, as 7 amended by section 1, Legislative Bill 220, Eighty- 8 fourth Legislature, First Session, 1975, are repealed.".

8. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to amend section 37-307 and 37-308, Reissue Revised Statutes of Nebraska, 1943, section 37-101, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 195, Eighty-fourth Legislature, First

Session, 1975, and section 37-501, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 220, Eighty-fourth Legislature, First Session, 1975,";
and in line 5 insert "to make certain acts unlawful;" after the semicolon.

LEGISLATIVE BILL 325. Placed on Select File as amended.
E & R amendments to LB 325:

1. In committee amendment 2, line 12, strike "a" and strike "committee" and insert "committees"; in line 14, strike "subsection" and insert "subdivision"; and in line 18 strike the first comma.

2. On page 3, line 6, strike the comma; and in line 18 strike "devises" and insert "devices".

3. In lieu of the Syas amendment, in new section 3, strike line 2 and insert "session by the affirmative vote of a majority of its elected or appointed members".

4. On page 5, line 1, strike the comma; and in line 26 strike the second comma.

5. In committee amendment 4, lines 12 and 13, strike "by written copying" and insert "in writing".

6. In the title, line 7, insert to provide remedies; to provide a penalty;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 1975 at 1:45 p.m., were the following bills: 603, 606, 599, 449, 311, 430,423, 342, 340, 215A, 141, and 215.

(Signed) Barbara Jackson, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 589. Considered.

Mr. Warner offered the following amendment:
Amend page 6 line 10 strike "13" and insert twelve.

Mr. Warner moved for a Call of the House. The motion prevailed with 24 ayes, 7 nays and 18 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

The Warner amendment was adopted with 26 ayes, 13 nays and 10 not voting.

Speaker Burbach offered the following amendment:
1. On page 5, line 9 after "within" insert "fifteen days after the adjournment of each regular session of the Legislature, within"; and in line 26 after "such" insert "regular or".
2. On page 6 strike lines 8 to 10 and show the old matter as stricken.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

PRESIDENT'S BIRTHDAY

Mr. Fitzgerald announced yesterday was President Whelan's birthday.

GENERAL FILE

LEGISLATIVE BILL 380. Title read. Considered.

Standing Committee amendments found in the Journal on page 1023 for the Fifty-first Day were adopted with 25 ayes, 0 nays and 24 not voting.

MR. SAVAGE PRESIDING

Advanced to E & R for Review with 25 ayes, 4 nays and 20 not voting.

LEGISLATIVE BILL 213. Title read. Considered.

Standing Committee amendments referred to on page 1013 in the Journal for the Fifty-first Day were considered.

Mr. Fowler 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 Standing Committee amendments were adopted with 26 ayes, 4 nays and 19 not voting.

Mr. Bereuter offered the following amendment:
To add the emergency clause to LB 213.

The amendment was adopted with 25 ayes, 6 nays and 18 not voting.

Mr. Bereuter moved to advance LB 213.

Mrs. Marsh 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. Bereuter moved for a Call of the House. The motion prevailed with 26 ayes, 2 nays and 21 not voting.

Mr. Bereuter requested a record vote.

Mr. Schmit moved the Call be raised. The motion prevailed with 18 ayes, 17 nays and 14 not voting.

Mr. Mills requested a roll call vote on advancing LB 213.

Voting in the affirmative, 23:

Anderson	Bereuter	Burbach	Cope	Fowler
George	Hasebroock	Kelly	Kremer	Luedtke
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Savage	Simpson	Skarda	Stull
Swigart	Syas	Warner		

Voting in the negative, 19:

Barnett	Burrows	Carsten	Cavanaugh	Chambers
Dickinson	Duis	Dworak	Fitzgerald	Goodrich
Keyes	Kime	Koch	F. Lewis	R. Lewis
Mahoney	Rumery	Schmit	Stoney	

Not voting, 7:

Clark	DeCamp	Johnson	Kennedy	Maresh
Rasmussen	Wiltse			

LB 213 failed to advance to E & R for Review with 23 ayes, 19 nays and 7 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 1975, at 5:13 p.m., was the following bill: 598.

(Signed) Emory Burnett, E & R Attorney

MESSAGE FROM THE GOVERNOR

May 15, 1975

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

Dear Mr. President and Senators:

I return herewith again, without my signature, and with my same objections, this year's version of the Legislature's unwarranted attempt to again dictate methods of election of school board members in the Omaha school district, this time known as LB 423.

This year your body has even rejected an amendment to allow the citizens of the Omaha School District to vote and determine for themselves the method of selection of their school board members.

You have ignored again my suggested reasonable compromise of guaranteeing geographical distribution of members by the use of the process of nominating by districts only in the primary and electing at large, but from each district, in the general election.

With the deletion of only one sentence that does not apply this year from my veto message of LB 217 last year, following herewith, I further outline my objections.

> "I return herewith LB 217 without my signature and with my objections.
>
> With this legislation, you have singled out the citizens of only one of our Nebraska cities for special legislation to the exclusion of all others. Again, you have ignored the oft-expressed wishes of Omaha voters and have attempted to usurp their legitimate local decisions.
>
> Once again I state that if the Legislature feels so strongly about district elections, why did you not include the Lincoln and similar sized school districts in such legislation? Although I personally favor district elections, I believe that they should generally be statewide if we are to attempt to dictate at the state level to subdivisions in such matters. I hope that you will concur that this is unfair legislation as passed since it is obviously directly aimed at only one school district in the entire state.
>
> In this regard, I have always held that the more reasonable approach to the district or at large elections should logically be a combination of the two. That is, district nomination of at least two candidates in the primary elections by voters in the district only and then at large elections of one candidate from each district in the general elections."

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Hold LB 123

Speaker Burbach asked unanimous consent to hold LB 123.

Mr. F. Lewis objected.

Speaker Burbach moved to hold LB 123 until tomorrow.

Mr. Goodrich 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 Burbach motion to hold LB 123 lost with 21 ayes, 11 nays and 17 not voting.

MOTION—Reconsider Action on LB 368A

Mr. Dickinson moved to reconsider our action in failing to enact LB 368A into law on Final Reading.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 567. Title read. Considered.

Standing Committee amendments found in the Journal on page 1029 for the Fifty-second Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Anderson moved the adoption of the following DeCamp amendments:

1. On page 4, after line 19 insert new subsection (3) as follows:

"(3) While the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld and restored by the Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of his parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director.".

2. Renumber original subsection (3) as subsection (4).

3. On page 5, line 7 strike "department" and insert "Department of Correctional Services"; in line 8 after "by" insert "the chief executive officer of the facility with the approval of"; and after line 9 insert "(3) While

the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld and restored by the Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of his parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director.".

The DeCamp amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mrs. Marsh 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 Review with 26 ayes, 2 nays and 21 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 1975 at 6:25 p.m. was the following bill: LB 123.

(Signed) Emory P. Burnett
E & R Attorney

VISITORS

The President introduced 9 Scouts, 2 little girls and 2 sponsors from Den No. 2, Cub Scouts-Pack 18, Westminister Presbyterian Church; 35 seventh and eighth grade students from Dodge, Nebr; 10 fourth grade students from Bradshaw, Nebr.

ADJOURNMENT

Speaker Burbach moved to adjourn until 8:00 a.m.

Mrs. Marsh moved to amend the motion to adjourn until 9:00 a.m.

The Marsh motion prevailed and at 6:41 p.m., the Legislature adjourned until 9:00 a.m., Friday, May 16, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 16, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Just now we come to the final session in yet another week, O Lord our God, as the process of legislation continues to run its course, hour after hour, day by day, week in – week out; and while we may feel somewhat fatigued and frustrated by now, yet are we still challenged by the privilege of being part of things that are happening for good in our times.
>
> Bless us in our work here this day; in our travels upon the conclusion of today's work; in our homes this weekend. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused and Mr. Wiltse who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-third Day was approved.

MESSAGE FROM THE GOVERNOR

May 16, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legisaltive Bills Nos. 123, 311, 340,342, 449, and 599.

These bills were signed by me on May 15, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTION—Suspend Rules

Speaker Burbach moved to suspend the rules and consider on Final Reading 212, 305, 344, 571, 571A, 604, 609, 610, 611, 612 now set for Monday, May 19th, today, May 16th.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

INVITATION

Mr. Rumery invited all members and families to attend Nebraskaland Day's in North Platte, Nebraska on June 15 to June 22, 1975.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 417.

A BILL FOR AN ACT relating to the Department of Correctional Services; to create divisions within the department; to provide and transfer functions, powers, duties, and responsibilities as prescribed; to harmonize provisions; to provide for a community-based pilot project in Omaha; to authorize the establishment of jail standards; to provide for the construction of certain facilities; to provide for planning; to amend sections 47-106, 47-110, 47-111, 47-104, 83-1,137, 83-1,138, 83-1,139, and 83-4,103, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1,105 and 83-1,136, Revised Statutes Supplement, 1974; and to repeal the original sections.

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

Voting in the affirmative, 38:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Fitzgerald	Fowler	Goodrich	Johnson
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Syas	Warner		

Voting in the negative, 6:

Burbach	Dickinson	Dworak	Hasebroock	Kelly
Swigart				

Not voting, 5:

George	Kennedy	Murphy	Skarda	Wiltse

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

LEGISLATIVE BILL 417A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 417, Eighty-fourth Legislature, First Session, 1975.

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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Fitzgerald	Fowler	Goodrich	Johnson
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Nichol	Rasmussen	Savage
Schmit	Simpson	Stoney	Stull	Syas
Warner				

Voting in the negative, 6:

Burbach	Dickinson	Dworak	Kelly	Kime
Swigart				

Not voting, 7:

George	Hasebroock	Kennedy	Murphy	Rumery
Skarda	Wiltse			

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

LEGISLATIVE BILL 605. With Emergency.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period July 1, 1975 to June 30, 1976; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Syas	Warner	

Voting in the negative, 1:

F. Lewis

Not voting, 4:

Anderson	Murphy	Skarda	Wiltse

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 607. With Emergency.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period July 1, 1975 to June 30, 1976; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Mills	Murphy	Skarda

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 212.

A BILL FOR AN ACT to amend section 42-371, Reissue Revised Statutes of Nebraska, 1943, and section 42-358, Revised Statutes Supplement, 1974, relating to husband and wife; to provide for enforcement of child support decrees as prescribed; to provide for the release of liens; to provide duties; to provide for removal from office; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Keyes

Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Chambers	DeCamp	Kennedy	Mills	Nichol
Skarda				

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

LEGISLATIVE BILL 305.

A BILL FOR AN ACT to amend section 60-1704, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle inspections; to increase and change the distribution of fees; to provide an exception; 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, 26:

Burbach	Carsten	Clark	Cope	Duis
Fowler	George	Hasebroock	Johnson	Kelly
Koch	Kremer	R. Lewis	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Schmit	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 20:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Dickinson	Dworak	Fitzgerald	Goodrich
Kennedy	Keyes	F. Lewis	Luedtke	Mahoney
Marvel	Savage	Simpson	Stoney	Syas

Not voting, 3:

DeCamp	Kime	Skarda

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

MOTION—Return LB 344 to Select File

Mr. Barnett moved to return LB 344 to Select File for the following specific amendment:

Amendment to LB 344 Final Reading

Strike the Barnett amendment of Sec. 10 and insert the following:

1. On page 10, line 7 strike "State Department of Education" and insert "boards"; lines 9 and 10, strike "and the Emergency Medical Training Program"; lines 11 and 12 strike "programs shall be transferred to the State Department of Education" and insert "program may be used by the boards"; line 13 after "out" strike "its" and insert "their", and after the period strike "The State Department"; strike lines 14 through 17.

The motion prevailed with 36 ayes, 0 nays and 13 not voting.

SELECT FILE

LEGISLATIVE BILL 344. The Barnett specific amendment found in this day's Journal was adopted with 39 ayes, 0 nays and 10 not voting.

Advanced to E & R for Re-Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 59.

Introduced by Warner, 25th District.

WHEREAS, it is essential to proper governmental function that public officials and employees be independent and impartial, that governmental decisions and policy be made in the proper channels of governmental structure, that public officials and employees not use their position for private gain other than provided by law, and that there be public confidence in the integrity of government; and

WHEREAS, most positions in state government are governed by a code of ethics to achieve their goals; and

WHEREAS, such codes are a desirable method of establishing and enforcing guidelines for the conduct of state business; and

WHEREAS, the Legislative Council and its employees are not as yet governed by such a code of ethics.

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

1. That an interim study be performed to develop a code of ethics for the Legislative Council and its employees.

2. That the results of this study be presented to the next regular session of the Legislature as a proposed code of ethics.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 60.

Introduced by F. Lewis.

WHEREAS, the primary responsibility for public education lies with the individual states; and

WHEREAS, Nebraska is committed to the delivery of quality post-secondary educational services to all citizens of the state; and

WHEREAS, post-secondary education in Nebraska is at a crossroads in its funding structures and many questions have been raised regarding its coordination and governance; and

WHEREAS, changes in the coordination or governance of post-secondary education are premature unless the proposed structure is a reflection of state policy; and

WHEREAS, information upon which to base state policy decisions is often incomplete or totally unavailable.

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

1. That the Executive Board of the Legislature designate the Education Committee to conduct an interim study on post-secondary education.

2. That the committee is instructed to investigate the following subjects:

(a) Identification of ways coordination of post-secondary education program does or would exist;

(b) The state's relationship to post-secondary education;

(c) The needs of state scholarship programs and other financial aids;

(d) The identification of more specific missions for public post-secondary institutions;

(e) The effects of predicted future enrollment decreases or phase down programs;

(f) The need for merger of state colleges and the University and a single governing board for these institutions;

(g) Development of a plan for meeting the post-secondary needs of the Omaha metropolitan area;

(h) Tuition policies in all post-secondary education programs;

(i) The nature of post-secondary education resources in Nebraska;

(j) The college choice patterns of students; and

(k) A plan for moving toward a statewide management information system program.

3. That the committee report its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 61.

Introduced by F. Lewis, 45th District.

WHEREAS, the State of Nebraska affirms its desire to provide maximum educational opportunity to its citizens;and

WHEREAS, facilities do not exist in the state to provide such opportunity in every field of postsecondary, post-graduate, and professional study; and

WHEREAS, facilities which are lacking in Nebraska do exist in neighboring states, just as Nebraska offers programs which other states do not; and

WHEREAS, reciprocal agreements between states with complementary programs seem to furnish a logical solution to this inequality while maximizing the facilities of participating states; and

WHEREAS, the State of Nebraska has met with considerable success in several reciprocal agreements for the education of veterinarians.

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

1. That an interim study be conducted to assess the current standing of reciprocal agreements for education, and to assess the need for and feasibility of further such agreements.

2. That at the conclusion of the study a report of the findings, together with any recommendations, be made to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 62.

Introduced by Rasmussen, 41st District.

WHEREAS, the State of Nebraska employs a large number of persons; and

WHEREAS, the State of Nebraska greatly encourages the personal job development of all of its employees; and

WHEREAS, the employees themselves strive to better their jobs and themselves; and

WHEREAS, the State of Nebraska has many job openings; and

WHEREAS, the State of Nebraska has no formal procedure of posting of jobs for the information of all employees working for the state.

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

1. That the Governmental, Military and Veterans Affairs Committee hold an interim study on state promotional policies examining at:

(a) Promotion from within an agency;

(b) Promotion from within other state agencies; and

(c) Promotion of those employees who have served the state in the dedicated and meritorious manner for the longest period of time.

2. That the study look at possible incentives to encourage employees to become career employees and to further their education whether such education be vocational education, post-secondary education or job related seminars.

3. That the Governmental, Military and Veterans Affairs Committee shall consult with the State Director of Personnel on these matters and shall report to the Legislature their findings, progress and proposed appropriate legislation at the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 63.

Introduced by Fowler, 27th District.

WHEREAS, the Nebraska Legislature has directed that local communities prepare comprehensive plans for their area development; and

WHEREAS, the State of Nebraska and its agencies undertake public projects which may effect the development of the areas covered by the comprehensive plan, such as construction of highways, construction of state buildings, sales and purchases of land and establishment of other state facilities.

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

1. That the Nebraska Legislature's Urban Affairs Committee study the procedures used by the state in locating public facilities.

2. That the Urban Affairs Committee shall analyze the manner in which state decisions are coordinated with local comprehensive plans and evaluate possible mechanisms for public involvement in those decisions.

3. That the Committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Member Excused

Mr. Moylan asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 74. Replaced on Select File as amended.
E & R amendment to LB 74:

1. In E & R 5, strike beginning with "line" in line 1 through "in" in line 3.

(Signed) Donald N. Dworak, Chairman

MOTION—Reconsider Action on LB 368A

Mr. Dickinson renewed his pending motion found in the Journal on page 1879 for the Eighty-third Day to reconsider action on Final Reading of LB 368A.

The motion prevailed with 30 ayes, 6 nays and 13 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 368A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 368, Eighty-fourth Legislature, First Session, 1975.

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:

Burbach	Carsten	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Hasebroock	Johnson	Keyes	Kime
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Marsh	Mills	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 12:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Dworak	Goodrich	Kelly	Kennedy	R. Lewis
Maresh	Marvel			

Not voting, 3:

Moylan	Murphy	Skarda

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

SELECT FILE

LEGISLATIVE BILL 237. E & R amendments found in the Journal on page 1872 for the Eighty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 237A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 142. E & R amendments found in the Journal on page 1874 for the Eighty-third Day were adopted.

Mr. Chambers moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 74. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 472 to Select File

Mr. F. Lewis moved to return LB 472 to Select File for the following specific amendment:

1. On page 2, insert the following:
"Section 1. That section 81-1108.41, Revised Statutes Supplement, 1974, be amended to read as follows:
81-1108.41. (1) The Legislature may make appropriations for the planning, design, or construction of a new facility or the major modification or repair of an existing facility even if no program statement or contract is on file or approved. Such appropriations shall not be expended until the provisions of subsection (2) of this section have been complied with.
(2) No contract for the planning, design, or construction of a new facility or major modification or repair of an existing facility provided for by any state appropriation may be initiated unless an acceptable program statement has been approved by the Governor and the conditions of the contracts are approved in writing by the Governor; Provided, that the provisions of this section shall not apply to projects whose total design and construction cost is less than fifty thousand dollars. Such program statements and contracts shall be reviewed by the division. The division shall file a written report on each program statement and contract

reviewed with the Governor and the Executive Board of the Legislative Council. This report shall cover the consistency of the project with the agency or department six-year plan for capitol construction. A subsequent review and report upon cpmpletion of the planning or design phase of the project shall indicate the compatibility of the project with the agency or department six-year plan for capital construction, compare the probable cost of the project with accepted cost standards for similar construction projects, and review the relationship of the project to other state agency or departmental capital facilities in the same complex. The Director of Administrative Services may delegate the division duties of reviewing contracts and filing of reviews and reports with respect to any state agency or department to one or more persons within such agency or department if he shall find that, in order to achieve compliance with the provisions of sections 81-1108.09 and 81-1108.41 to 81-1108.43, such delegation is in the best interests of the State of Nebraska.".

2. On page 6, line 12 strike "is" and insert "and section 81-1108.41, Revised Statutes Supplement, 1974, are".

3. Renumber remaining sections accordingly.

The motion lost with 8 ayes, 18 nays and 23 not voting.

UNANIMOUS CONSENT–Withdraw motion on LB 142

Mr. Chambers asked unanimous consent to withdraw his motion to indefinitely postpone LB 142 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 142. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 288

Mr. Luedtke asked unanimous consent to unbracket LB 288 on E & R Final. No objections. So ordered.

MOTION–Return LB 288 to Select File

Mr. Luedtke moved to return LB 288 to Select File for the specific amendment referred to in the Journal on page 1508 for the Seventy-first Day.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 288. The Luedtke specific amendment referred to in the Journal on page 1508 for the Seventy-first Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 212, 305, 417, 417A, 605, and 607.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 212, 305, 417, 417A, 605, and 607.

UNANIMOUS CONSENT—Withdraw Request on LB 368

Mr. Simpson asked unanimous consent to withdraw his request to hold LB 368. No objections. So ordered.

UNANIMOUS CONSENT—Change of Order

Mr. Kime asked unanimous consent to consider LB 557 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 557. Title read. Considered.

Standing Committee amendments found in the Journal on page 1021 for the Fifty-first Day were considered.

Mr. Maresh offered the following amendment to the Standing Committee amendments:

(1) On page 2, after line 8, insert:

"Claim No. 11, against the Department of Education,
pay to Superintendent, Republican City Schools,

(Robert Wedge), Republican City, Nebraska, 68971, out of the General Fund 204.00
Claim No. 11, against the Department of Education, pay to Treasurer, McPherson County School District No. 59, (Mary Schmidt), Tryon, Nebraska, 69167, out of the General Fund 200.00

(2) On page 2, after line 23, insert:
"Claim No. 34, against the Department of Education, pay to Superintendent, Crawford City Schools, (Dr. R. L. Ellsworth), Sixth and Coates Streets, Crawford, Nebraska, 69339, out of the General Fund 810.00".

The amendment was adopted with 24 ayes, 1 nay and 24 not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 26 ayes, 2 nays and 21 not voting.

LEGISLATIVE BILL 339. Mr. Cope asked unanimous consent to bracket until January 14, 1976. No objections. So ordered.

LEGISLATIVE BILL 453. Title read. Considered.

Standing Committee amendments referred to on page 1558 for the Seventy-third Day were adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

POINT OF PERSONAL PRIVILEGE

Messrs. DeCamp and Maresh reported on their trip to California regarding the Vietnam doctor situation.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 74, 74A, 140, 189, 410, and 577.

Correctly Enrolled

The following bills were correctly enrolled: 368 and 368A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 368 and 368A.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 16, 1975, at 11:25 a.m., were the following bills: 305, 212, 607, 605, 417A, and 417.

(Signed) Barbara Jackson, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 279. Title read. Considered.

Mr. Luedtke offered the following amendment:

1. On page 5, line 19 strike "The" and insert "In a civil action or proceeding the"; line 20 strike "established" and insert "conclusive"; and in line 21 strike "court" and insert "judge".

2. On page 7, line 21 after "Nebraska" insert "which are not in conflict with laws governing such matters".

3. On page 10, line 24 after "criminal" insert "action, case, or"; and in line 25 after the period insert "This rule shall not apply to the introduction of voluntary and reliable statements made in court on the record in connection with any of the foregoing pleas or offers where offered for impeachment purposes or in a subsequent prosecution of the declarant for perjury or false statement.".

4. On page 11, line 11 after "Nebraska" insert "which are not in conflict with laws governing such matters".

5. On page 25, line 7 strike "is admissible" and insert "shall be admitted if elicited from him or established by public record during cross-examination,"; and in line 14 strike "his most recent" and insert "such".

6. On page 26, strike beginning with "a" in line 9 through "examination." in line 13; in line 22 strike "In"; and strike lines 23 to 25 and insert "When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions.".

7. On page 28, line 26 strike "on" and insert

"or".

8. On page 29, line 18 after "53." insert "(1)"; after line 23 insert:

"(2) In civil cases a party may through interrogatories require any other party to identify each person whom the other expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.".

9. On page 31, line 16 before the comma insert "and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition".

10. On page 32, line 6 strike "The" and insert "Subject to the provisions of section 13 of this act the".

11. On page 37, line 9 strike "comparable" and insert "equivalent"; and in line 10 after "trustworthiness" insert ", if the court determines that (a) the statement is offered as evidence of a material fact; (b) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (c) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence. A statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the particulars of it, including the name and address of the declarant".

12. On page 38, line 7 strike "The" and insert "Subject to the provisions of section 13 of this act the", in line 25 after "another" insert a "," and strike the remainder of the line; and in line 26 strike "hatred, ridicule, or disgrace,".

13. On page 39, line 19 strike "comparable" and insert "equivalent"; and in line 20 after "trustworthiness" insert ", if the court determines that (i) the statement is offered as evidence of a material fact; (ii) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (iii) the general purposes of these rules and the interests of justice will best be served by admission of the state-

ment into evidence. A statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the particulars of it, including the name and address of the declarant".

14. On page 42, line 9 after "Court" insert "which are not in conflict with laws governing such matters".

15. On page 44, line 5 after "Nebraska" insert "which are not in conflict with laws governing such matters".

16. On page 48, line 22 after "examinations" insert "or hearings"; and in line 26 strike "or".

17. On page 49, line 1 after "(c)" strike the remainder of the line; in line 2 strike "the Small Claims Court, or contested" and insert "Contested"; and in line 6 after "court" insert "; or

(d) The Nebraska Workmen's Compensation Court and the Small Claims Court".

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 16, 1975, at 11:55 a.m., were the following bills: 368 and 368A.

(Signed) Barbara Jackson, Enrolling Clerk

VISITORS

The President introduced 16 fourth grade students and sponsors from Clay Center, Nebraska; 30 seventh and eighth grade students and sponsors from Hildreth, Nebraska; 48 fourth grade students and ten sponsors from Park School, Plattsmouth, Nebraska; 9 students and teacher, Jean Lewis and mayor, Mrs. Thayer from Merriman, Nebraska.

RECESS

At 12:00 noon, on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Moylan and Skarda who were excused.

ATTORNEY GENERAL'S OPINION

Opinion No. 87
May 8, 1975

Dear Senator DeCamp:

You have raised some question as to the constitutionality or enforceability LB 317 and have requested our opinion of the matter.

Section 1 on the bill contains a provision to the effect that cities of the first class, cities of the second class and villages within a standard metropolitan statistical area shall lose their land use planning and regulatory power if they are not, by July 1, 1971, "enforcing zoning and subdivision regulations in a manner that the state agency (Office of Planning and Programming) determines to be adequate." That section further provides that when an additional county is added to a standard metropolitan statistical area any municipality therein shall lose its land use planning and regulatory power if, within one year, the municipality "does not begin adequate regulatory programs, as determined by the State Office of Planning and Programming acting under Section 6 of this act."

Section 2 provides that other counties which contain first class cities shall prepare a comprehensive development plan, shall adopt zoning and subdivision regulations, and shall begin an organized and staffed program to enforce such zoning and subdivision regulations in such a manner "that the State Office of Planning and Programming, acting under authority granted by Section 6 of this act, determines to be adequate."

Section 3 provides that second class cities and villages which are receiving county assistance in the enforcement of their individual zoning and subdivision regulations may terminate such service arrangement only "when it demonstrates to the State Office of Planning and Programming that it has the intention and capabilities to provide adequate regulatory programs." Section 4 provides that newly incorporated municipalities shall have no land use planning and regulatory power if located within a county that is currently exercising zoning and subdivision regulatory powers at the time. However, the section goes on to provide that whenever such a newly organized municipality becomes a city of the first class it may then regain land use planning and regulatory authority and that if the

city implements enforcement of zoning and subdivision regulations "in a manner deemed adequate by the State Office of Planning and Programming, acting under Section 6 of this act, the county shall relinquish its control."

Section 7 provides that the State Office of Planning and Programming "shall assess a municipality's regulatory intentions and capabilities as required by Section 3 of this act, and render a decision whether they are satisfactory and adequate to permit the municipality to terminate its involvement in an existing county or intergovernmental enforcement program."

Nowhere in the act are there any guidelines upon the basis of which the Office of Planning and Programming shall make the determinations provided for in the portions of the bill above quoted. In Lincoln Dairy Company v. Finigan, 170 Neb. 777, the Nebraska Supreme Court said:

> "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."

In view of this ruling by the Nebraska court, we believe it would be quite difficult to defend this bill against an attack upon its validity.

Although not a matter of constitutional dimensions, we note no provision in the bill for any appeal from an adverse ruling by the State Office of Planning and Programming. The right of appeal in this state is clearly statutory, and unless the statute provides for an appeal from the decision of a quasi-judicial tribunal such right does not exist. Lydick v. Johns, 185 Neb. 717.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS: ss
cc Mr. Vincent D. Brown
Clerk of the Legislature
Senator Douglas Bereuter

COMMUNICATION

Acknowledged receipt of report of Nebraska Coordinating Council for the Handicapped. (Copies on file in the Clerk's Office)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 604. With Emergency.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period of July 1, 1975 to June 30, 1976; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Kelly	Keyes	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Wiltse

Voting in the negative, 1:

Warner

Not voting, 8:

Cavanaugh	Chambers	Duis	Johnson	Kennedy
Kime	Moylan	Skarda		

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 609. With Emergency.

A BILL FOR AN ACT making appropriations and reappropriations for capital construction and improvements and land acquisitions; to provide conditions; to provide duties; to provide for lapsing; to amend sections 4 and 26, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974; 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, 33:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Cope	Dickinson	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Mills	Nichol	Rasmussen
Rumery	Savage	Schmit	Stoney	Stull
Swigart	Syas	Wiltse		

Voting in the negative, 12:

Barnett	Bereuter	Clark	DeCamp	Dworak
Kelly	Kennedy	R. Lewis	Marsh	Marvel
Simpson	Warner			

Not voting, 4:

Chambers	Moylan	Murphy	Skarda

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 610. With Emergency.

A BILL FOR AN ACT to make appropriations for certain agencies of state government for the period of July 1, 1975 to June 30, 1976; 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:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Cope	Dickinson	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kime	Koch	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Syas	Wiltse		

Voting in the negative, 6:

Cavanaugh	Clark	DeCamp	Dworak	Kennedy
Warner				

Not voting, 5:

Anderson	Kremer	Moylan	Murphy	Skarda

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 611. With Emergency.

A BILL FOR AN ACT relating to appropriations; to authorize and make appropriations for the preparation of program statements, capital construction, and land acquisition; 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, 33:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Chambers	Cope	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Mills	Nichol	Rasmussen
Rumery	Savage	Schmit	Stoney	Stull
Swigart	Syas	Wiltse		

Voting in the negative, 12:

Barnett	Bereuter	Clark	DeCamp	Dickinson
Dworak	Kelly	Kennedy	R. Lewis	Murphy
Simpson	Warner			

Not voting, 4:

Kime	Marvel	Moylan	Skarda

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 612. With Emergency.

A BILL FOR AN ACT to amend sections 68-703, 81-829.42, and 81-829.55, Revised Statutes Supplement, 1974, relating to the Nebraska Disaster and Civil Defense Act; to assent to the Disaster to provide powers and duties of the Governor, the state civil defense agency, and the Department of Public Welfare as prescribed; to appropriate and reappropriate funds for the Governor's Emergency Fund; 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, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Murphy	Nichol
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Hasebroock	Moylan	Rasmussen	Skarda

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 571 to Select File

Mr. Kelly moved to return LB 571 to Select File for the following specific amendment:

1. On page 2, line 3 after "a" insert "family practice"; in 16 after "training" insert "family practice".
2. On page 3, strike beginning with "two" in line 25 through "including" in line 26; and in line 26 after "forty-three" insert "residencies".
3. On page 4, line 2 strike "three hundred

seven residencies, including"; in line 3 after "fifty-five" insert "residencies"; in lines 5 and 6 strike "three hundred seventeen residencies, including"; in line 6 after "fifty-seven" insert "residencies"; in lines 9 and 10 strike "three hundred twenty residencies, including"; and in line 10 after "sixty" insert "residencies".

4. In the title, line 3 before "resident" insert "family practice".

MR. SAVAGE PRESIDING

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays and 17 not voting.

Mr. Kelly requested a roll call vote on his motion.

Voting in the affirmative, 25:

Anderson	Bereuter	Burrows	Carsten	Clark
Cope	DeCamp	Dickinson	Fowler	George
Hasebroock	Johnson	Kelly	Kime	Kremer
R. Lewis	Maresh	Marvel	Murphy	Nichol
Rasmussen	Rumery	Stull	Warner	Wiltse

Voting in the negative, 19:

Barnett	Burbach	Cavanaugh	Duis	Dworak
Fitzgerald	Goodrich	Koch	F. Lewis	Luedtke
Mahoney	Marsh	Mills	Savage	Schmit
Simpson	Stoney	Swigart	Syas	

Not voting, 5:

Chambers	Kennedy	Keyes	Moylan	Skarda

The Kelly motion to return LB 571 to Select File prevailed with 25 ayes, 19 nays and 5 not voting.

Mr. Anderson asked unanimous consent to be excused at 3:15 p.m. and Monday until he arrives. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 571. The Kelly 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, 1 nay and 22 not voting.

Mr. Kelly requested a roll call vote.

Voting in the affirmative, 15:

Bereuter	Burrows	Carsten	Fowler	Kelly
Kennedy	Kime	R. Lewis	Marvel	Murphy
Nichol	Rasmussen	Stull	Warner	Wiltse

Voting in the negative, 24:

Barnett	Burbach	Cavanaugh	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Koch	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Mills	Savage	Schmit
Simpson	Stoney	Swigart	Syas	

Not voting, 10:

Anderson	Chambers	Clark	Duis	Johnson
Keyes	Kremer	Moylan	Rumery	Skarda

The Kelly amendment lost with 15 ayes, 24 nays and 10 not voting.

Readvanced to Final Reading with 30 ayes, 2 nays and 17 not voting.

The Chair ruled LB 571 could not be read on Final Reading today.

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

AMENDMENT TO
LEGISLATIVE BILL 525 AS AMENDED

1. In the Standing Committee amendment to LB 525 on page 3 of the white copy, after line 21, insert the following:

"All Class A master and Class A journeyman licenses shall be mandatory and all special electrician, Class B master, Class B journeyman, and installer licenses shall be permissive.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 64.

Introduced by Public, Health and Welfare Committee: Kennedy, 21st District, Chairman; Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman.

WHEREAS, a crisis of major proportions threatens to disrupt the delivery of health care services in many parts of the country resulting from the skyrocketing costs of medical malpractice insurance and the increase in the number of insurance companies which refuse to provide it at all; and

WHEREAS, it is urgent that government begin immediately to seek long-term solutions of the problems involved to insure the continued availability of health care services to the people of this county; and

WHEREAS, the U.S. Senate Labor and Public Welfare Health Subcommittee has been holding hearings on three measures introduced in the Senate to mandate a national solution to the medical malpractice insurance crisis; which proposed federal remedies would (1) establish a federal no-fault malpractice insurance fund; (2) set federal requirements for state arbitration of malpractice claims, or (3) establish a federal reinsurance fund for malpractice claims open to states where arbitration was used; and

WHEREAS, opposition has already been expressed from several sources (doctors, trial lawyers, hospitals, Department of Health, Education and Welfare) to federal legislation in the belief the problems should be solved by the states, yet if the states do not respond, federal action will inevitably result; and

WHEREAS, some states have already begun to act as evidenced by the Indiana law just enacted which limits the size of malpractice claims and limits the liability of any one insurance carrier, and the initiation of a comprehensive study of the problem by the State of Iowa; and

WHEREAS, the problem is not a present as critical in Nebraska as it is in other areas and states, but it is spreading throughout the country and now is the time to make preparations to meet it.

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

1. That the Public Health and Welfare Committee and the Banking, Commerce and Insurance Committee begin a joint comprehensive study of the medical malpractice problem during the coming interim period to include the following:

(a) The problems faced by insurance companies as a result of the rising number of malpractice claims filed and claims paid;

(b) The effects on medical practitioners, and on the provision of health care services, resulting from the high cost of medical malpractice insurance or its unavailability;

(c) The prevailing legal doctrines applicable to the institution and settlement of medical malpractice suits;

(d) The role of medical associations, and state licensing boards in removing incompetent physicians from the practice of medicine;

(e) Problems and scope of the liability of hospitals, clinics, medical laboratories, and other providers of health care and related services as part of the overall problem of medical malpractice; and

(f) The present situation in Nebraska, the dimensions of the several facets of the problem in the state at this time, and those actions which should be instituted to forestall more serious problems in the future.

2. That the committees, upon completion of their study, report to the Legislature its findings, accompanied by recommendations of legislative or other actions which it determines should be instituted in Nebraska for the future protection of the health care delivery system.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 65.

Introduced by Rasmussen, 41st District; Burrows, 30th District; Dworak, 22nd District; F. Lewis, 45th District; Kelly, 35th District; George, 16th District; Maresh, 32nd District; Schmit, 23rd District.

WHEREAS, a regionally based veterinary school in Nebraska could be of great value to those engaged in veterinary studies.

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

1. That the Legislature express its wish that the regional veterinary school for the states of Nebraska, Montana, South Dakota, North Dakota, and Wyoming be placed on the University of Nebraska at Lincoln campus, or at one of its satelite stations.

2. That the Legislature express its interest in extending whatever cooperation may be required to bring about this result.

3. That the Clerk of the Legislature forward a copy of this resolution to Dr. Clarence Cole, consultant for the Old West Regional Commission.

Laid over.

LEGISLATIVE RESOLUTION 66.

Introduced by Mahoney, 5th District.

WHEREAS, the Nebraska Legislature and the State of Nebraska has been well served for the past three years by these Pages: Mike Brunkow, Kent Fillman, Connie Johnson, Linda McNaught, Chris Marquardt, Sharon Slepicka, Lori Smith, Mark Bertolini, Wilma Ennenga; and

WHEREAS, the Nebraska Legislature and the State of Nebraska has been well served for the past two years by these Pages: Delores Cleavenger,

Dean Cole, Ardys Avers Hoffmeyer, Mary Johnson, Erin Kelly, Janine Modde, Densel Rasmussen, Martha Rist, Cathy Smith, Judy Stevens, Chris Evans, Jody Parr, Matt Schudel, Darcy Secor, and

WHEREAS, these fine young men and women will not return to the Legislature next year.

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

1. That these young people have given devoted, intelligent, prompt and courteous service to the members of the Eighty-fourth Legislature and have assisted immeasurably in the daily legislative process.

2. That these young people by their cheerful and kind presence have lifted the spirits of each member of the Legislature and each and every Page listed in this Resolution has been a credit to the Legislature and the State of Nebraska.

3. That the Legislature knowing full well that these young people will succeed in their chosen fields of endeavor, the Legislature wishes them well in their future life and assures them that they will be sorely missed.

Laid over.

LEGISLATIVE RESOLUTION 67.

Introduced by F. Lewis.

WHEREAS, the Grand Generation television program was designed to improve communication between the various services provided to senior citizens and the older citizens of the State of Nebraska; and

WHEREAS, the Grand Generation television program has served as a vital link of two-way communication whereby older individuals are provided with information relative to life giving services; and

WHEREAS, this television program on the Nebraska Educational Television Network has served the older citizens for two years in such a manner that older people have grown to depend upon it; and

WHEREAS, the Grand Generation television program has proven to be by Nebraska Educational Television Network statistics one of the more popular programs on the network; and

WHEREAS, no funds have been specified for the continuation of this program in the appropriation for the Nebraska Educational Television Network.

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

1. That the Nebraska Educational Television Network reserve sufficient funds from their budget to continue the Grand Generation television program in its present time and format.

2. That the continuation of the Grand Generation television program shall include the continuation of the Help Line Service of two-way

communication which serves as an Information and Referral Service to the older citizens of the state.

3. That the Nebraska Educational Television Network make appropriate plans for the continuation of the Grand Generation television program during fiscal year 1977.

Laid over.

LEGISLATIVE RESOLUTION 68.

Introduced by Public Works Committee: Kremer, 34th District; Chairman; Wiltse, 1st District; Vice Chairman; Cavanaugh, 9th District; Kelly, 35th [illegible] R. Lewis, 38th District; Mills, 44th District; Moylan, 6th District; Warner, 25th District.

WHEREAS, Legislative Bill 147, introduced at the Eighty-fourth Legislature, First Session, would extend the right of eminent domain presently permitted for oil and gas pipelines to pipelines carrying coal products; and

WHEREAS, at the Public Hearing on Legislative Bill 147 before the Public Works Committee, held February 6, 1975, a number of matters of concern to citizens of Nebraska were presented, including:

(a) Coal slurry pipelines are a developing method of transporting coal which some claim in some circumstances to be an effective and low cost method of transporting coal for the generation of electric power in the United States;

(b) Because of dwindling supplies of natural gas in the United States and the national importance of achieving independence from foreign energy sources, the vast coal reserves in the Northern Plains area of the United States are an increasingly vital source of electric energy, and greatly increasing amounts of such coal will be transported into and through the State of Nebraska during the next several years;

(c) Legislative solutions of the various energy-need/energy-independence problems, including increasing coal production and transportation, are being sought in several near-by states and by the Federal Congress;

(d) The railroad industry in Nebraska and some users of rail service, including such shippers as those involved in grain and other agricultural products, are concerned about the economic impact of a competing method of transporting coal;

(e) Since coal slurry pipelines utilize water as the medium for transporting coal, Nebraska citizens are concerned about the effect of such pipelines on Nebraska's water resources; and

WHEREAS, the matters recited above are of concern to citizens of Nebraska, and informed legislative decisions will be required for the orderly development of domestic energy resources in a manner which preserves and improves quality of life in Nebraska.

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

1. That the Public Works Committee be directed to conduct a study of all the issues, including potential benefits and problems which would or might result from authorizing coal slurry pipeline firms to exercise eminent domain powers in Nebraska.

2. That such study have as its emphasis, (a) the reasons why eminent domain power may be necessary or desirable for coal slurry pipelines, including a comparison of the availability of such rights to competing forms of energy transportation; (b) a review of the overall impact on the quality of life in Nebraska and upon the Nebraska environment of increasing use and transportation of Northern Plains coal resources for the manufacture of electric energy; (c) the potential benefits, if any, to the public utility industry of Nebraska and its customers from the availability of coal slurry pipelines as a form of coal transportation; (d) the impact, if any, on Nebraska water resources of coal slurry pipelines, as presently proposed, taking into account effects of alternate methods of developing Northern Plains coal resources for generation of electrical energy; and (e) the extent of any competitive impact upon the Nebraska railroad industry which might result from coal slurry pipelines as presently proposed, and the consequences to the citizens of the State of Nebraska resulting from any such impact.

3. That the committee shall make a report of its findings together with recommendations regarding Legislative Bill 147, or amendments thereto, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 69.

Introduced by Anderson, 37 District.

WHEREAS, increasing interest is being expressed by many persons in this state in participating in post-secondary educational programs of a continuing and non-credit nature; and

WHEREAS, the post-secondary educational institutions of this state are currently expending their continuing, non-credit offerings and are indicating that they intend to increase such offerings in a major way; and

WHEREAS, it is important that the continuing education programs of the post-secondary educational institutions be developed in a systematically planned and coordinated manner if the continuing education needs of the state are to be met in an effective and efficient manner; and

WHEREAS, additional statewide data are needed as the basis for the planning and conducting of such development.

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

1. That the Education Committee of the Legislature shall undertake an interim study of all forms of non-credit, non-degree, post-secondary educational opportunities of the continuing, adult, and extension nature which are available to the citizens of Nebraska.

2. That this interim study focus particularly on:

(a) Identifying public and private institutions, agencies, and organizations conducting such programs and offerings;

(b) Describing the kinds of programs and offerings which are available and their locations;

(c) Identifying sources of funding for these programs and offerings, especially those provided by public post-secondary educational institutions;

(d) Identifying numbers, sources, and intents of students involved in these educational experiences; and

(e) Identifying coordination currently being exercised among institutions, organizations, and agencies conducting such programs and offerings.

3. That the Education Committee coordinate with the Nebraska 1202 Commission in the development of a process to collect the necessary data as well as in the collection of such data.

4. That the Education Committee report its findings to the Legislature upon completion of this study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 70.

Introduced by Anderson, 37th District.

WHEREAS, the Nebraska Legislature has recognized the need to adopt adequate consumer protection legislation by passage of LB 327 and LB 1028 in the 1974 legislative session; and

WHEREAS, the Attorney General's office indicates that there are several conflicts in these two pieces of legislation; and

WHEREAS, the Attorney General's office also notes that there are various other statutes which may need to be updated or revised in order to provide adquate consumer safeguards for Nebraska citizens.

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

1. That an interim study be conducted to investigate any recommended changes in the consumer protection laws passed in the 1974 session and that a formal review of other state statutes be undertaken to insure that other provisions in Nebraska law are adequate to meet the needs of consumers.

2. That the committee report to the next regular session of the Legislature the findings of its study together with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 71.

Introduced by Anderson, 37th District.

WHEREAS, the Miscellaneous Subjects Committee has been assigned various pieces of legislation which concern the licensure of skilled professionals, the regulation of liquor wholesalers and retailers and the sale of liquor, and many types of legislation which pertain to the consumer needs of Nebraska citizens; and

WHEREAS, the committee has noted a consistent expression of concern that this kind of legislation is not always applicable to the needs of small or rural communities, and that state policies and programs have a different impact on the business enterprises and farms in small communities.

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

1. That the Miscellaneous Subjects Committee study the effects of such legislation as it relates to the needs of small communities.

2. That the committee draw upon the information and resources available in state agencies and local communities as it pertains to this matter.

3. That the committee make specific recommendations as to the kind of legislation and governmental policy and programming which promotes the genuine needs of smaller communities.

4. That at the conclusion of this study, the committee report its findings and recommendations to the entire body of the Nebraska Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 72.

Introduced by Anderson, 37th District.

WHEREAS, the State of Nebraska employs a large number of persons; and

WHEREAS, the State of Nebraska desires that each of its employees work in a safe environment; and

WHEREAS, the State of Nebraska has had one thousand eight hundred Workmen's Compensation claims paid to state employees during the last year; and

WHEREAS, there is a need to provide safety and medical training for all state employees; and

WHEREAS, a comprehensive study could determine the need and the cost for such training.

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

1. That an interim study be conducted to determine the need for:
(a) First aid medical training
(b) First aid equipment
(c) Fire safety equipment
(d) Work safety equipment
(e) Proper rest area facilities
(f) Proper medical infirmary facilities
(g) Highway safety training

2. That this committee work with the appropriate state agencies to gather the necessary information.

3. That this committee also determine the costs and benefits involved in providing those services they deem necessary after their studies have determined the extent of the need.

4. That this committee report back to the Legislature with the necessary legislation or recommendations to correct the problems found by the study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 73.

Introduced by Anderson, 37th District.

WHEREAS, various state statutes require that officials of local and state government be bonded; and

WHEREAS, different positions of governmental responsibility may indicate that various bonding provisions should be examined as they relate to the specific office that they are attached to; and

WHEREAS, there may be alternative methods of bonding that could be of considerable savings to the state.

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

1. That an interim study by established to study the current statutory requirements for bonding and to ascertain whether these requirements are effective and reasonable.

2. That the committee also investigate the possibility of alternative bonding programs which might be of greater benefit to the state.

3. That the committee report to the next regular session of the Legislature the findings of its study together with its recommendations.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 344. Replaced on Select File as amended.
E & R amendment to LB 344:

1. Strike E & R 9 adopted 5/14.

LEGISLATIVE BILL 328. Placed on Select File as amended.
E & R amendments to LB 328:

1. Renumber section 1 as found in the Bereuter amendment as section 3.

2. For correlation purposes, in new section 1, line 2, insert ", as amended by section 4, Legislative Bill 381, Eighty-fourth Legislature, First Session, 1975" after "1974"; in subdivision (1) strike beginning with "a" through "used" and insert "motor vehicle homicide"; strike subdivision (3) and renumber subdivisions (4) to (12) as subdivisions (3) to (11); in renumbered subdivision (3), line 2, insert "involvement in" after the second "of" and in line 3 strike "12" and insert "6"; in renumbered subdivision (10) strike beginning with "until" in line 6 through "only" in line 9 and insert "no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; and provided further, that"; in line 10 after "hour" insert ", two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour,"; and in the last line after "39-666" insert "except as provided in the first proviso in this subdivision"; and in renumbered subdivision (11), line 4 after the second comma insert "violations for operating a motor vehicle without a valid operator's license in the operator's possession,".

3. In renumbered section 3, line 3, strike "No" and insert "(1) Except as provided in subsection (2) of this section, no ~~No~~"; redesignate subdivisions (1) to (3) as subdivisions (a) to (c) respectively; in line 14 strike the comma; in line 16 strike the second comma; and in lieu of the Murphy amendment, after the last line insert:

"(2) The provisions of subsection (1) of this section shall not apply to any person participating in any parade function authorized by any unit of government.".

4. On page 2, strike lines 17 and 18 and insert:

"Sec. 5. That original sections 60-403.02 and 60-403.04, Reissue Revised Statutes of Nebraska, 1943, section 60-403.01, Revised Statutes Supplement, 1974, and section 39-669.26, Revised Statutes Supplement, 1974, as amended by section 4, Legislative Bill 381, Eighty-fourth Legislature, First Session, 1975, are repealed.".

5. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT to amend sections 60-403.02 and 60-403.04, Reissue Revised Statutes of Nebraska, 1943, section 60-403.01, Revised Statutes Supplement, 1974, and section 39-669.26, Revised Statutes Supplement, 1974, as amended by section 4, Legislative Bill 381, Eighty-fourth Legislature, First Session, 1975, relating to motor vehicles; to require motorcycle protective headgear as prescribed; to provide an exception; to harmonize with other legislation; and to repeal the original sections.".

LEGISLATIVE BILL 589. Placed on Select File as amended.
E & R amendments to LB 589:

1. On page 2, strike beginning with "Except" in line 3 through "on" in line 4, show as stricken, and insert "On".

2. On page 4, lines 17 and 18, strike "and franchise taxes", show as stricken, and insert "tax".

3. In the Warner amendments, line 7, strike "an" and insert "in"; in line 13 strike the comma; in lieu of the interlined matter in line 18 insert "or greater than one hundred ten per cent" after "of"; and in line 23 insert an underscored comma after "required".

4. Renumber the new section found in the committee amendment as section 4.

5. In the title, strike beginning with "set" in line 3 through line 5 and insert "change the formula for fixing sales and income tax rates; to provide additional times when such rates may be changed; to provide duties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 380. Placed on Select File as amended.
E & R amendments to LB 380:

1. On page 2, line 7, insert "operator's" after "vehicle"; and in line 10, insert a comma after "act".

2. On page 3, line 4, strike "such" and strike "applicant" and insert "applicants".

3. In committee amendment 2, line 5, insert a comma after "requirement".

4. In the title, line 2, strike "create" and insert "provide for".

LEGISLATIVE BILL 567. Placed on Select File as amended.
E & R amendments to LB 567:

1. On page 4, line 20, strike "(3)" and insert "~~(3)~~ (4)".

2. In the DeCamp amendments, lines 5 and 18, insert an underscored comma after "withheld".

3. Because of committee amendment 3, strike the DeCamp amendment to page 5, line 8.

4. In new section 4, line 11, insert an underscored comma after "withheld"; and in line 12, insert "been" after "has".

5. On page 10, line 17, insert "83-1,108," after the second comma.

6. In the title, line 4, insert "83-1,108," after the second comma.

LEGISLATIVE BILL 557. Placed on Select File as amended.
E & R amendments to LB 557:

1. Insert the first claim added by the Maresh amendment 1 into committee amendments, page 1, after line 10 and the second claim after line 20.

2. In line 1 of each claim added by the Maresh amendments 1 and 2, insert "State" after "the".

3. In committee amendment 4, line 1, strike "line 3" and insert "line 2"; and in line 5, insert ", out of the General Fund" after "68508".

LEGISLATIVE BILL 288. Replaced on Select File as amended.
E & R amendments to LB 288:

1. Renumber new section 10 added by the Luedtke amendments as section 1 and original sections 1 to 9 as sections 2 to 10, and original section 10 as section 12.

2. In the Luedtke amendments, page 1, line 6, strike the first comma and show as stricken.

3. In committee amendment 4, insert "original" at the end of line 4.

4. In the title, line 2, insert "section 43-1002, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; and after "sections" insert "28-477,"; and at the end of line 8 insert "to amend the Interstate Compact on Juveniles;".

LEGISLATIVE BILL 279. Placed on Select File as amended.
E & R amendments to LB 279:

1. In the Luedtke amendments, page 1, line 2, insert a comma after "proceeding"; and in line 13 strike "where" and insert "when".

2. In the Luedtke amendments, page 2, line 18, insert a comma after "act"; in lines 22 and 25 strike the semicolon and insert a comma.

3. In the Luedtke amendments, page 3, line 3, insert a comma after "party"; in line 9, insert a comma after "act"; and in lines 17 and 19 strike the semicolon and insert a comma; and in line 24 insert a comma after "party".

4. On page 42, line 8, insert "the" after "of".

5. On page 49, line 6, strike the period.

6. In the Luedtke amendments, page 4, line 14, strike "The" and insert "Proceedings before the"; and in line 15 strike "and" and insert "or", and insert a period after "Court".

(Signed) Donald N. Dworak, Chairman

Correctly Engrossed

The following bill was correctly engrossed: 472.

Correctly Enrolled

The following bills were correctly enrolled: 604, 609, 610, 611 and 612.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 604, 609, 610, 611 and 612.

UNANIMOUS CONSENT—Change of Order

Speaker Burbach asked unanimous consent to take up Select File bills reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 344. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 328. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

Mr. Duis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 589. E & R amendments found in this day's Journal were adopted.

Laid over temporarily.

LEGISLATIVE BILL 380. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 567. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 557. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 288. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 279. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 589. Mr. Warner offered the following amendment:

Amend LB 509 by striking the Burbach amendment adopted on General File, May 15, 1975 found on page 1876 of the Journal.

Amendment pending.

Mr. F. Lewis moved to bracket LB 589 until Monday, May 19, 1975. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Warner asked unanimous consent to print the following amendments to LB 589 in the Journal. No objections. So ordered.

1. On page 2, at the end of line 11 insert "For the taxable year commencing January 1, 1975, the individual income tax rate so set shall not exceed twelve per cent.".

(Signed) Jerome Warner

1. Add new sections 3 and 4 as follows:

"Sec. 3. That section 77-2734, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 123, Eighty-Fourth Legislature, First Session, 1975, be amended to read as follows:

77-2734. (1) A tax is hereby imposed for each taxable year on the taxable income derived from sources within this state of any corporation or any other entity taxed as a corporation under the Internal Revenue Code whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both, at a rate equal to ~~thirty~~ twenty-five per cent of the rate imposed on individuals under section 77-2715. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1968, to the last day of his then current fiscal year.

(2) Except as provided in subsection (1) of this section, for the privilege of exercising its franchise or doing business in this state in a corporate capacity, there is hereby imposed a franchise tax on each corporation or any other entity taxed as a corporation under the Internal Revenue Code according to or measured by its entire net income derived from all sources within this state for the taxable year at the rate imposed under subsection (1) of this section. For the purposes of this subsection the taxpayer's entire net income shall be its federal taxable income derived from sources within this state as determined pursuant to sections 77-2735 to 77-2749 without regard to the modification referred to in section 77-2741, the State of Nebraska hereby adopting method numbered (4) authorized by section 5219, United States Revised Statutes, as amended, 12 USC 548, for state taxation of national banking associations. The tax imposed by this subsection on national banking associations shall be in lieu of all taxes imposed by this state on national banking associations to the extent it is not permissible to tax such associations under federal law. For the purpose of computing the franchise or income tax levied in this section, the net income of cooperative organizations shall be the entire net income

derived from all sources within this state, including distributions of earnings and profits of the cooperative to members or patrons such as dividends paid on capital stock, nonpatronage income allocated to patrons, or patronage dividends attributable to this state as shall be excludible or deductible by such corporation for federal income tax purposes; Provided, that the cooperative may deduct such distributions, not to include redemption of prior years' nonqualified notice of allocation, to members or patrons that are paid in money. All privisions of sections 77-2714 to 77-27,124 relating to taxation of corporations shall apply to franchise taxes or income taxes imposed under this section unless the context requires otherwise.

Any (a) corporation subject to tax under section 44-1213, 77-908, 77-909, or 81-523, (b) corporations organized as cooperatives under Chapter 21, article 13, (c) electric cooperatives organized under Chapter 70, article 7, (d) nonstock cooperative marketing companies organized under Chapter 21, article 14, (e) savings and loan associations, (f) production credit associations, (g) persons licensed to engage in this state in the business of purchasing installment paper, (h) installment loan companies, (i) credit unions, (j) mutual investment companies, (k) banks for cooperatives, and (l) industrial loan and investment companies, shall be credited, in the computation of tax due under the provisions of this section, with the amount paid during the taxable year as taxes in lieu of intangible tax.

(3) (a) A small business corporation having an election in effect under subchapter S of the Internal Revenue Code shall not be subject to the Nebraska income tax or franchise tax on corporations.

(b) The shareholders of such corporation who are residents of Nebraska shall include in their incomes their proportionate share of such corporation's federal taxable income.

(c) If any shareholder of such corporation is a nonresident during any part of the corporation's taxable year, he shall file a Nebraska income tax return and shall include in Nebraska adjusted gross income that portion of the corporation's Nebraska income, as determined under the provisions of sections 77-2735 to 77-2749, allocable to his interest in the corporation. He shall execute and forward to the corporation, before the original due date of the Nebraska corporate return,

an agreement which states that he will file a Nebraska income tax return and pay income tax on all income derived from or connected with sources in this state, and such agreement shall be attached to the corporation's Nebraska return for such taxable year.

(d) In the absence of the nonresident shareholder's executed agreement being attached to the Nebraska corporate return, the corporation shall remit a portion of his share of the corporation's taxable income which was derived from or attributable to this state, which portion shall be ten per cent of the nonresident shareholder's share of the corporation's income which was derived from or attributable to sources within this state.

(e) The Tax Commissioner may require a nonresident shareholder to file a Nebraska income tax return even though his only source of Nebraska income was his share of the corporation's income which was derived from or attributable to sources within this state, and the amount of remittance by the corporation on behalf of such nonresident shareholder shall be allowed as a credit against his Nebraska income tax liability.

Sec. 4. This act shall be applicable for all taxable years retroactive to January 1, 1975.".

2. On page 6, line 12 strike "is" and insert "and section 77-2734, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 123, Eighty-fourth Legislature, First Session, 1975, are".

3. Renumber renumbered sections 3 and 4 as sections 5 and 6.

4. In the title, line 3, after "1974," insert "and section 77-2734, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 123, Eighty-fourth Legislature, First Session, 1975,"; and after the semicolon insert "to decrease the corporate income tax as prescribed; to provide an operative date;".

(Signed) Jerome Warner

AMENDMENT TO LB 589

(1) Add the following new section:

"Sec. . (1) For the purposes of this act, express obligations shall include but not be limited to, incremental increases in the homestead exemption, personal property tax relief, specific appropriations for future years, or other items identified by the State Board of Equalization and Assessment as express obligations under the provisions of subsections (2) and (3) of this section.

(2) The State Board of Equalization and Assessment shall adopt and promulgate rules and regulations pursuant to Chapter 84, Article 9, prescribing what the board considers to be an express obligation for purposes of section 77-2715.01, estimates of costs for each of the obligations, and the method of determining such costs.

(3) The State Board of Equalization and Assessment shall annually submit a statement to the Governor and the Clerk of the Legislature identifying all express obligations along with the factors considered in making such determinations, and the costs of such obligations. Such statement shall be submitted on or before September 1 of each year. The clerk shall distribute copies of the statement to each member of the Legislature and to the Legislative Fiscal Analyst." (Signed) Jerome Warner

Mr. F. Lewis offered the following amendment:

Amend LB 589 by inserting the contents of LB 167.

RESOLUTIONS

LEGISLATIVE RESOLUTION 74.

Introduced by Luedtke, 28th District.

WHEREAS, an efficiently functioning civil court is essential to the harmonious operation of the judiciary; and

WHEREAS, a uniform system for civil pleadings could contribute greatly to efficiency of the civil court function; and

WHEREAS, uniformity in the pleadings of civil court may be advantageous to citizens who must transact business in the civil court; and

WHEREAS, before formulating such a system of uniform civil pleadings, it would be helpful for the Legislature to have substantial body of information concerning the feasibility and workability of such a system, as well as data to aid in establishing a well developed uniform system of pleadings.

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

1. That the Judiciary Committee conduct an interim study of the feasibility of formulating and adopting a system of uniformity for civil pleadings in Nebraska.

2. That the committee study such systems as they may exist in other states or at the federal level of the judiciary with the purpose of formulating recommendations for a uniform system which may be appropriate for Nebraska courts.

3. That the committee make a report of its findings, together with its recommendation for a system of uniform civil pleadings, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 75.

Introduced by Luedtke, 28th District.

WHEREAS, establishing a uniform criminal code which would draw together provision outside Chapter 28 of the Reissue Revised Statutes of Nebraska, 1943, could forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individuals or public interest; and

WHEREAS, such a code could better subject to public control persons whose conduct indicates that they are disposed to commit crime; and

WHEREAS, a uniform criminal code can safeguard conduct that is without fault from being condemned as criminal; and

WHEREAS, such code would give fair warning of the nature of the conduct declared to constitute an offense; and

WHEREAS, such code could differentiate on reasonable grounds between serious and minor offenses; and

WHEREAS, the adoption of such a uniform code will result in achieving many desirable goals of criminal justice in our state.

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

1. That the Judiciary Committee perform an interim study to review the uniform criminal codes which may have been adopted in other states as well as those code proposals previously advanced in Nebraska.

2. That the committee formulate recommendations for a uniform criminal code for Nebraska with emphasis placed on having together in comprehensive form the laws not contained in Chapter 28 of the Reissue Revised Statutes of Nebraska, 1943.

3. That the committee make a report of its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 76.

Introduced by Luedtke, 28th District.

WHEREAS, an effective system of criminal justice is dependant upon the procedures used to function with such a system; and

WHEREAS, a uniform system of criminal court procedures could greatly enhance the quality of criminal justice in Nebraska by providing predictability and thorough understanding of criminal procedure to all parties functioning within the criminal court system.

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

1. That the Judiciary Committee perform an interim study of the

desirability and need for a uniform system of criminal procedure in Nebraska courts.

2. That the committee study such uniform systems as they may exist in other states or in the federal judicial system, and develop recommendations for such a system to be implemented in Nebraska criminal courts.

3. That the committee make a report of its findings together with its recommendations concerning a uniform system of criminal procedure, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 77.

Introduced by Luedtke, 28th District.

WHEREAS, the victims of criminal acts often sustain personal or property losses for which they are not compensated by insurance or by other means; and

WHEREAS, the Legislature, in its concern for the welfare of all Nebraskans, should be concerned with the development of a plan to compensate victims of criminal acts for the losses sustained when possible.

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

1. That the Judiciary Committee perform an interim study of the need in Nebraska for a state sponsored system of compensating victims of crimes for losses they sustain.

2. That the committee examine such systems as they may exist, or have been proposed, in other states or by the federal government with a view toward developing recommendations for a plan of crime victim compensation in Nebraska.

3. That the committee make a report of its findings together with its recommendations for a crime victim compensation system to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 78.

Introduced by Luedtke, 28th District.

WHEREAS, state law requires a publication of notice in a newspaper, or other publication of general circulation, prior to embarking upon many activities in private life, in business and in the courts; and

WHEREAS, requirements for the time period of publication concerning activity in these varied sectors of life are diverse; and

WHEREAS, a uniform time period requirement for publication could be of great value in eliminating confusion for all citizens who have need of publishing notice for any reason.

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

1. That the Judiciary Committee perform an interim study to determine the feasibility and desirability of adopting one time period to apply to all required publications of notice for whatever reason made.

2. That the committee make a report of its findings together with its recommendations for uniform publication time period legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 79.

Introduced by Luedtke, 28th District.

WHEREAS, the costs of governing by local government is steadily increasing; and

WHEREAS, some local government entities may find it more efficient and economical to employ one staff to perform the same duties in an area encompassing two or more governmental subdivisions; and

WHEREAS, permitting local governments to consolidate law enforcement duties by employing one force of persons to enforce the law in several governmental subdivisions could greatly enhance the quality of law enforcement and citizen protection at the local government level.

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

1. That the Judiciary Committee conduct an interim study of the need and desirability of consolidated law enforcement at the various levels of local government in Nebraska.

2. That the committee make a report of its findings, together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 80.

Introduced by Luedtke, 28 district.

WHEREAS, consumers of improvements to real property must usually deal with a contractor or subcontractor; and

WHEREAS, such contractors or subcontractors may impose liens upon property for the value of work done by them; and

WHEREAS, a consumer or subsequent purchaser of the property involved may not be aware of the existence of such lien due to the state of current lien law; and

WHEREAS, lack of awareness, and other factors relating to such liens may work a hardship on various segments of the consumer public.

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

1. That the Judiciary Committee conduct an interim study of the need for and feasibility of adopting consumer oriented lien protection legislation.

2. That the committee study shall include, but not be limited to, plans adopted or proposed in other states to protect consumers in the area of liens including posting of notice of such liens.

3. That the committee make a report of its findings, together with its recommendation for consumer oriented lien protection legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 81.

Introduced by Luedtke, 28th District.

WHEREAS, the operation, decisions, and procedures of the Board of Parole has become a matter of public scrutiny and concern.

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

1. That the Judiciary Committee conduct an interim study to determine the efficiency and effectiveness of the operations, decisions and procedures of the Board of Parole.

2. That the committee make a report of its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 82.

Introduced by Luedtke, 28th District.

WHEREAS, the handgun may well become a harbinger of death in the hands of a criminal; and

WHEREAS, there has been a marked increase nationwide in the number of crimes in which handguns are used; and

WHEREAS, in an effort to protect the health, safety and welfare of citizens, several states have attempted to control the illicit use or possession of handguns most likely to be used in criminal acts; and

WHEREAS, lawmakers of Nebraska should have available a body of material concerning the efforts in handgun control legislation before attempting to formulate such provisions for Nebraska.

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

1. That the Judiciary Committee perform an interim study of handgun control legislation in other states attempting such legislation with a view toward developing recommendations for a handgun control plan which may work well in Nebraska.

2. That the committee make a report of its findings together with its recommendation as to the need for handgun control legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 83.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Wiltse, 1st District, Vice Chairman; Cavanaugh, 9th District; Kelly, 35th District; R.,Lewis, 38th District; Mills, 44th District; Moylan, 6th District; Warner, 25th District.

WHEREAS, the Eighty-Fourth Legislature, First Session, recognizes the importance of proper water and related land resources development to the future of the State of Nebraska, and

WHEREAS, this Legislature also recognizes that such proper development may require changes or additions to the Statutes of Nebraska, and

WHEREAS, such possible changes may include, but not be limited to, improved recognition of the inter-relationship of underground and surface waters and their conjunctive use, problems created by a "dual system" of surface water rights, implementation of management policy and standards capable of satisfying federal requirements so as to preclude federal intervention into the State's rights in water resources, establishment of a system of preferences for uses of water to assure a domestic supply and to assure that municipalities receive adequate supplies of water, recognition of the importance of water to Nebraska's irrigation-supported agricultural economy, and provisions to insure a continued supply of good quality water for Nebraska;

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

1. That the Public Works Committee of the Eighty-Fourth Legislature of the State of Nebraska be directed to conduct a continued study of Nebraska's laws relating to the state's waters and related land resources and to locate statutory needs to prevent and to solve problems relating thereto that the Committee finds to exist in Nebraska, and

2. That the Public Works Committee be directed to call upon the facilities of the University of Nebraska Institute of Agriculture and Natural Resources and the various agencies of state government capable of assisting the Committee in their work, and

3. That the Public Works Committee make recommendations and prepare such legislation as it deems necessary and appropriate subsequent to its study of these issues.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 84.

Introduced by Public Works Committee: Kremer, 34th District, Chariman; Wiltse, 1st District; Vice Chairman; Cavanaugh, 9th District; Kelly, 35th District; R Lewis, 38th District; Mills, 44th District; Moylan, 6th District; Warner, 25th District.

WHEREAS, the Congress of the United States has recognized the importance of providing the public with safe drinking water by enactment of the Safe Drinking Water Act, (P.L. 93-523); and

WHEREAS, the laws of Nebraska do not recognize a state level responsibility for the supervision and regulation of public water supplies as required by federal law to permit the State Health Department to develop an acceptable program and qualify for carrying out this activity; and,

WHEREAS, the qualify of ground water, and supervision by the State Health Department over the construction, operation, and maintenance of public water supply systems are essential to communities that must comply with the provisions of the Safe Drinking Water Act (P.L. 93-523); and,

WHEREAS, without such authority, the enforcement of federal rules and regulations will be applied by the United States Environmental Protection Agency, without assistance and guidance to affected Nebraska communities,

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

1. That the Public Works Committee of the Eighty-Fourth Legislature of Nebraska conduct an interim study and develop appropriate legislation to assure a continuing public water supply program within the State Health Department and minimize direct Federal control of public water supplies within the State of Nebraska.

2. That the Public Works Committee shall develop and present legislation recognizing the State Health Department activities which are necessary for full participation in the administration of the Safe Drinking Water Act (P.L. 93-523).

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 85.

Introduced by Kremer, 34th District; Wiltse, 1st District; Mills, 44th District; Warner, 25th District; R. Lewis, 38th District; Kelly, 35th District; Cavanaugh, 9th District.

WHEREAS, legislation was proposed in the Eighty-third Legislature, Second Session affecting all public power entities; and

WHEREAS, the proposed legislation was not enacted; and

WHEREAS, the energy crisis has created numerous complex issues which need to be addressed; and

WHEREAS, it is desirable that the Legislature periodically undertake a detailed study and analysis of the public power system and problems related thereto as an aid to the enactment of possible legislation; and

WHEREAS, the Legislature has the responsibility to ultimately see that the public power districts provide the citizens of the State of Nebraska with an efficient and economical power supply.

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

1. The Public Works Committee of the Legislature shall appoint a committee to study various areas of the public power system.

2. That this study include an analysis of rate charges and the formula used to compute such rates.

3. That this study also include a justification of continued ratchet charges and the related formula for setting those charges.

4. That the committee make an analysis of wheeling charges and resulting determination of how maximum wheeling capacities are defined.

5. The committee make a survey of the grid transmission facilities and their completeness and ability to service all areas of the state.

6. The committee review power supply planning in the state and region relating to an optimum mix of fuels in the future, proper attention to plant siting, and best utilization of state and regional resources.

7. That at the conclusion of the study such committee shall submit a report of its findings, together with any recommendations, to the Legislature.

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

May 13, 1975

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

Dear Mr. President & Sentors:

This is to inform your honorable body that I have made the following appointment to the Motor Vehicle Industry Licensing Board requiring legislative confirmation:

Mr. Forrest F. "Woody" Combs, 2120 "O" Street, Lincoln, Nebraska, to serve a 3-year term beginning May 18, 1975

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

UNANIMOUS CONSENT–Members Excused

Messrs. Clark and Marvel asked unanimous consent to be excused. No objections. So ordered.

Messrs. Carsten and R. Lewis asked unanimous consent to be excused at 4:30 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 522. Title read. Considered.

Standing Committee amendments found in the Journal on page 1069 were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Dworak renewed his pending amendment found in the Journal on page 1686 for the Seventy-seventh Day.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 4 nays and 20 not voting.

LEGISLATIVE BILL 300. Title read. Considered.

Standing Committee amendments found in the Journal on page 1198 for the Fifty-eighth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Mahoney offered the following amendment:
Page 11, line 16 strike shall and add "may"
Page 11, line 18 strike different and add more stringent.

The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

MOTION–Suspend Rules

Mr. Murphy moved to suspend the rules and advance all priority bills remaining on general file to select file.

Mr. F. Lewis moved to amend the motion to advance all priority bills to E & R initial by individual votes on each, no votes to be taken on any amendments and no debate.

Mr. Savage 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 F. Lewis amendment prevailed with 25 ayes, 7 nays and 17 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 22 ayes, 5 nays and 22 not voting.

Mr. F. Lewis requested a roll call vote on the Murphy motion, as amended.

Voting in the affirmative, 30:

Barnett	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	Cope	Dickinson	Duis	Fowler
Goodrich	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Murphy	Nichol	Rasmussen
Rumery	Savage	Stull	Swigart	Syas

Voting in the negative, 8:

Dworak	Fitzgerald	George	Mills	Schmit
Simpson	Warner	Wiltse		

Not voting, 11:

Anderson	Carsten	Clark	DeCamp	Hasebroock
Kime	R. Lewis	Marvel	Moylan	Skarda
Stoney				

The Murphy motion, as amended, prevailed with 30 ayes, 8 nays and 11 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Dworak and Duis asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

MOTION—Adjournment

Mr. Fitzgerald moved to adjourn until 9:00 a.m., Monday, May 19. The motion lost.

Mr. F. Lewis moved the Call be raised. The motion lost with 17 ayes, 18 nays and 14 not voting.

GENERAL FILE

LEGISLATIVE BILL 383. Title read.

Mr. Kremer requested a roll call vote on advancing LB 383.

Voting in the affirmative, 23:

Barnett	Burbach	Burrows	Cavanaugh	Chambers
Cope	Fowler	George	Johnson	Keyes
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Murphy	Rasmussen	Rumery	Savage	Stoney
Stull	Swigart	Syas		

Voting in the negative, 16:

Bereuter	DeCamp	Dickinson	Dworak	Fitzgerald
Goodrich	Kelly	Kennedy	Koch	Marsh
Mills	Nichol	Schmit	Simpson	Warner
Wiltse				

Not voting, 10:

Anderson	Carsten	Clark	Duis	Hasebroock
Kime	R. Lewis	Marvel	Moylan	Skarda

LB 383 failed to advance to E & R for Review with 23 ayes, 16 nays and 10 not voting.

MOTION–Reconsider Action

Mr. Stull moved to reconsider action on the amended Murphy motion previously adopted on the priority General File bills.

Mr. Chambers moved to adjourn. The motion lost with 14 ayes, 24 nays and 11 not voting.

Mr. Mills 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 Stull motion lost with 23 ayes, 15 nays and 11 not voting.

MOTION–Reconsider Action on LB 383

Mr. Dickinson moved to reconsider action on advancing LB 383. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. F. Lewis and Kelly asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 16, 1975 at 4:55 p.m. were the following bills: 612, 611, 610, 609, and 604.

(Signed) Barbara Jackson, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 383.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 491. Title read.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 525. Title read.

Advanced to E & R for Review with 26 ayes, 4 nays and 19 not voting.

LEGISLATIVE BILL 525A. Title read.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

LEGISLATIVE BILL 600. Title read.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 477. Title read.

Failed to advance to E & R for Review with 23 ayes, 8 nays and 18 not voting.

LEGISLATIVE BILL 394. Title read.

Failed to advance to E & R for Review with 23 ayes, 8 nays and 18 not voting.

Mr. Dickinson moved to adjourn. The motion lost with 5 ayes, 28 nays and 16 not voting.

LEGISLATIVE BILL 7. Title read.

Advanced to E & R for Review with 26 ayes, 6 nays and 17 not voting.

LEGISLATIVE BILL 409. Title read.

Failed to advance to E & R for Review with 20 ayes, 11 nays and 18 not voting.

LEGISLATIVE BILL 574. Title read.

Advanced to E & R for Review with 25 ayes, 5 nays and 19 not voting.

LEGISLATIVE BILL 329. Title read.

Advanced to E & R for Review with 29 ayes, 2 nays and 18 not voting.

LEGISLATIVE BILL 386. Title read.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 175. Title read.

Advanced to E & R for Review with 26 ayes, 2 nays and 21 not voting.

LEGISLATIVE BILL 536. Title read.

Advanced to E & R for Review with 29 ayes, 1 nay and 19 not voting.

MOTION–Suspend Rules

Mr. F. Lewis moved to suspend the rules and consider LB 216 under the same conditions as priority bills.

The motion prevailed with 31 ayes, 4 nays and 14 not voting.

Mr. Wiltse moved to adjourn. The motion lost with 5 ayes, 24 nays and 20 not voting.

GENERAL FILE

LEGISLATIVE BILL 216. Title read.

Advanced to E & R for Review with 26 ayes, 4 nays and 19 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 86.

Introduced by Fowler, 27th District.

WHEREAS, volunteer involvement in communities has continued to increase with approximately 60 million volunteers being active in the U. S. today; and

WHEREAS, many agencies presently utilizing volunteers do not have a well developed mechanism for volunteer involvement, provide limited staff resources, and have not yet integrated volunteer programs into the overall process of agency development; and

WHEREAS, the State of Nebraska has not up until this time researched the status of volunteer participation in Nebraska communities, including issues related to problems, programming, and unmet community needs.

THEREFORE BE IT RESOLVED:

That an interim study be conducted by the Appropriations Committee which will act on the following points related to volunteerism:

1) research the status of volunteer involvement and impact of volunteerism on state agencies with attention to funding, staff recruitment and involvement, insurance coverage, training, supervision, evaluation and program development;

2) develop a mechanism for on-going review of volunteer programs within state agencies during the budgeting process;

3) research the role of volunteer programs in the context of experiential learning as it relates to the educational process.

BE IT FURTHER RESOLVED:

That a report of conclusions be compiled and presented to the Legislature and appropriate agencies.

Referred to the Executive Board.

MOTION—Reconsider Action

Mr. Schmit moved to reconsider action on advancing LB 477.

Mr. Swigart requested a roll call vote.

Voting in the affirmative, 23:

Bereuter	Burbach	Cope	DeCamp	Dickinson
Fitzgerald	Johnson	Koch	Kremer	Luedtke
Mahoney	Marsh	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Syas		

Voting in the negative, 5:

Barnett	Burrows	Cavanaugh	Fowler	Maresh

Not voting, 21:

Anderson	Carsten	Chambers	Clark	Duis
Dworak	George	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kime	F. Lewis	R. Lewis
Marvel	Mills	Moylan	Skarda	Warner
Wiltse				

The motion to reconsider action lost with 23 ayes, 5 nays and 21 not voting.

Mr. Cavanaugh moved to adjourn. The motion lost.

VISITORS

The President introduced Dr. William R. Lewis, brother of Senator Frank Lewis; 32 eighth grade students and teachers from Atkinson Elementary School, Atkinson, Nebraska; 30 fourth grade students and adults from Emerson-Hubbard Schools; 32 grade school students and adults from Trinity Emanual Lutheran School, Schuyler, Nebraska; 8 students and adult from St. Joseph School, Omaha; Mrs. McKensie, Jennifer McKensie and Mrs. Stanley McGill from Melborne, Australia.

ADJOURNMENT

Mr. Cavanaugh moved to adjourn. The motion prevailed with 15 ayes, 14 nays and 21 not voting. At 5:49 p.m., the Legislature adjourned until 9:00 a.m., Monday, May 19, 1975.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-FIFTH DAY—MAY 19, 1975

LEGISLATIVE JOURNAL

EIGHTY-FIFTH DAY—MAY 19, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 19, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor Westminster Presbyterian Church, Lincoln.

> Help us, O God, to set our hearts on things which make life truly rich, knowledge and skill which will enable us to make a real contribution to the world's work, character which will make everyone able to trust us and rely on us, friends who will always be true to us.
>
> We thank you, Father, for this wonderful country in which we have been born. We thank you for freedom of worship, for freedom to speak our mind without fear, for the liberty and good government we enjoy. Help us to be worthy of our heritage and to fulfill the purpose for which you ordained us as a people and nation.
>
> Lead us forward in the spirit: not of how much we can get out of life, but of how much we can put into life, not of the number of people we can use, but of the number of people to whom we can be of use. Grant us your wisdom in the decisions which are to be made.
>
> In the spirit of Jesus Christ, Amen.

ROLL CALL

The roll was called and all members were present except Mr. Anderson who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-fourth Day was approved.

UNANIMOUS CONSENT–Member Excused

Mr. Rasmussen asked unanimous consent to be excused at 3:55 p.m. today. No objections. So ordered.

COMMUNICATION

Acknowledged receipt of order from the Interstate Commerce Commission regarding abandonment of railroad lines. (Filed in the Clerk's Office)

SELECT FILE

LEGISLATIVE BILL 325. E & R amendments found in the Journal on page 1875 for the Eighty-third Day were adopted.

Laid over at the request of Mr. Syas.

LEGISLATIVE BILL 589. Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1919 for the Eighty-fourth Day. No objections. So ordered.

Mr. Warner renewed his first pending amendment found in the Journal on page 1920 for the Eighty-fourth Day.

Mr. F. Lewis offered the following amendment to the above Warner amendment:
Strike 12 insert 10.

The amendment lost with 1 aye, 26 nays and 22 not voting.

The Warner amendment was adopted with 33 ayes, 5 nays and 11 not voting.

Mr. Warner renewed his pending amendment found in the Journal on bottom of page 1922 and top of page 1923 for the Eighty-fourth Day.

The amendment was adopted with 37 ayes, 0 nays and 12 not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1920, 1921, and 1922 adding new sections 3 and 4.

Mr. Duis moved for a Call of the House. The motion prevailed with 25 ayes, 4 nays and 20 not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The Warner amendment was adopted with 27 ayes, 12 nays and 10 not voting.

Mr. F. Lewis offered the following amendment:
To strike 25 in Warner amendment and insert 27½%.

Mr. Keyes offered the following amendment to the F. Lewis amendment:
To amend the Lewis amendment to LB 589 to provide that the first $25,000 shall be taxed at 25% of the personal income tax and everything above $25,000 shall be taxed at 30%

Mr. Keyes requested a record vote.

Voting in the affirmative, 17:

Barnett	Burrows	Cavanaugh	Chambers	Fitzgerald
Fowler	Goodrich	Keyes	F. Lewis	Mahoney
Maresh	Moylan	Savage	Simpson	Stull
Swigart	Syas			

Voting in the negative, 22:

Bereuter	Burbach	Carsten	Clark	Cope
Dickinson	George	Hasebroock	Kelly	Kime
Kremer	R. Lewis	Luedtke	Marsh	Mills
Murphy	Rumery	Schmit	Skarda	Stoney
Warner	Wiltse			

Not voting, 10:

Anderson	DeCamp	Duis	Dworak	Johnson
Kennedy	Koch	Marvel	Nichol	Rasmussen

The Keyes amendment lost with 17 ayes, 22 nays and 10 not voting.

Mr. Carsten offered the following amendment to the F. Lewis amendment:
To amend the F. Lewis amendment to LB 589 to provide that the first $25,000 shall be taxed at 25% of the personal income tax and everything above $25,000 shall be taxed at 27½%.

The Carsten amendment was adopted with 29 ayes, 5 nays and 15 not voting.

The F. Lewis amendment, as amended, was adopted with 30 ayes, 7 nays and 12 not voting.

Mr. F. Lewis requested his amendment found in the Journal on page 1923 for the Eighty-fourth Day be withdrawn.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 237. Replaced on Select File as amended.
E & R amendments to LB 237:

1. In line 3 of E & R 2, adopted 5/16, strike "sections" and insert "services".

2. In E & R 4 adopted 5/16, strike beginning with "committee" in line 1 through "in" in line 4.

3. On page 8, line 21, strike "sections" and insert "section".

4. On page 11, line 26, and page 13, line 26, strike "licensed" and insert "certified".

5. On page 14, line 7, strike the first comma.

6. In E & R 13, line 2, insert "after 'released' " before the period.

LEGISLATIVE BILL 453. Place on Select File as amended.
E & R amendments to LB 453:

1. On page 7, line 16, strike "next" and insert "~~next~~"; and strike beginning with "after" in line 17 through "serve" in line 18 and show as stricken.

2. On page 15, line 16, insert "including those candidates certified to him by the Secretary of State," after the comma; in line 19 insert an underscored period after "candidates"; strike the new matter in lines 20 and 21, and in line 24 strike the comma.

3. On page 16, line 1, strike "of all candidates"; in line 3 insert "election" after "primary"; in line 5 insert "placing of" after "The"; in line 6 strike "to be placed"; and in line 10 strike "election".

4. On page 22, line 23, strike "ballot".

5. On page 31, line 23, strike the second comma.

6. On page 34, line 14, strike "a disabled voter" and insert "him".

7. On page 38, line 13, strike "election" and insert "counting"; insert an underscored comma at the end of line 15; strike the comma in line 17; in line 18, strike "the counting board"; and in line 24 strike the comma and insert "and".

8. On page 39, line 9, insert an underscored comma after "32-1001.24"; and in line 15 strike ", and" and insert "~~and~~".

9. On page 44, line 12, strike "and".

10. On page 45, line 18, strike "of the ballots".

11. On page 47, line 25, insert "for the same nomination" after "votes".

12. On page 49, line 5, strike the comma.

13. On page 50, line 15, strike "30" and insert "31".

14. On page 50, line 24, strike "appears" and insert "appear".

15. On page 51, line 27, strike "and" and insert an underscored comma.

16. On page 52, line 1, strike "voters election" and insert ", and confined voters counting"; and in line 4 strike "an election" and insert "a counting".

17. On page 54, line 10, strike "a greater number" and insert "more".

18. On page 55, line 25, strike the comma.

19. On page 59, line 12, insert an underscored comma after "32-1314".

20. On page 61, line 1, and on page 61, line 27 and page 62, line 1, strike "and disabled voters' " and insert ", ~~and~~ disabled, and confined voters ~~voters'~~ ".

21. On page 63, line 21, insert an underscored comma after "46-516".

22. On page 68, line 16, insert "there shall be" after the comma.

23. On page 74, line 8, and page 75, line 4, strike "32-531,", the section already having been repealed.

LEGISLATIVE BILL 522. Placed on Select File as amended.
E & R amendments to LB 522:

1. In the Dworak amendment, line 4, strike the first comma.

2. On page 2, line 7, strike the comma and show the same as stricken.

3. In the title, line 5, insert "nonprofit" after "attend".

LEGISLATIVE BILL 300. Placed on Select File as amended.
E & R amendments to LB 300:

1. In lieu of the Mahoney amendments, on page 11, line 16, strike "shall" and insert "~~shall~~ may"; and in line 18 strike "different" and insert "~~different~~ more stringent".

2. On page 10, line 14, insert an underscored comma after "department"; and at the end of line 27 insert "from this state".

3. On page 12, line 24, insert an underscored comma after "inspections".

4. On page 13, line 13, strike "that" and insert "as".

5. On page 14, strike line 15 and insert:

"Sec. 11. Any district court of this".

6. On page 15, lines 7 and 13 strike ", distributor," and insert "or any distributor"; and in line 24, strike "such".

7. On page 16, lines 6 and 7, strike "is not" and insert "not be"; in line 23 strike the first comma; and strike line 24 and insert "under this act.".

8. On page 19, line 1, strike "then"; in line 9 strike the comma; insert an underscored comma after "If" in line 10 and "manufacturer" in line 11; strike both commas in line 20 and insert an underscored comma at the end of the line.

9. On page 21, line 14, strike "Where" and insert "When"; and in line 22 insert "mobile" after "the".

10. On page 22, line 2, strike "Chapter 71, article 46" and insert "this act"; in line 10 strike the first comma and show as stricken; and in line 23 strike "thereby" and insert "by this act".

11. On page 23, line 4, insert "be guilty of a misdemeanor and shall" after "shall".

12. On page 24, line 5, strike "system" and insert "systems"; and in line 21 strike "those" and insert "such"; in line 22 strike "of law"; and in line 26 strike "thereunder" and insert "under this act".

13. On page 25, line 11, strike "those" and insert "such" and strike "of law".

LEGISLATIVE BILL 383. Placed on Select File.
LEGISLATIVE BILL 491. Placed on Select File.
LEGISLATIVE BILL 525. Placed on Select File.
LEGISLATIVE BILL 525A. Placed on Select File.
LEGISLATIVE BILL 600. Placed on Select File.
LEGISLATIVE BILL 7. Placed on Select File.
LEGISLATIVE BILL 574. Placed on Select File.
LEGISLATIVE BILL 329. Placed on Select File.
LEGISLATIVE BILL 386. Placed on Select File.
LEGISLATIVE BILL 175. Placed on Select File.
LEGISLATIVE BILL 536. Placed on Select File.
LEGISLATIVE BILL 216. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 87.

Introduced by Rasmussen, 41st District.

WHEREAS, the city of Burwell, Nebraska has, for many years, conducted an annual outdoor rodeo; and

WHEREAS, the rodeo has become the largest outdoor rodeo in Nebraska; and

WHEREAS, the city of Burwell has put forth much effort to improve and advertise the rodeo; and

WHEREAS, the city deserves special recognition for its work involving this rodeo.

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

1. That the city of Burwell, Nebraska be designated the "Outdoor Rodeo Capitol of Nebraska".

2. That a copy of this resolution be sent to the City Council of Burwell, Nebraska.

Laid over.

UNANIMOUS CONSENT—Unbracket LB 507

Speaker Burbach asked unanimous consent to unbracket LB 507 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 507. The Kelly pending amendment found in the Journal on page 1641 for the Seventy-sixth Day was withdrawn.

The Burrows pending amendment to the Kelly amendment, found in the Journal on page 1668 for the Seventy-seventh Day, was withdrawn.

Mr. Koch offered the following amendment:

AMENDMENT TO LB 507

(1) Strike Section 1 of the Marvel amendment on page 1482 of the Legislative Journal and insert:

"Section 1. The Game and Parks Commission is hereby authorized to acquire, using Federal Land and Water Conservation Fund, other applicable federal-aid funds, and donations or bequests, the following described property, all in Sarpy County:

The northeast quarter and the northwest quarter of the northwest quarter of section 19, township 14 north, range 14

east, the north half and the north half of the south half of section 20, township 14 north, range 14 east, and the southwest quarter of the southwest quarter and the northeast quarter of the southwest quarter of section 18, township 14 north, range 14 east.

The Game and Parks Commission may enter into agreements or leases with political subdivisions or non-profit corporations for the operation and development of the property for recreational and educational purposes, but the Commission shall be responsible for the general administration and continued maintenance of such property and may accept gifts, grants, and bequests for such purposes."

The amendment was adopted with 26 ayes, 4 nays and 19 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 74 to Select File

Speaker Burbach moved to return LB 74 to Select File for the following specific amendment:

1. On page 14, after line 19, insert a new section as follows:

"Sec. 26. 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 3 after "severability" insert "; and to declare an emergency".

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

SELECT FILE

LEGISLATIVE BILL 74. The Burbach specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Request Governor to Return LB 368A

Mr. Mills moved to direct the Clerk to request the Governor to return LB 368A to the Legislature for further consideration.

The motion lost with 14 ayes, 22 nays and 13 not voting.

VISITORS

The President introduced a group of Senior Citizens and sponsor from Tekamah, Nebraska; 42 third and fourth grade students and sponsor from St. Joseph, York, Nebraska; and 19 eighth grade students and teacher from St. Agnes, Omaha.

RECESS

At 12:00 noon, on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Anderson who was absent until 2:00 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 344.

Correctly Engrossed

The following bill was correctly engrossed: 328.

(Signed) Donald N. Dworak, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 88.

Introduced by DeCamp, 40th District.

WHEREAS on April 8, 1975, the Governor's office learned that the State may be liable for millions of dollars in back pay to state employees; and

WHEREAS no communications or information have been presented by the Governor's office to Legislative Committees or Legislatives members relative to this matter and the potential liability of the State; and

WHEREAS, the Executive branch of government has a clear cut obligation to keep the Legislature informed on matters of such magnitude; and

WHEREAS, policies adopted and directives issued by the Executive branch of government apparently have occasioned potential claims against the State in the multi-millions of dollars; and

WHEREAS, such a policy must be avoided in the future and corrected,

NOW, THEREFORE, BE IT RESOLVED as follows: That the Governor or his agent be requested to present information to the Budget Committee and/or to the entire Legislature as to the potential cost and seriousness of the claims that may be validly asserted against the State by present and former state employees, and that an interim study committee be established to look into all practices and examine all directives of the Executive department that may have given rise to this problem, and that the Governor be requested to instruct all employees and agency heads of the State of Nebraska to not destroy or to stop destroying all personnel records which might provide information on potential claims of employees, and that the Governor be requested to inform the Legislature that such directives have been issued and such action taken.

Laid over.

LEGISLATIVE RESOLUTION 89.

Introduced by F. Lewis, 45th District.

WHEREAS, the educational finance question has been addressed and has resulted in an initial state aid program funded from sales and income tax; and

WHEREAS, additional consideration has been given to equalizing the educational costs between school districts from the three major sources of funding (property tax, sales tax, and income tax) in the State of Nebraska; and

WHEREAS, the multiplicity of numbers and classes of school districts are affected by the financial factor; and

WHEREAS, the organization of school districts has been a conflict confrontation issue, and its ramifications need to be clarified.

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

1. That the members of the Revenue Committee and the Education Committee of the Nebraska Legislature study the taxation-organization issue jointly:

(a) By involving appropriate organizations and persons with interest in education and sources of revenue, along with major business, agricultural, and labor interests, and

(b) By reporting from the study thereof a choice of solutions to be considered by the next session of the Legislature.

Referred to the Executive Board.

ANNOUNCEMENT

Mr. Mahoney announced today will be the last day to introduce study resolutions instead of Friday, May 16, 1975.

SELECT FILE

LEGISLATIVE BILL 453. E & R amendments found in this day's Journal were adopted.

Mr. Mills offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's office.)

Mr. Mills moved for a Call of the House. The motion prevailed with 27 ayes, 11 nays and 11 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

The Mills amendment was adopted with 26 ayes, 16 nays and 7 not voting.

Mr. Cavanaugh offered the following amendment:

Amend LB 453

Page 2, lines 9 through 11, Reinstate the stricken matter and page 2 on line 11 after militia insert "or volunteer fireman"

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 23 ayes, 8 nays and 18 not voting.

Mr. Cavanaugh moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The Cavanaugh amendment was adopted with 25 ayes, 10 nays and 14 not voting.

Advanced to E & R for Engrossment.

MOTION—Suspend Rules

Mr. Carsten moved to suspend the rules and revert to General File for purposes of considering the bills on the Speaker's Order, no debate no amendments.

Mr. Cavanaugh moved to amend the Carsten motion as follows:
To return all of Speaker's bills to General File for general debate.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay and 19 not voting.

The Cavanaugh amendment lost with 13 ayes, 20 nays and 16 not voting.

Mr. Carsten moved for a Call of the House. The motion prevailed with 26 ayes, 4 nays and 19 not voting.

Mr. Mills moved the Call be raised. The motion lost with 18 ayes, 20 nays and 11 not voting.

Mr. Carsten requested a roll call vote.

Voting in the affirmative, 34:

Anderson	Barnett	Bereuter	Burbach	Carsten
Chambers	Cope	DeCamp	Dickinson	Duis
Fitzgerald	Hasebroock	Johnson	Koch	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 10:

Burrows	Cavanaugh	Clark	Dworak	Fowler
Goodrich	Keyes	F. Lewis	R. Lewis	Mills

Not voting, 5:

George	Kelly	Kennedy	Kime	Simpson

The Carsten motion prevailed with 34 ayes, 10 nays and 5 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 477. Title read.

Mr. Swigart requested a roll call vote on advancing LB 477.

Voting in the affirmative, 28:

Burbach	Carsten	Cope	DeCamp	Dickinson
Duis	Goodrich	Hasebroock	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh

Marsh	Marvel	Moylan	Murphy	Nichol
Rasmussen	Schmit	Skarda	Stoney	Stull
Swigart	Syas	Wiltse		

Voting in the negative, 11:

Anderson	Barnett	Burrows	Clark	Fitzgerald
Fowler	Johnson	Kennedy	Keyes	Rumery
Warner				

Not voting, 10:

Bereuter	Cavanaugh	Chambers	Dworak	George
Kelly	Kime	Mills	Savage	Simpson

Advanced to E & R for Review with 28 ayes, 11 nays and 10 not voting.

LEGISLATIVE BILL 394. Title read.

Mr. Murphy moved for a Call of the House on advancing LB 394. The motion prevailed with 25 ayes, 5 nays and 19 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 27 ayes, 3 nays and 19 not voting.

Advanced to E & R for Review with 26 ayes, 8 nays and 15 not voting.

LEGISLATIVE BILL 409. Title read.

Advanced to E & R for Review with 26 ayes, 12 nays and 11 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 90.

Introduced by Cavanaugh, 9th District.

WHEREAS, sanitary and improvement districts affect the economy, public health, convenience and well-being; and

WHEREAS, proper formation, control, and operation of sanitary and improvement districts is necessary and important to the owners of property in the districts.

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

1. That the Executive Board of the Legislative Council appoint a committee to conduct interim studies and investigations of all aspects of formation, election, control, and operation of existing sanitary and

improvement districts in the state with the purpose of determining whether the public is being adequately and properly served by the districts.

2. That the committee report its findings and recommendations to the Eighty-fourth Legislature, Second Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 91.

Introduced by Cavanaugh, 9th District.

WHEREAS, the accessibility of criminal offender record information and other personal records to agencies, organizations and individuals on national, state or local levels has generated substantial concern; and

WHEREAS, the administrative and statutory controls over such record accessibility concerning the collection, storage, dissemination and usage of such are effectively non-existent; and

WHEREAS, the direct result of such operates to affect the rights of the individual to privacy and the public's right to accurate criminal record information.

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

1. That a subcommittee be created which shall be a subcommittee of the Miscellaneous Subjects Committee to conduct an interim study of the critical situation surrounding the conflicting interest between the informational needs of the Government, its agencies and the public on one hand and the sanctity, individuality, and privacy of the citizen on the other; such study to specifically include aspects concerning:

a) The effectiveness of the administrative controls over the collection, storage, dissemination and usage of such records;

b) The improvements in the organization and control of such records as is necessitated to effectively protect and provide for the desires of the conflicting interests;

c) The legislation which would be appropriate to adequately deal with the criminal offender record information situation;

d) The relationship of state and local criminal offender record information access by national interests, both public and private;

e) The role of the computer in record storage and dissemination;

f) The safeguards required to assure the fairness and strict adherence to the purposes established by such a study.

2. Whether legislation or constitutional amendments may be needed to accomplish changes which this study may determine to be desirable.

3. That the subcommittee report the results of the study and its recommendations to the Eighty-fourth Legislature, Second Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 92.

Introduced by DeCamp, 40th District.

WHEREAS, the consumption, manufacture, and sale of alcoholic liquors in Nebraska is an industry having significant impact upon the economy of the state; and

WHEREAS, aspects of the liquor industry function in Nebraska touches the lives of many citizens as manufacturers, sales persons, or consumer; and

WHEREAS, the health and well being of both the liquor industry and the consumer should be of great importance to the Legislature.

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

1. That the Legislature appoint a committee to conduct an interim study of the liquor industry in Nebraska which shall include: regulation on sale and manufacture; wholesale policies; violations of regulations and resulting sanctions concerning manufacturers, wholesalers and retail sales outlets; enforcement policies of industry sanctions; and policies and practices of grocery store sale of liquor.

2. That the committee make a report of its finding together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 93.

Introduced by DeCamp, 40th District.

WHEREAS, Nebraska's water is a resource of primary significance to all citizens of the state; and

WHEREAS, certain projects have been instituted, and studies made, with the primary goal of guarding water quality in the state; and

WHEREAS, in view of the precious nature of our water resources, Nebraskans should be willing to support those projects and studies devoted to the preservation of water quantities as well as quality; and

WHEREAS, the Mid-State, North Loup, and O'Neill projects are aimed at preserving the quantity of water reserves in Nebraska.

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

1. That the Agriculture Committee of the Legislature do all things necessary to promote and advance the work on the Mid-State, North Loup and O'Neill federal water projects and seek close coordination with these projects and Nebraska Natural Resource Districts and the function of the Department of Water Resources.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 507. Replaced on Select File as amended.
E & R amendments to LB 507:

1. In new section 1, line 2, strike "Federal" and insert "funds received from the federal".

2. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT to authorize the Game and Parks Commission to acquire described property for prescribed purposes; to provide for the operation thereof; and to".

LEGISLATIVE BILL 589. Replaced on Select File as amended.
E & R amendments to LB 589:

1. Renumber new section 3 added by the Warner amendment adopted 5/19 as section 2, new section 2 added by the Warner amendment adopted 5/7 as section 3, the unnumbered section as section 4, new section 4 added by the Warner amendment adopted 5/19 as section 5, original section 2 as section 6, and the emergency clause as section 7.

2. Pursuant to the F. Lewis amendment as amended by the Carsten amendment, in the Warner amendments (REQ 2593) adopted 5/19, on page 1, line 15, insert "on the first twenty-five thousand dollars of taxable income, and at the rate of twenty-seven and one half per cent of such rate on all taxable income in excess of twenty-five thousand dollars" after "77-2715"; and on page 2, line 2, strike "rate" and insert "~~rate~~ rates".

3. In renumbered section 4, line 2, insert an underscored comma after "include"; in line 16 insert an underscored comma after "obligations".

4. In line 3 of the Warner amendment to page 2, strike "so set".

5. In the title, strike lines 2 to 5 and amendments thereto and insert:

"FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1974, and section 77-2734, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 123, Eighty-fourth Legislature, First Session, 1975, relating to taxation; to set the maximum personal income tax rate for 1975; to change the formula for setting rates; to provide additional times when rates may be changed; to decrease the corporate rate and provide

step rates; to provide duties; to define a term; to provide an operative date; to repeal the original sections; and to declare an emergency.".

(Signed) Donald N. Dworak, Chairman

MOTION—Override Veto on LB 423

Mr. Chambers moved to override the Governor's veto on LB 423.

Mr. Chambers moved for a Call of the House. The motion prevailed with 24 ayes, 5 nays and 20 not voting.

Mr. Chambers requested a roll call vote on his motion.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Kelly	Keyes	Kremer	R. Lewis	Luedtke
Mahoney	Marsh	Marvel	Mills	Rasmussen
Rumery	Schmit	Simpson	Warner	Wiltse

Voting in the negative, 16:

Carsten	Dickinson	Goodrich	Johnson	Koch
F. Lewis	Maresh	Moylan	Murphy	Nichol
Savage	Skarda	Stoney	Stull	Swigart
Syas				

Not voting, 3:

Hasebroock	Kennedy	Kime

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Chambers moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 94.

Introduced by Marvel, 33rd District; Clark, 47th District; Marsh, 29th District; Goodrich, 20th District; Savage, 10th District; Simpson, 46th District; Stull, 49th District; Johnson, 15th District; Bereuter, 24th District.

WHEREAS, the State of Nebraska is concerned about the development of an equitable pay system, and

WHEREAS, the State of Nebraska has employees under many separate pay plans administered by different bodies, and

WHEREAS, the State of Nebraska wants to see accountability by agency heads concerning the implementation of a pay system.

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

1. That the Appropriations Committee shall undertake an interim study of the current pay and classification systems.

2. That the committee report the findings of its study together with its recommendation for enabling legislation to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Change of Order

Mr. Bereuter asked unanimous consent to consider LB 213 on General File at this time.

Mr. R. Lewis objected.

Mr. Bereuter moved to consider LB 213 on General File at this time. The motion prevailed with 26 ayes, 5 nays and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 213. Considered.

Mr. George offered the following amendment:

1. In LB 213 as amended by the Standing Committee amendment insert:

"Sec. 9. (1) Signs, displays, and devices giving specific information of interest to the traveling public shall be erected by the Department of Roads and maintained within the right-of-way in such areas at appropriate distances from interchanges on highways of the interstate system and roads of the state primary system as shall conform with the rules promul-

primary system as shall conform with the rules promulgated by the Department of Roads. Such rules shall be consisted with national standards promulgated from time to time by the appropriate authority of the federal government pursuant to Title 23, section 131, paragraph f, of the United States Code, except as provided in this section.

(2) For purposes of this section, specific information of interest to the traveling public shall mean only information about public places for outdoor recreation, camping, lodging, eating, and motor fuel and associated services. Each business so advertised shall be in operation sixteen hours per day, seven days per week, with telephone and restroom facilities, motor fuel, oil, and water, including trade names. Information on motor fuel and associated services may include vehicle service and repair where the same is available.

Sec. 10. (1) Commercial vendors using informational signs shall furnish and maintain informational panels to the Department of Roads and the commercial vendor shall pay an annual fee of twenty-five dollars for each informational panel to the department for posting such informational panels.

(2) Upon furnishing the informational panels to the department and payment of the annual twenty-five dollar fee, the Department of Roads shall post the informational panels and the commercial vendor shall not be required to remove any advertising device, except any advertising device which was unlawfully erected in violation of any provision of this act, as a condition precedent the posting of such informational panels by the Department of Roads.

(3) There is hereby created in the state treasury a fund to be known as the Highway Beautification Fund and all funds received for the posting of informational panels shall be deposited in such fund.".

2. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 1 nay and 23 not voting.

Mr. Mills moved the previous question on advancing LB 213. The question is, "Shall the debate now close?"

The Chair ruled the debate closed with 24 ayes, 3 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 10 nays and 13 not voting.

COMMUNICATION ON LB 423

May 19, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 423, Eighty-fourth Legislature, First Session

Dear Mr. Beerman:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 423 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 423 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 423 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 19th day of May, 1975.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 477. Placed on Select File.
LEGISLATIVE BILL 394. Placed on Select File.
LEGISLATIVE BILL 409. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 95.

Introduced by Cavanaugh, 9th District.

WHEREAS, at the present time there exist many nonprofit foundations within the state; and

WHEREAS, several of these foundations on occasion, have relationships with various state agencies; and

WHEREAS, such relationships between such nonprofit foundations and the various state agencies have an effect on the public policy of such agencies and the general public interest.

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

1. That an interim study of the relationships between nonprofit foundations and state agencies be conducted.

2. That the results of such study be presented to the Eighty-Fourth Legislature, Second Session.

Referred to the Executive Board.

UNANIMOUS CONSENT—Change of Order

Mr. F. Lewis asked unanimous consent to consider LB 216 on Select File at this time.

Mr. Dickinson objected.

Mr. F. Lewis moved to consider LB 216 on Select File at this time.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 4 nays and 21 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The F. Lewis motion to consider LB 216 at this time prevailed with 26 ayes, 9 nays and 15 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused. No objections. So ordered.

MR. SAVAGE PRESIDING

SELECT FILE

LEGISLATIVE BILL 216. Mr. F. Lewis offered the following amendment:

1) Strike lines 3 to 17 of the Lewis Amendment on page 1520 of the Legislative Journal and insert the following:

"Sec. 1. Appropriations Statement

There is hereby appropriated for the period of July 1, 1975, to June 30, 1976, for each agency for each program from the respective funds for salaries, wages, and expenses, the sums outlined in sections 2 and 3 of this act, except as otherwise appropriated.

Sec. 2. Agency No. 83--Nebraska Coordinating Commission for Technical Community Colleges

Program No. 048--Office of the Commission	
GENERAL FUND	12,000
PROGRAM TOTAL	12,000

The amount shown shall be expended to carry out the powers, duties, and responsibilities of the commission as described in Section 20 of Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975.

Program No. 051--Aid to Technical Community Colleges	
GENERAL FUND	11,600,000
PROGRAM TOTAL	11,600,000

The amount shown shall be distributed pursuant to Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975.

For Informational Purposes Only: Total Appropriations to Agency 83 and Fund Source:

GENERAL FUND	11,612,000
AGENCY TOTAL	11,612,000

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity of constitutionality of the remaining portions thereof.

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.".

The amendment was adopted with 26 ayes, 6 nays and 17 not voting.

Standing Committee amendments found in the Journal on page 1520 for the Seventy-second Day were rejected with 28 ayes, 0 nays and 21 not voting.

Mr. Marvel offered the following amendment:

(1) Add a new section to read as follows:

"Sec. . It is the intent of the Legislature that

within each area, the total funds available to each campus for the operation of education programs shall be the same percentage of total funds available within the area that each campus received for the 1974-75 fiscal year."

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Warner offered the following amendment

Amend the F. Lewis amendment as follows:

1) On page 1, line 4, strike "There" and insert "If Legislative Bill 344, Eighty-fourth Legislature, First Session is enacted into law, there".

2) Insert a new section 3:

"Sec. 3. If Legislative Bill 344, Eighty-fourth Legislature, First Session is not enacted into law, the appropriation made in Section 2 is void, and there is hereby appropriated to Agency No. 83 -- State Board of Technical Community Colleges:

(1) Program No. 534 -- Office of the State Board

GENERAL FUND	245,694
CASH FUND	27,662
FEDERAL FUND est.	75,475
PROGRAM TOTAL	348,831

There is included in the amount shown $187,379 which shall be expended for the operation of the fire service safety programs.

There is included in the amout shown $75,475 which shall be expended for the operation of the emergency medical technician-ambulance (EMTA) programs.

(2) Program no. 311 -- Western Nebraska Technical Community College Area

GENERAL FUND	2,031,729
CASH FUND	306,201
FEDERAL FUND est.	73,702
REVOLVING FUND	9,860
PROGRAM TOTAL	2,421,492

There is included in the amount shown $30,000 which shall be expended for the development and expansion of community service satellite programs in the Western Nebraska Technical Community College Area.

There is included in the amount shown the following campus detail:

(a) Area Office	89,926
(b) Scottsbluff campus	1,363,352
(c) Sidney campus	881,870
(d) Alliance campus	86,844

(3) Program No. 312 -- Mid-Plains Nebraska Technical Community College Area

GENERAL FUND	2,145,051
CASH FUND	383,246
FEDERAL FUND est.	74,414
PROGRAM TOTAL	2,602,711

There is included in the amount shown the following campus detail:

(a) Mid-Plains campus	1,843,455
(b) McCook Campus	708,925
(c) Area office	50,331

(4) Program No. 313 -- Central Nebraska Technical Community College Area

GENERAL FUND	4,232,475
CASH FUND	772,788
FEDERAL FUND est.	232,562
REVOLVING FUND	30,000
PROGRAM TOTAL	5,267,825

There is included in the amount shown the following campus detail:

(a) Central campus	3,639,125
(b) Platte campus	1,517,767
(c) Area office	110,933

(5) Program No. 314 -- Northeast Nebraska Technical Community College Area

GENERAL FUND	2,551,432
CASH FUND	376,281
FEDERAL FUND est.	87,500
REVOLVING FUND	10,400
PROGRAM TOTAL	3,025,613

(6) Program No. 316 -- Metropolitan Technical Community College Area

GENERAL FUND	4,306,747
CASH FUND	948,271
FEDERAL FUND est.	150,000
REVOLVING FUND	7,500
PROGRAM TOTAL	5,412,518

There is included in the amount shown $363,700 General Funds which shall be expended for the operations and maintenance of Fort Omaha. If the Fort Omaha facilities are not received, the $363,700 appropriation shall not be expended for any other purpose.

(7) Program No. 315 -- Southeast Nebraska Technical Community College Area

GENERAL FUND	4,209,640
CASH FUND	1,062,018
FEDERAL FUND est.	279,357

REVOLVING FUND	30,000
PROGRAM TOTAL	5,581,015

There is included in the amount shown $39,339 which shall be exended for the development and expansion of community service satellite programs in the Southeast Nebraska Technical Community College Area.

There is included in the amount shown the following campus detail:

(a) Milford campus	2,445,607
(b) Lincoln campus	2,393,154
(c) Fairbury campus	593,187
(d) Area office	149,067

For Informational Purposes Only: Total Appropriations to Agency No. 83 and Fund Source:

GENERAL FUND	19,722,768
CASH FUND	3,876,467
FEDERAL FUND est.	973,010
REVOLVING FUND	87,760
AGENCY TOTAL	24,660,005".

The amendment was adopted with 25 ayes, 2 nays and 22 not voting.

Mr. Kremer asked unanimous consent to add his name to LB 216. No objections. So ordered.

Mr. Clark asked unanimous consent to withdraw his name on LB 216. No objections. So ordered.

Mr. Warner offered the following amendment:

AMENDMENT TO LB 216

1) In the Lewis amendment on page 1, lines 19 and 20, strike "11,600,000" and insert "5,800,000"; on lines 25 and 26, strike "11,612,000" and insert "5,812,000".

Mr. Warner requested a roll call vote.

Voting in the affirmative, 19:

Bereuter	Burbach	Carsten	Clark	DeCamp
Dickinson	Duis	Dworak	Kelly	R. Lewis
Marsh	Marvel	Mills	Murphy	Schmit
Simpson	Stull	Warner	Wiltse	

Voting in the negative, 25:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
Cope	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Keyes	Koch	Kremer

F. Lewis	Luedtke	Mahoney	Maresh	Moylan
Nichol	Rumery	Skarda	Stoney	Swigart

Not voting, 5:

Kennedy	Kime	Rasmussen	Savage	Syas

The Warner amendment lost with 19 ayes, 25 nays and 5 not voting.

Mr. Marvel moved to strike the Marvel amendment previously adopted today. The motion prevailed with 26 ayes, 2 nays and 21 not voting.

Mr. Barnett offered the following amendment:

AMENDMENT TO THE LEWIS AMENDMENT TO LB 216

1) On page 1, after line 22, insert a new section to read as follows:

"Sec. 3. Agency No. 21--State Fire Marshal

Program No. 193--Protection of People and Property - Fire Safety

GENERAL FUND	159,717
CASH FUND	27,662
PROGRAM TOTAL	187,379

There is included in the amount shown $187,379 which shall be expended for the operation of the fire service safety programs.

Personnel currently providing emergency medical technician-ambulance services in the State Board of Technical Community Colleges shall be transferred to the State Fire Marshall and the appropriate contracts with state and federal agencies shall be renegotiated.

2) On page 1, after line 26, add a new section to read as follows:

"Sec. 4. That Section 10, Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975, read as follows:

Sec. 10. ~~After the operative date of this act, the State Department of Education shall assume responsibility of and serve as the coordinating body for the Fire Service Safety Program and the Emergency Medical Training Program for the entire state. All funds made available for such programs shall be transferred to the State Department of Education for the purpose of carrying out its duties under this section. The State Department of Education shall work with the Department of Health to assure coordination of the Emergency Medical Training Program with the other emergency medical service programs.~~ The Fire Service and Safety Training Program is hereby transferred to the State Fire Marshal."

3) After new Section 4, add a new section to read as follows:

"Sec. 5. That section 10, of Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975, is repealed."
4) Renumber original Sections 3 and 4 as 6 and 7 respectively.

The Barnett amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

MESSAGE FROM THE SECRETARY OF STATE

May 19, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 423, Eighty-fourth Legislature, First Session

Dear Mr. Clerk:

This is to acknowledge receipt of LB 423, together with supporting documents including the Certificate signed by Gerald Whelan, Presiding Officer and President of the Legislature. Said Certificate indicates that LB 423 having been returned by the Governor with his objections thereto, and after reconsideration the bill passed the Legislature by the considered majority and became a law this 19th day of May, 1975.

Finally, you should be advised that the Certificate, LB 423 and a copy of the Governor's objections have been filed in this office of Secretary of State according to law and is now a matter of public record.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

RESOLUTION

LEGISLATIVE RESOLUTION 96.

Introduced by Bereuter, 24th District; Marsh, 29th District; Stull, 49th District; Marvel, 33rd District; Simpson, 46th District.

WHEREAS, from fiscal year 1970 to fiscal year 1975, the regional community-based mental retardation program has grown from approximately 100 staff members serving 400 clients at an annual cost of

approximately $1,000,000 to over 1000 staff members serving approximately 3000 clients at an annual cost in excess of $14,000,000; and

WHEREAS, the state general fund support for the regional community-based mental retardation program has increased from $210,000 during 1970-71 to $2,533,281 during 1974-75; and

WHEREAS, the funding of the regional community-based mental retardation program is a complicated mix of: (1) state and federal funds from the Department of Public Welfare, Division of Social Services; Department of Public Institutions, Office of Mental Retardation; Department of Education, Division of Vocational Rehabilitation; Department of Health, Developmental Disabilities; (2) county funds; and (3) local funds from school districts contracting for special education and transportation services, room and board receipts, contract income, parents, and contributions; and

WHEREAS, the State Department of Public Welfare, Division of Social Services, is in the process of developing a state plan for the allocation of federal funds for the purchase of social services as required by the new federal Title XX Social Service Regulations; and

WHEREAS, the Advisory Committee to the Department of Public Institutions, Correctional Services, and Public Welfare is currently charged with the responsibility of gathering and assimilating pertinent data and making recommendations regarding the statewide community-based mental retardation program, and has the assistance of a study conducted by Touche-Ross & Co.

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

(1) That representatives of the Appropriations Committee and Public Health and Welfare Committee of the Nebraska Legislature with assistance from the Advisory Committee to the Department of Public Institutions, Correctional Services, and Public Welfare, jointly study and evaluate the services provided and funding of the regional community-based mental retardation programs.

(2) That the committees at the conclusion of their study shall report the findings and recommendations to the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 74.

Correctly Engrossed

The following bills were correctly engrossed: 142, 380, and 557.

(Signed) Donald N. Dworak, Chairman

PRESIDENT WHELAN PRESIDING

MOTIONS—Final Adjournment

Speaker Burbach moved that the Legislature continue in session May 20, 21, 22 and 23 and adjourn sine die on Friday, May 23rd, the Eighty-ninth Day.

Mr. Stull moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 4 nays and 13 not voting.

The Burbach motion lost with 21 ayes, 24 nays and 4 not voting.

Speaker Burbach moved to adjourn sine die on the 90th Day, Saturday, May 24th. The motion lost with 23 ayes, 22 nays and 4 not voting.

Mr. Stull moved to continue in session until Friday, May 23rd, the Eighty-ninth Day and come back for the Ninetieth Day on May 28th.

Mr. Mahoney moved to amend the Stull motion to adjourn sine die on Friday, May 23rd the Eighty-ninth Day.

Mr. Savage 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 Mahoney amendment prevailed with 27 ayes, 13 nays and 9 not voting.

Mr. Johnson 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 Stull motion, as amended, prevailed with 26 ayes, 12 nays and 11 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 453. Replaced on Select File as amended.
E & R amendments to LB 453:

1. In lieu of the second portion of the Cavanaugh amendment, on page 2, line 11, as reinstated, strike "or" and insert "~~,~~ or" and after "militia" insert ", or volunteer fireman".

2. For correlation purposes, in the Mills amendments, page 1, line 6, insert ", as amended by section 1, Legislative Bill 494, Eighty-fourth Legislature, First

Session, 1975" after "1943"; strike beginning with "such" on page 2, line 27 through page 3, line 2 and insert "a place of registration in each incorporated city or village, which place of registration"; on page 3, line 3, after "open" insert "not less than one day within thirty days prior to each statewide primary election and each statewide general election and"; and on page 3, after the period in line 4 insert "In each city of the metropolitan class, such place of registration shall be so provided in each legislative district.".

3. In the Mills amendments, page 3, strike the comma in line 8 and in line 25.

4. In the Mills amendments, page 6, line 14, insert an underscored comma after "administer".

5. In the Mills amendments, page 9, line 14, strike "32-216,".

6. On page 74, lines 4 and 24, strike "and"; in lines 6 and 26 insert ", and section 32-216, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 494, Eighty-fourth Legislature, First Session, 1975" after "1974"; at the end of line 17 insert "32-216.01, 32-221, 32-222, 32-223,".

7. On page 48, lines 8 and 25, strike "23" and insert "28".

8. On page 50, line 15 as amended, strike "31" and insert "32".

(Signed) Donald N. Dworak, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 97.

Introduced by Schmit, 23rd District; Maresh, 32nd District; Rumery, 42nd District; Dickinson, 31st District; DeCamp, 40th District; Kennedy, 21st District and Burrows, 30th District.

WHEREAS, Congress is still considering various legislative proposals in order to establish national land-use legislation; and

WHEREAS, the air, land, and water of Nebraska are the principal assets of the state and guarantee to the state a sound economy and an agricultural base; and

WHEREAS, the Nebraska Legislature has enacted legislation redefining the zoning authority of counties and municipalities and giving the State Office of Planning and Programming power to examine local land-use programs; and

WHEREAS, the Attorney General of Nebraska has interpreted such land-use legislation passed by the Nebraska Legislature as unconstitutional; and

WHEREAS, the Committee on Agriculture and Environment has studied land-use legislation in previous interim study sessions and has become intimately acquainted with the problems associated with the development of legislation governing this problem; and

WHEREAS, additional study is necessary to evaluate the long-term impact and the development of legislation which is in the best interests of the land owners and industry of this state.

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

1. That the Committee on Agriculture and Environment continue to conduct hearings and studies in the interim to determine what, if any, changes are necessary to implement the most practical state land-use plan which is in the best economic and environmental interests of this state.

2. That the committee at the conclusion of its study make a report to the Legislature with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 98.

Introduced by Schmit, 23rd District; Rumery, 42nd District; DeCamp, 40th District, Maresh 32nd District and Burrows, 30th District.

WHEREAS, agriculture is the principal economic operation in Nebraska, and as such, is the basis of the economic growth and development of this state; and

WHEREAS, moderate changes affecting other industries will always have a direct economic effect upon agriculture; and

WHEREAS, the agriculture industry has suffered from severe drought, increased production costs and business failures in the food processing industry in the past year; and

WHEREAS, the Committee on Agriculture and Environment is best suited and staffed to hold necessary hearings or to conduct such investigations as may be necessary to effectuate the interests of the citizens to protect the economic status of agriculture in this state; and

WHEREAS, the committee through study and investigation has accomplished much in this area, much work remains on file and to be done.

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

1. That the Executive Board of the Legislature order the continuation of such studies and investigations by the Committee on Agriculture and Environment as may be necessary to effectuate the interest of the agricultural economy of this state.

2. That the committee report its findings and recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 99.

Introduced by DeCamp, 40th District.

WHEREAS, the Nebraska National Guard has a two-fold mission; first, to serve the citizens of our state in time of emergency, and second, to serve the United States of America if called during a National Emergency; and

WHEREAS, emergencies such as those caused by two natural disasters this year alone, have shown the importance of the legislature's role in insuring that Nebraska has, and always will have, a strong, well-trained and ready National Guard; and

WHEREAS, the recruiting and retention of National Guard personnel in Nebraska has from time to time encountered certain obstacles; and

WHEREAS, Nebraska could experience the loss of some National Guard units if personnel strength falls below certain federally established levels; and

WHEREAS, the legislature desires to investigate the needs of the Nebraska National Guard and work toward assisting the Adjutant General in making our good Nebraska National Guard even better.

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

1. That the Legislature of Nebraska in interim session conduct a study to determine the degree to which the military department could and to the extent to which it would respond to certain state emergencies.

2. That such study define the needs of the Nebraska National Guard with regard to recruiting and retention of personnel and to recommend courses of action that may be of assistance in these areas.

3. That such study consider proposed legislation that may strengthen the overall structure of the Nebraska National Guard.

4. That such interim study may, if desireable, include a complete analysis of the fiscal needs of the military department.

Referred to the Executive Board.

VISITORS

The President introduced 41 fifth and sixth grade students and teacher from Elgin, Nebraska; 20 fourth grade students and teacher from Plattsmouth, Nebraska.

ADJOURNMENT

At 4:55 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, May 20, 1975.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-SIXTH DAY—MAY 20, 1975

LEGISLATIVE JOURNAL

EIGHTY-SIXTH DAY—MAY 20, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 20, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor Westminster Presbyterian Church, Lincoln.

> Our Father, we stand to join our hearts in prayer in our acknowledgement of our continued need for thy great guidance. We know that prayer is not a substitute for work. May we never fail to do the very best we can. Help us to pray in the knowledge that it all depends on Thee, and then work as if all depended on us.
>
> In this week of extra demands to complete the task, grant your increased strength for our bodies, illumination of spirit for our minds.
>
> Direct the counsels of the Senate and grant that what is accomplished will be for the betterment of our state. In the Spirit of Christ we pray. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Fitzgerald who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-fifth Day was approved.

MESSAGES FROM THE GOVERNOR

May 19, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 212, 215, 215A, 235, 235A, 421, and 612.

These bills were signed by me on May 19, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 19, 1975

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

Dear Mr. President and Senators:

I earnestly urge you to consider in detail the following veto message of LB 417. It is vitally important that you become fully aware of the ramifications of this bill.

I return herewith LB 417 and LB 417A without my signature and with my objections.

Contrary to all previous efforts and agreements between the Judiciary Committee and the Executive Branch, the Legislature has adopted a bill which would provide for one medium-minimum reformatory facility in Lincoln and one in Omaha. This action was taken without the benefit of a public hearing and without consultation with the people of Omaha and their elected officals. Mayor Zorinsky has advised me that except for my inquiry, no one had even sought his opinion or advice. Mayor Zorinsky is the elected head of Omaha city government.

The supporters of this legislation grossly underestimated the costs of construction and operation of two facilities as opposed to one. Analysis by the Budget Division of DAS shows that construction for a 200-bed facility with expansion to 250 in Lincoln would be $6.5 million. LB 417A,

however, only appropriates $5 million total construction costs for the completion of this facility. Your body has been ill-advised by your Legislative Fiscal Office and deceived into believing that the proposed facility could be built with only $5 million. The additional $1.5 million will have to be reckoned with sooner or later and it is better to be straightforward and honest at this point so that the Legislature will have accurate fiscal information on which to base its judgment. On the operations side, the Fiscal Office's cost projections are completely ridiculous and bear little resemblance to reality. The operational cost of a 200-bed facility in Lincoln will be approximately $2.9 million, as opposed to the Legislative Fiscal Office's estimation of $1.9 million. This is a million dollar difference in operations alone. It is quite apparent that the amendments to LB 417 were sold without proper and accurate information as to costs. Either that, or the supporters of LB 417 are now proposing grossly inadequate facilities and programs.

The total cost of constructing one medium-minimum facility in Lincoln and one in Omaha as proposed under the amended form of LB 417 would be $12.1 million. LB 417, as originally written, introduced and supported by the Judiciary Committee, Senator Luedtke and Senator Cavanaugh, would provide for one facility in Lincoln at a cost of $8.1 million. Your action results in increased construction costs for two facilities over one of $4.0 million. Has the Legislature carefully considered their action and its precipitous result in an exorbitant increase in construction costs of $4.0 million? The annual operational costs of the proposed two facilities would be $5.5 million as opposed to an annual operational cost for one 300-bed facility in Lincoln of $3.5 million. This is an annual increased operational cost of $2 million. Over a ten year period, not even taking into consideration inflation and increased personal service costs, we are talking of an additional $20 million of increased and unnecessary expense to the taxpayer. Again, has the Legislature carefully considered the effects these types of increases will have on our budgetary situation for years to come? Are you sure, after two weeks of maneuvering on the floor of the Legislature, that the construction and operation of two medium-minimum facilities is in the best interests of our state? Can a single Senator really believe, as you have been told, that two units can be built and maintained almost at the same costs as one?

In addition to the Legislature not having accurate information as to costs, the amendments to LB 417 provide for a radical change in the programmatic philosophy of Nebraska's penal system. The proposal for two facilities and the cost analysis of the Legislative Fiscal Office is based upon the assumption that 20% of the inmate population will receive educational and other services outside of the institution. This is an extremely dangerous and damaging proposal, both from the standpoint of the public at large and the individual inmate, himself.

There are three basic units in modern penology. First, a penitentiary for the most serious offenders. This is a secured facility. Secondly, a reformatory or so-called medium-minimum facility for less serious

offenders, but also some potentially dangerous young inmates. Likewise, this unit is also a secured facility. Thirdly, there is the separate and distinct third unit which encompasses work release and local community facilities that are not secured units. We must not confuse or "mix" secured units with nonsecured units.

We are firmly committed, in this administration, to the concept of work release and community-based facilities. An aggressive, on-going program already exists in this area, and we have more plans for improvement in the future. Work release is not effective, however, when operated out of an institutional setting. A medium-minimum security facility is exactly that, a secured facility. We cannot release inmates from this type of institution on their own recognizance, unless we are asking for tremendous problems. It is dangerous from the standpoint of the public and it is certainly counterproductive to effective rehabilitation.

If my veto of LB 417 and LB 417A is overridden, we are risking possible damage to our on-going and progressive penal reform program. A 300-bed facility is not a large institution and it is obvious from all accounts that we need at a minimum 300 beds to adequately handle those individuals who will be classified as medium-minimum security inmates. The important point in correctional philosophy is not so much how large the institution is, but rather how much space in terms of living and recreational area is being provided each individual inmate. A 200-bed facility is totally inadequate as proposed under LB 417 and does not take into consideration the appropriate square footage needs of a sound medium-minimum facility.

By supporting my veto, the Legislature would not be abandoning a penal reform construction program this year. If my veto is sustained by the Legislature, one of the present appropriation bills currently on my desk could be recalled and amended to provide, as all had agreed to before, for the construction of a 300 medium-minimum bed facility in Lincoln so that our previously agreed to sound program would not be delayed.

Again, let me urge you not to destroy our past efforts in the penal reform area. A 300-bed facility is needed and it is needed now and we should not accept any contrary inadequate proposals. Let's follow the unanimous opinion of our penal experts and not the non-professional and more expensive recommendations of well-meaning but nontrained individuals.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah

ATTORNEY GENERAL'S OPINION

Opinion No. 88
May 19, 1975

Re: Authority of Legislature to sponsor Vietnamese doctors or to authorize such sponsorship by an existing state agency.

Dear Senator Warner:

You have asked whether the Legislature could act as a sponsor of Vietnamese doctors. If not, could an existing agency such as the Department of Health or Department of Welfare sponsor them.

The Legislature itself cannot sponsor Vietnamese doctors. Article II, Section 1 of the Nebraska Constitution divides the government of the state into three distinct departments: The legislative, executive, and judicial. The Legislature is given the power to make laws. Article III, Section 1 and Article XVII, Section 6. The executive is to administer the affairs of state. Article IV, Section 6. No person or collection of persons belonging to one of these departments can exercise any power properly belonging to either of the others except as expressly directed or permitted by the constitution. There is no provision expressly giving the Legislature authority to sponsor Vietnamese doctors. Such sponsorship is not an exercise of the lawmaking power and is therefore not permitted when it intrudes upon the area reserved for the executive.

The fact that the Legislature cannot itself sponsor Vietnamese doctors does not preclude its enacting legislation to permit some other state agency to sponsor them. But there are several constitutional limitations which must be observed. One is Article III, Section 18 which proscribes special legislation. Another is Article XIII, Section 3 which provides that the credit of the state shall never be given or loaned in aid of any individual. Similar in its import is Article III, Section 22 which limits appropriations to expenses of government. We would have to have a copy of any proposed legislation before we could tell whether it complied with these and any other constitutional limitations.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Special Assistant Attorney General

MBH:ss
cc Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 288 and 567.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Bracket LB 300

Speaker Burbach asked unanimous consent to bracket LB 300 on Select File until 1976. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 477

Mr. Swigart asked unanimous consent to bracket LB 477 on Select File until 1976. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 100.

Introduced by Duis, 39th District.

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

1. That there be printed for distribution to members of the Legislature two hundred copies of the prayers offered by the Reverend Robert Palmer, Chaplain of the Legislature, offered at the opening of the daily sessions of the Eighty-fourth Legislature, First Session, 1975, together with any other prayers offered by him during such session in his official capacity as Chaplain of the Legislature.

2. That copy for such document be prepared by the Chaplain with the assistance of the Clerk of the Legislature.

Mr. Duis moved to suspend the rules to consider LR 100 today. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

LR 100 was adopted with 29 ayes, 0 nays and 20 not voting.

MOTION—Return LB 577 to Select File

Mr. Bereuter moved to return LB 577 to Select File for the specific amendment found in the Journal on page 1803 for the Eighty-first Day.

The motion prevailed with 25 ayes, 10 nays and 14 not voting.

SELECT FILE

LEGISLATIVE BILL 577. The Bereuter specific amendment found in the Journal on page 1803 for the Eighty-first Day was adopted with 26 ayes, 10 nays and 13 not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 273 and 279.

(Signed) Donald N. Dworak, Chairman

MOTION—Return LB 577 to Select File

Mr. Rasmussen moved to return LB 577 to Select File for the specific amendment found in the Journal on page 1752 for the Eightieth Day.

The motion prevailed with 25 ayes, 3 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 577. The Rasmussen specific amendment found in the Journal on page 1752 for the Eightieth Day was adopted with 27 ayes, 7 nays and 15 not voting.

Advanced to E & R for Re-Engrossment.

Mr. Schmit moved to bracket LB 577 until January 7, 1976.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 15 nays and 13 not voting.

The Schmit motion to bracket LB 577 lost with 4 ayes, 24 nays and 21 not voting.

MOTION—Override Veto on LB 417

Mr. Luedtke, Mrs. Marsh and Messrs. Schmit, Nichol, DeCamp, Barnett, F. Lewis, Fowler, Anderson, Bereuter, Chambers and Cavanaugh moved to override the Governor's veto on LB 417.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?"

The motion prevailed with 26 ayes, 7 nays and 16 not voting.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	DeCamp	Duis	Fitzgerald
Fowler	Goodrich	Johnson	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Moylan	Nichol	Rasmussen	Savage
Schmit	Simpson	Skarda	Stoney	Syas
Warner				

Voting in the negative, 9:

Burbach	Carsten	Dickinson	Dworak	Kelly
Kennedy	Keyes	Kime	Swigart	

Not voting, 9:

Clark	George	Hasebroock	Maresh	Mills
Murphy	Rumery	Stull	Wiltse	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION–Override Veto on LB 417A

Mr. Luedtke, Mrs. Marsh and Messrs. Schmit, Nichol, Barnett, F. Lewis, Fowler, Anderson, Bereuter, and Cavanaugh moved to override the Governor's veto on LB 417A.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 6 nays and 14 not voting.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Luedtke moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Luedtke requested a roll call vote.

Voting in the affirmative, 34:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	DeCamp	Duis	Fitzgerald
Fowler	Goodrich	Johnson	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Syas	Warner	

Voting in the negative, 13:

Burbach	Carsten	Clark	Dickinson	Dworak
George	Hasebroock	Kelly	Kennedy	Kime
Stull	Swigart	Wiltse		

Not voting, 2:

Keyes Murphy

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

MESSAGE FROM THE GOVERNOR

May 20, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 598.

This bill was signed by me on May 20, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT–Members Excused

Mr. R. Lewis asked unanimous consent to be excused until 3:00 p.m. No objections. So ordered.

Mr. Kime asked unanimous consent to be excused at 11:35 a.m. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 213. Placed on Select File as amended.
E & R amendments to LB 213:

1. On page 2, line 8, insert an underscored comma after "include".

2. In committee amendments, page 11, line 7, strike the comma and show as stricken.

3. In committee amendments, page 12, insert an underscored semicolon after "1956" in line 11 and "Nebraska" in line 24; and in line 13 strike the semicolon and show as stricken.

4. In committee amendments, page 13, line 9, insert "the main-traveled way of" after "from" and strike the comma; and strike line 10 and insert "the National System of Interstate and Defense Highways."

5. In committee amendments, page 15, line 16, strike "from the owner of such land" and show stricken and insert the same underscored after "lease" in line 17.

6. In the George amendments, page 1, line 6, strike "in such areas"; in line 7 strike "highways" and strike line 8 and insert "the National System of Interstate and Defense Highways and from roads of the state"; in line 23 strike ", including trade names" and insert the same after "services" in line 20; and in line 26 strike "is" and insert "are".

7. In the George amendments, page 2, line 1, strike "and maintain"; in lines 2 and 3 strike "the commercial vendor shall pay" and insert "pay to the department"; in line 4 strike "to the department"; in line 6 strike "furnishing" and insert "receiving"; strike line 7 and insert "and the annual twenty-five"; and at the end of line 18 insert "Such fund shall be expended for the administration of sections 9 and 10 of this act.".

8. Add a new section to read:

"Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its

passage and approval, according to law.".

9. In the title, line 4, insert "and federal-aid primary roads" after "Highways"; in line 5, strike "and"; in line 6, insert "; to provide for the placing of informational panels as prescribed" immediately after "removal".

10. In committee amendments, page 17, line 7, strike "and"; and in line 8 insert "; and to declare an emergency" after "sections".

(Signed) Donald N. Dworak, Chairman

COMMUNICATIONS ON LB 417 and LB 417A

May 20, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 417, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 417 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 417 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

ca
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 417 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 20th day of May, 1975.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

May 20, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 417A, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 417A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 417A notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 417A 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 20th day of May, 1975.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

ATTORNEY GENERAL'S OPINION

Opinion No. 89
May 20, 1975

Re: Proposed Amendment to LB 571

Dear Senator DeCamp:

We have just received a copy of the above amendment which you indicated will be presented to the Legislature later this morning or early this afternoon. You have asked us to review it in light of our letter to Senator Warner regarding the authority of the Legislature to authorize an existing state agency to sponsor Vietnamese doctors.

Unfortunately your time frame does not allow us enough time to give the matter the careful consideration it requires. However, there are several problems which are apparent. One is the lack of standards to guide the Director of the Department of Health in making the rules and regulations. This is an improper delegation of legislative authority. There is also a possible violation of both Article III, Section 18 and Article XIII, Section 3 of the Nebraska Constitution. To give Vietnamese doctors food, clothing, education, shelter, health, and transportation expenses may be not only special legislation but also the granting of the credit of the state in aid of individuals. We would also need more time to determine whether the appropriation to meet the needs of relocating Vietnamese physicians is in fact for an expense of government.

We regret that this review is necessarily so cursory. At your request and with more time available to us we will give this amendment further consideration.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Special Assistant
Attorney General

MBH:saa
encl.
cc Mr. Vincent D. Brown

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 100.

MOTION—Return LB 571 to Select File

Mr. R. Lewis moved to return LB 571 to Select File for the following specific amendment:

1. On page 4, after line 15 insert the following:

"(6) Any residencies which may be funded, in addition to those provided in this section, shall be family practice residencies. Beginning July 1, 1976, any expansion of residencies, other than family practice residencies, shall be initiated only when the demand for such specialities is shown by patient numbers and need in the State of Nebraska.".

The motion prevailed with 27 ayes, 2 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 571. The R. Lewis specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 571A to Select File

Mr. Marvel moved to return LB 571A to Select File for the following specific amendment:
1) On page 2, after line 7, insert a new section:
"Sec. 2. There is hereby reappropriated from the unexpended balance existing on June 30, 1975, in Program 731, Instruction, Research and Treatment Support, University of Nebraska Medical Center, Agency No. 51-3, one hundred sixteen thousand eight hundred sixty dollars for the period July 1, 1975, to June 30, 1976, to the University of Nebraska-Lincoln, Agency No. 51-1, for Program 711, to aid in carrying out the provision of Legislative Bill 571, Eighty-fourth Legislature, First Session, 1975";
and on line 8, strike "2" and insert "3".

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 571A. The Marvel specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 203 to Select File

Mr. DeCamp moved to return LB 203 to Select File for the following specific amendment:
1. In the Standing Committee amendment to LB 203, Journal page 1421, strike sections 3, 4, and 9.
2. Renumber sections 5 to 8 as sections 3 to 6, respectively.

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

SELECT FILE

LEGISLATIVE BILL 203. The DeCamp specific amendment found in this day's Journal was adopted with 26 ayes, 2 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 410 to Select File

Mr. Bereuter moved to return LB 410 to Select File for the following specific amendment:

1. Insert new sections 31, 32, and 33 as follows:

"Sec. 31. That section 1, Legislative Bill 317, Eighty-fourth Legislature, First Session, 1975, be amended to read as follows:

Section 1. Effective July 1, 1977, the county government of ~~a county~~ counties that ~~is~~ are presently included in a Standard Metropolitan Statistical Area, as defined by the federal government, is authorized, with the assistance of its planning commission, to prepare, adopt, and enforce zoning and subdivision regulations that are based upon a comprehensive development plan, as defined by section 23-114.02, Reissue Revised Statutes of Nebraska, 1943, for the land area included in any municipality that has not by such date adopted zoning and subdivision regulations and begun an organized and staffed program to enforce such regulations, either as an individual municipality or jointly with the assistance of the county. If the State Office of Planning and Programming determines, under authority granted by section 6 of this act, that a city of the first class, city of the second class, or village in such county is not, by July 1, 1977, enforcing zoning and subdivision regulations in a manner that the state agency determines to be adequate, the municipality shall permanently lose its land-use planning and land-use regulatory powers, and the county, by July 1, 1978, shall have prepared necessary plans and shall enforce zoning and subdivision regulations for the area within that municipality.

A city of the second class or a village which loses its land-use planning and land-use regulatory powers in such a manner may regain such authority one year after it becomes a city of the first class. Upon the enforcement of zoning and subdivision regulations by the municipality, the county shall relinquish its control over both the area in the municipality and the extraterritorial jurisdiction of the municipality.

At the time that an additional county, as recognized by the Legislature, is added to a Standard Metropolitan Statistical Area, a municipality in that

county shall have a one-year period after such designation to individually or jointly begin enforcing zoning and subdivision regulations before it becomes subject to permanent loss of its land-use planning and land-use regulatory powers. If such municipality does not begin adequate regulatory programs, as determined by the State Office of Planning and Programming acting under section 6 of this act, by the end of the one-year period, the county shall begin such regulatory programs within two years after the designation of the county as part of a Standard Metropolitan Statistical Area.

Sec. 32. All municipalities and counties affected by Legislative Bill 317, Eighty-fourth Legislature, First Session, 1975, may appeal from adverse decisions of the State Office of Planning and Programming in accordance with Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Sec. 33. The State Office of Planning and Programming in assisting the municipalities and counties in accordance with sections 1 to 8 of Legislative Bill 317, Eighty-fourth Legislature, First Session, 1975, shall consider rules, procedures, and regulations which promote beneficial land development policies and programs, prevent detrimental land use, and promote collective action in land use and zoning. The office shall establish such rules, procedures, and regulations in such a manner so as to allow local control to the greatest extent possible. In exercising such local control, the counties and municipalities shall consider the local public interest.".

2. Renumber original sections 31 and 32 as sections 34 and 35 respectively.

3. In the title, line 8, strike "and"; in line 10, strike "relating to zoning;" and insert "and section 1, Legislative Bill 317, Eighty-fourth Legislature, First Session, 1975, relating to land use planning;"; and in line 18, insert "to change the definition of a Standard Metropolitan Statistical Area; to provide an appeal process; to specify certain assistance considerations;" after the semicolon.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 410. The Bereuter specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

VISITORS

The President introduced 7 students and sponsors from Centura School, Cairo, Nebraska; 50 sixth grade students and teachers from Sidney, Iowa.

RECESS

At 11:57 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. R. Lewis who was excused until 3:00 p.m.

MESSAGES FROM THE SECRETARY OF STATE

May 20, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 417, Eighty-fourth Legislature, First Session

Dear Mr. Clerk:

This is to acknowledge receipt of LB 417, together with supporting documents including the Certificate signed by Gerald Whelan, Presiding Officer and President of the Legislature. Said Certificate indicates that LB 417 having been returned by the Governor with his objections thereto, and after reconsideration the bill passed the Legislature by the constitutional majority and became a law this 20th day of May, 1975.

Finally, you should be advised that the Certificate, LB 417 and a copy of the Governor's objections have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

Sincerely yours,
(Signed) Allen J. Beermann
Secretary of State

May 20, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 417A, Eighty-fourth Legislature, First Session

Dear Mr. Clerk:

This is to acknowledge receipt of LB 417A, together with supporting documents including the Certificate signed by Gerald Whelan, Presiding Officer and President of the Legislature. Said Certificate indicates that LB 417A having been returned by the Governor with his objections thereto, and after reconsideration the bill passed the Legislature by the constitutional majority and became a law this 20th day of May, 1975.

Finally, you should be advised that the Certificate, LB 417A and a copy of the Governor's objections have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

MOTION--Return LB 472 to Select File

Mr. Cavanaugh moved to return LB 472 to Select File for the following specific amendment:

1. Sec. 2 insert a new sentence to read as follows:
Provided, that "Any data which is a public record
in its original form shall remain a public record when maintained in computer files"

2. Insert a new section 4 to read as follows: "Sec. 4. Except as otherwise provided by law, public records shall mean all papers, correspondence, memoranda, accounts, reports, maps, plans, photographs, sound recordings, or other documents, regardless of physical form, including records produced by or for use with electronic or mechanical data processing devices, and which have been or shall be created or received by any agency or its lawful successor, or official thereof in the exercise of his office or in the conduct, transaction, or performance of any business, duty, or function pursued in accordance with law, but shall not include library or museum material made or acquired and preserved solely for reference purposes, extra copies of documents preserved only for convenience or reference, and stock of publications and reproduced documents.".

3. Renumber renumbered section 4 as section 5.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays and 26 not voting.

Mr. Cavanaugh moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The motion to return LB 472 prevailed with 26 ayes, 7 nays and 8 not voting.

SELECT FILE

LEGISLATIVE BILL 472. The Cavanaugh specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Re-Engrossment.

Mr. Cavanaugh requested his pending amendment to LB 472 found in the Journal on page 1509 be withdrawn.

MOTION—Return LB 216 to Select File

Mr. Dworak moved to return LB 216 to Select File for the following specific amendment:

Amend the F. Lewis amendment to LB 216 found on page 1959 in the Legislative Journal as follows:

1) On lines 19 and 20, strike "11,600,000" and insert "8,000,000"; and on lines 25 and 26 strike "11,612,000" and insert "8,012,000".

2) Add a new section:

"Sec.__. Agency No. 16 -- Department of Revenue
Program No. 109 -- Mill Levy Reimbursement - Technical Community Colleges

	GENERAL FUND	3,600,000
	PROGRAM TOTAL	3,600,000

Mr. Dworak moved for a Call of the House. The motion lost with 18 ayes, 17 nays and 14 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 22:

Bereuter	Burbach	Carsten	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Kelly
Kime	Maresh	Marsh	Marvel	Mills
Murphy	Rasmussen	Schmit	Simpson	Stull
Warner	Wiltse			

Voting in the negative, 23:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
Fitzgerald	Fowler	Goodrich	Hasebroock	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Moylan	Nichol	Rumery	Savage	Skarda
Stoney	Swigart	Syas		

Not voting, 4:

George	Johnson	Kennedy	R. Lewis

The motion lost with 22 ayes, 23 nays and 5 not voting.

SELECT FILE

LEGISLATIVE BILL 325. Mr. Anderson offered the following amendment:

1. In new section 3 added by standing committee 2, in line 3 strike "in attendance at a meeting".
2. On page 4, line 11 strike "two-thirds" and insert "majority"; and in line 24 after "agenda" insert "to include items of an emergency nature only".
3. In committee amendment 5, line 5 strike "seven" and insert "ten".
4. On page 8, line 4 strike "hundred eighty days" and insert "year".

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Koch offered the following amendment:

On page 8 section 3 line 17 strike "plaintiff" and insert "party"

The amendment lost with 16 ayes, 20 nays and 13 not voting.

Mr. Chambers offered the following amendment:

P. 5, Sec. 5 (2) – strike KOCH amendment and reinsert the word "right"

SPEAKER BURBACH PRESIDING

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 21:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	DeCamp	Fitzgerald	Fowler

Luedtke	Mahoney	Maresh	Marsh	Moylan
Savage	Schmit	Simpson	Skarda	Stoney
Swigart				

Voting in the negative, 22:

Carsten	Clark	Cope	Dickinson	Dworak
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kime	Koch	Marvel	Murphy
Nichol	Rasmussen	Rumery	Stull	Syas
Warner	Wiltse			

Not voting, 6:

Duis	Keyes	Kremer	F. Lewis	R. Lewis
Mills				

The amendment lost with 21 ayes, 22 nays and 6 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 216. Replaced on Select File as amended.
E & R amendments to LB 216:

1. Renumber sections as follows:
Sections 1 and 2 of the F. Lewis amendments – No change.
Section 3 of the Warner amendments – no change.
Section 3 of the Barnett amendments – Sec. 4
Section 4 of the Barnett amendments – Sec. 5.
Sections 3 and 4 of the F. Lewis amendments – Sec. 6 and Sec. 8 respectively.
Section 5 of the Barnett amendments – Sec. 7

2. In the Lewis amendments, page 1, line 3, strike "Sec." and insert "Section"; in line 5 strike "each agency" and insert "agency named"; in line 6, strike "respective funds" and insert "General Fund"; and in line 7 strike "outlined in sections 2 and 3" and insert "specified in section 2".

3. In the Warner amendments, page 1, lines 3 and 7, insert ", 1975," after "Session"; in line 8 strike "Section 2 is" and insert "section 2 of this act shall be".

4. Because of the Barnett amendments, in the Warner amendments, page 1, line 11, strike "245,694" and insert "85,977"; strike line 12; in line 14 strike "348,831" and insert "161,452"; and strike lines 15 and 16.

5. Because of the Barnett amendments, in the Warner amendments, page 4, line 17 strike "19,722,768"

and insert "19,563,051"; in line 18 strike "3,876,467" and insert "3,848,805"; and in line 21 strike "24,660,005" and insert "24,472,626".

6. In renumbered section 4, strike line 1 and insert:

"Sec. 4. The sums set forth in this section are hereby appropriated to Agency No. 21 -- State Fire Marshal for the period of July 1, 1975, to June 30, 1976, for:".

7. In renumbered section 5, line 2, insert "be amended to" after the third comma; in line 4 strike "~~State Department of Education~~" and insert "~~boards~~"; strike line 6 and insert "~~Safety Program~~"; strike line 8 and "~~Education~~" in line 9 and insert "~~program may be used by the boards~~"; in line 9 strike "~~its~~" and insert "~~their~~"; and strike the sentence beginning in line 10.

8. In renumbered section 7, line 1, insert "original" after "That" and strike "of".

9. Strike original sections 1 to 4.

10. In the title, strike lines 2 to 11 and insert:

"FOR AN ACT relating to appropriations; to appropriate funds for the period of July 1, 1975 to June 30, 1976; to make an alternative appropriation; to transfer programs; to amend section 10, Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975; to provide severability; to repeal the original section; and to declare an emergency.".

(Signed) Donald N. Dworak, Chairman

MESSAGE FROM THE GOVERNOR

May 20, 1975

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

Dear Mr. President and Senators:

I hereby return LB 606 with my signature, but with my line-item appropriation reductions. By your appropriations you have dictated an increase of nearly $100 million over last year's total General Fund budget

of $302 million. This is my first attempt to exercise my veto to reduce your excessive spending actions. I will be returning additional multimillion dollar vetoes shortly.

LB 606 appropriates $2,721,578 for the operations of the Legislature and its staff. This is $419,897 over my recommendations. I am reducing your authorized expenditures by $389,897, $30,000 more than provided in my original recommendation. Since the 1976 session of the Legislature will be 60 days rather than 90, this amount will more than satisfy your needs.

Your appropriation would provide the Legislature with an 18% budgetary increase. In a time of economic uncertainty in this state and when many Nebraskans are making economic sacrifices, the Legislature should set an example of fiscal restraint.

During the past several years the expenditures for the operation of the Legislature have escalated from $1,247,323 in fiscal year 1971-72 to your present new money appropriation of $2,303,138 for fiscal year 1974-75, Surely, this is the year for your body to call a halt to its own escalation in spending.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah

MOTION—Override Line Item Veto on LB 606

Mr. Mahoney moved to override the Governor's line-item veto on LB 606.

PRESIDENT WHELAN PRESIDING

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.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 41:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Moylan
Murphy	Nichol	Rasmussen	Savage	Schmit
Simpson	Skarda	Stull	Swigart	Syas

Voting in the negative, 4:

Dickinson	Kennedy	Kime	Marvel

Not voting, 4:

Kelly	Rumery	Stoney	Warner

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

COMMUNICATION ON LB 606

May 20, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 606, Eighty-fourth Legislature, First Session

Dear Mr. Beerman:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 606 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 606 notwithstanding the objections and line-item veto by the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

ca
Enclosure
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 606 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 20th day of May, 1975.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

SELECT FILE

LEGISLATIVE BILL 237. E & R amendments found in the Journal on page 1941 for the Eighty-fifth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 237 to Select File

Mr. Barnett moved to return LB 237 to Select File for the following specific amendment:

AMENDMENT TO AMENDED LB 237

1. On page 16, line 25, insert the following language after the word "sanction":

unless such law, ordinance, resolution, or rule gives the court the power of determining that conviction of a crime in an individual case is inappropriate, in which case the court would have the option of entering an order as provided in section 18 of this Act; nor shall any such law, ordinance, resolution, or rule apply or be interpruted to apply in such a manner as

Strike from page 16, lines 25 and 26 the following language: "or interpret or apply any law, ordinance, resolution, or rule"

2. Page 16, line 26, after the semi-colon, insert the following:

"Any person taken into custody pursuant to such law, ordinance, resolution or rule shall be held subject to the guidelines set forth in Section 7 of this act;"

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 237. The Barnett specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 522. E & R amendments found in the Journal on page 1942 for the Eighty-fifth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 300 on Select File

Speaker Burbach asked unanimous consent to unbracket LB 300 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 300. E & R amendments found in the Journal on page 1942 for the Eighty-fifth Day were adopted.

Mr. Mahoney offered the following amendment:
Amend LB 300, page 11, line 15, strike "no" and insert "~~no~~ an".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Speaker Burbach offered the following amendment:
1. On page 9 after line 3 insert the following:
"(4) There is hereby appropriated from the Mobile Home and Recreational Vehicle Cash Fund the sum of two hundred fifty thousand dollars for the period ending June 30, 1975. The unexpended balance of the appropriation contained herein existing on June 30, 1975, is hereby reappropriated for the period July 1, 1975 to June 30, 1976.".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 507. E & R amendments found in the Journal on page 1953 for the Eighty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 589. E & R amendments found in the Journal on page 1953 for the Eighty-fifth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 589 to Select File

Mr. Keyes moved to return LB 589 to Select File for the following specific amendment:
Amend LB 589 by striking Sec. 3 of the Warner amendment as amended by the Carsten Amendment; Renumber Sec. 4 as Sec. 3.

Mr. Keyes moved for a Call of the House. The motion lost with 12 ayes, 19 nays and 18 not voting.

Mr. Keyes requested a roll call vote.

Voting in the affirmative, 13:

Bereuter	Burrows	Cavanaugh	Chambers	Fowler
Keyes	Koch	F. Lewis	Mahoney	Maresh
Mills	Simpson	Swigart		

Voting in the negative, 28:

Barnett	Burbach	Carsten	Clark	Cope
Dickinson	Fitzgerald	George	Hasebroock	Kelly
Kennedy	Kime	R. Lewis	Luedtke	Marsh
Marvel	Moylan	Murphy	Nichol	Rasmussen
Rumery	Schmit	Skarda	Stoney	Stull
Syas	Warner	Wiltse		

Not voting, 8:

Anderson	DeCamp	Duis	Dworak	Goodrich
Johnson	Kremer	Savage		

The motion lost with 13 ayes, 28 nays and 8 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. DeCamp asked unanimous consent to be excused from 3:30 p.m. until 4:00 p.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 453. E & R amendments found in the Journal on page 1966 for the Eighty-fifth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 453 to Select File

Mr. George moved to return LB 453 to Select File for the following specific amendment:
Strike the previously adopted Mills amendment

Mr. Koch moved for a Call of the House. The motion prevailed with 24 ayes, 11 nays and 14 not voting.

Mr. Koch requested a roll call vote on the George motion.

Mr. Clark moved the Call be raised. The motion prevailed with 26 ayes, 2 nays and 21 not voting.

Voting in the affirmative, 29:

Bereuter	Carsten	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	George	Johnson
Kelly	Kennedy	Kime	Koch	Kremer
R. Lewis	Luedtke	Marsh	Marvel	Murphy
Nichol	Rasmussen	Schmit	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 19:

Anderson	Barnett	Burbach	Burrows	Cavanaugh
Chambers	Fitzgerald	Fowler	Goodrich	Keyes
F. Lewis	Mahoney	Maresh	Mills	Moylan
Rumery	Savage	Simpson	Skarda	

Not voting, 1:

Hasebroock

The George motion prevailed with 29 ayes, 19 nays and 1 not voting.

SELECT FILE

LEGISLATIVE BILL 453. Mr. George renewed his pending amendment found in this day's Journal.

Mr. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 22 nays and 16 not voting.

Speaker Burbach 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 George amendment was adopted with 28 ayes, 14 nays and 7 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Member Excused

Mr. Kennedy asked unanimous consent to be excused at 3:45 p.m. until he returns. No objections. So ordered.

MESSAGE FROM THE SECRETARY OF STATE

May 20, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 606, Eighty-fourth Legislature, First Session

Dear Mr. Brown:

This is to acknowledge receipt of LB 606, together with supporting documents including the Certificate signed by Gerald Whelan, Presiding Officer and President of the Legislature. Said Certificate indicates that LB 606 having been returned by the Governor with his objections and line-item veto thereto, and after reconsideration the bill passed the Legislature by the constitutional majority and became a law this 20th day of May, 1975.

Finally, you should be advised that the Certificate, LB 606 and a copy of the Governor's line-item veto message have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 203. Replaced on Select File as amended.
E & R amendments to LB 203:

1. In the title, as amended, insert "and to provide penalties." at the end of line 4 and strike lines 5 to 7.

2. On page 4 of committee amendments, line 24, insert ", Reissue Revised Statutes of Nebraska, 1943" after "76-415".

LEGISLATIVE BILL 571. Replaced on Select File as amended.
E & R amendment to LB 571:

1. On page 4, line 11, strike "and"; and in line 15. strike the period and insert "; and".

LEGISLATIVE BILL 577. Replaced on Select File as amended.
E & R amendments to LB 577:

1. In the Bereuter amendment 1, line 4, strike "9" and insert "10"; in lines 12 and 13 strike "; furthermore, such" and insert ". Such"; in line 13 insert "further" after "be"; and in lines 14 and 15 strike "Provided, that" and insert "Any".

2. In the Bereuter amendment 2, line 1, strike "10" and insert "11".

3. On page 4, line 24, strike the colon; and in line 25 strike "(a) By" and insert "by", removing paragraphing.

4. On page 5, line 4, strike "; or" and insert an underscored period.

LEGISLATIVE BILL 472. Replaced on Select File as amended.
E & R amendments to LB 472:

1. In the Cavanaugh amendment 1, line 1, strike the interlined longhand matter; in line 1, insert "at the end of section 2" after "sentence"; and in the last line, insert an underscored period after "files".

2. In new section 4, line 6 strike the comma.

3. In the title, line 7, insert "to define a term;" before "and".

LEGISLATIVE BILL 410. Replaced on Select File as amended.
E & R amendments to LB 410:

1. In the Bereuter amendments, page 3, line 5, insert an underscored period after "9" and strike the remainder of the section; in line 8 insert an underscored comma after "Programming"; and in line 9 strike "sections 1 to 8 of".

2. On page 40, line 14, strike "and"; and in line 16 insert ", and section 1, Legislative Bill 317, Eighty-fourth Legislature, First Session, 1975" after "1974".

3. In lieu of the Bereuter amendment 3, in the title, line 8, strike "and"; in line 10 insert ", and section 1, Legislative Bill 317, Eighty-fourth Legislature, First Session, 1975" after "1974"; and in line 18 insert "to change application; to provide for appeals; to provide standards;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Savage asked unanimous consent to take up LB 386 on Select File out order.

Mr. Kremer objected.

Mr. Savage moved to consider LB 386 on Select File at this time.

Mr. Savage moved for a Call of the House. The motion prevailed with 19 ayes, 9 nays and 21 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

The Savage motion to consider LB 386 prevailed with 25 ayes, 9 nays and 15 not voting.

Mr. Schmit moved to consider LB 525 and LB 525A after LB 386.

Mr. Barnett moved for a Call of the House. The motion prevailed with 22 ayes, 9 nays and 18 not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 28 ayes, 8 nays and 13 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 28:

Barnett	Burrows	Cavanaugh	Chambers	Clark
Dickinson	Fitzgerald	Fowler	Goodrich	Hasebroock
Johnson	Keyes	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Nichol	Rumery	Savage	Schmit	Simpson
Skarda	Swigart	Syas		

Voting in the negative, 17:

Anderson	Burbach	Carsten	Cope	Dworak
George	Kelly	Kime	Koch	R. Lewis
Mills	Murphy	Rasmussen	Stoney	Stull
Warner	Wiltse			

Not voting, 4:

Bereuter	DeCamp	Duis	Kennedy

The Schmit motion prevailed with 28 ayes, 17 nays and 4 not voting.

Mr. Rasmussen moved to consider LB 383 on Select File after the Schmit bills.

Mr. Rasmussen moved for a Call of the House. The motion lost with 13 ayes, 15 nays and 21 not voting.

Mr. Rasmussen requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Burbach	Chambers	Clark	Cope
Dickinson	Fowler	Hasebroock	Johnson	Keyes
Kremer	R. Lewis	Maresh	Marsh	Marvel
Murphy	Rasmussen	Rumery	Schmit	Skarda
Swigart	Syas			

Voting in the negative, 17:

Barnett	Carsten	Cavanaugh	Fitzgerald	Goodrich
Kelly	Koch	F. Lewis	Mahoney	Mills
Moylan	Nichol	Savage	Simpson	Stoney
Stull	Wiltse			

Not voting, 10:

Bereuter	Burrows	DeCamp	Duis	Dworak
George	Kennedy	Kime	Luedtke	Warner

The Rasmussen motion lost with 22 ayes, 17 nays and 10 not voting.

Mr. Savage asked unanimous consent to withdraw his request to take up LB 386 out of order. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 203. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 571. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 577. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 472. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 410. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 216. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

VISITORS

The President introduced Bobbi Rae Barnett, daughter of Senator Wally Barnett and Brian and Wendy Svoboda; Mr. Chase Burrows, father of Senator Bill Burrows, former members of the House in the 1917 Nebraska Legislature from Adams; 27 fourth grade students and sponsors from Ft. Crook, Nebraska; 20 members from Goodyear Tire & Rubber Company, Lincoln; 120 fourth grade students and teachers from Bellevue, Nebraska; 48 sixth grade students and teachers from Beatrice, Nebraska; first through eighth grade students and teacher from Geneva, Nebraska.

ADJOURNMENT

At 4:45 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, May 21, 1975.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-SEVENTH DAY—MAY 21, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 21, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor Westminster Presbyterian Church, Lincoln.

> We pray, O God, your blessing upon the achievements of our Legislature throughout this entire Session. May the actions be woven into the fabric of our communities in such a manner as to bring acceptance by the people and benefit for them.
>
> In these days of discouragement for many, problems of recession, and difficult circumstances, grant that the enactments here will help to shape a better future and lighten the burdens of anxious hearts. Grant that the Prison Reform Legislation will prove a great means for the Rehabilitation of human lives.
>
> Help us now to wait upon you, knowing your promise "that in quietness and confidence shall be our strength."
>
> In the Spirit of Jesus Christ, we pray, Amen.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1975, line 12, insert "January 21," after "until".
The Journal for the Eighty-sixth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 203, 410, 472, 571, 571A, and 577.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 213. E & R amendments found in the Journal on page 1979 for the Eighty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 383. Standing Committee amendment found in the Journal on page 1211 for the Fifty-ninth Day was considered.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 11 nays and 14 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Standing Committee amendment was adopted with 26 ayes, 12 nays and 11 not voting.

Mr. Dworak renewed his pending amendment found in the Journal on page 1802 for the Eighty-first Day.

Mr. Bereuter requested a division of the question on the Dworak amendment.

The Chair ruled the amendment could not be divided.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 12 nays and 15 not voting.

Mr. Kelly 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 Dworak amendment found in the Journal on page 1802 was adopted with 25 ayes, 6 nays and 18 not voting.

Mr. Kelly moved to bracket until January 15, 1976 and refer this proposal to joint study by Education Committee and Revenue Committee.

Mr. Rasmussen 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. Kelly moved for a Call of the House. The motion prevailed with 26 ayes, 12 nays and 11 not voting.

The Call showed 49 members present.

Mr. Kelly requested a roll call vote.

Voting in the affirmative, 26:

Barnett	Bereuter	Burbach	Chambers	Dickinson
Dworak	Fowler	George	Goodrich	Johnson
Kelly	Keyes	Koch	R. Lewis	Mahoney
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Savage	Schmit	Simpson	Swigart
Warner				

Voting in the negative, 22:

Anderson	Burrows	Carsten	Cavanaugh	Clark
Cope	DeCamp	Fitzgerald	Hasebroock	Kennedy
Kime	Kremer	F. Lewis	Luedtke	Maresh
Rasmussen	Rumery	Skarda	Stoney	Stull
Syas	Wiltse			

Not voting, 1:

Duis

The Kelly motion to bracket prevailed with 26 ayes, 22 nays and 1 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 27 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 491. Mr. Mills moved to advance LB 491 to E & R for Engrossment.

Mr. Murphy 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. Mills moved for a Call of the House. The motion prevailed with 27 ayes, 11 nays and 11 not voting.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 20:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Cope	DeCamp	Dworak	Fowler	Goodrich
Keyes	F. Lewis	Luedtke	Maresh	Mills
Moylan	Rasmussen	Schmit	Simpson	Warner

Voting in the negative, 24:

Burbach	Carsten	Clark	Dickinson	Fitzgerald
Hasebroock	Kelly	Kennedy	Koch	Kremer
R. Lewis	Mahoney	Marsh	Marvel	Murphy
Nichol	Rumery	Savage	Skarda	Stoney
Stull	Swigart	Syas	Wiltse	

Not voting, 5:

Chambers	Duis	George	Johnson	Kime

Failed to advance to E & R for Engrossment with 20 ayes, 24 nays and 5 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 525. The amendment to the Standing Committee amendments found in the Journal on page 1040 for the Fifty-second Day were adopted with 25 ayes, 0 nays and 24 not voting.

The Standing Committee amendments referred to on page 1041 were adopted, as amended, with 27 ayes, 0 nays and 22 not voting.

Mr. Schmit offered the following amendment:
1 In the Standing Committee amendment, on page 18,
2 strike beginning with "There" in line 16 through the
3 period in line 21.

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Rasmussen moved to indefinitely postpone.

Mr. Barnett moved to suspend the rules, Rule 7, Sec. 3, to consider the Rasmussen motion today.

The motion prevailed with 30 ayes, 4 nays and 15 not voting.

MR. SAVAGE PRESIDING

The Rasmussen motion to indefinitely postpone is pending.

VISITORS

The President introduced 14 fourth grade students and teacher from Beatrice; 22 fourth grade students and teacher from Park School, Lincoln; 103 ninth grade students and teacher from Auburn; 28 fourth grade students and teacher from Nebraska City; and 50 fourth grade students and teachers from Hartley School, Lincoln.

RECESS

At 11:57 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Mr. Simpson presiding.

ROLL CALL

The roll was called and all members were present.

MESSAGE FROM THE GOVERNOR

May 21, 1975

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

Dear Mr. President and Senators:

I hereby return LB 526 without my signature and with my objections.

LB 526 appropriates $60,000 to the State Fair Board for a Bicentennial construction project. In light of projected revenue income and your other appropriation actions, this project connot be justified.

The State Fair Board over the last three fiscal years has received $2,725,000 in contruction funds plus an additional $5 million in bond authorization for construction of a new race track.

My veto of this appropriation should be sustained and I urge you to do so.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah

SELECT FILE

LEGISLATIVE BILL 525. Mr. Rasmussen renewed his pending motion found in this day's Journal to indefinitely postpone.

Mr. F. 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 motion to indefinitely postpone lost with 17 ayes, 25 nays and 7 not voting.

Mr. Kelly renewed his pending amendment found in the Journal on page 1481 for the Seventieth Day.

The amendment was adopted with 35 ayes, 0 nays and 14 not voting.

Mr. Dworak renewed his pending amendment found in the Journal on page 1906 for the Eighty-fourth Day.

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Engrossment with 28 ayes, 14 nays and 7 not voting.

LEGISLATIVE BILL 525A. Mr. F. Lewis offered the following amendment:

1. Insert two new sections to read:

"Sec. 2. That section 4, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, be amended to read as follows:

Sec. 4. Agency No. 07 -- Governor

(1) Program No. 021 - Office of Governor

GENERAL FUND	~~128,518~~ 97,618
PROGRAM TOTAL	~~128,518~~ 97,618

(2) Program No. 623 - Governor's Conference

GENERAL FUND	~~36,050~~ 25,550
PROGRAM TOTAL	~~36,050~~ 25,550

For Informational Purposes Only: Total Appropriations to Agency No. 07 and Fund Source

GENERAL FUND	~~164,568~~ 123,168
AGENCY TOTAL	~~164,568~~ 123,168

Sec. 3. That original section 4, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, is repealed.".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 15 nays and 7 not voting.

Mr. Dickinson requested a record vote.

Voting in the affirmative, 2:

F. Lewis Savage

Voting in the negative, 42:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Fitzgerald	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Not voting, 5:

Anderson	Chambers	Dworak	Fowler	R. Lewis

The F. Lewis amendment lost with 2 ayes, 42 nays and 5 not voting.

Mr. Barnett offered the following amendment:

1) On page 2, after line 7, insert a new section to read as follows:

"Sec. 2. Appropriations Statement

There is hereby appropriated for the period of July 1, 1975, to June 30, 1976, for the following agency from the respective funds for salaries, wages, and expenses, the sums outlined in Section 2 of this act, except as otherwise appropriated.

Sec. 3. Agency No. 21--State Fire Marshall

Program No. 193--Protection of People and Property - Fire Safety

	GENERAL FUND	159,717
	CASH FUND	27,662
	PROGRAM TOTAL	262,854

There is included in the amount shown $187,379 which shall be expended for the operation of the fire service safety programs.

2) After new Section 3, add a new section to read as follows:

"Sec. 4. Amend Sec. 10 of Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975, to read as follows:

Sec. 10. ~~After the operative date of this act, the State Department of Education shall assume responsibility of and serve as the coordinating body for the Fire Service Safety Program and the Emergency Medical Training Program for the entire state. All funds made available for such programs shall be transferred to the State Department of Education for the purpose of carrying out its duties under this section. The State Department of Education shall work with the Department of Health to assure coordination of the Emergency Medical Training Program with the other emergency medical service programs.~~

The Fire Service and Safety Training Program is hereby transferred to the State Fire Marshal."

3) After new Section 4, insert a new section to read as follows:

"Sec. 5. That Section 10 of Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975, is repealed."

The amendment was adopted with 29 ayes, 3 nays and 17 not voting.

Advanced to E & R for Engrossment with 26 ayes, 15 nays and 8 not voting.

LEGISLATIVE BILL 600. Advanced to E & R for Engrossment with 31 ayes, 2 nays and 16 not voting.

MOTION—Return LB 571 to Select File

Mr. DeCamp moved to return LB 571 to Select File for the following specific amendment:

1. On page 5 after line 14 insert a new section to read as follows:

"Sec. 7. There is hereby created a program for the recruitment and training of physicians for rural communities, which shall be included as a program in the general budget of the University of Nebraska Medical Center. The purpose of such program shall be to coordinate, train, and recruit physicians to meet the medical service needs of rural communities.".

2. Renumber original sections 7 and 8 as sections

8 and 9 respectively.
3. In the title, line 2 before "health" insert "public" and strike "education"; and in line 4 after the semicolon insert "to provide a program for the recruitment and training of physicians;".

The motion prevailed with 27 ayes, 1 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 571. The DeCamp specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 571A to Select File

Mr. DeCamp moved to return LB 571A to Select File for the following specific amendment:

1. Insert a new section 3 to read as follows:
"Sec. 3. There is hereby appropriated fifty thousand dollars from the General Fund for the period July 1, 1975 to June 30, 1976 to the University of Nebraska Medical Center, Agency No. 51-3 for Program 707, to aid in carrying out the provisions of Legislative Bill 571, Eighty-fourth Legislature, First Session, 1975.".
2. Renumber original section 3 as section 4.

The motion prevailed with 29 ayes, 2 nays and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 571A. The DeCamp specific amendment found in this day's Journal were adopted with 28 ayes, 2 nays and 19 not voting.

Advanced to E & R for Re-Engrossment.

MESSAGE FROM THE GOVERNOR

May 20, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 141.
This bill was signed by me on May 20, 1975 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

MR. SAVAGE PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 522. Replaced on Select File as amended.
E & R amendment to LB 522:
1. In E & R 1, line 2, adopted 5/20, strike "first" and insert "second".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 522. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

MOTION—Override Veto on LB 526

Mr. Johnson moved to override the Governor's veto on LB 526.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	Duis	Fowler
George	Goodrich	Hasebroock	Johnson	Kime
Koch	F. Lewis	Luedtke	Mahoney	Marsh
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 12:

DeCamp	Dworak	Kelly	Kennedy	Keyes
Kremer	Marvel	Mills	Simpson	Skarda
Stoney	Stull			

Not voting, 6:

Barnett	Clark	Dickinson	Fitzgerald	R. Lewis
Maresh				

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Final Adjournment

Mr. Koch moved that when we adjourn today, Wednesday, May 21, that we adjourn until Tuesday, May 27, 1975.

The motion lost with 17 ayes, 24 nays and 8 not voting.

COMMUNICATION ON LB 526

May 21, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 526, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 526 with a Certificate attached thereto signed by the Presiding Officer of the Legislature, certifying the passage of LB 526 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 526 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 21st day of May, 1975.

(Signed) Jules W. Burbach, Presiding Officer

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 217.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Life and Health Insurance Guaranty Association Act; 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, 36:

Anderson	Barnett	Bereuter	Burbach	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Duis	Fitzgerald	Fowler	Goodrich	Kelly
Keyes	Koch	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 9:

Dickinson	Dworak	George	Hasebroock	Kennedy
Kremer	R. Lewis	Maresh	Rumery	

Not voting, 4:

Burrows	Johnson	Kime	Nichol

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

LEGISLATIVE BILL 443. With Emergency.

A BILL FOR AN ACT to amend section 14-1822.01, Revised Statutes Supplement, 1974, and section 1, Legislative Bill 875A, Eighty-third Legislature, Second Session, 1974, relating to transportation services; to define a term; to provide provisions to include all municipalities; to provide for retroactive reimbursement; to adopt the Nebraska Public Transportation Act of 1975; to make an appropriation; to provide an expiration date; to provide an operative date; to repeal the original sections, and also sections 68-1107, 68-1108, and 68-1109, Revised Statutes Supplement, 1974; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Wiltse	

Voting in the negative, 9:

Burbach	Clark	Cope	Dickinson	Dworak
Kremer	Marvel	Mills	Warner	

Not voting, 1:

DeCamp

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 443A. With Emergency.

A BILL FOR AN ACT to appropriate and reappropriate funds to aid in carrying out the provisions of Legislative Bill 443, Eighty-fourth Legislature, First Session, 1975; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	DeCamp	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Kennedy
Keyes	Kime	Koch	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Wiltse			

Voting in the negative, 10:

Burbach	Clark	Cope	Dickinson	Dworak
Kelly	Kremer	Marvel	Mills	Warner

Not voting, 2:

Johnson	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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 507 and 522.

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 249.

A BILL FOR AN ACT to amend sections 39-6,194 and 39-6,195, Reissue Revised Statutes of Nebraska, 1943, relating to the Grade Crossing Protection Fund; to restate and enlarge the purpose of the Grade Crossing

Protection Fund; to provide for and clarify responsibility for maintenance of all automatic railroad crossing protection in this state; to provide for a division of costs of maintenance of some automatic railroad crossing protection in this state; 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:

Anderson	Barnett	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 2:

Bereuter Koch

Not voting, 2:

Cavanaugh Marvel

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

LEGISLATIVE BILL 333.

A BILL FOR AN ACT to amend sections 81-2,162.01, 81-2,162.02, 81-2,162.03, 81-2,162.05, 81-2,162.06, 81-2,162.07, 81-2,162.08, 81-2,162.11 to 81-2,162.18, 81-2,162.20, 81-2,162.21, and 81-2,162.22, Reissue Revised Statutes of Nebraska, 1943, relating to commercial fertilizers; to redefine terms; to provide for registration of manufacturers and distributors; to provide fees; to provide for analysis of soil conditioners; to change registration and labeling requirements; to change penalty provisions; to retitle the act; to provide an operative date; and to repeal the original sections, and also sections 81-2,162.04, 81-2,162.09, and 81-2,162.10, 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, 43:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Schmit	Simpson	Skarda	Stoney	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 1:

Stull

Not voting, 5:

Anderson	Chambers	Kennedy	Mahoney	Savage

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

MESSAGE FROM THE GOVERNOR

May 21, 1975

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

Dear Mr. President and Senators:

I am herewith returning LB 259 and LB 259A without my signature and with objections.

The principle of allowing work-drive authorizations to those who have lost their licenses under the Point and Implied Consent Systems could have merit. I have come to the conclusion that revocations, restrictions and driver improvement requirements, if coordinated, well-conceived and controlled, may well serve our goal for tough and effective licensing standards.

The protection of the public safety and the improvement of driving skills is at the heart of any statute which would address hazardous driving behavior.

The original draft of LB 259 contained several faults and I commend you for trying to correct these inadequacies. However, certain bad

provisions remain while others, which are essential for good licensing, were ommitted.

First, the provision for at least 30 days of mandatory suspension was deleted. I believe this penalty was a bare minimum which would have also allowed for a proper administrative review and evaluation of each applicant.

Secondly, the bill provides for a work-drive permit to be issued to the individual who has lost his license a second time in five years, known as the habitual offender. I am utterly opposed to such an allowance.

Next, the bill omits the penalty which would provide for the loss of the employment driving permit, if the individual was convicted for a traffic violation during the term of such permit. This is an absolute necessity.

Finally, the act sets a legally binding date of July 1, 1975 for such permits to be issued, but you failed to authorize the expenditure of funds until 90 days after the Session. No money was saved, but potential administrative chaos was created.

In the spirit of highway safety, I urge you to sustain my veto.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 404.

A BILL FOR AN ACT to amend 2-3216, 2-3220, and 2-3228, Reissue Revised Statutes of Nebraska, 1943, and section 2-3223, Revised Statutes Supplement, 1974, relating to natural resources districts; to prohibit directors from having an interest in certain contracts; to require audit reports of the district to be filed with the Auditor of Public Accounts; to provide additional duties of the board of directors of the district; to provide for a pension plan; 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, 36:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Dworak	Fowler	George	Hasebroock

Johnson	Kelly	Koch	R. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Wiltse				

Voting in the negative, 9:

Cope	Goodrich	Keyes	Kime	Kremer
Mills	Stull	Syas	Warner	

Not voting, 4:

Anderson	Fitzgerald	Kennedy	Marvel

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

LEGISLATIVE BILL 14.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-946.02, 2-952, 2-953, 2-954, 2-956, 2-959, 2-960, 2-965, and 2-966, Reissue Revised Statutes of Nebraska, 1943, and sections 2-955 and 2-963, Revised Statutes Supplement, 1974, relating to noxious weeds; to redefine terms; to provide for the reestablishment of county weed district boards; to eliminate references to eradication; to provide compensation; to change hearing provisions; to change provisions for superintendents; to change the manner for recovery of expenses; to make certain acts of pest control professionals unlawful; to provide a penalty; and to repeal the original sections, and also section 2-954.01, 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, 40:

Anderson	Barnett	Burbach	Burrows	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fowler	George	Goodrich	Hasebroock
Johnson	Kelly	Kime	Koch	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Warner	Wiltse

Voting in the negative, 4:

Bereuter Carsten Keyes F. Lewis

Not voting, 5:

Cavanaugh Fitzgerald Kennedy Moylan Syas

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

MESSAGE FROM THE SECRETARY OF STATE

May 21, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 526, Eight-fourth Legislature, First Session

Dear Mr. Brown:

This is to acknowledge receipt of LB 526, together with supporting documents including the Certificate signed by Jules W. Burbach, Presiding Officer. Said Certificate indicates that LB 526 having been returned by the Governor with his objections thereto, and after reconsideration the bill passed the Legislature by the constitutional majority and became a law this 21st day of May, 1975.

Finally, you should be advised that the Certificate, LB 526 and a copy of the Governor's objections have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

Sincerely yours,

ALLEN J. BEERMANN
Secretary of State

(Signed) Ralph Englert
Deputy Secretary

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 325. Replaced on Select File as amended.
E & R amendment to LB 325:

1. In lieu of previous amendments thereto,

in new section 3, strike line 2 and insert "session by the affirmative vote of a majority of its voting members".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 325. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

SPEAKER BURBACH PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 263. With Emergency.

A BILL FOR AN ACT to amend sections 39-669.28 and 39-669.29, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.27, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 259, Eighty-fourth Legislature, First Session, 1975, relating to traffic offenses; to decrease the period of revocation of drivers' licenses; to change the time allowed for notice of revocation; 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?' "

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 33:

Anderson	Barnett	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fowler	Hasebroock
Kelly	Keyes	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Mills
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Simpson	Wiltse		

Voting in the negative, 16:

Bereuter	Fitzgerald	George	Goodrich	Johnson
Kennedy	Kime	Marsh	Marvel	Rasmussen
Skarda	Stoney	Stull	Swigart	Syas
Warner				

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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 217, 443, 443A, 249, and 333.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 217, 443, 443A, 249, and 333.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 377.

A BILL FOR AN ACT to amend section 84-314, Reissue Revised Statutes of Nebraska, 1943, relating to the Auditor or Public Accounts; to provide qualifications for the deputy auditor; and to repeal the original sections.

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

Voting in the affirmative, 38:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	DeCamp	Dickinson	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock

Johnson	Kelly	Keyes	Koch	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Schmit	Simpson	Skarda	Stoney
Stull	Warner	Wiltse		

Voting in the negative, 6:

Anderson	Cavanaugh	Duis	F. Lewis	Swigart
Syas				

Not voting, 5:

Cope	Kennedy	Kime	R. Lewis	Savage

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

LEGISLATIVE BILL 381. With Emergency.

A BILL FOR AN ACT to amend sections 39-662, 39-666, and 39-669.26, Revised Statutes Supplement, 1974, relating to rules of the road; to delete provisions for termination of the fifty-five mile per hour speed limit; to provide a penalty; to change the assessment of points; to provide for expiration of speed limits; to provide severability; to repeal the original sections, and also section 39-662.01, Revised Statutes Supplement, 1974; 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:

Barnett	Bereuter	Burrows	Cavanaugh	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fowler	George	Goodrich	Hasebroock
Keyes	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Wiltse	

Voting in the negative, 12:

Anderson	Burbach	Carsten	Kelly	Kennedy
Kime	Koch	Stoney	Stull	Swigart
Syas	Warner			

Not voting, 3:

Fitzgerald Johnson 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 416.

A BILL FOR AN ACT to amend sections 35-201, 35-203, 35-203.01, 35-206, 35-211, and 35-212, Reissue Revised Statutes of Nebraska, 1943, relating to fire companies and firemen; to provide for reduced benefits as prescribed; to clarify when a fireman may be pensioned for disability; to change provisions relating to return of contributions 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Chambers	George	Johnson	Kime	Murphy

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

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 422.

A BILL FOR AN ACT to amend sections 71-1,132.04 to 71-1,132.08, 71-1,132.11, 71-1,132.12, 71-1,132.14 to 71-1,132.16, 71-1,132.20,

71-1,132.27, 71-1,132.29, 71-1,132.30, and 71-1,132.35, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,132.13 and 71-1,132.37, Revised Statutes Supplement, 1974, relating to nursing; to provide definitions; to provide membership of the Board of Nursing; to provide qualifications of board members; to provide duties of the board; to provide requirements for registered and practical nurse licensure; to provide licensure procedures; to provide for license revocation; to create a cash fund; to provide penalties; and to repeal the original sections, and also sections 71-1,132.10, 71-1,132.17, 71-1,132.38 to 71-1,132.40, and 71-1,132.42, 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, 43:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 2:

Carsten	Kime

Not voting, 4:

Burbach	Hasebroock	Murphy	Savage

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 300. Replaced on Select File as amended.
E & R amendments to LB 300:

1. Insert the new subsection added by the Burbach amendment as new section 22; in line 1 thereof strike "(4)"; and in line 5 strike "herein" and insert "in this section".

2. Renumber original sections 22 to 24 as sections 23 to 25.

3. In the title, line 6, insert "to make an appropriation and reappropriation;" after the semicolon.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1975, at 4:00 p.m., were the following bills: 217, 249, 333, 443, and 443A.

(Signed) Jan Loder, Enrolling Clerk

SPEAKER BURBACH PRESIDING

SELECT FILE

LEGISLATIVE BILL 300. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 404, 14, 263, and 377.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 404, 14, 263, and 377.

EXPLANATION OF VOTE

As one who firmly believes in complying with the 55 mile per hour speed limit in federal law, I felt compelled to vote against LB 381, due to the fact of the amendments placed on the bill from the floor of the legislature. These amendments weaken law enforcement and I firmly believe they are detrimental to the safety of the general public.

(Signed) George Syas

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 468. With Emergency.

A BILL FOR AN ACT relating to cities and villages, particular classes; to provide for an appeal from special assessments by cities of the first and second class and villages 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Koch	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 1:

Warner

Not voting, 7:

Duis	Fowler	Keyes	Kime	Kremer
Murphy	Skarda			

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 508.

A BILL FOR AN ACT to amend section 8-317, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 481, Eighty-fourth Legislature, First Session, 1975, relating to building and loan associations; to provide for additional evidence of an account as prescribed; to provide for construction; 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:

Anderson	Barnett	Bereuter	Burbach	Carsten
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Kelly	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 1:

George

Not voting, 7:

Burrows	Cavanaugh	Chambers	Johnson	Kennedy
Moylan	Skarda			

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

LEGISLATIVE BILL 140.

A BILL FOR AN ACT to amend section 39-669.12, Revised Statutes Supplement, 1974, relating to the implied consent law; to provide the status of those withdrawing blood at the request of an officer; to provide for liability and immunity; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Dickinson
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Mills	Moylan

Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Cavanaugh	Chambers	Duis	Mahoney	Marvel

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

LEGISLATIVE BILL 189. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 15-1001, 15-1002, 15-1004, and 15-1006, Reissue Revised Statutes of Nebraska, 1943, and section 15-1007, Revised Statutes Supplement, 1974; to define terms; to provide for increased pension benefits for firemen and policemen; to provide that firemen and policemen may receive pension benefits at a younger age; to provide for optional benefits; to provide vested rights for certain employees whose status is changed; 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, 40:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Clark	Dickinson	George	Kime	F. Lewis
R. Lewis	Nichol	Rasmussen	Swigart	

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 381 and 416.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 381 and 416.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 525A. Replaced on Select File as amended.
E & R amendment to LB 525A:
1. The same already appearing in LB 216, strike the Barnett amendments.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 525A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

MOTION–Suspend Rules

Mr. Nichol moved to suspend the rules to read the Final Reading bills set for tomorrow.

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

The motion to suspend the rules to read tomorrow's Final Reading lost with 25 ayes, 18 nays and 6 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 237. Replaced on Select File as amended.
E & R amendments to LB 237:

1. In the Barnett amendment 1, adopted 5/20, line 7, strike "would" and insert "shall".

2. In the Barnett amendment 2, adopted 5/20, line 1, strike the semicolon and insert "act"; in line 3 insert an underscored period before "Any"; in line 4 insert an underscored comma after "resolution"; and in line 5 strike the semicolon and insert an underscored period.

3. In committee amendments, page 16, line 25, strike the comma; in lines 26 and 27 strike "; Provided, that nothing" and insert "Nothing".

Correctly Engrossed

The following bills were correctly engrossed: 300 and 325.

Correctly Enrolled

The following bills were correctly enrolled: 140, 189, 422, 468, and 508.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 140, 189, 422, 468, and 508.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1975 at 4:40 p.m., were the following bills: 14, 263, 377, 404, 381, and 416.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Members Excused

Messrs. Kremer and Dickinson asked unanimous consent to be excused at 5:00 p.m. for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 237. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION–Suspend Rules

Speaker Burbach moved to suspend the rules and read the Final Reading bills set for tomorrow.

The motion prevailed with 31 ayes, 2 nays and 16 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 74. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Soybean Resources Act; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Dworak	Fitzgerald	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Duis	George	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 74A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 74, Eighty-fourth Legislature, First Session, 1975.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Nichol	Rasmussen	Rumery	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Clark	Dickinson	Duis	George	R. Lewis
Murphy	Savage	Warner		

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 216. Replaced on Select File as amended.
E & R amendments to LB 216:
1. In section 1, line 3, insert "the" after "for".
2. In section 2, line 3, insert "(1)" before "Program"; and in line 10 insert "(2)" before "Program".

LEGISLATIVE BILL 589. Replaced on Select File as amended.
E & R amendment to LB 589:
1. In line 4 of E & R 3, adopted 5/16, strike "after" and insert "before".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 216. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 589. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

MR. SAVAGE PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 142.

A BILL FOR AN ACT to amend sections 37-307 and 37-308, Reissue Revised Statutes of Nebraska, 1943, section 37-101, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 195, Eighty-fourth Legislature, First Session, 1975, and section 37-501, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 220, Eighty-fourth Legislature, First Session, 1975, relating to game and fish; to include the mourning dove as a game bird; to make certain acts unlawful; 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:

Barnett	Burbach	Burrows	Cavanaugh	Clark
DeCamp	Dworak	Fitzgerald	George	Goodrich
Johnson	Keyes	Kime	F. Lewis	Luedtke
Mahoney	Marsh	Marvel	Mills	Moylan
Murphy	Rumery	Savage	Schmit	Simpson
Skarda	Swigart	Syas	Warner	

Voting in the negative, 17:

Anderson	Bereuter	Carsten	Chambers	Cope
Duis	Fowler	Hasebroock	Kelly	Kennedy
Kremer	R. Lewis	Maresh	Rasmussen	Stoney
Stull	Wiltse			

Not voting, 3:

Dickinson Koch Nichol

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 May 21, 1975 at 5:00 p.m., were the following bills: 140, 422, 189, 468, and 508.

(Signed) Jan Loder, Enrolling Clerk

MOTION—Return LB 328 to Select File

Mr. F. Lewis moved to return LB 328 to Select File for the following specific amendment:
Strike the enacting clause.

Motion pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 600. Replaced on Select File as amended.
E & R amendments to LB 600:
1. On page 2, line 13, strike the comma.
2. In the title, line 2, strike "relating to game and fish;".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 600. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SPEAKER BURBACH PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 216, 237, 237A, and 589.

Correctly Enrolled

The following bills were correctly enrolled: 74, 74A, and 142.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 74, 74A, and 142.

MR. SAVAGE PRESIDING

MOTION—Return LB 328 to Select File

Mr. F. Lewis renewed his pending motion found in this day's Journal to return LB 328 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 18:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
Clark	DeCamp	Dworak	Fitzgerald	Fowler
George	Goodrich	Kelly	F. Lewis	Rasmussen
Schmit	Simpson	Stoney		

Voting in the negative, 28:

Bereuter	Burbach	Carsten	Cope	Duis
Johnson	Kennedy	Keyes	Kime	Koch
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rumery	Savage	Skarda	Stull	Swigart
Syas	Warner	Wiltse		

Not voting, 3:

Dickinson	Hasebroock	Kremer

The motion lost with 18 ayes, 28 nays and 3 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1975 at 5:45 p.m., were the following bills: 74, 74A, and 142.

(Signed) Jan Loder, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 328.

A BILL FOR AN ACT to amend sections 60-403.02 and 60-403.04, Reissue Revised Statutes of Nebraska, 1943, section 60-403.01, Revised Statutes Supplement, 1974, and section 39-669.26, Revised Statutes Supplement, 1974, as amended by section 4, Legislative Bill 381, Eighty-fourth Legislature, First Session, 1975, relating to motor vehicles; to require motorcycle protective headgear as prescribed; to provide an exception; to harmonize with other legislation; and to repeal the original sections.

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

Voting in the affirmative, 25:

Bereuter	Burbach	Carsten	Cope	Goodrich
Johnson	Kennedy	Kime	Koch	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rumery	Skarda
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 19:

Anderson	Barnett	Burrows	Cavanaugh	Chambers
Clark	DeCamp	Duis	Dworak	Fitzgerald
Fowler	George	Kelly	F. Lewis	Mahoney
Rasmussen	Schmit	Simpson	Stoney	

Not voting, 5:

Dickinson	Hasebroock	Keyes	Kremer	Savage

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

LEGISLATIVE BILL 344. Laid over at request of Speaker Burbach.

LEGISLATIVE BILL 380.

A BILL FOR AN ACT relating to motor vehicles; to provide for classified motor vehicle licenses as prescribed; to define terms; to provide penalties; 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, 29:

Anderson	Bereuter	Burbach	Cavanaugh	Cope
DeCamp	Duis	Dworak	George	Goodrich
Johnson	Kelly	Koch	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rumery	Savage	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 9:

Barnett	Burrows	Clark	Kennedy	Keyes
Kime	F. Lewis	R. Lewis	Simpson	

Not voting, 11:

Carsten	Chambers	Dickinson	Fitzgerald	Fowler
Hasebroock	Kremer	Nichol	Rasmussen	Schmit
Skarda				

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

LEGISLATIVE BILL 557. 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, 39:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	George	Goodrich	Johnson
Kelly	Kennedy	Keyes	Kime	F. Lewis
Luedtke	Maresh	Marsh	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 1:

Koch

Not voting, 9:

Cavanaugh	Chambers	Dickinson	Fowler	Hasebroock
Kremer	R. Lewis	Mahoney	Marvel	

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

EASE

The Legislature was at ease from 6:11 p.m. until 6:15 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 453. Replaced on Select File as amended.
E & R amendments to LB 453:
1. Strike E & R amendments 2 to 8 adopted 5/20.
2. In line 2 of E & R 6 adopted 5/19, strike "voter" and insert "elector".
3. On page 54, line 10, strike "of".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 453. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 571 and 571A.

Correctly Engrossed

The following bills were correctly engrossed: 453 and 600.

(Signed) Donald N. Dworak, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

The following bills were correctly enrolled: 328, 380 and 557.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 328, 380 and 557.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 213. Replaced on Select File as amended.
E & R amendment to LB 213:

1. On page 2, strike beginning with "Reissue" in line 22 through the first comma in line 23.

LEGISLATIVE BILL 525. Replaced on Select File as amended.
E & R amendments to LB 525:

(All references are to committee amendments unless otherwise specified.)

1. On page 3, line 22, insert a comma after "established".

2. On page 5, line 22, strike the comma and insert a comma after "and".

3. On page 6, line 24, and page 7, line 22, strike "42" and insert "43".

4. In new section 15, line 3, insert a comma after "act"; and in line 10 strike "act" and insert "section".

5. On page 9, line 12, strike "16 and 17" and insert "17 and 18".

6. On page 10, line 7, strike the first comma.

7. On page 13, line 19, strike "herein" and insert "in this act"; and in line 21 strike the semicolon and insert ", and".

8. On page 14, line 1, strike "herein" and insert "in this act"; and in line 4 strike "law" and insert "act".

9. On page 20, line 19, strike the second "and"; and in line 23, strike the comma and insert a comma after "or".

10. In the Kelly amendment, strike the second and third "20" and insert "21"; and in line 4, strike "Maximum" and insert "The maximum".

11. On page 23, line 2, strike "34 to 37" and insert "35 to 38"; and in line 9 strike "37" and insert "38".

12. On page 25, line 16, strike "and" and insert "or".
13. On page 25, strike beginning with "Not" in line 24 through "the" in line 25 and insert "The"; and in line 27 strike the comma.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 213. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 525. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 213, 525 and 525A.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1975, at 6:50 p.m., were the following bills: 380, 328, and 557.

(Signed) Emory P. Burnett
E & R Attorney

VISITORS

The President introduced 20 Chamber of Commerce members from Columbus.

ADJOURNMENT

At 6:57 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, May 22, 1975.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-EIGHTH DAY—MAY 22, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 22, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, grant these leaders, I pray, knowledge and wisdom, insight and foresight so that in the true tradition of Thy prophets of old they might serve Thee and their constituents with selfless devotion and unerring righteousness. Bless them with health of body and strength of mind so that they might resist the ravages of ill health and the alluring temptation of corruption, dedicating themselves heart and soul to the fulfillment of their duties as members of this State legislature.
>
> Imbue them with the spirit of kindness. May they realize that only when all men are free - free to think, free to speak, free from the fear of poverty, free from the fear of ignorance and free from the fear of disease - can the true potential of this noble State and glorious land be realized.
>
> In the name of Jesus Christ, our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Mills who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1990, line 15, insert "Advanced to E & R for Engrossment".
The Journal for the Eighty-sixth Day was approved as corrected.
The Journal for the Eighty-seventh Day was approved.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 207. Indefinitely postponed.

(Signed) Gary L. Anderson, Chairman

MOTION—Return LB 344 to Select File

Mr. Warner moved to return LB 344 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 20 nays and 8 not voting.

The Warner motion to return LB 344 lost with 17 ayes, 28 nays and 4 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 344. With Emergency.

A BILL FOR AN ACT relating to technical community colleges; to state legislative intent; to define terms; to provide for a locally-governed technical community college system as prescribed; to provide severability; to provide an operative date; to repeal sections 79-1436 to 79-1438.03, 79-1439, 79-1441 to 79-1445.13, 79-1445.15 to 79-1445.36, and Chapter 79, articles 16 and 26, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; 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, 33:

Anderson	Burbach	Burrows	Cavanaugh	Chambers
Cope	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Koch	Kremer	F. Lewis
R. Lewis	Mahoney	Marvel	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Skarda
Stoney	Swigart	Syas		

Voting in the negative, 14:

Barnett	Bereuter	Carsten	Clark	DeCamp
Dickinson	Luedtke	Maresh	Marsh	Murphy
Simpson	Stull	Warner	Wiltse	

Not voting, 2:

Kime	Mills

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 Burbach moved to suspend the rules and consider Final Reading bills LB 279, LB 273, LB 288 and LB 567 set for May 23, 1975 today May 22, 1975 in that order. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 279.

A BILL FOR AN ACT to adopt the Nebraska Evidence Rules; and to repeal sections 8-172, 25-1201, 25-1203 to 25-1206, 25-1208, 25-1214, 25-1215, 25-1219, 25-1221, 25-1237, 25-1269, 25-1279, 25-1288, 25-1289, 25-1291, 25-12,108, 25-12,110, 25-12,111, 29-2011, 72-3826, and 76-273, Reissue Revised Statutes of Nebraska, 1943, sections 25-1202, 25-1207, 25-12,109, and 25-12,122, Revised Statutes Supplement, 1974, and section 2-724, Uniform Commercial Code.

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:

Anderson	Barnett	Bereuter	Burbach	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Murphy	Nichol	Rasmussen

Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 1:

Duis

Not voting, 7:

Burrows	Keyes	Kime	R. Lewis	Marvel
Mills	Moylan			

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

LEGISLATIVE BILL 273.

A BILL FOR AN ACT to amend section 25-1222.02, Revised Statutes Supplement, 1974, relating to evidence; to harmonize provisions with the Nebraska Evidence Rules; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Nichol	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 3:

Clark	Kime	Rasmussen

Not voting, 8:

DeCamp	Dickinson	Keyes	Koch	R. Lewis
Marvel	Mills	Murphy		

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

LEGISLATIVE BILL 288.

A BILL FOR AN ACT to amend section 43-1002, Reissue Revised Statutes of Nebraska, 1943, and sections 28-477, 29-1816, 43-201, 43-202, 43-202.01, 43-202.02, 43-202.03, 43-205, and 43-218, Revised Statutes Supplement, 1974, and section 43-206.03, Revised Statutes Supplement, 1974, as amended by section 1, Legislative Bill 293, Eighty-fourth Legislature, First Session, 1975, relating to courts; to change arraignment procedures; to define terms; to provide for juvenile court jurisdictions and procedures as prescribed; to amend the Interstate Compact on Juveniles; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 1:

Kime

Not voting, 7:

Chambers	DeCamp	Fowler	Johnson	Marvel
Mills	Warner			

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

LEGISLATIVE BILL 567.

A BILL FOR AN ACT to amend sections 83-1,109 and 83-1,118, Reissue Revised Statutes of Nebraska, 1943, and sections 83-170, 83-1,107, 83-1,108, 83-1,110, and 83-1,111, Revised Statutes Supplement, 1974, relating to the Department of Correctional Services; to define terms; to provide for the reduction of sentences of committed offenders as prescribed; to provide for restitution of the civil rights of such persons upon release from custody or supervision; to assign duties to the Director of Correctional Services; to correct obsolete language; to provide for retroactive application of this act; and to repeal the original sections.

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

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	DeCamp	Duis	Dworak
Fowler	Goodrich	Hasebroock	Johnson	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Nichol	Rumery	Savage
Schmit	Simpson	Stoney	Swigart	Wiltse

Voting in the negative, 17:

Burbach	Carsten	Clark	Dickinson	Fitzgerald
Kelly	Kennedy	Keyes	Kime	R. Lewis
Marvel	Murphy	Rasmussen	Skarda	Stull
Syas	Warner			

Not voting, 2:

George Mills

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

EXPLANATION OF VOTE

Had I been present I would have voted nay on LB 328 and LB 380.

(Signed) James A. Dickinson

MESSAGE FROM THE GOVERNOR

May 21, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 430 and Reengrossed Legislative Bill No. 305.

These bills were signed by me on May 21, 1975 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

MOTION—Override Veto on LB 259

Mr. Chambers moved to override the Governor's veto on LB 259.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 11 nays and 13 not voting.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Duis	Fitzgerald	Fowler	George	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Nichol	Savage	Schmit	Simpson	Stoney

Voting in the negative, 18:

Clark	Dickinson	Dworak	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Kime	Marvel
Rasmussen	Rumery	Skarda	Stull	Swigart
Syas	Warner	Wiltse		

Not voting, 1:

Mills

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 259A

Mr. Chambers moved to override the Governor's veto on LB 259A.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Anderson requested a roll call vote.

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Keyes	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Nichol	Savage	Schmit	Simpson	Stoney

Voting in the negative, 18:

Clark	Dickinson	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	R. Lewis	Marvel
Rasmussen	Rumery	Skarda	Stull	Swigart
Syas	Warner	Wiltse		

Not voting, 1:

Mills

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Carsten moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 273, 279, 288, 344 and 567.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 273, 279, 288, 344 and 567.

RESOLUTION

LEGISLATIVE RESOLUTION 101.

Introduced by Speaker Burbach, 19th District.

WHEREAS, the year 1976 heralds the celebration of the Bicentennial of the United States of America; and

WHEREAS, this is a time for all citizens to look with pride at their heritage and hope to their future; and

WHEREAS, this is a time when everyone could benefit from again renewing an interest in the history of our country, from the first Pilgrims who landed at Plymouth Rock, through the Civil War, after which our country became reunited and strong, to the pioneers moving west and the development of our country's resources to the present day, and the technology which has permitted great advances in medicine and the exploration of outer space; and

WHEREAS, we are a nation of immigrants made great by the contributions of these citizens; and

WHEREAS, native Americans have contributed to our culture and development as a nation; and

WHEREAS, we are a nation two hundred years proud.

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

(1) That the members of the Legislature and all state employees be encouraged to take pride in our Bicentennial.

(2) That the Legislature commemorates this date in our history and encourages all persons to take pride in our nation's history and development over the past two hundred years.

Laid over.

REPORT OF INTERIM STUDY RESOLUTIONS

May 23, 1975

Recommended by the Executive Board

LR 18 Appropriations Com. directed to study the problems arising from lack of coordination in higher education. (Stull) Referred to Appropriations Committee.

LR 22 Providing that members of the Agriculture & Appropriations Committees study the spending policies & practices of the Division of Wheat Development. (Appropriations Committee) Referred to Appropriations Committee.

LR 24 A study of the regulatory or reporting programs, etc. involving disposal of surplus property provided & used by state agencies. (Executive Board) Referred to Executive Board. (Senator Bereuter to sit on Committee. Senator Richard Lewis to chair.)

LR 25 Labor Committee to study problems relating to collective bargaining agreements with state employees. (Labor Committee) Referred to Labor Committee.

LR 34 Appropriations Com. to study all qualifications for admission to the UN College of Medicine, the process for selecting candidates, & the desirability of broadening the opportunity for more persons to enter UN Med College. (Barnett) Referred to Public Health & Welfare Committee.

LR 36 That 2 senators from each Congressional district, plus the chairmen of Education and Appropriations Committees conduct a study of post-secondary education. (Warner) Referred to Special Committee. (Special Committee as follows: Senator Warner, Chairman; Senators Simpson and Murphy, 1st District; Senators Savage and Stoney, 2nd District; Senators Stull and Dworak, 3rd District; Senator Frank Lewis and Senator Richard Marvel.)

LR 37 Education Com. to conduct a study to identify the unique educational needs of handicapped persons in urban and local areas of the state. (Education Committee) Referred to Education Committee.

LR 38 Education Committee study the Student Achievement Program concept with emphasis on methods of establishing such a program in Nebraska. (Education Committee) Referred to Education Committee.

LR 43 A study to determine the feasibility of implementing a computer assisted information processing system. (Barnett) Referred to Executive Board. (Senator Barnett to chair.)

LR 47 Government Com. to study all facets of the problems of the possession and use of alcoholic beverages by minors. (Rasmussen) Referred to Government, Military & Veterans Affairs Committee.

LR 48 Study of the workload of the standing committees, with special emphasis placed on the workload of the Appropriations Committee. (Carsten) Referred to Special Committee. (Committee to consist of 2 members of the Executive Board plus the chairmen of all standing committees. Speaker Burbach to chair.)

LR 49 Education Com. to study the performance of the Educational Service Units. (F. Lewis) Referred to Education Committee.

LR 50 Judiciary Com. study systems of implementing civil and criminal law in Thurston County before any consideration be given of jurisdictional retrocession. (George) Referred to Judiciary Committee.

LR 53 Urban Affairs Com. study the problems of urban redevelopment. (Fowler) Referred to Urban Affairs Committee.

LR 54 Judiciary Com. study all laws of Nebraska which may be discriminatory on the basis of sex. (Marsh) Referred to Judiciary Committee.

LR 55 Study the interrelationship of Vocational Rehabilitation & other state agencies & federal programs devoted to the rehabilitation of handicapped persons. (F. Lewis) Referred to Education Committee. (Plus Senator Kelly)

LR 56 Study of the current delivery of human service programs. (Goodrich) Referred to Public Health & Welfare Committee.

LR 57 Study of public and operational problems within the mining industry. (Keyes) Referred to Public Works Committee.

LR 58 Ad hoc committee to monitor the carrying out of LB 571 relative to providing resident physician education programs. (Kelly, Schmit, R. Lewis, Marvel, Goodrich) Referred to Introducers plus Senator Mills

LR 59 Committee be appointed to develop a code of ethics for Legislative Council Employees. (Warner) Referred to Executive Board Subcommittee on Personnel.

LR 60 Education Committee to study post-secondary education. (F. Lewis) Referred to Education Committee.

LR 61 Study of current standing of reciprocal agreements for education, and to assess the need for and feasibility of further such agreements. (F. Lewis) Referred to Education Committee.

LR 62 Government Com. to study state promotional policies. (Rasmussen) Referred to Government Committee.

LR 63 Urban Affairs Com. to study the procedures used by the state in locating public facilities. (Fowler) Referred to Urban Affairs Committee.

LR 64 Joint study by Health & Banking Committees of the medical malpractice problem. (Health Committee) Referred to Public Health & Welfare and Banking, Commerce & Insurance Committees.

LR 68 Public Works Com. to study potential benefits and problems which might result from authorizing coal slurry pipeline firms to exercise

eminent domain powers in Nebraska. (Public Works Committee) Referred to Public Works Committee.

LR 69 Education Com. to study all forms of non-credit, non-degree, post-secondary educational opportunities of the continuing, adult, and extension nature which are available to Nebraskans. (Anderson) Referred to Education Committee.

LR 70 A study of any recommended changes in the consumer protection laws passed in the '74 session and other state statutes to insure that needs of consumers are met. (Anderson) Referred to Miscellaneous Subjects Committee.

LR 71 Misc. Subjects Committee to study effects of legislation including licensure of skilled professionals, the regulation of liquor wholesalers and retailers and the sale of liquor and many types of legislation which pertain to the consumer needs of small communities. (Anderson) Referred to Miscellaneous Subjects Committee.

LR 72 Study of the need to provide safety and medical training for all state employees. (Anderson) Referred to Government, Military & Veterans Affairs Committee.

LR 73 Study of the current statutory requirements for bonding and to ascertain whether these requirements are effective and reasonable. (Anderson) Referred to Government, Military & Veterans Affairs Committee.

LR 74 Judiciary Com. to study feasibility of formulating and adopting a system of uniformity for civil pleadings in Nebraska. (Luedtke) Referred to Judiciary Committee.

LR 75 Judiciary Com. to review the uniform criminal codes of Nebraska and other states. (Luedtke) Referred to Judiciary Committee.

LR 76 Judiciary Com. to study desirability & need for a uniform system of criminal procedure in Nebraska courts. (Luedtke) Referred to Judiciary Committee.

LR 77 Judiciary Com. to study need for a state sponsored system of compensating victims of crimes for losses they sustain. (Luedtke) Referred to Judiciary Committee.

LR 78 Judiciary Com. study to determine feasibility and desirability of adopting one time period to apply to all required publications of notice for whatever reason made. (Luedtke) Referred to Judiciary Committee.

LR 79 Judiciary Com. study of the need and desirability of consolidated law enforcement at various levels of local government in Nebraska. (Luedtke) Referred to Judiciary Committee.

LR 80 Judiciary study of the need for and feasibility of adopting consumer oriented lien protection legislation. (Luedtke) Referred to Judiciary Committee.

LR 81 Judiciary Com. study to determine the efficiency and effectiveness of the operations, decisions and procedures of the Board of Parole. (Luedtke) Referred to Judiciary Committee.

LR 83 Public Works Com. study of Nebraska's laws relating to the state's waters & related land resources. (Kremer) Referred to Public Works Committee.

LR 84 Public Works Com. study of a continuing public water supply program within State Health Dept. & minimize direct federal control of public water supplies within the state. (Public Works) Referred to Public Works Committee.

LR 85 Public Works Com. study of various areas of the public power system. (Kremer, Wiltse, Mills, etc.) Referred to the Public Works Committee.

LR 86 Appropriations Com. study of volunteerism in Nebraska. (Fowler) Referred to Appropriations Committee.

LR 88 Alleged back pay due state employees. (DeCamp) Referred to Appropriations Committee.

LR 89 Study by Revenue & Education Committees of the taxation-organization issue. (F. Lewis) Referred to Revenue and Education Committees.

LR 90 Study of Sanitary Improvement Districts in the state. (Cavanaugh) Referred to Miscellaneous Subjects Committee.

LR 91 Subcommittee of the Miscellaneous Subjects Com. to study the accessibility of personal records. (Cavanaugh) Referred to Miscellaneous Subjects Committee.

LR 92 Study of the liquor industry in Nebraska. (DeCamp) Referred to Miscellaneous Subjects Committee.

LR 93 Agriculture Com. to do all things necessary to promote work on the Mid-State, North Loup & O'Neill federal water projects. (DeCamp) Referred to Agriculture and Environment Committee.

LR 94 Appropriations Com. study of current pay and classification systems. (Appropriations) Referred to Appropriations Committee.

LR 95 Study of relationships between non-profit foundations and state agencies. (Cavanaugh) Referred to Executive Board subcommittee (Senator Cavanaugh to chair).

LR 96 Appropriations & Health Committees to study services provided & funding of the regional community-based mental retardation programs. (Bereuter, Marsh, Stull, Marvel, Simpson) Referred to Appropriations and Public Health and Welfare Committees (3 members from Appropriations Com. and Public Health Com.).

LR 97 Agriculture Com. study of land-use programs. (Schmit, etc.) Referred to Agriculture and Environment Committee.

LR 98 Continuation of studies relative to the agricultural economy of the state. (Schmit, etc.) Referred to Agriculture and Environment Committee.

LR 99 Study the needs of the Nebraska National Guard. (DeCamp) Referred to Government, Military and Veterans Affairs Committee.

(Signed) Eugene Mahoney, Chairman
Legislative Council Executive Board

The Executive Board recommended that the following three legislative resolutions not be adopted:

LR 6 Study by the Constitutional Revision and Recreation Committee of possible methods of transferring control of state parks from the Game and Parks Commission to either a new or existing state agency. (Introduced by Senator Mahoney)
LR 45 Study of private schools in Nebraska, including their curriculum, accreditation and tuition fees. (Introduced by Senator Goodrich)
LR 82 Study by the Judiciary Committee of handgun control legislation in other states with a view toward developing such legislation in Nebraska.

(Signed) Eugene T. Mahoney, Chairman
Legislative Council Executive Board

May 23, 1975

Mr. Mahoney moved the adoption of the report. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

MOTION—Approve LR 45 for Study

Mr. Goodrich moved LR 45 be approved for interim study.
Strike the word "private" and insert the word "proprietory"'

The motion lost with 15 ayes, 23 nays and 11 not voting.

COMMUNICATION ON LB 259 and 259A

May 22, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 259, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 259 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 259 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca
Enclosure
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 259 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 22nd day of May, 1975.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

May 22, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 259A, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 259A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 259A notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca
Enclosure
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 259A 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 22nd day of May, 1975.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1975, at 11:05 a.m., were the following bills: 344, 279, 273, 288, and 567.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Approve LR 82 for Study

Mr. Barnett moved to approve LR 82 for an interim study. The motion lost with 8 ayes, 25 nays and 16 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Anderson asked unanimous consent to be excused this afternoon until he arrives. No objections. So ordered.

MESSAGES FROM THE SECRETARY OF STATE

May 22, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 259, Eighty-fourth Legislature, First Session

Dear Mr. Brown:

This is to acknowledge receipt of LB 259, together with supporting documents including the Certificate signed by Gerald Whelan, Presiding Officer and President of the Legislature. Said Certificate indicates that LB 259 having been returned by the Governor with his objections thereto, and after reconsideration the bill passed the Legislature by the constitutional majority and became a law this 22nd day of May, 1975.

Finally, you should be advised that the Certificate, LB 259 and a copy of the Governor's objections have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

May 22, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 259A, Eighty-fourth Legislature, First Session

Dear Mr. Brown:

This is to acknowledge receipt of LB 259A, together with supporting documents including the Certificate signed by Gerald Whelan, Presiding Officer and President of the Legislature. Said Certificate indicates that LB 259A having been returned by the Governor with his objections thereto, and after reconsideration the bill passed the Legislature by the constitutional majority and became a law this 22nd day of May, 1975.

Finally, you should be advised that the Certificate, LB 259A and a copy of the Governor's objections have been filed in this office of Secretary of State pursuant to law and is now matter of public record.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

MESSAGE FROM THE GOVERNOR

May 22, 1975

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

Dear Mr. President and Senators:

I am returning herewith LB 604, LB 607, LB 609, LB 610 and LB 611 with my signature but with my line-item appropriation reductions as indicated.

I am also returning herewith LB 368 and 368A without my signature and with my objections.

Because the Legislature's unbelievable excessive spending authorizations are not warranted, I am herewith vetoing a record total of $37.3 million which your body is attempting to saddle on the taxpayers of this state.

If you sustain my vetoes, you might escape your present position of

being national champions among all legislatures on percentage of increase in state spending.

It is vital that the Nebraska Legislature start setting an example in responsible spending. Well-meaning programs by themselves do not necessarily justify their funding. Fiscal solvency must be the paramount consideration. A vivid example of fiscal decay is New York City. A supposedly prosperous city with the highest tax rates in the nation is bankrupt. Even the mightiest can spend themselves helpless. This is because their leaders were not prudent on expenditures and taxation.

While the numerous vetoes are self-explanatory in the bills attached, I am listing some of the individual items. The veto totals herewith returned represent $23.4 million on your 1975-76 recommendations and an additional $13.9 million in your on-going expenditures.

LB 368 is this year's version of the perennial so-called aid to education measure. The legislative efforts in this area are a direct affront to the voters who overwhelmingly rebuffed last year's ill-conceived LB 772, only last November 5, after a successful referendum on your actions. Why do you reject the voters' dictates?

The only significant difference between LB 368 and last year's ill-famed LB 772 is that you have attempted to reduce the impact to "only" $15 million per year, but for several years to come.

Again, I cite that the Legislature has ignored my attempts to guarantee fairness to all in any such massive tax shifts. Like LB 772, your efforts this year would reward handsomely the largest and most prosperous property owners at the unfair disadvantage of the average property owner and family-sized farm. The renters would be left out in the cold once again. You have cleverly evaded facing the increased demands of state tax rates each year to finance such a program.

On your authorizations for the plant science building on the UN–L East campus, I have reduced your $13.5 million construction cost figure to $10 million, and the initial planning and architectural drawings from $232,000 to $150,000.

The SUN project has been reduced from $125,000 down to $100,000. This implies no commitment on my part to future funding of this project as I had been previously assured no general fund request would be made for at least five years from its inception. Because nearly $4 million in Federal and donated monies have already been expended for SUN, I am agreeing to this limited general fund expenditure to give the program one more year to prove its worthiness as part of our higher education commitment.

You will find eliminated the $291,300 appropriations for an auditorium addition to the life science building now under construction on the UN–L campus.

With regard to the UNO campus, I have eliminated any funding for construction of a new gymnasium. Last year you overrode my veto of this facility.

Since we do not have necessary realistic information substantiating need on the proposed downtown UNO facility in Omaha, I have struck

your $5 million commitment for a long-term bond arrangement and reduced your $100,000 planning appropriation to $20,000.

From the University of Nebraska operations appropriation, I have reduced the general fund from an increase of 17.4% to an increase of 14.8%. Even with my line item reductions of $1.9 million for the entire University, this increase is still comparable to the highest increases that will be given in the Big Eight states, and will significantly exceed the increase given by most other states in the nation. These realistic reductions are further justified by the fact that Nebraska, after a 25% increase for the University last year, ranks high among surrounding states both in terms of per student expenditures and tax effort for higher education.

Specifically, I have reduced the University's appropriations in programs which will allow flexibility for administrative decision-making at each campus. Rather than line-item reducing earmarked appropriations, I have, for the most part, reduced program totals which will not jeopardize any program the University feels is high priority. No reductions are made to the Institute of Agriculture and Natural Resources.

I have reduced the Nebraska Psychiatric Institute by $342,346 in the general fund. The reduced total appropriation is sufficient to provide for the normal and proper operating expenses of the Institute.

With the enactment of LB 344, we have established local control of the vocational technical community colleges, and have committed $11.7 million in new state funding. It was my hope that the colleges would be limited to a local 1 mill levy, but this was raised to a maximum of 2 1/2 mills by the Legislature. With the passage of LB 344, I am advised by the Attorney General that it is unconstitutional for the state to dictate funding of specific building and site acquisition from state sources and have thereby vetoed a total of $2.4 million in your appropriations for such purposes. We certainly do not want to invite further legal problems with these important colleges. I am concerned about possible excessive spending by the local boards, using a combination of state and local funds. All should be reminded that the 2 1/2 mill levy is a ceiling, and should not be viewed as a floor to justify unnecessary authorizations.

I am eliminating $19,750 from appropriations to the Governor's office. This amount was for our annual contribution to the Education Commission of the States. This will allow us to withdraw from this multi-state compact which I feel has been of little, if any, benefit to Nebraska.

I have also eliminated your appropriation of $150,000 to the Nebraska Arts Council to assist with the construction of the Bicentennial sculptures on the interstate. From the beginning, I was assured that no general fund dollars would be needed or requested on this project. I honestly do not feel that we are warranted in spending general fund monies in this area.

Because of what I believe to be totally realistic budget requests from the state colleges, I have made no reductions, and have accepted your slightly increased appropriations.

The balance of the reductions that I have made are standard throughout the several bills that I have mentioned in the first paragraph of this letter.

In the interest of fiscal restraint and meeting our joint commitments to fund only legitimate needs of the state, I urge you to sustain my vetoes.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

VISITORS

The President introduced 12 first through sixth grade students and teacher from Fremont, Nebraska; Mr. & Mrs. Isaac B. Humphrey, former State Representative from Salt Lake City, Utah; Michael O'Connor, Assistant Urban Planner at UNO and four student members of UNO Senate; Senator Dickinson's daughter and daughter-in-law and four grandchildren Father Leo Missinni, Father William Missinni, Father Edward Tomasewicz and Father Leo's sister Lieva visiting from Belgium; Thomas S. Fitzgerald III, son of Senator Tom Fitzgerald.

RECESS

At 11:54 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Anderson who was excused until he arrives.

RESOLUTIONS

LEGISLATIVE RESOLUTION 39. Read.

LR 39 was adopted with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE RESOLUTION 46. Read.

LR 46 was adopted with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE RESOLUTION 52. Read and considered.

Mr. F. Lewis offered the following amendment:

To include all tickets shall be sold each year on first come first serve basis.

Mr. DeCamp offered the following amendment to the F. Lewis amendment:

Amend F. Lewis amendment after word sold add on the basis of a raffle in which every applicant for the tickets has an equal opportunity to purchase the tickets.

The DeCamp amendment lost with 14 ayes, 22 nays and 13 not voting.

Mr. F. Lewis requested a record vote on his amendment.

Voting in the affirmative, 8:

Burrows	Cavanaugh	Chambers	Fowler	F. Lewis
Maresh	Savage	Simpson		

Voting in the negative, 24:

Bereuter	Clark	Cope	Dickinson	Dworak
Fitzgerald	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kime	Luedtke	Marsh	Marvel
Mills	Moylan	Rasmussen	Rumery	Stoney
Stull	Swigart	Warner	Wiltse	

Not voting, 17:

Anderson	Barnett	Burbach	Carsten	DeCamp
Duis	George	Keyes	Koch	Kremer
R. wis	Mahoney	Murphy	Nichol	Schmit
Skarda	Syas			

The amendment lost with 8 ayes, 24 nays and 17 not voting.

Mr. Cavanaugh offered the following amendment:

Amend LR 52 Strike Whereas, distribution of free tickets to public officials or others by the University raises question concerning the propriety of such distribution;

Strike: everything after Session:

Add: No Free Tickets shall be distributed to public officials

Mr. Koch 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 Cavanaugh amendment was adopted with 26 ayes, 11 nays and 12 not voting.

Mr. Barnett moved to refer LR 52 with amendments for a study.

The motion prevailed with 27 ayes, 1 nay and 21 not voting.

MESSAGE FROM THE GOVERNOR

May 21, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 603.
This bill was signed by me on May 21, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTION--Override Veto on LB 368

Mr. Koch moved to override the Governor's veto on LB 368.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays and 13 not voting.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Duis requested a roll call vote.

Voting in the affirmative, 28:

Burbach	Carsten	Chambers	Cope	DeCamp
Dickinson	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Keyes	Koch
Kremer	F. Lewis	Luedtke	Mahoney	Marsh
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Stoney	Warner		

Voting in the negative, 19:

Anderson	Barnett	Burrows	Cavanaugh	Clark
Dworak	Kelly	Kennedy	Kime	R. Lewis
Maresh	Marvel	Mills	Moylan	Murphy
Skarda	Swigart	Syas	Wiltse	

Not voting, 2:

Bereuter	Stull

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. SAVAGE PRESIDING

MOTION—Override Line-item Veto on LB 610

Mr. Simpson moved to override the Governor's line-item veto on LB 610.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 16:

Barnett	Bereuter	Chambers	Cope	Fitzgerald
Fowler	George	Goodrich	Johnson	Koch
F. Lewis	Luedtke	Mahoney	Marsh	Moylan
Simpson				

Voting in the negative, 31:

Anderson	Burbach	Burrows	Carsten	Cavanaugh
Clark	DeCamp	Dickinson	Dworak	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
Maresh	Marvel	Mills	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Not voting, 2:

Duis	R. Lewis

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION–Override Line-item Veto on LB 611

Mr. Mahoney moved to override the Governor's line-item veto on LB 611.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 21:

Burbach	Cavanaugh	Chambers	Cope	DeCamp
Fitzgerald	Goodrich	Hasebroock	Johnson	Koch
F. Lewis	Luedtke	Mahoney	Moylan	Nichol
Rasmussen	Savage	Schmit	Skarda	Stoney
Swigart				

Voting in the negative, 26:

Anderson	Barnett	Bereuter	Burrows	Carsten
Clark	Dickinson	Dworak	Fowler	George
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Maresh	Marsh	Marvel	Mills
Murphy	Simpson	Stull	Syas	Warner
Wiltse				

Not voting, 2:

Duis	Rumery

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

PRESIDENT WHELAN PRESIDING

MESSAGE FROM THE GOVERNOR

May 22, 1975

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

Dear Mr. President and Senators:

I am enclosing a copy of the Attorney General's opinion to which I referred in my veto message of this morning.

As you can see, the Attorney General advises that the appropriations made in sections 7, 8 and 10 of LB 611 to Metropolitan and Southeast Technical Community Colleges are unconstitutional.

I am providing this opinion for your further information.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah
Enclosure

ATTORNEY GENERAL'S OPINION
May 22, 1975

The Honorable J. James Exon
Governor of Nebraska
State Capitol
Lincoln, Nebraska 68509

Dear Governor Exon:

Receipt of your letter of 21 May 1975 is hereby acknowledged. In that letter you inquired about the validity of certain appropriations contained in L.B. 611, Eighty-fourth Legislature, First Session. Your question is whether or not Section 7, 8, and 10 of L.B. 611 are valid under the Constitution of Nebraska.

At the time your letter arrived at this office, L.B. 344, current session, had not yet passed. We are now advised that L.B. 344 has passed with the emergency clause and has been signed by you. The validity of the above appropriations must be determined as of this time.

Section 7 of L.B. 611 authorizes the Metropolitan Technical Community College area to acquire a certain campus and appropriates a sum of money to that area for that purpose. Section 8 authorizes the Southeast Technical Community College area to acquire a campus site and appropriates a sum of money to that area for that purpose. Section 10 authorizes the Metropolitan Technical Community College area to rennovate the Fort Omaha facility and appropriates a sum of money for that purpose.

We have previously offered our opinion, which is published on pages 1004 to 1006 of the Legislative Journal, that the committee amendments to L.B. 344, supra, provide local control over technical community colleges and we adhere to that opinion. Thus, the various technical community colleges are now local schools for all purposes. The appropriations in Sections 7, 8, and 10 of L.B. 611 are therefore appropriations for specific local purposes and therefore, in our opinion, amount to special legislation and in violation of Article III, Section 18 of the Constitution of Nebraska.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:sh

MOTION—Override Line-item Veto on LB 609

Mr. Goodrich moved to override the Governor's line-item veto on LB 609.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 18:

Barnett	Burbach	Cavanaugh	Chambers	Cope
Fitzgerald	Fowler	Goodrich	Johnson	Koch
F. Lewis	Luedtke	Mahoney	Moylan	Nichol
Savage	Schmit	Swigart		

Voting in the negative, 30:

Anderson	Bereuter	Burrows	Carsten	Clark
DeCamp	Dickinson	Dworak	George	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Maresh	Marsh	Marvel	Mills
Murphy	Rasmussen	Rumery	Simpson	Skarda
Stoney	Stull	Syas	Warner	Wiltse

Not voting, 1:

Duis

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

RESOLUTION

LEGISLATIVE RESOLUTION 102.

Introduced by Speaker Burbach, 19th District.

WHEREAS, former Lincoln mayor Bennett S. (Abe) Martin was for decades an outstanding figure in his home city and state and achieved nation-wide recognition in a variety of fields; and

WHEREAS, it would be impossible to list all his varied contributions as a civic leader, philanthropist, business man, and financier; and

WHEREAS, his death in January of this year resulted in a great loss to his city and state and not only to those of us who knew him but also to the many beneficiaries of his concern who were never privileged to know him.

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

1. The Legislature takes this occasion to pay grateful tribute to the memory of Bennett S. (Abe) Martin.

2. That a copy of this resolution be delivered to his widow, Dorothy.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 39 and LR 46.

RESOLUTIONS

LEGISLATIVE RESOLUTION 65. Read and considered.

LR 65 was adopted with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE RESOLUTION 66. Read and considered.

LR 66 was adopted with 49 ayes, 0 nays and 0 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Clark asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 87. Read and considered.

LR 87 was adopted with 37 ayes, 0 nays and 12 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Committee on Committees

May 22, 1975

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Charles Davey
Advisory Committee to Department of Economic Development

Senator DeCamp and Senator Kelly appeared in support of Mr. Davey's appointment to the Advisory Committee to Department of Economic Development. No one appeared in opposition.

Committee Vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

Ted Johnson - Nebraska Resources Commission

Senator Duis appeared in support of Mr. Johnson's appointment to the Nebraska Resources Commission. No one appeared in opposition.

Committee vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

Dr. Philip Heckman - Nebraska Educational Television Commission

Senator Koch appeared in support of Dr. Heckman's appointment to the Educational Television Commission. No one appeared in opposition.

Committee Vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

Mr. Dorithy Obbink - Nebraska Educational Television Commission

Senator Marsh appeared in support of Mrs. Obbink's appointment to the Nebraska Educational Television Commission. No one appeared in opposition.

Committee vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

Al Gilmore - Nebraska Educational Television Commission

Senator Savage and Senator Swigart appeared in support of Mr. Gilmore's appointment to the Nebraska Educational Television Commission. No one

appeared in opposition.

Committee vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

Don Conrad - Nebraska Educational Television Commission

Senator Walter George appeared in support of Mr. Conrad's appointment to the Nebraska Educational Television Commission. No one appeared in opposition.

Committee Vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

Dr. Ed Nelson - Nebraska Educational Television Commission

Senator Stull appeared in support of Dr. Nelson's appointment to the Nebraska Educational Television Commission. No one appeared in opposition.

Committee vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

Mrs. June Popken - Nebraska Educational Television Commission

No one appeared in support of Mrs. Popken and no one appeared in opposition to Mrs. Popken's appointment.

Committee vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

Jim Johnson - Nebraska Educational Television Commission

Senator Cope appeared in support of Mr. Johnson's appointment to the Educational Television Commission. No one appeared in opposition.

Committee vote: For: (9) Senators DeCamp, Duis, Hasebroock, Kelly, Keyes, Kime, Koch, Marsh and Savage. Against: None. Absent and not voting: (4) Senators Chambers, Clark, Skarda and Wiltse.

(Signed) John S. Savage, Chairman

VISITORS

The President introduced 53 fourth grade students and teacher from Wymore, Nebraska; 14 second through sixth grade students and teacher from a private school in Omaha, Nebraska.

ADJOURNMENT

At 3:59 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, May 23, 1975.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-NINTH DAY—MAY 23, 1975

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 23, 1975

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor Westminster Presbyterian Church, Lincoln.

> Eternal God, our Father, we are grateful to you for supplying us with sufficient strength, adequate courage, enough faith, inspired vision and common sense, throughout the past term of the Legislature to achieve the objectives that have been accomplished.
>
> Looking back over the days of the Session soon to close, which the Senators have spent together, grant your favor upon the good achieved. Bless their relationships which have deepened into warm friendships. Forgive their failures and above all help them to forgive themselves. Grant them a feeling of satisfaction and a spirit of well done as they soon return to their constituents.
>
> We pray your blessing upon the Governor, the President of the Senate, The clerk, the secretaries and helpers and the contribution they have made.
>
> O God, in this time of our countries need for the best we have to give. Enable us to grow as statesmen and citizens, understanding that right living alone exalts a nation.
>
> Bless this nation and state we love so much and help us to defend her trust, in the spirit of the Christ, we pray. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Wiltse who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 2069, line 26, delete "Mr." and insert "Mrs.".
The Journal for the Eighty-eighth Day was approved as corrected.

COMMUNICATION

May 22, 1975

Mr. Vincent Brown
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Brown:

Pursuant to 11-203 R.S. 1943, the attached list shows names and amounts of all individual bonds currently covering officers and employees of the state. In addition to these individual bonds, a blanket bond in the amount of $1,000,000 covers all state employees not required to furnish an individual bond.

Please feel free to contact this office should you have questions in this regard.

Very truly yours,

(Signed) James M. Jackson
Director of Insurance

gkc
cc: Alan E. Wickman
State Bonding Supervisor
Enclosures (on file in Clerk's Office)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 203.

A BILL FOR AN ACT relating to agriculture; to declare intent; to provide for reports as prescribed from corporations having certain interest in agricultural lands; and to provide penalties.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	George	Goodrich
Johnson	Kelly	Kennedy	Keyes	Koch
F. Lewis	R. Lewis	Maresh	Marsh	Marvel
Mills	Moylan	Rasmussen	Rumery	Skarda
Stoney	Stull	Swigart	Syas	

Voting in the negative, 0.

Not voting, 15:

Cavanaugh	Duis	Fowler	Hasebroock	Kime
Kremer	Luedtke	Mahoney	Murphy	Nichol
Savage	Schmit	Simpson	Warner	Wiltse

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

LEGISLATIVE BILL 213. With Emergency.

A BILL FOR AN ACT to amend sections 39-1302, 39-1320, 39-1320.06, and 39-1320.07, Reissue Revised Statutes of Nebraska, 1943, and section 39-1320.09, Revised Statutes Supplement, 1974, relating to outdoor advertising; to control advertising along the National System of Interstate and Defense Highways and federal-aid primary roads; to provide exclusions; to provide compensation for removal; to provide for the placing of informational panels 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, 33:

Anderson	Barnett	Bereuter	Burbach	Carsten
Clark	Cope	Duis	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kelly	Kennedy
Koch	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Nichol	Rasmussen	Savage	Simpson	Skarda
Stull	Swigart	Syas		

Voting in the negative, 15:

Burrows	Cavanaugh	Chambers	DeCamp	Dickinson
Dworak	Goodrich	Keyes	Kime	Kremer
R. Lewis	Rumery	Schmit	Stoney	Warner

Not voting, 1:

Wiltse

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 216. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the period of July 1, 1975 to June 30, 1976; to make an alternative appropriation; to transfer programs; to amend section 10, Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975; 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, 36:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Cope	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Nichol	Rumery
Savage	Skarda	Stoney	Stull	Swigart
Syas				

Voting in the negative, 12:

Carsten	Clark	DeCamp	Dickinson	Dworak
Marvel	Mills	Murphy	Rasmussen	Schmit
Simpson	Warner			

Not voting, 1:

Wiltse

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 237. Mr. DeCamp moved to bracket LB 237 until at least January 15, 1976. The motion lost with 14 ayes, 26 nays and 9 not voting.

With Emergency.

A BILL FOR AN ACT to adopt the Treatment and Rehabilitation of Alcohol-Dependent People Act; to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943; to increase taxes on alcoholic liquors; to provide severability; to provide an operative date; to repeal the original section, and also section 53-196, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Speaker Burbach moved to suspend the rules, Rule 6, Sec. 6b and consider all bills set for May 27 today, May 23, 1975. The motion prevailed with 38 ayes, 1 nay and 10 not voting.

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?' "

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 25:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Duis	Fowler	George
Goodrich	Kelly	Koch	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Nichol
Rumery	Simpson	Stoney	Swigart	Wiltse

Voting in the negative, 22:

Burbach	Carsten	Clark	DeCamp	Dickinson
Dworak	Fitzgerald	Hasebroock	Kennedy	Kime
Kremer	Mahoney	Mills	Moylan	Murphy
Rasmussen	Savage	Schmit	Skarda	Stull
Syas	Warner			

Not voting, 2:

Johnson	Keyes

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 25:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Duis	Fowler	George
Goodrich	Kelly	Koch	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Nichol	Rumery
Simpson	Stoney	Stull	Swigart	Wiltse

Voting in the negative, 21:

Burbach	Carsten	Clark	DeCamp	Dickinson
Dworak	Fitzgerald	Hasebroock	Kennedy	Kime
Kremer	Mahoney	Mills	Moylan	Murphy
Rasmussen	Savage	Schmit	Skarda	Syas
Warner				

Not voting, 3:

Johnson	Keyes	F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 237A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, Eighty-fourth Legislature, First Session, 1975; 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:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Duis	Fowler	George
Goodrich	Kelly	Keyes	Koch	Kremer
Luedtke	Maresh	Marsh	Nichol	Rumery
Simpson	Stoney	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 20:

Burbach	Carsten	Clark	DeCamp	Dickinson
Dworak	Fitzgerald	Hasebroock	Kennedy	Kime
R. Lewis	Mahoney	Marvel	Mills	Moylan
Murphy	Rasmussen	Schmit	Skarda	Syas

Not voting, 3:

Johnson	F. Lewis	Savage

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

The Chair ruled 25 votes were required with the "E Clause" stricken.

Voting in the affirmative, 26:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Cope	Duis	Fowler	George
Goodrich	Kelly	Keyes	Koch	Kremer
Luedtke	Maresh	Marsh	Nichol	Rumery
Simpson	Stoney	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 20:

Burbach	Carsten	Clark	DeCamp	Dworak
Fitzgerald	Hasebroock	Kennedy	Kime	R. Lewis
Mahoney	Marvel	Mills	Moylan	Murphy
Rasmussen	Savage	Schmit	Skarda	Syas

Not voting, 3:

Dickinson	Johnson	F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

REQUEST—Re-read LB 216

Mr. F. Lewis requested to re-read LB 216 on Final Reading. So ordered by the Chair.

LEGISLATIVE BILL 216. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the period of July 1, 1975 to June 30, 1976; to make an alternative appropriation; to transfer programs; to amend section 10, Legislative Bill 344, Eighty-fourth Legislature, First Session, 1975; 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?' "

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 35:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Cope	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Nichol	Rumery	Savage
Skarda	Stoney	Stull	Swigart	Syas

Voting in the negative, 14:

Carsten	Clark	DeCamp	Dickinson	Dworak
Kime	Marvel	Mills	Murphy	Rasmussen
Schmit	Simpson	Warner	Wiltse	

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.

The Chair announced today is Mr. Koch's birthday.

LEGISLATIVE BILL 300. With Emergency.

A BILL FOR AN ACT to amend sections 71-4601 to 71-4609, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to adopt the Uniform Standard Code for Mobile Homes and Recreational Vehicles; to make an appropriation and reappropriation; 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, 41:

Anderson	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Stoney	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 2:

Goodrich	Stull

Not voting, 6:

Barnett	Clark	DeCamp	Rasmussen	Simpson
Skarda				

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 325. With Emergency.

A BILL FOR AN ACT to amend sections 79-327 and 85-104, Reissue Revised Statutes of Nebraska, 1943, relating to public meetings; to provide for open public meetings; to provide protection of the public interest; to provide public notice; to provide opportunity to speak at public meetings; to provide remedies; to provide a penalty; to provide severability; to repeal the original sections, and also sections 84-1401 to 84-1407, Revised Statutes Supplement, 1974; 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:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Duis	Dworak	Fitzgerald	Fowler
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Swigart	Syas
Warner				

Voting in the negative, 9:

Burbach	Carsten	Clark	Cope	Dickinson
Johnson	Kime	Stull	Wiltse	

Not voting, 4:

DeCamp	George	Murphy	Skarda

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

LEGISLATIVE BILL 410. With Emergency.

A BILL FOR AN ACT to amend sections 16-113, 16-114, 16-114.01, 16-114.02, 18-1303, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-910, 19-911, 19-913, 19-915, 23-114.01, 23-114.04, 23-114.05, 23-164, 23-168.01, 23-168.03, 23-172, 23-173, and 23-372, Reissue Revised Statutes of Nebraska, 1943, sections 15-106, 16-112, 16-114.03, and 19-901, Revised Statutes Supplement, 1974, and section 1, Legislative Bill 317, Eighty-fourth Legislature, First Session, 1975, relating to zoning; to provide that certain municipalities shall regulate the subdividing of property; to provide that certain municipalities shall adopt zoning regulations and restrictions as prescribed; to require hearings; to revise membership on the board of adjustment; to provide powers and duties; to provide for the adoption of codes; to change application; to provide for appeals; to provide standards; to repeal the original sections, and also sections 23-168 and 23-171, 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, 33:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	Dickinson
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Kelly	Koch	F. Lewis	Luedtke	Marsh
Marvel	Moylan	Murphy	Nichol	Rumery
Savage	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 10:

Carsten	DeCamp	Dworak	Johnson	Kremer
R. Lewis	Mills	Rasmussen	Schmit	Skarda

Not voting, 6:

Duis	Kennedy	Keyes	Kime	Mahoney
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 453.

A BILL FOR AN ACT relating to elections; to amend, revise, clarify, harmonize, and adopt provisions for elections; to amend sections 32-210, 32-402.01, 32-403, 32-424, 32-428, 32-450, 32-4,132, 32-513, 32-517, 32-528, 32-803, 32-807.01, 32-815, 32-1001.25, 32-1001.28, 32-1056, 32-1241, 32-1302, 32-1305 to 32-1310, 32-1312 to 32-1314, 46,530, 46-531, and 79-2202.01, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 19-613, 19-3011, 19-3051, 70-610, 70-611, and 70-615, Revised Statutes Supplement, 1974; and to repeal the original sections, and also sections 23-282, 23-284 to 23-286, 23-288, 23-289, 32-431, 32-438.01, 32-449, 32-453, 32-462, 32-486 to 32-489, 32-493.02, 32-496, 32-498, 32-504.02, 32-539 to 32-541, 32-814, 32-817, 32-1301, 32-1311, and 70-613, Reissue Revised Statutes of Nebraska, 1943, and section 19-3033, Revised Statutes Supplement, 1974.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 1:

Skarda

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

ANNOUNCEMENT

The Chair announced that tomorrow Mr. and Mrs. Richard Maresh and Mr. and Mrs. John Savage will celebrate their wedding anniversaries.

MESSAGE FROM THE GOVERNOR

May 23, 1975

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

Dear Mr. President and Senators:

I return herewith LB 381 without my signature and with my objections.

This measure is unconstitutional as the Attorney General has previously indicated.

LB 381 is an obvious attempt on the part of the Legislature to authorize and even encourage violation of the law.

The bill unbelievably allows a violator on the interstate between speeds of 55 and 65 mph a special privilege not offered any other violator at any other illegal speed even down to in excess of 25 mph.

If a violator falls into the unconstitutional and unconscionable special category you have created, he can get off with a maximum $10 fine only, and is not assessed court costs or points as would otherwise be the case.

If one is rich enough, he can speed at will.

The measure is clearly an effort to authorize violation of the national 55 mph speed law, designed to conserve energy.

While I personally had always pushed for a 60 mph limit and while the national law is overly restrictive for a state like Nebraska, it is the law and it should be followed and not intentionally subverted by, of all people, supposedly responsible lawmakers.

Have you ever considered the example you are setting for others to follow with the enactment of such a patently unlawful and double standard measure?

The officers of the Nebraska State Patrol have advised me that if this bill becomes law, it would render enforcement of the 55 mph speed limit difficult and ineffective at best.

I am sure your action on LB 381 is good politics, but it is terrible legislation.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 472.

A BILL FOR AN ACT to amend section 81-1117, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to increase the duties of the data processing administrator as prescribed; to harmonize provisions; to prohibit the release of data except as prescribed; to provide a penalty; 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, 38:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Dickinson	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Koch	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Wiltse		

Voting in the negative, 7:

Clark	Duis	Dworak	Kremer	R. Lewis
Schmit	Warner			

Not voting, 4:

Cope	DeCamp	Kime	Mills

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

LEGISLATIVE BILL 507. With Emergency.

A BILL FOR AN ACT to authorize the Game and Parks Commission to acquire described property for prescribed purposes; to provide for the operation thereof; 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Cope	DeCamp	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Kelly
Koch	Kremer	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Nichol
Rumery	Schmit	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 10:

Burbach	Clark	Dickinson	Kennedy	Keyes
Kime	R. Lewis	Murphy	Rasmussen	Simpson

Not voting, 5:

Chambers	Duis	Johnson	F. Lewis	Savage

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 522.

A BILL FOR AN ACT to amend section 79-487, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for transportation of children who attend nonprofit private schools as prescribed; to provide duties of the State Board of Education; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Kelly	Koch	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Moylan	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 6:

Carsten	Clark	Dickinson	Kennedy	Kremer
Marsh				

Not voting, 7:

Johnson	Keyes	Kime	Marvel	Mills
Murphy	Nichol			

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

LEGISLATIVE BILL 525.

A BILL FOR AN ACT to adopt the State Electrical Act; and to repeal sections 81-553 to 81-570, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

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:

Barnett	Bereuter	Burbach	Burrows	Cavanaugh
Dickinson	Fitzgerald	Fowler	Goodrich	Hasebroock
Kelly	Keyes	Koch	F. Lewis	R. Lewis
Luedtke	Mahoney	Marsh	Marvel	Moylan
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Swigart	Syas		

Voting in the negative, 20:

Anderson	Carsten	Clark	Cope	DeCamp
Duis	Dworak	George	Johnson	Kennedy

Kime	Kremer	Maresh	Mills	Murphy
Nichol	Rasmussen	Stull	Warner	Wiltse

Not voting, 1:

Chambers

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

LEGISLATIVE BILL 525A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 525, Eighty-fourth Legislature, First Session, 1975.

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:

Barnett	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	DeCamp	Dickinson	Dworak	Fitzgerald
Fowler	Goodrich	Hasebroock	Kelly	Keyes
Koch	F. Lewis	R. Lewis	Luedtke	Mahoney
Marsh	Moylan	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Swigart	Syas

Voting in the negative, 17:

Anderson	Carsten	Clark	Cope	Duis
George	Johnson	Kennedy	Kime	Kremer
Maresh	Mills	Murphy	Rasmussen	Stull
Warner	Wiltse			

Not voting, 2:

Marvel Nichol

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

LEGISLATIVE BILL 571.

A BILL FOR AN ACT relating to public health; to provide resident physician education and dental education programs for the state; to provide a program for the recruitment and training of physicians; and to provide for funding.

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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 1:

Savage

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

LEGISLATIVE BILL 571A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, Eighty-fourth Legislature, First Session, 1975; 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:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kennedy
Keyes	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 6:

Clark Kelly Kime R. Lewis Murphy Rasmussen

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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 203, 213, 216, 237, 237A, 300, 325, 410, 453, 472, 507, and 522.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 203, 213, 216, 237, 237A, 300, 325, 410, 453, 472, 507, and 522.

EXPLANATION OF VOTES

Had I been present, I would have voted yes on LB 203.

(Signed) Jerome Warner

Had I been present, I would have voted yes on LB 571.

(Signed) John S. Savage

VISITORS

The President introduced 18 eighth grade students and sponsors from Lindsay Holy Family, Lindsay, Nebraska; and 23 fifth grade students and teacher and sponsors from Plattsmouth Central, Plattsmouth, Nebraska.

RECESS

At 12:02 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Mills who was absent until 1:50 p.m.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 577.

A BILL FOR AN ACT to amend sections 46-602, 46-603, 46-629, and 46-630, Reissue Revised Statutes of Nebraska, 1943, and section 2-3225, Revised Statutes Supplement, 1974, relating to ground water; to place restrictions on the use of ground water under prescribed conditions; to adopt the Nebraska Ground Water Management Act; to provide severability; and to repeal the original sections, and also section 2-3237, 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:

Anderson	Barnett	Bereuter	Burrows	Carsten
Chambers	Clark	Cope	Dickinson	Fitzgerald
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nichol
Rumery	Savage	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 1:

DeCamp

Not voting, 8:

Burbach	Cavanaugh	Duis	Dworak	Fowler
Mills	Rasmussen	Schmit		

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 May 23, 1975 at 1:30 p.m., were the following bills: 203, 213, 216, 237, 237A, 300, 325, 410, 453, 472, 507, and 522.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 525, 525A, 571, and 571A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 525, 525A, 571, and 571A.

MOTION—Return LB 589 to Select File

Mr. Keyes moved to return LB 589 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 4 ayes, 35 nays and 10 not voting.

UNANIMOUS CONSENT—Bracket LB 589

Mr. F. Lewis asked unanimous consent to bracket LB 589 as the last item of business this session.

Mr. Stull objected.

Mr. F. Lewis moved to bracket LB 589 as the last item of business this session. The motion lost with 11 ayes, 26 nays and 12 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 589. With Emergency.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1974, and section 77-2734, Revised Statutes Supplement,

1974, as amended by section 1, Legislative Bill 123, Eighty-fourth Legislature, First Session, 1975, relating to taxation; to set the maximum personal income tax rate for 1975; to change the formula for setting rates; to provide additional times when rates may be changed; to decrease the corporate rate and provide step rates; to provide duties; to define a term; 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, 35:

Burbach	Carsten	Chambers	Clark	Cope
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kennedy
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Schmit	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 12:

Anderson	Barnett	Bereuter	Cavanaugh	DeCamp
Kelly	Keyes	Koch	F. Lewis	Marvel
Murphy	Simpson			

Not voting, 2:

Burrows	Kime

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 600.

A BILL FOR AN ACT to provide that the State of Nebraska assents to the federal Youth Conservation Corps Act, as amended; and to establish the Youth Conservation Corps 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, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Dickinson Murphy

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 May 23, 1975 at 2:20 p.m., were the following bills: 571, 571A, 525, and 525A.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 577.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 577.

MOTION—Approve Governor Appointments

Mr. Savage moved the confirmation of the following Governor appointments found in the Journal on pages 2069-2070. Charles Davey,

Ted Johnson, Dr. Philip Heckman, Mrs. Dorithy Obbink, Al Gilmore, Don Conrad, Dr. Ed Nelson, Mrs. June Popken and Jim Johnson.

Voting in the affirmative, 36:

Anderson	Barnett	Bereuter	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	George	Goodrich	Hasebroock
Johnson	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Marsh	Mills
Murphy	Nichol	Rumery	Savage	Schmit
Skarda	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Burbach	Cavanaugh	Fitzgerald	Fowler	Kelly
Kennedy	Keyes	Maresh	Marvel	Moylan
Rasmussen	Simpson	Warner		

The Chair declared the appointments confirmed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 67. Read and considered.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 14:

Anderson	Burbach	Burrows	Fitzgerald	Fowler
Goodrich	Kennedy	Koch	F. Lewis	Moylan
Nichol	Rumery	Schmit	Swigart	

Voting in the negative, 21:

Carsten	Clark	DeCamp	Dickinson	Dworak
George	Hasebroock	Kime	Kremer	Luedtke
Mahoney	Maresh	Marsh	Murphy	Savage
Skarda	Stoney	Stull	Syas	Warner
Wiltse				

Not voting, 14:

Barnett	Bereuter	Cavanaugh	Chambers	Cope
Duis	Johnson	Kelly	Keyes	R. Lewis
Marvel	Mills	Rasmussen	Simpson	

LR 67 failed with 14 ayes, 21 nays and 14 not voting.

LEGISLATIVE RESOLUTION 101. Read and considered.

LR 101 was adopted with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE RESOLUTION 102. Read and considered.

LR 102 was adopted with 36 ayes, 0 nays and 13 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1975, at 2:40 p.m., was the following bill: 577.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 589 and 600.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 589 and 600.

MOTION—Override Veto on LB 381

Speaker Burbach moved to override the Governor's veto on LB 381.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 15 nays and 10 not voting.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays and 19 not voting.

Mr. Cavanaugh moved to request the Speaker to consult with the Governor relative to a special session whether LB 381 is overriden or not.

The Chair ruled the motion out of order. Mr. Cavanaugh appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion prevailed with 26 ayes, 15 nays and 8 not voting.

The Chair was sustained.

Mr. Cavanaugh moved to recess.

The Chair ruled the motion out of order. Mr. Cavanaugh appealed the decision of the Chair. The question is "Shall the Chair be sustained?" The motion prevailed with 26 ayes, 11 nays and 12 not voting.

The Chair was sustained.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Bereuter	Burbach	Carsten	Clark	Cope
Dickinson	Duis	Dworak	Fowler	George
Goodrich	Hasebroock	Johnson	Kennedy	Kime
Koch	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Skarda	Swigart	Warner
Wiltse				

Voting in the negative, 9:

Burrows	DeCamp	Fitzgerald	Keyes	F. Lewis
Rumery	Schmit	Stull	Syas	

Not voting, 9:

Anderson	Barnett	Cavanaugh	Chambers	Kelly
Nichol	Savage	Simpson	Stoney	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

COMMUNICATIONS ON LB 381

May 23, 1975

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 381, Eighty-fourth Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 381 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 381 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca
Enclosure
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 381 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 23rd day of May, 1975.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1975 at 3:00 p.m., were the following bills: 589 and 600.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Approve Eighty-ninth Day Journal

Mr. Hasebroock moved that the Journal for the Eighty-ninth Day, as prepared by the Clerk, be approved.

The motion prevailed.

MESSAGE FROM THE SECRETARY OF STATE

May 23, 1975

Honorable Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 381, Eighty-fourth Legislature, First Session

Dear Mr. Brown:

This is to acknowledge receipt of LB 381, together with supporting documents including the Certificate signed by Gerald T. Whelan, Presiding Officer. Said Certificate indicates that LB 381 having been returned by the Governor with his objections thereto, and after reconsideration the bill passed the Legislature by the constitutional majority and became a law this 23rd day of May, 1975.

Finally, you should be advised that the Certificate, LB 381 and a copy of the Governor's objections have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

MOTION—Advise Governor

Speaker Burbach moved that a committee of five be appointed to advise the Governor that the Eighty-fourth Legislature, First 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. Fitzgerald, Mills, Cope, Koch, and Dworak to serve on said committee.

The Committee escorted Governor J. James Exon to the rostrum. The Governor addressed the members briefly.

The Committee escorted the Governor from the Chamber.

MOTION—Adjournment

Mr. Syas moved that the Eighty-fourth Legislature, First Session of the Legislature, having finished all business before it, now at 3:50 p.m., we adjourn sine die.

The motion prevailed.

Vincent D. Brown
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

MESSAGES FROM THE GOVERNOR

May 22, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 140, 142, 189, 217, 273, 263, 279, 288, 328, 377, 380, 404, 416, 422, 443, 443A, 468, 508, 557, and 567.

These bills were signed by me on May 22, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 22, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 605 and Reengrossed Legislative Bill No. 344.

These bills were signed by me on May 22, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 23, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 14 and 249, and Reengrossed Legislative Bill No. 333.

These bills were signed by me on May 23, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 27, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 213, 216, 522, 325, 453, 525, 525A, 589, and 600, and Reengrossed Legislative Bills Nos. 203, 410, 571, 571A, and 577.

These bills were signed by me on May 27, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 27, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 74A and 300, and Reengrossed Legislative Bill No. 74.

These bills were signed by me on May 27, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

COMMUNICATIONS ON LB 604, 607, 609, 610, and 611

May 28, 1975

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 604

Dear Mr. Beermann:

The Eighty-fourth Legislature, First Session, having adjourned sine die, and having failed to override the veto on LB 604, the same should become law with the line-item veto intact as reflected in the bill and as approved by the Governor.

Accordingly, I am forwarding at this time LB 604 together with the veto message from the Governor, and with the Governor's line-item veto notations.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

bb

May 28, 1975

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 607

Dear Mr. Beermann:

The Eighty-fourth Legislature, First Session, having adjourned sine die, and having failed to override the veto on LB 607, the same should become law with the line-item veto intact as reflected in the bill and as approved by the Governor.

Accordingly, I am forwarding at this time LB 607 together with the veto message from the Governor, and with the Governor's line-item veto notations.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

bb

May 28, 1975

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 609

Dear Mr. Beermann:

The Eighty-fourth Legislature, First Session, having adjourned sine die, and having failed to override the veto on LB 609, the same should become law with the line-item veto intact as reflected in the bill and as approved by the Governor.

Accordingly, I am forwarding at this time LB 609 together with the veto message from the Governor, and with the Governor's line-item veto notations.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

bb

May 28, 1975

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 610

Dear Mr. Beermann:

The Eighty-fourth Legislature, First Session, having adjourned sine die, and having failed to override the veto on LB 610, the same should become law with the line-item veto intact as reflected in the bill and as approved by the Governor.

Accordingly, I am forwarding at this time LB 610 together with the veto message from the Governor, and with the Governor's line-item veto notations.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

bb

May 28, 1975

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 611

Dear Mr. Beermann:

The Eighty-fourth Legislature, First Session, having adjourned sine die, and having failed to override the veto on LB 611, the same should become law with the line-item veto intact as reflected in the bill and as approved by the Governor.

Accordingly, I am forwarding at this time LB 611 together with the veto message from the Governor, and with the Governor's line-item veto notations.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

bb

MESSAGE FROM SECRETARY OF STATE

May 28, 1975

Honorable Vincent D. Brown
Clerk of the Unicameral Legislature
State Capitol
Lincoln, Nebraska 68509

Re: LB 604, LB 607, LB 609, LB 610 and LB 611, with line-item veto intact, Eighty-fourth Legislature, First Session adjourned sine die.

This is to acknowledge receipt of LB 604, together with supporting documents including letter from Vincent D. Brown, Clerk of the Legislature. Said letter indicates that LB 604 having been returned by the Governor with the line-item veto which the Legislature reconsidered and failed to override, the same should become law with the line-item veto intact.

Please be advised that LB 604, a copy of the veto message from the Governor and with the Governor's line-item veto notations have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

This is to acknowledge receipt of LB 607, together with supporting documents including letter from Vincent D. Brown, Clerk of the Legislature. Said letter indicates that LB 607 having been returned by the Governor with the line-item veto which the Legislature reconsidered and failed to override, the same should become law with the line-item veto intact.

Please be advised that LB 607, a copy of the veto message from the Governor and with the Governor's line-item veto notations have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

This is to acknowledge receipt of LB 609, together with supporting documents including letter from Vincent D. Brown, Clerk of the Legislature. Said letter indicates that LB 609 having been returned by the Governor with the line-item veto which the Legislature reconsidered and failed to override, the same should become law with the line-item veto intact.

Please be advised that LB 609, a copy of the veto message from the Governor and with the Governor's line-item veto notations have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

This is to acknowledge receipt of LB 610, together with supporting documents including letter from Vincent D. Brown, Clerk of the Legislature. Said letter indicates that LB 610 having been returned by the Governor with the line-item veto which the Legislature reconsidered and failed to override, the same should become law with the line-item veto intact.

Please be advised that LB 610, a copy of the veto message from the Governor and with the Governor's line-item veto notations have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

This is to acknowledge receipt of LB 611, together with supporting documents including letter from Vincent D. Brown, Clerk of the Legislature. Said letter indicates that LB 611 having been returned by the Governor with the line-item veto which the Legislature reconsidered and failed to override, the same should become law with the line-item veto intact.

Please be advised that LB 611, a copy of the veto message from the Governor and with the Governor's line-item veto notations have been filed in this office of Secretary of State pursuant to law and is now a matter of public record.

Sincerely yours,

(Signed) ALLEN J. BEERMANN
Secretary of State

MESSAGE FROM THE GOVERNOR

May 28, 1975

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

Dear Mr. President and Senators:

I return herewith LB 237 and LB 237A without my signature and with my objections.

LB 237 repeals the state law which establishes public intoxication as a crime. I do not agree that the crime of public intoxication should be eliminated. We should have a legal deterrent against public drunkenness.

I do agree that those who suffer from alcoholism should be afforded an alternative to incarceration in the form of effective treatment programs. I am not convinced, however, that LB 237 is the answer to these problems. Not everyone convicted of public intoxication is an alcoholic, and we must distinguish between the two.

The alcoholic should be separated from the non-alcohlic who was found to be publicly intoxicated. This determination, I feel, should be made within the court system after proper evaluation. It appears that this was the intent of the amendment to LB 237 which was adopted at the last minute. As is evidenced by the enclosed Attorney General's opinion, the validity of this amendment is very questionable.

Immense practical law enforcement problems would be created by the provision in LB 237 that an intoxicated individual could not be detained in a jail for more than six hours. What happens after that six hour period? The bill provides for the establishment of detoxification centers to which intoxicated individuals are to be taken. What happens in those areas of the state where no facility would be available? Can we afford detoxification centers in every city of the state? These and other serious questions remain and therefore prevent my signature.

While the intentions of the supporters of LB 237 are unquestionable, the language of the bill is confusing, contradictory, and in need of further scrutiny. Most provisions of the bill, including those relating to the detention of persons found intoxicated in public places and the repeal of the state law against public drunkenness would become effective 90 days after the adjournment of the legislative session. From discussions I have had on this bill, I am not sure this was intended or understood.

In addition to these other problems, accurate projections of present and future costs of the programs were not provided. LB 237A appropriates $919,231 to fund this program. This amount would only be a starting point and full operating costs would be much greater. Accurate fiscal information should be provided as to projected future costs before this bill becomes law.

I don't feel the Legislature, as a whole, has adequately considered all of the fiscal and practical ramifications of this approach, and I believe it needs further study. Possibly an existing interim study committee could accept the responsibility of further investigating this area in an attempt to answer the questions which exist, and develop language which would meet questions raised by the Attorney General's opinion.

For the above outlined reasons, I have vetoed this bill.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

Attachment

May 28, 1975

The Honorable J. James Exon
Governor of Nebraska
State Capitol Building
Lincoln, Nebraska

Dear Governor Exon:

You have requested our opinion regarding the provisions of L.B. 237. It is our opinion that certain provisions of that bill are of questionable constitutionality and may be difficult to defend.

Legislative Bill 237 would appear to give law enforcement and public health officials a legal or statutory right to take "intoxicated" or "alcohol dependent" persons into custody and the right to transfer them to a jail or a "certified or court approved program for detoxification" when that person was "in danger of causing injury to himself or others."

Acts similar to L.B. 237 have been passed by a number of other states. There is a substantial question as to whether or not an individual has been deprived of his constitutional right to due process of law through the provisions of this act which would deprive him of his liberty under certain specified, although rather general, conditions i.e., when he is in need of emergency care and supervision and is in danger to himself or others. Many of these other state laws are relatively new and many have not yet been tested in the courts.

It has been argued that the power to act in this manner is derived from a state's common law power known as "parens patriae" generally meaning the sovereign's power of guardianship over persons under disability and/or from the state's inherent "police power."

It would be our opinion that the constitutionality of L.B. 237 would be most difficult to justify. Section 9 of the act provides for a person being held initially for up to 24 hours, and Section 12 provides for an additional maximum period of 72 hours. Constitutionally, it would be most difficult to justify holding an individual against his will without the benefit of a hearing for up to 96 hours as is now provided by the act.

In addition, we find the constitutionality of Section 36(1) to be questionable. As we interpret that section, it first provides that effective July 1, 1977, certain laws concerning drunkenness, etc., shall not be adopted or enforced, including state laws. By providing that state laws shall not be enforced, it may be argued the bill in effect indirectly repeals those state laws. It further could be contended that it amends an existing law without repealing that law in possible violation of Article III, Section 14 of the Nebraska Constitution.

Also, that portion of Section 36(1) providing that a law may be adopted and enforced if it gives the court the power to determine that conviction of a crime in an individual case is not appropriate, may be questioned on constitutional grounds. This provision lacks standards for the court to make the determination of when conviction of a crime is inappropriate. Therefore, it may be subject to a constitutional attack claiming that due process and equal protection are denied.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Special Assistant Attorney General
and
(Signed) Terry R. Schaaf
Special Assistant Attorney General

GBS:TRS:sh

MESSAGE FROM THE SECRETARY OF STATE

May 29, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Clerk:

Please be advised that on May 29, 1975, Governor J. James Exon filed in the office of Secretary of State Legislative Bill 237 and 237A without his signature and with his objections. Along with the two Legislative Bills, the Governor filed a copy of his veto message setting forth his objections to Legislative Bills 237 and 237A.

Finally, I hereby advise you that the vetoed bills along with a copy of the Governor's letter of objections are all a matter of public record in the office of Secretary of State.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

AJB:pp

MESSAGE FROM THE GOVERNOR

May 28, 1975

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 507 and Reengrossed Legislative Bill No. 472.

These bills were signed by me on May 28, 1975 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

CERTIFICATE

I, Vincent D. Brown, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided by the Governor and Secretary of State concerning gubernatorial action on bills after adjournment of the Eighty-fourth Legislature, First Session.

(Signed) Vincent D. Brown
Clerk of the Legislature

May 29, 1975
Lincoln, Nebraska

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1975

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Compiled by

VINCENT D. BROWN
Clerk of the Legislature

EIGHTY-FOURTH LEGISLATURE
FIRST SESSION
1975

LEGISLATIVE BILL 1. By Stull

Jan.	9	Read first time	96
Jan.	9	Referred to Committee on Judiciary	115
Jan.	14	Notice of hearing	136
Jan.	23	Placed on General File	255
Jan.	27	Referred for review	285
Jan.	29	Placed on Select File	299
Jan.	31	Stull amendment adopted. Referred for engrossment	322
Feb.	4	Replaced on Select File	357
Feb.	5	Referred for engrossment	371
Feb.	6	Correctly engrossed	403
Feb.	11	Final Reading	444
Feb.	12	Correctly enrolled	460
Feb.	12	President signed	461
Feb.	13	Presented to Governor	478
Feb.	19	Approved by Governor	537

LEGISLATIVE BILL 2. By Stull

Jan.	9	Read first time	96
Jan.	9	Referred to Committee on Labor	115
Jan.	14	Notice of hearing	149
Jan.	31	Placed on General File	325
Feb.	3	Referred for review	353
Feb.	5	Placed on Select File	367
Feb.	6	Bracketed	402
Feb.	18	Unbracketed. Stull amendment adopted. Referred for engrossment	527
Feb.	19	Correctly engrossed	556
Feb.	24	Final Reading	596
Feb.	25	Correctly enrolled. President signed	616
Feb.	26	Presented to Governor	626
Mar.	3	Request Governor to return	700
Mar.	4	Returned to Legislature	708
Mar.	4	Placed on Final Reading	709
Mar.	4	Motion. Motion prevailed	716
Mar.	5	Replaced on Select File	737
Mar.	6	Referred for re-engrossment	763
Mar.	7	Correctly re-engrossed	794
Mar.	12	Final Reading	845
Mar.	13	Correctly enrolled. President signed	876
Mar.	14	Presented to Governor	887
Mar.	21	Returned by Governor without approval	978
Apr.	2	Motion. Motion lost	1110

LEGISLATIVE BILL 3. By Stull

Jan.	9	Read first time	96
Jan.	9	Referred to Committee on Revenue	115
Jan.	20	Notice of hearing	189
Feb.	13	Indefinitely postponed	482

LEGISLATIVE BILL 4. By Stull

Jan.	9	Read first time	96
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	115
Jan.	14	Notice of hearing	136
Mar.	17	Indefinitely postponed	905

LEGISLATIVE BILL 5. By Executive Board

Jan.	9	Read first time	96
Jan.	9	Referred to Committee on Public Health and Welfare	115
Jan.	14	Notice of hearing	137
Jan.	21	Placed on General File	192
Jan.	22	Kennedy amendment adopted. Referred for review	214
Jan.	27	Placed on Select File	282
Jan.	28	Referred for engrossment	294
Jan.	29	Correctly engrossed	300
Feb.	3	Final Reading	344
Feb.	4	Correctly enrolled. President signed	359
Feb.	5	Presented to Governor	367
Feb.	7	Approved by Governor	409

LEGISLATIVE BILL 6. By Executive Board

Jan.	9	Read first time	96
Jan.	9	Placed on General File	115
Jan.	15	Referred for review	158
Jan.	20	Placed on Select File	184
Jan.	21	Referred for engrossment	203
Jan.	27	Correctly engrossed	283
Jan.	31	Final Reading	319
Feb.	3	Correctly enrolled. President signed	353
Feb.	4	Presented to Governor	359
Feb.	6	Approved by Governor	392

LEGISLATIVE BILL 7. By Executive Board

Jan.	9	Read first time	97
Jan.	9	Placed on General File	115
Jan.	15	Referred for review	158
Jan.	20	Placed on Select File	184
Jan.	21	Referred for engrossment	203

Jan.	24	Returned to Select File for Simpson amendment	266
Jan.	24	Simpson amendment adopted. Referred for engrossment	267
Jan.	28	Replaced on Select File	292
Jan.	29	Referred for engrossment. Referred to reference committee	302
Jan.	29	Referred to Committee on Urban Affairs	303
Feb.	18	Notice of hearing	529
Mar.	19	Placed on General File	954
May	7	DeCamp amendment printed	1679
May	16	Referred for review	1935
May	19	Placed on Select File	1943

LEGISLATIVE BILL 8. By Executive Board

Jan.	9	Read first time	97
Jan.	9	Placed on General File	115
Jan.	15	Referred for review	158
Jan.	20	Placed on Select File	184
Jan.	21	Referred for engrossment	203
Jan.	27	Correctly engrossed	283
Jan.	31	Bracketed	319
Feb.	4	Returned to Select File for Savage amendment	360
Feb.	4	Savage amendment adopted	361
Feb.	5	Correctly re-engrossed	368
Feb.	10	Final Reading	429
Feb.	10	Motion. Motion prevailed. Bracketed	430
Apr.	9	Bracketed	1207
Apr.	16	Laid over	1290
Apr.	16	Returned to Select File for Anderson amendment	1297
Apr.	16	Anderson amendment adopted. Referred for re-engrossment	1301
Apr.	17	Correctly re-engrossed	1323
Apr.	23	Final Reading	1389
Apr.	24	Correctly enrolled. President signed	1413
Apr.	25	Presented to Governor	1453
Apr.	28	Kelly explanation of vote	1475
Apr.	29	Approved by Governor	1503

LEGISLATIVE BILL 9. By Executive Board

Jan.	9	Read first time	97
Jan.	9	Placed on General File	115
Jan.	15	Referred for review	158

Jan. 20 Placed on Select File 184
Jan. 21 Referred for engrossment 203
Jan. 27 Correctly engrossed 283
Jan. 31 Final Reading 319
Feb. 3 Correctly enrolled. President signed 353
Feb. 4 Presented to Governor 359
Feb. 6 Approved by Governor 392

LEGISLATIVE BILL 10. By Executive Board

Jan. 9 Read first time 97
Jan. 9 Placed on General File 115
Jan. 15 Referred for review 158
Jan. 20 Placed on Select File 184
Jan. 21 Referred for engrossment 203
Jan. 27 Correctly engrossed 283
Jan. 31 Final Reading 320
Feb. 3 Correctly enrolled. President signed 353
Feb. 4 Presented to Governor 359
Feb. 6 Approved by Governor 392

LEGISLATIVE BILL 11. By Executive Board

Jan. 9 Read first time 97
Jan. 9 Placed on General File 115
Jan. 15 Referred for review 158
Jan. 20 Placed on Select File 184
Jan. 21 Referred for engrossment 203
Jan. 27 Correctly engrossed 283
Jan. 29 Bracketed 301
Jan. 31 Bracketed 322
Feb. 5 Final Reading 368
Feb. 6 Correctly enrolled. President signed 403
Feb. 7 Presented to Governor 412
Feb. 12 Approved by Governor 460

LEGISLATIVE BILL 12. By Executive Board

Jan. 9 Read first time 97
Jan. 9 Referred to Committee on Constitutional Revision and Recreation 115
Jan. 20 Notice of hearing 188
Feb. 3 Placed on General File 354
Feb. 7 Referred for review 417
Feb. 11 Placed on Select File 442
Feb. 12 Referred for engrossment 462
Feb. 13 Correctly engrossed 478
Feb. 19 Laid over 542
Feb. 19 Final Reading 546
Feb. 20 Correctly enrolled. Speaker signed 564
Feb. 21 Presented to Governor 574
Feb. 25 Approved by Governor 610

LEGISLATIVE BILL 13. By Executive Board

Jan.	9	Read first time	98
Jan.	9	Referred to Committee on Appropriations	115
Jan.	28	Notice of hearing	290
Feb.	13	Placed on General File	481
Feb.	21	Referred for review	578
Feb.	25	Placed on Select File	612
Feb.	26	Referred for engrossment	633
Feb.	28	Correctly engrossed	671
Mar.	5	Final Reading	742
Mar.	6	Correctly enrolled. President signed	762
Mar.	7	Presented to Governor	794
Mar.	11	Approved by Governor	840

LEGISLATIVE BILL 14. By Executive Board

Jan.	9	Read first time	98
Jan.	9	Referred to Committee on Agriculture and Recreation	115
Jan.	22	Notice of hearing	217
Mar.	19	Placed on General File	950
Apr.	30	R. Lewis amendment printed	1520
May	2	R. Lewis amendment adopted. Referred for review	1604
May	6	Placed on Select File	1631
May	6	Rasmussen amendment printed	1644
May	7	Laid over	1671
May	8	Rasmussen amendment adopted. Referred for engrossment	1705
May	9	Replaced on Select File	1737
May	9	Referred for engrossment	1741
May	13	Replaced on Select File	1778
May	13	Referred for engrossm ent	1779
May	15	Correctly engrossed	1860
May	21	Final Reading	2020
May	21	Correctly enrolled. Speaker signed	2027
May	21	Presented to Governor	2032
May	23	Approved by Governor	2100

LEGISLATIVE BILL 15. By Savage

Jan.	9	Read first time	98
Jan.	9	Referred to Committee on Miscellaneous Subjects	115
Jan.	29	Notice of hearing	305
Feb.	19	Placed on General File	555
Feb.	28	Bracketed	674
Mar.	5	Referred for review	748
Mar.	5	Hasebroock explanation of vote	750

Mar. 7 Placed on Select File 788
Mar. 10 Referred for engrossment 813
Mar. 11 Correctly engrossed 821
Mar. 14 Final Reading 891
Mar. 14 F. Lewis explanation of vote 893
Mar. 17 Correctly enrolled. President signed 904
Mar. 18 Presented to Governor 919
Mar. 20 Approved by Governor 961

LEGISLATIVE BILL 16. By Marsh
Jan. 9 Read first time 98
Jan. 9 Referred to Committee on Constitutional Revision and Recreation 115
Jan. 20 Notice of hearing 188
Mar. 17 Indefinitely postponed 912

LEGISLATIVE BILL 17. By Marsh
Jan. 9 Read first time 98
Jan. 9 Referred to Committee on Constitutional Revision and Recreation 115
Jan. 20 Notice of hearing 188
Jan. 31 Placed on General File 334
Feb. 3 Laid over 354
Feb. 7 Referred for review 417
Feb. 11 Placed on Select File 442
Feb. 12 Referred for engrossment 461
Feb. 13 Correctly engrossed 478
Feb. 19 Final Reading 542
Feb. 20 Correctly enrolled. Speaker signed 564
Feb. 21 Presented to Governor 574
Feb. 25 Approved by Governor 610

LEGISLATIVE BILL 18. By Marsh
Jan. 9 Read first time 99
Jan. 9 Referred to Committee on Education 115
Jan. 20 Notice of hearing 185
Feb. 13 Placed on General File 481
Feb. 21 Bracketed 577
Feb. 24 Failed to advance for review. Motion to reconsider prevailed. DeCamp motion to indefinitely postpone pending 608
Feb. 25 Motion renewed. Indefinitely postponed 619

LEGISLATIVE BILL 19. By Marsh

Jan.	9	Read first time	99
Jan.	9	Referred to Committee on Judiciary	115
Jan.	14	Notice of hearing	136
Feb.	18	Placed on General File	528
Feb.	27	Referred for review	654
Mar.	3	Placed on Select File	686
Mar.	4	Referred for engrossment	725
Mar.	6	Correctly engrossed	762
Mar.	11	Final Reading	822
Mar.	12	Correctly enrolled. President signed	850
Mar.	13	Presented to Governor	876
Mar.	18	Approved by Governor	915

LEGISLATIVE BILL 20. By Marsh

Jan.	9	Read first time	99
Jan.	9	Referred to Committee on Judiciary	115
Jan.	14	Notice of hearing	136
Feb.	18	Placed on General File	528
Feb.	27	Marsh and Goodrich amendments pending	654
Feb.	28	Cavanaugh and Marsh amendments adopted. Goodrich amendment lost. Motion to indefinitely postpone lost. Referred for review	671
Mar.	4	Placed on Select File	715
Mar.	5	Goodrich amendment lost. Goodrich amendment adopted. Recommitted to Judiciary Committee	747
Mar.	6	Notice of hearing	773
Mar.	24	Placed on General File	1022
Mar.	26	Change of order	1086
Apr.	2	Chambers amendment lost. Referred for review	1112
Apr.	4	Placed on Select File	1135
Apr.	7	Chambers amendment lost. Cavanaugh amendment adopted. Laid over	1167
Apr.	8	Attorney General Opinion	1181
Apr.	8	Laid over	1186
Apr.	9	Marsh amendment lost. Marsh amendment adopted. Referred for engrossment	1207
Apr.	10	Replaced on Select File	1239
Apr.	10	Referred for engrossment	1245
Apr.	14	Correctly engrossed	1250
Apr.	17	Final Reading	1315
Apr.	17	Correctly enrolled. President signed	1323
Apr.	21	Luedtke explanation of vote	1355
Apr.	22	Presented to Governor. Approved by Governor	1367

LEGISLATIVE BILL 21. By Marsh

Jan.	9	Read first time	99
Jan.	9	Referred to Committee on Miscellaneous Subjects	115
Jan.	16	Notice of hearing	171
Feb.	5	Placed on General File	367
Feb.	12	Referred for review	463
Feb.	14	Placed on Select File	496
Feb.	18	Referred for engrossment	526
Feb.	19	Correctly engrossed	556
Feb.	24	Final Reading	599
Feb.	25	Correctly enrolled. President signed	616
Feb.	26	Presented to Governor	626
Feb.	28	Approved by Governor	666

LEGISLATIVE BILL 22. By Executive Board

Jan.	9	Read first time	99
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	115
Jan.	14	Notice of hearing	148
Jan.	31	Placed on General File	325
Feb.	3	Referred for review	353
Feb.	5	Placed on Select File	367
Feb.	6	Referred for engrossment	402
Feb.	10	Correctly engrossed	428
Feb.	13	Final Reading	473
Feb.	14	Correctly enrolled. President signed	497
Feb.	18	Presented to Governor	523
Feb.	24	Returned by Governor without approval	602

LEGISLATIVE BILL 23. By Barnett

Jan.	9	Read first time	99
Jan.	9	Referred to Committee on Judiciary	115
Jan.	14	Notice of hearing	136
Mar.	5	Placed on General File	756
Mar.	10	Barnett amendment printed	813
Apr.	8	Barnett, Chambers, Cavanaugh and Goodrich amendments adopted. Referred for review	1189
Apr.	10	Placed on Select File	1240
Apr.	10	Bracketed	1246
Apr.	15	Unbracketed. Luedtke and Barnett amendments adopted. Laid over	1276
Apr.	16	Laid over	1301
Apr.	16	Chambers and Kelly amendments adopted. Murphy amendment pending	1302
Apr.	16	Murphy amendment lost. Referred for engrossment	1308

Apr.	17	Replaced on Select File	1327
Apr.	17	Referred for engrossment	1330
Apr.	21	Correctly engrossed	1337
Apr.	24	Final Reading	1413
Apr.	24	F. Lewis explanation of vote	1441
Apr.	25	Correctly enrolled. President signed	1454
Apr.	28	Kelly explanation of vote	1475
Apr.	28	Presented to Governor	1478
May	2	Approved by Governor	1586

LEGISLATIVE BILL 24. By Barnett

Jan.	9	Read first time	100
Jan.	9	Referred to Committee on Public Works	115
Jan.	21	Notice of hearing	203
Feb.	24	Placed on General File	607
Mar.	14	Indefinitely postponed	893

LEGISLATIVE BILL 25. By R. Lewis

Jan.	9	Read first time	100
Jan.	9	Referred to Committee on Public Health and Welfare	115
Jan.	20	Notice of hearing	190

LEGISLATIVE BILL 26. By R. Lewis

Jan.	9	Read first time	100
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	115
Jan.	14	Notice of hearing	136
Jan.	31	Indefinitely postponed	334

LEGISLATIVE BILL 27. By R. Lewis

Jan.	9	Read first time	100
Jan.	9	Referred to Committee on Miscellaneous Subjects	115
Jan.	16	Notice of hearing	171
Feb.	10	Placed on General File	433
Feb.	14	Referred for review	504
Feb.	19	Placed on Select File	542
Feb.	20	Referred for engrossment	563
Feb.	24	Correctly engrossed	595
Feb.	27	Final Reading	649
Feb.	28	Correctly enrolled. Speaker signed	671
Mar.	3	Presented to Governor	688
Mar.	6	Approved by Governor	762

LEGISLATIVE BILL 28. By Marsh

Jan.	9	Read first time	100
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	115
Jan.	14	Notice of hearing	149
Feb.	18	Placed on General File	521
Feb.	27	Koch amendment lost. Referred for review	654
Mar.	3	Placed on Select File	687
Mar.	4	Referred for engrossment	725
Mar.	5	Bracketed	760
Mar.	6	Dworak motion to return to Select File withdrawn. Dworak amendment printed. Motion to unbracket lost	765
Mar.	7	Unbracketed. Dworak motion to return to Select File lost	789
Mar.	10	Replaced on Select File	808
Mar.	11	Referred for engrossment	825
Mar.	11	Dworak motion to return to Select File pending	830
Mar.	12	Correctly engrossed	850
Mar.	12	Dworak pending motion lost	856
Mar.	17	Final Reading	905
Mar.	18	Correctly enrolled. President signed	919
Mar.	19	Presented to Governor	950
Mar.	20	Approved by Governor	961

LEGISLATIVE BILL 29. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	100
Jan.	9	Referred to Committee on Nebraska Retirement Systems	115
Feb.	6	Notice of hearing	395

LEGISLATIVE BILL 30. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	100
Jan.	9	Referred to Committee on Nebraska Retirement Systems	115
Feb.	6	Notice of hearing	394
Feb.	27	Placed on General File	644
Mar.	18	Referred for review	933
Mar.	20	Placed on Select File	961
Mar.	21	Referred for engrossment	984
Mar.	24	Correctly engrossed	1003
Apr.	2	Bracketed	1098

LEGISLATIVE BILL 31. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	101
Jan.	9	Referred to Committee on Nebraska Retirement Systems	115
Feb.	6	Notice of hearing	394
Apr.	3	Indefinitely postponed	1117

LEGISLATIVE BILL 32. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	101
Jan.	9	Referred to Committee on Nebraska Retirement Systems	115
Feb.	6	Notice of hearing	395
Mar.	13	Placed on General File	881
Apr.	9	Bracketed	1221
Apr.	9	Hasebroock amendment printed	1222
Apr.	25	Hasebroock amendment adopted. Referred for review	1453
Apr.	30	Placed on Select File	1494
Apr.	30	Referred for engrossment	1517
May	1	Replaced on Select File	1542
May	2	Referred for engrossment	1586
May	5	Correctly engrossed	1623
May	8	Final Reading	1691
May	8	Correctly enrolled. President signed	1701
May	8	Presented to Governor	1705
May	13	Approved by Governor	1777
May	13	Stoney explanation of vote	1803

LEGISLATIVE BILL 33. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	101
Jan.	9	Referred to Committee on Nebraska Retirement Systems	115
Feb.	6	Notice of hearing	394

LEGISLATIVE BILL 34. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	101
Jan.	9	Referred to Committee on Nebraska Retirement Systems	115
Jan.	14	Notice of hearing	136
Feb.	27	Indefinitely postponed	644

LEGISLATIVE BILL 35. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	101
Jan.	9	Referred to Committee on Nebraska Retirement Systems. Notice of hearing	116
Jan.	16	Indefinitely postponed	165

LEGISLATIVE BILL 36. By Nebraska Retirement Systems Committee

Jan. 9 Read first time 102
Jan. 9 Referred to Committee on Nebraska Retirement Systems. Notice of hearing 116
Jan. 16 Placed on General File 165
Jan. 20 Referred for review 185
Jan. 27 Placed on Select File 282
Jan. 28 Referred for engrossment 293
Jan. 29 Correctly engrossed 300
Feb. 3 Final Reading 345
Feb. 4 Correctly enrolled. President signed 359
Feb. 5 Presented to Governor 367
Feb. 7 Approved by Governor 409

LEGISLATIVE BILL 37. By Nebraska Retirement Systems Committee

Jan. 9 Read first time 102
Jan. 9 Referred to Committee on Nebraska Retirement Systems 116
Feb. 6 Notice of hearing 394
Apr. 3 Placed on General File 1128

LEGISLATIVE BILL 38. By Nebraska Retirement Systems Committee

Jan. 9 Read first time 102
Jan. 9 Referred to Committee on Nebraska Retirement Systems 116
Feb. 6 Notice of hearing 394
Apr. 3 Indefinitely postponed 1117

LEGISLATIVE BILL 39. By Nebraska Retirement Systems Committee

Jan. 9 Read first time 102
Jan. 9 Referred to Committee on Nebraska Retirement Systems 116
Jan. 14 Notice of hearing 136
Jan. 21 Placed on General File 192
Jan. 22 Referred for review 214
Jan. 27 Placed on Select File 282
Jan. 28 Referred for engrossment 294
Jan. 29 Correctly engrossed 300
Feb. 3 Final Reading 345
Feb. 4 Correctly enrolled. President signed 359
Feb. 5 Presented to Governor 367
Feb. 7 Approved by Governor 409

LEGISLATIVE BILL 40. By Nebraska Retirement Systems Committee

Jan. 9 Read first time 102
Jan. 9 Referred to Committee on Nebraska Retirement Systems 116
Jan. 15 Notice of hearing 162

LEGISLATIVE BILL 41. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	103
Jan.	9	Referred to Committee on Nebraska Retirement Systems. Notice of hearing	116
Jan.	16	Placed on General File	165
Jan.	20	Referred for review	185
Jan.	27	Placed on Select File	282
Jan.	28	Referred for engrossment	293
Jan.	29	Correctly engrossed	300
Feb.	3	Final Reading	346
Feb.	4	Correctly enrolled. President signed	359
Feb.	5	Presented to Governor	367
Feb.	7	Approved by Governor	409

LEGISLATIVE BILL 42. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	103
Jan.	9	Referred to Committee on Nebraska Retirement Systems. Notice of hearing	116
Jan.	24	Placed on General File	265
Jan.	27	Referred for review	285
Jan.	29	Placed on Select File	300
Jan.	31	Referred for engrossment	323
Feb.	3	Correctly engrossed	352
Feb.	6	Final Reading	395
Feb.	7	Correctly enrolled. President signed	411
Feb.	10	Presented to Governor	427
Feb.	12	Approved by Governor	460

LEGISLATIVE BILL 43. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	103
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Jan.	15	Notice of hearing	162
Feb.	11	Indefinitely postponed	455

LEGISLATIVE BILL 44. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	103
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Jan.	15	Notice of hearing	162
Jan.	28	Placed on General File	292
Jan.	31	Referred for review	331
Feb.	4	Placed on Select File	357
Feb.	5	Referred for engrossment	371
Feb.	6	Correctly engrossed	403
Feb.	11	Final Reading	444

Feb.	12	Correctly enrolled	460
Feb.	12	President signed	461
Feb.	13	Presented to Governor	478
Feb.	19	Approved by Governor	537

LEGISLATIVE BILL 45. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	104
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Jan.	14	Notice of hearing	136
Jan.	28	Placed on General File	292
Jan.	31	Referred for review	331
Feb.	4	Placed on Select File	358
Feb.	5	Referred for engrossment	371
Feb.	19	Replaced on Select File	540
Feb.	20	Referred for engrossment	562
Feb.	21	Correctly engrossed	579
Feb.	26	Final Reading	628
Feb.	27	Correctly enrolled. Speaker signed	653
Feb.	28	Presented to Governor	670
Mar.	3	Request Governor to return	700
Mar.	4	Returned to Legislature	708
Mar.	4	Placed on Final Reading	709
Mar.	4	Motion. Motion prevailed	716
Mar.	4	Returned to Select File for Hasebroock amendment	717
Mar.	4	Hasebroock amendment adopted. Referred for re-engrossment	724
Mar.	5	Replaced on Select File	737
Mar.	5	Kelly explanation of vote	750
Mar.	6	Referred for re-engrossment	763
Mar.	7	Correctly re-engrossed	794
Mar.	12	Final Reading	846
Mar.	12	Warner explanation of vote	857
Mar.	13	Correctly enrolled. President signed	876
Mar.	14	Presented to Governor	887
Mar.	18	Approved by Governor	915
Apr.	10	Attorney General Opinion	1232

LEGISLATIVE BILL 46. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	104
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Feb.	6	Notice of hearing	395
Apr.	2	Indefinitely postponed	1112

LEGISLATIVE BILL 47. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	104
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Jan.	14	Notice of hearing	136
Jan.	24	Placed on General File	266
Jan.	27	Referred for review	285
Jan.	29	Placed on Select File	300
Jan.	31	Referred for engrossment	323
Feb.	4	Correctly engrossed	359
Feb.	7	Final Reading	412
Feb.	10	Correctly enrolled. President signed	428
Feb.	11	Presented to Governor	443
Feb.	14	Approved by Governor	495

LEGISLATIVE BILL 48. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	104
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Jan.	14	Notice of hearing	136
Feb.	11	Indefinitely postponed	455

LEGISLATIVE BILL 49. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	104
Jan.	9	Referred to Committee on Nebraska Retirement Systems. Notice of hearing	116
Jan.	20	Placed on General File	179
Jan.	21	Referred for review	206
Jan.	27	Placed on Select File	282
Jan.	28	Referred for engrossment	293
Jan.	29	Correctly engrossed	300
Feb.	3	Final Reading	347
Feb.	4	Correctly enrolled. President signed	359
Feb.	5	Presented to Governor	367
Feb.	7	Approved by Governor	409

LEGISLATIVE BILL 50. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	105
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Jan.	15	Notice of hearing	162
Mar.	14	Placed on General File	888
Apr.	9	Bracketed	1221
Apr.	25	F. Lewis amendment adopted. Referred for review	1453
Apr.	29	Placed on Select File	1494

Apr.	30	Referred for engrossment	1517
May	1	Replaced on Select File	1542
May	2	Referred for engrossment	1587
May	5	Correctly engrossed	1623
May	7	Final Reading	1665
May	7	Correctly enrolled. President signed	1669
May	7	Presented to Governor	1672
May	9	Approved by Governor	1725

LEGISLATIVE BILL 50A. By Nebraska Retirement Systems Committee

Apr.	9	Read first time. Placed on General File	1211
Apr.	9	Bracketed	1221
Apr.	25	Referred for review	1453
Apr.	29	Placed on Select File	1494
Apr.	30	Referred for engrossment	1517
May	5	Correctly engrossed	1623
May	7	Final Reading	1665
May	7	Correctly enrolled. President signed	1669
May	7	Presented to Governor	1672
May	9	Approved by Governor	1725

LEGISLATIVE BILL 51. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	105
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Feb.	6	Notice of hearing	394
Apr.	2	Indefinitely postponed	1112

LEGISLATIVE BILL 52. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	105
Jan.	9	Referred to Committee on Nebraska Retirement Systems. Notice of hearing	116
Jan.	20	Placed on General File	179
Jan.	21	Referred for review	206
Jan.	27	Placed on Select File	282
Jan.	28	Referred for engrossment	293
Jan.	29	Correctly engrossed	300
Feb.	3	Final Reading	347
Feb.	4	Correctly enrolled. President signed	359
Feb.	5	Presented to Governor	367
Feb.	7	Approved by Governor	409

LEGISLATIVE BILL 53. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	105
Jan.	9	Referred to Committee on Nebraska Retirement Systems. Notice of hearing	116
Jan.	16	Indefinitely postponed	173

LEGISLATIVE BILL 54. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	105
Jan.	9	Referred to Committee on Nebraska Retirement Systems	116
Jan.	14	Notice of hearing	136
Jan.	21	Placed on General File	192
Jan.	22	Referred for review	214
Jan.	27	Placed on Select File	282
Jan.	28	Referred for engrossment	294
Jan.	29	Correctly engrossed	300
Feb.	3	Final Reading	348
Feb.	4	Correctly enrolled. President signed	359
Feb.	5	Presented to Governor	367
Feb.	7	Approved by Governor	409

LEGISLATIVE BILL 55. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	106
Jan.	9	Referred to Committee on Nebraska Retirement Systems. Notice of hearing	116
Jan.	20	Placed on General File	179
Jan.	21	Referred for review	206
Jan.	27	Placed on Select File	282
Jan.	28	Referred for engrossment	293
Jan.	29	Correctly engrossed	300
Feb.	3	Final Reading	349
Feb.	4	Correctly enrolled. President signed	359
Feb.	5	Presented to Governor	367
Feb.	7	Approved by Governor	409

LEGISLATIVE BILL 56. By Nebraska Retirement Systems Committee

Jan.	9	Read first time	106
Jan.	9	Referred to Committee on Nebraska Retirement Systems. Notice of hearing	116
Jan.	20	Placed on General File	179
Jan.	21	Referred for review	207
Jan.	27	Placed on Select File	282
Jan.	28	Referred for engrossment	294
Jan.	29	Correctly engrossed	300
Feb.	3	Final Reading	349
Feb.	4	Correctly enrolled. President signed	359
Feb.	5	Presented to Governor	367
Feb.	7	Approved by Governor	409

LEGISLATIVE BILL 57. By Executive Board

Jan.	9	Read first time	106
Jan.	9	Placed on General File	116
Jan.	15	Referred for review	158

Jan.	20	Placed on Select File	184
Jan.	21	Referred for engrossment	204
Jan.	27	Correctly engrossed	283
Jan.	31	Final Reading	321
Feb.	3	Correctly enrolled. President signed	353
Feb.	4	Presented to Governor	359
Feb.	6	Approved by Governor	392

LEGISLATIVE BILL 58. By Executive Board

Jan.	9	Read first time	106
Jan.	9	Placed on General File	116
Jan.	15	Referred for review	158
Jan.	20	Placed on Select File	184
Jan.	21	Referred for engrossment	204
Jan.	27	Correctly engrossed	283
Jan.	28	Bracketed	294
Feb.	13	Unbracketed. Returned to Select File for Savage amendment	477
Feb.	14	Savage amendment withdrawn. Returned to Final Reading	502
Feb.	20	Final Reading	562
Feb.	21	Correctly enrolled. Speaker signed	573
Feb.	24	Presented to Governor	593
Feb.	28	Approved by Governor	666

LEGISLATIVE BILL 59. By Executive Board

Jan.	9	Read first time	106
Jan.	9	Placed on General File	116
Jan.	15	Referred for review	158
Jan.	20	Placed on Select File	184
Jan.	21	Cavanaugh amendment adopted. Referred for engrossment	204
Jan.	28	Replaced on Select File	292
Jan.	29	Referred for engrossment	302
Jan.	30	Replaced on Select File	309
Jan.	31	Referred for engrossment	323
Feb.	3	Correctly engrossed	352
Feb.	6	Returned to Select File for Duis amendment	396
Feb.	7	Duis amendment adopted. Referred for re-engrossment	416
Feb.	11	Correctly re-engrossed	443
Feb.	14	Final Reading	499
Feb.	18	Correctly enrolled	522
Feb.	18	Speaker signed	523
Feb.	19	Presented to Governor	540
Feb.	25	Approved by Governor	610

LEGISLATIVE BILL 60. By Executive Board

Jan.	9	Read first time	107
Jan.	9	Referred to Committee on Public Works	116
Jan.	16	Notice of hearing	165
Feb.	10	Placed on General File	437
Feb.	19	Referred for review	551
Feb.	21	Placed on Select File	572
Feb.	24	Referred for engrossment	603
Feb.	26	Correctly engrossed	636
Mar.	3	Final Reading	691
Mar.	4	Correctly enrolled. President signed	714
Mar.	5	Presented to Governor	738
Mar.	5	Kelly explanation of vote	750
Mar.	10	Approved by Governor	807

LEGISLATIVE BILL 61. By Executive Board

Jan.	9	Read first time	107
Jan.	9	Referred to Committee on Miscellaneous Subjects	116
Jan.	23	Notice of hearing	250
Feb.	20	Placed on General File	568
Feb.	24	Mahoney motion to withdraw pending	604
Feb.	25	Mahoney pending motion lost	623
Mar.	4	Motion to indefinitely postpone lost. Warner amendment lost. Failed to advance for review	727
Mar.	7	Failed to advance for review	794
Mar.	11	Warner amendment pending	834
Mar.	12	Laid over	859
Mar.	13	Laid over	877
Mar.	17	Warner amendment withdrawn. Indefinitely postponed	909

LEGISLATIVE BILL 62. By Executive Board

Jan.	9	Read first time	107
Jan.	9	Referred to Committee on Public Works	116
Jan.	16	Notice of hearing	165
Feb.	10	Placed on General File	438
Feb.	19	Referred for review	551
Feb.	21	Placed on Select File	572
Feb.	24	Referred for engrossment	603
Feb.	26	Correctly engrossed	636
Mar.	3	Final Reading	692
Mar.	4	Correctly enrolled. President signed	714
Mar.	5	Presented to Governor	738
Mar.	5	Kelly explanation of vote	750
Mar.	10	Approved by Governor	807

LEGISLATIVE BILL 63. By Executive Board

Jan. 9 Read first time 107
Jan. 9 Referred to Committee on Public Works 116
Jan. 16 Notice of hearing 165
Feb. 7 Placed on General File 409
Feb. 13 Referred for review 479
Feb. 18 Placed on Select File 522
Feb. 19 Referred for engrossment 549
Feb. 21 Replaced on Select File 571
Feb. 24 Referred for engrossment 602
Feb. 25 Correctly engrossed 616
Feb. 28 Final Reading 668
Mar. 3 Correctly enrolled. President signed 688
Mar. 3 Luedtke explanation of vote 690
Mar. 4 Presented to Governor 716
Mar. 10 Approved by Governor 807

LEGISLATIVE BILL 64. By Nebraska Retirement Systems Committee

Jan. 9 Read first time 107
Jan. 9 Referred to Committee on Nebraska Retirement Systems 120
Feb. 6 Notice of hearing 394

LEGISLATIVE BILL 65. By R. Lewis

Jan. 9 Read first time 108
Jan. 9 Referred to Committee on Public Health and Welfare 120
Jan. 20 Notice of hearing 190
Feb. 20 Notice of hearing 567

LEGISLATIVE BILL 66. By R. Lewis

Jan. 9 Read first time 108
Jan. 9 Referred to Committee on Public Health and Welfare 120
Jan. 20 Notice of hearing 190
Feb. 7 Attorney General Opinion 416
Feb. 20 Placed on General File 558
Mar. 4 Referred for review 726
Mar. 6 Placed on Select File 767
Mar. 7 Referred for engrossment 789
Mar. 10 Replaced on Select File 808
Mar. 11 Referred for engrossment 825
Mar. 11 Returned to Select File for Chambers amendment. Chambers amendment adopted. Referred for engrossment 828

Mar.	12	Correctly engrossed	850
Mar.	17	Final Reading	906
Mar.	18	Correctly enrolled. President signed	919
Mar.	19	Presented to Governor	950
Mar.	20	Approved by Governor	961

LEGISLATIVE BILL 67. By Clark

Jan.	9	Read first time	108
Jan.	9	Referred to Committee on Urban Affairs	120
Jan.	29	Notice of hearing	305
Feb.	24	Placed on General File	607
Mar.	14	Referred for review	893
Mar.	18	Placed on Select File	918
Mar.	19	Referred for engrossment	956
Mar.	20	Correctly engrossed	963
Mar.	25	Bracketed	1030
Apr.	2	Returned to Select File for Clark amendment	1098
Apr.	2	Clark amendment adopted. Referred for re-engrossment	1101
Apr.	4	Correctly re-engrossed	1145
Apr.	9	Final Reading	1202
Apr.	10	Correctly enrolled. President signed	1231
Apr.	10	Presented to Governor	1239
Apr.	15	Approved by Governor	1271

LEGISLATIVE BILL 68. By Simpson

Jan.	9	Read first time	108
Jan.	9	Referred to Committee on Miscellaneous Subjects	120
Mar.	12	Notice of hearing	863
Apr.	4	Indefinitely postpone	1153

LEGISLATIVE BILL 69. By Keyes

Jan.	9	Read first time	108
Jan.	9	Referred to Committee on Appropriations	120
Jan.	28	Notice of hearing	290
Apr.	22	Placed on General File	1380
May	1	Stull amendment printed	1562
May	6	Stull amendment adopted. Motion to indefinitely postpone lost. Stull name added. Keyes name withdrawn. Dworak amendment lost. Chambers amendment out of order. Returned to committee	1645
May	6	Referred to Committee on Revenue	1652
May	6	Notice of hearing	1653
May	8	Amended version printed	1700
May	12	Indefinitely postponed	1773

LEGISLATIVE BILL 70. By Keyes

Jan.	9	Read first time	108
Jan.	9	Referred to Committee on Revenue	120
Jan.	24	Notice of hearing	266
Feb.	25	Indefinitely postponed	623

LEGISLATIVE BILL 71. By Keyes

Jan.	9	Read first time	108
Jan.	9	Referred to Committee on Revenue	120
Jan.	24	Notice of hearing	266
Feb.	20	Indefinitely postponed	568

LEGISLATIVE BILL 72. By Maresh

Jan.	9	Read first time	109
Jan.	9	Referred to Committee on Revenue	120
Jan.	21	Notice of hearing	192
Feb.	20	Indefinitely postponed	568

LEGISLATIVE BILL 73. By Maresh

Jan.	9	Read first time	109
Jan.	9	Referred to Committee on Revenue	120
Jan.	20	Notice of hearing	189
Feb.	20	Indefinitely postponed	568

LEGISLATIVE BILL 74. By Maresh

Jan.	9	Read first time	109
Jan.	9	Referred to Committee on Agriculture and Environment	120
Jan.	22	Notice of hearing	217
Mar.	11	Placed on General File	831
Apr.	9	Bracketed	1220
Apr.	17	Mills amendment withdrawn. Referred for review	1329
Apr.	21	Keyes amendment printed	1334
Apr.	21	Placed on Select File	1337
Apr.	22	Laid over	1373
Apr.	23	Maresh amendment adopted. Motions to bracket lost. George motion to indefinitely postpone pending	1403
Apr.	24	Motion to indefinitely postpone withdrawn. Warner amendments printed	1427
Apr.	25	Laid over	1451
Apr.	25	Laid over	1452
Apr.	28	Laid over	1474
Apr.	30	Keyes amendment withdrawn. Warner and Maresh amendments adopted. Bracketed	1526

May 8 Unbracketed. Maresh amendment adopted. Referred for engrossment 1706
May 12 Replaced on Select File 1755
May 12 Referred for engrossment 1774
May 13 Replaced on Select File 1797
May 13 Referred for engrossment 1798
May 16 Replaced on Select File 1890
May 16 Referred for engrossment 1892
May 16 Correctly engrossed 1895
May 19 Returned to Select File for Burbach amendment. Burbach amendment adopted. Referred for re-engrossment 1945
May 19 Correctly re-engrossed 1965
May 21 Final Reading 2033
May 21 Correctly enrolled. Speaker signed. Presented to Governor 2037
May 27 Approved by Governor 2101

LEGISLATIVE BILL 74A. By Agriculture and Environment Committee

Mar. 14 Read first time. Placed on General File 895
Apr. 9 Bracketed 1220
Apr. 21 Referred for review 1357
Apr. 23 Placed on Select File 1387
Apr. 24 Referred for engrossment 1428
May 16 Correctly engrossed 1895
May 21 Final Reading 2034
May 21 Correctly enrolled. Speaker signed. Presented to Governor 2037
May 27 Approved by Governor 2101

LEGISLATIVE BILL 75. By Marsh

Jan. 9 Read first time 109
Jan. 9 Referred to Committee on Public Health and Welfare 120
Jan. 20 Notice of hearing 190
Feb. 7 Indefinitely postponed 424
Feb. 10 Motion to place on General File pending 430
Feb. 11 Motion renewed. Placed on General File 457
Feb. 20 Kelly and F. Lewis amendments lost. Referred for review 565
Feb. 24 Placed on Select File 594
Feb. 25 Cavanaugh amendment lost. Referred for engrossment 617
Feb. 26 Correctly engrossed 636
Mar. 3 Final Reading 693
Mar. 4 Correctly enrolled. President signed 714
Mar. 5 Presented to Governor 738
Mar. 10 Approved by Governor 807

LEGISLATIVE BILL 76. By F. Lewis

Jan.	9	Read first time	109
Jan.	9	Referred to Committee on Nebraska Retirement Systems	120
Feb.	6	Notice of hearing	395
Apr.	3	Placed on General File	1131

LEGISLATIVE BILL 77. By Goodrich

Jan.	9	Read first time	109
Jan.	9	Referred to Committee on Judiciary	120
Jan.	14	Notice of hearing	136
Jan.	29	Placed on General File	306
Jan.	31	Goodrich amendment adopted. Referred for review	332
Feb.	4	Placed on Select File	358
Feb.	5	Referred for engrossment	372
Feb.	6	Correctly engrossed	403
Feb.	11	Bracketed	445
Feb.	13	Bracketed	473
Feb.	18	Attorney General Opinion	514
Feb.	18	Bracketed	526
Feb.	19	Unbracketed	547
Feb.	19	Returned to Select File for DeCamp amendment	548
Feb.	20	DeCamp amendment adopted. Referred for re-engrossment	563
Feb.	24	Replaced on Select File	593
Feb.	25	Referred for re-engrossment	616
Feb.	26	Replaced on Select File	627
Feb.	27	Referred for re-engrossment	652
Feb.	28	Correctly re-engrossed	671
Mar.	5	Final Reading	743
Mar.	6	Correctly enrolled. President signed	762
Mar.	7	Presented to Governor	794
Mar.	11	Approved by Governor	839

LEGISLATIVE BILL 78. By Carsten

Jan.	9	Read first time	109
Jan.	9	Referred to Committee on Revenue	121
Jan.	20	Notice of hearing	189
Feb.	20	Placed on General File	559
Mar.	4	Laid over	727
Mar.	10	Carsten amendment adopted. Referred for review	815
Mar.	12	Placed on Select File	845

Mar. 13	Bracketed	875
Mar. 18	Carsten amendment printed	940
Mar. 19	Unbracketed. Carsten amendment adopted. Referred for engrossment	956
Mar. 20	Correctly engrossed	963
Mar. 25	Final Reading	1030
Mar. 26	Correctly enrolled	1056
Mar. 26	President signed	1057
Apr. 2	Presented to Governor. Approved by Governor	1090

LEGISLATIVE BILL 79. By Carsten

Jan. 9	Read first time	110
Jan. 9	Referred to Committee on Constitutional Revision and Recreation	121
Jan. 14	Notice of hearing	149
Jan. 27	Placed on General File	282
Jan. 28	Referred for review	296
Jan. 30	Placed on Select File	310
Jan. 31	Referred for engrossment	324
Feb. 4	Correctly engrossed	359
Feb. 7	Final Reading	413
Feb. 10	Correctly enrolled. President signed	428
Feb. 11	Presented to Governor	443
Feb. 14	Approved by Governor	495

LEGISLATIVE BILL 80. By Simpson

Jan. 9	Read first time	110
Jan. 9	Referred to Committee on Public Works	121
Jan. 14	Notice of hearing	147
Feb. 7	Indefinitely postponed	409

LEGISLATIVE BILL 81. By Simpson

Jan. 9	Read first time	110
Jan. 9	Referred to Committee on Public Works	121
Jan. 14	Notice of hearing	147
Feb. 4	Placed on General File	357
Feb. 7	Stull and Warner amendments adopted. Referred for review	418
Feb. 11	Placed on Select File	442
Feb. 11	Simpson amendment printed	455
Feb. 12	Simpson amendment adopted. Referred for engrossment	462
Feb. 14	Replaced on Select File	495
Feb. 18	Referred for engrossment	526
Feb. 19	Correctly engrossed	556
Feb. 24	Bracketed	599

Mar.	3	Laid over	691
Mar.	3	Laid over	692
Mar.	4	Returned to Select File for Simpson amendment	717
Mar.	4	Simpson amendment adopted. Referred for re-engrossment	724
Mar.	5	Replaced on Select File	737
Mar.	6	Referred for re-engrossment	763
Mar.	6	Returned to Select File for Warner amendment. Warner amendment adopted. Referred for re-engrossment	764
Mar.	7	Correctly re-engrossed	794
Mar.	12	Returned to Select File for Warner amendment	850
Mar.	12	Warner amendment adopted. Referred for re-engrossment	852
Mar.	13	Correctly re-engrossed	875
Mar.	13	R. Lewis motion to return to Select File lost	876
Mar.	18	Final Reading	920
Mar.	19	Correctly enrolled. President signed	949
Mar.	20	Presented to Governor	962
Mar.	24	Approved by Governor	1001

LEGISLATIVE BILL 82. By Simpson

Jan.	9	Read first time	110
Jan.	9	Referred to Committee on Education	121
Jan.	14	Notice of hearing	136
Jan.	29	Placed on General File	301
Jan.	31	F. Lewis, Burrows, Dworak, Maresh and Mills amendments adopted. Referred for review	331
Feb.	4	Placed on Select File	358
Feb.	5	Mills and Duis amendments adopted. Burrows amendment lost. Referred for engrossment	372
Feb.	7	Replaced on Select File	410
Feb.	10	Referred for engrossment	430
Feb.	10	Objection to request to bracket	440
Feb.	11	Returned to Select File for Dworak amendment. Dworak amendment adopted. Referred for engrossment. Koch motion to return to Select File for amendment pending	456
Feb.	12	Returned to Select File for Koch amendment. Koch amendment adopted. Referred for engrossment	469
Feb.	14	Replaced on Select File	496

Feb. 14	Murphy amendment printed	498
Feb. 18	Referred for engrossment	526
Feb. 18	Murphy motion to return to Select File for amendment lost	527
Feb. 18	Nichol motion to return to Select File for amendment lost	528
Feb. 19	Correctly engrossed	556
Feb. 24	Final Reading	599
Feb. 25	Correctly enrolled. President signed	616
Feb. 26	Presented to Governor	626
Feb. 28	Approved by Governor	666

LEGISLATIVE BILL 83. By Goodrich

Jan. 9	Read first time	110
Jan. 9	Referred to Committee on Public Health and Welfare	121
Jan. 15	Notice of hearing	155
Feb. 7	Placed on General File	423
Feb. 14	Cavanaugh amendment adopted. Referred for review	504
Feb. 19	Placed on Select File	541
Feb. 20	Referred for engrossment	563
Feb. 21	Correctly engrossed	579
Feb. 26	Final Reading	628
Feb. 27	Correctly enrolled. Speaker signed	653
Feb. 28	Presented to Governor	670
Mar. 6	Approved by Governor	762

LEGISLATIVE BILL 84. By Barnett

Jan. 9	Read first time	110
Jan. 9	Referred to Committee on Urban Affairs	121
Jan. 23	Notice of hearing	230

LEGISLATIVE BILL 85. By Johnson

Jan. 9	Read first time	111
Jan. 9	Referred to Committee on Public Works	121
Jan. 14	Notice of hearing	148
Feb. 4	Placed on General File	357
Feb. 7	Mills and Johnson amendments adopted. Referred for review	418
Feb. 11	Placed on Select File	443
Feb. 12	Barnett amendment adopted. Referred for engrossment	462
Feb. 13	Correctly engrossed	478
Feb. 19	Final Reading	544
Feb. 20	Correctly enrolled. Speaker signed	564
Feb. 21	Presented to Governor	574
Feb. 25	Approved by Governor	610

LEGISLATIVE BILL 86. By Moylan

Jan.	9	Read first time	111
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	121
Jan.	14	Notice of hearing	136
Jan.	31	Indefinitely postponed	334

LEGISLATIVE BILL 87. By Moylan

Jan.	9	Read first time	111
Jan.	9	Referred to Committee on Revenue	121
Feb.	6	Notice of hearing	394
Feb.	25	Indefinitely postponed	623

LEGISLATIVE BILL 88. By Moylan

Jan.	9	Read first time	111
Jan.	9	Referred to Committee on Public Health and Welfare	121
Jan.	15	Notice of hearing	155
Jan.	22	Placed on General File	222
Jan.	23	Moylan amendment adopted. Referred for review	231
Jan.	27	Placed on Select File	283
Jan.	28	Referred for engrossment	294
Jan.	29	Correctly engrossed	300
Feb.	3	Final Reading	350
Feb.	4	Correctly enrolled. President signed	359
Feb.	5	Presented to Governor	367
Feb.	12	Approved by Governor	460

LEGISLATIVE BILL 89. By Moylan

Jan.	9	Read first time	111
Jan.	9	Referred to Committee on Nebraska Retirement Systems	121
Feb.	6	Notice of hearing	395

LEGISLATIVE BILL 90. By Maresh

Jan.	9	Read first time	111
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	121
Jan.	14	Notice of hearing	136
Jan.	31	Placed on General File	334
Feb.	3	Laid over	354
Feb.	4	Referred for review	361
Feb.	6	Placed on Select File	393
Feb.	7	Referred for engrossment	415
Feb.	11	Correctly engrossed	443
Feb.	14	Final Reading	500

Feb. 18	Correctly enrolled	522
Feb. 18	Speaker signed	523
Feb. 19	Presented to Governor	540
Feb. 25	Approved by Governor	610

LEGISLATIVE BILL 91. By Simpson

Jan. 9	Read first time	111
Jan. 9	Referred to Committee on Public Health and Welfare	121
Jan. 20	Notice of hearing	190
Mar. 10	Placed on General File	809
Mar. 18	Simpson amendment printed	939
Mar. 24	Simpson amendment lost. Failed to advance for review	1010
Apr. 4	Motion to indefinitely postpone lost. Bracketed	1147

LEGISLATIVE BILL 92. By Kennedy

Jan. 9	Read first time	112
Jan. 9	Referred to Committee on Public Health and Welfare	121
Jan. 14	Notice of hearing	137
Jan. 22	Placed on General File	217
Jan. 23	Laid over	231
Jan. 27	Referred for review	284
Jan. 29	Placed on Select File	299
Jan. 31	Referred for engrossment	322
Feb. 3	Correctly engrossed	352
Feb. 6	Final Reading	396
Feb. 7	Correctly enrolled. President signed	411
Feb. 10	Presented to Governor	427
Feb. 12	Approved by Governor	460

LEGISLATIVE BILL 93. By Kennedy

Jan. 9	Read first time	112
Jan. 9	Referred to Committee on Urban Affairs	121
Jan. 16	Notice of hearing	171
Jan. 27	Placed on General File	281
Jan. 28	Referred for review	296
Jan. 30	Placed on Select File	309
Jan. 31	Referred for engrossment	323
Feb. 3	Correctly engrossed	352
Feb. 6	Final Reading	397
Feb. 7	Correctly enrolled. President signed	411
Feb. 10	Presented to Governor	427
Feb. 12	Approved by Governor	460

LEGISLATIVE BILL 94. By Luedtke

Jan.	9	Read first time	112
Jan.	9	Referred to Committee on Constitutional Revision and Recreation	121
Jan.	20	Notice of hearing	188
Feb.	3	Placed on General File	341
Feb.	4	Referred for review	362
Feb.	6	Placed on Select File	393
Feb.	7	Objection to request to bracket. Motions to bracket lost. Referred for engrossment	415
Feb.	11	Correctly engrossed	443
Feb.	14	Bracketed	500
Feb.	18	Final Reading	523
Feb.	19	Correctly enrolled. Speaker signed	540
Feb.	20	Presented to Governor	564
Feb.	25	Approved by Governor	610

LEGISLATIVE BILL 95. By Luedtke

Jan.	9	Read first time	112
Jan.	9	Referred to Committee on Judiciary	121
Jan.	14	Notice of hearing	136
Jan.	23	Placed on General File	255
Jan.	27	Referred for review	285
Jan.	29	Placed on Select File	300
Jan.	31	Referred for engrossment	323
Feb.	3	Replaced on Select File	342
Feb.	4	Referred for engrossment	360
Feb.	5	Correctly engrossed	368
Feb.	10	Final Reading	428
Feb.	11	Correctly enrolled. President signed	443
Feb.	20	Presented to Governor	566
Feb.	19	Approved by Governor	,537

LEGISLATIVE BILL 96. By Moylan

Jan.	9	Read first time	112
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	121
Jan.	14	Notice of hearing	136
Mar.	6	Placed on General File	775
Apr.	8	Moylan amendment adopted. Referred for review	1197
Apr.	10	Placed on Select File	1226
Apr.	10	Referred for engrossment	1245
Apr.	14	Replaced on Select File	1249
Apr.	15	Referred for engrossment	1269

Apr.	16	Correctly engrossed	1298
Apr.	22	Final Reading	1368
Apr.	23	Correctly enrolled. President signed	1394
Apr.	24	Presented to Governor	1413
Apr.	28	Kelly explanation of vote	1475
Apr.	29	Approved by Governor	1503

LEGISLATIVE BILL 97. By Mills

Jan.	9	Read first time	112
Jan.	9	Referred to Committee on Judiciary	121
Jan.	14	Notice of hearing	136
Jan.	23	Placed on General File	255
Jan.	27	Referred for review	285
Jan.	28	Placed on Select File	300
Jan.	31	Referred for engrossment	323
Feb.	4	Replaced on Select File	357
Feb.	5	Referred for engrossment	371
Feb.	6	Correctly engrossed	403
Feb.	11	Final Reading	445
Feb.	12	Correctly enrolled	460
Feb.	12	President signed	461
Feb.	13	Presented to Governor	478
Feb.	19	Approved by Governor	537

LEGISLATIVE BILL 98. By Cavanaugh

Jan.	9	Read first time	113
Jan.	9	Referred to Committee on Constitutional Revision and Recreation	121
Jan.	20	Notice of hearing	188
Feb.	12	Placed on General File	465
Feb.	20	Referred for review	566
Feb.	24	Placed on Select File	594
Feb.	25	Referred for engrossment	617
Feb.	26	Correctly engrossed	636
Mar.	3	Final Reading	693
Mar.	5	Kelly explanation of vote. F. Lewis motion to reconsider pending	750
Mar.	6	F. Lewis motion lost	770

LEGISLATIVE BILL 99. By Public Works Interim Study Committee

Jan.	9	Read first time	113
Jan.	9	Referred to Committee on Public Works	121
Jan.	14	Notice of hearing	148
Feb.	4	Indefinitely postponed	357

LEGISLATIVE BILL 100. By Public Works Interim Study Committee

Jan.	9	Read first time	113
Jan.	9	Referred to Committee on Constitutional Revision and Recreation	121
Feb.	10	Attorney General Opinion	426
Feb.	13	Notice of hearing	482
Mar.	4	Indefinitely postponed	713

LEGISLATIVE BILL 101. By Public Works Interim Study Committee

Jan.	9	Read first time	113
Jan.	9	Referred to Committee on Public Works	121
Jan.	14	Notice of hearing	148
Feb.	20	Attorney General Opinion	559
Mar.	11	Indefinitely postponed	825

LEGISLATIVE BILL 102. By Duis

Jan.	9	Read first time	113
Jan.	14	Referred to Committee on Constitutional Revision and Recreation	134
Jan.	20	Notice of hearing	188
Feb.	24	Indefinitely postponed	593

LEGISLATIVE BILL 103. By Duis

Jan.	9	Read first time	114
Jan.	14	Referred to Committee on Education	134
Jan.	20	Notice of hearing	185
Jan.	29	Placed on General File	301
Jan.	31	Duis amendment adopted. Referred for review	332
Feb.	4	Placed on Select File	358
Feb.	5	Referred for engrossment	372
Feb.	6	Correctly engrossed	403
Feb.	11	Final Reading	446
Feb.	12	Correctly enrolled	460
Feb.	12	President signed	461
Feb.	13	Presented to Governor	478
Feb.	19	Approved by Governor	537

LEGSLATIVE BILL 104. By Executive Board

Jan.	9	Read first time	114
Jan.	14	Referred to Committee on Public Works	134
Jan.	16	Notice of hearing	165
Feb.	10	Placed on General File	439
Feb.	19	Change of order. R. Lewis and Kelly amendments lost. Referred for review	550
Feb.	21	Placed on Select File	572
Feb.	24	Referred for engrossment	603

Feb. 26	Correctly engrossed	636
Mar. 3	Final Reading	696
Mar. 4	Correctly enrolled. President signed	714
Mar. 5	Presented to Governor	738
Mar. 5	Kelly explanation of vote	750
Mar. 10	Approved by Governor	807
May 14	Attorney General Opinion	1810

LEGISLATIVE BILL 105. By Savage

Jan. 9	Read first time	114
Jan. 14	Referred to Committee on Government, Military and Veterans Affairs	134
Jan. 16	Re-referred to Committee on Banking, Commerce and Insurance	170
Jan. 16	Notice of hearing	172
Jan. 21	Notice of hearing cancelled. Reset	192
Jan. 23	Notice of hearing	250
Feb. 6	Indefinitely postponed. Motion. Placed on General File	403
Feb. 13	Bracketed	478
Feb. 21	Savage amendments printed	575
Feb. 25	Savage amendments adopted. Motion. Indefinitely postponed	620

LEGISLATIVE BILL 106. By Savage

Jan. 9	Read first time	114
Jan. 14	Referred to Comm ittee on Constitutional Revision and Recreation	134
Jan. 28	Notice of hearing	296
Feb. 18	Indefinitely postponed	535

LEGISLATIVE BILL 107. By Savage

Jan. 9	Read first time	114
Jan. 14	Referred to Committee on Appropriations	134
Jan. 23	Placed on General File	224
Jan. 27	Referred for review	285
Jan. 29	Placed on Select File	299
Jan. 31	Referred for engrossment	322
Feb. 3	Correctly engrossed	352
Feb. 6	Final Reading	398
Feb. 7	Correctly enrolled. President signed	411
Feb. 10	Presented to Governor	427
Feb. 12	Approved by Governor	460

LEGISLATIVE BILL 108. By Kremer

Jan. 9	Read first time	115
Jan. 14	Referred to Committee on Public Works	134
Jan. 14	Notice of hearing	148

Feb. 7 Placed on General File 416
Feb. 13 Laid over 480
Feb. 14 Laid over 502
Feb. 18 Bereuter amendment adopted 530
Feb. 19 Referred for review 549
Feb. 21 Placed on Select File 572
Feb. 24 Referred for engrossment 603
Feb. 25 Correctly engrossed 616
Feb. 26 Returned to Select File for Kremer amendment 640
Feb. 26 Kremer amendment adopted. Referred for re-engrossment 641
Feb. 28 Correctly re-engrossed 671
Mar. 5 Final Reading 744
Mar. 6 Correctly enrolled. President signed 762
Mar. 7 Presented to Governor 794
Mar. 11 Approved by Governor 839

LEGISLATIVE BILL 109. By DeCamp
Jan. 9 Read first time 115
Jan. 14 Referred to Committee on Banking, Commerce and Insurance 134
Jan. 29 Notice of hearing 305
Feb. 6 Notice of hearing cancelled 404
Feb. 14 Notice of hearing reset 505
Apr. 14 Indefinitely postponed 1260

LEGISLATIVE BILL 110. By DeCamp
Jan. 9 Read first time 115
Jan. 14 Referred to Committee on Constitutional Revision and Recreation 134
Feb. 13 Notice of hearing 482
Mar. 25 Indefinitely postponed 1030

LEGISLATIVE BILL 111. By Warner
Jan. 9 Read first time 117
Jan. 14 Referred to Committee on Urban Affairs 134
Jan. 23 Notice of hearing 230
Feb. 18 Placed on General File 516
Feb. 21 Bracketed 578
Feb. 26 Laid over 634
Feb. 27 Bereuter amendment adopted. Referred for review 653
Mar. 3 Placed on Select File 687
Mar. 4 Warner amendment adopted. Referred for engrossment 725
Mar. 4 Warner amendment printed. Bracketed 735
Mar. 5 Bracketed 750

Mar. 11	Warner pending amendment withdrawn. Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment	828
Mar. 12	Correctly engrossed	850
Mar. 17	Final Reading	906
Mar. 18	Correctly enrolled. President signed	919
Mar. 19	Presented to Governor	950
Mar. 20	Approved by Governor	961

LEGISLATIVE BILL 112. By Warner

Jan. 9	Read first time	117
Jan. 14	Referred for Committee on Public Works	134
Jan. 28	Notice of hearing	290
Feb. 25	Placed on General File	621
Mar. 14	Referred for review	894
Mar. 18	Placed on Select File	918
Mar. 19	Referred for engrossment	956
Mar. 20	Correctly engrossed	963
Mar. 25	Final Reading	1031
Mar. 26	Correctly enrolled	1056
Mar. 26	President signed	1057
Apr. 2	Presented to Governor. Approved by Governor	1090

LEGISLATIVE BILL 113. By Warner

Jan. 9	Read first time	117
Jan. 14	Referred to Committee on Constitutional Revision and Recreation	134
Feb. 13	Notice of hearing	482
Mar. 14	Indefinitely postponed	896
Mar. 19	Warner motion to place on General File pending	959
Mar. 26	Warner motion renewed. Motion lost	1072
Apr. 8	R. Lewis motion to reconsider lost	1195

LEGISLATIVE BILL 114. By Warner

Jan. 9	Read first time	117
Jan. 14	Referred to Committee on Public Works	134
Jan. 28	Notice of hearing	290
Mar. 12	Placed on General File	853
Apr. 3	Rasmussen amendment printed	1126
Apr. 9	Laid over	1220
Apr. 22	Rasmussen amendment adopted. Referred for review	1383
Apr. 23	Barnett amendment printed	1401
Apr. 24	Placed on Select File	1410

Apr. 25 Barnett amendment adopted. Referred for engrossment 1451
Apr. 28 Correctly engrossed 1479
May 1 Laid over 1548
May 1 Final Reading 1549
May 1 Correctly enrolled. President signed 1567
May 2 Presented to Governor 1586
May 6 Approved by Governor 1638

LEGISLATIVE BILL 115. By Warner

Jan. 9 Read first time 117
Jan. 14 Referred to Committee on Public Works 134
Jan. 28 Notice of hearing 290
Mar. 12 Placed on General File 853
Apr. 9 Laid over 1220
Apr. 10 Warner amendment printed 1236
Apr. 15 Rasmussen amendment printed 1272
Apr. 22 Warner amendment adopted. Rasmussen amendment withdrawn. Referred for review 1383
Apr. 24 Placed on Select File 1411
Apr. 25 Referred for engrossment 1451
Apr. 29 Correctly engrossed 1499
May 2 Final Reading 1580
May 2 Correctly enrolled. President signed 1592
May 2 Presented to Governor 1601
May 6 Approved by Governor 1638

LEGISLATIVE BILL 116. By Kremer

Jan. 9 Read first time 118
Jan. 14 Placed on General File 134
Jan. 15 Referred for review 158
Jan. 20 Placed on Select File 185
Jan. 21 Referred for engrossment 205
Jan. 27 Correctly engrossed 283
Jan. 31 Final Reading 321
Feb. 3 Correctly enrolled. President signed 353
Feb. 4 Presented to Governor 359
Feb. 6 Approved by Governor 392

LEGISLATIVE BILL 117. By Koch

Jan. 9 Read first time 118
Jan. 14 Referred to Committee on Urban Affairs 134
Jan. 16 Notice of hearing 171
Jan. 27 Placed on General File 281
Jan. 28 Referred for review 296
Jan. 30 Placed on Select File 309

Jan. 31	Referred for engrossment	323
Feb. 4	Replaced on Select File	357
Feb. 5	Referred for engrossment	371
Feb. 6	Correctly engrossed	403
Feb. 11	Final Reading	447
Feb. 12	Correctly enrolled	460
Feb. 12	President signed	461
Feb. 13	Presented to Governor	478
Feb. 19	Approved by Governor	537

LEGISLATIVE BILL 118. By Koch

Jan. 9	Read first time	118
Jan. 14	Referred to Committee on Urban Affairs	135
Jan. 16	Notice of hearing	171
Mar. 4	Placed on General File	730
Mar. 24	Referred for review	1012
Mar. 26	Placed on Select File	1055
Mar. 26	Referred for engrossment	1065
Apr. 2	Correctly engrossed	1092
Apr. 2	Returned to Select File for Murphy amendment	1109
Apr. 2	Murphy amendment adopted. Referred for re-engrossment. Duis motion to Select File for amendment pending	1110
Apr. 3	Duis amendment withdrawn	1128
Apr. 4	Replaced on Select File	1135
Apr. 7	Referred for re-engrossment	1167
Apr. 8	Correctly re-engrossed	1185
Apr. 14	Final Reading	1251
Apr. 15	Correctly enrolled. Speaker signed	1271
Apr. 16	Presented to Governor	1298
Apr. 22	Approved by Governor	1367

LEGISLATIVE BILL 119. By Koch

Jan. 9	Read first time	118
Jan. 14	Referred to Committee on Constitutional Revision and Recreation	135
Jan. 21	Notice of hearing	203
Feb. 3	Placed on General File	341
Feb. 4	Burbach amendment adopted. Referred for review	362
Feb. 6	Placed on Select File	394
Feb. 7	Koch amendment adopted. Referred for engrossment	415
Feb. 11	Replaced on Select File	441
Feb. 12	Referred for engrossment	461
Feb. 13	Replaced on Select File	473

Feb. 14 Referred for engrossment 502
Feb. 18 Correctly engrossed 522
Feb. 21 Bracketed 575
Feb. 24 Final Reading 597
Feb. 25 Correctly enrolled. President signed 616
Feb. 26 Presented to Governor 626
Feb. 28 Approved by Governor 666

LEGISLATIVE BILL 120. By Koch
Jan. 9 Read first time 118
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 135
Jan. 16 Notice of hearing 173
Jan. 23 Notice of hearing 255
Mar. 17 Placed on General File 905
Apr. 10 Bracketed 1239

LEGISLATIVE BILL 121. By Duis
Jan. 9 Read first time 118
Jan. 14 Referred to Committee on Judiciary 135
Jan. 16 Notice of hearing 165
Jan. 29 Placed on General File 306
Jan. 31 Luedtke amendm ent adopted. Referred for review 333
Feb. 4 Placed on Select File 359
Feb. 5 Referred for engrossment 372
Feb. 6 Correctly engrossed 403
Feb. 11 Final Reading 447
Feb. 12 Correctly enrolled 460
Feb. 12 President signed 461
Feb. 13 Presented to Governor 478
Feb. 19 Approved by Governor 537

LEGISLATIVE BILL 122. By Stoney
Jan. 9 Read first time 119
Jan. 14 Referred to Committee on Education 135
Jan. 21 Notice of hearing 192
Feb. 10 Placed on General File 433
Feb. 14 Referred for review 505
Feb. 19 Placed on Select File 542
Feb. 20 Referred for engrossment 563
Feb. 24 Correctly engrossed 595
Feb. 27 Final Reading 650
Feb. 28 Correctly enrolled. Speaker signed 671
Mar. 3 Presented to Governor 688
Mar. 10 Returned by Governor without approval 807
Mar. 12 Stoney motion to override lost 859

LEGISLATIVE BILL 123. By Keyes

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Revenue	135
Jan.	28	Notice of hearing	290
Mar.	20	Placed on General File	975
May	1	Considered	1577
May	2	Laid over	1601
May	5	Marvel, Warner and Keyes amendments adopted. Mills motion to indefinitely postpone lost. DeCamp and Koch amendments lost	1625
May	6	Failed to advance for review. DeCamp motion to indefinitely postpone withdrawn. Barnett amendment adopted. Referred for review.	1632
May	7	Placed on Select File	1673
May	7	Warner amendment lost. Chambers name added. Referred for engrossment	1674
May	8	Correctly engrossed	1702
May	14	Swigart motion to return to Select File	1820
May	15	Laid over	1849
May	15	Warner motion to return to Select File for amendment lost.	1868
May	15	Final Reading	1869
May	15	Correctly enrolled. President signed	1872
May	15	Burbach motion to hold lost	1879
May	15	Presented to Governor	1880
May	16	Approved by Governor	1882

LEGISLATIVE BILL 124. By Keyes

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Revenue	135
Jan.	21	Notice of hearing	192

LEGISLATIVE BILL 125. By Goodrich

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	135
Jan.	16	Notice of hearing	173
Jan.	23	Notice of hearing	255
Feb.	7	Placed on General File	409
Feb.	13	Barnett and Nichol amendments adopted. Burbach request to re-refer to committee lost. Referred for review	479
Feb.	18	Placed on Select File	521
Feb.	19	Referred for engrossment	549
Feb.	20	Correctly engrossed	564

Feb. 25 Final Reading 614
Feb. 26 Correctly enrolled. President signed 627
Feb. 27 Presented to Governor 653
Mar. 6 Approved by Governor 762

LEGISLATIVE BILL 126. By Moylan

Jan. 9 Read first time 120
Jan. 14 Referred to Committee on Labor 135
Jan. 14 Notice of hearing 149
Jan. 24 Placed on General File 266
Jan. 27 DeCamp motion to indefinitely postpone lost. Referred for review 285
Jan. 29 Placed on Select File 300
Jan. 31 Referred for engrossment 323
Feb. 3 Correctly engrossed 352
Feb. 5 Attorney General Opinion 366
Feb. 6 Final Reading 398
Feb. 7 Barnett motion to reconsider pending 416
Feb. 10 Barnett amendment printed 436
Feb. 13 Barnett pending motion to reconsider prevailed. Returned to Select File for Barnett amendment 486
Feb. 13 Barnett amendment adopted. Referred for re-engrossment 487
Feb. 18 Replaced on Select File 521
Feb. 19 Referred for re-engrossment 549
Feb. 20 Replaced on Select File 559
Feb. 21 Referred for re-engrossment 577
Feb. 24 Correctly re-engrossed 595
Feb. 27 Final Reading 651
Feb. 28 Correctly enrolled. Speaker signed 671
Mar. 3 Presented to Governor 688
Mar. 3 Request Governor to return 700
Mar. 4 Returned to Legislature. Placed on Final Reading 709
Mar. 10 Koch motion to reconsider prevailed 813
Mar. 10 Returned to Select File for Koch amendment 814
Mar. 11 Koch amendment withdrawn. Referred for re-engrossment. Returned to Select File for Barnett amendment 825
Mar. 11 Barnett amendment adopted. Referred for re-engrossment. Returned to Select File for Koch amendment 826
Mar. 11 Koch amendment lost. Referred for re-engrossment 827
Mar. 12 Attorney General Opinion 844
Mar. 12 Correctly re-engrossed 850

Mar. 17 Final Reading 907
Mar. 17 Barnett motion to reconsider pending 911
Mar. 19 Barnett pending motion laid over 957
Mar. 24 Barnett pending motion lost 1012

LEGISLATIVE BILL 127. By Burrows
Jan. 13 Read first time 129
Jan. 15 Referred to Committee on Labor 161
Jan. 21 Notice of hearing 205
Feb. 6 Placed on General File 393
Feb. 12 Maresh and Goodrich amendments adopted. Maresh amendment reconsidered. Maresh amendment lost. Goodrich amendment reconsidered. Goodrich amendment lost. Motion to reconsider committee amendments failed. Referred for review 463
Feb. 14 Placed on Select File 496
Feb. 18 Moylan amendment adopted. Referred for engrossment. Marvel explanation of vote 526
Feb. 19 Correctly engrossed 556
Feb. 24 Final Reading 600
Feb. 25 Correctly enrolled. President signed 616
Feb. 26 Presented to Governor 626
Feb. 28 Approved by Governor 666

LEGISLATIVE BILL 128. By Clark
Jan. 13 Read first time 129
Jan. 15 Referred to Committee on Education 161
Jan. 29 Notice of hearing 304
Feb. 7 Notice of hearing cancelled. Notice of hearing reset 421
Apr. 25 Indefinitely postponed 1454

LEGISLATIVE BILL 129. By Hasebroock
Jan. 13 Read first time 129
Jan. 15 Referred to Committee on Government, Military and Veterans Affairs 161
Jan. 16 Notice of hearing 173
Jan. 23 Notice of hearing 255
Feb. 27 Placed on General File 644
Mar. 18 Referred for review 933
Mar. 20 Placed on Select File 961
Mar. 21 Referred for engrossment 984
Mar. 24 Correctly engrossed 1003
Apr. 2 Final Reading 1099
Apr. 3 Correctly enrolled. President signed 1117
Apr. 4 Presented to Governor 1146
Apr. 8 Approved by Governor 1181

LEGISLATIVE BILL 130. By Swigart

Jan. 13	Read first time	129
Jan. 15	Referred to Committee on Judiciary	161
Jan. 21	Notice of hearing	208
Jan. 30	Placed on General File	315
Jan. 31	Referred for review	333
Feb. 4	Placed on Select File	359
Feb. 5	Referred for engrossment	373
Feb. 7	Replaced on Select File	410
Feb. 10	Referred for engrossment	430
Feb. 11	Correctly engrossed	443
Feb. 14	Bracketed	500
Feb. 18	Final Reading	525
Feb. 19	Correctly enrolled. Speaker signed	540
Feb. 20	Presented to Governor	564
Feb. 25	Approved by Governor	610

LEGISLATIVE BILL 131. By Swigart

Jan. 13	Read first time	129
Jan. 15	Referred to Committee on Public Works	161
Jan. 21	Notice of hearing	203
Feb. 7	Placed on General File	409
Feb. 13	Referred for review	479
Feb. 18	Placed on Select File	521
Feb. 19	Referred for engrossment	549
Feb. 20	Correctly engrossed	564
Feb. 25	Final Reading	613
Feb. 26	Correctly enrolled. President signed	627
Feb. 27	Presented to Governor	653
Mar. 6	Approved by Governor	762

LEGISLATIVE BILL 132. By Swigart

Jan. 13	Read first time	129
Jan. 15	Referred to Committee on Public Works	161
Jan. 21	Notice of hearing	203
Mar. 11	Placed on General File	824
Apr. 9	F. Lewis amendment adopted. Warner motion to indefinitely postpone lost. Fitzgerald amendment lost. Failed to advance for review. Bracketed	1218
Apr. 16	Swigart amendment adopted. Cavanaugh amendment lost. Referred for review	1311
Apr. 17	Placed on Select File	1328
Apr. 17	Referred for engrossment	1330
Apr. 21	Correctly engrossed	1337
Apr. 24	Final Reading	1414
Apr. 28	Kelly explanation of vote	1475

LEGISLATIVE BILL 133. By Rasmussen

Jan.	13	Read first time	130
Jan.	15	Referred to Committee on Constitutional Revision and Recreation	161
Feb.	19	Notice of hearing	554
Mar.	25	Indefinitely postponed	1030

LEGISLATIVE BILL 134. By Rasmussen

Jan.	13	Read first time	130
Jan.	15	Referred to Committee on Judiciary	161
Jan.	21	Notice of hearing	208
Feb.	21	Indefinitely postponed	579

LEGISLATIVE BILL 135. By Stull

Jan.	13	Read first time	130
Jan.	15	Referred to Committee on Government, Military and Veterans Affairs	161
Jan.	16	Notice of hearing	173
Jan.	23	Notice of hearing	255
Feb.	3	Indefinitely postponed	341

LEGISLATIVE BILL 136. By Stull

Jan.	13	Read first time	130
Jan.	15	Referred to Committee on Agriculture and Environment	161
Jan.	22	Notice of hearing	217
Feb.	18	Placed on General File	518
Feb.	21	Referred for review	578
Feb.	25	Placed on Select File	612
Feb.	26	Referred for engrossment	633
Feb.	28	Replaced on Select File	666
Mar.	4	Referred for engrossment	724
Mar.	5	Correctly engrossed	751
Mar.	10	Final Reading	811
Mar.	11	Correctly enrolled. President signed	821
Mar.	12	Presented to Governor	850
Mar.	18	Approved by Governor	915

LEGISLATIVE BILL 137. By Simpson

Jan.	13	Read first time	130
Jan.	15	Referred to Committee on Public Health and Welfare	161
Jan.	20	Notice of hearing	190
Mar.	12	Indefinitely postponed	861

LEGISLATIVE BILL 138. By Marsh

Jan.	13	Read first time	131
Jan.	15	Referred to Committee on Government, Military and Veterans Affairs	161
Jan.	16	Notice of hearing	173
Jan.	23	Notice of hearing	255
Feb.	7	Indefinitely postponed	410

LEGISLATIVE BILL 139. By Luedtke

Jan.	13	Read first time	131
Jan.	15	Referred to Committee on Public Health and Welfare	161
Jan.	20	Notice of hearing	190
Jan.	28	Placed on General File	295
Jan.	31	Referred for review	331
Feb.	4	Placed on Select File	358
Feb.	5	Murphy amendment printed. Bracketed	371
Feb.	6	Unbracketed. Murphy amendment adopted. Referred for engrossment	403
Feb.	10	Replaced on Select File	428
Feb.	11	Referred for engrossment	456
Feb.	13	Replaced on Select File	473
Feb.	14	Referred for engrossment	502
Feb.	18	Correctly engrossed	522
Feb.	21	Final Reading	575
Feb.	24	Correctly enrolled. President signed	595
Feb.	25	Presented to Governor	616
Feb.	28	Approved by Governor	666

LEGISLATIVE BILL 140. By Luedtke

Jan.	13	Read first time	131
Jan.	15	Referred to Committee on Judiciary	161
Jan.	21	Notice of hearing	208
Feb.	7	Placed on General File	419
Feb.	13	DeCamp amendment lost. Cavanaugh amendment adopted. Failed to advance for review	480
Feb.	14	Referred to Reference Committee	502
Feb.	18	Re-referred to Committee on Judiciary	529
Feb.	20	Notice of hearing	567
Mar.	25	Placed on General File	1041
May	9	Referred for review	1738
May	13	Placed on Select File	1788
May	13	Referred for engrossment	1789
May	16	Correctly engrossed	1895
May	21	Final Reading	2029
May	21	Correctly enrolled. Speaker signed	2032
May	21	Presented to Governor	2036
May	22	Approved by Governor	2099

LEGISLATIVE BILL 141. By Luedtke

Jan.	13	Read first time	131
Jan.	15	Referred to Committee on Judiciary	161
Jan.	24	Notice of hearing	270
Mar.	4	Placed on General File	730
Apr.	8	Bracketed. Cavanaugh amendment printed	1189
Apr.	22	Stull amendment withdrawn. Schmit amendment lost. Barnett amendment lost. Luedtke amendment adopted. Cavanaugh pending amendment lost. DeCamp motion to indefinitely postpone lost. Koch amendment lost. Bracketed	1376
Apr.	28	DeCamp, Schmit, Duis and Nichol amendments lost. Laid over	1486
May	6	Cavanaugh amendment lost. George and F. Lewis amendments adopted. R. Lewis, DeCamp and Simpson amendm ents lost. Referred for review	1634
May	7	Placed on Select File	1673
May	7	Referred for engrossment	1675
May	8	Correctly engrossed	1702
May	15	Final Reading	1849
May	15	Correctly enrolled. President signed	1866
May	15	Presented to Governor	1875
May	21	Approved by Governor	2012

LEGISLATIVE BILL 142. By DeCamp

Jan.	13	Read first time	131
Jan.	15	Referred to Committee on Constitutional Revision and Recreation	161
Feb.	19	Notice of hearing	554
Mar.	24	Placed on General File	1021
May	14	Syas and Warner amendments adopted. Chambers motion to indefinitely postpone lost. Warner and Mills amendments adopted. Referred for review	1829
May	15	Placed on Select File	1874
May	16	Chambers motion to indefinitely postpone pending. Referred for engrossment. Chambers pending motion withdrawn	1893
May	19	Correctly engrossed	1965
May	21	Final Reading	2035
May	21	Correctly enrolled. Speaker signed. Presented to Governor	2037
May	22	Approved by Governor	2099

LEGISLATIVE BILL 143. By DeCamp

Jan.	13	Read first time	131
Jan.	15	Referred to Committee on Miscellaneous Subjects	161
Mar.	12	Notice of hearing	863
Apr.	4	Indefinitely postponed	1153

LEGISLATIVE BILL 144. By Rasmussen

Jan.	13	Read first time	132
Jan.	15	Referred to Committee on Government, Military and Veterans Affairs	161
Feb.	26	Notice of hearing	627
Apr.	15	Laid over	1281

LEGISLATIVE BILL 145. By Constitutional Revision and Recreation Interim Study Committee

Jan.	13	Read first time	132
Jan.	15	Referred to Committee on Constitutional Revision and Recreation	161
Jan.	16	Notice of hearing	165
Jan.	27	Placed on General File	282
Jan.	28	Referred for review	297
Jan.	30	Placed on Select File	310
Jan.	31	Referred for engrossment	324
Feb.	3	Kelly motion to return to Select File for amendment pending	355
Feb.	4	Kelly pending amendment withdrawn	360
Feb.	5	Returned to Select File for Kelly amendment. Kelly amendment adopted. Referred for engrossment	377
Feb.	6	Correctly engrossed	403
Feb.	11	Kime motion to return to Select File lost. Mills motion to return to Select File amended by Dickinson. Savage motion to reconsider prevailed. Bracketed	448
Feb.	12	Mills pending motion withdrawn. Returned to Select File for Mills amendment	461
Feb.	12	Mills amendment adopted. Referred for re-engrossment. Returned to Select File for Skarda amendment	462
Feb.	12	Skarda amendment adopted. Referred for re-engrossment	463
Feb.	14	Replaced on Select File	495
Feb.	18	Referred for re-engrossment	526
Feb.	20	Replaced on Select File	559
Feb.	21	Referred for re-engrossment	577
Feb.	24	Correctly re-engrossed	595

Feb. 27 Laid over 651
Mar. 3 Final Reading 690
Mar. 3 Marsh and Barnett explanations of vote 700
Mar. 4 Correctly enrolled. President signed 714
Mar. 5 Presented to Governor 738
Mar. 10 Approved by Governor 807

LEGISLATIVE BILL 146. By Koch
Jan. 13 Read first time 132
Jan. 15 Referred to Committee on Public Works 161
Jan. 28 Notice of hearing 290
Feb. 12 Notice of hearing cancelled. Notice of hearing reset 467

LEGISLATIVE BILL 147. By Murphy
Jan. 14 Read first time 142
Jan. 15 Referred to Committee on Public Works 161
Jan. 21 Notice of hearing 203

LEGISLATIVE BILL 148. By Goodrich
Jan. 14 Read first time 142
Jan. 15 Referred to Committee on Public Health and Welfare 161
Jan. 23 Notice of hearing 224
Feb. 10 Placed on General File 433
Feb. 14 Kennedy amendment adopted. Bracketed 505

LEGISLATIVE BILL 149. By Goodrich
Jan. 14 Read first time 142
Jan. 15 Referred to Committee on Miscellaneous Subjects 161
Jan. 16 Notice of hearing 171
Feb. 5 Placed on General File 367
Feb. 11 Referred for review 458
Feb. 13 Placed on Select File 473
Feb. 14 Referred for engrossment 502
Feb. 18 Correctly engrossed 522
Feb. 21 Final Reading 576
Feb. 24 Correctly enrolled. President signed 595
Feb. 25 Presented to Governor 616
Feb. 28 Approved by Governor 666

LEGISLATIVE BILL 150. By Nichol
Jan. 14 Read first time 142
Jan. 15 Referred to Committee on Urban Affairs 161
Jan. 23 Notice of hearing 230
Apr. 2 Placed on General File 1103

Apr.	25	Nichol amendment adopted. Referred for review	1467
Apr.	29	Placed on Select File	1498
Apr.	30	Referred for engrossment	1519
May	1	Correctly engrossed	1570
May	7	Final Reading	1655
May	7	Correctly enrolled. President signed	1667
May	7	Presented to Governor	1669
May	8	Approved by Governor	1719

LEGISLATIVE BILL 151. By Nichol

Jan.	14	Read first time	142
Jan.	15	Referred to Committee on Government, Military and Veterans Affairs	161
Jan.	16	Notice of hearing	173
Jan.	23	Notice of hearing	255
Feb.	24	Placed on General File	607
Mar.	14	Referred for review	893
Mar.	18	Placed on Select File	918
Mar.	19	Referred for engrossment	956
Mar.	20	Correctly engrossed	963
Mar.	25	Final Reading	1032
Mar.	26	Correctly enrolled	1056
Mar.	26	President signed	1057
Apr.	2	Presented to Governor. Approved by Governor	1090

LEGISLATIVE BILL 152. By Nichol

Jan.	14	Read first time	143
Jan.	15	Referred to Committee on Urban Affairs	161
Jan.	16	Notice of hearing	171
Feb.	19	Placed on General File	554
Feb.	28	Nichol amendment adopted. Referred for review	672
Mar.	4	Placed on Select File	715
Mar.	5	Referred for engrossment	748
Mar.	6	Replaced on Select File	766
Mar.	7	Referred for engrossment	788
Mar.	10	Correctly engrossed	808
Mar.	13	Final Reading	871
Mar.	17	Correctly enrolled. President signed	904
Mar.	18	Presented to Governor	919
Mar.	20	Approved by Governor	961

LEGISLATIVE BILL 153. By Nichol

Jan.	14	Read first time	143
Jan.	15	Referred to Committee on Urban Affairs	161
Jan.	23	Notice of hearing	230
Feb.	12	Attorney General Opinion	468
Feb.	21	Placed on General File	579
Feb.	24	Attorney General Opinion	592
Mar.	11	Referred for review	840
Mar.	13	Placed on Select File	870
Mar.	14	Referred for engrossment	893
Mar.	17	Correctly engrossed	904
Mar.	20	Final Reading	964
Mar.	21	Correctly enrolled. President signed	980
Mar.	24	Presented to Governor	1002
Apr.	2	Approved by Governor	1088

LEGISLATIVE BILL 154. By Nichol

Jan.	14	Read first time	143
Jan.	15	Referred to Committee on Urban Affairs	161
Jan.	23	Notice of hearing	230
Apr.	28	Attorney General Opinion	1479

LEGISLATIVE BILL 155. By Rumery

Jan.	14	Read first time	143
Jan.	15	Referred to Committee on Urban Affairs	161
Jan.	29	Notice of hearing	305
Feb.	27	Indefinitely postponed	658

LEGISLATIVE BILL 156. By Carsten

Jan.	14	Read first time	143
Jan.	15	Referred to Committee on Miscellaneous Subjects	161
Jan.	23	Notice of hearing	250
Feb.	19	Placed on General File	555
Feb.	28	Referred for review	674
Mar.	4	Placed on Select File	716
Mar.	5	Referred for engrossment	748
Mar.	6	Correctly engrossed	762
Mar.	11	Final Reading	823
Mar.	12	Correctly enrolled. President signed	850
Mar.	13	Presented to Governor	876
Mar.	18	Approved by Governor	915

LEGISLATIVE BILL 157. By Public Health and Welfare Committee

Jan.	14	Read first time	143
Jan.	15	Referred to Committee on Public Health and Welfare	161
Jan.	23	Notice of hearing	224
Feb.	21	Placed on General File	574
Mar.	7	Considered	796
Mar.	7	Laid over	797
Mar.	11	Committee amendments reconsidered	837
Mar.	11	Referred for review	838
Mar.	13	Placed on Select File	869
Mar.	14	Referred for engrossment	892
Mar.	17	Correctly engrossed	904
Mar.	20	Final Reading	965
Mar.	21	Correctly enrolled. President signed	980
Mar.	24	Presented to Governor	1002
Apr.	2	Approved by Governor	1088

LEGISLATIVE BILL 157A. By Public Health and Welfare Committee

Mar.	4	Read first time. Placed on General File	732
Mar.	7	Laid over	797
Mar.	11	Kennedy amendment adopted. Referred for review	838
Mar.	13	Placed on Select File	870
Mar.	14	Referred for engrossment	892
Mar.	17	Correctly engrossed	904
Mar.	20	Final Reading	966

LEGISLATIVE BILL 158. By Public Health and Welfare Committee

Jan.	14	Read first time	144
Jan.	15	Referred to Committee on Public Health and Welfare	
Jan.	23	Notice of hearing	224
Mar.	7	Indefinitely postponed	793

LEGISLATIVE BILL 159. By Public Health and Welfare Committee

Jan.	14	Read first time	144
Jan.	15	Referred to Committee on Public Health and Welfare	161
Jan.	23	Notice of hearing	225

LEGISLATIVE BILL 160. By Public Health and Welfare Committee

Jan.	14	Read first time	144
Jan.	15	Referred to Committee on Public Health and Welfare	161
Jan.	23	Notice of hearing	224
Mar.	17	Indefinitely postponed	903

LEGISLATIVE BILL 161. By Wiltse

Jan.	14	Read first time	144
Jan.	15	Referred to Committee on Urban Affairs	161
Jan.	29	Notice of hearing	305
Apr.	2	Attorney General Opinion	1091

LEGISLATIVE BILL 162. By Wiltse

Jan.	14	Read first time	145
Jan.	15	Referred to Committee on Urban Affairs	161
Jan.	16	Notice of hearing	171
Jan.	27	Placed on General File	281
Jan.	31	Referred for review	330
Feb.	4	Placed on Select File	357
Feb.	5	Referred for engrossment	371
Feb.	6	Correctly engrossed	403
Feb.	11	Final Reading	449
Feb.	12	Correctly enrolled	460
Feb.	12	President signed	461
Feb.	13	Presented to Governor	478
Feb.	19	Approved by Governor	537

LEGISLATIVE BILL 163. By Wiltse

Jan.	14	Read first time	145
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	161
Jan.	16	Notice of hearing	172
Jan.	28	Placed on General File	292
Jan.	31	Referred for review	331
Feb.	4	Placed on Select File	358
Feb.	5	Referred for engrossment	371
Feb.	6	Correctly engrossed	403
Feb.	11	Final Reading	450
Feb.	12	Correctly enrolled	460
Feb.	12	President signed	461
Feb.	13	Presented to Governor	478
Feb.	19	Approved by Governor	537

LEGISLATIVE BILL 164. By Hasebroock

Jan.	14	Read first time	145
Jan.	15	Referred to Committee on Revenue	161
Jan.	20	Notice of hearing	189
Jan.	31	Placed on General File	325
Feb.	3	Referred for review	353
Feb.	5	Placed on Select File	367
Feb.	6	Referred for engrossment	402
Feb.	10	Correctly engrossed	428
Feb.	13	Final Reading	474

Feb. 14 Correctly enrolled. President signed 497
Feb. 18 Presented to Governor 523
Feb. 25 Approved by Governor 610

LEGISLATIVE BILL 165. By Dworak
Jan. 14 Read first time 145
Jan. 15 Referred to Committee on Public Health and Welfare 161
Jan. 23 Notice of hearing 224
Feb. 7 Placed on General File 420
Feb. 14 Cavanaugh amendment adopted. Referred for review 503
Feb. 19 Placed on Select File 541
Feb. 20 Referred for engrossment 563
Feb. 21 Correctly engrossed 579
Feb. 26 Final Reading 629
Feb. 27 Correctly enrolled. Speaker signed 653
Feb. 28 Presented to Governor 670
Mar. 6 Approved by Governor 762

LEGISLATIVE BILL 166. By F. Lewis
Jan. 14 Read first time 145
Jan. 15 Referred to Committee on Revenue 161
Jan. 28 Notice of hearing 290
Feb. 20 Indefinitely postponed 559

LEGISLATIVE BILL 167. By F. Lewis
Jan. 14 Read first time 145
Jan. 15 Referred to Committee on Revenue 161
Jan. 28 Notice of hearing 290
Mar. 19 Placed on General File 959

LEGISLATIVE BILL 168. By Stoney
Jan. 14 Read first time 145
Jan. 15 Referred to Committee on Judiciary 161
Jan. 21 Notice of hearing 208
Jan. 29 Placed on General File 306
Jan. 31 Stoney amendment adopted. Referred for review. 333
Feb. 4 Placed on Select File 359
Feb. 5 Referred for engrossment 372
Feb. 6 Correctly engrossed 403
Feb. 11 Final Reading 450
Feb. 12 Correctly enrolled 460
Feb. 12 President signed 461
Feb. 13 Presented to Governor 478
Feb. 19 Approved by Governor 537

LEGISLATIVE BILL 169. By Stoney

Jan.	14	Read first time	146
Jan.	15	Referred to Committee on Government, Military and Veterans Affairs	161
Jan.	16	Notice of hearing	173
Jan.	23	Notice of hearing	255
Feb.	27	Placed on General File	644
Mar.	20	Considered	972
Mar.	21	Stoney and Mills amendments adopted. Motion. Indefinitely postponed	986

LEGISLATIVE BILL 170. By Dickinson

Jan.	14	Read first time	146
Jan.	15	Referred to Committee on Constitutional Revision and Recreation	161
Feb.	5	Notice of hearing	373
Feb.	24	Indefinitely postponed	593

LEGISLATIVE BILL 171. By Stoney

Jan.	14	Read first time	146
Jan.	15	Referred to Committee on Urban Affairs	161
Jan.	23	Notice of hearing	230
Feb.	3	Placed on General File	341
Feb.	4	George amendment adopted. Duis amendment withdrawn. Chambers and Goodrich amendments pending	362
Feb.	5	Goodrich and Chambers amendments lost. Bracketed	388
Feb.	10	Stoney amendment printed	432
Feb.	13	Stoney amendm ent adopted. Referred for review	478
Feb.	18	Placed on Select File	522
Feb.	19	Referred for engrossment	549
Feb.	20	Correctly engrossed	564
Feb.	25	Final Reading	614
Feb.	26	Correctly enrolled. President signed	627
Feb.	27	Presented to Governor	653
Mar.	6	Approved by Governor	

LEGISLATIVE BILL 172. By Koch

Jan.	14	Read first time	146
Jan.	15	Referred to Committee on Urban Affairs	161
Jan.	23	Notice of hearing	230
Feb.	3	Placed on General File	341
Feb.	7	Referred for review	417
Feb.	11	Placed on Select File	442

Feb. 12 Referred for engrossment 461
Feb. 13 Correctly engrossed 478
Feb. 19 Final Reading 545
Feb. 20 Correctly enrolled. Speaker signed 564
Feb. 21 Presented to Governor 574
Feb. 28 Approved by Governor 666

LEGISLATIVE BILL 173. By Nebraska Transportation Advisory Committee
Jan. 14 Read first time 146
Jan. 15 Referred to Committee on Public Works 161
Jan. 21 Notice of hearing 203
Feb. 19 Indefinitely postponed 556

LEGISLATIVE BILL 174. By Burbach
Jan. 14 Read first time 146
Jan. 15 Referred to Committee on Miscellaneous Subjects 161
Jan. 29 Notice of hearing 305
Mar. 24 Placed on General File 1010

LEGISLATIVE BILL 175. By Fowler
Jan. 14 Read first time 147
Jan. 15 Referred to Committee on Nebraska Retirement Systems 161
Feb. 6 Notice of hearing 395
Apr. 17 Placed on General File 1326
May 16 Referred for review 1935
May 19 Placed on Select File 1943

LEGISLATIVE BILL 176. By Fowler
Jan. 14 Read first time 147
Jan. 15 Referred to Committee on Government, Military and Veterans Affairs 161
Jan. 16 Notice of hearing 173
Jan. 23 Notice of hearing 255
Mar. 19 Placed on General File 944

LEGISLATIVE BILL 177. By Luedtke
Jan. 14 Read first time 147
Jan. 15 Referred to Committee on Banking, Commerce and Insurance 161
Jan. 16 Notice of hearing 172
Mar. 21 Placed on General File 990

LEGISLATIVE BILL 178. By Stoney

Jan.	14	Read first time	147
Jan.	15	Referred to Committee on Education	161
Jan.	21	Notice of hearing	192

LEGISLATIVE BILL 179. By Fitzgerald

Jan.	14	Read first time	147
Jan.	15	Referred to Committee on Labor	161
Jan.	21	Notice of hearing. Indefinitely postponed	205

LEGISLATIVE BILL 180. By Burbach, Carsten

Jan.	14	Read first time	147
Jan.	15	Referred to Committee on Agriculture and Environment	161
Jan.	22	Notice of hearing	217
Feb.	18	Placed on General File	519
Feb.	21	Referred for review	578
Feb.	25	Placed on Select File	612
Feb.	26	Referred for engrossment	633
Feb.	28	Replaced on Select File	666
Mar.	4	Referred for engrossment	724
Mar.	5	Correctly engrossed	751

LEGISLATIVE BILL 180A. By Burbach, Carsten

Feb.	24	Read first time. Placed on General File	595
Feb.	25	Skarda motion to indefinitely postpone pending. Bracketed	620
Feb.	26	Bracketed	634

LEGISLATIVE BILL 181. By Moylan

Jan.	14	Read first time	149
Jan.	15	Referred to Committee on Nebraska Retirement Systems	161
Feb.	6	Notice of hearing	395
Apr.	2	Indefinitely postponed	1113

LEGISLATIVE BILL 182. By Kelly

Jan.	14	Read first time	149
Jan.	15	Referred to Committee on Government, Military and Veterans Affairs	161
Jan.	16	Notice of hearing	173
Jan.	23	Notice of hearing	255
Apr.	15	Laid over	1281

LEGISLATIVE BILL 183. By Warner

Jan.	14	Read first time	149
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	161
Jan.	20	Notice of hearing	178
Jan.	31	Placed on General File	325
Feb.	3	Referred for review	354
Feb.	5	Placed on Select File	367
Feb.	6	Referred for engrossment	402
Feb.	10	Correctly engrossed	428
Feb.	13	Final Reading	475
Feb.	14	Correctly enrolled. President signed	497
Feb.	18	Presented to Governor	523
Feb.	25	Approved by Governor	610

LEGISLATIVE BILL 184. By Cavanaugh

Jan.	14	Read first time	149
Jan.	15	Referred to Committee on Judiciary	161
Jan.	21	Notice of hearing	208
Jan.	31	Indefinitely postponed	330

LEGISLATIVE BILL 185. By Goodrich

Jan.	15	Read first time	155
Jan.	16	Referred to Committee on Public Works	167
Jan.	21	Notice of hearing	203
Feb.	19	Indefinitely postponed	556
Feb.	20	Goodrich motion to place on General File pending	566
Feb.	26	Goodrich pending motion lost	641
Feb.	27	Attorney General Opinion	648

LEGISLATIVE BILL 186. By Clark

Jan.	15	Read first time	155
Jan.	16	Referred to Committee on Labor	167
Jan.	21	Notice of hearing	205
Jan.	31	Placed on General File	325
Feb.	3	Referred for review	353
Feb.	7	Placed on Select File	411
Feb.	10	Referred for engrossment	430
Feb.	11	Correctly engrossed	443
Feb.	14	Final Reading	501
Feb.	18	Correctly enrolled	522
Feb.	18	Speaker signed	523
Feb.	19	Presented to Governor	540
Feb.	25	Approved by Governor	610

LEGISLATIVE BILL 187. By Clark

Jan.	15	Read first time	156
Jan.	16	Referred to Committee on Judiciary	167
Jan.	21	Notice of hearing	208
Jan.	22	Notice of hearing reset	221
Mar.	7	Placed on General File	796
Apr.	9	Bracketed	1218
Apr.	15	DeCamp amendment printed	1279
Apr.	21	Laid over	1356
Apr.	21	DeCamp pending amendment adopted. Kelly amendment lost. Koch motion to indefinitely postpone withdrawn. Stull amendment lost. Referred for review	1358
Apr.	24	Placed on Select File	1420
Apr.	25	Referred for engrossment	1452
Apr.	28	Motion to bracket lost	1475
Apr.	29	Replaced on Select File	1494
Apr.	30	Referred for engrossment	1516
May	1	Correctly engrossed	1570
May	7	Final Reading	1656
May	7	Correctly enrolled. President signed	1667
May	7	Presented to Governor	1669
May	12	Approved by Governor	1755

LEGISLATIVE BILL 187A. By Clark

Mar.	12	Read first time. Placed on General File	845
Apr.	9	Bracketed	1218
Apr.	21	Laid over	1356
Apr.	22	Referred for review	1373
Apr.	24	Placed on Select File	1420
Apr.	25	Referred for engrossment	1452
Apr.	28	Nichol motion to bracket lost	1475
May	1	Correctly engrossed	1570
May	7	Final Reading	1658
May	7	Correctly enrolled. President signed	1667
May	7	Presented to Governor	1669
May	12	Approved by Governor	1755

LEGISLATIVE BILL 188. By Marvel

Jan.	15	Read first time	156
Jan.	16	Referred to Committee on Public Works	167
Jan.	21	Notice of hearing	203
Feb.	19	Placed on General File	556
Feb.	28	Marvel amendment adopted. Laid over	682
Mar.	4	Laid over	726
Mar.	4	Referred for review	727

Mar. 6	Placed on Select File	767
Mar. 7	Referred for engrossment	789
Mar. 10	Correctly engrossed	808
Mar. 13	Final Reading	872
Mar. 17	Correctly enrolled. President signed	904
Mar. 18	Presented to Governor	919
Mar. 20	Approved by Governor	961

LEGISLATIVE BILL 189. By Barnett

Jan. 15	Read first time	156
Jan. 16	Referred to Committee on Nebraska Retirement Systems	167
Feb. 6	Notice of hearing	395
Apr. 28	Placed on General File	1470
May 9	Goodrich amendment adopted. Referred for review	1737
May 13	Placed on Select File	1778
May 13	Referred for engrossment	1780
May 16	Correctly engrossed	1895
May 21	Final Reading	2030
May 21	Correctly enrolled. Speaker signed	2032
May 21	Presented to Governor	2036
May 22	Approved by Governor	2099

LEGISLATIVE BILL 190. By Johnson

Jan. 15	Read first time	156
Jan. 16	Referred to Committee on Banking, Commerce and Insurance	167
Jan. 20	Notice of hearing	178
Jan. 31	Placed on General File	325
Feb. 3	Laid over	354
Feb. 4	Referred for review	361
Feb. 6	Placed on Select File	393
Feb. 7	Referred for engrossment	415
Feb. 11	Correctly engrossed	443
Feb. 14	Final Reading	501
Feb. 18	Correctly enrolled	522
Feb. 18	Speaker signed	523
Feb. 19	Presented to Governor	540
Feb. 25	Approved by Governor	610

LEGISLATIVE BILL 191. By Stull

Jan. 15	Read first time	156
Jan. 16	Referred to Committee on Government, Military and Veterans Affairs	167
Jan. 23	Stull motion to withdraw pending	229
Jan. 27	Withdrawn	284

LEGISLATIVE BILL 192. By Simpson

Jan. 15	Read first time	157
Jan. 16	Referred to Committee on Public Health and Welfare	167
Jan. 23	Notice of hearing	224
Feb. 7	Placed on General File	424
Feb. 14	Referred for review	504
Feb. 19	Placed on Select File	542
Feb. 20	Referred for engrossment	563
Feb. 21	Correctly engrossed	579
Mar. 3	Final Reading	697
Mar. 4	Correctly enrolled. President signed	714
Mar. 5	Presented to Governor	738
Mar. 5	Kelly explanation of vote	750
Mar. 10	Approved by Governor	807

LEGISLATIVE BILL 192A. By Simpson

Feb. 19	Read first time. Placed on General File	555
Feb. 20	Referred for review	565
Feb. 24	Placed on Select File	594
Feb. 25	Referred for engrossment	617
Feb. 26	Correctly engrossed	636
Mar. 3	Final Reading	697
Mar. 4	Correctly enrolled. President signed	714
Mar. 5	Presented to Governor	738
Mar. 5	Kelly explanation of vote	750
Mar. 10	Approved by Governor	807

LEGISLATIVE BILL 193. By F. Lewis

Jan. 15	Read first time	157
Jan. 16	Referred to Committee on Urban Affairs	167
Jan. 23	Notice of hearing	230
Feb. 19	Placed on General File	554
Feb. 25	Nichol amendment printed	618
Feb. 28	Laid over	672
Mar. 4	Laid over	726
Mar. 7	Laid over	794
Mar. 10	Nichol and Maresh amendments lost. Referred for review	814
Mar. 12	Placed on Select File	845
Mar. 13	George amendment lost. Referred for engrossment	874
Mar. 14	Correctly engrossed	887
Mar. 17	Stull amendment printed	904
Mar. 19	Koch motion to return to Select File for amendment lost	945

Mar.	19	Stull amendment withdrawn. Final Reading	946
Mar.	20	Correctly enrolled. President signed	963
Mar.	21	Presented to Governor	983
Apr.	2	Approved by Governor	1088

LEGISLATIVE BILL 194. By Dworak

Jan.	15	Read first time	157
Jan.	16	Referred to Committee on Judiciary	167
Jan.	21	Notice of hearing	208
Jan.	22	Notice of hearing reset	221
Feb.	7	Placed on General File	419
Feb.	14	Referred for review	503
Feb.	19	Placed on Select File	541
Feb.	20	Referred for engrossment	563
Feb.	21	Correctly engrossed	579
Feb.	26	Final Reading	630
Feb.	27	Correctly enrolled. Speaker signed	653
Feb.	28	Presented to Governor	670
Mar.	6	Approved by Governor	762

LEGISLATIVE BILL 195. By Wiltse

Jan.	15	Read first time	157
Jan.	16	Referred to Committee on Constitutional Revision and Recreation	167
Feb.	5	Notice of hearing	373
Feb.	24	Placed on General File	607
Mar.	7	Sys amendment adopted. Referred for review	797
Mar.	11	Placed on Select File	820
Mar.	12	Referred for engrossment	852
Mar.	13	Correctly engrossed	875
Mar.	18	Final Reading	921
Mar.	19	Correctly enrolled. President signed	949
Mar.	20	Presented to Governor	962
Mar.	24	Approved by Governor	1001

LEGISLATIVE BILL 196. By Luedtke

Jan.	15	Read first time	157
Jan.	16	Referred to Committee on Judiciary	167
Jan.	21	Notice of hearing	208
Feb.	7	Placed on General File	419
Feb.	14	Referred for review	503
Feb.	19	Placed on Select File	541
Feb.	20	Referred for engrossment	563
Feb.	21	Correctly engrossed	579
Feb.	26	Final Reading	631

Feb. 27 Correctly enrolled. Speaker signed 653
Feb. 28 Presented to Governor 670
Mar. 6 Approved by Governor 762

LEGISLATIVE BILL 197. By Hasebroock
Jan. 15 Read first time 157
Jan. 16 Referred to Committee on Public Works 167
Jan. 21 Notice of hearing 203
Mar. 4 Placed on General File 713
Apr. 3 Bracketed 1132

LEGISLATIVE BILL 198. By Cavanaugh
Jan. 15 Read first time 157
Jan. 16 Referred to Committee on Labor 167
Jan. 21 Notice of hearing 205
Feb. 12 Placed on General File 470
Feb. 21 Bracketed 577
Apr. 3 Unbracketed 1117
Apr. 8 Cavanaugh amendment adopted. Murphy amendment lost. Kelly amendment adopted. Dworak motion to indefinitely postpone lost. Referred for review 1195
Apr. 9 Cavanaugh amendment printed 1216
Apr. 9 Cavanaugh amendment printed 1221
Apr. 10 Placed on Select File 1225
Apr. 10 Cavanaugh amendments adopted. Duis amendment pending 1245
Apr. 14 Laid over 1261
Apr. 14 Duis pending amendment withdrawn. Duis and Maresh amendment lost. Kelly amendment adopted. Referred for engrossment 1262
Apr. 16 Replaced on Select File 1290
Apr. 17 Referred for engrossment 1317
Apr. 21 Correctly engrossed 1337
Apr. 24 Final Reading. DeCamp motion to return to Select File for amendment lost. Returned to Select File for Duis amendment 1415
Apr. 24 Duis amendment adopted. Referred for re-engrossment 1428
Apr. 24 Returned to Select File for Mahoney amendment 1438
Apr. 24 Mahoney amendment lost. Referred for re-engrossment. Returned to Select File for Maresh amendment. Maresh amendment adopted. Referred for re-engrossment. Cavanaugh and F. Lewis motions to return to Select File lost 1439

Apr. 25 Replaced on Select File 1459
Apr. 28 Referred for re-engrossment 1474
Apr. 28 Kelly explanation of vote 1475
Apr. 29 Correctly re-engrossed 1499
May 2 Final Reading 1580
May 2 Correctly enrolled. President signed 1592
May 2 Presented to Governor 1601
May 6 Approved by Governor 1638

LEGISLATIVE BILL 198A. By Cavanaugh
Apr. 9 Read first time. Placed on General File 1211
Apr. 10 Referred for review 1231
Apr. 14 Placed on Select File 1249
Apr. 15 Laid over 1269
Apr. 15 Cavanaugh amendment adopted. Referred for engrossment 1270
Apr. 21 Correctly engrossed 1337
May 2 Final Reading 1581
May 2 Correctly enrolled. President signed 1592
May 2 Presented to Governor 1601
May 6 Approved by Governor 1638

LEGISLATIVE BILL 199. By Maresh
Jan. 15 Read first time 159
Jan. 16 Referred to Committee on Nebraska Retirement Systems 167
Jan. 23 Notice of hearing 224
Feb. 11 Indefinitely postponed 455

LEGISLATIVE BILL 200. By Dworak
Jan. 15 Read first time 159
Jan. 16 Referred to Committee on Urban Affairs 167
Jan. 23 Notice of hearing 230
Feb. 19 Placed on General File 555
Feb. 28 Clark motion to reconsider committee amendment prevailed. Cavanaugh motion to indefinitely postpone lost. Barnett and Maresh amendments lost. Bereuter motion to bracket lost. Referred for review 672
Mar. 4 Placed on Select File 715
Mar. 5 Laid over 748
Mar. 6 Dworak amendment adopted. Referred for engrossment 763
Mar. 7 Replaced on Select File 787
Mar. 10 Referred for engrossment 813

Mar. 11	Correctly engrossed	821
Mar. 14	Final Reading	891
Mar. 14	F. Lewis explanation of vote	893
Mar. 17	Correctly enrolled. President signed	904
Mar. 18	Presented to Governor	919
Mar. 20	Approved by Governor	961
Mar. 24	Attorney General Opinion	1006

LEGISLATIVE BILL 201. By Savage

Jan. 15	Read first time	159
Jan. 16	Referred to Committee on Banking, Commerce and Insurance	167
Jan. 20	Notice of hearing	178
Jan. 31	Placed on General File	325
Feb. 3	Referred for review	354
Feb. 5	Placed on Select File	368
Feb. 6	Referred for engrossment	402
Feb. 10	Correctly engrossed	428
Feb. 13	Final Reading	476
Feb. 14	Correctly enrolled. President signed	497
Feb. 18	Presented to Governor	523
Feb. 25	Approved by Governor	610

LEGISLATIVE BILL 202. By Burbach

Jan. 15	Read first time	159
Jan. 16	Referred to Committee on Public Health and Welfare	167
Jan. 23	Notice of hearing	224
Feb. 21	Placed on General File	574
Mar. 11	Cavanaugh motion to bracket withdrawn. Motion. Indefinitely postponed	838
Mar. 12	Kelly motion to reconsider pending	862
Mar. 18	Kelly to consider pending motion lost	931
Mar. 19	Kelly pending motion to reconsider prevailed. Placed on General File	957
Mar. 19	Bracketed	958
Apr. 21	Bracketed	1362

LEGISLATIVE BILL 203. By Burbach

Jan. 15	Read first time	159
Jan. 16	Referred to Committee on Agriculture and Environment	167
Jan. 27	Attorney General Opinion	279
Feb. 19	Notice of hearing	553
Mar. 7	Attorney General Opinion	786
Apr. 24	Placed on General File	1421

May	9	Burbach amendment adopted. Mills amendment as amended by Burbach lost. Referred for review	1733
May	12	Placed on Select File	1761
May	12	Referred for engrossment	1774
May	15	Correctly engrossed	1860
May	20	Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Referred for re-engrossment	1983
May	20	Replaced on Select File	1998
May	20	Referred for re-engrossment	2001
May	21	Correctly re-engrossed	2004
May	23	Final Reading	2073
May	23	Correctly enrolled. President signed. Warner explanation of vote	2089
May	23	Presented to Governor	2091
May	27	Approved by Governor	2100

LEGISLATIVE BILL 204. By DeCamp

Jan.	15	Read first time	159
Jan.	16	Referred to Committee on Miscellaneous Subjects	167
Mar.	12	Notice of hearing	863
Apr.	2	Placed on General File	1104
Apr.	29	Kelly amendment lost. Referred for review	1504
May	1	Placed on Select File	1543
May	1	Goodrich amendment printed	1554
May	2	Goodrich and Kelly amendments adopted. Chambers motion to indefinitely postpone pending	1587
May	5	Chambers pending motion lost. Referred for engrossment	1609
May	6	Replaced on Select File	1630
May	6	Bracketed	1652
May	7	Referred for engrossment	1671
May	7	Bracketed	1674
May	9	DeCamp amendment printed	1723

LEGISLATIVE BILL 205. By Anderson

Jan.	15	Read first time	160
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	167
Jan.	28	Notice of hearing	291
Mar.	17	Indefinitely postponed	905

LEGISLATIVE BILL 206. By Kelly

Jan.	15	Read first time	160
Jan.	16	Referred to Committee on Public Health and Welfare	167
Jan.	23	Notice of hearing	225
Feb.	20	Placed on General File	559
Mar.	4	Referred for review	727
Mar.	6	Placed on Select File	768
Mar.	7	Referred for engrossment	789
Mar.	18	Returned to Select File for Rasmussen amendment. Rasmussen amendment adopted. Referred for engrossment	928
Mar.	19	Replaced on Select File	943
Mar.	20	Referred for engrossment	971
Mar.	21	Correctly engrossed	980
Mar.	26	Final Reading	1057
Apr.	2	Correctly enrolled. President signed	1092
Apr.	3	Presented to Governor	1117
Apr.	8	Approved by Governor	1181

LEGISLATIVE BILL 207. By Kelly

Jan.	15	Read first time	160
Jan.	16	Referred to Committee on Miscellaneous Subjects	167
Jan.	29	Notice of hearing	305
May	22	Indefinitely postponed	2044

LEGISLATIVE BILL 208. By Johnson

Jan.	15	Read first time	160
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	167
Jan.	20	Notice of hearing	178
Jan.	31	Placed on General File	325
Feb.	3	Referred for review	354
Feb.	5	Placed on Select File	368
Feb.	6	Referred for engrossment	402
Feb.	10	Correctly engrossed	428
Feb.	13	Final Reading	476
Feb.	14	Correctly enrolled. President signed	497
Feb.	18	Presented to Governor	523
Feb.	25	Approved by Governor	610

LEGISLATIVE BILL 209. By Dickinson

Jan.	15	Read first time	160
Jan.	16	Referred to Committee on Public Works	167

Jan. 28 Notice of hearing 290
Mar. 4 Placed on General File 713
Mar. 24 Motion. Indefinitely postponed 1016

LEGISLATIVE BILL 210. By Dickinson

Jan. 15 Read first time 161
Jan. 16 Referred to Committee on Judiciary 167
Jan. 21 Notice of hearing 208
Mar. 10 Placed on General File 816
Mar. 24 Bracketed 1017
Apr. 4 Motion to unbracket lost 1148

LEGISLATIVE BILL 211. By Dickinson

Jan. 15 Read first time 162
Jan. 20 Referred to Committee on Public Works 179
Jan. 28 Notice of hearing 290
Feb. 25 Placed on General File 621
Mar. 14 Barnett motion to indefinitely postpone lost. Motion to bracket lost. Referred for review 894
Mar. 18 Placed on Select File 919
Mar. 19 Bracketed 956
Mar. 21 Referred for engrossment 984
Mar. 24 Correctly engrossed 1003
Apr. 2 Final Reading 1099
Apr. 3 Correctly enrolled. President signed 1117
Apr. 4 Presented to Governor 1146
Apr. 8 Approved by Governor 1181

LEGISLATIVE BILL 212. By Schmit

Jan. 15 Read first time 162
Jan. 20 Referred to Committee on Judiciary 179
Jan. 21 Notice of hearing 208
Jan. 22 Notice of hearing reset 222
Mar. 26 Placed on General File 1069
May 9 Referred for review 1734
May 12 Placed on Select File 1769
May 12 Referred for engrossment 1774
May 13 Replaced on Select File 1797
May 13 Referred for engrossment 1798
May 14 Returned to Select File for Schmit amendment. Schmit amendment adopted. Referred for engrossment. Duis motion to return to Select File lost 1819
May 14 Replaced on Select File 1837
May 14 Referred for engrossment. Correctly engrossed 1838

May 16 Final Reading 1885
May 16 Correctly enrolled. President signed 1894
May 16 Presented to Governor 1896
May 20 Approved by Governor 1971

LEGISLATIVE BILL 213. By Bereuter

Jan. 15 Read first time 162
Jan. 20 Referred to Committee on Public Works 179
Jan. 28 Notice of hearing 290
Mar. 24 Placed on General File 1013
May 15 Bereuter amendment adopted. Failed to advance for review 1876
May 19 George amendment adopted. Referred for review 1955
May 20 Placed on Select File 1979
May 21 Referred for engrossment 2004
May 21 Replaced on Select File 2041
May 21 Referred for engrossment. Correctly engrossed 2042
May 23 Final Reading 2074
May 23 Correctly enrolled. President signed 2089
May 23 Presented to Governor 2091
May 27 Approved by Governor 2100

LEGISLATIVE BILL 214. By Bereuter

Jan. 15 Read first time 162
Jan. 20 Referred to Committee on Agriculture and Environment 179
Jan. 27 Attorney General Opinion 279
Feb. 19 Notice of hearing 553
Apr. 25 Indefinitely postponed 1462

LEGISLATIVE BILL 215. By Rumery

Jan. 16 Read first time 168
Jan. 20 Referred to Committee on Miscellaneous Subjects 179
Jan. 29 Notice of hearing 305
Mar. 18 Placed on General File 929
Apr. 29 Referred for review 1499
May 1 Placed on Select File 1543
May 2 Referred for engrossment 1587
May 6 Correctly engrossed 1632
May 15 Final Reading 1850
May 15 Correctly enrolled. President signed 1866
May 15 Presented to Governor 1875
May 20 Approved by Governor 1971

LEGISLATIVE BILL 215A. By Rumery

May	5	Read first time. Placed on General File	1616
May	6	Referred for review	1637
May	7	Placed on Select File	1673
May	7	Referred for engrossment	1675
May	8	Correctly engrossed	1702
May	15	Final Reading	1850
May	15	Correctly enrolled. President signed	1866
May	15	Presented to Governor	1875
May	20	Approved by Governor	1971

LEGISLATIVE BILL 216. By Clark

Jan.	16	Read first time	168
Jan.	20	Referred to Committee on Education	179
Mar.	7	Notice of hearing	792
Mar.	12	Notice of hearing reset	856
Apr.	30	Placed on General File	1520
May	16	Referred for review	1935
May	19	Placed on Select File	1943
May	19	F. Lewis, Marvel and Warner amendments adopted. Kremer name added. Clark name withdrawn. Warner amendment lost. Marvel and Barnett amendments adopted. Referred for engrossment	1959
May	20	Dworak motion to return to Select File lost	1988
May	20	Replaced on Select File	1990
May	20	Referred for engrossment	2002
May	21	Replaced on Select File	2034
May	21	Referred for engrossment	2035
May	21	Correctly engrossed	2036
May	23	Final Reading	2075
May	23	Final Reading, re-read by request	2079
May	23	Correctly enrolled. President signed	2089
May	23	Presented to Governor	2091
May	27	Approved by Governor	2100

LEGISLATIVE BILL 217. By Duis

Jan.	16	Read first time	168
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	179
Jan.	29	Notice of hearing	305
Mar.	18	Placed on General File	933
Apr.	22	Referred for review	1384
Apr.	23	DeCamp amendment printed	1387
Apr.	25	Placed on Select File	1450

Apr. 28 Referred for engrossment 1473
Apr. 28 Returned to Select File for DeCamp amendment. Referred for engrossment. Returned to Select File for DeCamp amendment. Bracketed 1474
Apr. 30 Bracketed 1516
May 8 DeCamp pending amendments withdrawn. Referred for engrossment 1705
May 9 Replaced on Select File 1737
May 9 Referred for engrossment 1741
May 13 Correctly engrossed 1787
May 21 Final Reading 2014
May 21 Correctly enrolled. Speaker signed 2023
May 21 Presented to Governor 2027
May 22 Approved by Governor 2099

LEGISLATIVE BILL 218. By Luedtke
Jan. 16 Read first time 168
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 179
Jan. 28 Notice of hearing 291
Mar. 12 Luedtke motion to place on General File pending 863
Mar. 14 Luedtke pending motion laid over 895
Mar. 17 Luedtke pending motion withdrawn 911
Mar. 20 Placed on General File 962
Apr. 7 Referred for review 1172
Apr. 9 Placed on Select File 1202
Apr. 10 Referred for engrossment 1231
Apr. 14 Correctly engrossed 1250
Apr. 16 Final Reading. Expedited 1297
Apr. 16 Correctly enrolled. President signed 1303
Apr. 16 Presented to Governor 1304
Apr. 23 Approved by Governor 1399

LEGISLATIVE BILL 219. By Swigart
Jan. 16 Read first time 168
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 179
Jan. 23 Notice of hearing 251
Mar. 18 Placed on General File 934

LEGISLATIVE BILL 220. By Dworak
Jan. 16 Read first time 168
Jan. 20 Referred to Committee on Constitutional Revision and Recreation 179

Jan.	28	Notice of hearing	296
Feb.	20	Placed on General File	569
Mar.	7	Committee amendments reconsidered. Referred for review	795
Mar.	10	Dworak amendments printed	817
Mar.	11	Placed on Select File	820
Mar.	12	Dworak amendments adopted. Referred for engrossment	851
Mar.	13	Correctly engrossed	875
Mar.	18	Final Reading	921
Mar.	19	Correctly enrolled. President signed	949
Mar.	20	Presented to Governor	962
Mar.	24	Approved by Governor	1001

LEGISLATIVE BILL 221. By Goodrich

Jan.	16	Read first time	168
Jan.	20	Referred to Committee on Urban Affairs	179
Jan.	29	Notice of hearing	305
Apr.	2	Indefinitely postponed	1104

LEGISLATIVE BILL 222. By Goodrich

Jan.	16	Read first time	169
Jan.	20	Referred to Committee on Labor	179
Jan.	23	Notice of hearing	250
Feb.	18	Indefinitely postponed	517

LEGISLATIVE BILL 223. By Public Health and Welfare Committee

Jan.	16	Read first time	169
Jan.	20	Referred to Committee on Public Health and Welfare	179
Jan.	23	Notice of hearing	224
Mar.	7	Indefinitely postponed	793

LEGISLATIVE BILL 224. By Anderson

Jan.	16	Read first time	169
Jan.	20	Referred to Committee on Judiciary	179
Jan.	21	Notice of hearing	208
Jan.	22	Notice of hearing reset	222
Feb.	11	Placed on General File	451
Feb.	19	Referred for review	552
Feb.	21	Placed on Select File	573
Feb.	24	Referred for engrossment	603
Feb.	26	Correctly engrossed	636
Mar.	3	Final Reading	698
Mar.	4	Correctly enrolled. President signed	714
Mar.	5	Presented to Governor	738
Mar.	5	Kelly explanation of vote	750
Mar.	10	Approved by Governor	807

LEGISLATIVE BILL 225. By Kelly

Jan.	16	Read first time	171
Jan.	20	Referred to Committee on Public Works	179
Jan.	21	Notice of hearing	203
Feb.	25	Placed on General File	621
Mar.	17	Motion. Indefinitely postponed	909
Mar.	17	Kelly motion to reconsider pending	911
Mar.	24	Kelly pending motion prevailed. Placed on General File	1012

LEGISLATIVE BILL 226. By Kime

Jan.	16	Read first time	171
Jan.	20	Referred to Committee on Public Works	179
Jan.	28	Notice of hearing	290
Mar.	12	Placed on General File	854
Mar.	24	Motion to bracket lost. Referred for review	1017
Mar.	26	Placed on Select File	1056
Mar.	26	Referred for engrossment	1065
Apr.	2	Replaced on Select File	1093
Apr.	2	Bracketed	1113
Apr.	3	Motion to unbracket lost	1122
Apr.	9	Motion to unbracket lost	1217
Apr.	14	Unbracketed. Referred for engrossment	1262
Apr.	16	Correctly engrossed	1298
Apr.	22	Final Reading	1369
Apr.	23	Correctly enrolled. President signed	1394
Apr.	24	Presented to Governor	1413
Apr.	28	Kelly explanation of vote	1475
Apr.	29	Approved by Governor	1503

LEGISLATIVE BILL 227. By Kelly

Jan.	16	Read first time	171
Jan.	20	Referred to Committee on Labor	179
Jan.	23	Notice of hearing	250
Feb.	12	Placed on General File	471
Feb.	21	Referred for review	577
Feb.	25	Placed on Select File	611
Feb.	26	Referred for engrossment	633
Feb.	27	Correctly engrossed	653
Mar.	4	Final Reading	720
Mar.	5	Correctly enrolled. President signed	738
Mar.	6	Presented to Governor	762
Mar.	11	Approved by Governor	839

LEGISLATIVE BILL 228. By Schmit

Jan.	16	Read first time	174
Jan.	20	Referred to Committee on Miscellaneous Subjects	179
Mar.	12	Notice of hearing	863

LEGISLATIVE BILL 229. By F. Lewis

Jan.	16	Read first time	174
Jan.	20	Referred to Committee on Labor	179
Jan.	23	Notice of hearing	250
Mar.	11	Indefinitely postponed	821

LEGISLATIVE BILL 230. By Miscellaneous Subjects Committee

Jan.	16	Read first time	175
Jan.	20	Referred to Committee on Constitutional Revision and Recreation	179
Jan.	28	Notice of hearing	296
Feb.	24	Indefinitely postponed	593
Feb.	26	Cavanaugh amendment printed	635
Mar.	4	Cavanaugh motion to place on General File pending	732
Mar.	6	Cavanaugh pending motion lost	771

LEGISLATIVE BILL 231. By Cope

Jan.	20	Read first time	180
Jan.	22	Referred to Committee on Judiciary	219
Jan.	24	Notice of hearing	271
Mar.	11	Indefinitely postponed	840

LEGISLATIVE BILL 232. By Keyes

Jan.	20	Read first time	180
Jan.	22	Referred to Committee on Banking, Commerce and Insurance	219
Jan.	23	Notice of hearing	251
Mar.	21	Placed on General File	980

LEGISLATIVE BILL 233. By Appropriations Committee

Jan.	20	Read first time	180
Jan.	22	Referred to Committee on Appropriations	219
Jan.	28	Notice of hearing	290
Feb.	4	Placed on General File	364
Feb.	7	Referred for review	419
Feb.	11	Placed on Select File	443
Feb.	11	Marvel amendment printed	458
Feb.	12	Marvel amendment adopted. Referred for engrossment	462

Feb. 14	Correctly engrossed	497
Feb. 20	Final Reading	561
Feb. 21	Correctly enrolled. Speaker signed	573
Feb. 24	Presented to Governor	593
Feb. 28	Approved by Governor	666

LEGISLATIVE BILL 234. By Koch

Jan. 20	Read first time	181
Jan. 22	Referred to Committee on Appropriations	219
Jan. 28	Notice of hearing	290
Feb. 13	Placed on General File	481
Feb. 21	Laid over	578
Feb. 26	Referred for review	635
Feb. 28	Placed on Select File	667
Mar. 4	Referred for engrossment	725
Mar. 5	Correctly engrossed	751
Mar. 12	Final Reading	847
Mar. 12	Warner explanation of vote	857
Mar. 13	Correctly enrolled. President signed	876
Mar. 14	Presented to Governor	887
Mar. 20	Approved by Governor	961

LEGISLATIVE BILL 234A. By Appropriations Committee

Feb. 24	Read first time. Placed on General File	606
Feb. 26	Referred for review	635
Feb. 28	Placed on Select File	667
Mar. 4	Marvel amendment adopted. Referred for engrossment	725
Mar. 5	Replaced on Select File	737
Mar. 6	Referred for engrossment	763
Mar. 7	Correctly engrossed	794
Mar. 12	Final Reading	848
Mar. 12	Warner explanation of vote	857
Mar. 13	Correctly enrolled. President signed	876
Mar. 14	Presented to Governor	887
Mar. 20	Approved by Governor	961

LEGISLATIVE BILL 235. By Nebraska Retirement Systems Committee

Jan. 20	Read first time	181
Jan. 22	Referred to Committee on Nebraska Retirement Systems	219
Feb. 6	Notice of hearing	394
Mar. 14	Placed on General File	897
Apr. 9	Bracketed	1221
Apr. 22	Hasebroock amendment printed	1379
Apr. 25	Hasebroock amendment adopted. Motion to bracket lost. Referred for review	1454

Apr. 29 Placed on Select File 1494
Apr. 30 Referred for engrossment 1517
May 1 Correctly engrossed 1570
May 15 Final Reading 1844
May 15 Correctly enrolled 1860
May 15 President signed 1861
May 15 Presented to Governor 1866
May 20 Approved by Governor 1971

LEGISLATIVE BILL 235A. By Nebraska Retirement Systems Committee

Apr. 28 Read first time. Placed on General File 1481
May 1 Referred for review 1561
May 5 Placed on Select File 1607
May 7 Referred for engrossment 1667
May 7 Correctly engrossed 1680
May 15 Final Reading 1845
May 15 Correctly enrolled 1860
May 15 President signed 1861
May 15 Presented to Governor 1866
May 20 Approved by Governor 1971

LEGISLATIVE BILL 236. By Nebraska Retirement Systems Committee

Jan. 20 Read first time 181
Jan. 22 Referred to Committee on Nebraska Retirement Systems 219
Jan. 23 Notice of hearing 224
Feb. 11 Placed on General File 455
Feb. 20 Referred for review 565
Feb. 24 Placed on Select File 594
Feb. 25 Referred for engrossment 617
Feb. 26 Correctly engrossed 636
Mar. 3 Final Reading 699
Mar. 4 Correctly enrolled. President signed 714
Mar. 5 Presented to Governor 738
Mar. 5 Kelly explanation of vote 750
Mar. 10 Approved by Governor 807

LEGISLATIVE BILL 237. By Barnett

Jan. 20 Read first time 181
Jan. 22 Referred to Committee on Judiciary 219
Jan. 24 Notice of hearing 270
Feb. 11 Notice of hearing continued 452
Feb. 28 Attorney General Opinion 676
Mar. 19 Placed on General File 959
Apr. 28 Barnett amendment printed 1473
May 14 Barnett amendment adopted. Barnett amendment withdrawn. Referred for review 1828

May 15 Placed on Select File 1872
May 16 Referred for engrossment 1892
May 19 Replaced on Select File 1941
May 20 Referred for engrossment. Returned to Select File for Barnett amendment. Barnett amendment adopted. Referred for engrossment 1994
May 21 Replaced on Select File. Referred for engrossment 2032
May 21 Correctly engrossed 2036
May 23 Motion to bracket lost. Final Reading 2076
May 23 Correctly enrolled. President signed 2089
May 23 Presented to Governor 2091
May 28 Returned by Governor without approval 2105
May 28 Attorney General Opinion 2106
May 29 Message from Secretary of State 2108

LEGISLATIVE BILL 237A. By Barnett

May 13 Read first time. Placed on General File 1798
May 14 Referred for review 1829
May 15 Placed on Select File 1874
May 16 Referred for engrossment 1892
May 21 Correctly engrossed 2036
May 23 Final Reading 2077
May 23 Correctly enrolled. President signed 2089
May 23 Presented to Governor 2091
May 28 Returned by Governor without approval 2105
May 29 Message from Secretary of State 2108

LEGISLATIVE BILL 238. By Public Health and Welfare Committee

Jan. 20 Read first time 181
Jan. 22 Referred to Committee on Public Health and Welfare 219
Jan. 23 Notice of hearing 224
Mar. 11 Indefinitely postponed 825

LEGISLATIVE BILL 239. By Public Health and Welfare Committee

Jan. 20 Read first time 182
Jan. 22 Referred to Committee on Public Health and Welfare 219
Jan. 23 Notice of hearing 225
Feb. 21 Placed on General File 586
Mar. 12 Motion to indefinitely postpone lost 859
Mar. 13 Referred for review 877
Mar. 17 Placed on Select File 904

Mar. 18 Referred for engrossment 928
Mar. 19 Correctly engrossed 949
Mar. 24 Cavanaugh amendment printed 1003
Mar. 24 Bracketed 1007

LEGISLATIVE BILL 240. By Public Health and Welfare Committee
Jan. 20 Read first time 182
Jan. 22 Referred to Committee on Public Health and Welfare 219
Jan. 23 Notice of hearing 224
Feb. 20 Placed on General File 559
Mar. 4 Referred for review 727
Mar. 6 Placed on Select File 768
Mar. 7 Referred for engrossment 789
Mar. 10 Correctly engrossed 808
Mar. 19 Final Reading 946
Mar. 20 Correctly enrolled. President signed 963
Mar. 21 Presented to Governor 983
Mar. 26 Returned by Governor without approval 1085

LEGISLATIVE BILL 240A. By Public Health and Welfare Committee
Mar. 4 Read first time. Placed on General File 732
Mar. 7 Laid over 794
Mar. 10 Kennedy amendment adopted. Referred for review 814
Mar. 12 Placed on Select File 845
Mar. 13 Referred for engrossment 874
Mar. 14 Correctly engrossed 887
Mar. 19 Final Reading 947
Mar. 19 Murphy motion to reconsider pending 956
Mar. 20 Attorney General Opinion 967
Mar. 21 Murphy pending motion lost 994

LEGISLATIVE BILL 241. By Public Health and Welfare Committee
Jan. 20 Read first time 182
Jan. 22 Referred to Committee on Public Health and Welfare 219
Jan. 23 Notice of hearing 224
Mar. 12 Indefinitely postponed 850

LEGISLATIVE BILL 242. By Syas
Jan. 20 Read first time 183
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 219
Jan. 28 Notice of hearing 291
Mar. 6 Indefinitely postponed 782

LEGISLATIVE BILL 243. By F. Lewis

Jan.	20	Read first time	183
Jan.	22	Referred to Committee on Judiciary	219
Jan.	24	Notice of hearing	271
Feb.	27	Placed on General File	659
Mar.	21	Bracketed	987
Apr.	7	Koch amendment adopted. Referred for review	1169
Apr.	9	Placed on Select File	1201
Apr.	10	Referred for engrossment	1230
Apr.	14	Correctly engrossed	1250
Apr.	21	Laid over	1338
Apr.	23	Request	1387
Apr.	23	Final Reading	1392
Apr.	24	Correctly enrolled. President signed	1413
Apr.	25	Presented to Governor	1453
Apr.	28	Kelly explanation of vote	1475
Apr.	28	Attorney General Opinion	1490
Apr.	29	Motion to request Governor to return lost	1502
May	1	Returned by Governor without approval. Attorney General Opinion	1573

LEGISLATIVE BILL 243A. By F. Lewis

Mar.	12	Read first time. Placed on General File	856
Apr.	7	Referred for review	1169
Apr.	9	Placed on Select File	1201
Apr.	10	Referred for engrossment	1230
Apr.	14	Correctly engrossed	1250
Apr.	21	Laid over	1338
Apr.	23	Request	1387
Apr.	23	Final Reading	1392
Apr.	28	Kelly explanation of vote	1475

LEGISLATIVE BILL 244. By Dickinson; George

Jan.	20	Read first time	183
Jan.	22	Referred to Committee on Appropriations	219
Jan.	28	Notice of hearing	290
Feb.	3	Notice of hearing cancelled. Notice of hearing reset	353
Apr.	23	Indefinitely postponed	1386

LEGISLATIVE BILL 245. By Dickinson

Jan.	20	Read first time	183
Jan.	22	Referred to Committee on Public Health and Welfare	219
Jan.	30	Notice of hearing	309

Mar. 13 Placed on General File 880
Mar. 25 George amendment adopted. Referred for review 1047
Apr. 2 Placed on Select File 1095
Apr. 3 Referred for engrossment 1121
Apr. 7 Replaced on Select File 1162
Apr. 8 Referred for engrossment 1187
Apr. 9 Correctly engrossed 1211
Apr. 16 Final Reading 1290
Apr. 17 Correctly enrolled. President signed 1314
Apr. 17 Presented to Governor 1323
Apr. 22 Approved by Governor 1367

LEGISLATIVE BILL 246. By Dickinson
Jan. 20 Read first time 183
Jan. 22 Referred to Committee on Public Works 219
Jan. 28 Notice of hearing 290
Mar. 11 Indefinitely postponed 825

LEGISLATIVE BILL 247. By Burbach
Jan. 20 Read first time 183
Jan. 22 Referred to Committee on Agriculture and Environment 219
Jan. 29 Notice of hearing 304
Feb. 18 Placed on General File 520
Feb. 26 Cavanaugh amendment adopted. Laid over 637
Feb. 26 Kelly amendm ent adopted. Referred for review 638
Feb. 28 Placed on Select File 667
Mar. 4 Referred for engrossment 725
Mar. 5 Replaced on Select File 737
Mar. 6 Referred for engrossment 764
Mar. 7 Correctly engrossed 794
Mar. 12 Final Reading 848
Mar. 13 Correctly enrolled. President signed 876
Mar. 14 Presented to Governor 887
Mar. 18 Approved by Governor 915

LEGISLATIVE BILL 248. By Burbach
Jan. 20 Read first time 183
Jan. 22 Referred to Committee on Public Health and Welfare 219
Jan. 30 Notice of hearing 309
Apr. 10 Placed on General File 1243

LEGISLATIVE BILL 249. By Burbach

Jan.	20	Read first time	184
Jan.	22	Referred to Committee on Public Works	219
Jan.	28	Notice of hearing	290
Mar.	18	Placed on General File	919
Mar.	24	Mills amendments printed	1003
May	9	Mills amendment lost. Referred for review	1738
May	13	Placed on Select File	1779
May	13	Referred for engrossment	1780
May	14	Mills motion to return to Select File lost	1820
May	14	Correctly engrossed	1838
May	21	Final Reading	2016
May	21	Correctly enrolled. Speaker signed	2023
May	21	Presented to Governor	2027
May	23	Approved by Governor	2100

LEGISLATIVE BILL 250. By Simpson

Jan.	20	Read first time	184
Jan.	22	Referred to Committee on Judiciary	219
Jan.	24	Notice of hearing	270

LEGISLATIVE BILL 251. By Marsh

Jan.	20	Read first time	184
Jan.	22	Referred to Committee on Appropriations	219
Jan.	28	Notice of hearing	290
Jan.	29	Notice of hearing cancelled. Notice of hearing reset	299
Feb.	13	Placed on General File	281
Feb.	21	Referred for review	578
Feb.	25	Placed on Select File	612
Feb.	26	Referred for engrossment. Returned to Select File for Marsh amendment. Marsh amendment withdrawn. Referred for engrossment	633
Feb.	27	Returned to Select File for Marsh amendment. Marsh amendment adopted. Referred for engrossment	652
Feb.	28	Correctly engrossed	671
Mar.	5	Final Reading	744
Mar.	6	Correctly enrolled. President signed	762
Mar.	7	Presented to Governor	794
Mar.	11	Approved by Governor	839

LEGISLATIVE BILL 252. By Rasmussen

Jan.	20	Read first time	184
Jan.	22	Referred to Committee on Public Works	219

Jan. 28	Notice of hearing	291
Mar. 4	Placed on General File	713
Apr. 8	Referred for review	1188
Apr. 10	Placed on Select File	1225
Apr. 10	Referred for engrossment	1245
Apr. 14	Replaced on Select File	1249
Apr. 15	Referred for engrossment	1269
Apr. 16	Correctly engrossed	1298
Apr. 22	Final Reading	1370
Apr. 23	Correctly enrolled. President signed	1394
Apr. 24	Presented to Governor	1413
Apr. 28	Kelly explanation of vote	1475
Apr. 29	Approved by Governor	1503

LEGISLATIVE BILL 253. By Public Health and Welfare Committee

Jan. 20	Read first time	185
Jan. 22	Referred to Committee on Public Health and Welfare	219
Jan. 30	Notice of hearing	309
Mar. 11	Placed on General File	840
Apr. 9	Referred for review	1220
Apr. 10	Placed on Select File	1241
Apr. 10	Referred for engrossment	1246
Apr. 14	Correctly engrossed	1250
Apr. 21	Final Reading	1338
Apr. 22	Correctly enrolled. President signed	1368
Apr. 23	Presented to Governor	1393
Apr. 24	Approved by Governor	1438

LEGISLATIVE BILL 254. By Public Health and Welfare Committee

Jan. 20	Read first time	186
Jan. 22	Referred to Committee on Public Health and Welfare	219
Jan. 30	Notice of hearing	309
Feb. 27	Placed on General File	645
Mar. 7	Cavanaugh amendment printed	801
Mar. 21	Laid over	987
Mar. 21	Cavanaugh amendment adopted. Goodrich and Swigart amendments lost. Referred for review	988
Mar. 25	Placed on Select File	1027
Mar. 26	Referred for engrossment	1060
Apr. 2	Correctly engrossed	1092
Apr. 7	Final Reading	1164
Apr. 8	Correctly enrolled. President signed	1185
Apr. 9	Presented to Governor	1211
Apr. 15	Approved by Governor	1287

LEGISLATIVE BILL 255. By Public Health and Welfare Committee

Jan.	20	Read first time	186
Jan.	22	Referred to Committee on Public Health and Welfare	219
Jan.	30	Notice of hearing	309
Feb.	27	Placed on General File	645
Mar.	21	Laid over	987
Mar.	24	Referred for review	1012
Mar.	26	Placed on Select File	1055
Mar.	26	Referred for engrossment	1065
Apr.	2	Correctly engrossed	1092
Apr.	4	Returned to Select File for Chambers amendment. Chambers amendment adopted. Referred for re-engrossment	1146
Apr.	7	Replaced on Select File	1163
Apr.	8	Referred for re-engrossment	1187
Apr.	9	Correctly re-engrossed	1210
Apr.	16	Final Reading	1291
Apr.	17	Correctly enrolled. President signed	1314
Apr.	17	Presented to Governor	1323
Apr.	22	Approved by Governor	1367

LEGISLATIVE BILL 256. By Public Health and Welfare Committee

Jan.	20	Read first time	186
Jan.	22	Referred to Committee on Public Health and Welfare	219
Jan.	30	Notice of hearing	309
Mar.	18	Indefinitely postponed	934

LEGISLATIVE BILL 257. By Labor Committee

Jan.	20	Read first time	186
Jan.	22	Referred to Committee on Labor	219
Jan.	23	Notice of hearing	250
Feb.	18	Indefinitely postponed	517

LEGISLATIVE BILL 258. By Moylan

Jan.	20	Read first time	186
Jan.	22	Referred to Committee on Judiciary	219
Jan.	24	Notice of hearing	271
Feb.	4	Notice of hearing cancelled. Notice of hearing reset	363
Feb.	21	Placed on General File	579
Mar.	12	Referred for review	859
Mar.	14	Placed on Select File	887
Mar.	17	Bracketed	909
Mar.	18	Moylan amendment printed	930

Mar. 19 Moylan amendment adopted. Referred for engrossment 957
Mar. 20 Correctly engrossed 963
Mar. 25 Final Reading 1032
Mar. 26 Correctly enrolled 1056
Mar. 26 President signed 1057
Apr. 2 Presented to Governor. Approved by Governor 1090

LEGISLATIVE BILL 259. By Miscellaneous Subjects Committee

Jan. 20 Read first time 187
Jan. 22 Referred to Committee on Public Works 219
Jan. 29 Notice of hearing 299
Mar. 12 Placed on General File 854
Mar. 24 Laid over 1017
Mar. 26 Kremer, Warner and Chambers amendments adopted. Johnson amendment lost. Referred for review 1065
Apr. 2 Placed on Select File 1096
Apr. 3 Referred for engrossment 1121
Apr. 4 Swigart motion to return to Select File lost 1146
Apr. 7 Replaced on Select File 1162
Apr. 8 Referred for engrossment 1187
Apr. 9 Correctly engrossed 1211
May 2 Returned to Select File for Anderson amendment. Anderson amendment adopted. Referred for re-engrossment 1594
May 5 Replaced on Select File 1607
May 7 Referred for re-engrossment 1667
May 7 Correctly re-engrossed 1680
May 15 Final Reading 1845
May 15 Correctly enrolled 1860
May 15 President signed 1861
May 15 Presented to Governor 1866
May 21 Returned by Governor without approval 2018
May 22 Passed over Governor's veto 2048
May 22 Delivered to Secretary of State 2055
May 22 Certificate 2056
May 22 Letter 2057

LEGISLATIVE BILL 259A. By Miscellaneous Subjects Commmittee

Apr. 15 Read first time. Placed on General File 1276
Apr. 25 Referred for review 1454
Apr. 25 Placed on Select File 1459
Apr. 28 Referred for engrossment 1474

May 1 Correctly engrossed 1570
May 2 Returned to Select File for Anderson amendment. Anderson amendment adopted. Referred for re-engrossment 1595
May 7 Correctly re-engrossed 1680
May 15 Final Reading 1846
May 15 Correctly enrolled 1860
May 15 President signed 1861
May 15 Presented to Governor 1866
May 21 Returned by Governor without approval 2018
May 22 Passed over Governor's veto 2049
May 22 Delivered to Secretary of State. Certificate 2056
May 22 Letter 2058

LEGISLATIVE BILL 260. By Cavanaugh

Jan. 20 Read first time 189
Jan. 22 Referred to Committee on Constitutional Revision and Recreation 219
Jan. 27 Notice of hearing 286
Feb. 12 Placed on General File 465
Feb. 20 Referred for review 566
Feb. 24 Placed on Select File 595
Feb. 25 Referred for engrossment 617
Feb. 26 Correctly engrossed 636
Mar. 3 Chambers motion to return to Select File lost. Laid over 700
Mar. 5 Final Reading 740
Mar. 5 Chambers motion to reconsider pending 750
Mar. 6 Correctly enrolled. President signed 762
Mar. 6 Chambers pending motion to reconsider lost 770
Mar. 7 Presented to Governor 794
Mar. 11 Approved by Governor 839

LEGISLATIVE BILL 261. By Cavanaugh

Jan. 20 Read first time 189
Jan. 22 Referred to Committee on Miscellaneous Subjects 220
Feb. 11 Notice of hearing 452
Mar. 26 Placed on General File 1073
May 14 Stull and Mills amendments lost. Warner amendment adopted. Laid over 1835
May 14 Warner amendment adopted. Motion. Indefinitely postponed 1838

LEGISLATIVE BILL 262. By Bereuter

Jan.	20	Read first time	189
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	219
Jan.	28	Notice of hearing	291
Mar.	17	Indefinitely postponed	905

LEGISLATIVE BILL 263. By Dworak

Jan.	20	Read first time	189
Jan.	22	Referred to Committee on Public Works	220
Jan.	28	Notice of hearing	291
Mar.	4	Placed on General File	713
Apr.	8	Duis amendment withdrawn. Mills amendment adopted. Dickinson motion to indefinitely postpone lost. Referred for review	1188
May	12	Placed on Select File	1756
May	12	Referred for engrossment	1774
May	15	Correctly engrossed	1860
May	21	Final Reading	2022
May	21	Correctly enrolled. Speaker signed	2027
May	21	Presented to Governor	2032
May	22	Approved by Governor	2099

LEGISLATIVE BILL 264. By Public Works Committee

Jan.	21	Read first time	193
Jan.	22	Referred to Committee on Public Works	220
Jan.	28	Notice of hearing	291
Mar.	11	Placed on General File	825
Mar.	24	Referred for review	1017
Mar.	26	Placed on Select File	1056
Mar.	26	Referred for engrossment	1065
Apr.	2	Correctly engrossed	1092
Apr.	7	Mills motion to return to Select File for amendment laid over	1164
Apr.	8	Mills motion laid over	1187
Apr.	9	Returned to Select File for Mills amendment	1207
Apr.	9	Mills amendment adopted. Referred for re-engrossment	1210
Apr.	10	Replaced on Select File	1225
Apr.	10	Referred for re-engrossment	1245
Apr.	14	Correctly re-engrossed	1250
Apr.	21	Final Reading	1339
Apr.	22	Correctly enrolled. President signed	1368
Apr.	23	Presented to Governor	1393
Apr.	24	Approved by Governor	1438

LEGISLATIVE BILL 265. By Public Works Committee

Jan. 21	Read first time	193
Jan. 22	Referred to Committee on Public Works	220
Jan. 28	Notice of hearing	291
Mar. 18	Placed on Select File	919

LEGISLATIVE BILL 266. By Carsten

Jan. 21	Read first time	193
Jan. 22	Referred to Committee on Education	220
Jan. 27	Notice of hearing	286
Jan. 29	Notice of hearing cancelled. Notice of hearing reset	304
Apr. 9	Placed on General File	1215

LEGISLATIVE BILL 267. By Administrative Rules and Regulations Committee

Jan. 21	Read first time	193
Jan. 22	Referred to Committee on Miscellaneous Subjects	220
Feb. 5	Notice of hearing	373
Mar. 19	Placed on General File	953
Mar. 25	Referred for review	1046
Apr. 2	Placed on Select File	1095
Apr. 3	Referred for engrossment	1121
Apr. 7	Correctly engrossed	1163
Apr. 21	Final Reading	1340
Apr. 22	Correctly enrolled. President signed	1368
Apr. 23	Presented to Governor	1393
Apr. 24	Returned by Governor without approval	1442
Apr. 29	Cavanaugh motion to override Governor's veto pending	1507
Apr. 30	Cavanaugh pending motion lost. Chambers motion to reconsider pending	1530
May 1	Chembers motion to reconsider prevailed. Passed over Governor's veto	1559
May 1	Delivered to Secretary of State	1564
May 1	Certificate	1565
May 1	Letter	1568

LEGISLATIVE BILL 267A. By Administrative Rules and Regulations Committee

Mar. 26	Read first time. Placed on General File	1072
Mar. 8	Referred for review	1188
Apr. 10	Placed on Select File	1225
Apr. 10	Referred for engrossment	1245
Apr. 14	Correctly engrossed	1250

Apr. 21 Final Reading 1341
Apr. 22 Correctly enrolled. President signed 1368
Apr. 23 Presented to Governor 1393
Apr. 24 Returned by Governor without approval 1442
Apr. 29 Cavanaugh motion to override Governor's veto pending 1507
Apr. 30 Cavanaugh pending motion laid over 1528
May 1 Passed over Governor's veto 1560
May 1 Delivered to Secretary of State. Certificate 1564
May 1 Letter 1568

LEGISLATIVE BILL 268. By Executive Board
Jan. 21 Read first time 193
Jan. 22 Referred to Committee on Public Works 220
Jan. 23 Notice of hearing 224
Jan. 27 Notice of hearing reset 286
Jan. 28 Notice of hearing cancelled. Notice of hearing reset 290

LEGISLATIVE BILL 269. By Murphy
Jan. 21 Read first time 194
Jan. 22 Referred to Committee on Banking, Commerce and Insurance 220
Jan. 29 Notice of hearing 305
Feb. 6 Notice of hearing cancelled 404
Feb. 14 Notice of hearing reset 505
Mar. 14 Placed on General File 898
Apr. 10 Bracketed 1238
Apr. 14 Attorney General Opinion 1257
Apr. 15 Cavanaugh amendment printed 1272
Apr. 21 Cavanaugh amendment pending as amended. Change of order 1357
Apr. 21 DeCamp amendment printed 1361
Apr. 22 Cavanaugh pending amendment lost. DeCamp pending amendment withdrawn. Referred for review 1374
Apr. 24 Placed on Select File 1420
Apr. 25 Referred for engrossment 1452
Apr. 29 Correctly engrossed 1499
May 1 Cavanaugh amendment printed 1544
May 2 Cavanaugh motion to return to Select File lost. Motion to lay over lost 1582
May 2 Final Reading 1583
May 2 Correctly enrolled. President signed 1592
May 2 Presented to Governor 1601
May 5 Approved by Governor 1616

LEGISLATIVE BILL 269A. By Murphy

Apr.	10	Read first time. Placed on General File. Bracketed	1238
Apr.	22	Referred for review	1375
Apr.	24	Placed on Select File	1409
Apr.	25	Referred for engrossment	1451
Apr.	29	Correctly engrossed	1499
May	2	Motion to lay over lost	1582
May	2	Final Reading	1584
May	2	Correctly enrolled. President signed	1592
May	2	Presented to Governor	1601
May	5	Approved by Governor	1616

LEGISLATIVE BILL 270. By Syas

Jan.	21	Read first time	194
Jan.	22	Referred to Committee on Constitutional Revision and Recreation	220
Jan.	27	Dickinson name added	287
Feb.	5	Notice of hearing	373
Feb.	21	Placed on General File	586
Mar.	7	Referred for review	797
Mar.	11	Placed on Select File	820
Mar.	12	Referred for engrossment	852
Mar.	13	Correctly engrossed	875
Mar.	18	Final Reading	922
Mar.	19	Correctly enrolled. President signed	949
Mar.	20	Presented to Governor	962
Mar.	24	Approved by Governor	1001

LEGISLATIVE BILL 271. By Syas

Jan.	21	Read first time	194
Jan.	22	Referred to Committee on Constitutional Revision and Recreation	220
Feb.	5	Notice of hearing	373
Feb.	21	Placed on General File	586
Mar.	7	Referred for review	797
Mar.	11	Placed on Select File	820
Mar.	12	Referred for engrossment	852
Mar.	13	Correctly engrossed	875
Mar.	18	Final Reading	923
Mar.	19	Correctly enrolled. President signed	949
Mar.	20	Presented to Governor	962
Mar.	24	Approved by Governor	1001

LEGISLATIVE BILL 272. By Swigart

Jan.	21	Read first time	194
Jan.	22	Referred to Committee on Urban Affairs	220
Jan.	31	Notice of hearing	338
Mar.	17	Placed on General File	911

LEGISLATIVE BILL 273. By Judiciary Committee

Jan.	21	Read first time	194
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	19	Placed on General File	556
Mar.	4	Referred for review	726
Mar.	6	Placed on Select File	767
Mar.	7	Bracketed	788
May	16	Referred for engrossment	1919
May	20	Correctly engrossed	1976
May	22	Final Reading	2046
May	22	Correctly enrolled. President signed	2050
May	22	Presented to Governor	2057
May	22	Approved by Governor	2099

LEGISLATIVE BILL 274. By Judiciary Committee

Jan.	21	Read first time	194
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	19	Placed on General File	556
Mar.	4	Laid over	726
Mar.	4	Indefinitely postponed	730

LEGISLATIVE BILL 275. By Judiciary Committee

Jan.	21	Read first time	195
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	4	Notice of hearing cancelled. Notice of hearing reset	363
Feb.	7	Luedtke motion on hearing time change pending	424
Feb.	10	Luedtke pending motion prevailed	437
Mar.	18	Placed on General File	939

LEGISLATIVE BILL 275A. By Judiciary Committee

Mar.	20	Read first time. Placed on General File	973

LEGISLATIVE BILL 276. By Judiciary Committee

Jan.	21	Read first time	195
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	11	Placed on General File	451
Feb.	19	Luedtke amendment adopted. Referred for review	552
Feb.	21	Placed on Select File	573
Feb.	24	Referred for engrossment	603

Feb.	26	Correctly engrossed	636
Mar.	3	Attorney General Opinion	685
Mar.	4	Duis motion to return to Select File lost. Final Reading	717
Mar.	5	Correctly enrolled. President signed	738
Mar.	6	Presented to Governor	762
Mar.	11	Approved by Governor	840

LEGISLATIVE BILL 277. By Judiciary Committee

Jan.	21	Read first time	195
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	26	Placed on General File	640
Mar.	17	Maresh amendment adopted. Referred for review	911
Mar.	19	Placed on Select File	944
Mar.	20	Anderson amendment adopted. Referred for engrossment	972
Mar.	21	Replaced on Select File	980
Mar.	24	Referred for engrossment	1008
Mar.	25	Correctly engrossed	1029
Apr.	3	Final Reading	1118
Apr.	4	Correctly enrolled. President signed	1146
Apr.	7	Presented to Governor	1163
Apr.	9	Approved by Governor	1213

LEGISLATIVE BILL 278. By Judiciary Committee

Jan.	21	Read first time	195
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	271
Feb.	27	Indefinitely postponed	659

LEGISLATIVE BILL 279. By Judiciary Committee

Jan.	21	Read first time	195
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Jan.	29	Notice of hearing cancelled. Notice of hearing reset	304
Feb.	20	Notice of hearing continued	567
Mar.	21	Placed on General File	999
May	16	Luedtke amendment adopted. Referred for review	1896
May	16	Placed on Select File	1917
May	16	Referred for engrossment	1919
May	20	Correctly engrossed	1976
May	22	Final Reading	2045

May 22 Correctly enrolled. President signed 2050
May 22 Presented to Governor 2057
May 22 Approved by Governor 2099

LEGISLATIVE BILL 280. By Judiciary Committee
Jan. 21 Read first time 196
Jan. 22 Referred to Committee on Constitutional Revision and Recreation 220
Jan. 28 Notice of hearing 296
Feb. 18 Placed on General File 535
Feb. 27 Bracketed 655

LEGISLATIVE BILL 281. By Judiciary Committee
Jan. 21 Read first time 196
Jan. 22 Referred to Committee on Judiciary 220
Jan. 24 Notice of hearing 270
Jan. 29 Notice of hearing cancelled. Notice of hearing reset 304
Mar. 25 Indefinitely postponed 1041

LEGISLATIVE BILL 282. By Judiciary Committee
Jan. 21 Read first time 196
Jan. 22 Referred to Committee on Judiciary 220
Jan. 24 Notice of hearing 270
Mar. 7 Placed on General File 796
Apr. 22 Referred for review 1383
Apr. 24 Placed on Select File 1410
Apr. 25 Referred for engrossment 1451
Apr. 28 Correctly engrossed 1479
May 1 Final Reading 1548
May 1 Correctly enrolled. President signed 1567
May 2 Presented to Governor 1586
May 6 Approved by Governor 1638

LEGISLATIVE BILL 283. By Judiciary Committee
Jan. 21 Read first time 196
Jan. 22 Referred to Committee on Judiciary 220
Jan. 24 Notice of hearing 270
Feb. 18 Placed on General File 529
Feb. 27 Referred for review 655
Mar. 3 Placed on Select File 687
Mar. 3 Referred for engrossment 726
Mar. 6 Correctly engrossed 762
Mar. 11 Final Reading 823
Mar. 12 Correctly enrolled. President signed 850
Mar. 13 Presented to Governor 876
Mar. 18 Approved by Governor 915

LEGISLATIVE BILL 284. By Judiciary Committee

Jan.	21	Read first time	196
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	12	Placed on General File	466
Feb.	21	Referred for review	577
Feb.	25	Placed on Select File	611
Feb.	26	Referred for engrossment	632
Feb.	27	Correctly engrossed	653
Mar.	4	Final Reading	721
Mar.	5	Correctly enrolled. President signed	738
Mar.	6	Presented to Governor	762
Mar.	11	Approved by Governor	839

LEGISLATIVE BILL 285. Judiciary Committee

Jan.	21	Read first time	197
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	12	Placed on General File	466
Feb.	21	Referred for review	577
Feb.	25	Placed on Select File	611
Feb.	26	Referred for engrossment	632
Feb.	27	Correctly engrossed	653
Mar.	4	Final Reading	721
Mar.	5	Correctly enrolled. President signed	738
Mar.	6	Presented to Governor	762
Mar.	13	Approved by Governor	876

LEGISLATIVE BILL 286. By Judiciary Committee

Jan.	21	Read first time	197
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	12	Placed on General File	466
Feb.	21	Referred for review	577
Feb.	25	Placed on Select File	611
Feb.	26	Referred for engrossment	632
Feb.	27	Correctly engrossed	653
Mar.	4	Final Reading	723
Mar.	5	Correctly enrolled. President signed	738
Mar.	6	Presented to Governor	762
Mar.	11	Approved by Governor	839

LEGISLATIVE BILL 287. By Judiciary Committee

Jan.	21	Read first time	197
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270

Feb. 26	Placed on General File	640
Mar. 18	Motion to bracket lost. DeCamp amendment lost. Chambers motion to indefinitely postpone lost. Failed to advance for review	931
Mar. 19	Cavanaugh amendment printed	955
Mar. 20	Stull amendment adopted. Cavanaugh amendment lost. Chambers motion to indefinitely postpone lost. Failed to advance for review	972
Mar. 21	Chambers motion to indefinitely postpone lost. Failed to advance for review. Indefinitely postponed	985

LEGISLATIVE BILL 288. By Judiciary Committee

Jan. 21	Read first time	197
Jan. 22	Referred to Committee on Judiciary	220
Jan. 24	Notice of hearing	270
Feb. 27	Placed on General File	661
Mar. 24	Laid over	1012
Mar. 24	Referred for review	1016
Mar. 26	Placed on Select File	1055
Mar. 26	Referred for engrossment. Bracketed	1065
Apr. 29	Luedtke amendments printed	1508
May 16	Unbracketed. Returned to Select File for Luedtke amendment	1893
May 16	Luedtke amendment adopted. Referred for engrossment	1894
May 16	Replaced on Select File	1917
May 16	Referred for engrossment	1919
May 20	Correctly engrossed	1975
May 22	Final Reading	2047
May 22	Correctly enrolled. President signed	2050
May 22	Presented to Governor	2057
May 22	Approved by Governor	2099

LEGISLATIVE BILL 289. By Judiciary Committee

Jan. 21	Read first time	198
Jan. 22	Referred to Committee on Judiciary	220
Jan. 24	Notice of hearing	270
Feb. 10	Placed on General File	435
Feb. 19	Referred for review	549
Feb. 21	Placed on Select File	572
Feb. 24	Referred for engrossment	603
Feb. 25	Replaced on Select File	611
Feb. 26	Referred for engrossment	632
Feb. 27	Correctly engrossed	653
Mar. 4	Final Reading	723

Mar.	5	Correctly enrolled. President signed	738
Mar.	6	Presented to Governor	762
Mar.	11	Approved by Governor	839

LEGISLATIVE BILL 290. By Judiciary Committee

Jan.	21	Read first time	198
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	11	Placed on General File	452
Feb.	19	Motion to advance for review pending	552
Feb.	20	Laid over. Motion to bracket lost. Referred for review	564
Feb.	21	Cavanaugh amendment printed	579
Feb.	24	Placed on Select File	594
Feb.	25	Attorney General Opinion	610
Feb.	25	Cavanaugh amendment adopted. Laid over. Request. Referred for engrossment	617
Feb.	26	Replaced on Select File	627
Feb.	27	Referred for engrossment	652
Feb.	28	Correctly engrossed	671
Mar.	5	Chambers motion to return to Select File lost. Final Reading	745
Mar.	6	Correctly enrolled. President signed	762
Mar.	7	Presented to Governor	794
Mar.	11	Approved by Governor	840

LEGISLATIVE BILL 291. By Judiciary Committee

Jan.	21	Read first time	198
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	10	Placed on General File	435
Feb.	19	Referred for review	549
Feb.	21	Placed on Select File	572
Feb.	24	Referred for engrossment	603
Feb.	25	Correctly engrossed	616
Feb.	28	Final Reading	669
Mar.	3	Correctly enrolled. President signed	688
Mar.	3	Luedtke explanation of vote	690
Mar.	4	Presented to Governor	716
Mar.	10	Approved by Governor	807

LEGISLATIVE BILL 292. By Judiciary Committee

Jan.	21	Read first time	198
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Feb.	10	Placed on General File	435
Feb.	19	Referred for review	550

Feb. 21	Placed on Select File	572
Feb. 24	Referred for engrossment	603
Feb. 25	Correctly engrossed	616
Feb. 28	Final Reading	670
Mar. 3	Correctly enrolled. President signed	688
Mar. 3	Luedtke explanation of vote	690
Mar. 4	Presented to Governor	716
Mar. 10	Approved by Governor	807

LEGISLATIVE BILL 293. By Judiciary Committee

Jan. 21	Read first time	198
Jan. 22	Referred to Committee on Judiciary	220
Jan. 24	Notice of hearing	270
Feb. 11	Placed on General File	452
Feb. 20	Referred for review	564
Feb. 24	Placed on Select File	594
Feb. 25	Referred for engrossment	617
Feb. 26	Correctly engrossed	636
Mar. 4	Final Reading	718
Mar. 5	Correctly enrolled. President signed	738
Mar. 6	Presented to Governor	762
Mar. 11	Approved by Governor	839

LEGISLATIVE BILL 294. By Judiciary Committee

Jan. 21	Read first time	199
Jan. 22	Referred to Committee on Judiciary	220
Jan. 24	Notice of hearing	270
Feb. 10	Placed on General File	436
Feb. 19	Bracketed	550
Feb. 25	Referred for review	620
Feb. 27	Placed on Select File	643
Feb. 28	Referred for engrossment	670
Mar. 3	Replaced on Select File	686
Mar. 4	Referred for engrossment	725
Mar. 5	Correctly engrossed	751
Mar. 10	Final Reading	811
Mar. 11	Correctly enrolled. President signed	821
Mar. 12	Presented to Governor	850
Mar. 17	Message from the Governor	912
Mar. 19	Returned by Governor without approval	943
Mar. 19	Barnett motion to override Governor's veto pending	955
Mar. 25	Passed over Governor's veto	1043
Mar. 25	Delivered to Secretary of State	1044
Mar. 25	Certificate	1045
Mar. 26	Letter	1054

LEGISLATIVE BILL 295. By Judiciary Committee

Jan.	21	Read first time	199
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Jan.	29	Notice of hearing cancelled. Notice of hearing reset	304
Feb.	26	Placed on General File	640
Mar.	18	Kelly amendment lost. Referred for review	932
Mar.	20	Placed on Select File	961
Mar.	21	Murphy motion to indefinitely postpone pending	984
Mar.	24	Murphy pending motion lost. Referred for engrossment	1007
Mar.	25	Correctly engrossed	1029
Apr.	3	Final Reading	1118
Apr.	4	Correctly enrolled. President signed	1146
Apr.	7	Presented to Governor	1163
Apr.	9	Approved by Governor	1213

LEGISLATIVE BILL 296. By Judiciary Committee

Jan.	21	Read first time	199
Jan.	22	Referred to Committee on Judiciary	220
Apr.	14	Re-referred to Committee on Constitutional Revision and Recreation	1259

LEGISLATIVE BILL 297. By Nebraska Retirement Systems Committee

Jan.	21	Read first time	199
Jan.	22	Referred to Committee on Nebraska Retirement Systems	220
Feb.	6	Notice of hearing	394
Apr.	2	Indefinitely postponed	1112

LEGISLATIVE BILL 298. By Nebraska Retirement Systems Committee

Jan.	21	Read first time	199
Jan.	22	Referred to Committee on Nebraska Retirement Systems	220
Jan.	23	Notice of hearing	224
Apr.	17	Placed on General File	1330
Apr.	28	Referred for review	1488
Apr.	30	Placed on Select File	1514
May	1	Luedtke amendment adopted. Referred for engrossment	1556
May	1	Replaced on Select File	1575
May	2	Referred for engrossment	1590
May	5	Correctly engrossed	1623
May	8	Final Reading	1692

May 8 Correctly enrolled. President signed 1701
May 8 Presented to Governor 1705
May 13 Approved by Governor 1777
May 13 Stoney explanation of vote 1803

LEGISLATIVE BILL 299. By Kennedy
Jan. 21 Read first time 200
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 220
Jan. 28 Notice of hearing 291
Mar. 26 Placed on General File 1052
Apr. 4 Bracketed. F. Lewis amendment printed 1148

LEGISLATIVE BILL 300. By Burbach
Jan. 21 Read first time 200
Jan. 22 Referred to Committee on Public Health and Welfare 220
Jan. 30 Notice of hearing 309
Apr. 8 Placed on General File 1198
May 16 Mahoney amendment adopted. Referred for review 1931
May 19 Placed on Select File 1942
May 20 Bracketed 1975
May 20 Unbracketed. Mahoney and Burbach amendments adopted. Referred for engrossment 1995
May 21 Replaced on Select File 2026
May 21 Referred for engrossment 2027
May 21 Correctly engrossed 2032
May 23 Final Reading 2079
May 23 Correctly enrolled. President signed 2089
May 23 Presented to Governor 2091
May 27 Approved by Governor 2101

LEGISLATIVE BILL 301. By Maresh
Jan. 21 Read first time 200
Jan. 22 Referred to Committee on Revenue 220
Jan. 24 Notice of hearing 266
Feb. 20 Indefinitely postponed 559

LEGISLATIVE BILL 302. By Murphy
Jan. 21 Read first time 200
Jan. 22 Referred to Committee on Banking, Commerce and Insurance 220
Jan. 29 Notice of hearing 305
Mar. 14 Placed on General File 890
Mar. 25 Referred for review 1036
Apr. 2 Placed on Select File 1093

Apr.	3	Referred for engrossment	1120
Apr.	4	Correctly engrossed	1146
Apr.	9	Final Reading	1203
Apr.	10	Correctly enrolled. President signed	1231
Apr.	10	Presented to Governor	1239
Apr.	14	Luedtke explanation of vote	1259
Apr.	15	Approved by Governor	1271

LEGISLATIVE BILL 303. By Syas

Jan.	21	Read first time	200
Jan.	22	Referred to Committee on Education	220
Feb.	12	Notice of hearing	466
Mar.	13	Placed on General File	880
Mar.	24	Referred for review	1020
Mar.	26	Placed on Select File	1056
Mar.	26	Laid over	1065
Apr.	2	Referred for engrossment	1101
Apr.	3	Correctly engrossed	1117
Apr.	8	Final Reading	1185
Apr.	9	Correctly enrolled	1211
Apr.	9	Speaker signed	1216
Apr.	10	Presented to Governor	1231
Apr.	15	Approved by Governor	1271

LEGISLATIVE BILL 304. By Wiltse

Jan.	21	Read first time	200
Jan.	22	Referred to Committee on Banking, Commerce and Insurance	220
Jan.	23	Notice of hearing	251
Mar.	5	Indefinitely postponed	759

LEGISLATIVE BILL 305. By Wiltse

Jan.	21	Read first time	201
Jan.	22	Referred to Committee on Public Works	220
Jan.	28	Notice of hearing	291
Mar.	18	Placed on General File	919
Mar.	24	Mills amendments printed	1004
Mar.	24	Mills amendments printed	1008
Apr.	29	Mills amendments withdrawn. Warner amendment adopted. F. Lewis motion to indefinitely postpone lost. Wiltse and Mills amendments adopted. F. Lewis amendment lost. Referred for review	1500
May	1	Placed on Select File	1543
May	2	Referred for engrossment	1587
May	6	Replaced on Select File	1630

May 7 Referred for engrossment 1670
May 8 Correctly engrossed 1702
May 14 Returned to Select File for Warner amendment. Warner amendment adopted. Referred for re-engrossment 1821
May 14 Replaced on Select File 1834
May 14 Referred for re-engrossment 1835
May 14 Correctly re-engrossed 1838
May 16 Final Reading 1886
May 16 Correctly enrolled. President signed 1894
May 16 Presented to Governor 1896
May 22 Approved by Governor 2048

LEGISLATIVE BILL 306. By Wiltse

Jan. 21 Read first time 201
Jan. 22 Referred to Committee on Public Works 220
Jan. 28 Notice of hearing 291
Mar. 12 Placed on General File 855
Apr. 4 Referred for review 1149
Apr. 8 Placed on Select File 1182
Apr. 9 Referred for engrossment 1208
Apr. 10 Correctly engrossed 1231
Apr. 14 Wiltse amendment printed 1264
Apr. 15 Returned to Select File for Wiltse amendment. Wiltse amendment adopted. Referred for re-engrossment 1277
Apr. 15 Bracketed 1279
Apr. 17 Unbracketed 1322
Apr. 17 Replaced on Select File 1326
Apr. 17 Referred for re-engrossment 1329
Apr. 17 Mills motion to return to Select File lost 1330
Apr. 21 Correctly re-engrossed 1337
Apr. 24 Final Reading 1416
Apr. 25 Correctly enrolled. President signed 1454
Apr. 28 Kelly explanation of vote 1475
Apr. 28 Presented to Governor 1478
May 2 Request Governor to return 1601
May 2 Returned by Governor. Placed on Final Reading 1605
May 5 Wiltse motion to reconsider prevailed. Returned to Select File for Wiltse amendment. Wiltse amendment adopted. Referred for re-engrossment 1608
May 6 Correctly re-engrossed 1632
May 8 Final Reading 1695
May 8 Correctly enrolled. President signed 1701
May 8 Presented to Governor 1705
May 13 Approved by Governor 1777
May 13 Stoney explanation of vote 1803

LEGISLATIVE BILL 307. By Marvel

Jan.	21	Read first time	201
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	220
Jan.	28	Notice of hearing	291
Mar.	6	Placed on General File	778
Mar.	24	Marvel amendment adopted. Referred for review	1020
Mar.	26	Placed on Select File	1056
Mar.	26	Referred for engrossment	1065
Apr.	2	Correctly engrossed	1092
Apr.	7	Final Reading	1166
Apr.	8	Correctly enrolled. President signed	1185
Apr.	9	Presented to Governor	1211
Apr.	9	Request Governor to return	1213
Apr.	9	Returned by Governor	1215
Apr.	10	George motion to reconsider prevailed. Bracketed	1230
Apr.	22	Marvel amendment printed	1375
Apr.	23	Unbracketed. Returned to Select File for Marvel amendment	1404
Apr.	23	Marvel amendment adopted. Referred for re-engrossment	1405
Apr.	25	Replaced on Select File	1450
Apr.	28	Referred for re-engrossment	1473
Apr.	29	Correctly re-engrossed	1499
May	2	Final Reading	1584
May	2	Correctly enrolled. President signed	1592
May	2	Presented to Governor	1601
May	6	Approved by Governor	1638

LEGISLATIVE BILL 308. By Dworak

Jan.	21	Read first time	201
Jan.	22	Referred to Committee on Revenue	220
Jan.	27	Notice of hearing	283
Feb.	6	Placed on General File	402
Feb.	12	Referred for review	470
Feb.	14	Placed on Select File	497
Feb.	18	Referred for engrossment	527
Feb.	19	Correctly engrossed	556
Feb.	24	Final Reading	601
Feb.	25	Correctly enrolled. President signed	616
Feb.	26	Presented to Governor	626
Feb.	28	Approved by Governor	666

LEGISLATIVE BILL 309. By Dworak

Jan.	21	Read first time	201
Jan.	22	Referred to Committee on Revenue	220
Jan.	27	Notice of hearing	283
Feb.	6	Placed on General File	402
Feb.	12	Referred for review	470
Mar.	3	Placed on Select File	688
Mar.	4	Referred for engrossment	726
Mar.	5	Replaced on Select File	737
Mar.	6	Referred for engrossment	764
Mar.	7	Correctly engrossed	794
Mar.	12	Final Reading	849
Mar.	13	Correctly enrolled. President signed	876
Mar.	14	Presented to Governor	887
Mar.	18	Approved by Governor	915

LEGISLATIVE BILL 310. By Dworak

Jan.	21	Read first time	201
Jan.	22	Referred to Committee on Judiciary	220
Jan.	24	Notice of hearing	270
Jan.	29	Notice of hearing cancelled. Notice of hearing reset	304
Feb.	26	Placed on General File	640
Mar.	18	Indefinitely postponed	932
Mar.	19	Mills motion to reconsider pending	955
Mar.	26	Mills pending motion prevailed. Placed on General File	1080
Apr.	25	Dworak amendment adopted. Duis amendment lost. Failed to advance for review	1466

LEGISLATIVE BILL 311. By Moylan

Jan.	21	Read first time	201
Jan.	22	Referred to Committee on Miscellaneous Subjects	220
Feb.	19	Notice of hearing	553
Mar.	24	Placed on General File	1013
Apr.	25	Failed to advance for review	1505
Apr.	29	Bracketed	1510
May	5	Chambers and Koch amendments lost. Referred for review	1625
May	6	Chambers amendment printed	1636
May	6	Placed on Select File	1640
May	7	Laid over	1672
May	8	Chambers amendment pending	1703
May	8	Chambers amendment lost. Referred for engrossment	1705
May	9	Correctly engrossed	1734

May	14	Chambers motion to return to Select File lost	1821
May	15	Chambers motion to return to Select File lost. Final Reading	1854
May	15	Correctly enrolled. President signed	1866
May	15	Presented to Governor	1875
May	16	Approved by Governor	1882

LEGISLATIVE BILL 312. By Cavanaugh

Jan.	21	Read first time	202
Jan.	22	Referred to Committee on Revenue	220
Jan.	27	Notice of hearing	283
Feb.	6	Placed on General File	402
Feb.	13	Referred for review	478
Feb.	18	Placed on Select File	522
Feb.	19	Referred for engrossment	549
Feb.	20	Correctly engrossed	564
Feb.	25	Final Reading	615
Feb.	26	Correctly enrolled. President signed	627
Feb.	27	Presented to Governor	653
Mar.	6	Approved by Governor	762

LEGISLATIVE BILL 313. By Cavanaugh

Jan.	21	Read first time	202
Jan.	22	Referred to Committee on Public Works	220
Jan.	28	Notice of hearing	290
Mar.	12	Placed on General File	855
Mar.	21	Dickinson amendments printed	996
Apr.	9	Bracketed	1221

LEGISLATIVE BILL 314. By Keyes

Jan.	21	Read first time	202
Jan.	22	Referred to Committee on Appropriations	220
Jan.	28	Notice of hearing	290

LEGISLATIVE BILL 315. By Keyes

Jan.	21	Read first time	202
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	220
Jan.	28	Notice of hearing	291
Mar.	19	Placed on General File	944
Apr.	4	Referred for review	1149
Apr.	8	Placed on Select File	1182
Apr.	9	Referred for engrossment	1208
Apr.	10	Replaced on Select File	1224
Apr.	10	Referred for engrossment	1244
Apr.	14	Correctly engrossed	1250
Apr.	21	Final Reading	1341

Apr. 22 Correctly enrolled. President signed 1368
Apr. 23 Presented to Governor 1393
May 1 Approved by Governor 1542

LEGISLATIVE BILL 316. By Executive Board

Jan. 21 Read first time 206
Jan. 22 Placed on General File 220
Jan. 23 Referred to Reference Committee 232
Jan. 23 Re-referred to Committee on Miscellaneous Subjects 251
Jan. 24 Notice of hearing 270
Mar. 7 Placed on General File 793
Mar. 12 R. Lewis amendment printed 858
Apr. 9 F. Lewis amendment to R. Lewis amendment pending. Bracketed. Mahoney amendment printed 1214
Apr. 16 R. Lewis amendment printed 1298
Apr. 21 R. Lewis, F. Lewis, and Mahoney amendments withdrawn. R. Lewis amendment lost. R. Lewis motion to indefinitely postpone lost. Referred for review 1356
Apr. 23 Placed on Select File 1386
Apr. 24 Referred for engrossment 1428
Apr. 25 Correctly engrossed 1454
Apr. 30 Final Reading 1514
Apr. 30 Correctly enrolled. President signed 1520
Apr. 30 Presented to Governor 1523
May 2 Approved by Governor 1585

LEGISLATIVE BILL 317. By Bereuter

Jan. 21 Read first time 207
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 220
Jan. 28 Notice of hearing 291
Mar. 13 Placed on General File 870
Apr. 9 Laid over 1221
Apr. 10 Referred for review 1232
Apr. 14 Placed on Select File 1249
Apr. 15 Duis amendment adopted. Referred for engrossment 1269
Apr. 16 Replaced on Select File 1290
Apr. 17 Referred for engrossment 1317
Apr. 17 Replaced on Select File 1326
Apr. 17 Referred for engrossment 1329
Apr. 21 Correctly engrossed 1337

Apr.	24	DeCamp motion to return to Select File withdrawn. Final Reading 1417
Apr.	25	Correctly enrolled. President signed 1454
Apr.	25	Dickinson motion to reconsider pending 1463
Apr.	28	Presented to Governor 1478
May	1	Dickinson pending motion lost 1557
May	5	Approved by Governor 1616
May	16	Attorney General Opinion 1899

LEGISLATIVE BILL 317A. By Bereuter

Mar.	19	Read first time. Placed on General File 957
Apr.	10	Referred for review 1238
Apr.	14	Placed on Select File 1250
Apr.	15	Referred for engrossment 1269
Apr.	21	Correctly engrossed 1337
Apr.	24	Final Reading 1417
Apr.	25	Correctly enrolled. President signed 1454
Apr.	28	Presented to Governor 1478
May	5	Approved by Governor 1616

LEGISLATIVE BILL 318. By Agriculture and Environment Committee

Jan.	21	Read first time 207
Jan.	22	Referred to Committee on Agriculture and Environment 220
Jan.	29	Notice of hearing 304
Mar.	11	Placed on General File 833
Mar.	26	Referred for review 1083
Apr.	2	Placed on Select File 1096
Apr.	3	Referred for engrossment 1122
Apr.	8	Replaced on Select File 1182
Apr.	9	Referred for engrossment 1208
Apr.	10	Replaced on Select File 1239
Apr.	10	Referred for engrossment 1246
Apr.	14	Correctly engrossed 1250
Apr.	21	Final Reading 1342
Apr.	22	Correctly enrolled. President signed 1368
Apr.	23	Presented to Governor 1393
Apr.	24	Approved by Governor 1438

LEGISLATIVE BILL 319. By Agriculture and Environment Committee

Jan.	21	Read first time 207
Jan.	22	Referred to Committee on Agriculture and Environment 220
Jan.	29	Notice of hearing 304

LEGISLATIVE BILL 320. By Agriculture and Environment Committee

Jan.	21	Read first time	207
Jan.	22	Referred to Committee on Agriculture and Environment	220
Feb.	5	Notice of hearing	373
Mar.	3	Placed on General File	688
Mar.	26	Failed to advance for review. Schmit motion to indefinitely postpone lost	1083
Apr.	3	Warner amendment adopted. Referred for review	1132
Apr.	7	Placed on Select File	1163
Apr.	8	Referred for engrossment	1187
Apr.	9	Replaced on Select File	1200
Apr.	10	Referred for engrossment	1230
Apr.	14	Correctly engrossed	1250
Apr.	21	Final Reading	1343
Apr.	22	Correctly enrolled. President signed	1368
Apr.	23	Presented to Governor	1393
Apr.	23	Approved by Governor	1438

LEGISLATIVE BILL 321. Agriculture and Environment Committee

Jan.	21	Read first time	209
Jan.	22	Referred to Committee on Agriculture and Environment	220
Feb.	5	Notice of hearing	373
Mar.	14	Placed on General File	896
Mar.	26	Referred for review	1083
Apr.	2	Placed on Select File	1097
Apr.	3	Referred for engrossment	1122
Apr.	8	Correctly engrossed	1185
Apr.	14	Final Reading	1252
Apr.	15	Correctly enrolled. Speaker signed	1271
Apr.	16	Presented to Governor	1298
Apr.	22	Approved by Governor	1367

LEGISLATIVE BILL 322. By Barnett

Jan.	21	Read first time	209
Jan.	22	Referred to Committee on Constitutional Revision and Recreation	220
Jan.	28	Notice of hearing	296
Feb.	13	Indefinitely postponed	482

LEGISLATIVE BILL 323. By F. Lewis

Jan.	21	Read first time	209
Jan.	22	Referred to Committee on Urban Affairs	220
Jan.	29	Notice of hearing	305
Feb.	27	Placed on General File	658
Mar.	21	Referred for review	987

Mar. 25 Placed on Select File 1028
Mar. 26 Referred for engrossment. Rumery amendment printed 1060
Apr. 2 Replaced on Select File 1092
Apr. 3 Referred for engrossment 1120
Apr. 7 Replaced on Select File 1161
Apr. 8 Referred for engrossment 1186
Apr. 9 Rumery motion to return to Select File lost. Correctly engrossed 1213
Apr. 16 Final Reading 1292
Apr. 16 Koch explanation of vote 1303
Apr. 17 Correctly enrolled. President signed 1314
Apr. 17 Presented to Governor 1323
Apr. 22 Approved by Governor 1367

LEGISLATIVE BILL 324. By Simpson

Jan. 21 Read first time 209
Jan. 22 Referred to Committee on Agriculture and Environment 220
Feb. 5 Notice of hearing 373
Mar. 14 Placed on General File 896
Apr. 4 Referred for review 1149
Apr. 8 Placed on Select File 1182
Apr. 9 Referred for engrossment 1208
Apr. 10 Correctly engrossed 1231
Apr. 16 Final Reading 1293
Apr. 17 Correctly enrolled. President signed 1314
Apr. 17 Presented to Governor 1323
Apr. 23 Approved by Governor 1400

LEGISLATIVE BILL 325. By Anderson

Jan. 21 Read first time 210
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 220
Jan. 28 Notice of hearing 291
Mar. 26 Placed on General File 1052
May 14 Koch, Syas and Cavanaugh amendments adopted. Referred for review 1832
May 15 Placed on Select File 1875
May 19 Laid over 1939
May 20 Anderson amendment adopted. Koch and Chambers amendments lost 1989
May 20 Referred for engrossment 1990
May 21 Replaced on Select File 2021
May 21 Referred for engrossment 2022
May 21 Correctly engrossed 2032
May 23 Final Reading 2080

May 23 Correctly enrolled. President signed 2089
May 23 Presented to Governor 2091
May 27 Approved by Governor 2100

LEGISLATIVE BILL 326. By Cavanaugh
Jan. 21 Read first time 210
Jan. 22 Referred to Committee on Miscellaneous Subjects 220
Feb. 19 Notice of hearing 553

LEGISLATIVE BILL 327. By Barnett
Jan. 21 Read first time 210
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 220
Jan. 28 Notice of hearing 291
Mar. 4 Attorney General Opinion 710
Mar. 20 Indefinitely postponed 962

LEGISLATIVE BILL 328. By Public Works Committee
Jan. 21 Read first time 210
Jan. 22 Referred to Committee on Public Works 220
Jan. 28 Notice of hearing 290
Mar. 4 Placed on General File 713
Apr. 7 Mills amendment adopted. Chambers amendment lost. Bereuter amendment adopted. Kelly and F. Lewis amendments lost. Motion. Indefinitely postponed 1172
Apr. 8 Nichol motion to reconsider pending 1192
Apr. 14 Message from the Governor 1260
Apr. 15 Nichol pending motion prevailed. Placed on General File 1270
May 15 Murphy amendment adopted. F. Lewis motion to indefinitely postpone lost. F. Lewis and Chambers amendments lost. Laid over 1863
May 15 F. Lewis amendment withdrawn. Referred for review 1870
May 16 Placed on Select File 1915
May 16 Referred for engrossment 1918
May 19 Correctly engrossed 1946
May 21 F. Lewis motion to return to Select File pending 2036
May 21 F. Lewis pending motion lost 2037
May 21 Final Reading 2038
May 21 Correctly enrolled. Speaker signed 2041
May 21 Presented to Governor 2042
May 22 Dickinson explanation of vote 2048
May 22 Approved by Governor 2099

LEGISLATIVE BILL 329. By Public Works Committee

Jan.	21	Read first time	210
Jan.	22	Referred to Committee on Public Works	220
Jan.	28	Notice of hearing	291
Mar.	24	Placed on General File	1002
May	16	Referred for review	1935
May	19	Placed on Select File	1943

LEGISLATIVE BILL 330. By Labor Committee

Jan.	21	Read first time	210
Jan.	22	Referred to Committee on Labor	220
Jan.	23	Notice of hearing	250
Feb.	18	Indefinitely postponed	517

LEGISLATIVE BILL 331. By Labor Committee

Jan.	21	Read first time	211
Jan.	22	Referred to Committee on Labor	220
Jan.	23	Notice of hearing	250
Feb.	18	Indefinitely postponed	517

LEGISLATIVE BILL 332. By Agriculture and Environment Committee

Jan.	21	Read first time	211
Jan.	22	Referred to Committee on Agriculture and Environment	220
Feb.	5	Notice of hearing	373
Mar.	11	Notice of hearing	831

LEGISLATIVE BILL 333. By Agriculture and Environment Committee

Jan.	21	Read first time	211
Jan.	22	Referred to Committee on Agriculture and Environment	220
Jan.	29	Notice of hearing	304
Mar.	26	Placed on General File	1070
Apr.	25	Referred for review	1466
Apr.	29	Placed on Select File	1497
Apr.	30	Schmit amendment adopted. Referred for engrossment	1519
May	1	Replaced on Select File	1543
May	2	Referred for engrossment	1587
May	6	Replaced on Select File	1630
May	7	Referred for engrossment	1670
May	8	Correctly engrossed	1711
May	14	Returned to Select File for Schmit amendment. Schmit amendment adopted. Referred for re-engrossment	1822
May	14	Correctly re-engrossed	1838
May	21	Final Reading	2017

May 21 Correctly enrolled. Speaker signed 2023
May 21 Presented to Governor 2027
May 23 Approved by Governor 2100

LEGISLATIVE BILL 334. By Burbach
Jan. 22 Read first time 213
Jan. 23 Referred to Committee on Constitutional Revision and Recreation 251
Feb. 13 Notice of hearing 482
Mar. 25 Indefinitely postponed 1041

LEGISLATIVE BILL 335. By Burrows
Jan. 22 Read first time 214
Jan. 23 Referred to Committee on Agriculture and Environment 251
Feb. 11 Notice of hearing 452
Mar. 18 Placed on General File 926
Mar. 25 Burrows amendment adopted. Referred for review 1037
Apr. 2 Placed on Select File 1094
Apr. 3 Referred for engrossment 1120
Apr. 4 Correctly engrossed 1146
Apr. 9 Final Reading 1206
Apr. 10 Correctly enrolled. President signed 1231
Apr. 10 Presented to Governor 1239
Apr. 14 Luedtke explanation of vote 1259
Apr. 17 Approved by Governor 1324

LEGISLATIVE BILL 335A. By Burrows
Mar. 24 Read first time. Placed on General File 1021
Mar. 25 Burrows amendment adopted. Referred for review 1038
Apr. 4 Burrows motion to withdraw pending 1158
Apr. 8 Withdrawn 1187

LEGISLATIVE BILL 336. By Maresh
Jan. 22 Read first time 214
Jan. 23 Referred to Committee on Appropriations 251
Feb. 10 Notice of hearing 436
Mar. 13 Indefinitely postponed 880

LEGISLATIVE BILL 337. By F. Lewis
Jan. 22 Read first time 214
Jan. 23 Referred to Committee on Public Health and Welfare 251
Jan. 30 Notice of hearing 309

Feb. 14 Notice of hearing cancelled. Notice of hearing reset 498
Mar. 18 Indefinitely postponed 934

LEGISLATIVE BILL 338. By Judiciary Committee
Jan. 22 Read first time 214
Jan. 23 Referred to Committee on Judiciary 251
Jan. 27 Notice of hearing 287

LEGISLATIVE BILL 339. By Cope
Jan. 22 Read first time 215
Jan. 23 Referred to Committee on Revenue 251
Jan. 31 Notice of hearing 339
Feb. 27 Placed on General File 657
Mar. 18 Bracketed 929
Mar. 26 Bracketed 1057
Apr. 7 Cope amendment printed 1177
Apr. 9 Bracketed 1214
Apr. 15 George amendment to Cope amendment adopted. Cope amendment withdrawn. Cavanaugh and Warner amendments lost. Chambers motion to indefinitely postpone pending 1284
Apr. 15 Chambers pending motion lost. Bracketed 1286
Apr. 24 Attorney General Opinion 1430
May 1 Cope amendment printed 1547
May 16 Bracketed 1895

LEGISLATIVE BILL 340. By F. Lewis
Jan. 22 Read first time 215
Jan. 23 Referred to Committee on Miscellaneous Subjects 251
Mar. 12 Notice of hearing 863
Apr. 3 Placed on General File 1131
Apr. 29 Chambers motion to indefinitely postpone lost. Referred for review 1506
May 1 Placed on Select File 1544
May 2 R. Lewis amendment lost. F. Lewis amendment adopted. Referred for engrossment 1588
May 6 Replaced on Select File 1630
May 7 Referred for engrossment 1670
May 8 Correctly engrossed 1702
May 15 Final Reading 1851
May 15 Correctly enrolled. President signed 1866
May 15 Presented to Governor 1875
May 16 Approved by Governor 1882

LEGISLATIVE BILL 341. By Carsten

Jan.	22	Read first time	215
Jan.	23	Referred to Committee on Agriculture and Environment	251
Feb.	11	Notice of hearing	452
Feb.	26	Placed on General File	641
Mar.	18	Referred for review	933
Mar.	20	Placed on Select File	961
Mar.	21	Referred for engrossment	984
Mar.	24	Correctly engrossed	1003
Apr.	2	Returned to Select File for Carsten amendment	1100
Apr.	2	Laid over	1101
Apr.	3	Laid over	1122
Apr.	4	Bracketed	1144
Apr.	14	Carsten motion to withdraw pending	1262
Apr.	15	Withdrawn	1269

LEGISLATIVE BILL 342. By Murphy

Jan.	22	Read first time	215
Jan.	23	Referred to Committee on Miscellaneous Subjects	251
Feb.	5	Notice of hearing	373
Feb.	19	Notice of hearing reset	553
Mar.	25	Placed on General File	1029
Apr.	29	Chambers motion to indefinitely postpone lost. Bracketed	1506
Apr.	29	Maresh amendment printed	1508
May	5	Maresh amendment adopted. Referred for review	1624
May	6	Placed on Select File	1640
May	7	Referred for engrossment	1672
May	8	Correctly engrossed	1702
May	15	Final Reading	1852
May	15	Correctly enrolled. President signed	1866
May	15	Presented to Governor	1875
May	16	Approved by Governor	1882

LEGISLATIVE BILL 343. By Kremer

Jan.	22	Read first time	215
Jan.	23	Referred to Committee on Constitutional Revision and Recreation	251
Feb.	13	Notice of hearing	482
Mar.	17	Placed on General File	343

LEGISLATIVE BILL 344. By Kremer

Jan.	22	Read first time	215
Jan.	23	Referred to Committee on Education	251
Jan.	29	Notice of hearing	304
Feb.	7	Notice of hearing cancelled. Notice of hearing reset	421
Mar.	24	Attorney General Opinion	1004
Apr.	3	Placed on General File	1131
Apr.	8	Attorney General Opinion	1194
Apr.	15	Kelly amendment printed	1285
Apr.	29	Kelly amendment printed	1501
Apr.	29	Considered	1508
Apr.	30	Mills amendment lost. Dickinson vote changed. Warner amendment lost. Rasmussen amendments adopted. Warner and Duis motions to bracket lost. Referred for review	1531
May	1	Placed on Select File	1576
May	2	Laid over. Duis, Goodrich and Marvel amendments printed	1591
May	2	Warner and Burrows amendments printed	1603
May	5	Marvel amendment withdrawn. Goodrich amendment as amended by Burrows adopted. Duis amendment lost. Burrows amendment adopted. Warner amendment lost. Cavanaugh amendment adopted. Rasmussen amendment lost. Kremer and Marvel amendments adopted	1610
May	5	Marvel amendment adopted. Bracketed. Mahoney, Cavanaugh, Koch and Warner amendments printed	1618
May	6	Barnett amendment printed	1652
May	8	Barnett amendment printed	1711
May	12	Attorney General Opinion	1743
May	13	Unbracketed. Warner, Koch, Kelly, Cavanaugh and Barnett amendments withdrawn. Koch and Barnett amendments adopted. Clark amendment lost. Kremer and Dworak amendments adopted. Kelly amendment lost. Mahoney amendment adopted. Referred for engrossment.	1799
May	14	Replaced on Select File	1823
May	14	Referred for engrossment. Correctly engrossed	1824
May	16	Returned to Select File for Barnett amendment. Barnett amendment adopted. Referred for re-engrossment	1887
May	16	Replaced on Select File	1914
May	16	Referred for re-engrossment	1918

May 19 Correctly re-engrossed 1946
May 21 Laid over 2038
May 22 Warner motion to return to Select File lost.
Final Reading 2044
May 22 Correctly enrolled. President signed 2050
May 22 Presented to Governor 2057
May 22 Attorney General Opinion 2066
May 22 Approved by Governor 2099

LEGISLATIVE BILL 345. By Fowler

Jan. 22 Read first time 216
Jan. 23 Referred to Committee on Government, Military and Veterans Affairs 251
Jan. 28 Notice of hearing 291
Mar. 6 Placed on General File 778
Mar. 26 Referred for review 1083
Apr. 2 Placed on Select File 1096
Apr. 3 Referred for engrossment 1122
Apr. 7 Correctly engrossed 1163
Apr. 10 Final Reading 1226
Apr. 10 Correctly enrolled. President signed 1241
Apr. 14 Presented to Governor 1250
Apr. 14 Luedtke explanation of vote 1259
Apr. 15 Approved by Governor 1271

LEGISLATIVE BILL 346. By Fowler

Jan. 22 Read first time 216
Jan. 23 Referred to Committee on Public Health and Welfare 251
Jan. 30 Notice of hearing 309
Mar. 20 Placed on General File 971

LEGISLATIVE BILL 347. By Mills

Jan. 22 Read first time 216
Jan. 23 Referred to Committee on Public Health and Welfare 251
Jan. 30 Notice of hearing 309
Feb. 18 Notice of hearing cancelled.
Notice of hearing reset 532
Mar. 18 Indefinitely postponed 934

LEGISLATIVE BILL 348. By Wiltse

Jan. 22 Read first time 216
Jan. 23 Referred to Committee on Public Works 251
Feb. 3 Notice of hearing 354
Mar. 24 Placed on General File 1003

LEGISLATIVE BILL 349. By F. Lewis

Jan.	22	Read first time	216
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	251
Jan.	29	Notice of hearing	306
Mar.	3	Placed on General File	705
Apr.	3	Bracketed	1132
Apr.	17	Warner motion to indefinitely postpone lost. Burrows, DeCamp, Maresh and Goodrich amendments lost. Warner amendment adopted. Referred for review	1317
Apr.	21	Placed on Select File	1336
Apr.	21	DeCamp amendment printed	1360
Apr.	22	Bracketed	1371
Apr.	23	DeCamp amendments printed	1387
Apr.	28	DeCamp amendment printed	1473
Apr.	30	Unbracketed. DeCamp amendment adopted. DeCamp amendment withdrawn. Chambers motion to indefinitely postpone lost. Referred for engrossment	1525
May	1	Correctly engrossed	1570
May	7	Warner motion to return to Select File for amendment lost. Final Reading	1658
May	7	Correctly enrolled. President signed	1669
May	7	Presented to Governor	1672
May	14	Approved by Governor	1814

LEGISLATIVE BILL 350. By Murphy

Jan.	22	Read first time	216
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	251
Jan.	29	Notice of hearing	306
Mar.	5	Placed on General File	759
Apr.	8	Bracketed	1197
Apr.	15	Laid over	1283

LEGISLATIVE BILL 351. By Miscellaneous Subjects Committee

Jan.	22	Read first time	217
Jan.	23	Referred to Committee on Miscellaneous Subjects	251
Feb.	5	Notice of hearing	373
Feb.	20	Placed on General File	568
Mar.	7	Referred for review	795
Mar.	11	Placed on Select File	820
Mar.	12	Rumery amendment adopted. Referred for engrossment	851
Mar.	13	Replaced on Select File	869

Mar. 14 Referred for engrossment 892
Mar. 17 Correctly engrossed 904
Mar. 20 Laid over 966
Mar. 24 Unbracketed 1010
Mar. 25 Final Reading 1035
Mar. 26 Correctly enrolled 1056
Mar. 26 President signed 1057
Apr. 2 Presented to Governor.
Approved by Governor 1090

LEGISLATIVE BILL 352. By Goodrich
Jan. 22 Read first time 217
Jan. 23 Referred to Committee on Revenue 251
Jan. 31 Notice of hearing 338
Feb. 26 Indefinitely postponed 641

LEGISLATIVE BILL 353. By Syas
Jan. 22 Read first time 221
Jan. 23 Referred to Committee on Public Works 251
Feb. 3 Notice of hearing 355
Mar. 11 Indefinitely postponed 825

LEGISLATIVE BILL 354. By Banking, Commerce and Insurance Committee
Jan. 22 Read first time 221
Jan. 23 Referred to Committee on Banking, Commerce and Insurance 251
Jan. 23 Notice of hearing 250
Feb. 10 Placed on General File 427
Feb. 14 Referred for review 504
Feb. 19 Placed on Select File 542
Feb. 20 Referred for engrossment 563
Feb. 24 Replaced on Select File 593
Feb. 25 Referred for engrossment 616
Feb. 26 Correctly engrossed 636
Mar. 4 Final Reading 719
Mar. 5 Correctly enrolled. President signed 738
Mar. 6 Presented to Governor 762
Mar. 11 Approved by Governor 839

LEGISLATIVE BILL 355. By Banking, Commerce and Insurance Committee
Jan. 22 Read first time 221
Jan. 23 Referred to Committee on Banking, Commerce and Insurance 251
Jan. 23 Notice of hearing 250
Feb. 10 Placed on General File 427

Feb. 14	Referred for review	504
Feb. 19	Placed on Select File	542
Feb. 20	Referred for engrossment	563
Feb. 21	Correctly engrossed	579
Feb. 26	Final Reading	631
Feb. 27	Correctly enrolled. Speaker signed	653
Feb. 28	Presented to Governor	670
Mar. 6	Approved by Governor	762

LEGISLATIVE BILL 356. By Kelly

Jan. 22	Read first time	221
Jan. 23	Referred to Committee on Judiciary	251
Jan. 27	Notice of hearing	287
Mar. 4	Indefinitely postponed	730

LEGISLATIVE BILL 357. By Bereuter

Jan. 23	Read first time	225
Jan. 24	Referred to Committee on Agriculture and Environment	275
Jan. 27	Bereuter motion to re-refer to committee pending	287
Jan. 28	Bereuter pending motion withdrawn	295
Jan. 29	Bereuter motion to re-refer to committee lost	302
Feb. 19	Notice of hearing	553
Apr. 24	Indefinitely postponed	1426

LEGISLATIVE BILL 358. By Simpson

Jan. 23	Read first time	225
Jan. 24	Referred to Committee on Nebraska Retirement Systems	275
Feb. 6	Notice of hearing	395

LEGISLATIVE BILL 359. By Appropriations Committee

Jan. 23	Read first time	226
Jan. 24	Referred to Committee on Appropriations	275
Feb. 4	Notice of hearing	363
Mar. 14	Placed on General File	895
Mar. 25	Referred for review. Savage and Bereuter names added	1036
Apr. 2	Placed on Select File	1093
Apr. 3	Referred for engrossment	1120
Apr. 4	Replaced on Select File	1135
Apr. 7	Referred for engrossment	1167
Apr. 8	Correctly engrossed	1185
Apr. 14	Final Reading	1253

Apr. 15 Correctly enrolled. Speaker signed 1271
Apr. 16 Presented to Governor 1298
Apr. 23 Approved by Governor 1400

LEGISLATIVE BILL 359A. By Marvel
Mar. 24 Read first time. Placed on General File 1021
Mar. 25 Referred for review 1037
Apr. 2 Placed on Select File 1093
Apr. 3 Referred for engrossment 1120
Apr. 8 Correctly engrossed 1185
Apr. 14 Final Reading 1253
Apr. 15 Correctly enrolled. Speaker signed 1271
Apr. 16 Presented to Governor 1298
Apr. 23 Approved by Governor 1400

LEGISLATIVE BILL 360. By Burrows
Jan. 23 Read first time 226
Jan. 24 Referred to Committee on Agriculture and Environment 275
Feb. 11 Notice of hearing 452
Feb. 28 Placed on General File 678
Mar. 24 Mills amendments printed 1008
Apr. 3 Mills amendments adopted. Referred for review 1128
Apr. 7 Placed on Select File 1163
Apr. 8 Referred for engrossment 1187
Apr. 9 Correctly engrossed 1211
Apr. 16 Final Reading 1293
Apr. 17 Correctly enrolled. President signed 1314
Apr. 17 Presented to Governor 1323
Apr. 22 Approved by Governor 1367

LEGISLATIVE BILL 361. By Burrows
Jan. 23 Read first time 226
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 275
Feb. 13 Notice of hearing 483
Mar. 20 Indefinitely postponed 962

LEGISLATIVE BILL 362. By Burrows
Jan. 23 Read first time 226
Jan. 24 Referred to Committee on Revenue 275
Feb. 6 Notice of hearing 394
Mar. 21 Carsten amendment printed 997
Apr. 28 Amended version printed 1476

LEGISLATIVE BILL 363. By Burrows

Jan.	23	Read first time	226
Jan.	24	Referred to Committee on Agriculture and Environment	275
Feb.	19	Notice of hearing	553
Apr.	25	Indefinitely postponed	1462

LEGISLATIVE BILL 364. By Duis

Jan.	23	Read first time	226
Jan.	24	Referred to Committee on Education	275
Feb.	12	Notice of hearing	466

LEGISLATIVE BILL 365. By Hasebroock

Jan.	23	Read first time	227
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	275
Jan.	29	Notice of hearing	305
Mar.	12	Placed on General File	858
Mar.	25	Referred for review	1048
Apr.	2	Placed on Select File	1096
Apr.	3	Referred for engrossment	1121
Apr.	4	Correctly engrossed	1163
Apr.	10	Final Reading	1227
Apr.	10	Correctly enrolled. President signed	1241
Apr.	14	Presented to Governor	1250
Apr.	14	Luedtke explanation of vote	1259
Apr.	15	Approved by Governor	1271

LEGISLATIVE BILL 366. By Mills

Jan.	23	Read first time	227
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	275
Jan.	29	Notice of hearing	305
Mar.	5	Placed on General File	751
Mar.	24	F. Lewis amendment lost. Referred for review	1017
Mar.	26	Placed on Select File	1056
Mar.	26	Referred for engrossment	1065
Apr.	2	Correctly engrossed	1092
Apr.	7	Final Reading	1166
Apr.	8	Correctly enrolled. President signed	1185
Apr.	9	Presented to Governor	1211
Apr.	15	Approved by Governor	1271

LEGISLATIVE BILL 367. By Duis

Jan.	23	Read first time	227
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	275

Jan.	29	Notice of hearing	305
Mar.	25	Placed on General File	1041
Apr.	4	Failed to advance for review. Barnett motion to reconsider prevailed. Motion. Indefinitely postponed	1148
Apr.	7	Anderson motion to reconsider pending	1177
Apr.	14	Anderson pending motion lost	1263

LEGISLATIVE BILL 368. By Duis

Jan.	23	Read first time	227
Jan.	24	Referred to Committee on Education	275
Jan.	29	Notice of hearing	304
Feb.	28	Placed on General File	678
Apr.	3	Bracketed	1132
Apr.	17	Committee amendments adopted	1322
Apr.	17	Referred for review	1328
Apr.	21	Placed on Select File	1337
Apr.	22	Motion to bracket lost. Barnett motion to indefinitely postpone pending	1372
Apr.	23	Barnett pending motion lost. Cavanaugh motion as amended by Koch to bracket pending	1395
Apr.	23	Koch pending amendment lost. Referred for engrossment	1401
Apr.	25	Correctly engrossed	1454
May	7	Returned to Select File for Duis amendment	1662
May	8	Duis amendment adopted. Referred for re-engrossment	1703
May	9	Correctly re-engrossed	1728
May	15	Final Reading	1855
May	16	Simpson withdrew request to hold	1894
May	16	Correctly enrolled	1895
May	16	President signed	1896
May	16	Presented to Governor	1898
May	22	Returned by Governor without approval	2058
May	22	Motion to override Governor's veto lost	2063

LEGISLATIVE BILL 368A. By Koch and Duis

Mar.	6	Read first time. Placed on General File	779
Apr.	3	Bracketed	1132
Apr.	17	Referred for review	1328
Apr.	21	Placed on Select File	1337
Apr.	22	Motion to bracket lost	1372
Apr.	23	Cavanaugh motion as amended by Koch to bracket pending	1395

Apr. 23 Failed to advance for engrossment. Barnett motion to indefinitely postpone pending 1402
Apr. 24 Bracketed 1427
Apr. 30 Failed to advance for engrossment 1516
May 1 Referred for engrossment 1556
May 2 Correctly engrossed 1586
May 15 Final Reading 1856
May 15 Dickinson motion to reconsider pending 1879
May 16 Dickinson pending motion prevailed. Final Reading 1891
May 16 Correctly enrolled 1895
May 16 President signed 1896
May 16 Presented to Governor 1898
May 19 Mills motion to request Governor to return lost 1945
May 22 Returned by Governor without approval 2058

LEGISLATIVE BILL 369. By Rumery
Jan. 23 Read first time 227
Jan. 24 Referred to Committee on Banking, Commerce and Insurance 275
Feb. 14 Notice of hearing 505
Mar. 5 Indefinitely postponed 759

LEGISLATIVE BILL 370. By Burrows
Jan. 23 Read first time 227
Jan. 24 Referred to Committee on Labor 275
Jan. 29 Notice of hearing 305
Feb. 26 Placed on General File 627
Mar. 17 Referred for review 910
Mar. 19 Placed on Select File 944
Mar. 20 Referred for engrossment 971
Mar. 21 Correctly engrossed 980
Mar. 26 Final Reading 1058
Apr. 2 Correctly enrolled. President signed 1092
Apr. 3 Presented to Governor 1117
Apr. 4 Approved by Governor 1157

LEGISLATIVE BILL 371. By Kennedy
Jan. 23 Read first time 227
Jan. 24 Referred to Committee on Education 275
Feb. 12 Notice of hearing 466
Mar. 12 Notice of hearing reset 858
Mar. 19 Attorney General Opinion 950
Mar. 26 Placed on General File 1068
Apr. 4 Cavanaugh motion to indefinitely postpone withdrawn. Referred for review 1158

Apr. 8 Placed on Select File 1184
Apr. 9 Bracketed 1210
Apr. 15 Kennedy amendment printed 1276
Apr. 15 Unbracketed 1277
Apr. 16 Kennedy amendment adopted. Referred for engrossment 1301
Apr. 21 Correctly engrossed 1337
Apr. 24 Savage and Mahoney motions to return to Select File for amendments lost. Bracketed 1418
Apr. 24 Savage amendment printed 1426
Apr. 28 Savage amendment withdrawn. Final Reading 1471
Apr. 29 Correctly enrolled 1499
Apr. 29 President signed 1500
Apr. 29 Presented to Governor 1507
May 2 Approved by Governor 1585

LEGISLATIVE BILL 372. By Barnett

Jan. 23 Read first time 228
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 275
Jan. 28 Notice of hearing 291
Mar. 4 Attorney General Opinion 728
Mar. 12 Placed on General File 861

LEGISLATIVE BILL 373. By Barnett

Jan. 23 Read first time 228
Jan. 24 Referred to Committee on Judiciary 275
Jan. 27 Notice of hearing 287

LEGISLATIVE BILL 374. By Hasebroock

Jan. 23 Read first time 228
Jan. 24 Referred to Committee on Banking, Commerce and Insurance 275
Jan. 29 Notice of hearing 305
Mar. 19 Placed on General File 953
Mar. 26 Laid over 1084
Apr. 4 Referred for review 1158
Apr. 8 Placed on Select File 1184
Apr. 9 Referred for engrossment 1210
Apr. 14 Correctly engrossed 1250
Apr. 21 Final Reading 1344
Apr. 22 Correctly enrolled. President signed 1368
Apr. 23 Presented to Governor 1393
Apr. 24 Approved by Governor 1438

LEGISLATIVE BILL 375. By Hasebroock

Jan.	23	Read first time	228
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	275
Jan.	28	Notice of hearing	291
Feb.	24	Placed on General File	607
Mar.	14	Referred for review	893
Mar.	18	Placed on Select File	918
Mar.	19	Referred for engrossment	956
Mar.	20	Correctly engrossed	963
Mar.	25	Final Reading	1033
Mar.	26	Correctly enrolled	1056
Mar.	26	President signed	1057
Apr.	2	Presented to Governor. Approved by Governor	1090

LEGISLATIVE BILL 376. By Hasebroock

Jan.	23	Read first time	228
Jan.	24	Referred to Committee on Public Works	275
Jan.	29	Notice of hearing	299
Feb.	5	Notice of hearing cancelled. Notice of hearing reset	368
Mar.	11	Indefinitely postponed	825

LEGISLATIVE BILL 377. By Warner

Jan.	23	Read first time	229
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	275
Jan.	28	Notice of hearing	291
Feb.	24	Placed on General File	607
Feb.	25	Warner amendment printed	620
Mar.	14	Warner and Cavanaugh amendments adopted. Returned to Committee	894
Mar.	17	Notice of hearing	904
Mar.	26	Notice of hearing	1057
Apr.	4	Placed on General File	1153
May	9	Referred for review	1734
May	12	Placed on Select File	1771
May	12	Referred for engrossment	1774
May	15	Correctly engrossed	1860
May	21	Final Reading	2023
May	21	Correctly enrolled. Speaker signed	2027
May	21	Presented to Governor	2032
May	22	Approved by Governor	2099

LEGISLATIVE BILL 378. By Warner

Jan.	23	Read first time	229
Jan.	24	Referred to Committee on Agriculture and Environment	275
Feb.	11	Notice of hearing	452
Feb.	26	Placed on General File	637
Mar.	17	Referred for review	911
Mar.	19	Placed on Select File	944
Mar.	20	Referred for engrossment	971
Mar.	21	Correctly engrossed	980
Mar.	26	Final Reading	1058
Apr.	2	Correctly enrolled. President signed	1092
Apr.	3	Presented to Governor	1117
Apr.	4	Approved by Governor	1157

LEGISLATIVE BILL 379. By Public Works Committee

Jan.	23	Read first time	229
Jan.	24	Referred to Committee on Public Works	275
Jan.	28	Notice of hearing	290
Feb.	19	Placed on General File	556
Mar.	4	Bracketed	726
Mar.	7	Kremer amendment adopted. Dworak motion to bracket lost. Referred for review	790
Mar.	11	Placed on Select File	819
Mar.	12	Referred for engrossment	851
Mar.	13	Correctly engrossed	875
Mar.	18	Final Reading	924
Mar.	19	Correctly enrolled. President signed	949
Mar.	20	Presented to Governor	962
Mar.	24	Approved by Governor	1001

LEGISLATIVE BILL 380. By Public Works Committee

Jan.	23	Read first time	229
Jan.	24	Referred to Committee on Public Works	275
Jan.	29	Notice of hearing	299
Mar.	24	Placed on General File	1023
May	15	Referred for review	1876
May	16	Placed on Select File	1916
May	16	Referred for engrossment	1919
May	19	Correctly engrossed	1965
May	21	Final Reading	2039
May	21	Correctly enrolled. Speaker signed	2041
May	21	Presented to Governor	2042
May	22	Dickinson explanation of vote	2048
May	22	Approved by Governor	2099

LEGISLATIVE BILL 381. By Public Works Committee

Jan.	23	Read first time	232
Jan.	24	Referred to Committee on Public Works	276
Jan.	29	Notice of hearing	299
Mar.	12	Placed on General File	855
Apr.	9	Laid over	1221
Apr.	10	Bereuter amendment printed	1242
Apr.	25	Chambers amendment lost. Bereuter amendment withdrawn. Bereuter and Chambers amendments adopted. Chambers amendment lost. Chambers amendment pending	1455
Apr.	25	Chambers amendment adopted. Referred for review	1459
Apr.	29	Placed on Select File	1495
Apr.	30	Chambers amendments adopted. Chambers amendments lost. Chambers amendments withdrawn. Referred for engrossment	1517
May	1	Replaced on Select File	1575
May	2	Referred for engrossment	1590
May	6	Correctly engrossed	1632
May	8	Returned to Select File for Chambers amendment. Chambers amendment adopted. Referred for re-engrossment	1696
May	9	Replaced on Select File	1736
May	9	Referred for re-engrossment	1741
May	12	Replaced on Select File	1756
May	12	Referred for re-engrossment	1774
May	13	Message from the Governor	1806
May	15	Correctly re-engrossed	1860
May	15	Attorney General Opinion	1861
May	21	Final Reading	2024
May	21	Correctly enrolled. Speaker signed	2031
May	21	Presented to Governor	2032
May	23	Returned by Governor without approval	2083
May	23	Passed over Governor's veto	2095
May	23	Delivered to Secretary of State	2096
May	23	Certificate. Letter	2097

LEGISLATIVE BILL 382. By Duis and Kremer

Jan.	23	Read first time	232
Jan.	24	Referred to Committee on Revenue	276
Jan.	31	Notice of hearing	339
Mar.	19	Placed on General File	959
Apr.	24	Burrows amendment printed	1447
Apr.	28	Bracketed	1488

LEGISLATIVE BILL 383. By Kremer

Jan.	23	Read first time	232
Jan.	24	Referred to Committee on Education	276
Feb.	12	Notice of hearing	466
Apr.	9	Placed on General File	1211
May	13	Dworak amendment printed	1802
May	14	Dworak amendment printed	1814
May	16	Failed to advance for review. Dickinson motion to reconsider prevailed	1933
May	16	Referred for review	1934
May	19	Placed on Select File	1943
May	21	Dworak amendment adopted. Bracketed	2004

LEGISLATIVE BILL 384. By Kremer

Jan.	23	Read first time	232
Jan.	24	Referred to Committee on Public Works	276
Jan.	29	Notice of hearing	299
Feb.	3	Notice of hearing	354
Mar.	18	Indefinitely postponed	920

LEGISLATIVE BILL 385. By Savage

Jan.	23	Read first time	232
Jan.	24	Referred to Committee on Miscellaneous Subjects	276

LEGISLATIVE BILL 386. By Savage

Jan.	23	Read first time	233
Jan.	24	Referred to Committee on Miscellaneous Subjects	276
Feb.	11	Notice of hearing	452
Mar.	26	Placed on General File	1080
May	1	Anderson amendment printed	1548
May	16	Referred for review	1935
May	19	Placed on Select File	1943

LEGISLATIVE BILL 387. By Savage

Jan.	23	Read first time	233
Jan.	24	Referred to Committee on Appropriations	276
Feb.	10	Notice of hearing	436
Mar.	13	Placed on General File	880
Apr.	8	Referred for review	1188
Apr.	10	Placed on Select File	1225
Apr.	10	Referred for engrossment	1245
Apr.	14	Correctly engrossed	1250
Apr.	21	Final Reading	1345
Apr.	22	Correctly enrolled. President signed	1368
Apr.	23	Presented to Governor	1393
Apr.	28	Request Governor to return	1475

Apr.	28	Returned by Governor	1478
Apr.	28	Savage motion to reconsider prevailed	1482
Apr.	29	Savage amendment printed	1508
May	1	Returned to Select File for Savage amendment	1558
May	1	Savage amendment adopted. Referred for re-engrossment	1559
May	1	Replaced on Select File	1575
May	2	Referred for re-engrossment	1590
May	5	Correctly re-engrossed	1622
May	8	Final Reading	1692
May	8	Correctly enrolled. President signed	1701
May	8	Presented to Governor	1705
May	13	Approved by Governor	1777
May	13	Stoney explanation of vote	1803

LEGISLATIVE BILL 388. By Stull and Cope

Jan.	23	Read first time	233
Jan.	24	Referred to Committee on Constitutional Revision and Recreation	276
Jan.	28	Notice of hearing	296
Feb.	19	Placed on General File	554
Feb.	27	Koch motion to indefinitely postpone pending	655
Feb.	28	Bracketed	671

LEGISLATIVE BILL 389. By Stull

Jan.	23	Read first time	233
Jan.	24	Referred to Committee on Appropriations	276
Feb.	4	Notice of hearing	363
Mar.	3	Placed on General File	702
Mar.	25	Referred for review	1048
Apr.	2	Placed on Select File	1095
Apr.	3	Referred for engrossment	1121
Apr.	7	Correctly engrossed	1163
Apr.	10	Final Reading	1227
Apr.	10	Correctly enrolled. President signed	1241
Apr.	14	Presented to Governor	1250
Apr.	14	Luedtke explanation of vote	1259
Apr.	15	Approved by Governor	1287

LEGISLATIVE BILL 390. By Stull

Jan.	23	Read first time	233
Jan.	24	Referred to Committee on Appropriations	276
Feb.	4	Notice of hearing	363

LEGISLATIVE BILL 391. By Burbach

Jan.	23	Read first time	233
Jan.	24	Placed on General File	276
Jan.	29	Bracketed	307
Feb.	11	Referred to Committee	458
Feb.	12	Referred to Committee on Government, Military and Veterans Affairs	461
Feb.	13	Notice of hearing	482
Mar.	12	Placed on General File	861
Mar.	26	Referred for review	1083
Apr.	2	Placed on Select File	1097
Apr.	3	Referred for engrossment	1122
Apr.	7	Correctly engrossed	1163
Apr.	10	Final Reading	1228
Apr.	10	Correctly enrolled. President signed	1241
Apr.	14	Presented to Governor	1250
Apr.	14	Luedtke explanation of vote	1259
Apr.	17	Approved by Governor	1331

LEGISLATIVE BILL 392. By Koch

Jan.	23	Read first time	234
Jan.	24	Referred to Committee on Revenue	276
Jan.	31	Notice of hearing	338
Mar.	13	Indefinitely postponed	880

LEGISLATIVE BILL 393. By Labor Committee

Jan.	23	Read first time	234
Jan.	24	Referred to Committee on Labor	276
Jan.	29	Notice of hearing	305
Mar.	7	Indefinitely postponed	801

LEGISLATIVE BILL 394. By Murphy

Jan.	23	Read first time	234
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	276
Feb.	14	Notice of hearing	505
Apr.	2	Placed on General File	1111
Apr.	24	Mills amendment printed	1444
May	16	Failed to advance for review	1934
May	19	Referred for review	1950
May	19	Placed on Select File	1957

LEGISLATIVE BILL 395. By Murphy

Jan.	23	Read first time	234
Jan.	24	Referred to Committee on Urban Affairs	276
Jan.	29	Notice of hearing	305

Mar.	26	Placed on General File	1071
Apr.	25	Referred for review	1464
Apr.	29	Placed on Select File	1496
Apr.	30	Referred for engrossment	1519
May	1	Replaced on Select File	1542
May	2	Referred for engrossment	1587
May	5	Correctly engrossed	1623
May	8	Final Reading	1693
May	8	Correctly enrolled. President signed	1701
May	8	Presented to Governor	1705
May	13	Approved by Governor	1777
May	13	Stoney explanation of vote	1803

LEGISLATIVE BILL 396. By Schmit

Jan.	23	Read first time	234
Jan.	24	Referred to Committee on Revenue	276
Feb.	14	Notice of hearing	506
Mar.	13	Indefinitely postponed	880

LEGISLATIVE BILL 397. By Schmit

Jan.	23	Read first time	234
Jan.	24	Referred to Committee on Public Health and Welfare	276
Jan.	30	Notice of hearing	309
Mar.	12	Placed on General File	861
Apr.	9	Bracketed	1221
Apr.	23	Schmit amendment printed	1408
Apr.	28	Schmit amendment lost. Fowler amendment adopted. Referred for review	1476
Apr.	30	Placed on Select File	1513
May	1	Schmit amendment adopted. Referred for engrossment	1555
May	2	Correctly engrossed	1586
May	7	Final Reading	1663
May	7	Correctly enrolled. President signed	1669
May	7	Presented to Governor	1672
May	14	Approved by Governor	1814

LEGISLATIVE BILL 397A. By Schmit

Apr.	2	Read first time. Placed on General File	1103
Apr.	9	Bracketed	1221
Apr.	28	Schmit motion to withdraw pending	1477
Apr.	29	Withdrawn	1501

LEGISLATIVE BILL 398. By Schmit

Jan. 23	Read first time	234
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	276
Feb. 14	Notice of hearing	505
Mar. 17	Attorney General Opinion	902
Apr. 17	Placed on General File	1326
May 8	Bracketed	1702

LEGISLATIVE BILL 399. By Schmit

Jan. 23	Read first time	235
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	276
Feb. 14	Notice of hearing	505

LEGISLATIVE BILL 400. By Schmit

Jan. 23	Read first time	235
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	276
Jan. 29	Notice of hearing	305
Feb. 6	Notice of hearing cancelled	404
Feb. 14	Notice of hearing reset	505
Mar. 20	Indefinitely postponed	967

LEGISLATIVE BILL 401. By Schmit

Jan. 23	Read first time	235
Jan. 24	Referred to Committee on Revenue	276
Jan. 31	Notice of hearing	339
Mar. 17	Placed on General File	902
Apr. 10	Referred for review	1238
Apr. 14	Placed on Select File	1250
Apr. 15	Referred for engrossment	1269
Apr. 16	Correctly engrossed	1298
Apr. 22	Final Reading	1370
Apr. 23	Correctly enrolled. President signed	1394
Apr. 24	Presented to Governor	1413
Apr. 28	Kelly explanation of vote	1475
Apr. 29	Approved by Governor	1503

LEGISLATIVE BILL 402. By Schmit

Jan. 23	Read first time	235
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	276
Feb. 14	Notice of hearing	506
Mar. 25	Indefinitely postponed	1041

LEGISLATIVE BILL 403. By Agriculture and Environment Committee

Jan.	23	Read first time	235
Jan.	24	Referred to Committee on Agriculture and Environment	276
Feb.	11	Notice of hearing	452
Feb.	26	Indefinitely postponed	637

LEGISLATIVE BILL 404. By Agriculture and Environment Committee

Jan.	23	Read first time	236
Jan.	24	Referred to Committee on Agriculture and Environment	276
Feb.	11	Notice of hearing	452
Apr.	4	Placed on General File	1145
May	9	Schmit and Kelly amendments adopted. Referred for review	1734
May	12	Placed on Select File	1771
May	12	Referred for engrossment	1775
May	13	Replaced on Select File	1797
May	13	Referred for engrossment	1798
May	14	Returned to Select File for Schmit amendment. Schmit amendment adopted. Referred for engrossment	1822
May	14	Correctly engrossed	1840
May	21	Final Reading	2019
May	21	Correctly enrolled. Speaker signed	2027
May	21	Presented to Governor	2032
May	22	Approved by Governor	2099

LEGISLATIVE BILL 405. By Agriculture and Environment Committee

Jan.	23	Read first time	236
Jan.	24	Referred to Committee on Agriculture and Environment	276
Feb.	11	Notice of hearing	452
Feb.	28	Placed on General File	678
Apr.	3	Cavanaugh amendment adopted. Bracketed	1129

LEGISLATIVE BILL 405A. By Agriculture and Environment Committee

Mar.	10	Read first time. Placed on General File	810

LEGISLATIVE BILL 406. By Agriculture and Environment Committee

Jan.	23	Read first time	236
Jan.	24	Referred to Committee on Agriculture and Environment	276
Feb.	11	Notice of hearing	452
Feb.	26	Indefinitely postponed	637

LEGISLATIVE BILL 407. By Carsten

Jan. 23	Read first time	236
Jan. 24	Referred to Committee on Revenue	276
Feb. 6	Notice of hearing	394
Feb. 26	Indefinitely postponed	641

LEGISLATIVE BILL 408. By Carsten

Jan. 23	Read first time	236
Jan. 24	Referred to Committee on Education	276
Jan. 27	Notice of hearing	286
Feb. 13	Indefinitely postponed	481

LEGISLATIVE BILL 409. By Carsten

Jan. 23	Read first time	237
Jan. 24	Referred to Committee on Government, Military and Veterans Affairs	276
Jan. 28	Notice of hearing	291
Feb. 27	Notice of hearing continued	649
Mar. 20	Placed on General File	962
May 16	Failed to advance for review	1935
May 19	Referred for review	1950
May 19	Placed on Select File	1957

LEGISLATIVE BILL 410. By Bereuter

Jan. 23	Read first time	237
Jan. 24	Referred to Committee on Government, Military and Veterans Affairs	276
Feb. 26	Notice of hearing	627
Mar. 21	Placed on General File	996
May 7	Attorney General Opinion	1675
May 9	Referred for review	1732
May 12	Placed on Select File	1761
May 12	Referred for engrossment	1774
May 14	Replaced on Select File	1823
May 14	Referred for engrossment	1824
May 16	Correctly engrossed	1895
May 20	Returned to Select File for Bereuter amendment	1984
May 20	Bereuter amendment adopted. Referred for re-engrossment	1985
May 20	Replaced on Select File	1999
May 20	Referred for re-engrossment	2002
May 21	Correctly re-engrossed	2004
May 23	Final Reading	2081
May 23	Correctly enrolled. President signed	2089
May 23	Presented to Governor	2091
May 27	Approved by Governor	2100

LEGISLATIVE BILL 411. By Miscellaneous Subjects Committee

Jan. 23	Read first time	237
Jan. 24	Referred to Committee on Miscellaneous Subjects	276
Mar. 12	Notice of hearing	863

LEGISLATIVE BILL 412. By Miscellaneous Subjects Committee

Jan. 23	Read first time	237
Jan. 24	Referred to Committee on Miscellaneous Subjects	276
Mar. 12	Notice of hearing	863
Mar. 26	Placed on General File	1050

LEGISLATIVE BILL 413. By Miscellaneous Subjects Committee

Jan. 23	Read first time	237
Jan. 24	Referred to Committee on Miscellaneous Subjects	276
Mar. 12	Notice of hearing	863
Mar. 26	Placed on General File	1050

LEGISLATIVE BILL 414. By Miscellaneous Subjects Committee

Jan. 23	Read first time	238
Jan. 24	Referred to Committee on Miscellaneous Subjects	276
Mar. 12	Notice of hearing	863
Mar. 26	Placed on General File	1068
Apr. 3	Referred for review	1128
Apr. 7	Placed on Select File	1163
Apr. 8	Laid over	1187
Apr. 9	Referred for engrossment	1208
Apr. 10	Correctly engrossed	1237
Apr. 15	F. Lewis amendment printed	1278
Apr. 16	Returned to Select File for F. Lewis amendment	1294
Apr. 16	F. Lewis amendment adopted. Referred for re-engrossment. Returned to Select File for George amendment. George amendment adopted. Referred for re-engrossment	1301
Apr. 17	Replaced on Select File	1327
Apr. 17	Referred for re-engrossment	1330
Apr. 21	Replaced on Select File	1335
Apr. 22	Referred for re-engrossment	1371
Apr. 23	Correctly re-engrossed	1394
Apr. 25	Final Reading. Expedited	1463
Apr. 25	Correctly enrolled. President signed	1464
Apr. 25	Presented to Governor	1465
Apr. 29	Approved by Governor	1503

LEGISLATIVE BILL 415. By Anderson

Jan.	23	Read first time	238
Jan.	24	Referred to Committee on Public Health and Welfare	276
Jan.	30	Notice of hearing	309
Mar.	18	Indefinitely postponed	934

LEGISLATIVE BILL 416. By Anderson

Jan.	23	Read first time	238
Jan.	24	Referred to Committee on Nebraska Retirement Systems	276
Feb.	6	Notice of hearing	394
Apr.	17	Placed on General File	1314
May	9	Referred for review	1734
May	12	Placed on Select File	1771
May	12	Referred for engrossment	1774
May	13	Replaced on Select File	1797
May	13	Referred for engrossment	1798
May	15	Correctly engrossed	1860
May	21	Final Reading	2025
May	21	Correctly enrolled. Speaker signed	2031
May	21	Presented to Governor	2032
May	22	Approved by Governor	2099

LEGISLATIVE BILL 417. By Luedtke and Cavanaugh

Jan.	23	Read first time	238
Jan.	24	Referred to Committee on Judiciary	276
Jan.	27	Notice of hearing	283
Feb.	4	Notice of hearing cancelled. Notice of hearing reset	363
Feb.	7	Luedtke motion on hearing time pending	424
Feb.	10	Luedtke pending motion prevailed	437
Mar.	21	Placed on General File	990
Apr.	29	Fowler amendments printed	1509
May	1	Fowler amendments withdrawn. Cavanaugh amendment pending	1561
May	1	Cavanaugh amendment adopted. Referred for review. Expedited	1566
May	2	Placed on Select File	1602
May	5	Referred for engrossment. Bracketed	1609
May	9	Luedtke amendment printed	1738
May	12	Returned to Select File for Luedtke amendment. Luedtke amendment adopted. Referred for engrossment. Swigart motion to return to Select File lost	1750
May	12	Replaced on Select File	1759
May	12	Referred for engrossment	1764

May 13 Correctly engrossed 1788
May 16 Final Reading 1882
May 16 Correctly enrolled. President signed 1894
May 16 Presented to Governor 1896
May 20 Returned by the Governor without approval 1971
May 20 Passed over Governor's veto 1976
May 20 Delivered to Secretary of State. Certificate 1980
May 20 Letter 1986

LEGISLATIVE BILL 417A. By Luedtke and Cavanaugh

Apr. 14 Read first time. Placed on General File 1264
May 1 Referred for review. Expedited 1566
May 2 Placed on Select File 1603
May 2 Referred for engrossment. Bracketed 1609
May 9 Luedtke amendment printed 1740
May 12 Returned to Select File for Luedtke amendment. Luedtke amendment adopted. Referred for engrossment. Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment ... 1751
May 12 Replaced on Select File 1760
May 12 Referred for engrossment 1764
May 13 Correctly engrossed 1788
May 16 Final Reading 1883
May 16 Correctly enrolled. President signed 1894
May 16 Presented to Governor 1896
May 20 Returned by Governor without approval 1971
May 20 Passed over Governor's veto 1977
May 20 Delivered to Secretary of State. Certificate 1981
May 20 Letter 1987

LEGISLATIVE BILL 418. By Public Health and Welfare Committee

Jan. 23 Read first time 239
Jan. 24 Referred to Committee on Public Health and and Welfare 276
Jan. 30 Notice of hearing 309
Mar. 3 Placed on General File 689
Apr. 3 Rasmussen amendment printed 1131
Apr. 7 F. Lewis and Rasmussen amendments lost. Referred for review 1171
Apr. 8 Barnett amendment printed 1197
Apr. 9 Placed on Select File 1201
Apr. 10 Mahoney amendment lost. Barnett amendment laid over 1230
Apr. 14 Barnett amendment lost. Referred for engrossment 1261
Apr. 16 Replaced on Select File 1289

Apr. 17 Referred for engrossment 1317
Apr. 21 Correctly engrossed 1337
Apr. 24 F. Lewis motion to return to Select File lost. Bracketed 1419
Apr. 28 Final Reading 1472
Apr. 29 Correctly enrolled 1499
Apr. 29 President signed 1500
Apr. 29 Presented to Governor 1507
May 2 Approved by Governor 1585

LEGISLATIVE BILL 419. By George
Jan. 23 Read first time 239
Jan. 24 Referred to Committee on Revenue 276
Feb. 6 Notice of hearing 394
Feb. 25 Indefinitely postponed 623

LEGISLATIVE BILL 420. By George
Jan. 23 Read first time 239
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 276
Jan. 28 Notice of hearing 291
Mar. 20 Indefinitely postponed 962

LEGISLATIVE BILL 421. By Skarda
Jan. 23 Read first time 239
Jan. 24 Referred to Committee on Miscellaneous Subjects 276
Mar. 12 Notice of hearing 863
Apr. 2 Placed on General File 1104
May 1 Referred for review 1567
May 5 Placed on Select File 1607
May 7 Referred for engrossment 1667
May 7 Correctly engrossed 1680
May 15 Final Reading 1847
May 15 Correctly enrolled 1860
May 15 President signed 1861
May 15 Presented to Governor 1866
May 20 Approved by Governor 1971

LEGISLATIVE BILL 422. By Cavanaugh
Jan. 23 Read first time 239
Jan. 24 Referred to Committee on Public Health and Welfare 276
Jan. 30 Notice of hearing 309
Mar. 4 Placed on General File 733
Mar. 18 Barnett amendment printed 928

Mar.	25	Barnett amendment adopted. Referred for review	1045
Apr.	2	Placed on Select File	1094
Apr.	3	Referred for engrossment	1120
Apr.	7	Replaced on Select File	1162
Apr.	8	Bracketed	1186
May	7	Unbracketed	1684
May	8	Referred for engrossment. Returned to Select File for Cavanaugh amendment. Cavanaugh amendment adopted. Referred for engrossment	1706
May	9	Replaced on Select File	1730
May	9	Referred for engrossment	1740
May	12	Replaced on Select File	1760
May	12	Referred for engrossment	1764
May	15	Correctly engrossed	1860
May	21	Final Reading	2025
May	21	Correctly enrolled. Speaker signed	2032
May	21	Presented to Governor	2036
May	22	Approved by Governor	2099

LEGISLATIVE BILL 423. By Chambers

Jan.	23	Read first time	240
Jan.	24	Referred to Committee on Education	276
Feb.	12	Notice of hearing	466
Apr.	23	Placed on General File	1395
May	1	Simpson amendment withdrawn. Referred for review	1571
May	1	Koch amendment printed	1577
May	5	Placed on Select File	1608
May	6	Savage amendment printed	1644
May	7	Koch amendment lost. Savage amendment pending	1669
May	7	Savage and Syas amendments lost. Goodrich motion to indefinitely postpone lost. Referred for engrossment	1678
May	8	Correctly engrossed	1711
May	15	Koch motion to return to Select File lost. Final Reading	1853
May	15	Correctly enrolled. President signed	1866
May	15	Presented to Governor	1875
May	15	Returned by Governor without approval	1878
May	19	Passed over Governor's veto	1954
May	19	Delivered to Secretary of State. Certificate	1957
May	19	Letter	1964

LEGISLATIVE BILL 424. By Chambers

Jan. 23	Read first time	240
Jan. 24	Referred to Committee on Constitutional Revision and Recreation	276
Feb. 28	Notice of hearing	682
Mar. 25	Indefinitely postponed	1030

LEGISLATIVE BILL 425. By Chambers

Jan. 23	Read first time	240
Jan. 24	Referred to Committee on Judiciary	276
Jan. 27	Notice of hearing	287
Mar. 7	Placed on General File	796
Apr. 9	Bracketed	1218
Apr. 16	Chambers amendment adopted. Referred for review	1310
Apr. 17	Placed on Select File	1327
Apr. 17	Referred for engrossment	1330
Apr. 21	Replaced on Select File	1336
Apr. 22	Bracketed	1371

LEGISLATIVE BILL 426. By Telecommunications Committee

Jan. 23	Read first time	240
Jan. 24	Referred to Committee on Public Works	276
Jan. 28	Re-referred to Committee on Telecommunications	294
Feb. 3	Notice of hearing	342

LEGISLATIVE BILL 427. By Telecommunications Committee

Jan. 23	Read first time	240
Jan. 24	Referred to Committee on Government, Military and Veterans Affairs	276
Jan. 28	Re-referred to Committee on Telecommunications	294
Feb. 3	Notice of hearing	342
Feb. 19	Placed on General File	540
Feb. 27	Referred for review	655
Mar. 4	Placed on Select File	714
Mar. 5	Clark amendment adopted. Referred for engrossment	746
Mar. 6	Replaced on Select File	766
Mar. 7	Referred for engrossment	788
Mar. 10	Correctly engrossed	808
Mar. 13	Final Reading	872
Mar. 17	Correctly enrolled. President signed	904
Mar. 17	Message from the Governor	912
Mar. 18	Presented to Governor	919
Mar. 24	Clark motion to request Governor to return withdrawn	1011
Mar. 24	Returned by the Governor without approval	1018
Mar. 24	Memo from D.A.S.	1019

Mar. 25 Passed over Governor's veto 1039
Mar. 25 Delivered to Secretary of State 1042
Mar. 25 Certificate 1043
Mar. 26 Letter 1054

LEGISLATIVE BILL 428. By Chambers
Jan. 23 Read first time 241
Jan. 24 Referred to Committee on Labor 276
Jan. 31 Notice of hearing 326
Mar. 7 Indefinitely postponed 801

LEGISLATIVE BILL 429. By Chambers
Jan. 23 Read first time 241
Jan. 24 Referred to Committee on Constitutional Revision and Recreation 276
Jan. 28 Notice of hearing 296
Feb. 24 Placed on General File 607
Mar. 13 Motion. Indefinitely postponed 877

LEGISLATIVE BILL 430. By Chambers
Jan. 23 Read first time 241
Jan. 24 Referred to Committee on Revenue 276
Feb. 4 Notice of hearing 364
Feb. 27 Indefinitely postponed 657
Feb. 27 Motion. Placed on General File 661
Mar. 18 Kelly amendments printed 929
Apr. 2 Kelly amendments pending. Burbach amendment printed 1112
Apr. 3 Kelly and Nichol amendments lost. Stull motion to indefinitely postpone lost. Burbach amendment withdrawn. Duis amendment lost. Failed to advance for review 1123
Apr. 3 Rumery amendment printed 1125
Apr. 3 Burbach amendment printed 1126
Apr. 3 Kelly amendments printed 1131
Apr. 7 Bracketed 1171
Apr. 8 Cavanaugh amendment printed 1191
Apr. 15 Rumery amendment lost. Burbach amendment pending 1279
Apr. 15 Burbach and Kelly amendments adopted. Cavanaugh and Syas amendments withdrawn. Duis amendment adopted. Referred for review 1282
Apr. 17 Placed on Select File 1313
Apr. 17 Barnett amendment printed 1320
Apr. 17 Laid over 1330

Apr. 21 Chambers amendment lost. Maresh amendment withdrawn. Barnett amendment adopted. Referred for engrossment 1351
Apr. 22 Replaced on Select File 1367
Apr. 23 Bracketed 1404
Apr. 30 Referred for engrossment 1516
Apr. 30 Returned to Select File for Goodrich amendment. Goodrich amendment adopted. Referred for engrossment 1521
Apr. 30 F. Lewis motion to return to Select File lost 1522
May 1 Replaced on Select File 1575
May 2 Referred for engrossment 1590
May 6 Replaced on Select File 1630
May 7 Referred for engrossment 1671
May 8 Correctly engrossed 1702
May 15 Final Reading 1853
May 15 Correctly enrolled. President signed 1866
May 15 Presented to Governor 1875
May 22 Approved by Governor 2048

LEGISLATIVE BILL 431. By Chambers
Jan. 23 Read first time 241
Jan. 24 Referred to Committee on Miscellaneous Subjects 276
Feb. 5 Notice of hearing 373
Mar. 26 Placed on General File 1050

LEGISLATIVE BILL 432. By Chambers
Jan. 23 Read first time 241
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 276
Jan. 28 Notice of hearing 291
Mar. 6 Attorney General Opinion 768
Mar. 6 Attorney General Opinion 769
Mar. 26 Placed on General File 1051

LEGISLATIVE BILL 433. By Agriculture and Environment Committee
Jan. 23 Read first time 241
Jan. 24 Referred to Committee on Agriculture and Environment 276
Jan. 27 Kennedy name added 285
Feb. 19 Notice of hearing 553
Mar. 10 Notice of hearing reset 810
Mar. 18 Attorney General Opinion 915
Apr. 24 Placed on General File 1423

LEGISLATIVE BILL 434. By Agriculture and Environment Committee

Jan.	23	Read first time 242
Jan.	24	Referred to Committee on Agriculture and Environment 276
Feb.	4	Notice of hearing 361
Feb.	6	Skarda and Dickinson names added 407
Mar.	18	Placed on General File 926
Apr.	10	Fowler amendment laid over 1239
Apr.	22	Bracketed 1384

LEGISLATIVE BILL 435. By Agriculture and Environment Committee

Jan.	23	Read first time 242
Jan.	24	Referred to Committee on Public Works 276
Jan.	29	Notice of hearing 299
Mar.	12	Indefinitely postponed 855

LEGISLATIVE BILL 436. By Agriculture and Environment Committee

Jan.	23	Read first time 242
Jan.	24	Referred to Committee on Agriculture and Environment 276
Feb.	19	Notice of hearing 553
Mar.	18	Placed on General File 927
Mar.	25	Referred for review 1046
Apr.	2	Placed on Select File 1095
Apr.	3	Referred for engrossment 1121
Apr.	7	Correctly engrossed 1163
Apr.	10	Kelly motion to return to Select File withdrawn. Final Reading 1229
Apr.	10	Correctly enrolled. President signed 1241
Apr.	14	Presented to Governor 1250
Apr.	14	Luedtke explanation of vote 1259
Apr.	15	Approved by Governor 1271

LEGISLATIVE BILL 437. By Dworak

Jan.	23	Read first time 242
Jan.	24	Referred to Committee on Banking, Commerce and Insurance 276
Jan.	29	Notice of hearing 305
Mar.	5	Placed on General File 759
Mar.	25	Referred for review 1046
Apr.	2	Placed on Select File 1095
Apr.	3	Referred for engrossment 1121
Apr.	4	Correctly engrossed 1146
Apr.	9	Final Reading 1204
Apr.	10	Correctly enrolled. President signed 1231
Apr.	10	Presented to Governor 1239
Apr.	14	Luedtke explanation of vote 1259
Apr.	15	Approved by Governor 1271

LEGISLATIVE BILL 438. By Agriculture and Environment Committee

Jan.	23	Read first time	242
Jan.	24	Referred to Committee on Constitutional Revision and Recreation	276
Jan.	31	Kime name added	325
Feb.	5	Notice of hearing	373
Feb.	24	Indefinitely postponed	593

LEGISLATIVE BILL 439. By Fowler

Jan.	23	Read first time	243
Jan.	24	Referred to Committee on Public Works	276
Feb.	3	Notice of hearing	355
Apr.	16	Indefinitely postponed	1305

LEGISLATIVE BILL 440. By Urban Affairs Committee

Jan.	23	Read first time	243
Jan.	24	Referred to Committee on Urban Affairs	276
Jan.	31	Notice of hearing	338
Apr.	2	Placed on General File	1103

LEGISLATIVE BILL 441. By Urban Affairs Committee

Jan.	23	Read first time	243
Jan.	24	Referred to Committee on Urban Affairs	276
Jan.	31	Notice of hearing	338
Apr.	2	Placed on General File	1103

LEGISLATIVE BILL 442. By Appropriations Committee

Jan.	23	Read first time	243
Jan.	24	Referred to Committee on Appropriations	276
Feb.	4	Notice of hearing	363

LEGISLATIVE BILL 443. By Urban Affairs Committee

Jan.	23	Read first time	243
Jan.	24	Referred to Committee on Urban Affairs	276
Jan.	29	Notice of hearing	305
Mar.	5	Notice of hearing	750
Mar.	18	Placed on General File	934
Apr.	28	Fowler amendments printed	1489
Apr.	29	Fowler amendments adopted. Motion to refer for review pending	1502
Apr.	29	Referred for review	1504
May	1	Placed on Select File	1575
May	2	Referred for engrossment	1590
May	5	Bereuter amendment printed	1628
May	6	Replaced on Select File	1639
May	6	Bereuter amendment printed	1643
May	7	Referred for engrossment	1671

May 8 Bereuter amendment printed 1703
May 8 Bereuter pending amendments and motion to return to Select File withdrawn. Returned to Select File for Bereuter amendment 1708
May 8 Bereuter amendment adopted. Referred for engrossment 1709
May 8 Goodrich amendment printed 1711
May 9 Replaced on Select File 1731
May 9 Referred for engrossment 1741
May 13 Correctly engrossed 1787
May 21 Final Reading 2015
May 21 Correctly enrolled. Speaker signed 2023
May 21 Presented to Governor 2027
May 22 Approved by Governor 2099

LEGISLATIVE BILL 443A. By Urban Affairs Committee
Apr. 23 Read first time. Placed on General File 1398
Apr. 29 Referred for review 1504
May 1 Placed on Select File 1576
May 2 Fowler amendment adopted. Referred for engrossment 1591
May 8 Returned to Select File for Fowler amendment. Fowler amendment adopted. Referred for engrossment 1708
May 9 Replaced on Select File 1723
May 9 Referred for engrossment 1729
May 13 Correctly engrossed 1787
May 21 Final Reading 2015
May 21 Correctly enrolled. Speaker signed 2023
May 21 Presented to Governor 2027
May 22 Approved by Governor 2099

LEGISLATIVE BILL 444. By Urban Affairs Committee
Jan. 23 Read first time 244
Jan. 24 Referred to Committee on Urban Affairs 276
Jan. 31 Notice of hearing 338
Apr. 16 Placed on General File 1305

LEGISLATIVE BILL 445. By Urban Affairs Committee
Jan. 23 Read first time 244
Jan. 24 Referred to Committee on Urban Affairs 276
Jan. 31 Notice of hearing 338
Apr. 16 Placed on General File 1305

LEGISLATIVE BILL 446. By Urban Affairs Committee

Jan.	23	Read first time	244
Jan.	24	Referred to Committee on Urban Affairs	276
Jan.	31	Notice of hearing	338
Mar.	21	Placed on General File	994
Apr.	2	Stull amendment printed	1105
Apr.	25	Stull amendment adopted. Referred for review	1465
Apr.	29	Placed on Select File	1496
Apr.	30	Referred for engrossment	1519
May	1	Correctly engrossed	1570
May	7	Final Reading	1660
May	7	Correctly enrolled. President signed	1669
May	7	Presented to Governor	1672
May	12	Approved by Governor	1755

LEGISLATIVE BILL 447. By Appropriations Committee

Jan.	23	Read first time	244
Jan.	24	Referred to Committee on Appropriations	276
Feb.	4	Notice of hearing	363
Mar.	3	Placed on General File	702
Mar.	25	Referred for review	1044
Apr.	24	Placed on Select File	1411
Apr.	24	Marvel amendment printed	1444
Apr.	25	Marvel amendment adopted. Referred for engrossment	1452
Apr.	30	Replaced on Select File	1513
May	1	Referred for engrossment	1555
May	2	Correctly engrossed	1586
May	7	Final Reading	1663
May	7	Correctly enrolled. President signed	1669
May	7	Presented to Governor	1672
May	13	Approved by Governor	1777

LEGISLATIVE BILL 448. By Appropriations Committee

Jan.	23	Read first time	245
Jan.	24	Referred to Committee on Appropriations	276
Feb.	4	Notice of hearing	363
Mar.	5	Placed on General File	751
Mar.	25	Referred for review	1045
Apr.	2	Placed on Select File	1094
Apr.	3	Referred for engrossment	1120
Apr.	4	Correctly engrossed	1146
Apr.	9	Final Reading	1204
Apr.	10	Correctly enrolled. President signed	1231
Apr.	10	Presented to Governor	1239
Apr.	14	Luedtke explanation of vote	1259
Apr.	15	Approved by Governor	1271

LEGISLATIVE BILL 449. By Education Committee

Jan.	23	Read first time	245
Jan.	24	Referred to Committee on Education	276
Feb.	12	Notice of hearing	466
Mar.	12	Notice of hearing reset	858
Mar.	24	Placed on General File	1010
May	2	Referred for review	1605
May	6	Placed on Select File	1632
May	7	Referred for engrossment	1671
May	8	Replaced on Select File	1691
May	8	Referred for engrossment	1702
May	9	Correctly engrossed	1728
May	15	Final Reading	1857
May	15	Correctly enrolled. President signed	1866
May	15	Presented to Governor	1875
May	16	Approved by Governor	1882

LEGISLATIVE BILL 450. By Anderson

Jan.	23	Read first time	245
Jan.	24	Referred to Committee on Public Health and Welfare	276
Jan.	30	Notice of hearing	309

LEGISLATIVE BILL 451. By Johnson

Jan.	23	Read first time	245
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	276
Jan.	28	Notice of hearing	291
Mar.	20	Placed on General File	974

LEGISLATIVE BILL 452. By Swigart

Jan.	23	Read first time	245
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	276
Feb.	14	Notice of hearing	505
Mar.	21	Placed on General File	981
Apr.	25	Referred for review	1464
Apr.	29	Placed on Select File	1496
Apr.	30	Referred for engrossment	1519
May	1	Correctly engrossed	1570
May	7	Final Reading	1661

LEGISLATIVE BILL 453. By Anderson

Jan.	23	Read first time	246
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	276
Jan.	28	Notice of hearing	291

Apr. 15 Laid over 1281
Apr. 25 Reconsidered 1462
May 1 Placed on General File 1558
May 16 Referred for review 1895
May 19 Placed on Select File 1941
May 19 Mills and Cavanaugh amendments adopted. Referred for engrossment 1948
May 19 Replaced on Select File 1966
May 20 Referred for engrossment. Returned to Select File for George amendment 1996
May 20 George amendment adopted. Referred for engrossment 1997
May 21 Replaced on Select File. Referred for engrossment. Correctly engrossed 2040
May 23 Final Reading 2082
May 23 Correctly enrolled. President signed 2089
May 23 Presented to Governor 2091
May 27 Approved by Governor 2100

LEGISLATIVE BILL 454. By Fitzgerald
Jan. 23 Read first time 246
Jan. 24 Referred to Committee on Public Health and Welfare 276
Jan. 30 Notice of hearing 309
Mar. 19 Placed on General File 958

LEGISLATIVE BILL 455. By Anderson
Jan. 23 Read first time 246
Jan. 24 Referred to Committee on Revenue 276
Jan. 31 Notice of hearing 338
Mar. 17 Placed on General File 903
Apr. 10 Cavanaugh amendment printed 1243
Apr. 10 Cavanaugh amendment printed 1246
Apr. 25 Duis amendment adopted. Barnett motion to bracket lost. Cavanaugh and George amendments lost. Cavanaugh motion to indefinitely postpone lost. Failed to advance for review 1459

LEGISLATIVE BILL 456. By Bereuter
Jan. 23 Read first time 246
Jan. 24 Referred to Committee on Education 276
Jan. 27 Notice of hearing 286
Mar. 26 Notice of hearing reset 1083

LEGISLATIVE BILL 457. By Dworak

Jan. 23	Read first time	246
Jan. 24	Referred to Committee on Public Works	276
Feb. 3	Notice of hearing	355
Feb. 11	Dworak motion to withdraw pending	453
Feb. 12	Notice of hearing cancelled	467
Feb. 12	Withdrawn	469

LEGISLATIVE BILL 458. By Johnson

Jan. 23	Read first time	247
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	276
Feb. 14	Notice of hearing	505
Mar. 4	Placed on General File	734
Apr. 4	Bracketed	1149

LEGISLATIVE BILL 459. By Kelly

Jan. 23	Read first time	247
Jan. 24	Referred to Committee on Urban Affairs	276
Jan. 31	Notice of hearing	338

LEGISLATIVE BILL 460. By Kelly

Jan. 23	Read first time	247
Jan. 24	Referred to Committee on Government, Military and Veterans Affairs	276
Jan. 28	Notice of hearing	291
Mar. 26	Placed on General File	1066

LEGISLATIVE BILL 461. By DeCamp

Jan. 23	Read first time	247
Jan. 24	Referred to Committee on Constitutional Revision and Recreation	276
Feb. 19	Notice of hearing	554
Mar. 10	Indefinitely postponed	816

LEGISLATIVE BILL 462. By DeCamp

Jan. 23	Read first time	247
Jan. 24	Referred to Committee on Education	276
Jan. 27	Notice of hearing	286

LEGISLATIVE BILL 463. By DeCamp

Jan. 23	Read first time	247
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	276
Jan. 29	Notice of hearing	306
Mar. 3	Indefinitely postponed	705

LEGISLATIVE BILL 464. By DeCamp

Jan.	23	Read first time	248
Jan.	24	Referred to Committee on Judiciary	276
Jan.	27	Notice of hearing	287
Feb.	19	Attorney General Opinion	539
Mar.	24	Placed on General File	1023

LEGISLATIVE BILL 465. By DeCamp

Jan.	23	Read first time	248
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	276
Feb.	14	Notice of hearing	505

LEGISLATIVE BILL 466. By Appropriations Committee

Jan.	23	Read first time	248
Jan.	24	Referred to Committee on Appropriations	276
Feb.	10	Notice of hearing	436
Mar.	5	Placed on General File	751
Apr.	8	Referred for review	1189
Apr.	10	Placed on Select File	1225
Apr.	10	Laid over	1245
Apr.	14	Laid over	1261
Apr.	16	Goodrich amendment adopted. Laid over	1302
Apr.	17	Laid over	1317
Apr.	17	Referred for engrossment	1330
Apr.	21	Replaced on Select File	1336
Apr.	22	Referred for engrossment	1371
Apr.	23	Replaced on Select File	1386
Apr.	24	Referred for engrossment	1427
Apr.	25	Correctly engrossed	1454
Apr.	30	Final Reading	1515
Apr.	30	Correctly enrolled. President signed	1520
Apr.	30	Presented to Governor	1523
May	6	Approved by Governor	1638

LEGISLATIVE BILL 467. By Marvel

Jan.	23	Read first time	248
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	276
Jan.	28	Notice of hearing	291
Apr.	25	Indefinitely postponed	1462

LEGISLATIVE BILL 468. By Bereuter

Jan.	23	Read first time	248
Jan.	24	Referred to Committee on Urban Affairs	276
Jan.	29	Notice of hearing	305

Apr.	2	Placed on General File	1104
May	9	Referred for review	1734
May	12	Placed on Select File	1771
May	12	Referred for engrossment	1774
May	13	Replaced on Select File	1797
May	13	Referred for engrossment	1798
May	15	Correctly engrossed	1860
May	21	Final Reading	2028
May	21	Correctly enrolled. Speaker signed	2032
May	21	Presented to Governor	2036
May	22	Approved by Governor	2099

LEGISLATIVE BILL 469. By Bereuter

Jan.	23	Read first time	248
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	276
Jan.	28	Notice of hearing	291
Mar.	24	Indefinitely postponed	1002

LEGISLATIVE BILL 470. By Bereuter

Jan.	23	Read first time	249
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	276
Jan.	28	Notice of hearing	291
Mar.	6	Placed on General File	1078
Apr.	4	Referred for review	1158
Apr.	8	Placed on Select File	1185
Apr.	9	Referred for engrossment	1210
Apr.	14	Correctly engrossed	1250
Apr.	21	Final Reading	1345
Apr.	22	Correctly enrolled. President signed	1368
Apr.	23	Presented to Governor	1393
Apr.	24	Approved by Governor	1438

LEGISLATIVE BILL 471. By Appropriations Committee

Jan.	23	Read first time	249
Jan.	24	Referred to Committee on Appropriations	276
Feb.	4	Notice of hearing	363

LEGISLATIVE BILL 472. By Appropriations Committee

Jan.	23	Read first time	249
Jan.	24	Referred to Committee on Appropriations	276
Feb.	4	Notice of hearing	363
Apr.	21	Placed on General File	1359
Apr.	22	Referred for review	1382
Apr.	24	Placed on Select File	1409
Apr.	25	Referred for engrossment	1451
Apr.	25	Bracketed	1465

Apr. 29 Cavanaugh amendment printed 1509
May 15 Unbracketed 1866
May 16 F. Lewis motion to return to Select File lost 1892
May 16 Correctly engrossed 1918
May 20 Returned to Select File for Cavanaugh amendment 1987
May 20 Cavanaugh amendment adopted. Referred for re-engrossment. Cavanaugh pending amendment withdrawn 1988
May 20 Replaced on Select File 1999
May 20 Referred for re-engrossment 2002
May 21 Correctly re-engrossed 2004
May 23 Final Reading 2084
May 23 Correctly enrolled. President signed 2089
May 23 Presented to Governor 2091
May 28 Approved by Governor 2108

LEGISLATIVE BILL 473. By Appropriations Committee
Jan. 23 Read first time 249
Jan. 24 Referred to Committee on Appropriations 277
Feb. 4 Notice of hearing 363
Mar. 5 Placed on General File 752
Mar. 25 Bereuter name added. Referred for review 1045
Apr. 2 Placed on Select File 1095
Apr. 3 Laid over. Warner amendments printed 1120
Apr. 4 Warner amendments lost. Referred for engrossment 1144
Apr. 8 Correctly engrossed 1185
Apr. 14 Cavanaugh motion to return to Select File lost. Final Reading 1254
Apr. 15 Correctly enrolled. Speaker signed 1271
Apr. 16 Presented to Governor 1298
Apr. 21 Returned by the Governor without approval. Attorney General Opinion 1352

LEGISLATIVE BILL 474. By Appropriations Committee
Jan. 23 Read first time 249
Jan. 24 Referred to Committee on Appropriations 277
Feb. 4 Notice of hearing 363
Feb. 13 Placed on General File 482
Feb. 21 Bracketed 578
Feb. 25 Laid over 620
Feb. 26 Barnett amendment lost. Keyes amendment adopted. Referred for review 634
Feb. 28 Placed on Select File 666
Mar. 4 Laid over 725

Mar.	5	Laid over	746
Mar.	6	Laid over	763
Mar.	7	Laid over	788
Mar.	7	Marvel amendment printed	793
Mar.	10	Marvel amendments adopted. Marvel amendments withdrawn. Referred for engrossment	812
Mar.	11	Replaced on Select File	819
Mar.	12	Referred for engrossment	851
Mar.	12	Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment	852
Mar.	13	Replaced on Select File	869
Mar.	14	Referred for engrossment	892
Mar.	17	Replaced on Select File	904
Mar.	18	Referred for engrossment	927
Mar.	20	Replaced on Select File	961
Mar.	21	Referred for engrossment	984
Mar.	24	Correctly engrossed	1003
Apr.	2	Final Reading	1100
Apr.	3	Correctly enrolled. President signed	1117
Apr.	4	Presented to Governor	1146
Apr.	9	Approved by Governor	1213

LEGISLATIVE BILL 475. By Fowler

Jan.	23	Read first time	249
Jan.	24	Referred to Committee on Labor	277
Jan.	29	Notice of hearing	305
Mar.	6	Placed on General File	778
Apr.	4	Referred for review	1149
Apr.	8	Placed on Select File	1183
Apr.	9	Referred for engrossment	1208
Apr.	10	Correctly engrossed	1231
Apr.	16	Laid over	1294
Apr.	21	Final Reading	1338
Apr.	22	Correctly enrolled. President signed	1368
Apr.	23	Presented to Governor	1393
Apr.	24	Approved by Governor	1438

LEGISLATIVE BILL 476. By Fowler

Jan.	23	Read first time	250
Jan.	24	Referred to Committee on Public Health and Welfare	277
Jan.	30	Notice of hearing	309
Mar.	18	Indefinitely postponed	934

LEGISLATIVE BILL 477. By Banking, Commerce and Insurance Committee

Jan. 23	Read first time	250
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	277
Jan. 29	Notice of hearing	306
Mar. 24	Placed on General File	1015
Apr. 30	Murphy amendment printed	1528
May 16	Failed to advance for review	1934
May 16	Schmit motion to reconsider lost	1936
May 19	Referred for review	1949
May 19	Placed on Select File	1957
May 20	Bracketed	1975

LEGISLATIVE BILL 478. By Luedtke

Jan. 23	Read first time	252
Jan. 28	Referred to Committee on Public Works	289
Feb. 3	Notice of hearing	355

LEGISLATIVE BILL 479. By Judiciary Committee

Jan. 23	Read first time	252
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Feb. 4	Notice of hearing cancelled. Notice of hearing reset	363

LEGISLATIVE BILL 480. By Judiciary Committee

Jan. 23	Read first time	252
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Mar. 10	Placed on General File	816
Mar. 25	Referred for review	1046
Apr. 2	Placed on Select File	1095
Apr. 3	Referred for engrossment	1121
Apr. 4	Correctly engrossed	1146
Apr. 9	Final Reading	1205
Apr. 10	Correctly enrolled. President signed	1231
Apr. 10	Presented to Governor	1239
Apr. 14	Luedtke explanation of vote	1259
Apr. 15	Approved by Governor	1271

LEGISLATIVE BILL 481. By Judiciary Committee

Jan. 23	Read first time	252
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Mar. 4	Placed on General File	730
Mar. 26	Referred for review	1084

Apr. 10	Placed on Select File	1240
Apr. 10	Referred for engrossment	1246
Apr. 15	Replaced on Select File	1268
Apr. 16	Referred for engrossment	1301
Apr. 17	Correctly engrossed	1314
Apr. 23	Final Reading	1390
Apr. 24	Correctly enrolled. President signed	1413
Apr. 25	Presented to Governor	1453
Apr. 28	Kelly explanation of vote	1475
Apr. 29	Approved by Governor	1503

LEGISLATIVE BILL 482. By Judiciary Committee

Jan. 23	Read first time	253
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Mar. 11	Indefinitely postponed	840

LEGISLATIVE BILL 483. By Judiciary Committee

Jan. 23	Read first time	253
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Mar. 14	Indefinitely postponed	897

LEGISLATIVE BILL 484. By Judiciary Committee

Jan. 23	Read first time	253
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Mar. 26	Indefinitely postponed	1070

LEGISLATIVE BILL 485. By Judiciary Committee

Jan. 23	Read first time	253
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Mar. 26	Placed on General File	1050

LEGISLATIVE BILL 486. By Judiciary Committee

Jan. 23	Read first time	253
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Mar. 10	Placed on General File	816
Apr. 22	Referred for review	1383
Apr. 24	Placed on Select File	1410
Apr. 25	Referred for engrossment	1451
Apr. 28	Correctly engrossed	1479
May 1	Final Reading	1550
May 1	Correctly enrolled. President signed	1567
May 2	Presented to Governor	1586
May 6	Approved by Governor	1638

LEGISLATIVE BILL 487. By Judiciary Committee

Jan. 23	Read first time	254
Jan. 28	Referred to Committee on Judiciary	289
Jan. 30	Notice of hearing	313
Mar. 21	Placed on General File	991

LEGISLATIVE BILL 488. By Syas

Jan. 23	Read first time	254
Jan. 28	Referred to Committee on Constitutional Revision and Recreation	289
Feb. 19	Notice of hearing	554
Mar. 10	Placed on General File	816
Mar. 14	Bracketed	900

LEGISLATIVE BILL 489. By Syas

Jan. 23	Read first time	254
Jan. 28	Referred to Committee on Constitutional Revision and Recreation	289
Feb. 5	Notice of hearing	373
Feb. 24	Placed on General File	607
Mar. 7	Referred for review	797
Mar. 11	Placed on Select File	820
Mar. 12	Referred for engrossment	852
Mar. 13	Correctly engrossed	875
Mar. 18	Final Reading	924
Mar. 19	Correctly enrolled. President signed	949
Mar. 20	Presented to Governor	962
Mar. 24	Approved by Governor	1001

LEGISLATIVE BILL 490. By Mills

Jan. 23	Read first time	254
Jan. 28	Referred to Committee on Public Health and Welfare	289
Jan. 30	Notice of hearing	309
Feb. 26	Notice of hearing continued	627
Feb. 27	Notice of hearing cancelled	649
Mar. 11	Indefinitely postponed	825

LEGISLATIVE BILL 491. By Mills

Jan. 23	Read first time	254
Jan. 28	Referred to Committee on Public Works	289
Feb. 3	Notice of hearing	355
Mar. 24	Placed on General File	1003
May 16	Referred for review	1934
May 19	Placed on Select File	1943
May 21	Failed to advance for engrossment	2005

LEGISLATIVE BILL 492. By Wiltse

Jan.	23	Read first time	254
Jan.	28	Referred to Committee on Public Works	289
Feb.	3	Notice of hearing	354
Feb.	19	Placed on General File	556
Mar.	4	Referred for review	726
Mar.	6	Placed on Select File	767
Mar.	7	Referred for engrossment	788
Mar.	10	Correctly engrossed	808
Mar.	13	Final Reading	873
Mar.	17	Correctly enrolled. President signed	904
Mar.	18	Presented to Governor	919
Mar.	20	Approved by Governor	961

LEGISLATIVE BILL 493. By Rumery

Jan.	23	Read first time	255
Jan.	28	Referred to Committee on Education	289
Feb.	12	Notice of hearing	466
Mar.	11	Placed on General File	831
Mar.	14	Change of order	898
Mar.	17	Referred for review	909
Mar.	19	Placed on Select File	943
Mar.	20	Referred for engrossment	971
Mar.	21	Bracketed	985
Mar.	26	Unbracketed	1063
Mar.	26	Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment	1064
Apr.	2	Replaced on Select File	1093
Apr.	3	Referred for engrossment	1120
Apr.	4	Correctly engrossed	1146
Apr.	9	Final Reading	1206
Apr.	10	Correctly enrolled. President signed	1231
Apr.	10	Presented to Governor	1239
Apr.	14	Luedtke explanation of vote	1259
Apr.	15	Approved by Governor	1287

LEGISLATIVE BILL 494. By George

Jan.	23	Read first time	255
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	289
Feb.	13	Notice of hearing	482
Mar.	20	Placed on General File	974
Apr.	4	Koch amendment adopted. Referred for review	1150
Apr.	8	Placed on Select File	1183
Apr.	9	Burrows amendment lost. Referred for engrossment	1208

Apr. 10 Correctly engrossed 1237
Apr. 16 Final Reading 1294
Apr. 17 Correctly enrolled. President signed 1314
Apr. 17 Presented to Governor 1323
Apr. 22 Approved by Governor 1367

LEGISLATIVE BILL 495. By Miscellaneous Subjects Committee
Jan. 23 Read first time 256
Jan. 28 Referred to Committee on Miscellaneous Subjects 289
Feb. 19 Notice of hearing 553
Apr. 2 Placed on General File 1098

LEGISLATIVE BILL 496. By Labor Committee
Jan. 23 Read first time 256
Jan. 28 Referred to Committee on Labor 289
Jan. 31 Notice of hearing 326
Mar. 10 Indefinitely postponed 809

LEGISLATIVE BILL 497. By Labor Committee
Jan. 23 Read first time 256
Jan. 28 Referred to Committee on Labor 289
Jan. 31 Notice of hearing 326
Mar. 21 Indefinitely postponed 989

LEGISLATIVE BILL 498. By Labor Committee
Jan. 23 Read first time 257
Jan. 28 Referred to Committee on Labor 289
Jan. 31 Notice of hearing 326
Mar. 21 Indefinitely postponed 989

LEGISLATIVE BILL 499. By Labor Committee
Jan. 23 Read first time 257
Jan. 28 Referred to Committee on Labor 289
Jan. 31 Notice of hearing 326
Mar. 20 Placed on General File 961

LEGISLATIVE BILL 500. By Murphy
Jan. 23 Read first time 257
Jan. 28 Referred to Committee on Judiciary 289
Jan. 30 Notice of hearing 313
Mar. 4 Placed on General File 731
Apr. 4 Luedtke amendment adopted. Referred for review 1150
Apr. 8 Placed on Select File 1183
Apr. 9 Referred for engrossment 1209

Apr. 10 Correctly engrossed 1237
Apr. 16 Final Reading 1295
Apr. 17 Correctly enrolled. President signed 1314
Apr. 17 Presented to Governor 1323
Apr. 22 Approved by Governor 1367

LEGISLATIVE BILL 501. By Hasebroock
Jan. 23 Read first time 257
Jan. 28 Referred to Committee on Urban Affairs 289
Feb. 11 Hasebroock motion to withdraw pending 453
Feb. 12 Withdrawn 469

LEGISLATIVE BILL 502. By Barnett
Jan. 23 Read first time 257
Jan. 28 Referred to Committee on Banking, Commerce and Insurance 289
Feb. 14 Notice of hearing 506
Mar. 25 Indefinitely postponed 1041
Apr. 2 Barnett motion to place on General File pending 1114
Apr. 7 Placed on General File 1170
Apr. 10 Attorney General Opinion 1234

LEGISLATIVE BILL 503. By Fowler
Jan. 23 Read first time 257
Jan. 28 Referred to Committee on Education 289
Feb. 12 Notice of hearing 466
Apr. 2 Placed on General File 1109

LEGISLATIVE BILL 504. By Fowler
Jan. 23 Read first time 258
Jan. 28 Referred to Committee on Judiciary 289
Jan. 30 Notice of hearing 313
Feb. 4 Notice of hearing cancelled. Notice of hearing reset 363
Mar. 25 Indefinitely postponed 1041

LEGISLATIVE BILL 505. By Fowler
Jan. 23 Read first time 258
Jan. 28 Referred to Committee on Miscellaneous Subjects 289
Feb. 19 Notice of hearing 553
Feb. 25 Notice of hearing cancelled. Notice of hearing reset 613

LEGISLATIVE BILL 506. By Warner

Jan.	23	Read first time	258
Jan.	28	Referred to Committee on Revenue	289
Feb.	6	Notice of hearing	394
Mar.	21	Carsten amendment printed	997

LEGISLATIVE BILL 507. By Koch

Jan.	23	Read first time	258
Jan.	28	Referred to Committee on Appropriations	289
Mar.	6	Notice of hearing	783
Mar.	14	Notice of hearing cancelled. Notice of hearing reset	898
Mar.	18	Notice of hearing cancelled. Notice of hearing reset	930
Apr.	28	Placed on General File	1482
May	1	DeCamp motion to indefinitely postpone lost. Referred for review	1569
May	2	Kelly amendment printed	1592
May	5	Placed on Select File	1607
May	6	Kelly amendment printed	1641
May	7	Kelly and Burrows amendments pending. Bracketed	1667
May	8	Attorney General Opinion	1719
May	19	Unbracketed. Kelly and Burrows amendments withdrawn. Koch amendment adopted. Referred for engrossment	1944
May	19	Replaced on Select File	1953
May	20	Referred for engrossment	1995
May	21	Correctly engrossed	2016
May	23	Final Reading	2085
May	23	Correctly enrolled. President signed	2089
May	23	Presented to Governor	2091
May	28	Approved by Governor	2108

LEGISLATIVE BILL 508. By Dickinson

Jan.	23	Read first time	258
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	289
Feb.	14	Notice of hearing	505
Mar.	20	Placed on General File	974
Apr.	4	Mills motion to bracket lost. Referred for review	1157
Apr.	24	Placed on Select File	1413
Apr.	25	Referred for engrossment	1452
Apr.	30	Correctly engrossed	1520
May	2	Returned to Select File for Schmit amendment	1595

May 2 Schmit amendment adopted. Referred for re-engrossment 1598
May 5 Returned to Select File for Murphy amendment. Bracketed 1608
May 6 Schmit amendment printed 1653
May 7 Unbracketed 1674
May 8 Laid over 1706
May 8 Murphy amendment printed 1720
May 9 Request to print amendment changed from Murphy to Schmit 1722
May 12 Murphy amendment adopted. Referred for re-engrossment 1761
May 12 Returned to Select File for Schmit amendment. Schmit amendment adopted. Referred for re-engrossment. Schmit amendment withdrawn .. 1762
May 13 Replaced on Select File 1778
May 13 Referred for re-engrossment 1779
May 13 Replaced on Select File 1797
May 13 Referred for re-engrossment 1798
May 15 Correctly re-engrossed 1860
May 21 Final Reading 2028
May 21 Correctly enrolled. Speaker signed 2032
May 21 Presented to Governor 2036
May 22 Approved by Governor 2099

LEGISLATIVE BILL 509. By Judiciary Committee

Jan. 23 Read first time 258
Jan. 28 Referred to Committee on Judiciary 289
Jan. 30 Notice of hearing 313
Mar. 14 Placed on General File 897
Apr. 4 Referred for review 1156
Apr. 8 Placed on Select File 1183
Apr. 9 Referred for engrossment 1210
Apr. 14 Correctly engrossed 1250
Apr. 21 Final Reading 1346
Apr. 22 Correctly enrolled. President signed 1368
Apr. 23 Presented to Governor 1393
Apr. 24 Approved by Governor 1438

LEGISLATIVE BILL 510. By Warner

Jan. 23 Read first time 258
Jan. 28 Referred to Committee on Judiciary 289
Jan. 30 Notice of hearing 313
Mar. 26 Indefinitely postponed 1084

LEGISLATIVE BILL 511. By Kelly
Jan. 23 Read first time 259
Jan. 28 Referred to Committee on Miscellaneous Subjects 289
Feb. 25 Kelly motion to withdraw pending 623
Feb. 26 Withdrawn 640

LEGISLATIVE BILL 512. By Schmit
Jan. 23 Read first time 259
Jan. 28 Referred to Committee on Banking, Commerce and Insurance 289
Feb. 27 Notice of hearing 649

LEGISLATIVE BILL 513. By Anderson
Jan. 23 Read first time 259
Jan. 28 Referred to Committee on Labor 289
Jan. 31 Notice of hearing 326
Feb. 21 Anderson motion to withdraw pending 581
Feb. 24 Withdrawn 607
Feb. 28 Notice of hearing cancelled 667

LEGISLATIVE BILL 514. By Agriculture and Environment Committee
Jan. 23 Read first time 259
Jan. 24 Kennedy name added 271
Jan. 28 Referred to Committee on Agriculture and Environment 289
Feb. 19 Notice of hearing 553
Apr. 24 Placed on General File 1425

LEGISLATIVE BILL 515. By Goodrich
Jan. 23 Read first time 259
Jan. 28 Referred to Committee on Government, Military and Veterans Affairs 289
Feb. 13 Notice of hearing 482
Apr. 25 Placed on General File 1461

LEGISLATIVE BILL 516. By Fitzgerald
Jan. 23 Read first time 259
Jan. 28 Referred to Committee on Government, Military and Veterans Affairs 289
Feb. 13 Notice of hearing 483
Apr. 25 Laid over 1462

LEGISLATIVE BILL 517. By Moylan
Jan. 23 Read first time 260
Jan. 28 Referred to Committee on Public Health and Welfare 289

Jan. 30 Notice of hearing 309
Mar. 11 Placed on General File 840
Apr. 4 Referred for review 1155
Apr. 8 Placed on Select File 1183
Apr. 9 Referred for engrossment 1209
Apr. 10 Replaced on Select File 1239
Apr. 10 Referred for engrossment 1246
Apr. 14 Correctly engrossed 1250
Apr. 21 Final Reading 1347
Apr. 22 Correctly enrolled. President signed 1368
Apr. 23 Presented to Governor 1393
May 1 Approved by Governor 1542

LEGISLATIVE BILL 518. By Stoney
Jan. 23 Read first time 260
Jan. 28 Referred to Committee on Public Works 289
Feb. 3 Notice of hearing 354
Mar. 18 Indefinitely postponed 920

LEGISLATIVE BILL 519. By Agriculture and Environment Committee
Jan. 23 Read first time 260
Jan. 24 Kennedy name added 271
Jan. 28 Referred to Committee on Agriculture and Environment 289
Feb. 19 Notice of hearing 553
Apr. 3 Placed on General File 1129

LEGISLATIVE BILL 520. By Education Committee
Jan. 23 Read first time 260
Jan. 28 Referred to Committee on Education 289
Feb. 12 Notice of hearing 467
Mar. 12 Notice of hearing reset 856
Apr. 9 Indefinitely postponed 1211

LEGISLATIVE BILL 521. By Education Committee
Jan. 23 Read first time 260
Jan. 28 Referred to Committee on Education 289
Feb. 12 Notice of hearing 467
Mar. 12 Notice of hearing reset 856
Apr. 15 Placed on General File 1286

LEGISLATIVE BILL 522. By Education Committee
Jan. 23 Read first time 260
Jan. 28 Referred to Committee on Education 289
Feb. 12 Notice of hearing 466
Mar. 4 Attorney General Opinion 729

Mar. 26 Placed on General File 1069
May 7 Dworak amendment printed 1669
May 7 Dworak amendment printed 1686
May 16 Dworak amendment adopted. Referred for review 1931
May 19 Placed on Select File 1942
May 20 Referred for engrossment 1994
May 21 Replaced on Select File. Referred for engrossment 2012
May 21 Correctly engrossed 2016
May 23 Final Reading 2085
May 23 Correctly enrolled. President signed 2089
May 23 Presented to Governor 2091
May 27 Approved by Governor 2100

LEGISLATIVE BILL 523. By Keyes
Jan. 23 Read first time 261
Jan. 28 Referred to Committee on Public Works 289
Feb. 3 Notice of hearing 354
Feb. 24 Indefinitely postponed 607

LEGISLATIVE BILL 524. By Miscellaneous Subjects Committee
Jan. 23 Read first time 261
Jan. 28 Referred to Committee on Miscellaneous Subjects 289
Feb. 19 Notice of hearing 553

LEGISLATIVE BILL 525. By Miscellaneous Subjects Committee
Jan. 23 Read first time 261
Jan. 28 Referred to Committee on Miscellaneous Subjects 289
Feb. 11 Notice of hearing 452
Feb. 28 Attorney General Opinion 674
Mar. 25 Placed on General File 1040
Apr. 28 Kelly amendment printed 1481
May 12 Attorney General Opinion 1745
May 16 Dworak amendment printed 1906
May 16 Referred for review 1934
May 19 Placed on Select File 1943
May 21 Schmit amendment adopted. Rasmussen motion to indefinitely postpone pending 2006
May 21 Rasmussen pending motion lost. Kelly and Dworak amendments adopted. Referred for engrossment 2008
May 21 Replaced on Select File 2041
May 21 Referred for engrossment. Correctly engrossed 2042

May 23 Final Reading 2086
May 23 Correctly enrolled. President signed 2091
May 23 Presented to Governor 2093
May 27 Approved by Governor 2100

LEGISLATIVE BILL 525A. By Miscellaneous Subjects Committee

May 14 Read first time. Placed on General File 1824
May 16 Referred for review 1934
May 19 Placed on Select File 1943
May 21 F. Lewis amendment lost. Barnett amendment adopted. Referred for engrossment 2008
May 21 Replaced on Select File. Referred for engrossment 2031
May 21 Correctly engrossed 2042
May 23 Final Reading 2087
May 23 Correctly enrolled. President signed 2091
May 23 Presented to Governor 2093
May 27 Approved by Governor 2100

LEGISLATIVE BILL 526. By Johnson

Jan. 23 Read first time 261
Jan. 28 Referred to Committee on Agriculture and Environment 289
Feb. 19 Notice of hearing 553
Mar. 26 Placed on General File 1053
May 1 Johnson amendment adopted. Referred for review 1569
May 5 Placed on Select File 1607
May 7 Referred for engrossment 1667
May 7 Correctly engrossed 1680
May 15 Final Reading 1848
May 15 Correctly enrolled 1860
May 15 President signed 1861
May 15 Presented to Governor 1866
May 21 Returned by Governor without approval 2007
May 21 Passed over Governor's veto 2012
May 21 Delivered to Secretary of State 2013
May 21 Certificate 2014
May 21 Letter 2021

LEGISLATIVE BILL 527. By Keyes

Jan. 23 Read first time 261
Jan. 28 Referred to Committee on Judiciary 289
Jan. 30 Notice of hearing 313
Mar. 4 Placed on General File 731
Apr. 8 Referred for review 1189

Apr. 10 Placed on Select File 1225
Apr. 10 Referred for engrossment 1245
Apr. 14 Correctly engrossed 1250
Apr. 21 Final Reading 1348
Apr. 22 Correctly enrolled. President signed 1368
Apr. 23 Presented to Governor 1393
Apr. 24 Approved by Governor 1438

LEGISLATIVE BILL 528. By Banking, Commerce and Insurance Committee

Jan. 24 Read first time 271
Jan. 28 Referred to Committee on Banking, Commerce and Insurance 289
Feb. 14 Notice of hearing 505
Mar. 3 Placed on General File 705
Apr. 3 Indefinitely postponed 1132
Apr. 4 Wiltse motion to reconsider pending 1153
Apr. 14 Wiltse pending motion laid over 1257
Apr. 14 Wiltse pending motion prevailed. Placed on General File 1259
Apr. 14 Cavanaugh amendment printed 1264
Apr. 14 Bracketed 1267
Apr. 15 Stoney amendment printed 1278
Apr. 21 Cavanaugh amendment printed 1360
Apr. 28 Stoney name added. Cavanaugh amendment lost. Stoney amendment adopted. Cavanaugh, Mills and Burrows amendments lost. Motion. Indefinitely postponed 1483

LEGISLATIVE BILL 529. By Burbach, at request of Governor

Feb. 3 Read first time 351
Feb. 4 Referred to Committee on Appropriations 361
Feb. 10 Notice of hearing 436
Mar. 5 Placed on General File 753
Mar. 7 Marvel amendments adopted. Referred for review 791
Mar. 11 Placed on Select File 820
Mar. 12 Referred for engrossment 851
Mar. 13 Returned to Select File for Marvel amendment. Marvel amendment adopted. Referred for engrossment. Expedited 875
Mar. 14 Correctly engrossed 887
Mar. 19 Final Reading 948
Mar. 20 Correctly enrolled. President signed 963
Mar. 21 Presented to Governor 983
Apr. 2 Approved by Governor 1088

LEGISLATIVE BILL 530. By Revenue Committee

Feb.	3	Read first time	351
Feb.	4	Referred to Committee on Revenue	361
Feb.	14	Notice of hearing	506
Mar.	17	Placed on General File	903
Apr.	10	Keyes motion to indefinitely postpone lost. Referred for review	1238
Apr.	14	Placed on Select File	1250
Apr.	15	Referred for engrossment	1269
Apr.	17	Correctly engrossed	1314
Apr.	23	Final Reading	1391
Apr.	24	Correctly enrolled. President signed	1413
Apr.	25	Presented to Governor	1453
Apr.	28	Kelly explanation of vote	1475
May	1	Approved by Governor	1542

LEGISLATIVE BILL 531. By Cavanaugh, at request of Governor

Feb.	3	Read first time	351
Feb.	4	Referred to Committee on Government, Military and Veterans Affairs	361
Feb.	13	Notice of hearing	482
Apr.	15	Laid over	1281

LEGISLATIVE BILL 532. By Nebraska Retirement Systems Committee

Feb.	3	Read first time	352
Feb.	4	F. Lewis name added	360
Feb.	4	Referred to Committee on Nebraska Retirement Systems	361
Feb.	6	Notice of hearing	395
Feb.	24	Notice of hearing	604

LEGISLATIVE BILL 533. By Nebraska Retirement Systems Committee

Feb.	3	Read first time	352
Feb.	4	Referred to Committee on Nebraska Retirement Systems	361
Feb.	6	Notice of hearing	394
Apr.	23	Placed on General File	1386

LEGISLATIVE BILL 534. By Warner, at request of Governor

Feb.	4	Read first time	360
Feb.	7	Referred to Committee on Miscellaneous Subjects	412
Feb.	25	Notice of hearing	613
Apr.	2	Placed on General File	1098

LEGISLATIVE BILL 535. By Agriculture and Environment Committee

Feb.	5	Read first time	369
Feb.	7	Referred to Committee on Agriculture and Environment	412
Feb.	19	Notice of hearing	553
Mar.	26	Placed on General File	1071

LEGISLATIVE BILL 536. By Agriculture and Environment Committee

Feb.	5	Read first time	370
Feb.	7	Referred to Committee on Agriculture and Environment	412
Feb.	19	Notice of hearing	553
Apr.	7	Placed on General File	1176
May	16	Referred for review	1935
May	19	Placed on Select File	1943

LEGISLATIVE BILL 537. By Appropriations Committee

Feb.	5	Read first time	370
Feb.	7	Placed on General File	412
Feb.	12	Referred for review	463
Feb.	13	Placed on Select File	473
Feb.	14	Referred for engrossment	502
Feb.	19	Bracketed	552
Feb.	21	Marvel amendments printed	587
Mar.	5	Marvel amendments printed	738
Mar.	5	Returned to Select File for Marvel and Clark amendments	748
Mar.	5	Clark and Marvel amendments adopted. Referred for engrossment. Returned to Select File for Marvel amendment. Marvel amendment adopted. Referred for engrossment. Kelly motion to return to Select File lost	749
Mar.	6	Placed on Select File	766
Mar.	7	Referred for engrossment	788
Mar.	11	Returned to Select File for Clark amendment	828
Mar.	11	Clark amendment adopted. Referred for engrossment	830
Mar.	12	Correctly engrossed	850
Mar.	17	Laid over	908
Mar.	20	Final Reading	963
Mar.	21	Correctly enrolled. President signed	980
Mar.	24	Presented to Governor	1002
Apr.	2	Approved by Governor. Line-item veto	1088
Apr.	2	Goodrich motion to override line-item veto pending	1109
Apr.	3	Goodrich pending motion lost	1125
Apr.	14	Message from Secretary of State	1249

LEGISLATIVE BILL 538. By Kennedy, at request of Governor

Feb.	5	Read first time	370
Feb.	7	Referred to Committee on Judiciary	412
Feb.	7	Notice of hearing	420
Feb.	20	Notice of hearing cancelled. Notice of hearing reset	566
Mar.	26	Indefinitely postponed	1084

LEGISLATIVE BILL 539. By Bereuter, at reqest of Governor

Feb.	6	Read first time	400
Feb.	7	Referred to Committee on Government, Military and Veterans Affairs	412
Feb.	13	Notice of hearing	483
Apr.	15	Laid over	1281

LEGISLATIVE BILL 540. By Judiciary Committee

Feb.	6	Read first time	401
Feb.	6	Notice of hearing	404
Feb.	7	Referred to Committee on Judiciary	412

LEGISLATIVE BILL 541. By Judiciary Committee

Feb.	6	Read first time	401
Feb.	6	Notice of hearing	404
Feb.	7	Referred to Committee on Judiciary	412
Mar.	10	Placed on General File	816
Apr.	4	Referred for review	1151
Apr.	8	Placed on Select File	1183
Apr.	9	Referred for engrossment	1209
Apr.	10	Correctly engrossed	1237
Apr.	16	Final Reading	1296
Apr.	17	Correctly enrolled. President signed	1314
Apr.	17	Presented to Governor	1323
Apr.	22	Approved by Governor	1367

LEGISLATIVE BILL 542. By Judiciary Committee

Feb.	6	Read first time	401
Feb.	6	Notice of hearing	404
Feb.	7	Referred to Committee on Judiciary	412
Mar.	14	Placed on General File	897
Apr.	4	Referred for review	1156
Apr.	8	Placed on Select File	1184
Apr.	9	Referred for engrossment	1210
Apr.	14	Correctly engrossed	1250
Apr.	21	Cavanaugh motion to return to Select File lost. Final Reading	1348

LEGISLATIVE BILL 543. By Judiciary Committee

Feb. 6	Read first time	401
Feb. 6	Notice of hearing	404
Feb. 7	Referred to Committee on Judiciary	412
Mar. 18	Indefinitely postponed	939

LEGISLATIVE BILL 544. By Agriculture and Environment Committee

Feb. 7	Read first time	414
Feb. 11	Referred to Committee on Agriculture and Environment	457
Feb. 19	Notice of hearing	553
Apr. 7	Placed on General File	1176

LEGISLATIVE BILL 545. By Public Health and Welfare Committee

Feb. 7	Read first time	414
Feb. 11	Referred to Committee on Public Health and Welfare	457
Feb. 14	Notice of hearing	498
Mar. 19	Placed on General File	955

LEGISLATIVE BILL 546. By Labor Committee

Feb. 11	Read first time	454
Feb. 11	Referred to Committee on Labor	457
Feb. 18	Notice of hearing	523
Mar. 18	Placed on General File	939

LEGISLATIVE BILL 547. By Executive Board

Feb. 11	Read first time	454
Feb. 11	Referred to Committee on Public Works	457
Feb. 12	Notice of hearing	467
Feb. 25	Placed on General File	621
Mar. 17	Referred for review	910
Mar. 19	Placed on Select File	943
Mar. 20	Referred for engrossment	971
Mar. 21	Correctly engrossed	980
Mar. 26	Final Reading	1059
Apr. 2	Correctly enrolled. President signed	1092
Apr. 3	Presented to Governor	1117
Apr. 4	Approved by Governor	1157

LEGISLATIVE BILL 548. By Judiciary Committee

Feb. 12	Read first time	469
Feb. 13	Referred to Committee on Judiciary	478
Feb. 13	Notice of hearing	492
Mar. 11	Indefinitely postponed	840

LEGISLATIVE BILL 549. By Burbach, at request of Governor

Feb.	18	Read first time	533
Feb.	18	Referred to Committee on Appropriations	534
Apr.	9	Notice of hearing	1214

LEGISLATIVE BILL 550. By Burbach, at request of Governor

Feb.	18	Read first time	533
Feb.	18	Referred to Committee on Appropriations	534
Mar.	14	Notice of hearing	898
Mar.	26	Placed on General File	1050
Apr.	22	Referred for review	1382
Apr.	24	Placed on Select File	1410
Apr.	25	Referred for engrossment	1451
Apr.	28	Correctly engrossed	1479
May	1	Final Reading	1551
May	1	Correctly enrolled. President signed	1567
May	2	Presented to Governor	1586
May	6	Approved by Governor	1638

LEGISLATIVE BILL 551. By Burbach, at request of Governor

Feb.	18	Read first time	533
Feb.	18	Referred to Committee on Appropriations	534
Mar.	14	Notice of hearing	898
Mar.	26	Placed on General File	1050
Apr.	22	Referred for review	1382
Apr.	24	Placed on Select File	1409
Apr.	25	Referred for engrossment	1451
Apr.	28	Correctly engrossed	1479
May	1	Final Reading	1551
May	1	Correctly enrolled. President signed	1567
May	2	Presented to Governor	1586
May	6	Approved by Governor	1638

LEGISLATIVE BILL 552. By Burbach, at request of Governor

Feb.	18	Read first time	533
Feb.	18	Referred to Committee on Appropriations	534
Mar.	14	Notice of hearing	898

LEGISLATIVE BILL 553. By Burbach, at request of Governor

Feb.	18	Read first time	533
Feb.	18	Referred to Committee on Appropriations	534
Apr.	9	Notice of hearing	1214
Apr.	23	Placed on General File	1395
Apr.	28	Marvel amendment adopted. Referred for review	1487
Apr.	30	Placed on Select File	1514

May 1 Barnett amendment adopted. Referred for engrossment 1556
May 1 Replaced on Select File 1574
May 2 Failed to advance for engrossment 1590
May 2 Referred for engrossment 1594
May 5 Correctly engrossed 1623
May 8 Final Reading 1694
May 8 Correctly enrolled. President signed 1701
May 8 Presented to Governor 1705
May 13 Stoney explanation of vote 1803
May 14 Approved by Governor 1814

LEGISLATIVE BILL 554. By Burbach, at request of Governor
Feb. 18 Read first time. Referred to Committee on Appropriations 534
Mar. 14 Notice of hearing 898

LEGISLATIVE BILL 555. By Education Committee
Feb. 20 Read first time 569
Feb. 20 Placed on General File. Bracketed 570
Feb. 24 F. Lewis amendment adopted. Referred for review. Expedited 605
Feb. 25 Placed on Select File 611
Feb. 25 Referred for engrossment 619
Feb. 25 Correctly engrossed 623
Feb. 27 F. Lewis motion to consider prevailed. Laid over 652
Feb. 28 Laid over 670
Mar. 3 Laid over 691
Mar. 3 Marvel amendments and statement printed 702
Mar. 4 Laid over 716
Mar. 5 Marvel and Warner motions to return to Select File withdrawn 738
Mar. 5 Final Reading 739
Mar. 6 Correctly enrolled. President signed 762
Mar. 7 Presented to Governor 794
Mar. 11 Approved by Governor 840

LEGISLATIVE BILL 556. By Labor Committee
Feb. 21 Read first time 583
Feb. 24 Referred to Committee on Labor 595
Feb. 28 Notice of hearing 667
Mar. 12 Notice of hearing reset 858
Mar. 12 Notice of hearing reset 862
Mar. 14 Notice of hearing cancelled. Notice of hearing reset 893
Mar. 24 Indefinitely postponed 1013

LEGISLATIVE BILL 557. By Labor Committee

Feb. 21	Read first time	583
Feb. 24	Referred to Committee on Labor	595
Feb. 28	Notice of hearing	667
Mar. 12	Notice of hearing reset	858
Mar. 12	Notice of hearing reset	862
Mar. 14	Notice of hearing cancelled. Notice of hearing reset	893
Mar. 24	Placed on General File	1021
May 16	Maresh amendment adopted. Referred for review	1894
May 16	Placed on Select File	1917
May 16	Referred for engrossment	1919
May 19	Correctly engrossed	1965
May 21	Final Reading	2039
May 21	Correctly enrolled. Speaker signed	2041
May 21	Presented to Governor	2042
May 22	Approved by Governor	2099

LEGISLATIVE BILL 558. By Judiciary Committee

Feb. 21	Read first time	584
Feb. 24	Referred to Committee on Judiciary	595
Feb. 25	Notice of hearing	623

LEGISLATIVE BILL 559. By Agriculture and Environment Committee

Feb. 21	Read first time	584
Feb. 24	Referred to Committee on Agriculture and Environment	595
Feb. 26	Notice of hearing	637

LEGISLATIVE BILL 560. By Banking, Commerce and Insurance Committee

Feb. 21	Read first time	584
Feb. 24	Referred to Committee on Judiciary	595
Feb. 25	Notice of hearing	623
Mar. 18	Placed on General File	939
Apr. 4	Laid over	1157
Apr. 25	Referred for review	1464
Apr. 29	Placed on Select File	1496
Apr. 30	Referred for engrossment	1519
May 1	Correctly engrossed	1570
May 7	Final Reading	1661
May 7	Correctly enrolled. President signed	1669
May 7	Presented to Governor	1672
May 12	Approved by Governor	1755

LEGISLATIVE BILL 561. By Banking, Commerce and Insurance Committee

Feb. 21	Read first time	584
Feb. 24	Referred to Committee on Banking, Commerce and Insurance	595
Feb. 27	Notice of hearing	649
Mar. 21	Placed on General File	983
Apr. 8	Murphy amendments printed	1197

LEGISLATIVE BILL 562. By Banking, Commerce and Insurance Committee

Feb. 21	Read first time	584
Feb. 24	Referred to Committee on Banking, Commerce and Insurance	595
Feb. 27	Notice of hearing	649
Mar. 19	Placed on General File	954
Mar. 26	Referred for review	1084
Apr. 2	Placed on Select File	1098
Apr. 3	Referred for engrossment	1122
Apr. 8	Correctly engrossed	1185
Apr. 14	Final Reading	1255
Apr. 15	Correctly enrolled. Speaker signed	1271
Apr. 16	Presented to Governor	1298
Apr. 22	Approved by Governor	1367

LEGISLATIVE BILL 563. By Constitutional Revision and Recreation Committee

Feb. 21	Read first time	585
Feb. 24	Referred to Committee on Judiciary	595
Mar. 3	Notice of hearing	705
Mar. 18	Indefinitely postponed	939

LEGISLATIVE BILL 564. By Urban Affairs Committee

Feb. 21	Read first time	585
Feb. 24	Referred to Committee on Urban Affairs	595
Feb. 24	Notice of hearing	607
Mar. 14	Placed on General File	897
Apr. 4	Barnett amendment adopted. Referred for review	1157
Apr. 8	Placed on Select File	1184
Apr. 9	Referred for engrossment	1210
Apr. 10	Replaced on Select File	1239
Apr. 10	Referred for engrossment	1245
Apr. 14	Correctly engrossed	1250
Apr. 17	Final Reading	1316
Apr. 17	Correctly enrolled. President signed	1323
Apr. 21	Luedtke explanation of vote	1355
Apr. 22	Presented to Governor. Approved by Governor	1367

LEGISLATIVE BILL 565. By Urban Affairs Committee

Feb. 21	Read first time	585
Feb. 24	Referred to Committee on Government, Military and Veterans Affairs	595
Feb. 24	Notice of hearing	607
Feb. 25	Notice of hearing cancelled	621
Feb. 26	Notice of hearing reset	627
Apr. 25	Placed on General File	1462

LEGISLATIVE BILL 566. By Miscellaneous Subjects Committee

Feb. 21	Read first time	585
Feb. 24	Referred to Committee on Miscellaneous Subjects	595
Mar. 5	Notice of hearing	751

LEGISLATIVE BILL 567. By Judiciary Committee

Feb. 25	Read first time	623
Feb. 26	Notice of hearing	641
Feb. 27	Referred to Committee on Judiciary	657
Mar. 25	Placed on General File	1029
May 15	Anderson motion to consider prevailed	1863
May 15	DeCamp amendments adopted. Referred for review	1879
May 16	Placed on Select File	1917
May 16	Referred for engrossment	1919
May 20	Correctly engrossed	1975
May 22	Final Reading	2047
May 22	Correctly enrolled. President signed	2050
May 22	Presented to Governor	2057
May 22	Approved by Governor	2099

LEGISLATIVE BILL 568. By Judiciary Committee

Feb. 25	Read first time	624
Feb. 26	Notice of hearing	641
Feb. 27	Referred to Committee on Judiciary	657

LEGISLATIVE BILL 569. By Judiciary Committee

Feb. 25	Read first time	624
Feb. 26	Notice of hearing	641
Feb. 27	Referred to Committee on Judiciary	657
Mar. 26	Placed on General File	1050

LEGISLATIVE BILL 570. By Judiciary Committee

Feb. 25	Read first time	624
Feb. 26	Notice of hearing	641
Feb. 27	Referred to Committee on Judiciary	657

LEGISLATIVE BILL 571. By Public Health and Welfare Committee

Feb.	25	Read first time	624
Feb.	27	Referred to Committee on Public Health and Welfare	657
Mar.	7	Notice of hearing	792
Mar.	20	Placed on General File	975
May	6	Referred for review	1643
May	7	Placed on Select File	1674
May	7	Referred for engrossment	1675
May	8	Dworak amendment printed	1701
May	8	Dworak motion to return to Select File for amendment pending. Bracketed	1709
May	12	Dworak pending motion prevailed. Dworak amendment adopted. Referred for engrossment	1752
May	12	Kelly amendment printed	1753
May	13	Replaced on Select File	1778
May	13	Referred for engrossment	1779
May	14	Kelly motion to return to Select File lost	1820
May	14	Dworak amendment printed	1825
May	14	Correctly engrossed	1838
May	16	Returned to Select File for Kelly amendment	1904
May	16	Kelly amendment lost. Readvanced to Final Reading	1905
May	20	Attorney General Opinion	1981
May	20	Returned to Select File for R. Lewis amendment	1982
May	20	R. Lewis amendment adopted. Referred for re-engrossment	1983
May	20	Replaced on Select File	1998
May	20	Referred for re-engrossment	2001
May	21	Correctly re-engrossed	2004
May	21	Returned to Select File for DeCamp amendment	2010
May	21	DeCamp amendment adopted. Referred for re-engrossment	2011
May	21	Correctly re-engrossed	2040
May	23	Final Reading	2087
May	23	Savage explanation of vote	2089
May	23	Correctly enrolled. President signed	2091
May	23	Presented to Governor	2093
May	27	Approved by Governor	2100

LEGISLATIVE BILL 571A. By Public Health and Welfare Committee

Apr.	7	Read first time. Placed on General File	1177
May	6	Referred for review	1645
May	7	Placed on Select File	1674
May	7	Referred for engrossment	1675

May 14 Correctly engrossed 1838
May 20 Returned to Select File for Marvel amendment. Marvel amendment adopted. Referred for re-engrossment 1983
May 21 Correctly re-engrossed 2004
May 21 Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Referred for re-engrossment 2011
May 21 Correctly re-engrossed 2040
May 23 Final Reading 2088
May 23 Correctly enrolled. President signed 2091
May 23 Presented to Governor 2093
May 27 Approved by Governor 2100

LEGISLATIVE BILL 572. By Public Works Committee

Feb. 25 Read first time 625
Feb. 27 Referred to Committee on Public Works 657
Feb. 28 Notice of hearing 681
Mar. 18 Placed on General File 920
Mar. 26 Laid over 1084
Apr. 4 Referred for review 1158
Apr. 8 Placed on Select File 1184
Apr. 9 Referred for engrossment 1210
Apr. 14 Correctly engrossed 1250
Apr. 21 Final Reading 1349
Apr. 22 Correctly enrolled. President signed 1368
Apr. 23 Presented to Governor 1393
Apr. 24 Approved by Governor 1438

LEGISLATIVE BILL 573. By Executive Board

Feb. 25 Read first time 625
Feb. 27 Referred to Committee on Judiciary 657
Mar. 3 Notice of hearing 705
Mar. 18 Placed on General File 939
Mar. 26 Referred for review 1084
Apr. 2 Placed on Select File 1098
Apr. 3 Referred for engrossment 1122
Apr. 8 Correctly engrossed 1185
Apr. 14 Final Reading 1256
Apr. 15 Correctly enrolled. Speaker signed 1271
Apr. 16 Presented to Governor 1298
Apr. 22 Approved by Governor 1367

LEGISLATIVE BILL 574. By Government, Military and Veterans Affairs Committee

Feb. 25 Read first time 625
Feb. 27 Referred to Committee on Judiciary 657

Mar. 3 Notice of hearing 705
Mar. 24 Placed on General File 1013
May 16 Referred for review 1935
May 19 Placed on Select File 1943

LEGISLATIVE BILL 575. By Burbach, at request of Governor

Feb. 26 Read first time 636
Feb. 26 Placed on General File 637
Mar. 7 Referred for review 791
Mar. 11 Placed on Select File 820
Mar. 12 Referred for engrossment 851
Mar. 13 Correctly engrossed 875
Mar. 18 Final Reading 925
Mar. 19 Correctly enrolled. President signed 949
Mar. 20 Presented to Governor 962
Mar. 24 Approved by Governor 1001

LEGISLATIVE BILL 576. By Education Committee

Feb. 27 Read first time. Referred to Committee on Constitutional Revision and Recreation 663
Feb. 28 Notice of hearing 681

LEGISLATIVE BILL 577. By Public Works Committee

Feb. 27 Read first time. Referred to Committee on Public Works 663
Feb. 28 Notice of hearing 681
Mar. 24 Mills amendments printed 1008
Mar. 24 Placed on General File 1024
Apr. 30 R. Lewis amendment printed 1521
May 1 Kelly amendment printed 1570
May 7 Mills amendment lost. Mills amendment withdrawn. Kremer, Bereuter, Wiltse, Mills, Maresh, Kelly, Moylan, R. Lewis, Cavanaugh and Warner amendments adopted. R. Lewis, Mills and Kremer amendments adopted. Kelly and Rasmussen amendments lost. Referred for review 1684
May 8 Placed on Select File 1710
May 9 Referred for engrossment 1728
May 9 Bereuter motion to return to Select File withdrawn 1729
May 12 Rasmussen motion to return to Select File laid over 1752
May 13 Bereuter amendment printed 1803
May 16 Correctly engrossed 1895

May 20 Returned to Select File for Bereuter amendment 1975
May 20 Bereuter amendment adopted. Referred for for re-engrossment. Returned to Select File for Rasmusssen amendment. Rasmussen amendment adopted. Referred for re-engrossment. Motion to bracket lost 1976
May 20 Replaced on Select File 1999
May 20 Referred for re-engrossment 2002
May 21 Correctly re-engrossed 2004
May 23 Final Reading 2090
May 23 Correctly enrolled. President signed 2093
May 23 Presented to Governor 2095
May 27 Approved by Governor 2100

LEGISLATIVE BILL 578. By Public Works Committee
Feb. 27 Read first time. Referred to Committee on Public Works 663
Feb. 28 Notice of hearing 681
Mar. 18 Placed on General File 920
Mar. 26 Referred for review 1084
Apr. 2 Placed on Select File 1098
Apr. 3 Referred for engrossment 1122
Apr. 8 Correctly engrossed 1185
Apr. 14 Final Reading 1257
Apr. 15 Correctly enrolled. Speaker signed 1271
Apr. 16 Presented to Governor 1298
Apr. 22 Approved by Governor 1367

LEGISLATIVE BILL 579. By F. Lewis, at request of Governor
Feb. 28 Read first time 677
Feb. 28 Referred to Committee on Education 682
Mar. 7 Notice of hearing 792
Mar. 12 Notice of hearing reset 856
Apr. 9 Placed on General File 1211
May 13 F. Lewis amendment printed 1787

LEGISLATIVE BILL 580. By Anderson, at request of Governor
Feb. 28 Read first time 677
Feb. 28 Referred to Committee on Government, Military and Veterans Affairs 682
Mar. 4 Notice of hearing 732
Mar. 20 Indefinitely postponed 974

LEGISLATIVE BILL 581. By Anderson, at request of Governor
Feb. 28 Read first time 678
Feb. 28 Referred to Committee on Judiciary 682

Mar. 3 Notice of hearing 705
Mar. 25 Placed on General File 1041

LEGISLATIVE BILL 582. By Agriculture and Environment Committee
Mar. 6 Read first time 780
Mar. 6 Placed on General File 782
Mar. 7 Simpson amendment adopted. Referred for review. Expedited 789
Mar. 10 Placed on Select File 808
Mar. 11 Referred for engrossment 825
Mar. 12 Correctly engrossed 850
Mar. 17 Final Reading 908
Mar. 18 Correctly enrolled. President signed 919
Mar. 19 Presented to Governor 950
Mar. 20 Approved by Governor 961

LEGISLATIVE BILL 583. By Executive Board
Mar. 6 Read first time 781
Mar. 10 Referred to Committee on Judiciary 810
Mar. 12 Notice of hearing 857
Mar. 26 Placed on General File 1073
Apr. 24 Luedtke amendment printed 1429

LEGISLATIVE BILL 584. By Judiciary Committee
Mar. 6 Read first time 781
Mar. 10 Referred to Committee on Judiciary 810
Mar. 10 Notice of hearing 816
Apr. 3 Placed on General File 1125

LEGISLATIVE BILL 585. By Judiciary Committee
Mar. 6 Read first time 781
Mar. 10 Referred to Committee on Judiciary 810
Mar. 10 Notice of hearing 817

LEGISLATIVE BILL 586. By Judiciary Committee
Mar. 6 Read first time 781
Mar. 10 Referred to Committee on Public Health and Welfare 810
Mar. 10 Notice of hearing 817
Mar. 11 Re-referred to Committee on Judiciary 830
Mar. 21 Placed on General File 999

LEGISLATIVE BILL 587. By Education Committee
Mar. 6 Read first time 782
Mar. 10 Referred to Committee on Education 810
Mar. 26 Notice of hearing 1083
May 1 Placed on General File 1557

LEGISLATIVE BILL 588. By Appropriations Committee

Mar.	6	Read first time 782
Mar.	7	Placed on General File without hearing 789
Mar.	11	Laid over 834
Mar.	12	Laid over 859
Mar.	13	Referred for review 876
Mar.	17	Placed on Select File 904
Mar.	18	Marvel amendment adopted. Referred for engrossment 928
Mar.	19	Correctly engrossed 949
Mar.	24	Bracketed 1007
Mar.	25	Unbracketed. Final Reading 1034
Mar.	25	Marsh motion to reconsider prevailed 1043
Mar.	25	Returned to Select File for Marsh amendment. Marsh amendment adopted. Referred for re-engrossment 1044
Mar.	26	Replaced on Select File 1054
Mar.	26	Referred for re-engrossment 1065
Apr.	2	Correctly re-engrossed 1092
Apr.	2	Returned to Select File for Mills amendment. Mills amendment adopted. Referred for re-engrossment 1101
Apr.	2	Mills motion to return to Select File lost. Fowler motion to return to Select File lost 1102
Apr.	3	Correctly re-engrossed 1117
Apr.	8	Returned to Select File for Marsh amendment 1186
Apr.	8	Marsh amendment adopted. Referred for re-engrossment 1187
Apr.	9	Replaced on Select File 1201
Apr.	10	Referred for re-engrossment 1230
Apr.	14	Correctly re-engrossed 1250
Apr.	21	Final Reading 1350
Apr.	22	Correctly enrolled. President signed 1368
Apr.	23	Presented to Governor 1393
Apr.	23	Request Governor to return 1394
Apr.	23	Returned from Governor 1397
Apr.	23	Reconsidered on Final Reading 1405
Apr.	23	Returned to Select File for Marsh amendment. Marsh amendment adopted. Referred for re-engrossment. Returned to Select File for Marsh amendment. Marsh amendment adopted. Referred for re-engrossment 1406
Apr.	24	Correctly re-engrossed 1413
Apr.	29	Final Reading 1498
Apr.	29	Correctly enrolled. Speaker signed 1507
Apr.	29	Presented to Governor 1508
May	2	Approved by Governor 1585

LEGISLATIVE BILL 589. By Carsten, at request of Governor

Mar. 11 Read first time. Referred to Committee on Revenue 841
Mar. 11 Notice of hearing 842
Mar. 12 Notice of hearing cancelled. Notice of hearing reset 856
Mar. 20 Placed on General File 975
May 6 Stull amendment pending 1653
May 7 Stull amendment withdrawn. Warner amendment lost. F. Lewis and Warner amendments adopted. Keyes amendment lost. Failed to advance for review 1680
May 15 Duis amendment adopted. Duis motion to reconsider amendment prevailed. Laid over 1871
May 15 Warner and Burbach amendments adopted. Referred for review 1875
May 16 Placed on Select File 1916
May 16 Referred for engrossment. Warner amendment pending. Bracketed. Warner and F. Lewis amendments printed 1919
May 19 Warner amendment withdrawn. Warner amendments adopted. Keyes amendment lost. Carsten and F. Lewis amendments adopted. F. Lewis amendment withdrawn. Referred for engrossment 1939
May 19 Replaced on Select File 1953
May 20 Referred for engrossment. Keyes motion to return to Select File lost 1995
May 21 Replaced on Select File 2034
May 21 Referred for engrossment 2035
May 21 Correctly engrossed 2036
May 23 Keyes motion to return to Select File lost. F. Lewis motion to bracket lost. Final Reading 2091
May 23 Correctly enrolled. President signed 2095
May 23 Presented to Governor 2097
May 27 Approved by Governor 2100

LEGISLATIVE BILL 590. By Banking, Commerce and Insurance Committee

Mar. 11 Read first time. Referred to Committee on Banking, Commerce and Insurance 841
Mar. 11 Notice of hearing 842
Mar. 12 Notice of hearing reset 858
Mar. 13 Notice of hearing cancelled. Notice of hearing reset 882

Mar. 14 Notice of hearing cancelled.
Notice of hearing reset 890
Apr. 21 Placed on General File 1359

LEGISLATIVE BILL 591. By Anderson, at request of Governor
Mar. 24 Read first time 1021
Mar. 25 Referred to Committee on Government, Military and Veterans Affairs 1040
Mar. 26 Notice of hearing 1057
Apr. 4 Attorney General Opinion 1154
Apr. 15 Laid over 1281

LEGISLATIVE BILL 592. By Education Committee
Mar. 26 Read first time. Referred to Committee on Education. Notice of hearing 1079

LEGISLATIVE BILL 593. By Skarda, at request of Governor
Apr. 2 Read first time 1103
Apr. 2 Referred to Committee on Constitutional Revision and Recreation 1114
Apr. 7 Notice of hearing 1169
Apr. 21 Indefinitely postponed 1355

LEGISLATIVE BILL 594. By Appropriations Committee
Apr. 2 Read first time. Referred to Committee on Education. Notice of hearing 1114

LEGISLATIVE BILL 595. By Government, Military and Veterans Affairs Committee
Apr. 4 Read first time 1147
Apr. 4 Referred to Committee on Government, Military and Veterans Affairs 1153
Apr. 4 Notice of hearing 1158
Apr. 21 Attorney General Opinion 1354
Apr. 25 Laid over 1462

LEGISLATIVE BILL 596. By Burbach, at request of Governor
Apr. 10 Read first time. Referred to Committee on Government, Military and Veterans Affairs 1236
Apr. 10 Re-referred to General File 1246

LEGISLATIVE BILL 597. By Appropriations Committee
Apr. 16 Read first time 1309
Apr. 16 Placed on General File. Bracketed 1310

LEGISLATIVE BILL 598. By Appropriations Committee

Apr.	16	Read first time	1309
Apr.	16	Placed on General File	1310
Apr.	22	Referred for review	1382
Apr.	24	Placed on Select File	1409
Apr.	25	Referred for engrossment	1451
Apr.	25	Bracketed	1452
May	7	Unbracketed. Returned to Select File for Marvel amendment. Marvel amendment adopted. Referred for engrossment. Expedited	1687
May	8	Replaced on Select File	1701
May	8	Referred for engrossment	1703
May	8	Correctly engrossed	1711
May	15	Final Reading	1867
May	15	Correctly enrolled. President signed	1872
May	15	Presented to Governor	1877
May	20	Approved by Governor	1978

LEGISLATIVE BILL 599. By Executive Board

Apr.	21	Read first time. Placed on General File	1359
Apr.	28	Burbach amendment adopted. Referred for review	1488
Apr.	30	Placed on Select File	1514
May	1	Referred for engrossment	1556
May	1	Murphy amendment printed	1558
May	1	Replaced on Select File	1575
May	2	Referred for engrossment	1590
May	2	Bracketed	1595
May	8	Unbracketed. Murphy amendment withdrawn	1703
May	9	Correctly engrossed	1734
May	15	Final Reading	1858
May	15	Correctly enrolled. President signed	1866
May	15	Presented to Governor	1875
May	16	Approved by Governor	1882

LEGISLATIVE BILL 600. By Appropriations Committee

Apr.	23	Read first time	1400
Apr.	23	Placed on General File	1401
May	16	Referred for review	1934
May	19	Placed on Select File	1943
May	21	Referred for engrossment	2010
May	21	Replaced on Select File. Referred for engrossment	2036
May	21	Correctly engrossed	2040

May 23 Final Reading 2092
May 23 Correctly enrolled. President signed 2095
May 23 Presented to Governor 2097
May 27 Approved by Governor 2100

LEGISLATIVE BILL 601. By Agriculture and Environment Committee
Apr. 24 Read first time 1441
Apr. 24 Referred to Committee on Judiciary 1447
Apr. 25 Notice of hearing 1454
May 5 Attorney General Opinion 1617

LEGISLATIVE BILL 602. By Banking, Commerce and Insurance Committee
Apr. 25 Read first time 1465
Apr. 25 Referred to Committees on Banking, Commerce and Insurance; Public Health and Welfare. Notice of hearing 1467

LEGISLATIVE BILL 603. By Appropriations Committee
Apr. 30 Read first time. Placed on General File 1527
May 5 Referred for review 1621
May 6 Placed on Select File 1639
May 7 Laid over 1671
May 9 Keyes and F. Lewis amendments lost. Marvel amendment adopted. Goodrich amendment lost. Marvel amendment adopted. Bereuter amendment as amended by F. Lewis lost. Referred for engrossment 1725
May 9 Replaced on Select File 1731
May 9 Referred for engrossment 1741
May 12 Correctly engrossed 1765
May 15 Final Reading 1859
May 15 Correctly enrolled. President signed 1866
May 15 Presented to Governor 1875
May 22 Approved by Governor 2063

LEGISLATIVE BILL 604. By Appropriations Committee
Apr. 30 Read first time. Placed on General File 1527
May 5 F. Lewis and Cavanaugh amendments adopted. Barnett amendments lost. Referred for review 1621
May 6 Placed on Select File 1639
May 6 Attorney General Opinion 1649
May 7 Laid over. Message from the Governor 1671
May 7 Cavanaugh amendment printed 1683

May 12 Kennedy and Mahoney amendments adopted 1753
May 12 Swigart explanation of vote 1755
May 12 Cavanaugh and Marvel amendments adopted. Referred for engrossment 1758
May 12 Replaced on Select File 1769
May 12 Referred for engrossment 1774
May 13 Replaced on Select File 1778
May 13 Referred for engrossment 1779
May 13 F. Lewis amendment adopted. Cavanaugh amendments lost. Marvel amendments adopted. Marvel amendments lost 1780
May 14 Returned to Select File for Cavanaugh amendment 1815
May 14 Cavanaugh amendment adopted. Referred for engrossment 1816
May 14 Correctly engrossed 1838
May 16 Final Reading 1901
May 16 Correctly enrolled. President signed 1918
May 16 Presented to Governor 1934
May 22 Approved by Governor. Line-item veto 2058
May 28 Communication 2101
May 28 Message from Secretary of State 2104

LEGISLATIVE BILL 605. By Appropriations Committee
Apr. 30 Read first time. Placed on General File 1527
May 6 Mahoney amendment adopted. Goodrich amendment pending 1637
May 6 Goodrich pending amendment lost. Referred for review. 1640
May 7 Placed on Select File 1673
May 12 Marvel amendment adopted. Cavanaugh amendment lost. Marvel amendment adopted. Referred for engrossment 1762
May 12 Replaced on Select File 1773
May 12 Referred for engrossment 1775
May 13 Correctly engrossed 1797
May 16 Final Reading 1884
May 16 Correctly enrolled. President signed 1894
May 16 Presented to Governor 1896
May 22 Approved by Governor 2099

LEGISLATIVE BILL 606. By Appropriations Committee
Apr. 30 Read first time. Placed on General File 1530
May 5 Referred for review 1624
May 6 Placed on Select File 1639
May 7 Laid over 1672

May 9 Keyes amendment lost. Referred for engrossment 1729
May 9 Correctly engrossed 1734
May 15 Final Reading 1859
May 15 Correctly enrolled. President signed 1866
May 15 Presented to Governor 1875
May 20 Approved by Governor. Line-item veto 1991
May 20 Passed over Governor's line-item veto 1992
May 20 Delivered to Secretary of State. Certificate 1993
May 20 Letter 1998

LEGISLATIVE BILL 607. By Appropriations Committee
May 1 Read first time. Placed on General File 1561
May 5 F. Lewis amendment lost. Referred for review 1624
May 6 Placed on Select File 1640
May 7 Laid over 1672
May 9 F. Lewis amendment lost. Marvel amendments adopted. Referred for engrossment 1729
May 12 Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment 1752
May 12 Returned to Select File for Marvel amendment. Marvel amendment adopted. Referred for engrossment 1765
May 12 Returned to Select File for Cavanaugh amendment. Cavanaugh amendment adopted. Referred for engrossment 1766
May 13 Correctly engrossed 1788
May 16 Final Reading 1884
May 16 Correctly enrolled. President signed 1894
May 16 Presented to Governor 1896
May 22 Approved by Governor. Line-item veto 2058
May 28 Communication 2102
May 28 Message from Secretary of State 2104

LEGISLATIVE BILL 608. By F. Lewis, at request of Governor
May 1 Read first time 1566
May 1 Placed on General File 1567
May 6 Laid over 1643

LEGISLATIVE BILL 609. By Appropriations Committee
May 2 Read first time. Placed on General File 1598
May 6 Kelly amendment lost. Referred for review 1643
May 7 Placed on Select File 1674

May 7 Referred for engrossment 1675
May 8 Returned to Select File for Marvel amendment 1715
May 8 Marvel amendment adopted. Referred for engrossment 1717
May 8 Returned to Select File for Dickinson amendment. Dickinson amendment lost. Referred for engrossment 1718
May 9 Replaced on Select File 1731
May 9 Referred for engrossment 1740
May 12 Returned to Select File for Keyes amendment 1748
May 12 Keyes amendment adopted. Referred for engrossment. Returned to Select File for F. Lewis amendment 1749
May 12 F. Lewis amendment adopted. Referred for engrossment. Returned to Select File for Mills amendment. Mills amendment adopted. Referred for engrossment 1750
May 12 Replaced on Select File 1760
May 12 Referred for engrossment. Returned to Select File for Warner amendment 1764
May 12 Warner amendment adopted. Referred for engrossment 1765
May 12 Replaced on Select File 1773
May 12 Referred for engrossment 1775
May 14 George motion to return to Select File lost 1811
May 14 Returned to Select File for F. Lewis amendment. F. Lewis amendment adopted. Referred for engrossment 1812
May 14 Returned to Select File for Dickinson amendment..... 1813
May 14 Dickinson amendment adopted. Referred for engrossment 1814
May 14 Replaced on Select File. Referred for engrossment. Correctly engrossed 1824
May 16 Final Reading 1901
May 16 Correctly enrolled. President signed 1918
May 16 Presented to Governor 1934
May 22 Approved by Governor. Line-item veto 2058
May 22 Goodrich motion to override line-item veto lost 2067
May 28 Communication 2102
May 28 Message from Secretary of State 2104

LEGISLATIVE BILL 610. By Appropriations Committee

May 6 Read first time. Placed on General File 1641
May 7 Duis motion to advance withdrawn 1689
May 8 Duis amendment adopted. Cavanaugh, F. Lewis, Simpson and Maresh amendments lost. Motion to advance out of order 1697
May 8 Koch amendment lost. F. Lewis amendment adopted. Barnett amendment to Cavanaugh amendment adopted. Cavanaugh amendment withdrawn. Referred for review 1704
May 9 Placed on Select File 1732
May 12 Maresh and Duis amendments adopted. Cavanaugh amendment lost. Laid over 1766
May 13 Cavnaugh amendment amended by F. Lewis pending 1788
May 13 F Lewis, Cavanaugh and Murphy amendments lost. Marvel amendment adopted. F. Lewis, Stoney, Koch and Fowler amendments lost. Mills, Carsten and F. Lewis amendments adopted. Referred for engrossment 1790
May 14 Cavanaugh, Koch and F. Lewis motions to return to Select File lost 1816
May 14 Returned to Select File for Schmit amendment 1817
May 14 Schmit amendment adopted. Referred for engrossment 1818
May 14 Replaced on Select File 1833
May 14 Referred for engrossment 1834
May 16 Final Reading 1902
May 16 Correctly enrolled. President signed 1918
May 16 Presented to Governor 1934
May 22 Approved by Governor. Line-item veto 2058
May 22 Simpson motion to override Governor's line-item veto lost 2064
May 28 Communication 2103
May 28 Message from Secretary of State 2104

LEGISLATIVE BILL 611. By Appropriations Committee

May 6 Read first time 1651
May 6 Placed on General File 1652
May 7 Duis and Koch amendments lost. F. Lewis amendment adopted. Referred for review 1687
May 8 Placed on Select File 1709
May 9 Warner amendment pending. Bracketed 1728
May 13 Warner, Koch and Mahoney amendments lost. Duis amendment adopted 1804

May 14 Mahoney and Fitzgerald amendments adopted. Koch amendment lost. Referred for engrossment 1809
May 14 Koch motion to return to Select File lost 1818
May 14 Replaced on Select File 1823
May 14 Referred for engrossment. Correctly engrossed 1824
May 16 Final Reading 1903
May 16 Correctly enrolled. President signed 1918
May 16 Presented to Governor 1934
May 22 Approved by Governor. Line-item veto 2058
May 22 Mahoney motion to override Governor's line-item veto lost 2065
May 22 Attorney General Opinion 2066
May 28 Communication 2103
May 28 Message from Secretary of State 2105

LEGISLATIVE BILL 612. By Mahoney
May 7 Read first time. Placed on General File 1666
May 7 Referred for review 1689
May 8 Placed on Select File 1709
May 9 Bracketed 1728
May 14 Unbracketed. Burbach and Mahoney amendments adopted. Referred for engrossment 1825
May 14 Replaced on Select File 1837
May 14 Referred for engrossment 1838
May 14 Correctly engrossed 1840
May 14 Final Reading 1904
May 16 Correctly enrolled. President signed 1918
May 16 Presented to Governor 1934
May 20 Approved by Governor 1971

LEGISLATIVE BILL 613. By Executive Board
May 12 Read first time. Placed on General File 1773

LEGISLATIVE BILLS

By Original Introducers*

GARY L. ANDERSON

205 Relating to state leases; provide for public advertisement.
224 Relating to adoptions; to provide procedure for claiming paternity.
325 Relating to public meetings.
415 Relating to public health & safety; provide that state employees receive training in first aid.
416 Relating to fire companies and firemen; change the retirement age of certain firemen.
450 Relating to insurance; adopt Model Health Maintenance Organization Act.
453 Relating to elections.
455 Relating to taxation; change procedures for applying for a homestead exemption.
513 Relating to labor; limit challenges, revoke certification of bargaining agents.
580 Capital facilities, exempt Department of Correctional Services.
581 Youth Development Center-Kearney, transfer revolving fund.
591 Authorize an uncommitted vote in presidential elections.

WALLY BARNETT, JR.

23 Revises language pertaining to criminal sexual acts.
24 Increases the age for obtaining a driver's license unless applicant has satisfactorily completed a driver education course.
84 Authorizes City of Lincoln to create certain business districts, levy taxes for improvement projects, and allow business districts to issue bonds.
189 Relating to pensions; increase firemen and policemen benefits.
237 To adopt the Treatment and Rehabilitation of Alcohol-Dependent People Act.
237A Appropriation bill.
322 Constitutional amendment to permit Legislature to provide for election of certain county officers.
327 Adopt Nebraska Housing Development Authority Act.
372 Provide for regulation of conflicts of interest in individuals providing professional services.
373 Create a Department of Children and Youth.
502 Relating to loans; establish provisions governing escrow accounts.

* See also Bills Introduced by Committees, page 2319 and Chronology of Bills, page 2113.

DOUGLAS BEREUTER

213 Control advertising along national system of Interstate and Defense Highways.
214 Regulate the ownership of agricultural lands by corporations.
262 Relating to DAS; to require certain studies and analysis to be made.
317 Provide additional responsibilities for State Office of Planning and Programming.
317A Appropriation bill.
357 Relating to land use and planning; to create the Nebraska State Land-Use Study Committee.
410 Relating to zoning; provide that certain municipalities shall regulate the subdividing of property.
456 Relating to handicapped individuals; change certain eligibility requirements.
468 Relating to laws applicable to all cities and villages, provide for appeal from special assessments by cities of first and second class and villages.
469 Relating to ambulance service, provide bidding procedures for service contracts.
470 Relating to State Office of Programming and Planning; provide they shall keep a record of aid given to local governments.
539 Relating to elected Constitutional Officers; to limit the amount of money spent by a candidate for public office.

JULES W. BURBACH

174 Require quarterly meetings rather than monthly meetings of the Nebraska Indian Commission.
180 Establishes the Nebraska Soil Survey Fund to encourage completion of soil surveys in the State.
202 Relating to pauper and public assistance; no longer require counties to provide medical assistance.
203 Adopt Nebraska Family Farm and Ranch Act of 1975.
247 Relating to the Weather Control Commission; to allow Commission to accept and use gifts.
248 To adopt Nebraska Uniform Standards for Manufactured Housing Units Act.
249 To restate and enlarge the purpose of the Grade Crossing Protection Fund.
300 Adopts Uniform Standard Code for Mobile Homes.
334 Relating to regulation of fishing; to increase permit fees.
391 Relating to land; provide retrocession of jurisdiction by United States.
529 Relating to appropriations of various state agencies.
549 Capital construction, appropriation.
550 Nebraska Library Commission, create cash fund.

551 Appropriation for salaries of State officers.
552 Create Office on Chemical Dependency.
553 Appropriation for purchase of chemical dependency facility.
554 State government agencies, appropriation for payment of expenses.
575 Provide salaries for members of the Legislature.
596 Repeal section 55-157.01 relating to the Nebraska National Guard.

GEORGE W. BURROWS

127 Permits a public employee to select his own physician under workmen's compensation.
335 To prohibit sale of food products which do not meet local inspection standards.
335A Appropriation bill.
360 Relating to grain warehouses; provide that certain businesses and their agents shall be licensed to handle grain.
361 Provide for registration of voters on day of primary and general elections.
362 Impose tax for support of schools on adjusted gross income of individuals and corporations.
363 Relating to agriculture; provide that no corporation shall engage in farming operations except as authorized.
370 Eliminate the student status from individuals disqualified for unemployment compensation benefits.

CALVIN F. CARSTEN

78 Reduces from three to one year the period in which a tax deed may be obtained or an action for foreclosure of the lien of a tax sale certificate or tax deed may be brought.
79 Provide permanent hunting and fishing permits for persons 70 years of age or older.
156 Establishes the number of stockholders in a cooperative corporation needed for a quorum of not less than ten percent.
266 Relating to tuition credit; to extend provisions to include members of selected reserves.
341 Relating to Nebraska Food Act; provide a labeling requirement.
407 Provide additional sales tax exemptions.
408 Authorize the State Board of Education to contract with educational service units.
409 Provide additional qualifying experience for certification of accountants.
589 Income tax, rate increase.
180 with others.

JOHN J. CAVANAUGH, III

98 Constitutional amendment to permit the legislature to provide tax relief for single family dwellings in blighted areas under development.
184 Defines disburser and provides when liens are to be paid by the disburser.
198 Workmen's compensation; increase weekly benefits.
198A Appropriation bill.
260 Constitutional amendment permitting the Legislature to authorize sale of bonds.
261 Relating to lobbying; to require that additional information be disclosed in the statement filed with the Clerk of the Legislature.
312 Relating to revenue; redefine terms; revise Board of Equalization proceedings.
313 Relating to sanitary and improvement districts.
326 Relating to data processing; use and transfer of computerized personal data.
422 Provide membership of the Board of Nursing.
531 To regulate lobby activities other than before the Legislature or any committee thereof.
417 and 417A with others.

ERNEST CHAMBERS

423 Provide for election of members of board of education of Class V school district from district.
424 Return lands and buildings located at Fort Robinson State Park and Recreational Area to the Sioux Nation.
425 Relating to Small Claims Court; eliminate service by mail.
428 Relating to workmen's compensation; provide additional judge for the court.
429 Constitutional amendment to provide that attorneys shall not be required to belong to a bar association or organization to practice law.
430 Relating to taxation; to exempt food and food products intended for human consumption from sales and use tax.
431 Relating to pawnbrokers; require a fingerprint or color photograph.
432 Provide that sheriff be appointed in certain counties.
123 with others.

ROBERT L. CLARK

67 Provides that the Mayor and city council may contract for public utilities without an election.
128 Merges all technical community colleges into a state system of community colleges.

186 Redefine terms in Workmen's Compensation Law.
187 Relating to Workmen's Compensation Court; eliminate district court jurisdiction; direct appeals to Supreme Court.
187A Appropriation bill.
216 To preclude modification of contracts with technical community college state board and area boards.

RON COPE

231 Relating to fees and salaries; to exempt cities and villages from paying court costs.
339 Authorize cities and counties to impose a sales tax on lodging.

JOHN W. DECAMP

109 Provides for electronic banking transactions by allowing banks to have electronic banking satellites statewide.
110 Constitutional amendment permitting partisan organization of the Legislature allowing legislators to determine their salary and ends the time restriction on legislative sessions.
142 Designates the mourning dove as a game bird.
143 Prohibits sale of alcoholic liquor at gas stations and permits minors 16 years or older to handle alcoholic liquor under certain circumstances and variously revises procedures for issuing alcoholic liquor licenses.
204 Relating to liquors; define terms; prohibit certain acts.
461 Constitutional amendment to provide for tax and expenditure limitations for state and local government.
462 Provide for subsidizing of nonresident tuition for students of veterinary medicine.
463 Relating to interest; change the interest rate as prescribed.
464 Relating to gambling; prescribe illegal activities.
465 Provide that policies of liability insurance for motor vehicles shall provide for economic loss benefits.

JAMES A. DICKINSON

170 Removes the permit holder residence requirement from limited hunting permits relating to deer.
209 Relating to Rules of the Road.
210 Relating to criminal procedures; appeals in misdemeanor cases.
211 Relating to county roads; to provide snow and ice removal.
244 Relating to flood control; to lapse certain unexpended balances.
245 Relating to public health and welfare; to provide when a fluoridation ordinance may not be adopted.

246 To require motorcycles operator's licenses of individuals accompanying persons with learners' permits on motorcycles.
508 Relating to building and loan associations; provide for additional evidence of an account.

HERBERT J. DUIS

102 Constitutional amendment which would further permit counties, cities, school districts and public power districts to invest idle funds.
103 Reduces the bond required for school district treasurers.
121 Expands the number of people who are notaries who can take oaths from their clients.
217 To adopt the Nebraska Life and Health Insurance Guaranty Association Act.
364 Provide that the state shall provide for costs of food and lodging for special education students.
367 Relating to subdivision of land.
368 Relating to schools; change amounts of financial support.
382 Relating to sales and income tax; to change what constitutes net income for purpose of computing franchise or income tax levied on corporations.
368A with others.

DONALD N. DWORAK

165 Excludes time spent in day care and nursing home in determining a new county of residence.
194 Workmen's compensation; permit microfilming of certain court records; to provide for evidence.
200 Cities of first class; limit power of mayor to grant reprieves and pardons.
220 Relating to game and fish; to define certain terms; to change penalty for violations.
263 Relating to serious traffic offenses; to decrease the period of revocation of drivers' licenses.
308 Relating to taxation; eliminate the publication requirement for unclaimed refunds.
309 Relating to taxation; provide additional procedural requirements to be used in refunding taxes illegally collected.
310 Relating to abstracters; provide that discounts on fees for abstracting services shall be an unfair practice.
437 Relating to insurance companies; provide that insurance companies be authorized to act as trustees or fiduciaries in certain cases.
457 Relating to Nebraska Power Review Board; broaden rights of electrical suppliers.

THOMAS S. FITZGERALD, JR.

179 Provides that public employees may confer with labor organization members.
454 Relating to the aged, blind, disabled; change qualifications for assistance.
516 Relating to civil service system; provide new procedures for electing members to civil service commission.

STEVE FOWLER

175 Provides for supplemental pension payments for firemen and policemen.
176 Establishes the minimum salary requirements for state employees.
345 Relating to political subdivisions; provide for certain priority expenditures.
346 Relating to aged persons; to provide duties and powers; to provide legal assistance to aged persons.
439 Relating to public power; provide for a moratorium on construction of nuclear power facilities.
475 Relating to Employment Security Law; increase the maximum weekly benefit amount.
476 Relating to mental health; provide employment opportunities for mentally impaired individuals.
503 Relating to education; provide conditions under which students may be expelled or excluded from school.
504 Relating to corrections; provide that criminal offenders may be granted early parole and release.
505 Relating to the Nebraska Liquor Control Commission; provide for control of beverage containers.

WALTER GEORGE

419 Relating to taxation; exempt drainage districts from sales and use tax.
420 Relating to law enforcement; provide for regional training of law enforcement officers.
494 Relating to elections; provide a place of registration.
244 with others.

GLENN A. GOODRICH

77 Variously revises the state obscenity law.
83 Provides for full and equal access to housing accommodations by the blind, visually handicapped, and physically disabled.
125 Permits counties with more than 200,000 inhabitants to sell and lease real estate.
148 Expands transportation provisions for special education programs and includes all handicapped children.

149 Designates Job's Daughters as a corporation.
185 Permit Lancaster and Douglas counties to require colored photographs on motor vehicles operators' licenses.
221 Relating to members of fire or police department of municipality or fire district.
222 Relating to Court of Industrial Relations; to eliminate the provision disallowing retroactive orders.
352 Relating to revenue and taxation; provide for a residence property tax credit.
515 Relating to dogs; provide that local authorities shall set amount of a dog license tax.

WILLIAM H. HASEBROOCK

129 Requires counties to preserve and maintain abandoned and neglected pioneer cemeteries.
164 Changes the security requirements on time deposits for county funds.
197 State Highway Commission; increase compensation for members thereof.
365 Relating to title insurance.
374 Relating to insurance; provide for retirement plan modifications.
375 Relating to rural and suburban fire protection districts.
376 Relating to vehicles with width limits.
501 Relating to zoning; remove limitation on the extent of zoning.

E. THOME JOHNSON

85 Prohibits diverting of water onto or across a public road and prescribes a penalty therefor.
190 Relating to insurance; insured entitled to reimbursement for dental services.
208 Relating to banking; savings and loan association may act as trustee pursuant to terms of Internal Revenue Code.
451 Relating to transportation services bureau; to provide exemption for the University of Nebraska.
458 Relating to banks and banking; include additional financial institutions under National Housing Act.
526 Relating to State Board of Agriculture; authorize such board to construct and furnish Heritage Village and Education Bldg. and to make an appropriation.

RALPH D. KELLY

182 Establishes the State Campaign Finance Commission to receive reports of campaign receipts and expenditures.

206 Relating to Dept. of Public Institutions; review of transfer of patients of regional centers to Beatrice State Home.
207 Department of Public Institutions; authorize leasing of land owned by the department.
225 Relating to motor vehicles; providing procedures for notifying the Dept. of Motor Vehicles of individuals with impaired driving ability.
227 Relating to workmen's compensation; to extend an exemption from liability.
356 Relating to municipal, county and district courts; provide payment of necessary expenses and witness fees to state employees.
459 Relating to cities of the 1st class; authorize cities of the 1st class to conduct public works projects on county property.
460 Relating to Dept. of Aeronautics; change certain definitions and references.
511 Relating to locksmiths; provide for examination and licensing of locksmiths.
28 with others

THOMAS C. KENNEDY

92 Changes the qualifications for an individual to be licensed to practice chiropractic or medicine and surgery if prescribed.
93 Precludes mayors of cities of the first class from being administrators.
299 Relating to the Department of Public Institutions, changes qualifications for Director.
371 Relating to technical community colleges; provide area boards with power to acquire and dispose of property.
538 Relating to crimes and punishments; to provide penalties for certain offenses against law enforcement officers.

ORVAL A. KEYES

69 Requires all general budget bills be on General File 20 legislative days prior to adjournment sine die, and requires that any appropriation bills or amendments which change an appropriation by $100,000 or more be presented for public hearing.
70 Exempts certain seed and grain from personal property tax.
71 Provides for additional taxation on commercial livestock feeders.
123 Raises taxes for corporations.
124 Levies a five percent tax on income from interest, dividends and capital gains to be used by school districts.
232 Relating to interest; to provide interest on unsettled accounts.
314 Appropriates $40,000 from the Nebraska Capital Construction Fund to Game and Parks for Schramm State Recreation Area.
315 Alter size of counties affected by Sheriff's Office Merit Commission.

523 Relating to natural resources; regulate mining operations and rehabilitation of land affected by mining operations.
527 Provide a minimum salary for jury commissioners in certain counties at not less than $1,200.

OTHO G. KIME

226 Relating to public power districts; to change maximum amount payable to members of the board and the president of districts.

GERALD D. KOCH

117 Permits first and second class cities to prohibit the accumulation of litter on vacant lots.
118 Reduces the number of city councilmen in cities of the first class need to transact business from two-thirds to a simple majority.
119 Constitutional amendment removing the Lt. Governor as the presiding officer of the Legislature.
120 Constitutional amendment moving the primary election to September and to permit the voters to choose the ballot of either political party.
146 Expands situations under which the state will pay the cost of moving utilities for highway construction.
172 Sets forth when mayors of first-class cities may vote on matters before the city council.
234 Relating to Nebraska Veterans' Aid Fund; to increase such fund to 12 million dollars; provide for appropriations.
368A Appropriation bill.
392 Relating to revenue and taxation; create the State Tax Review Commission.
507 Make an appropriation to Board of Educational Lands and Funds to acquire specific property for school purposes.
368 with others.

MAURICE A. KREMER

108 Give the Nebraska Natural Resources Commission control over construction in Nebraska watercourses.
116 Changes the crime of driving overweight vehicles from a misdemeanor to a traffic violation.
343 Relating to hunting permits; to specify wildlife for which a permit is required.
344 To provide for a locally governed technical community college.
383 Relating to schools; provide that Class VI schools may be annexed.
384 Adopt the Nebraska Certification of Wastewater Treatment Plant Operators Act.
216 with others.

FRANK LEWIS

76 Permits school districts to make deposits in school employees' retirement funds.
166 Establishes a new tax rate on Nebraska corporations increasing the present tax from 2.5% to 4.0%.
167 Provides that the Legislature shall set incoming sales tax rates and is required to provide an annual report to the Tax Commissioner.
193 Relating to municipalities; provide publication of minutes of council meetings.
229 Relating to state employment; exempt employees covered by any collective bargaining agreement from certain statutory provisions.
243 Relating to labor; to set judges salaries as prescribed.
243A Appropriation bill.
323 Relating to municipal elections.
337 Relating to public safety; provide that certain glazed material be installed.
340 Relating to alcoholic liquor; provide for maximum price at which alcoholic liquors may be sold to wholesalers.
349 To change the interest rates; provide exceptions; allow recovery of interest.
579 Create Nebraska Coordinating Commission for Postsecondary Education.
608 Prohibits state from withholding funds from school districts that are required by the state constitution.

RICHARD LEWIS

25 Redefines the practice of podiatry.
26 Increases from $2,000 to $5,000 the limitation on the amount of contracts in which county offficers may be directly involved.
27 Permits the Transportation Services Bureau to establish the reimbursement rates for state employees using their own automobiles.
65 Redefines the powers and duties of the State Board of Psychology and allows it discretion in the setting of its license fees.
66 Permits the Board of Barber Examiners to establish their own license fees.

ROLAND A. LUEDTKE

94 Proposes a constitutional amendment to eliminate the requirement that every bill be read in full before final passage.
95 Increases fees charged by the Secretary of State relating to the filing of documents.
139 Defines and expands the duties and powers of the Lincoln-Lancaster County Board of Health.

140 Provides immunity to hospitals in withdrawing blood at the request of a law enforcement officer.
141 Increases the salary of a county judge from $20,000 to $31,500 a year and permits counties with a population of 150,000 or more to pay each county judge a supplemental salary of $2,500.
177 Extends the repayment period on loans made by industrial loan and investment companies from 120 months to 180 months.
196 Relating to liens; provide filing and notice requirements.
218 To designate the last Monday in May as Memorial Day; to provide that federal holidays shall be observed.
417 Relating to Dept. of Correctional Services; create divisions within department.
417A Appropriation bill.
478 Relating to motor carriers; provide when rate increases shall become effective.

EUGENE T. MAHONEY

612 Tornado emergency funding.

RICHARD MARESH

72 Increases the state food sales tax credit from $13 to $16.
73 Authorizes any county to issue bonds for the purpose of constructing county community buildings and to implement a tax for the retirement of such bonds.
74 Establishes a division of soybean development utilization and marketing in the State Department of Agriculture.
90 Harmonizes eligibility dates for state veteran benefits with dates set by the Veterans Administration.
199 Relating to school retirement system.
301 Relating to motor vehicle and special fuel taxes, to increase rate.
336 To make an appropriation to State Department of Education from money derived from income tax.

SHIRLEY MARSH

16 A constitutional amendment which would enable senators to receive compensation for expenses while engaged in performance of official duties.
17 A constitutional amendment authorizing the legislature to override gubernatorial line item vetoes of appropriation bills without having to override the entire veto.
18 Requires driver education instructors to have the endorsement in Driver's Education by the Department of Education in order to qualify for state funds.
19 Requires the appointment of a guardian ad litem in child abuse cases where no parent or guardian can be located.

20 Provides additional protection for neglected children in cases relating to child abuse.
21 Authorizes the Department of Public Institutions to sell surplus land.
28 Require insurance companies to provide coverage for infants from birth.
75 Requires the posting of no smoking signs in hospitals, elevators, indoor theaters, museums and buses where smoking is prohibited by state law.
138 Requires the Governor to give the Secretary of State at least 24 hours notice prior to leaving the State except in cases of emergency.
251 To change the membership on and rename the Nebraska Governor's Commission on the Status of Women.

RICHARD D. MARVEL

188 Railroad safety transportation districts; may be set up in first class cities.
307 Relating to counties and cities; to allow municipal corporations to contract for public services.
359A Appropriation bill.
467 Relating to public contracts; prohibit certain contracts.

JACK D. MILLS

97 Allow courts in counties with populations less than 4,000 and not having adequate trial facilities to move trial to any adjoining county.
347 Relating to veterinarians; provide an age exemption for license renewal procedures.
366 Relating to State Real Estate Commission; provide additional exemption from examination requirement.
490 Relating to public health and welfare; require licensing of recreational vehicle parks.
491 Relating to guest passengers.

HAROLD T. MOYLAN

86 Requires members of library boards to be residents of cities or villages in which the library is located.
87 Exempts public libraries from sales and use taxes.
88 Creates an advisory committee to the Department of Public Institutions to aid in providing services for the visually impaired.
89 Establishes a minimum instead of a maximum cost of living increase in benefits for retired school employees and provides for an annual cost of living increase.
96 Assesses the cost of a recount in an election to the candidate contesting the election except in such instances in which the precinct recounted was in error.

126 Requires the state and its political subdivisions to withhold union dues if requested by an employee.
181 Changes the method of determining annual service annuity adjustment for retired school employees.
258 Relating to crimes and punishments; to extend protection of commercial office equipment.
311 Relating to Public Service Commission; increase annual salary of commissioners.
517 Relating to children; specify regulations governing manufacture and sale of toys.

JOHN R. MURPHY

147 Permits companies transferring coal the power of eminent domain in obtaining the right-of-way.
269 To provide for banking transactions through the use of satellite facilities.
269A Appropriation bill.
302 To restrict the amount of investment by domestic insurance companies.
342 Relating to horseracing; to permit horseracing on Sunday in certain counties.
350 Relating to banks and banking; provide provisions relating to compensation received for advances of money made upon securities.
394 Adopt Nebraska No-Fault Motor Vehicle Insurance Act.
395 Relating to cities of 1st class; permit cities of the 1st class to use tax funds to support taxi companies.
500 Relating to probate of wills; to revise requirements for bonds.

WILLIAM NICHOL

150 Establishes conditions precedent under which first-class cities may lease or hold an option on property.
151 Provides for voluntary exclusion from a county industrial area and also provides for voluntary termination of such area.
152 Provides that owners of land may petition to have water mains or sewer mains laid and also sets forth the assessment of the cost of the installation.
153 Changes the membership of the Board of Plumbers as prescribed and changes the qualification of such members.
154 Authorizes the creation of underground wiring districts.

DENNIS L. RASMUSSEN

133 Limits the pheasant hunting season to 10 days.
134 Permits first cousins over 60 years of age to marry.
144 Requires current residency statements by partisan candidates for elected offices.
252 Relating to Nebraska Rules of the Road; to provide what shall constitute overloading of the front seat.

MYRON RUMERY

155 Changes the time of municipal elections as prescribed to wit changes primary election to general election.
215 Relating to state office buildings; to recommend and approve purchase or lease-purchase agreement for land and buildings.
215A Appropriation bill.
369 Relating to personal loans by banks and trust companies.
493 Relating to schools; change provisions for attendance reports for school districts, 1st class.

JOHN S. SAVAGE

15 Adopt the honeybee as the state insect.
105 Requires political subdivisions issuing more than $100,000 in bonds to offer said bonds for public sale.
106 Variously revises Nebraska's boating laws.
107 Allows Nebraska to give fifty percent matching funds rather than the previous twenty-five percent for the Nebraska Endowment for the Arts mini-grant program.
201 Relating to building and loan associations; provide same advantages as federal ones.
385 Act repealing certain sections under statute governing State Electrical Board.
386 Relating to Board of Examiners for Professional Engineers and Architects.
387 Relating to appropriations; to increase a project cost authorization.

LORAN SCHMIT

212 Relating to husband and wife; to provide for intervention by interested persons in child custody determinations.
228 Relating to Nebraska Liquor Control Commission; Provide death benefits for enforcement agents.
396 Relating to State Racing Commission; increase tax on pari-mutuel wagering.
397 Relating to assistance to dependent children, provide that Dept. of Public Welfare establish the amount of assistance payments.

397A Appropriation bill.
398 Relating to banking; provide for limited branch banking.
399 Relating to bank holding companies; to permit bank holding companies to own or control more than one bank under limited conditions.
400 Relating to banking, provide for electronic credit transactions.
401 Relating to Nebraska Highway Bond Act; authorize issuance of bonds.
402 Relating to investment of state funds; provide duties of the Nebraska Investment Council
512 Relating to banking; provide for the establishment of subsidiary trust companies.

HAROLD D. SIMPSON

68 Limits the number of retail alcoholic liquor licenses issued in each county to one for each 1,500 residents.
80 Revises the motor vehicle code to require passenger motor vehicle registration of pickups.
81 Increases from 20 to 30 years the age of an automobile before it is eligible for historical plates and prohibits the use of such automobiles for general transportation.
82 Requires that there be just cause for the termination of a teacher's contract and define just cause.
91 Adopts the uniform standard code for mobile home parks.
137 Authorizes the county welfare director to distribute food stamps in any town that is not a county seat.
192 Increase maximum payments for aid to dependent children.
192A Appropriation bill.
250 Relating to criminal procedure; to accord rights as prescribed to persons arrested for operating a motor vehicle while intoxicated.
324 Relating to Nebraska Dairy Products Board.
358 Relating to the University of Nebraska; provide increased retirement benefits for certain retirees.

WILLIAM R. SKARDA, JR.

421 Relating to liquor licenses; allow cities and villages a beneficial interest in more than 2 liquor licenses.
593 Constitutional amendment to permit extension of homestead tax exemption.

LARRY D. STONEY

122 Permits the State Board of Education to require a bachelor's degree for a teacher's certificate.
168 Redefines prosecuting attorney to include any city attorney or assistant city attorney in Omaha prosecuting a misdemeanor or traffic infraction.

169 Prohibits the Douglas County Commissioners from serving more than three consecutive terms except that any commissioner may seek reelection after having vacated the office for at least one term.
171 Requires cities to advertise for bids on contracts for more than $10,000 rather than $5,000 and clarifies provisions for entering into such contracts.
178 Changes the procedure for the expulsion or suspension of a pupil.
518 Relating to natural resources; extend situations when a vacancy occurs on the board of directors of a NRD.

LESLIE A. STULL

1 Changes boundaries of District Court judicial districts.
2 Authorizes a waiver of workmen's compensation coverage and termination of such waiver as prescribed in the bill.
3 Changes present statutory provisions relating to exemptions for imposition of documentary stamps.
4 Requires canvassing boards to work full time until all ballots are counted.
135 Increases the terms of office for county commissioners and supervisors from four to six years.
136 Places the operational and administrative control of brands under the Nebraska Brand Commission.
191 County government and officers; provide for deputy state sheriffs.
388 Permit legislature to authorize the issuance of bonds to purchase existing revenue bonds of the Board of Regents of the U of N, Board of Trustees of the State Colleges.
389 Act to appropriate $4,000 from state General Fund to Ft. Robinson Centennial Commission for reconstruction of race track.
390 Relating to historic sites; authorize development of plans for establishing a cultural center, and to make an appropriation.

WARREN R. SWIGART

130 Provides for review of criminal judgments as prescribed.
131 Clarifies language concerning abandoned motor vehicles.
132 Limits the number of passengers that may be transported on a school bus to the manufacturer's rated seating capacity for the bus.
219 Relating to building and loan assns.; to change provisions relating to loans.
272 Relating to industrial development; to declare intent for issuance of bonds.
452 Relating to credit unions; change the amount of credit union may borrow.

GEORGE SYAS

242 Relating to the state fire marshal; to change provisions for paying compensation and mileage of fire dept. personnel.
270 Relating to hunting permits; provide limited permits for certain species.
271 Relating to Land & Water Conservation Fund; provide for reallocation of funds to political subdivisions.
303 To provide that school districts may acquire land contiguous to land already owned.
353 Relating to railroads; allow certain acquisitions of real estate by agencies of the state.
488 Constitutional Amendment to provide special tax treatment for land on which water and woodlands are situated.
489 Relating to game and fish; provide regulations for nongame fish.

JEROME WARNER

111 Provides certain guidelines for governmental policies and actions relating to comprehensive plans of city and county governments.
112 Amends the contract and payment provisions for construction work done for cities.
113 Redefines provisions relating to hunting from the roadway.
114 Increases from $2,000 to $10,000 the amount of road construction counties can do without bids and reduces the number of published notices of bid lettings from ten to three.
115 Permits counties with more than 200,000 population the same authority to construct and repair bridges as other counties.
183 Redefines a clearing corporation in law relating to investment securities.
377 Relating to Auditor of Public Accounts.
378 Relating to county agricultural societies; increase amount of assessment which certain county boards shall pay to county agricultural society.
506 Relating to taxation; adopt an income and franchise tax act for the support of public schools.
510 Relating to crimes and punishments; designate the conduct of law enforcement and other officials for which political subdivisions shall defend and satisfy judgments.
534 Relating to official bonds; to change the time for filing certain bonds.

IRVING F. WILTSE

161 Prohibits volunteer firemen from serving on any village board or city council unless such council authorizes such service by specific ordinance.

162 Changes the terms of members of the Board of Public Works in cities of the second class.
163 Deletes the provision that price differential for goods and services sold on an installment contract cannot exceed $9 per hundred per year on the first $1,000 and $6 per hundred on the balance.
195 Relating to game; define certain terms.
304 Relating to Banking; revise provisions regulating building and loan associations.
305 Relating to motor vehicles; require procedures for inspecting brakes of a vehicle.
306 Relating to Nebraska Rules of the Road; change provisions relating exceptions to width restrictions.
348 Relating to motor vehicles; provide that suspension of a motor vehicle shall not be altered in a manner to create an unsafe condition.
492 Relating to rural water districts; change powers of district.

LEGISLATIVE BILLS INTRODUCED BY COMMITTEES

ADMINISTRATIVE RULES AND REGULATIONS

267 Relating to state officers; to provide for additional duties of Revisor of Regulations.
267A Appropriation bill.

AGRICULTURE AND ENVIRONMENT

74A Appropriation bill.
318 Relating to commercial feeds; provide for the registration of manufacturers.
319 Relating to agricultural liming materials; provide for registration and manufacturers and distributors.
320 Relating to Dept. of Agric.; authorize Dept. to publish and distribute materials relating to agricultural interests.
321 Relating to livestock; eliminate appraisal of tuberculosis or brucellosis infected cattle.
332 Adopt Nebraska Pesticides and Devices Act.
333 Relating to commercial fertilizers; provide for registration of manufacturers and distributors.
403 Relating to antifreeze; provide for registration of antifreeze formulas.
404 Relating to NRD's; require audit reports of districts be filed with Auditor of Public Accounts.
405 Relating to educational television; provide for educational agriculture program series.
405A Appropriation bill.
406 Relating to dairy industry trade products; eliminate provisions relating to minimum basic cost of dairy products.
433 To adopt Nebraska Land Resources Management Information Act.
434 Relating to meat retailers; prescribe time limits; payment conditions and discount conditions for purchases of meat and meat products.
435 Relating to ground water; provide regulations and procedures for use and development of.
436 Relating to livestock; require that Nebraska slaughter livestock be paid for only by checks drawn on Nebraska banks.
438 Relating to permits to hunt and fish; to change provisions relating to issuance of limited permit to kill deer
514 Adopt Nebraska Poultry and Egg Resources Act.
519 Adopt the County Horse Racing Facilities Bond Act.
535 Relating to sugar beet weighing and testing; provide that verification of sugar beet tests shall be handled by the producer and processor.

536 Uniform Commercial Code; relating to implied warranties on sales; to provide an exemption on sales of livestock with implied warranty of diseasefree condition.
544 Relating to livestock to provide for payment on sales of livestock; bonding of purchasers; conditions of bonding claims; to provide for filing claims on a bond.
559 Adopt the Nebraska Solid Waste Management Act.
582 State Racing Commission, delegate duties to Board of stewards.
601 Relating to Uniform Commercial Code, provide remedies when purchaser of goods in involvement.

APPROPRIATIONS

233 Relating to taxation; to provide for deposit of estate tax receipts in the General Fund.
359 Relating to requisitions by state agencies; provide that contracts for purchases, leases, services shall be subject to competitive bidding processes.
442 Relating to DAS; to expand federal funds review requirement to include funds from all other sources except Gen. Fund.
447 Relating to DAS, harmonize provisions, change provisions relating to Purchasing Department.
448 Relating to DAS, raise costs allowed for administering US Savings Bond Program.
466 Relating to care of mentally ill; provide for state payment for care.
471 Relating to state administrative departments; provide managerial control over contractual services.
472 Relating to DAS; increase duties of the data processing administrator.
473 Relating to DAS; change state agency budget submission date.
474 Relating to state-owned motor vehicles; allow exclusions; clarify titling procedures.
537 Increase appropriations for technical community colleges and other appropriations.
588 Relating to state employees salary increases.
594 Financial aid for special education.
597 Transfers vocational rehabilitation services from Department of Education to Department of Public Welfare.
598 Increases cash funds for certain state agencies.
600 Provides grant to employ persons between ages of 15 & 18 in conservation programs.
603 Appropriates funds for agriculture and natural resources.
604 Appropriation for various state agencies.
605 Appropriation for human services agencies.
606 Appropriation for operation of Legislative Council.

607 Appropriation for various state agencies.
609 Appropriation for capital construction.
610 Appropriation for various state agencies.
611 Appropriation for capital construction and land acquisition.

BANKING, COMMERCE AND INSURANCE

354 Relating to State Real Estate Commission; provide additional time for setting hearings.
355 Relating to Conservation & Survey Division; delete certain duties.
477 Relating to installment loans; increase maximum amount.
528 Relating to insurance; change policy loan provisions.
560 Provide certain payments made to injured person shall not be admission of liability.
561 Changes names of Department of Banking and Director of Banking.
562 Changes maximum loan that may be made to bank employees.
590 Minimum standard health-care benefits.
602 Provide for professional liability insurance.

CONSTITUTIONAL REVISION AND RECREATION

145 Provides for conservation management and protection of nongame wildlife and endangered species of wild plants.
563 Change appointment and term of judicial nominating commissions.

EDUCATION

449 Relating to schools; revise language referring to high school equivalency.
520 Relating to schools; provide for critical health problems and comprehensive health education program in schools.
521 Relating to schools; provide that school districts shall claim nonresident tuition on a calendar quarter basis.
522 Relating to schools; provide for transportation of children who attend private schools.
555 Reimbursement for special education services.
576 Transfer Fort Atkinson to State Historical Society.
587 Increase the number of school districts eligible to establish a permanent census.
592 Financial aid for special education programs.

EXECUTIVE BOARD

5 Permits the State Athletic Commissioner to discipline athletes either by reprimand or suspension.

6 Deletes erroneous internal references relating to drug laws.
7 Harmonizes provisions of the Uniform Landlord and Tenant Act.
8 Harmonizes provisions pertaining to mileage allowance for state administrative departments.
9 Corrects internal references in statutes relating to agriculture.
10 Repeals a section of state law relating to the liquor commission.
11 Deletes obsolete matter relating to Nebraska rules of the road and corrects an internal reference therein.
12 A constitutional amendment changing the starting date of the legislative session to the second Monday in December.
13 Deletes the restriction on the appropriation of gerontology studies at the University.
14 Permits the Director of Agriculture to designate noxious weeds and require the County Commissioners to appoint a weed control authority for the eradication thereof.
22 Increases compensation for members of the Nebraska Investment Council from $20 to $50.
57 Harmonizes various provisions relating to the selection of judges.
58 Repeals various sections of state law relating to savings and loan associations.
59 Changes the law relating to the publication and distribution of session laws and journals to state senators.
60 Permits any city or village owning or operating electrical generating system or transmission facilities to enter into contracts for the purchase of electric energy.
61 Increases the salary of the State Investment Officer from not less than $25,000 to not less than $35,000 per year.
62 Permits public power districts to purchase power from other public power districts.
63 Increases the limitation of nonbid contracts for public power districts from $20,000 to $150,000.
104 Permits several public power districts to join together to construct public power plants.
268 Relating to power districts and corporations; to create Public Power Grid Board.
316 Relating to rules of administrative agencies; increase the membership on Legislative Committee on Adm. Rules.
547 Relating to Nebr. Rules of the Road; to extend penalty provisions.
573 Increase age for permits for storing or using explosive materials.
583 Relating to the interception of wire or oral communication.
599 Relating to horse racing, permit licensee to conduct race at other facility.
613 Relating to the Nebraska Disaster & Civil Defense Act.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

574 Violations for cock-fighting.
595 Change eligibility requirements to Nebraska Veteran's Home.

JUDICIARY

273 Relating to evidence; harmonize provisions with the Nebraska Evidence Rules.
274 Relating to jurors.
275 Relating to discipline procedures within institutions.
275A Appropriation bill.
276 Relating to jails; to provide that individuals convicted of felonies may be granted permission to leave as prescribed.
277 To increase salaries of bailiffs.
278 Relating to Court of Industrial Relations.
279 Relating to Uniform Commercial Code.
280 Cons. Amd. to provide methods for disciplining judge of the Supreme Court.
281 Provides procedure for new trial.
282 Extends provisions to all courts.
283 Relating to small claims court, clarify service requirements.
284 Relating to criminal procedure.
285 Relating to criminal procedure.
286 Relating to fees and costs to provide that County Courts shall transmit fees and costs to State Treasurer.
287 To increase fees in criminal cases.
288 To change arraignment procedures.
289 To provide additional probation conditions that may be imposed by the court.
290 Relating to juvenile courts; to provide conditions which the court may impose on parent, guardian, or custodian.
291 Provides for transfer of records.
292 Relating to Juvenile Courts; provides for a probable cause hearing.
293 Provides for explaining legal rights.
294 Provides for evaluations in Juvenile Court.
295 To reduce the waiting period between application and issuance of a marriage license.
296 Provides that a retired judge may be assigned to fill vacancies in county court.
338 Relating to motor vehicles; change penalty provisions.
479 Relating to criminal procedures; provide procedure for pretrial diversion of selected offenders in district courts.
480 Relating to district courts; provide procedures for commencing suit by an infant.
481 Relating to probate proceedings; harmonize provisions with Nebraska Probate Code.

482 Relating to Uniform Controlled Substances Act.
483 Relating to hypodermic needles and syringes; provide who may purchase and possess.
484 Relating to Uniform Controlled Substances Act; provide for additional use of seized and condemned conveyances pursuant to court order.
485 Relating to drugs; prohibit acquisition of certain drugs which can only be lawfully distributed by means of a prescription.
486 Relating to the Uniform Controlled Substances Act; provide for treatment and counseling by community mental health facilities.
487 Relating to the Uniform Controlled Substances Act; provide for use of Dept. of Health analyses of controlled substances as admissible evidence in preliminary hearings in courts.
509 Relating to executors and administrators; provide additional powers to special administrators.
540 Relating to juveniles; provide a procedure for accused persons in juvenile court to reclaim seized property.
541 Relating to juvenile court procedure; to provide procedures for revocation of probation.
542 Relating to juvenile court procedure; to provide procedure for an informal adjustment of cases.
543 Relating to juvenile court procedure; to provide for the court to advise parties appearing of their rights.
548 Variously revise juvenile laws.
558 Adopt the Nebraska Indigent Defense Services Act.
567 Provide for reduction of sentence for legal offenders.
568 Provide for payment for released prisoners.
569 Provide retainment of driver's license for prisoners on nondriving offenses.
570 Rehabilitative prisoners, permit professional licenses.
584 Adopt Uniform Act on Interstate Arbitration & Compromise of Death Taxes.
585 Relating to inheritance taxation.
586 Relating to public health & welfare, peer review committee members, immunity from suit.

LABOR

257 Relating to health; to establish safety standards for installation of pipes near electrical equipment.
330 Relating to labor; provide for payment of private employment agency fees.
331 Relating to private employment agencies; preclude private employment agencies from collecting fees.
393 Relating to labor; provide employment of veteran contract provisions in contracts of Nebraska and political subdivisions.

496 Relating to the State of Nebraska Classification and Pay Plan; provide for a cost of living increase in wages subject to the pay plan.
497 Relating to state employees; provide for overtime compensation to state employees.
498 Relating to labor; exclude certain services from definition of employment.
499 Relating to Employment Security Law; provide for posting of security by nonprofit organizations.
546 Relating to contracts; to provide that certain covenants not to compete shall be void.
556 Disallowed claims against the State.
557 Appropriations for payment of claims against the State.

MISCELLANEOUS SUBJECTS

230 Constitutional amendment relating to Supreme Court Districts.
259 Relating to motor vehicles; to provide for issuance of employment driving permit.
259A Appropriation bill.
351 Relating to state administrative departments; provide a change cash fund for the Aerospace Museum in Bellevue.
411 Relating to alcoholic liquors; prohibit off-the-premise delivery of alcoholic liquor to consumer by a retail licensee.
412 Relating to Nebraska Liquor Control Commission; provide for all appeals to be to District Court of Lancaster County in case of applications which have not been protested.
413 Relating to Nebraska Liquor Control Commission; provide for hearing after withdrawal of a protest.
414 Relating to alcoholic liquors; provide for license fee and occupation tax.
495 Relating to time for commencement of actions; provide when actions to recover damages for breach of warranty or deficiency on improvements to real property shall be commenced.
524 Relating to crimes and punishments; provide for criminal record information.
525 Adopt the State Electrical Act.
525A Appropriation bill.
566 Provide how county jails shall be reimbursed for boarding prisoners.

NEBRASKA RETIREMENT SYSTEMS

29 Changes provisions relating to the memberhsip of the retirement system by lowering the age requirement for membership from 30 to 25 and to include part-time employees.

30 Changes the termination and membership provisions of the school retirement system.

31 Provides for mandatory participation in state retirement programs for employees of community colleges, state colleges and the University of Nebraska system upon the completion of one year of service or the attainment of age 25.

32 Reduces the waiting period for membership in county employees retirement system to one year.

33 Changes the formula for determining the requirement allowance for membership in the Nebraska school retirement system.

34 Reduces from 15 to 10 years the service required to leave contributions in this retirement system upon discontinuance of employment of Class V school districts.

35 Changes the name of the Retirement Systems Committee to Retirement and Employees Benefit Committee and expands the duties of such committee.

36 Changes the manner in which members are appointed to the Public Employees Retirement Board and repeals the original section.

37 Removes the limit on life insurance coverage provided by state and political subdivisions.

38 Increases the amount of basic life insurance provided by the state.

39 Requires the State Board of Technical Community Colleges to provide uniform retirement plan for the adoption of each area board.

40 A constitutional amendment permitting the participation of state senators and employees of the legislature in the retirement system.

41 Changes the provisions of the state employees retirement act relating to lump sum settlements.

42 Lowers from age 70 to age 65 the age at which certain judges may receive an annuity.

43 Variously revises school retirement systems act.

44 Provides for mandatory retirement of school employees and exempts elected officials from the mandatory retirement section.

45 Variously revises the law relating to county employees retirement systems.

46 Changes the amount of contribution of members of the state employees retirement system from three percent of the first $144 monthly salary and six percent of the remainder of the monthly salary to four and one-half percent of the monthly salary.

47 Lowers the age of voluntary retirement for state employees from 61 to 60 and provides a procedure for retirement because of disability.

48 Revises the procedure for transfer of funds upon retirement of members of school employees retirement system.

49 Deletes obsolete matter in the law relating to the retirement of judges.
50 Variously revises and changes the method of determining the disability retirement allowance for members of school retirement systems.
51 Provides that employees of political subdivisions may participate in the Nebraska State Insurance program as prescribed.
52 Repeals sections of state law relating to the retirement plans for employees of municipal universities.
53 Repeals sections of state law relating to firemen and policemen pensions.
54 Provides the State Board of Technical Community Colleges or any area board with authority to purchase retirement annuity contracts.
55 Provides for payment of benefits to a beneficiary of patrolmen in the event of death during deferred period.
56 Permits members of the retirement system to begin receiving annuity payments at age 60.
64 Provides for paid dental insurance for state employees.
235 Relating to Nebraska State Patrol; to reduce minimum retirement age.
235A Appropriation bill.
236 Relating to the school retirement system.
297 Relating to State Insurance program and fringe benefits.
298 Relating to judges retirement.
532 To adopt the Nebraska Public Employees Retirement Act.
533 Relating to the State Employees Retirement Act; to provide that certain employees of Nebr. Psychiatric Institute be eligible for membership in retirement system.

NEBRASKA TRANSPORTATION ADVISORY

173 Changes provisions relating to the maintenance of railroad crossings over a public road.

PUBLIC HEALTH AND WELFARE

157 Expands the definition of radiation and authorizes the Director of Health to appoint a Director of Radiation Control.
157A Appropriation bill.
158 Establishes a Board of Examiners in radiologic technology to govern the licensing of persons who apply ionizing radiation to human beings.
159 Provides for the commitment of mentally ill persons and prescribes the rights of such individuals.
160 Provides for a nursing home advisory committee to set reasonable cost reimbursement fee schedules for nursing homes.

223 Relating to the practice of medical technology.
238 Relating to public health; to change the fee structure.
239 Relating to public welfare; to provide for granting subrogation rights to county divisions of public welfare & Dept. of Public Welfare.
240 Relating to public assistance; to eliminate the minimum age requirements when determining eligibility for certain assistance.
240A Appropriation bill.
241 Relating to public health & welfare; to require a license to practice audiology or speech pathology.
253 Relating to motor vehicles; certain Dept. of Health cars shall be exempt from being identified as state motor vehicles.
254 Relating to practice of cosmetology; to increase per diem to members of the Board of Cosmetologist Examiners.
255 Relating to veterinary medicine and surgery; to provide for increase in license fees.
256 Relating to vital statistics; to provide the manner by which a child's surname is recorded on a birth certificate.
418 Provide for regulation of ambulance and ambulance attendants; provide duties of Dept. of Health; create Board of Ambulance Advisors.
545 Relating to the Nebraska Center for Children and Youth; to increase the amount of assets which state wards may own.
571 Establishment of resident physician education programs.
571A Appropriation bill.

PUBLIC WORKS

99 Requires a permit from the Natural Resources Commission for the construction of certain structures in flood plains.
100 Repeals the State's blanket approval of federal migratory bird reservations and permits the Legislature and Governor to review new reservations on a case-by-case basis.
101 Further regulates the drilling of irrigation wells in defined critical areas.
264 Relating to motor vehicles; to credit fees to the Dept. of Motor Vehicles Computerization Fund.
265 Relating to serious traffic offenses; to change the point system dealing with traffic violations.
328 Relating to motor vehicles; provide protective headgear.
329 Relating to motor vehicles; provide that each county furnish adequate facilities for administration of operator's license examination.

379 Relating to Rules of the Road.
380 Relating to motor vehicles; create classified motor vehicle licenses.
381 Relating to Rules of the Road; delete provisions for termination of 55 mile per hour speed limit.
572 Increase fee of motor vehicle certificates of title.
577 Adopt Nebraska Ground Water Management Act.
578 Change meeting requirements for irrigation board of directors.

REVENUE

530 Relating to motor vehicles, provide a special registration fee in lieu of other fees and ad valorem taxes on motor vehicles proportionally registered.

TELECOMMUNICATIONS

426 Relating to Public Service Commission; change provisions relating to commission orders.
427 Relating to administrative departments; create a division of communications and a director thereof.

URBAN AFFAIRS

440 Relating to public health & welfare; exempt political subdivisions from payment of swimming pool inspection fees.
441 Relating to cities of 2nd class and villages; revise language referring to procedure for removal of officers.
443 Relating to transportation services; include all municipalities.
443A Appropriation bill.
444 Relating to revenue instruments; provide for usage of revenue bonds.
445 Relating to community development; to grant certain powers and authorities.
446 Relating to funds applicable to cities of the 1st and 2nd class & villages; provide for one notice for issuing combined revenue bonds.
564 Create off-street parking districts in cities of primary class.
565 Provide county boards may exclude certain lands from assessment for garbage service.

LEGISLATIVE BILLS AND RESOLUTIONS IN COMMITTEES

Agriculture and Environment

Chairman – Loran Schmit

14 74 136 180 203 214 247 318 319
320 321 324 332 333 335 341 357 360
363 378 403 404 405 406 433 434 436
514 519 526 535 536 544 559 LR1

Appropriations

Chairman – Richard D. Marvel

13 69 107 233 234 244 251 314 336
359 387 389 390 442 447 448 466 471
472 473 474 507 529 549 550 551 552
553 554 LR17

Banking, Commerce & Insurance

Chairman – John R. Murphy

22 28 109 163 177 183 190 201 208
217 219 232 269 302 304 349 350 354
355 365 366 367 369 374 394 398 399
400 402 437 452 458 463 465 477 502
508 512 528 561 562 590 602

Constitutional Revision & Recreation

Chairman – George Syas

12 16 17 79 94 98 100 102 106
110 113 119 133 142 145 170 195 220
230 260 270 271 280 322 334 343 388
424 429 438 461 488 489 576 593 LR8

Education

Chairman – Frank Lewis

18 82 103 122 128 178 216 266 303
344 364 368 371 383 408 423 449 456
462 493 503 520 521 522 579 587 592
594

Government, Military & Veterans Affairs

Chairman – Dennis L. Rasmussen

4	26	86	90	96	105	120	125	129
135	138	144	151	169	176	182	191	205
218	242	262	299	307	315	317	325	327
345	361	372	375	377	391	409	410	420
432	451	453	460	467	469	470	494	515
516	531	539	565	580	591	595	596	

Nebraska Transportation Advisory Commission

Chairman – Leslie A. Stull

LR26

Judiciary

Chairman – Roland A. Luedtke

1	19	20	23	77	95	97	121	130
134	140	141	168	184	187	194	196	210
212	224	231	237	243	250	258	273	274
275	276	277	278	279	281	282	283	284
285	286	287	288	289	290	291	292	293
294	295	296	310	338	356	373	417	425
464	479	480	481	482	483	484	485	486
487	500	504	509	510	527	538	540	541
542	543	548	558	560	563	567	568	569
570	573	574	581	583	584	585	601	LR44

Labor

Chairman – Richard Maresh

2	126	127	179	186	198	222	227	229
257	330	331	370	428	475	496	497	498
499	513	546	556	557				

Miscellaneous Subjects

Chairman – Gary L. Anderson

15	21	27	61	68	143	149	156	174
204	207	215	228	261	267	311	316	326
340	342	351	385	386	411	412	413	414
421	431	495	505	511	524	525	534	566

Nebraska Retirement Systems

Chairman – William H. Hasebroock

29 30 31 32 33 34 35 36 37
38 39 40 41 42 43 44 45 46
47 48 49 50 51 52 53 54 55
56 64 76 89 175 181 189 199 235
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SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition of each bill

Length 90 days

Total Number of Bills Introduced 613
Total Number of "A" Bills Introduced 27
Total Number of Resolutions Introduced 102
Total Number of Bills to Become Law 306

General File 84 (Chronological order):

339	91	148	180A	197	202	210	280	299
313	382	388	398	405	405A	434	458	488
497	120	350	372	455	272	343	265	219
546	275	275A	176	545	454	167	499	346
451	232	561	177	487	586	348	174	225
464	581	569	485	412	413	431	432	460
535	583	310	495	534	440	441	503	584
37	519	76	502	544	579	266	248	521
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587	608	613						

General File 84 (Numerical order):

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266	272	275	275A	280	299	310	313	339
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405A	412	413	431	432	433	434	440	441
444	445	451	454	455	458	460	464	485
487	488	495	499	502	503	514	515	519
521	533	534	535	544	545	546	561	565
569	579	581	583	584	586	587	590	596
597	608	613						

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30 180 239

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